



Guatemala's Indigenous Are Leading the Effort to Prevent a Coup

The crisis of democracy in Guatemala has become world news, as the country's attorney general and other powerful sectors attempt to stop President-elect Bernardo Arevalo from assuming office. A fact often overlooked is the role of the Indigenous in leading the protection of Guatemalan democracy. The article below, by GHRC consultant Marta Gutiérrez Montúfar, sheds light on the critical role Indigenous Authorities are playing in efforts to prevent a coup.

Beyond the Defense of Representative Democracy

by Marta Estela Gutiérrez Montúfar

The institutional crisis in Guatemala after the election of Bernardo Arévalo was met with jubilant hope and resistance, and the Ancestral Authorities, rooted in community and territorial foundations, emerged as the front line of this resistance. On October 2, 2023, the leadership of the 48 communities of the region of Totonicapán launched a national strike, seeking the resignation of Attorney General Consuelo Porras, as well as the head of the Public Ministry's Office of the Special Prosecutor Against Impunity (FECI), Rafael Curruchiche, and criminal court judge Fredy Orellana. Other Indigenous communities quickly joined the national strike initiative, including the Indigenous Municipality of Sololá, the Xinca Parliament, allied Indigenous communities of Chichicastenango, the Indigenous Municipality of Santa Lucía Utatlán, the Board of Communal Mayors of the 14 communities of San Cristóbal Totonicapán, the Council of Ancestral Authorities of the seven municipalities of Totonicapán, the Indigenous Ancestral Municipal Maya Ixil Town Hall of Nebaj, the Indigenous Association of San Francisco El Alto, and the Q'eqchi' Cobán Alta Verapaz. At least 200 simultaneous protests took place in a broad variety of sites—in the capital city, along highways, secondary routes, and in smaller towns. For 20 days, the country was brought to a standstill.



Photo: Rob Mercatante

Tipping Point

On September 27, Rafael Curruchiche's office initiated legal action against the members of the Supreme Electoral Tribunal (TSE), alleging irregularities in the selection of an electronic elections monitoring system, known as the Preliminary Results Transmission System, or TREP. This move was followed by a September 30 raid on the TSE office. Despite the best efforts of TSE magistrates to protect the boxes containing the results of the vote, Public Ministry agents seized 125,000 pages of documents and electoral records. These records remain in the hands of the Public Ministry. The seizure of the voting records marked a tipping point.

(Continued on p. 3)

-- Also in this issue --

Letter from the Directors	p. 2
Beyond the Defense of Representative Democracy	p. 3-4
The Indigenous Peoples vs. a Corrupt and Criminal State	p. 5-7

GHRC Mission

GHRC is a nonprofit, grassroots, solidarity organization dedicated to promoting human rights in Guatemala and supporting communities and activists who face threats and violence. GHRC documents and denounces abuses, educates the international community, and advocates for policies that foster peace and justice.

Board of Directors

Pat Davis
President & Treasurer

Rob Mercatante
Secretary

Carmen Valenzuela-Dall

Gloria Jean Garland

Michael Seifert

Estephany Arreaga

Founder and Advisor

Sister Alice Zachmann, SSND

Staff

Isabel Solis,
Guatemala City Director

Verónica Serrano Tama,
Outreach & Development Director

Marta Estela Gutiérrez Montúfar
Guatemala City Office Assistant

Fall Interns

Bridget Tost

Kim Hernandez

Kyla Davison

Letter from the Directors

With little more than a month before President-elect Arévalo is to be inaugurated, the situation in Guatemala is dire. Both Arévalo and Vice President-elect Karen Herrera face possible prosecution for social media postings in support of a student occupation of the University of San Carlos. Judges of the Supreme Electoral Tribunal, faced with spurious prosecution, have fled the country. As the democratic crisis in Guatemala intensifies, our teams in Guatemala and in Washington are supporting defenders and advocating for strong US government action. Since last June, we've met repeatedly with officials of the US Embassy, State Department, and Inter-American Commission on Human Rights and with various congressional offices. We secured a congressional Dear Colleague letter last July that asked the US government to take stronger action to defend democracy in Guatemala. We've engaged more than 1,500 concerned activists in efforts to protect democracy and justice in Guatemala, published eleven news updates, signed several joint statements with other NGOs on the situation in Guatemala, and jointly requested a thematic hearing on the persecution of justice sector workers and human rights defenders. The hearing was granted and took place in November. To see all our publications, including a report GHRC and the *Observador*, a Guatemalan periodical, produced on manipulations that occur during electoral periods, see our website and click on resources (www.ghrc-usa.org).

Our team in Guatemala has been providing protective accompaniment and direct support for individuals and communities in need and under threat. Much of our work has focused on justice. In the 1982 massacre in which 25 Maya Achi people, including 17 children, were burned alive in the community of Rancho Bejuco, Baja Verapaz, 9 former soldiers and civil defense patrol members stood trial. Three hearings were held in July and two in August. GHRC covered the cost of accommodations in Guatemala City for the survivors and their families so that they could attend the trial and see justice done. GHRC also observed the hearings, provided food, and coordinated psychological and medical support for the survivors. The outcome of the trial was mixed. Retired army colonel Juan Ovalle Salazar was sentenced to 20 years in prison, but the eight other defendants were acquitted. We also accompanied the legal team, family members, and survivors of the 2012 massacre at la Cumbre de Alaska, in Totonicapán as eight hearings took place. We coordinated food, accommodation, and medical support for the victims and were one of the few organizations attending the hearings. The case, in which 7 protesters were killed when soldiers opened fire and 34 more were injured, is ongoing. We are providing support also to the legal team involved in the Death Squad Dossier case, which, because of safety concerns, requested accompaniment for all court proceedings. GHRC coordinated with other NGOs to ensure specific support, including the installation of home security cameras.

In August and November, our team visited communities affected by mining in El Estor, Izabal, and has attended various meetings convened by the indigenous authorities of Nacahuil as they prepare for a consultation on a gold mine that was imposed without consent of those affected. Since October 2, we've monitored and provided support to Indigenous Authorities resisting efforts to prevent the transition of power, coordinating the delivery of 300 jackets to advocates of democracy engaged in around-the-clock protests. GHRC's team in Washington accompanied more than 12 protests at the Guatemalan embassy and the Organization of American States.

Much more work is ahead. Thank you for your interest, commitment, and support!

In solidarity,



Verónica Serrano Tama



Isabel Solis

(Continued from p. 1)

The effects of political corruption in Indigenous territories and in urban areas has reached its own tipping point. Road projects that earned a hefty payout for local politicians even though they were poorly constructed or abandoned mid-project are impassable during the rainy season, wreaking havoc on both local and regional trade. Despite being funded by state monies, potable water and sewage services are nonexistent in many communities. Public transportation in several urban areas remains a dream for workers and students. Market vendors, mainly Indigenous people, are subjected to extortion through the excessive application of licensing fees and municipal taxes. Agricultural laborers in the Pacific and Atlantic regions endure grueling 18-hour workdays, often resorting to the abuse of painkillers and stimulants and suffering severe health consequences. Campesinos demanding land that has been theirs from time immemorial suffer criminalization and eviction threats from armed individuals. Victims of genocide and their legal representatives increasingly face biased courts and heavily armed, intimidating police presence in courtrooms. Over the past two decades, Indigenous municipalities have suffered the imposition by outside political interests of non-Indigenous mayors who do not speak the local language and who work more for the benefit of their political parties and personal interests than for the people. Rampant speculation in fuel prices, electricity, agricultural inputs, and food has exacerbated the economic hardships of the population.

Building Community through Protest

The protests themselves created a space which strengthened community ties. This was especially noteworthy in parts of the country where collective action had been lacking. The social outrage over corruption was accompanied by acts of compassion and solidarity, the sharing of food, dances, religious rituals, ancestral ceremonies, and, importantly, deep discussions about the events by individuals with similar or differing backgrounds.



Photo: Rob Mercatante

These armed groups, according to the media, were formed by drug traffickers, transporters, and merchants associated with the ruling party and the military. The occupation of the Xayá Pixcayá Aqueduct, the main system for potable water collection and treatment that supplies the capital city, was reportedly carried out by these armed men, who answered to the congressional representative of the department of Chimaltenango, Maynor Mejía. The aim was to generate a climate of confrontation that would justify the use of force and pit urban aspirations against those of Indigenous areas. Despite various acts of violence, the internal strength of the resistance and its peaceful, civic, and legal character remained unshaken.

People working on behalf of the government, including ruling party activists, social media outfits, and people with commercial ties to corrupt officials, attempted to undermine the strike. During the protests of October, the ruling party began to employ the old tactic of paramilitarism: armed, uniformed men were in charge of carrying out evictions of demonstrations in the Central Plaza and in the South Coast, the west, and the north of the country, which left one man dead in the frontier municipality of Malacatán. Another man—Xinca Indigenous leader, Noé Gómez Barrera, who had organized the protests in Jalapa, was shot to death.



Photo: Rob Mercatante

(Continued from p. 3)

Although the removal or resignation of the trio of corrupt actors has not been achieved, the social situation invites us to continue resistance. Luis Pacheco, President of the 48 Cantones of Totonicapán, and the people of Indigenous communities have demonstrated for a month to Guatemalan society that there are other forms of governance, like selfless service for the collective common good, obeying what the majority consents to (or “leading by obeying,” as the Tzents, Tzotziles, Tojolabals, Mames, and Choles say), the autonomy of the people's decisions, and self-convocation based on everyday needs and according to collective and personal capabilities.



The past is in the present, it is important to remember. There is a queue of lawyers who could do the work of Porras or Curruchiche even better in defense of privileges and impunity. So why are these three officials not being removed from their positions by those who have the power to do so? The established power cannot attend to the requests of the Indigenous peoples and the popular sector. They can get used to it and they will ask for more, says the Guatemalan employers' creed. Changes cannot be allowed in the midst of widespread mobilizations. Dominant racism is what blocks Guatemalan elites from giving rise to the changes that new generations now demand.

Guatemalan democracy was built on the blood and bones of thousands of Guatemalans. Why should indigenous peoples, the main protagonists in 2023, exclusively defend representative democracy? The protests called by the Ancestral Authorities go beyond that defense and are a pledge to continue fighting until the unrealized dreams of Guatemala's Indigenous peoples are achieved.

What's Next?

At the institutional level, the results of the protests and ongoing resistance are uncertain. Porras, Curruchiche, and Orellana have not resigned, ignoring the protestors' call to resign. Amid the unrest, TSE president Blanca Alfaro made the electoral results of the first and second rounds official and concluded the electoral period.

While the conclusion of the electoral process gave certainty to the election results, it led to the provisional suspension of the Semilla party, which had been requested by the Citizen Registry and came into effect on November 3. The popular will and the international community are united in one key demand: that Bernardo Arévalo and Vice President elect Karin Herrera take office in mid-January 2024. There is no possible negotiation agenda on this matter, as the Ancestral Authorities have stated; Arévalo and Herrera must take office. The results of the polls and the Electoral and Political Party Laws must be respected. ♦

--Marta Estela Gutiérrez Montúfar



The Indigenous Peoples vs. a Corrupt and Criminal State

by Isabel Solis

On the Right to Protest

Occupying the city and the highways to demonstrate and defend rights violated by a corrupt and criminal corrupt and criminal state is the last resort that the Indigenous people are using, after having exhausted other avenues through complaints, lawsuits and dialogues. The protests are a legitimate resistance of all Guatemalans to a system that steals the lives of children, young people, women, and the elderly, a system that has stolen the education of past and present generations, that has murdered children due to the lack of health care; it is a system that continues to plunder the people of Guatemala. Likewise, the resistance is totally legal. The Constitution of the Republic, in Article 45, describes the legality of the resistance: "The resistance of the people is legitimate for the protection and defense of the rights enshrined in the Constitution." The Constitution is the highest law, it is above any other law of the state, and the people have the authority to defend the violated rights in the manner they deem convenient to achieve respect for those rights.



Photo: Rob Mercatante

With the resistance of the people, corrupt and criminal officials have been exposed. They have been unveiled and have shown their stubbornness, remaining in public office to benefit themselves individually and as instruments of corruption and crime.



Photo: Rob Mercatante

The constitutional text does not say whether resistance actions must be peaceful or not, but it does but it does make it clear that the defense of rights is a legitimate and legal action. It even states that the violators, in this case the corrupt, should be brought to trial without any formality; a simple complaint is enough.

On the Decision to Protest

The Guatemalan state is an institution built on spilled blood, and it was consolidated with theft, corruption and continuous plundering, and with lies and false speeches that are repeated every four years. The state as a set of institutions does not bear the slightest resemblance to the structures of the Indigenous peoples and does not protect the rights of individuals and communities. On the contrary, it facilitates looting and theft. Therefore, it is logical to observe its functioning and go out to denounce the officials or the institutions of the State so that the damage to the country does not deepen.

"Occupying the city and the highways to demonstrate and defend rights violated by a corrupt and criminal corrupt and criminal State is the last resort that the Indigenous people."

This intransigence of the public officials has provoked a reaction: as the Indigenous Authorities say, "Every negative attitude of the government adds to the positive attitude of the people. The people are ready for anything." Defending the incipient democracy has had a very high cost. People are still accused of being communists, although we are not communists, because we have our own way of living. "Today, what we have is a group of mercenaries. How is it possible for a public official to live better than the people? They come to serve the people and do not serve the people," as one of the Kaqchikel Authorities puts it.



All the while, the government and its officials continue to eat from the effort and work of the people. For example, the existing infrastructure in the communities has been built with community efforts, and the contribution of the families of the communities, while the municipalities and construction companies register works as being carried out by them with a millionaire budget. Corruption is intertwined in all state institutions.



Who Does the Government Serve?

Maintaining a state apparatus has entailed a high economic cost for all the people of Guatemala—a state characterized by a structure perfecting theft. For Indigenous peoples, this is nothing new; it has been their reality for over 200 years. There is a much-repeated theory that "the state is all of us." Likewise, there is a law that says "we are all equal," that "the state is organized for the common good." All this has been nothing more than a discourse and dogma; what there has been is inequality, we are not all the state. Rather, the discourse is learned in order to maintain the fictitious state.

The Indigenous and Hope for the Future

It is important to point out that the concepts of power and authority understood by the indigenous peoples are not shared with the western vision, as explained by one of the authorities of the Indigenous peoples: "The rod is a sign of authority, not of power; the rod is straight." Likewise, there are differences between leaders and authorities of the Indigenous peoples. The leader is merely a western concept that does not belong to the Indigenous peoples. Therefore, when a leader participates in party structures and as a state official, he does not necessarily represent the interests of the indigenous peoples. Both systems are profoundly different. The Original Peoples maintain their forms and structures of authority.

They maintain their ways of doing justice, an advanced, civilized and intelligent way of resolving problems in such a short time. As one of the authorities of Santa Lucia Utatlán explains, "Error is error, crime is crime, shame is shame." If the decision on the actions of the prosecutor of the Public Ministry and judges were in their hands, they would have already been removed from their posts. They would have already done justice.



It has been more than 40 days and the authorities of the Indigenous peoples are still fighting. Twenty days of occupation of the highways were enough to reveal the uneasiness of businessmen, but not of the producers; they are part of the resistance. However, the powerful business alliance known as CACIF (the Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations), far from supporting the struggle against the corruption, filed an injunction to clear the highways, and the so-called Constitutional Court ordered the Ministry of the Interior to evict the protesters. In the words of a woman in the resistance, "What is CACIF going to do if we are the ones who feed the people and consume the products? If we decide now not to buy Pollo Campero, not to buy Big Cola, not to buy beer, not to buy liquor? What will happen to CACIF? I want to make CACIF see that we are the economic foundation for them, we are the base of their livelihood."

In Guatemala, as in other parts of the world, there have been several ways of trying to exterminate the Indigenous peoples, from undermining their forms of organization, their authorities, their ways of life, and their principles, through impositions of practices disguised with good intentions, such as political parties, associations, religions; despite these impositions, the Indigenous peoples continued maintaining their own principles, and this is what has kept the peoples alive--forms of organization that maintain dignity, respect, and practical, less dogmatic, principals in the face of a system of corruption and criminality. The authorities of the peoples are giving the different peoples space to express their rejection of this system that oppresses, steals, plunders and kills with corruption, and it is these expressions of dignity that today have the people of Guatemala standing up in resistance.



We are facing the possibility of rebuilding a more humane society, a society that respects life, nature, a society that could begin a process of real democracy, of an economy that gives life to the entire population and that could bring better progress to the world. We are also facing the risk of losing this possibility, of losing this moment if we do not join together even more for strength, both from Guatemala and from other countries of the world, and put a stop to the plundering and return to living. The Indigenous are an example of life and resistance to this system of looting, corruption, and death. Let this example be the gift for the new generations. ♦

--Isabel Solis



GUATEMALA HUMAN RIGHTS COMMISSION

3321 12th St NE
Washington, DC 20017
Tel: (202) 998-2191 | www.ghrc-usa.org



Guatemala Human Rights Commission



3321 12th St NE Washington, DC | (202) 998-2191 | ghrc-usa@ghrc-usa.org