



## GUATEMALA HUMAN RIGHTS COMMISSION/USA

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### Summary:

As the Attorney General election comes to a close, human rights organizations fear for the future of judicial independence in Guatemala. In spite of failing to meet minimum requirements, current Attorney General Consuelo Porras was included on the final list of six candidates by the nomination commission and is one step closer to re-election. Meanwhile, journalists, human rights defenders, and judicial workers continue to face criminalization at an unprecedented rate—criminalization doubled between 2020 and 2021 according to the DOS Human Rights report. Finally, mass mobilizations have faced backlash from both the private sector and law enforcement.

### Attorney General Election:

- *Organizations Demand Transparency in Upcoming Attorney General Elections*

From April 5 through 7, protestors gathered outside the [Palace of Justice](#) in Guatemala City and in the [Q'eqchi and Poqomchi region](#) to demand a Public Ministry (MP) free of corrupt actors. Popular opposition to current Attorney General Consuelo Porras and her bid for reelection inspired a new [wave of protests](#) across the country. [Several national and international organizations](#) called on the Attorney General Nomination Committee to abstain from voting for candidates “linked to President Giammattei and the now widely known criminal structures” in Guatemala. The [Social and Popular Assembly of Guatemala](#) (ASP) [denounced candidates](#) they identified as associated with the “Pact of Corruption,” including María Consuelo Porras, current Attorney General, who is named on the US State Department’s [Engel List](#); Jorge Luis Donado, current head of the Attorney General’s Office; José Enrique Urrutia Estrada, lawyer for the Foundation against Terrorism; [Henry Alejandro Elías](#), magistrate for the Chamber of the Court of Appeals on Femicide and Crimes Against Women; Óscar Dávila, Director of the Presidential Commission against Corruption; and Gloria Dalila Suchité, acting High Risk Court judge.

The process of electing a new Attorney General began on [January 31](#), when the [15-member Nomination Committee](#)—composed of law schools deans and other legal field professionals, and led by President of the Supreme Court Silvia Patricia Valdez—began reviewing a list of [26 applicants](#) to select the final list of six candidates, from which President Giammattei will choose the next Attorney General.

The International Observatory on Human Rights in Guatemala [denounced](#) that under Consuelo Porras, “the MP has been used to persecute agents of justice, journalists, and human rights defenders committed to the fight against corruption and the defense of human rights.” According to human rights groups, the outcome of this election is crucial for the [future of rule of law](#) in Guatemala.

- *Attorney General Election Sparks National Protests*

On April 25, the Nomination Commission announced the [final six candidates](#) for Attorney General. The candidates include Néctor Guilebaldo de León Ramírez, Jorge Luis Donado Aguilar, Darleene Apolonia Monge Pinelo, Gabriel Estuardo García Luna, Henry Alejandro Elías Wilson, and María Consuelo Porras. Consuelo Porras—current Attorney General and identified corrupt actor by the [US State Department](#)—was the last to be added to the list after failing to receive enough votes from the Nomination Commission in the previous [eight rounds](#) of voting. President Giammattei will conduct interviews with the candidates before selecting the next Attorney General.

This selection process for the 2022-2026 term has been heavily criticized for its irregularities and lack of transparency. In particular, a ruling made [April 21](#) by the Constitutional Court allowed Consuelo Porras to remain a candidate despite other candidates ranking higher in the selection process. [The Ancestral Indigenous Authorities](#) of the Iximulew community denounced the Commission’s conduct, stating that the process “does not meet the minimum guarantees of transparency and trust.”

As Attorney General, Consuelo Porras has been criticized for her role [attacking](#) structures and individuals fighting against corruption and impunity. Porras fired FECCI prosecutor Juan Francisco Sandoval—who fled to the US—in July 2021. In response, the US Department of State added Consuelo Porras to the [Engel list](#) of undemocratic actors and [cut funding](#) to the Guatemalan Public Ministry. The Protection Unit for Human Rights Defenders in Guatemala (UDEFEQUA) [warned](#) Consuelo Porras’ nomination for Attorney General demonstrates “the authoritarian turn that is taking hold of the country, in which institutions of justice and election processes are being reduced to facades.”

In response, protests enveloped Guatemala. On April 25 and 26, national protests blocked [11 highways](#) across the country. The demonstrations—organized by the Campesino Development Committee ([CODECA](#))—were planned in protest of the possibility of Consuelo Porras’s reelection, as well as the rise in fuel prices and basic necessities, and another call for the resignation of President Giammattei.

The Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) denounced what they called “illegal” blockades and [demanded](#) authorities prosecute “those who instigate, organize, and carry out these acts.” The Chamber of Agriculture and Chamber of Industry also [called for](#) an end to the blockades, citing concern for the country’s development.

Some demonstrations were met with [police in riot gear](#) who threatened to use gas to remove the peaceful protesters from the streets. Human Rights Ombudsman Jordan Rodas issued an [appeal](#) to President Giammattei, the Guatemalan Ministry of Government, and the General Director of the National Civil Police (PNC), calling for the protection of the human rights of those protesting and that authorities “supervise that all demonstrations are freely enjoyed with their constitutional rights, immediately and peacefully during the demonstrations.” Demonstrations are scheduled to take place once the new Attorney General is announced.

### **Attacks on Defenders, Indigenous Communities, and Anti-Corruption Advocates:**

- *Former Prosecutor Suffers Psychological Torture in Pretrial Detention*

The former head of the Special Prosecutor’s Office Against Impunity (FECI) in Quetzaltenango, Virginia Laparra, has suffered almost two months in pretrial detention. “I see the sunlight once a day, I was torn away from my land, my beautiful, beloved and incomparable Quetzaltenango. They took me away from my home, my family, my friends, they left me without work and took away my freedom,” Laparra explained in an [open letter](#) to the people of Guatemala that was given to Human Rights Ombudsman Jordan Rodas during a visit. Rodas traveled to Mariscal Zavala prison on April 2 to [verify her conditions](#) and found that her emotional and physical wellbeing were at risk.

Laparra—who [suffers from claustrophobia](#)—is currently being held in solitary confinement. Authorities allege this is for her protection, according to clinical psychologist [Vania Morales](#), however, “By keeping her locked up, they are re-traumatizing her and that is psychological torture.” Her cell—which is essentially a small metal box with a door—was [described](#) by an official from Disabilities Rights International as “somewhere between Willowbrook and a Concentration Camp.” According to former Attorney General [Thelma Aldana](#), “Her life is the responsibility of Consuelo Porras who is persecuting her.”

[According to Laparra](#), the case mounted against her constitutes “selective and malevolent discrimination and criminalization.” Attorney General Consuelo Porras—who was added to the US State Department’s [list of corrupt actors](#) in Central America in September—issued a warrant for Laparra’s arrest on February 24 for the alleged crimes of giving false testimony, abuse of authority, and encroachment of functions. As one of the anti-corruption attorneys detained following a [string of arrests](#) in February, Laparra is the last to remain in prison. On April 18, her intermediate hearing was [suspended](#) once again, further extending her time in pretrial detention.

- *Latest Wave of Criminalization in El Estor*

Authorities in El Estor have mounted a case against 12 people who were present at an [anti-mining protest](#) in October 2021. Community members became aware of the case against them when the son of one of the defenders active in the anti-mining resistance

was [arrested](#) on March 22. Authorities mentioned a list of pending arrest warrants against defenders and local journalists, including Carlos Choc of *Prensa Comunitaria*. The warrants, dated January 14, are reported to have been ordered by Judge Arteaga López for the alleged charge of “incitement to commit a crime.” While [video evidence](#) reveals the excessive use of force against the protesters by police during the demonstration, no investigations of police actions are underway.

The Committee to Protect Journalists lent their support to Choc, demanding that the charges be dropped immediately. According to [Natalie Southwick](#), CPJ’s Latin America and the Caribbean Program Coordinator, “Guatemalan authorities must immediately drop the absurd charges against Choc, stop treating community journalists like criminals for doing their job, and put an end to their campaign to intimidate and threaten the press.” The Association of Guatemala Journalists denounced the criminalization in a [statement](#), explaining, “The spurious prosecution of this journalist corresponds directly to his work of visibilizing the problems generated by the Guatemalan Nickel Company and the resistance by population in that area.” Choc has previously faced [criminal charges and persecution](#) by local authorities and dam personnel, including in 2017 after documenting the death of a protester at the hands of police.

This newest wave of criminalization comes on the heels of a [massive data leak](#) which revealed the mining company Solway and its local subsidiaries [manipulated the consultation process](#) on the [Fénix Project](#) that began in October 2021. Not only did company employees hand pick which communities would be allowed to participate in the consultation; company records show payments were made to local police and judges, and defenders and journalists were closely surveilled. “Knowing that I am being photographed is very worrying,” [Choc explained](#). “[The] mining company controls not only the population of El Estor with its actions, but also the lives of the defenders and especially mine as a journalist.” Only one person has been arrested so far, however, defenders reported to GHRC during their visit in January following and harassing them about the forthcoming warrants. The situation for these defenders will likely get even worse in the coming weeks.

- *Three Injured After State Security Forces Open Fire on Protesters in Baja Verapaz*

Riot police [opened fire](#) on protesters in San Rafael, Purulhá in Baja Verapaz. According to eyewitnesses, over 2000 police and military officers arrived in the afternoon of April 27 to carry out an eviction of 150 Poqomchi’ y Q’eqchi’ families in the communities of Pancoc, Los Encinos Tamaxaque, and Pampa San Francisco. Security forces fired several rounds of teargas into the crowd before discharging their weapons. Video evidence reveals community members attempting to evacuate the injured as live rounds can be heard in the background. So far, three have been reported [injured](#).

The eviction was ordered by the local court in Purulhá and is connected to a longstanding land conflict in San Rafael between large scale landowner Byron Guillermo Thomae and local indigenous communities. Community members have faced a

longstanding history of exclusion and violence, including in 2020 when one community leader was disappeared and another was murdered. In response to this most recent violent eviction attempt, [Antonio Catalán](#), of the Guatemalan Unit for the Protection of Human Rights Defenders (UDEFEUGA), denounced the use of force by state security forces against the community. He stated, “Agrarian conflicts should be dealt with in depth and not by dispossessing the communities of their land, with the use of force.” The Secretariat for Agrarian Affairs—the institution designated in the Peace Accords to mediate agrarian conflicts—was [closed](#) on June 30, 2020.

- *Criminalized Defender Faces Trial in Puerto Barrios*

On April 21, the trial of Maria Choc began in Puerto Barrios. Choc appeared before Judge Mazariegos Jesús of the Izabal Criminal, Drug Trafficking, and Environmental Crimes Division where she [faces charges](#) of aggravated trespassing, threats, and illegal detention. LISBAL—a company owned and controlled by former state officials including Alejandro Sinibaldi Apaircio and Otto Pérez Molina—filed the charges against Choc for allegedly [invading company property](#) in 2018. After the opening arguments, the judge moved the trial to a smaller room, barring press and accompaniment organizations from the courtroom. [Organizations](#) and [activists](#) condemned this action, denouncing it as interference of judicial transparency and a failure to ensure due process for human rights defenders.

As a woman human rights defender and Maya-Q’eqchi leader, Choc has worked for decades documenting and opposing environmental and land rights violations in eastern Guatemala. In particular, her support for communities that have suffered killings, gang rapes, and illegal evictions has made her a target in recent years. According to [Frontline Defenders](#), the case against her “follows a pattern of judicial harassment and criminalization of indigenous, environmental, and land rights defenders in Guatemala and in particular, in Izabal.” [Organizations](#) have emphasized the spurious nature of her case, condemning irregularities and emphasizing the lack of evidence against her. Prior to her hearing, Choc [explained](#), “I am being criminalized and incarcerated for using my voice to ask for justice and for accompanying colleagues seeking justice in the courts.” Her next hearing is scheduled for [May 5](#).

- *Journalist Flees Guatemala*

Juan Luis Font announced on [twitter](#) that he has left Guatemala, stating, “In this moment of tension, caused by spurious accusations, I have decided to take some distance.” Font has worked as a journalist in Guatemala for over 25 years; he founded news outlet *El Periodico* and currently works as a host on the political analysis show *Con Criterio*.

Font fled Guatemala after charges were filed against him for illegal association. The Committee to Protect Journalists [decried](#) the persecution of Font and said Guatemalan

authorities should immediately dismiss criminal proceedings against him and allow him to work freely without fear of reprisal.

Attorney General Consuelo Porras ruled to [open investigations](#) into Font in December of last year related to allegations brought forward by former Minister of Communications Alejandro Sinibaldi. Sinibaldi—who is now in prison awaiting trial—claims that Font [accepted over \\$200,000 in bribes](#) from him between 2012 and 2014. On [March 22](#), Sinibaldi brought forward another complaint against Font, this time claiming he colluded with former High Risk Court Judge Erika Aifán. Font, however, has denied the accusations. According to former Attorney General [Thelma Aldana](#), “It is part of the revenge process of the ‘Pact of Corruption’ to attack and criminalize independent journalists who are committed to the fight against corruption and impunity.”

- *Chicoyogüito Defenders Sent to Trial in Cobán*

On March 30th, Judge Úrsula Teyul [ruled to send](#) 21 human rights defenders from Chicoyogüito to trial for “[aggravated usurpation](#),” a charge they supposedly incurred during a peaceful protest [in June 2021](#). Chicoyogüito land defenders initiated the peaceful demonstration to demand that the state return their ancestral land. The National Civil Police [responded](#) to the protests with force, injuring Chicoyogüito members and arresting 21 defenders.

The decades-long struggle to recover their ancestral land began in 1968, when the Guatemalan Army forcibly evicted Chicoyogüito community members to establish an army base. In addition to human rights violations associated with the forced displacement of the community, the base was used during the internal armed conflict for torture, forced disappearances, and political assassinations. As one of Latin America’s [largest clandestine cemeteries](#), the base contains [human remains](#) that are evidence in two transitional justice cases.

Organizations raised concerns over the transparency of the hearings. [During one of the hearings](#), UDEFEGUA and the press were removed from the courtroom. The next hearing is scheduled for April 21.

### **Transitional Justice Cases:**

- *Military Dossier (Diario Militar)*

The GHRC Guatemala Team accompanied the prosecution team in the intermediate stage of the Death Squad Dossier (Diario Militar) case. After [previous delays](#), intermediate hearings for the [Death Squad Dossier](#) case began on [April 5](#) and lasted through April 29. The prosecution presented evidence against defendants, which included [images from the dossier](#) and [witness testimony](#). The defense argued for the case to be dropped, citing a lack of evidence. Once intermediate hearings conclude, presiding

Judge Miguel Ángel Gálvez will determine if the defendants will [stand trial](#) for their purported crimes.

Leaked in 1999, the Death Squad Dossier is a military archive that details the crimes committed against [183 presumed enemies](#) of the state—including [children](#)—from 1983 to 1985, during Guatemala’s internal armed conflict. The [11 former soldiers](#) implicated in the crimes face [charges](#) of numerous forced disappearances; kidnappings; illegal detentions; murders and attempted murders; acts of sexual violence; and crimes against humanity.

The prosecution team continues to face threats for their work on this important case. In the last few months, attorneys have been followed, received anonymous threats via telephone, and have had their homes broken into.

## **US Policy:**

- *US State Department Reports Backsliding on Human Rights in 2021*

Reporting on the human rights situation in Guatemala, the US State Department illustrated worsening conditions and highlighted the role that corruption and impunity have played in the last year. [The 2021 Human Rights Report](#)—released on April 12—summarizes and provides examples of what the State Department deems “significant human rights issues” in Guatemala, including the following: unlawful and arbitrary killings; harsh and life-threatening prison conditions; arbitrary arrest and detention; serious problems with the independence of the judiciary; restrictions on freedom of expression, including threats and violence against journalists; interference with freedom of association and organization; and significant corruption.

The State Department emphasizes a concerted effort from corrupt actors aimed at “undermining anti-corruption institutions and the judiciary” which in turn makes “meaningful investigation and prosecution of crimes, including corruption involving public officials difficult.” The report mentions the [arbitrary removal](#) of Juan Francisco Sandoval in July of 2021 and subsequent [charges filed](#) against him for abuse of authority, as well as attempts to remove the immunity of independent judges like [Erika Aifán](#). Both Sandoval and Aifán have since fled Guatemala in fear of their lives.

In addition to attacks on judicial sector workers, the report mentions attacks on defenders and journalists, including defamation, surveillance, threats, criminalization, and murders. Citing [UDEFEQUA](#), the report mentioned that ten defenders were killed between January and November 2021 and that unfounded judicial cases filed against human rights defenders have doubled since 2020. But according to the State Department, while “the government, fringe groups, and private entities used threats of legal action as a form of intimidation,” the Guatemalan government, “took little action to protect these individuals.”

Moreover, the State Department highlighted threats to freedom of assembly, which worsened over the last year. In particular, the [NGO Law](#)—passed last May—poses a serious threat to human rights organizations and indigenous movements. Mentioning the case of [El Estor](#), the report illustrates the use of state security forces to silence dissent, infringing upon freedom of expression. It also mentions that the consultation that took place on the Fénix Project was conducted during a state of siege in which freedom of movement was restricted. In terms of compliance with [ILO 169](#), the report states, “The government did not always consult with all affected parties and indigenous leaders, and activists regularly reported being harassed and threatened for their work.”

The State Department report echoes concerns from the UN High Commissioner for Human Rights ([UNHCR](#)), which recently gave Guatemala a ‘C’ rating for its progress on human rights. [Back in March](#), the UNHCR expressed concern over the [lack of measures and political will](#) to implement policies to protect human rights, specifically noting how the forced evictions of indigenous peoples were not in line with international standards.