



## GUATEMALA HUMAN RIGHTS COMMISSION/USA

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### Summary:

With a marked increase of violence and forced evictions in rural communities, indigenous leaders began to feel the impact of the attacks on rule of law and institutions in Guatemala last month. Co-option of institutions has continued with the re-election of Consuelo Porras as the Attorney General and attempts to remove Jordan Rodas as the Human Rights Ombudsman. In response, GHRC brought two Ixil defenders to DC to speak with State Department officials, congressional aides, and human rights organizations and advocates. Our visits included three offices of representatives on the Western Hemisphere Subcommittee of the House Foreign Affairs Committee and several aides of senators of the Senate Foreign Relations Committee, as well as other offices. They explained to lawmakers in Washington the increasing danger Indigenous communities face as civic space closes, land conflicts escalate, and the criminalization of Indigenous leaders proliferates.

### Attacks on Institutions:

- *International Outrage Erupts Following the Re-election of Consuelo Porras as Attorney General*

On May 16, President Giammattei appointed Consuelo Porras to her second term as Attorney General. Immediately following the appointment, the Board of Directors of the Council of Communal Mayors [demanded](#) that Giammattei's decision to re-elect Porras—who is recognized on the US [Engels list](#) as a corrupt actor for stalling Guatemala's anti-corruption progress—be reversed, [stating](#) that “sovereignty lies in the people, and their demands must not be ignored”.

The US also [called](#) on Guatemala to take action to “reverse democratic backsliding”. US Secretary of State, Anthony Blinken, [condemned](#) Porras' re-election, stating, “her corrupt acts undermine democracy in Guatemala” and that the “the US stands with all Guatemalans to encourage accountability, transparency, and respect for the rule of law.” The US proceeded to [sanction](#) Porra's immediate family and husband—Gilberto de Jesús Porras de Paz—preventing them from entering the US, following her re-election. Pedro Stano, spokesperson for the EU Directorate-General for Foreign and Security Policy, [voiced](#) the EU's concern over the “commitment of the Guatemalan authorities in combating corruption and safeguarding the independence of judicial power.”

During Porras' first tenure as Attorney General, she [obstructed](#) high-level cases of anti-corruption, [ordering](#) public servants in the Public Ministry to ignore cases and fire

independent judicial workers linked to such cases, which according to the [EU](#) has formed a part of a “wider pattern of intimidation and harassment that has led to more than 20 justice workers to flee the country”. The spokesperson for the Department of State, Ned Price, [expressed](#) concern over the future of foreign investment and increased violence in Guatemala due to Porras’ appointment, both of which contribute to push migration factors. Since Porras’ first appointment to Attorney General in 2018, 13 prosecutors and 5 judges have been forced [to flee](#) in the face of threats and spurious cases mounted against them.

- *Congress Votes to Remove Jordan Rodas as Human Rights Ombudsman*

On May 31, the Human Rights Commission of the Guatemalan Congress [voted in favor](#) of a proposal to request a plenary session to discuss the removal of Human Rights Ombudsman Jordan Rodas. The [proposal](#)—originally proposed by Congressman Manuel Conde—was approved with 11 votes in favor. Congress will now decide if Rodas should be removed for alleged “irregularities” that have occurred in his tenure as Ombudsman related to his candidacy as Rector of San Carlos University (USAC).

Rodas ran in the race to be the new head of the University, but lost to Walter Mazareigos Biolis on May 15. The election, however, has been denounced by many civil and public institutions as fraudulent, illegal, and fixed over the past several months due to irregularities and obstruction that occurred during the election process. Only those electoral bodies in favor of Mazareigos were allowed to vote during a closed door election. [Video evidence](#) reveals that outside of the building where the voting took place, national civil police, and armed groups barred other voters from entering.

The Ibero-American Federation of Ombudsman expressed its “deep worry for the attempted removal” of Rodas by the Human Rights Commission and demanded “respect to the rule of law, human rights, and democracy.” Human rights organizations have regarded the PDH as the last final remaining independent institution in Guatemala, including the [International Federation of Human Rights](#), which identified it as “the last instance for the protection of rights.” Jorge Santos of the Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEQUA) told our team that “the attack on Rodas serves to expedite the process to replace Rodas and further destroy the integrity of the PDH.”

- *President Giammattei Considers the Removal of USAID from Guatemala*

In a conversation with the Heritage Foundation, President Giammattei spoke of plans to [request the departure of USAID](#) from Guatemala. "Giammattei told us that he has already decided to ask the US Agency for International Development to leave Guatemala due to its promotion of indigenism," wrote authors Mike González and Mateo Haydar in their article to the [Heritage Foundation Website](#). The article accuses USAID and the US State Department under the Biden Administration of working with Indigenous communities in an effort to destabilize and overthrow the government.

Conditions in indigenous communities, however, have worsened significantly under the Giammattei administration. [According to the UN](#), the national poverty rate in recent years has been “almost 30 points above the national average,” and that “even before the COVID-19 pandemic, eight out of every 10 indigenous girls, boys and adolescents, live[d] in poverty.” In its [2021 report](#), USAID reported rates of malnutrition of 70% in the indigenous areas of Totonicapán, Quiché, and Huehuetenango. According to the [Borgen Project](#) in 2021, “Poverty rates average[d] 79% among indigenous groups, with 35% suffering from food insecurity.”

Moreover, in the last month, several violent evictions have taken place in Baja Verapaz, including in San Rafael, Purulhá when riot police [opened fire](#) on protesters, injuring three. Criminalization of indigenous defenders [doubled](#) in 2021. [64 defenders have been killed](#) in the last four years, the majority of which were indigenous land defenders. “They pursue us, they lock us up, and they kill us,” explained Ixil Authority Miguel de Leon Ceto to our DC Team. “They speak of sovereignty, but they mean the sovereignty to steal from us. They don’t care about the sovereignty of the indigenous peoples to decide what happens to their communities.”

### **Transitional Justice:**

- *Pro-Military Allies Threaten Judge After Ruling to Send Former Officers to Trial*

On May 4, Judge Miguel Ángel Gálvez [ruled](#) to send nine former soldiers and police officers to trial for charges of attempted murder, murder, forced disappearances, and crimes against humanity from the internal armed conflict. The case—known as the [Death Squad Dossier](#)—originates from the discovery of a set of military records used by Guatemalan security forces that documented crimes committed against 183 “political opponents of the state” between 1983 and 1985. Prior to the ruling, families of victims set up [empty chairs](#) in the Human Rights Plaza as a reminder of those killed. Manuel Antonio Farfan—representative of the Family Association of Disappeared Detainees in Guatemala ([FAMDEGUA](#))—urged Judge Gálvez to order the sentencing of the defendants, [stating](#) “we [the victims’ families] have lived with this pain for more than 38 years in a tireless search for our relatives.”

Since the ruling, Gálvez has been [subjected](#) to threatening messages and intimidations. [According to Gálvez](#), “they send me messages, they call me on the phone, there are vehicles following; all of that is happening.” Galvez—who has worked on various high profile cases, including the [Rios Montt genocide case from 2013](#)—noted the changing nature of threats against him. “Before they threatened me, but now they even come to hearings to photograph me,” he [explained](#). [On May 11](#), he filed a complaint against these threats to the Public Ministry.

In addition to anonymous threats, the leader of the Foundation Against Terrorism (FCT),

Ricardo Méndez Ruiz, has [repeatedly condemned](#) Gálvez, calling for the removal of his judicial immunity. Spreading defamation against Gálvez on social media, he accused him of lying during the trial and for [biased interpretation of](#) the law. In [one tweet](#), he referenced other judicial workers who have since fled into exile, stating, “It is Miguel Angel Galvez’s turn, the FCT will take care of it.” [A complaint](#) was filed by the FCT on Wednesday, May 11. Mendez Ruiz was also present in the hearing on [Friday, May 6](#).

The FCT has been behind several cases mounted against independent judges and prosecutors, [filing a total](#) of 31 cases between January 2021 and November 2021 against human rights defenders and NGOs, and judicial workers. The attacks against Gálvez are the latest in a string of attacks and threats made against independent judges who prosecute human rights abuses and corruption in Guatemala. In February, Pablo Xitumul [lost](#) his judicial immunity and shortly after in [March](#), Erika Aifan was forced to flee to the US due to fears for her life after losing her immunity.

The Guatemalan Association of Judges for Integrity condemned the threats against Gálvez, [stating](#) that “the Supreme Court must guard the jurisdictional function and adopt measures to prevent the impairment of the independence of the justice administration.” The National Platform of Organizations of Victims of the Internal Armed Conflict [also demanded](#) that the Public Ministry investigate the attacks and called on the Supreme Court “not to keep quiet in the face of threats from groups of power that seek to maintain impunity.” Drawing the attention of the international community, the US House Foreign Affairs Committee Head Rep. Meeks [tweeted](#) that he is, “Deeply concerned by reported threats against Guatemalan Judge Miguel Angel Galvez after he ordered former police and military officers to stand trial for crimes committed during the civil war.”

- *Judge Ties Toribio Acevedo Ramirez to Death Squad Dossier Case*

On [May 23](#), following three days of initial hearings, Judge Miguel Ángel Gálvez resolved to include Toribio Acevedo Ramírez in the criminal proceedings in the high-profile “Death Squad Dossier” case. He—along with 9 others—is accused of [charges](#) of crimes against humanity, forced disappearance, murder, and attempted murder.

Acevedo Ramírez was head of military intelligence under General Óscar Humberto Mejía Víctores from 1982-86, four of the bloodiest years of the internal armed conflict [during which](#) 200,000 civilians were killed and 40,000 are estimated to have been forcibly disappeared. [Smuggled](#) out of the Guatemalan army’s intelligence files and provided to human rights advocates in 1999, the dossier details 183 cases of death and torture at the hands of Guatemalan security forces. This case opens the way for justice to be served to those responsible.

Acevedo Ramírez—who was [apprehended by Interpol](#) in Panama on May 10 responding to a 2021 arrest warrant that he had been evading—strongly denies the charges against him. He [claims that](#) it was not him, but another “Toribio Acevedo” whose name appears in the dossier. He is backed by Ricardo Mendez Ruiz, the leader of the right-wing Foundation Against Terrorism who [landed](#) on the US’s list of undemocratic actors in 2021, as well as Cementos Progreso (CEMPRO), the politically influential Guatemalan

company for which he was recently the chief of security. CEMPRO [released a statement](#) in support of Acevedo on May 12 saying that Acevedo Ramirez’s “profile doesn’t at all correspond with the charges he faces.” The company has been [linked](#) to imposing extractive investment projects without consultation. It has also been accused of human rights violations against communities that oppose its projects, including criminalization, illegal and arbitrary detention, and the undue use of states of siege.

- *Judge Rules to Send Accused to Trial in Ixil Genocide Case*

On [May 4](#), Judge Silvia de Leon of High Risk Court “C” ruled to send Luis Enrique Mendoza to trial for [crimes](#) against humanity and genocide against the Maya Ixil people. As the chief of operations of the Guatemalan Army between 1982 and 1983, Mendoza García is alleged to have been a [key architect](#) for military operations aimed at breaking ties between Indigenous communities and guerrilla groups in the Ixil region. The [tactics of these operations](#) included civilian killings, acts of sexual violence, and destruction of villages. The trial will now proceed to [High Risk Court A](#), presided by judge Yassmin Barrio who has been [lauded](#) for her work prosecuting high-profile cases. The intermediate hearings, however, have been scrutinized by various [organizations](#) for its exclusion of human rights prosecutors and [obstruction of justice](#).

During the intermediate hearings, the Public Prosecutor’s Office presented [forensic evidence and expert reports](#) to Judge de Leon, who decided what evidence would move on for the public trial. However, Silvia de Leon [rejected](#) 20 witness testimonies submitted by associate plaintiff Association for Justice and Reconciliation ([AJR](#)) and barred associate plaintiff Center For Human Rights Legal Action (CALDH) from presenting [any evidence at all](#). CALDH attorney Jovita Tzul [condemned](#) this action as a violation of the constitution and CALDH. Echoing her sentiments, CALDH [tweeted](#), “this decision violates effective judicial protection for the victims.”

## **Land Conflicts, Forced Evictions, and Conditions for Indigenous Communities:**

- *Pro-mining Allies Abduct Leader in El Estor, Threaten to Burn her Alive*

Q’eqchi’ Authority Adela Choc—a defender associated with the anti-mining resistance in El Estor—[was taken from her home](#) on May 16 and held against her will by pro-mining community members. Accusing her of witchcraft, the assailants covered her with gasoline and threatened to burn her alive. They burned down her home while she watched and held her for hours, threatening her. Local authorities took more than 10 hours to respond to the situation, failing to answer phone calls from our team on the ground for several hours.

The attack on Choc forms part of a pattern of escalating repression and violence directed at indigenous human rights defenders as President Alejandro Giammattei and his allies consolidate power. Violent incidents against human rights defenders, especially in rural indigenous communities, have risen markedly in the past month. According to

indigenous leaders, local police have been either unreactive to calls for help or actively engaged in repression against communities. According to Ixil Authority Miguel de Leon Ceto, “For us, they harass us, they throw us in prison, and they even kill us with no consequences. Without action, It will get much worse.”

- *Campesino Group Takes Legal Action Following Violent Eviction in Cahabon*

The Campesino Committee of Altiplano (CCDA) has filed a [criminal complaint](#) following the violent eviction of Las Pilas community members on May 9 by armed forces in Cahabon, Alta Verapaz. In [a press conference](#), representatives from CCDA disputed the legitimacy and legality of the licenses which served as the grounds for the evictions, stating, “The basis of this license is an extrajudicial eviction which endangers more than 150 people that live in the community.” Las Pilas residents have been disputing the legitimacy of land claims by neighboring companies, which have resulted in excessive tree felling and deforestation in their territory. This dispute has resulted in a [series of violent attacks and threats](#) over the last few months against the community.

Video [evidence](#) and resident [testimony](#) reveals that armed groups opened fire, burned property, and forced the community to flee to the surrounding area. “They burned our houses, they burned our homes, now we are piled up like animals in a corral,” explained one survivor of the incident. The evictions are [alleged](#) to have been carried out by the neighboring Saxoym farmhouse who have been in a longstanding dispute of territorial rights with the community (who have been living there for over 25 years). Residents condemned the State’s failure to protect the community, noting that neither the national civil police nor the human rights ombudsman (PDH) [were present](#) during the eviction. However, PDH has since filed a request with the National Civil Police for [urgent security forces in the area](#).

These evictions follow a pattern of violence used to forcibly remove Indigenous communities from their lands in [Guatemala](#). Many of these conflicts have manifested due to land conflicts between Indigenous groups and corporate entities, further validating the [United Nations Human Rights Committee](#)’s concerns of a dearth of measures to prevent evictions.