

# Wounds Reopened: The Impacts of Democratic Backsliding on Human Rights in Guatemala



*2022 Emergency Human Rights  
Delegation Report*



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# Guatemala Human Rights Commission/USA

Founded in 1982 by Sister Alice Zachmann, the Guatemala Human Rights Commission (GHRC/USA) is deeply committed to supporting human rights in Guatemala by documenting abuses, educating the international community, mobilizing our grassroots base, and advocating for just policies. For forty years, GHRC has worked tirelessly towards positive, systemic change: denouncing torture, forced disappearances, massacres, and US involvement in these atrocities; monitoring the implementation of the Peace Accords; and addressing patterns of abuses such as violence against women and attacks against human rights defenders. With offices in both Washington, DC and Guatemala City, GHRC directly supports and accompanies defenders on the ground in Guatemala and amplifies their struggle in the US, orienting our recommendations to policymakers based on their needs and concerns.



*Advocacy Director  
Corie Welch  
and  
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Solis, October  
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# Executive Summary

From July 23–30, 2022, GHRC/USA led an Emergency Human Rights Delegation to Guatemala to document the impacts of the democratic backsliding and destruction of rule of law on human rights defenders. As defined by the United Nations Office of the High Commissioner for Human Rights ([OHCHR](#)), a human rights defender is someone “who individually or with others, act[s] to promote or protect human rights in a peaceful manner.” The delegation met with a broad spectrum of defenders, including transitional justice lawyers, journalists, Indigenous land defenders, human rights researchers, accompaniment groups, and the Human Rights Ombudsman. The group – consisting of human rights experts, workers, and activists from the US – traveled throughout the eastern region of Guatemala and listened to the testimonies of these defenders, all of whom are at risk for their work fighting for human rights in the country. This report summarizes these meetings and includes our findings. We documented the following key trends:

- **Increased criminalization of human rights defenders;**
- **New patterns of violence against defenders;**
- **Harassment, intimidation, and defamation, which often prelude this violence;**
- **The failure of the State to protect defenders;**
- **and the contribution of the State to human rights abuses across Guatemala, both directly and as a consequence of corruption.**

During the final night of the delegation, while delegates prepared for early flights the next morning, internationally renowned journalist and founder of *El Periodico* José Rubén Zamora was arrested by National Civil Police (PNC); his home and the newspaper office were also raided. Special Prosecutor [Samari Carolina Gómez Díaz](#) was also arrested and charged with leaking confidential information in connection with the charges against Zamora.

Zamora’s arrest has been met with national and international outcry, including from United Nations Secretary General Antonio Guterres, [who expressed concern](#) about the arrest and other legal actions carried out against justice officials in Guatemala. In spite of this [international condemnation](#), Guatemala’s Public Ministry doubled down, arresting Flora Silva, the finance director of *El Periodico*, three weeks later.

Our delegation observed a freefall of democracy and rapidly deteriorating human rights conditions in Guatemala. Defenders explained to us that this regression is helmed by a handful of corrupt actors with historic ties to the economic, political, and military elite.



In an effort to preserve their privilege, this group has launched a takeover of institutions that has not only dismantled protections for defenders, but has greenlit State-sponsored attacks against them. We were asked continuously to raise these issues with our government and to share the dire consequences for defenders. While defenders welcomed strong statements from the Biden administration, they emphasized the need for real action that would yield meaningful consequences for perpetrators of human rights violations and high level corruption.

*Based on our observations, we are recommending the following actions for the US government to take:*

- Publicly support the work of human rights defenders, especially those facing criminalization and attacks. In public statements, express concern not only for high level justice sector workers but also for transitional justice lawyers, journalists, and Indigenous land defenders. Within Guatemala, send embassy personnel to hearings for emblematic human rights cases.
- Robustly communicate to Guatemalan officials the importance of maintaining key pillars of democracy, such as: freedom of the press, freedom of assembly, and freedom of expression. Raise specific concerns over the closing of civil space, as well as criminalization and rising violence against defenders.
- Suspend all security assistance to Guatemala, including any training, equipping, or funding to the Guatemalan armed forces and the National Civil Police until security forces implicated in human rights abuses are brought to justice and rates of human rights abuses fall significantly.
- Reevaluate all pending loans and aid to be sent to Guatemala via US institutions and/or international financial institutions. Ensure that no funds are distributed to actors engaged in corruption or human rights violations.
- Reconsider all US government investments into Guatemala, including from the US Development Finance Corporation (DFC), the Vice President's Call to Action, and the Partnership for Central America, prioritizing the proper application of safeguards to prevent further human rights violations. Suspend all investments into megaprojects until the State can guarantee its adherence to international human rights standards.
- Reframe the narrative around root causes of migration, acknowledging that migration is driven not only by lack of economic opportunity in Guatemala but also by government corruption, the increasing persecution of human rights defenders, and the deterioration of the rule of law.



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# Background

In recent years, Guatemala has seen an alarming increase in human rights violations that advocates describe as unprecedented in the period following the internal armed conflict. Since the expulsion of the International Commission Against Impunity (CICIG) in 2019, corrupt forces have gained momentum under the Giammattei administration, launching attacks on multiple fronts to promote impunity and protect powerful interests in Guatemala. In its 2021 Human Rights Report, the Inter-American Commission on Human Rights (IACHR) classified Guatemala as a state that systematically violates human rights, warning that “the systematic interference in the independence of the judiciary, the weakening of human rights institutions, and the increasingly evident setbacks in the fight against corruption and impunity have an impact, in turn, on democratic stability and the very exercise of human rights by the Guatemalan people.”

As a result, attacks on defenders have soared. In the first two years of the Giammattei administration, 2,646 aggressions against defenders have been registered, already surpassing the 2,260 aggressions registered in the Perez Molina administration. This year is on track to continue this trend of rising violence. According to mid-year data from the Unit for the Protection of Human Rights Defenders (UDEFEGUA), 589 aggressions against defenders have already occurred in the first six months of 2022.

Currently, 24 judicial sector workers live in exile after having been forced to flee the country due to threats, violence, and spurious lawsuits against them. One of these is Judge Erika Aifán, who fled after losing her judicial immunity in March despite strong support from the United States. Other judges have faced attacks, including Judge Pablo Xitumul, who lost his immunity in February, and Judge Miguel Angel Galvez, who currently faces online defamation, death threats, and several baseless legal complaints. In February, Attorney General Consuelo Porras—who was re-elected in a highly controversial process condemned both nationally and internationally—ordered a series of gratuitous arrests of anti-corruption attorneys. Six former prosecutors were arrested, including Virginia Laparra, the former head of the Special Prosecutor’s Office Against Impunity (FECI) in Quetzaltenango, on February 24. She is the last of the six to remain in prison and is being subjected to psychological torture in solitary confinement, according to clinical psychologists.

After judicial sector workers, the individuals most at risk are transitional justice advocates, journalists, and environmental defenders. So far this year, two members of the Campesino Development Committee (CODECA) have been murdered. Two states of exception have been called in Indigenous communities and four violent evictions have taken place in Baja and Alta Verapaz. Guatemala has arrived at a crisis point for human rights and human rights defenders face dangers unseen since the signing of the Peace Accords in 1996.



# Introduction

Responding to calls from our partners in Guatemala, we organized this delegation to document how the human rights crisis in the country is specifically impacting defenders. With international media coverage focused primarily on attacks against judges, prosecutors, and other public officials, we wanted to shed light on the threats to human rights defenders from various backgrounds on the front lines of the struggle. The goal of our trip was to gain a broad perspective on the panorama of attacks in Guatemala, hearing firsthand from defenders in order to better support them.

Using the wide definition of “human rights defender” as anyone peacefully struggling to protect human rights in Guatemala, we met with Indigenous land defenders, leaders from human rights organizations, attorneys and plaintiffs on transitional justice cases, campesino leaders, and journalists. Each meeting lasted between one and three hours. We spent seven days in Guatemala, meeting with over 10 groups and dozens of human rights defenders. The delegation traveled east from Guatemala City to El Estor, then northeast to Alta Verapaz, south to Rabinal, and back to Guatemala City, stopping along the way to meet with members of the La Puya and Chinautla Peaceful Resistances. We organized these meetings in order to gain a broad perspective on the nature of the threats against human rights defenders in Guatemala. As we could not meet with every human rights defender in Guatemala given our limited time and resources, we chose to connect with individuals and groups with whom the GHRC Guatemala Team has a working relationship. We met only with groups that had explicitly requested our presence.

Our delegation consisted of 10 individuals, including GHRC staff. The delegates came from varying backgrounds with specific expertise in human rights and/or Guatemala. The group included university professors, an immigration attorney, human rights policy experts, a documentary filmmaker, and longtime activists. All of the delegates, with the exception of one GHRC staff member, were US citizens. Recognizing the historical role that the US has played in Guatemala, including its (intentional or unintentional) contribution to past human rights violations, we draw on this experience to advocate for stronger US support for human rights defenders in Guatemala.



# Meetings with Human Rights Defenders

*Guatemala City: House of Memory and CALDH*

Our delegation began with a visit to the Casa de la Memoria (“House of Memory”), a museum in Zone 1 of Guatemala City. The House of Memory was founded in 2014 by the Center for Human Rights Legal Action (CALDH) to educate the public, particularly future generations, about the history of Guatemala. Through its examination of the country’s history of oppression and resistance, the museum aims to reconstruct historical memory and the sense of personal and collective identity while highlighting the devastating reality of past human rights violations to ensure that they are never repeated.

"With institutions co-opted, the future of transitional justice is unknown," Hector Reyes,, Director for the Human Rights Legal Action



Stepping in from the bright Sunday morning light, we were greeted by two students from the University of San Carlos (USAC) who would serve as our tour guides. As we explored the rooms, we saw powerful tributes to the collective struggle of the Guatemalan people and their fight for justice. Multimedia exhibitions chronicled the centuries of unspeakable crimes committed primarily against Indigenous communities, as well as these communities’ history of organized resistance. In the last room of the museum – which serves as a replica of the bedroom of Marco Antonio Molina Theissen, a 14 year old boy who was forcefully disappeared in 1981 by State security forces – CALDH Director Hector Reyes joined us. “It’s so important to have spaces like this available to us,” he told the group. “He was a child, not an enemy of the state,” he said, gesturing to the Darth Vader figurine and baseball mitt on display. “But sadly, this is the case of so many robbed childhoods.”

We then moved to the nearby CALDH office to hear more from Reyes. As Director of CALDH and a lawyer, Reyes has worked extensively on transitional justice cases in Guatemala. For Reyes, the themes addressed in the House of Memory are directly linked to his legal work. According to Reyes, “To prevent this from happening in the future we need to remember and we need justice.”

Reyes opened the conversation by urging the delegation to view present-day human rights abuses in the context of Guatemala’s history. He explained that during the internal armed conflict, the military waged psychological war against the population. Through a scorched earth strategy, known as “taking the water away from the fish,” state security forces targeted civilians for massacres, forced disappearances, and torture. The Commission for Historical Clarification (CEH) estimates that in the 36-year long internal armed conflict, over 250,000 people were killed and more than 45,000 were disappeared, including 5,000 children. Indigenous communities were especially impacted.



Many of CALDH's current cases relate to these crimes. According to Reyes, "Starting in 2007, a few doors opened, a few cases opened and we thought that things could change." When the national "high risk" courts issued criminal convictions in the murder of Bishop Gerardi and the Dos Erres massacre, Reyes said, there was hope for the first time that perpetrators of serious crimes could be brought to justice in Guatemala.

"The turning point was the genocide trial against Efraín Ríos Montt," he said. In 2013, the Ixil people's case against the former dictator began in the first ever trial against a former head of state for genocide in a national court. Ríos Montt was convicted on May 10, 2013 and sentenced to 80 years. This victory was short-lived, however: responding to intense pressure from business and military elites, Guatemala's Constitutional Court overturned the verdict just ten days later. "The elite were afraid," Reyes said. "If someone that powerful could be convicted, couldn't they?"

In 2019, the elites' efforts to promote impunity gained momentum as then-President Jimmy Morales successfully expelled the International Commission Against Impunity (CICIG) from Guatemala. Bolstering Guatemala's capacity to investigate and try both transitional justice and high level corruption cases, the CICIG had been instrumental in the conviction of hundreds of high level officials in Guatemala. "Pushing out the CICIG was the first step, it made it easier to co-opt the national institutions," Reyes explained.

Now, Reyes said, corrupt forces have taken control of Congress, the highest courts, the Attorney General's office, and the Human Rights Ombudsman's Office. "With institutions co-opted, the future of transitional justice is unknown," he said. By 2022, 24 judges and prosecutors have been forced into exile. Independent judges with a history of siding in favor of the victims of human rights violations are facing criminalization and death threats.

Reyes highlighted one case that he feels is particularly important and also particularly in jeopardy: the Death Squad Dossier case. The "Death Squad Dossier" is a 74-page military document detailing operations that led to the arrest, torture, killing, and forced disappearance of 195 alleged "political dissidents" during the de facto government of general Oscar Mejía Victores (1983-1986). The book was smuggled out of Guatemala and handed over to the National Security Archives in the US, but it was not until June 2021 that legal proceedings began against 11 former military and security officials who were implicated in the extrajudicial killings, rapes, torture, and other atrocities detailed in the document.

Since the former officers were sent to trial in March 2022, those working on the case have received constant threats. Internationally recognized Judge Miguel Ángel Galvez has withstood attempts to remove his judicial immunity as well as death threats. But according to Reyes, "It's not just the judges who are being targeted." CALDH's own staff has faced threats, surveillance, and intimidation. "Pro-impunity groups sit in on the hearings. They smirk at the witnesses and mouth threats to their legal teams," Reyes told us.

To Reyes, the current human rights crisis in Guatemala is inextricably linked to the past. "We will continue to fight for justice, but it's getting much harder."

On Monday morning, we passed through the bustling Zone 1 to our meeting at the Prensa Comunitaria (PC). Founded in 2012, the PC is an independent media agency dedicated to in-depth investigative journalism in Guatemala. Their work began with investigations into community consultations and the impact of the extractive model of development on Indigenous communities throughout Guatemala. Now, with a team of over 50 writers, the PC covers a multitude of topics but continues to focus its work on the experience of Indigenous communities and women. In 2017, Director Quimy de Leon created a sister site, La Ruda, to explicitly cover women's issues.

Upon arrival, we were greeted by Nelton Rivera González, a historian and photojournalist who is an integral part of the research team at PC. We were later joined by Quimy de Leon. The two journalists shared their experiences in Guatemala at a time that they characterized as “the criminalization of the truth.” Specifically, they both emphasized the rapid decline in civic freedoms that began with the expulsion of the CICIG in 2017 and has accelerated the co-optation of the state by national and international economic actors. In Rivera's words, “The economic powers have dedicated themselves to dismantling all the institutions that protect democracy and rights. There is a corrupt alliance between the state and business, and they employ violence to meet their goals when necessary.” Corrupt actors aim to completely undo the goals and systems of the 1996 Peace Accords, creating once again an environment of fear and censorship. Being a journalist in Guatemala has become nearly impossible.

According to Rivera and de Leon, not only does the state seem uninterested in protecting and investigating cases involving threats against journalists, but some feel that the Public Prosecutor's office devotes more time to targeting the press than to protecting it. Instead of upholding journalists' right to report, President Giammattei's administration has made public harassment and intimidation the norm for the press in Guatemala.



**"In Guatemala, the truth is criminalized." - Quimy de Leon, Founder of the Prensa Comunitaria and La Ruda**

Giammattei has built off of the legacy of former President Jimmy Morales that promoted the use of misinformation, defamation, and violence to silence the press. And there have been serious consequences. The Association of Guatemalan Journalists (APG) reported that from 2020 to June 2022, there have been 350 attacks and restrictions on the press. De Leon told us that PC receives 120–140 reports of harassment each month, although it is certain that many incidents go unreported. The statistics cannot capture the diversity and magnitude of the intimidation, harassment, defamation, and attacks – both virtual and physical – that Guatemalan journalists confront by simply speaking out.



Both inside and outside the capital, our hosts said, journalists are subject to surveillance and intimidation. The situation is particularly difficult for women, many of whom are sexually harassed both online and in person. Women journalists' addresses are posted on social media. Indigenous journalists who report on the environmental harms of mining projects, water pollution, and destruction of their ancestral lands have been threatened with weapons or had their homes broken into. De Leon noted that the gendered nature of violence against female journalists makes women even less likely to report attacks. One of the most common tactics is the use of false charges to incarcerate and silence journalists.

Despite the creation of the Office of the Prosecutor for Crimes against Journalists only a few years ago, Guatemala still ranks 124 out of 180 countries on the press freedom index. While freedom of the press is protected on paper, this law is not enforced because the perpetrators of attacks against journalists have connections to those responsible for bringing justice. As a result, Guatemalan journalists are forced to self-censor or face retaliation. Journalists represent only one of the many groups whose voices are being silenced by any means necessary in Guatemala. These same patterns of criminalization are also used against human rights defenders, Indigenous community leaders, students, and prosecutors at the highest levels.



## Guatemala City: Meeting with General Coordinator of UDEFEGUA

### Jorge Santos

After our meeting with the Prensa Comunitaria, we traveled across Guatemala City to meet with Jorge Santos, General Director of the Unit for the Protection of Human Rights Defenders (UDEFEGUA). GHRC has had a long-standing relationship with UDEFEGUA, which serves as the leading organization for analysis of the situation for human rights defenders in Guatemala. In his presentation, Santos shared a general overview of the current situation in Guatemala from UDEFEGUA's perspective. Expanding on key statistics on the acceleration of aggressions against defenders, he explained how these numbers reflect the sinister reality of the politics of state co-optation in Guatemala.

We gathered around a large conference table in UDEFEGUA's new office, surrounded by posters and the organization's assorted awards. After welcoming us to the space, Santos opened his presentation with a brief history of UDEFEGUA. He has worked with the organization since it was founded in 2000, just a few years after the signing of the 1996 Peace Accords, in the wake of an increase in violence against unions. In response to this heightened risk for defenders, UDEFEGUA was formed to track aggressions, accompany defenders, and ultimately prevent a resurgence of the violence seen in the years of the internal armed conflict.

Since 2000, UDEFEGUA has registered more than 8000 aggressions against individuals, institutions, and communities. Providing us with some historical context, Santos noted that the years of the Otto Perez Molina administration (2012–2015) were particularly violent; in 2014 alone there were 820 aggressions, including forced evictions that involved hundreds of military and police personnel, and violence, including assassinations. The Alaska Massacre of 2012, in which six Indigenous demonstrators were killed during a peaceful protest, was the first time police had opened fire and killed civilians since the internal armed conflict.

In 2015, however, Guatemala seemed to turn a corner as the investigations led by the CICIG challenged the impunity of both state and private actors connected to historical crimes and/or engaged in current corruption. Santos explained that, thanks to the work of the CICIG and its Guatemalan counterpart, the Special Prosecutor's Office Against Impunity (FECI), more than 700 corrupt officials were jailed for their crimes. Many of those facing justice were from the highest levels of the government, including ministers, military officers, and high-ranking secretaries. Santos told us, "We used to joke that we could form an entire government from those behind bars!"





## *Guatemala City: Meeting with General Coordinator of UDEFEGUA*

### *Jorge Santos (cont.)*

The CICIG's investigation of transitional justice cases, as well as current cases of high level corruption, had a direct impact on the situation for human rights defenders. As corrupt officials began to be held accountable for their actions at the government level, the number of aggressions against defenders fell significantly. From 2014 to 2015, aggressions dropped by 50%; from 2014 to 2016 they fell by 75%. This decline clearly demonstrates the link between high-level government corruption and violence against defenders on the ground, not only during the internal armed conflict but continuing into the post-conflict era.

Unfortunately, the situation began to regress once again in 2016 when, in Santos' words,, "the mafia returned to power." President Jimmy Morales – elected in 2015 – shut down the CICIG and expelled its director Ivan Velasquez in 2018. Morales initiated a strategy designed to cripple the judicial system that had been investigating corruption, shutting down the CICIG and using violence as a tool to silence the opposition. In the four years of the Morales administration UDEFEGUA documented 1600 aggressions.

The situation for defenders has continued to worsen under the Giammattei administration. Even though the country was closed for months due to COVID in 2020, 1055 aggressions were documented – more than the 830 documented in 2014, previously the worst year on record for offenses against defenders. Despite COVID restrictions, the elite used extrajudicial evictions, private militias, detention and criminalization of defenders, and violence to restore the old regime.

According to Santos, "This is not just corrupt and violent behavior, but the use of corruption and violence to consolidate an authoritarian system." He explained that the co-optation of State institutions prevents the separation of powers necessary for republican government. The elite captured Congress, the judicial system, and the executive institutions. With the remilitarization of the State, the consequences for human rights defenders have been devastating. UDEFEGUA documented that in 2021 alone, military rule was imposed 11 times, each time leading to an increase in aggressions. Santos highlighted the case of El Estor as a prime example. "The state of siege did nothing to protect the community," he explained. "In fact, during the state of siege, defenders were attacked by police with tear gas and suffered illegal raids on their homes."

For Santos, "Guatemala is passing through a serious crisis." The state has been hollowed out by corrupt actors that he referred to as the "Pacto de Corruptos," or "Corrupt Elite," which consists of the oligarchy, current and former military, large business owners, and organized crime (narcotics and human traffickers). State officials allied with narcotraffickers hold important posts in government. The judicial system is used to persecute those who challenge this corrupt alliance. For example, retired general Luis Mendoza Garcia, who was accused of genocide under the Rios Montt regime, fled from justice for eight years but is now awaiting trial under house arrest. In contrast, Virginia Laparra (the ex-prosecutor arrested on spurious charges) remains in prison where she is subjected to dangerous pre-trial detention conditions. That her request for house arrest was denied while Mendoza Garcia's was granted is emblematic of the Giammattei administration's flagrant abuse of power.

Without the protection from institutions, defenders face unprecedented risk. Santos warned us that with the national elections in 2023, the State can be expected to "clear the table" to ensure a favorable outcome for the Pacto de Corruptos. The population and the defenders are exhausted from the criminalization, the threats, and the elimination of legal options for justice. For many defenders, exile is the only option. Santos lamented, "Giammattei has become the gravedigger of the Peace Accords."

# Meetings with Human Rights Defenders

## The Case of El Estor

### *Visit with Eduardo Bin and Tour of the Mine*

On the third day, the delegation traveled to the municipality of El Estor in the Izabal Department of eastern Guatemala. El Estor hugs the western shores of Lake Izabal, the largest lake in Guatemala, and has a population that is over 90% Maya Q'eqchi'. Many residents rely on subsistence agriculture or fishing to survive – a survival that is jeopardized by a colossal mountaintop mining operation that has poisoned the lake and ravaged the environment. Indigenous land defenders have faced years of violence and repression for their resistance to the nearby Fenix nickel mine, owned by the Swiss mining conglomerate Solway.

Our destination was an eco-hotel near the mine where we would meet with Eduardo Bin, former President of the Fisherman's Guild of El Estor (Gremial de Pescadores). As we approached we passed a seemingly endless procession of trucks headed in the other direction, laden with raw materials extracted from the mountain. We arrived at the site in mid-afternoon and took refuge from the sweltering heat at the hotel's tranquil open-air restaurant. Bin had agreed to meet us there to discuss the history of the resistance in El Estor and give us a tour of the mine.

Over lunch, Bin recounted how he and other community members had formed the Fishermen's Guild on that very spot five years ago. Pollution from the mine had been a problem for years: fish were dying off, endangering the residents' livelihoods as well as their health. Then, in 2017, a mysterious red slick appeared on the lake accompanied by a noxious odor. This was the last straw for the community. "We were tired," Bin told us. "We said, 'no more.'" (The mining company later claimed that the red water was caused by algae, but private leaked documents reveal that both Solway executives and government employees knew the slick was the result of contaminants pouring from their mine.)

Together with three other groups in the area, Bin and the Fishermen's Guild formed a movement of fishermen in resistance to the mine. The movement filed a formal complaint denouncing the pollution and petitioned the government to publicly disclose water testing results. When the government refused, they organized a protest. Demonstrators took to the streets for 13 days, closing the main road and refusing passage to mining vehicles. The police response was swift and brutal: threats, intimidation, and violence, followed by arrest warrants for the protesters on fabricated charges. On May 27, 2017, Bin's friend and fellow human rights defender Carlos Maaz was shot and killed. Others were seriously injured. Bin escaped this fate through sheer luck, he said.

Bin agreed with the representatives from CALDH and UDEFEGUA that the Guatemalan government uses criminalization as a blunt tool to crush the resistance. People who will not be intimidated by threats or violence can be disposed of by the courts. The authorities portrayed him and the other members of the resistance as criminals in order to dismantle the movement, going so far as to hire outsiders to commit acts of vandalism or other petty crime to hurt the group's image.

Bin was arrested on false charges of trespassing in June 2018 and spent a year in prison before being released in July 2019. “It was extremely difficult for my family,” he told us. Not only were they forced to spend their limited resources traveling back and forth to hearings and visits in the prison, but his incarceration deprived the family of his income. “We survived off the good will of others, but just barely,” he said.

Bin and his colleagues did not give up. They petitioned Guatemala’s highest court to suspend mining operations based on a law that required the government to consult Indigenous communities before issuing mining licenses. Incredibly, the residents won. In 2019, the Supreme Court of Justice ordered the Ministry of Energy and Mines to suspend Solway’s license pending a consultation process. The Ministry refused to comply, however. In 2020, the Constitutional Court upheld the previous ruling, ordering that Solway’s license be revoked – but that did not stop the mining company from continuing their operations.



Unfazed, Solway executives colluded with corrupt politicians to influence the consultation process. The company paid local leaders to vote in favor of the mine, all the while continuing their operations. Bin and the other members of the Fishermen’s Guild were excluded from the process.

Now, Bin said, the community is experiencing an economic crisis. He would continue to fight for the mine’s closure, but he and the other residents have to feed their families while the supply of fish dwindles. Meanwhile, Solway denies responsibility for the pollution and receives backing from corrupt officials within the Guatemalan government. In fact, Solway executives portray their company as a “responsible employer and neighbor” that has improved conditions for local communities. They tout their investment in social infrastructure, including the repair of municipal roads and the construction of a school, and proudly claim to have created thousands of jobs.



## The Case of El Estor (cont.)

Solway's public image is a fantasy, Bin said. The municipal roads were repaired so that Solway's trucks could travel more easily from the mine to the processing plant. The jobs are overwhelmingly performed by workers from outside El Estor who live in company housing near the mine, not in the community. And the school? It had already existed. All Solway did was paint the outside of the building and take a picture for the company website.

Bin told us that the movement has lost momentum due to financial instability and intimidation from police, company employees, and hired thugs. Even after his release from prison, Bin and his family have continued to receive threats. The government continues their campaign of criminalization; at the time of our visit, he had just been cleared of the somewhat archaic charge of "usurpation." It is difficult for Bin to find work close to home. People are exhausted. Even if the mine stays open, he said, there are steps Solway could take to improve the conditions in El Estor. The company could hire locals rather than bringing in outside labor. But Solway executives believe that Indigenous workers are incapable of learning the skills required to work in the mine.

We could not openly tour the mine for security reasons, so we drove through the site with Bin as our guide. We passed dozens of trucks hauling materials to and from the mine and saw the mounds of black slag built up on the side of the road. The air was thick with dust and smelled toxic. The mine was a deep gouge in the earth where Solway scooped up the mountain and carried it away, one truckload at a time. Smoke billowed from its towers like a warning.

### *Meeting with Doña Adela and her family, refugees from El Estor*

For security reasons, we were not able to meet with most of the leaders of the Fisherman's Guild in El Estor or other opponents of Solway's mining operations, as they are still facing criminal charges. We did, however, have the opportunity to speak with a resistance leader who had been forced to flee El Estor. After our conversation with Eduardo Bin and our drive past the mine, we traveled to a different department of Guatemala to meet with a Maya Q'eqchi woman named Doña Adela. At the time of our visit, Doña Adela was living in a safe house several hours from El Estor after hired thugs burned down her family's home and destroyed all their belongings. Our meeting was scheduled for the morning, giving us some time to reflect and share our impressions of the visit to the mining area. For many in our group, this was their first experience witnessing the actual operation of a mine. The multisensory experience of seeing the contaminated waters, and seeing and hearing the rumbling trucks bearing their toxic burden, brought the meaning of "extractivism" home in a way that no news report or human rights bulletin could.

Early the next morning we gathered around a long table, eager to learn about what Doña Adela and her family had suffered. She joined us, a diminutive middle-aged woman dressed simply in a brightly colored güipil (tunic) and corte (skirt), accompanied by her husband, her son Federico, and a granddaughter. Doña Adela speaks Q'eqchi', so her son did a combination of translation and explanation. Later in the conversation, her husband took over and narrated the incidents from his perspective.

## The Case of El Estor (cont.)

The mining interests first entered their community in 2006 over the opposition of many residents. The company started to move machinery into the area and 64 families organized a blockade of the road to prevent machinery from entering. There was a skirmish between the unarmed residents and company guards bearing firearms; the guards fired shots but thankfully no one was killed. In 2010 the Inter-American Commission on Human Rights (IACHR) came to El Estor, heard testimonies from community members, and published a report of their findings, but neither the government nor the mining companies took any action. The first time the family was attacked was in 2010, and then the second attack came around five years later.

Although the family has legal title to the land, the mining company wanted the land to expand their operations and used a sham legal process to annul the family's title. The company had "bought" (in the family's words and in Eduardo Bin's) the support of the local officials – the Consejo de Desarrollo Comunitario (Community Development Council, known as COCODE) – which facilitated the official dispossession of Doña Adela and her family.

The campaign against Doña Adela and her family is a clear example of the collusion between powerful economic elites (both national and international), government officials, and criminal elements. Her story demonstrates the multi-faceted tactics used to derail the opposition to extractivist projects through defamation, criminalization, and physical violence.

In October 2021, when resistance members protested their exclusion from the process, blocking the road to prevent the passage of mining machinery, hired thugs threw rocks and seriously damaged the roads around El Estor. Hundreds of security forces – including both police and military – arrived in full tactical gear and repressed the protesters. President Giammattei declared a state of siege that imposed a curfew, restricted constitutional rights, and required the occupation of the town by security forces for 30 days. The "consultation" was completed during this time, resulting in the official reinstatement of mining operations in January 2022. However, Doña Adela told us that operations had never actually been suspended.

The attacks against Doña Adela and her family are also rooted in the historic discrimination against Indigenous people, and particularly against those who adhere to traditional beliefs and practices. Doña Adela, her husband, and her son are all guías espirituales – traditional Mayan spiritual leaders – and they are members of a recognized association of spiritual leaders. Federico, the son, proudly showed us his membership card in the association. Despite centuries of efforts to wipe out traditional Mayan practices, including forced conversions, Mayan spirituality never entirely disappeared, although it remained largely underground until after the Peace Accords were signed in 1996. Even though Guatemala is a majority Catholic country, with a growing Evangelical presence, many people in Indigenous communities adhere to traditional Mayan spiritual practices, and often the opposition to mining or other mega-projects reflects these cultural values.

Doña Adela and her husband held Mayan ceremonies approximately twice a month – guided by the Mayan calendrical system. One of the Evangelical pastors in El Estor started to spread a rumor that Doña Adela and her husband were practicing witchcraft, and that they had caused a young woman who was pregnant to miscarry. It turned out that the young woman in question was the niece of a member of the COCODE that had supported the mining company.

## The Case of El Estor (cont.)

On May 16, 2022, hired thugs burned down Doña Adela's house. They came at around 1 am, broke down the door and entered the house. They demanded money from the family to not burn the house, but as the family refused to pay, the thugs set fire to the house. They grabbed Doña Adela, beat her, and threatened to burn her alive. The hit men then seized her and detained her for 24 hours. "We have video of all of this," confided Federico. He pulled out his phone and began to flip through a series of photographs until he stopped at one of his mother with her face swollen and bruised. "That's what she looked like after she was released," he told us. The fire destroyed the family's home as well as all of their possessions. They had just bought an electric-powered mill to grind corn for their daily tortillas and tamales that cost 25,000 quetzals. That went up in flames, along with four bicycles, which are valuable items in a rural community with little or no public transportation. All of their clothing was burned in the fire, including their ceremonial garments.

After Doña Adela was released, the family decided to flee to safety, and GHRC resettled her in a safe house in a different municipality. Doña Adela was severely traumatized after the attack, according to her husband and son. "She was in bad shape for a while," noted Federico, "but she's much better now." The family filed a complaint with the Ministerio Público (the Public Prosecutor's office) but by the time we met with them in late July, nothing had happened. They want to return to their home, but they want some assurance that they will be safe if they return.





# Meetings with Human Rights Defenders

*Alta Verapaz: Campesino Committee of the Highlands (CCDA) and the Displaced Residents of Las Pilas*

After we met with Doña Adela and her family, we barely had time to process what we had heard, because almost immediately we were confronted with another Indigenous Maya community that was under attack from the combined forces of corporate interests and the Guatemalan government – this time in the department of Alta Verapaz in the northeastern part of Guatemala. Alta Verapaz, with a majority Maya Q'eqchi' population, has been the scene of numerous conflicts over land, dating back to the time of the armed conflict, and many of these conflicts involve private corporations (some foreign, some Guatemalan) that are using threats, bribes to leaders, and violence in order to appropriate land inhabited by Indigenous campesino communities.

Over a dozen Maya Q'eqchi' families had been illegally evicted from their ancestral village Las Pilas, which belongs to the municipality of Cahabón. The families were forced out by a foreign company that wanted the land for an upscale hotel and resort, a project backed by the mayor of Cahabón and other local authorities. After spending three weeks hiding out in the forests and mountains, the displaced families had been rescued by one of the key national organizations advocating for the rights of Indigenous and rural populations – Campesino Committee of the Highlands (CCDA). We therefore met with both groups in the temporary lodging where CCDA had moved the community members for their safety.

CCDA was founded in March 1982, during the height of the armed conflict. CCDA was formed to help protect the communities that were being ravaged by the war, and after the Peace Accords were signed, the organization has continued to accompany and advocate for communities that are fighting eviction and dispossession from their lands.

Leocadia Juracán, who has been the National Coordinator of CCDA for 25 years, presented a succinct but detailed overview of the situation faced by Indigenous and campesino communities today. His comments were supplemented by Lesvia Toj and Imelda Tejum, who oversee CCDA's activities in the Verapaces. As CCDA sees it, the human rights situation in Guatemala is worse today than it was in 2018, when the last GHRC delegation visited Guatemala (two members of the current delegation had participated in the [2018 delegation](#)). Alta Verapaz has been a focal point for the attacks against Indigenous communities, forced evictions, and the criminalization of human rights defenders.

Juracán noted that many of the forced evictions and other attacks against human rights defenders were carried out by clandestine security forces known as [CIACS](#) (Cuerpos Ilegales y Aparatos Clandestinos de Seguridad or Illegal Clandestine Security Apparatuses). He explained that the CIACS function like a parallel state. They are often formed by landowners or corporations but have the support of the Guatemalan government.

Juracán, Toj, and Tejum spoke about the recent string of attacks against human rights defenders and CCDA members, starting with the 2016 assassination of Daniel Choc, a Q'eqchi' campesino leader and member of CCDA. Since then, there have been dozens of illegal evictions of Indigenous communities, as well as attempted assassinations which sadly sometimes succeed. In 2018, three CCDA leaders were assassinated, and there have been other assassinations since then.

## *Alta Verapaz: Campesino Committee of the Highlands (CCDA) and the Displaced Residents of Las Pilas (cont.)*

As an indication of how criminalization has intensified under the Giammattei administration, our CCDA interlocutors laid out some grim statistics. In 2021 alone, authorities had issued 1000 arrest warrants against CCDA members – all on spurious or trumped-up charges such as illegal detention, aggravated robbery, or even murder. At the time of our meeting with CCDA in late July 2022, there were 1024 open legal cases against CCDA members. In many instances, the police capture human rights defenders, put them in jail for a few days, but the judges eventually release them because the charges are baseless. Juracán alone has seven open cases.

Tejum pointed out how the justice system is weighted against Indigenous communities and human rights defenders, while those who attack and murder campesino leaders can act with impunity. She noted that when the murderer of Daniel Choc was finally convicted, the judge only handed down a five-year commutable sentence. But the campesino leaders who have been convicted on spurious charges have received harsh sentences, such as 35 years in jail or fines of Q250,000. “Defending life is a crime,” she noted.

### *The displaced families of Las Pilas*

After providing this detailed overview, Tejum introduced us to the 14 families from Las Pilas, explaining how the CCDA had evacuated the families at midnight, because if the security forces had found them, they would have been killed. She noted that the government insisted that the matter was a conflict between families when in fact it was the State acting against the community.

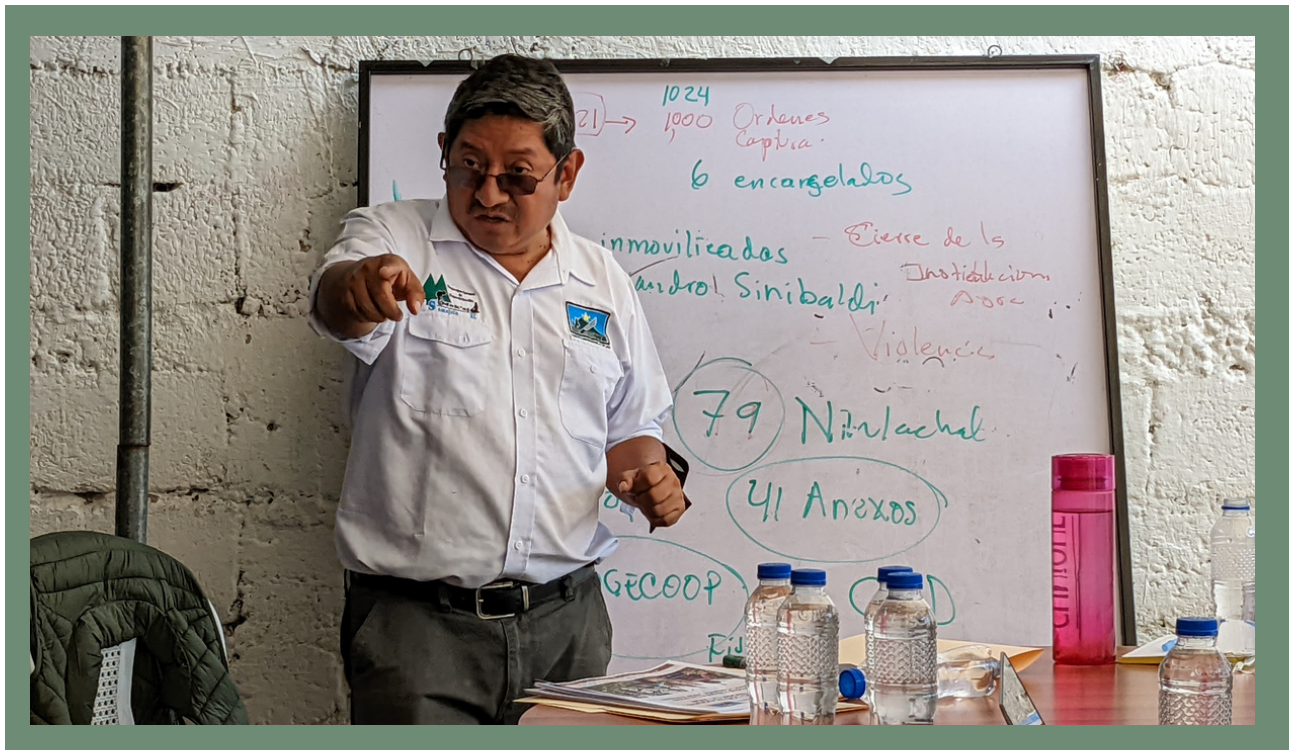
Several of the displaced residents of Las Pilas spoke to us. They told us in heart-rending detail about being hounded from their homes, leaving in the middle of the night, and walking for hours to get to the highway, ever fearful that the armed guards or the police officers that the mayor had sent would shoot them, or that they would be captured and arrested. One of the men, Jesús, described the terror he experienced over the 15 days he was forced to hide in the mountains. He had lost track of his family at first and didn’t know whether they were still alive, but they were reunited after three days. His voice breaking with emotion, Jesús added, “The peace accords were signed but we are not living in peace. We are living on the land, we are the owners of the land, but they are not letting us live there.” He told us that the community had filed several complaints with the Public Ministry in Cahabón, but that nothing was resolved. The families’ houses and crops had been destroyed, the Catholic Church wouldn’t let them attend services, and the schools had stopped educating their children. “We aren’t corrupt, we aren’t robbers,” he said through tears. “We left our crops, everything that we had to eat... We didn’t want to leave but they told us we had to be evicted. But we were born there, how can you evict us if we were born there?”

A woman from Las Pilas also articulated the pain in the hearts of community members: “Our children are crying and so are we... This is why we ask for justice. We want to return to our crops, this is where our fathers are buried.”

## *Alta Verapaz: Campesino Committee of the Highlands (CCDA) and the Displaced Residents of Las Pilas (cont.)*

After hearing the testimonies of community members, we toured the facility where the 65 residents of Las Pilas were living – a space not originally designed for living – which included some classrooms and meeting rooms, as well as more formal offices with desks and computers. Each room housed several families – usually with two, three, or more children. In a few of the rooms, the resident families stood in the corners they were inhabiting to demonstrate how many people were living in the room. As we were visiting in the middle of the day, most of the bedding had been rolled up and tucked away, and it was clear that the organization was still carrying out its work in the midst of this. There was one large outdoor sink shared by all the families, and a patio where they could hang their washing and cook. Although the spaces were clearly cramped and crowded, they were as clean and tidy as possible with several dozen inhabitants. As we walked through, people told us over and over that although they were grateful to the organization that had given them refuge, they wanted to return to their homes.

As we each moved through the rooms at our own pace, different members of the GHRC delegation had conversations with different residents of Las Pilas, and it would be impossible to share all the individual stories we heard. But one story stood out. A man showed us his infant daughter, who was only two weeks old when the family was forced to flee. He explained, with pain evident on his face and in his voice, that he had been unable to register the baby's birth because both he and his wife had outstanding arrest warrants. They feared that if they went to the municipal building in Cahabón, where the official registry was located, they would be arrested and their child seized, because the mayor was in league with the company. It was a source of deep pain for him that his baby was a non-person in the eyes of the law.





# Meetings with Human Rights Defenders

## *Rabinal: Jesus Tecú and the Rabinal Legal Clinic*

After leaving the safe location where we had met with CCDA and the residents of Las Pilas, we traveled to Rabinal in the department of Baja Verapaz, where we met with Jesús Tecú Osorio, a Maya Achi' human rights lawyer and survivor of the Rio Negro massacres. He welcomed us to the offices of the legal aid organization he founded, the Asociación Bufete Jurídico Popular de Rabinal (ABJP). He also generously gave us copies of his book, The Rio Negro Massacres. The building was under construction, as the work of the organization had expanded and they were adding more offices on the second floor. Tecú led us out the back door and up a narrow, exposed staircase to the partially finished second floor. A half-dozen or so lawyers, assistants, and researchers worked on one side of the floor while we gathered our chairs in a semi-circle around Tecú.

He began by giving us a brief summary of his personal history. He had been a child in March 1982, when the Guatemalan army and the Armed Civilian Patrols (Patrullas Armadas Civiles, or PACs) carried out a series of brutal massacres in the village of Rio Negro, killing hundreds of Maya Achi' people. Most of Tecú's family was killed, but he survived the massacre. However, one of the patrollers seized him and took him to his home. Tecú spent several years in the house of the patroller, suffering cruelty and mistreatment. But in the 1990s, when an amnesty had been declared, one of his sisters, who had also survived the massacre, discovered that he was alive and petitioned for him to be released to her. His sister had been taken to the village of Patatux, one of the "model villages" that was established by the PACs as a means of controlling those who had survived massacres. Tecú went to live with her and has remained there to this day.

In the early 1990s, Tecú and other survivors began to excavate the clandestine cemeteries where the PACs and the army had buried the victims of the Rio Negro massacre. Then, in 1995, he helped found the Association for the Integral Development of the Victims of the Massacres (known by its Spanish acronym, ADIVIMA, and later, the ABJP in whose offices we were meeting.) He explained some of the work that ADIVIMA had carried out, starting in 1999 with the first trials of ex-patrollers. This was the first time former patrollers had been brought before justice. The men were found guilty and since the court applied the penal code in effect in 1982, the men were sentenced to death. However, an appeals court changed the sentence to 30 years' imprisonment. Two of the men died in prison and the lone survivor is scheduled to be released when his sentence is up.

A few years later, ABJP filed charges against seven former patrollers and their commander. But only the patrollers were captured and the commander – the intellectual author of the massacre – was declared a fugitive from justice. The Public Ministry later claimed that he had died and presented a death certificate to back up this claim. But, according to Tecú, ADIVIMA suspects that he may still be alive, noting "Here everything is manipulated. You can buy a death certificate."



Tecú walked us through another case, a massacre in the Maya Achi village of Chichupac, where ADIVIMA had opened a case in 2011. The Ministerio Público (MP) declined to issue arrest warrants, so they appealed to the Inter-American Court of Human Rights (IACHR). The IACHR ruled that the Guatemalan state was responsible for conducting investigations and for paying damages to the survivors. Thus far, no one has been held accountable for the massacre, but between 2018 and 2019 the government paid Q20 million to survivors (approximately \$2.56 million USD). Tecú expressed some frustration at the MP's lack of action in this case, but also noted that the judiciary was itself under attack.

In many of the massacres in this region, the soldiers and patrollers systematically raped Maya women and girls. While in some instances the women and girls were killed afterwards, in others they were turned into sex slaves for the military. In 2012 the ABJP began an investigation into the sexual abuse of Maya Achi women. Not all the women who had been raped were willing to go forward with the case – there is a lot of reticence about discussing sexual matters in many Maya cultures, and since most of the women had families, they were concerned about bringing shame to their families. But 36 women came forward in 2012, and they brought charges against five former patrollers. The patrollers had raped the women in their homes; in some instances, the patrollers disappeared the men and then returned to rape the women. The former patrollers were all sentenced to 30 years for crimes of sexual violence against women.

Tecú also discussed another current case, the massacre of seven women and 18 children in Rancho Bejuco. Several people have been arrested in conjunction with this case, including both patrollers and officials – there are currently 11 people in jail awaiting trial. There is supposed to be a hearing in September 2022 to determine whether the case will proceed. Tecú noted that there are many uncertainties – the Ministerio Público is not functioning as it should, and there are constant threats against judges, the ABJP, as well as the plaintiffs and witnesses in these cases.

In response to questions from the delegation, Tecú stated that there has always been a mixed reaction from the community regarding these cases, which generally falls along urban/rural, Ladino/Indigenous lines. The Ladinos in the town look at the Indigenous people from the rural villages as “people looking for problems, not people looking for justice,” in accordance with a long history of racism and discrimination, but he noted that most people support the calls for justice. ABJP has been threatened, and this has affected their work. Formerly investigators would travel alone to communities, but now they have to send two people at a time for security. They appealed to the IAHCR, which decreed that they needed police protection, but the local police say that they lack the resources to provide round-the-clock protection.

Tecú commented that the proposed amnesty law, which has been archived by the Congress, implies a lot of risk for the survivors of the massacres, as well as other witnesses who might testify in some of these cases.

# Meetings with Human Rights Defenders

## *San José del Golfo and San Pedro Ayampuc: Peaceful Resistance of La Puya*

Leaving Rabinal, we traveled on winding mountain roads heading back towards Guatemala City. On the way, we stopped in San Jose del Golfo to visit the Peaceful Resistance of La Puya. For 10 years, the two communities of San Jose del Golfo and San Pedro Ayampuc have maintained a permanent encampment to protest a mining project on their land. We met with several members of the resistance at the encampment to hear updates and learn about their concerns in the current political climate.

Upon arrival we were greeted by Doña Licha, one of the original members of the resistance. She explained that the pandemic has impacted the presence of resistance members. While in previous years the encampment was always buzzing with people, now there are usually only a handful of individuals fulfilling their shift duties. “At the beginning there were usually 20 people here,” Doña Licha said. “We may not have the numbers like before,” she told us, “but the struggle continues.”

The Peaceful Resistance of La Puya was founded in 2012 to protest the Progreso VII Derivada project, a gold mine owned by US mining company Kappes, Cassiday & Associates (KCA). Community members told us that their movement was inspired by Gandhi’s strategies of nonviolent resistance. As Doña Licha explained, “The company and police are violent. We knew we couldn’t fight their violence with more violence.” According to the members, nonviolence aligned with their own beliefs and practices as Indigenous peoples. On March 2, 2012, the resistance members established a peaceful 24-hour blockade on the road leading to the mine. Their goal was to defend the environment and the community’s right to health, protesting the mining company’s failure to carry out a consultation as required by law.

“We faced many hardships,” Doña Licha told us. She shared that the resistance had endured violence, intimidation, and criminalization from both the KCA employees and the police. The company hired ex-militants, who with other actors executed KCA’s campaign of fear. La Puya has endured several eviction attempts in which police tore down protest banners, verbally intimidated and harassed resistance members, and violently attacked protesters with batons and teargas. On May 1, 2014, three members of the La Puya were found guilty on false charges of illegal detention, coercion, and threats against company employees. They were each sentenced to nine years and asked to pay a fine of \$4,212; however, all three men appealed. One has since died, and the other two continue to fight for their freedom.

“It was especially hard for us, the women,” Doña Licha told us, recounting a particularly violent attack by security forces on May 23, 2014. “We [the women] made the decision to stand at the front of the protest,” she said, “but the police taunted the men behind us, telling them they were weak and hiding in our skirts like little children.” Police then began to attack the group, firing teargas directly at the bodies of the women on the front lines. Showing us photos taken after the incident, Doña Licha described the terror of the moment. Her clothes caught on fire and she was left with deep bruising where the tear gas canisters hit her body, she said.



## *San José del Golfo and San Pedro Ayampuc: Peaceful Resistance of La Puya (cont.)*

In spite of the many attempts to stifle the movement, La Puya secured a legal victory in 2015 when the Guatemalan Supreme Court of Justice ordered KCA to suspend mine operations for lack of prior consultation with affected communities. But Jesus Diaz, another resistance leader who attended the meeting, expressed doubt that the ruling would stand. While many believe the community has won the case against KCA, he said, “we have won nothing.” Currently, KCA is suing the state of Guatemala for \$400 million dollars at the International Centre for Settlement of Investment Disputes (ICSID) under the terms of the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA).

Diaz is particularly concerned that, with the arbitration, the violence and intimidation will resume. He worries that the required consultation will be meaningless now that conditions for free and fair consultations in Guatemala no longer exist. “We saw what they did in El Estor. What’s to stop them from doing this here?” he asked. Fearing a process rife with irregularities, intimidation, and violence, La Puya is preparing for the worst.



# Meetings with Human Rights Defenders

## *Santa Cruz de Chinautla: Resistance to Extraction*



We continued our journey back into Guatemala City, stopping once again in Santa Cruz de Chinautla, 18 kilometers outside of the city center. On the way, we passed several trucks full of sand headed in the same direction. We followed the trucks down an incredibly steep unpaved road until we saw a swirl of bright colors at the bottom: the Chinautla Resistance.

We were met with a surge of energy from the newly established resistance encampment next to the Chinautla river. Amid smiles, chatter, and applause, we sat down with community members anxious to tell us about their struggle. Trucks droned in the background and the smell of waste wafted from the water below.

According to the spokesman for the Ancestral Authorities of Chinautla, Efraín Martínez, “it wasn’t always like this.” While he was growing up, he said, he and his family would swim in the river and grow vegetables along the banks. Looking out into the river overflowing with trash – the result of poorly constructed landfills in Zone 3 of Guatemala City whose barriers burst – this reality seemed almost impossible to us. Now the water is no longer potable for people or animals, plants cannot grow, and the stench of the waste serves as a constant reminder of how much the community has lost. In addition to this pollution, the community is struggling with accelerated erosion of their territories due to a gravel mine that is causing their homes to sink slowly into the ground.

Martínez told us that the Maya Poqomam community in Santa Cruz de Chinautla had formed the peaceful resistance on June 27, about a month before. Led by Indigenous Poqomom Authorities, the community organized to resist the extraction of sand by the companies Arenera La Primavera and Piedrinera San Luis. According to Martínez, the companies are operating illegally, continuing to conduct their destructive activities despite the fact that their licenses expired earlier this year.



The resistance is calling for the end to mining operations and the definitive cancellation of the licenses. In addition to maintaining a permanent encampment on the road to the mines, Indigenous Authorities have filed a claim to the Ministry of Energy and Mines (MEM) and are considering other legal avenues. “We are certain that several rights have been violated here, the damage can no longer be hidden, so we are confident that some entity can help us to cancel these licenses,” said Martínez.

After our initial conversation at the encampment, a group of women led us to their homes to show us the damage caused by the mining. The constant operation of heavy machinery has created cracks in houses next to the road, jeopardizing their structural integrity. As we walked down the hill, several trucks passed by leaving a cloud of dust behind them. “See the dust,” one community member pointed out, “it’s always coming off the trucks. I’ve had a cough now for years that just gets worse.”

We followed the women over steep terrain that separated several homes dangling precariously over the road. Mining operations have led to extreme erosion, lowering the level of the main road almost six feet; where before one could walk from the street into the front door, the community members have had to construct stairs to reach their own homes. Now their houses are starting to crumble into the valley.

“We are being robbed of our land. Our children are being robbed of their futures,” said Martinez. They shared with us their feeling of abandonment, not only by the local government but the Human Rights Ombudsman’s Office (PDH). The lack of support makes them feel like someone with an illness who, instead of being treated, is punished.

Since the start of the resistance only a month ago, leaders have faced defamation, intimidation, and harassment. Community members shared their fears after receiving frequent visits from both company employees and police officers. “They tell us that what we’re doing is useless,” said Martinez. The same police routinely arrive and take pictures of the group, he said. We had the opportunity to meet these officers, who arrived toward the end of our visit. According to one of the youth organizers with the resistance, this particular officer comes several times a week and taunts the community members.

Apparently attracted by the commotion, the police demanded to know why we were visiting the community. Tensions rose as the police accused community members of being agitators and pressed them for more information about our visiting delegation. Before leaving, we asked the officer his view on human rights. He responded, “My job is to maintain order, not human rights.”





# Meetings with Human Rights Defenders

## *Human Rights Ombudsman's Office (PDH): Final Days with Jordan Rodas*

The final meeting of our delegation was with Jordan Rodas, the outgoing Human Rights Ombudsman or Procurador de Derechos Humanos (PDH). Our meeting took place in the final weeks of Rodas' five year term, offering us a valuable opportunity to hear him reflect on the challenges and accomplishments of his tenure, the significance of the current human rights crisis in the context of Guatemalan history, and the road ahead for human rights defenders. Rodas' staff ushered us into a large conference room, where we posed for some official photographs before sitting down to an extended and far-ranging conversation.

Throughout our visit the delegation had heard that the PDH was the final institution not yet co-opted by the State. Rodas fought hard against corruption as PDH, both during the previous administration and the current one. He told us that his first action as PDH was to challenge the efforts by then-President Jimmy Morales to expel the director of the CICIG, Ivan Velásquez. Velásquez was expelled the following week. Rodas noted with some irony that the human rights community at the time thought that Jimmy Morales was the worst president in Guatemala's history, but that Giammattei was even worse. In terms of human rights, Rodas said, "we are back in the time of the war."

Despite the State's efforts to undermine the PDH, Rodas' office did achieve notable successes, including 18 trials and seven cases of removal of immunity. "When the judiciary functions independently, it functions well," he said. Rodas praised the work of the FECCI, which he said demonstrated that judicial independence could exist in Guatemala. But the situation has deteriorated dramatically since he took office in 2017. Echoing the other defenders, Rodas lamented the "fragile state of justice" in the country, noting the intertwining of business and political elites, current and former military, and organized crime. This, he said, has contributed to the porous nature of the justice system and led to the exile of many judges and prosecutors as well as journalists. He worries that others will be forced to flee if the situation does not improve.

Rodas, like the other human rights defenders, emphasized the need to view these contemporary problems in the context of the country's recent history. The networks of political and economic power have not changed, meaning that transitional justice cases are stalled in the courts because the individuals on trial for war crimes are part of (or connected to) the current government.

The Death Squad Dossier case – one of the long-delayed transitional justice cases highlighted by Hector Reyes of CALDH on our first day – has a particularly personal meaning for Rodas. Rodas himself was a plaintiff in this case, as his brother was one of the disappeared, but he had to drop out during his tenure as PDH. Now that his term is ending, he intends to rejoin the case. This is a critical moment, Rodas said, because elections to the Supreme Court are planned for October. These elections are three years overdue "because the current judges are convenient for the elite," he said.



Two other themes that we discussed were the pandemic and migration. The pandemic, in Rodas' view, had simply exposed the already-existing weaknesses in the healthcare system, especially in rural areas, and the government had mishandled the situation. He pointed to how the failures in testing and the very problematic rollout of the vaccination program point to a failure of the government to prioritize the needs of its citizens.

As to migration, Rodas attributed the continued exodus to the US to three structural factors: extreme poverty and growing inequality; discrimination against Indigenous people, women, the LGBTQ community, and youth; and corruption.

Rodas does not hold out much hope that the 2023 elections in Guatemala will be free and fair. He drew a parallel between Nicaragua and Guatemala, warning that "Nicaragua shows us the example: persecution of university students, the NGO law, the persecution of judges." (The most recent State Department report describes the Nicaraguan government as a "highly centralized, authoritarian political system," making this comparison a chilling one.) When asked what role the US could play in combating corruption, Rodas stressed the importance of economic consequences for the corrupt elite. He reminded us that it is important to investigate not only State actors but the business sector as well. The expansion of the Engel List to the private sector was an important step, he said, but there should be more international publicity around the co-optation of the Guatemalan government by economic elites.

Rodas admitted that some defenders are not convinced that the Engel list, which imposes visa restrictions on corrupt individuals, can impact corruption in Guatemala. But Rodas is optimistic that these tools can be effective if used against the powerful business interests who purchase political and military power. "Money to buy off the State does not just fall from heaven," he said wryly.

We expressed our concerns about his personal safety after his term ended, and he was understandably reticent to talk in detail about his own plans for the future. We asked him about his hopes for the institution of the PDH after his departure. He told us that he thought he had left the institution in good shape, although the budget hadn't increased in several years. He expressed hope that the new PDH would have a larger budget but "they are more committed to the government." (The incoming PDH has repeatedly ignored Rodas' request to discuss the transition, and many worry that the new Ombudsman will be ineffective or even counterproductive.)

Is change possible in Guatemala? Yes, Rodas said, "but we can't make these changes with the same governments we have had for the last 20 or 30 years."

# Findings

Hearing firsthand from defenders confirmed our worst fears. In the wake of the destruction of rule of law in Guatemala, defenders are facing serious backlash. The attacks they described are not isolated incidents, but in fact are representative of a larger pattern of aggression against defenders across the country. Through our visit, we observed abuses of power that reveal a coordinated government strategy to crush those who oppose the kleptocratic takeover of Guatemala. This strategy includes the criminalization, intimidation, harassment, surveillance, and defamation of defenders as well as serious violence. Especially concerning to us was the role of the State, which not only fails to protect defenders but is also actively involved in violating their rights.

## Criminalization

One of the most pernicious ways in which human rights defenders are attacked is through criminalization. By this we mean not only the characterization of disempowered groups as criminals, as the term is generally used in the US, but a broader spectrum of practices that include disinformation, defamation, and the leveling of false or spurious criminal charges. While these practices are often carried out by non-State actors (e.g. Guatemalan and international companies involved in extractive or other “development” projects that affect Indigenous and rural communities), the hand of the State is apparent, particularly in the use of the judicial system to silence community leaders.

Why does the Guatemalan government expend its resources on smearing human rights defenders? Based on our discussions with multiple sources – ranging from the director of CALDH to Indigenous community leaders – the Guatemalan government seems to have a dual strategy. On the one hand, the State aims to undermine popular support for the resistance movements by labeling the members as criminals. By casting doubt on the intentions or integrity of the human rights defenders – either through defamation or by actually leveling false charges – the government discredits these individuals in the eyes of their neighbors. This prevents the defenders’ efforts from gaining popular support.

At the same time, the false charges can serve to derail the resistance by forcing the communities to spend time and resources fighting legal battles that can drag on for years – time and resources that would otherwise be spent organizing the opposition. As we saw in San Jose del Golfo and El Estor, the Guatemalan government often uses the judicial system to crush anti-extractivist movements by falsely imprisoning community members. In these instances, the government is directly attacking its own citizens who in some cases are simply asking the State to enforce its own laws regarding the activities of national and foreign corporations. Defenders also face false arrest for asking the State to comply with rulings from national and international bodies, such as the Guatemalan Constitutional Court and the Inter-American Court of Human Rights.



The situation in Las Pilas is a prime example of how the government wields the judicial system as a weapon to break communities. The parents of the newborn we met there had to choose between registering their daughter's birth and risking arrest in the process, or leaving her legally nameless – not a full person.

In some instances the charges are eventually dropped or thrown out by judges who recognize the utter absurdity of the government's case. One such instance was reported to us by the leaders of La Puya, who told us that a member of their community who does not know how to drive, does not have a driver's license, and does not own a vehicle was charged with driving his own (nonexistent) car over someone from the mining company.

Successfully getting charges dropped can take years, however. Defenders explained to us that hearings are routinely suspended. Of particular concern is the unjustified use of pretrial detention, where delays can have drastic consequences not only for the resistance but for defenders' families. Often, the charges themselves are enough to cause lasting damage to morale and to the movements' economic viability. This was the reality for Eduardo Bin, the community leader from El Estor who was incarcerated for an entire year before the charges against him were finally dropped.

The government's deliberate use of criminalization to hobble the resistance goes hand in hand with the systematic undermining of the judicial system that has forced many independent judges into exile. Together with the ongoing attacks on the freedom of the press, this multifront war on human rights defenders is deeply concerning.

## **Terror Campaigns, Defamation, and Escalation to Violence**

In addition to criminalization, another alarming trend reported by defenders is the use of strategic tactics that escalate into violence. Some may point to sheer numbers to dismiss these concerns, arguing that the violence against defenders today is a mere shadow of the atrocities committed by the State during the internal armed conflict. But it is this shadow that gives today's violence such power. Nearly all of the defenders told us that the situation is worse today than it has been since the signing of the Peace Accords in 1996. The repeated reference to 1996 is no accident. When Guatemalan human rights defenders contemplate the new wave of violence against them, they point specifically to the weakening of the protections guaranteed by the Peace Accords. The violence, they warned us, will likely get much worse.



## *Harassment, Intimidation, and Terror Campaigns*

We documented the use of terror campaigns against defenders, reminiscent of strategies used during the internal armed conflict. Defenders shared harrowing stories about how security forces, both private and State, have increased their harassment of movements, journalists, and anyone who speaks out in favor of human rights. For Indigenous defenders, like those in El Estor, the tactics used against them – unmarked vehicles following their every move and helicopters flying overhead – evoke traumatic memories of the past. This psychological violence feeds off and perpetuates the pain that many Indigenous communities carry as survivors of genocide.

Lawyers working on transitional justice cases also told us about intimidation against them. One of the attorneys representing the victims of the Death Squad Dossier case had their home broken into. Another has received death threats via telephone from unknown callers. Other lawyers working on transitional justice cases described the impact of harassment on witnesses and plaintiffs. “They’re hesitant to travel to the capital now,” Jesus Tecú of the Rabinal Legal Clinic told us. “With aggressors inside and outside the courtroom, how could they not be?” Journalists who attempt to write about these stories also face harassment, surveillance, and intimidation. One of the most worrisome trends is the use of surveillance by mining companies to monitor journalists and community leaders. These companies used both drones and Pegasus software to spy on defenders.

## *Defamation as the Prelude to Physical Violence*

In all of our meetings, the defenders told us that they have been subject to defamation campaigns. Land defenders from La Puya explained to us that extractive companies have historically divided communities as a strategy to implement their projects. “Community division and megaprojects go hand in hand,” said leader Doña Licha. She explained that the defamation they’ve faced as a peaceful resistance serves two purposes: to discredit their struggle and to foment violence. “They call us ‘anti-development’ and ‘backwards’,” she told us, adding, “They also say that we’re not really Indigenous and don’t need to be consulted.”

With the rise of social media, defamation campaigns can spread much more rapidly and gain traction. In fact, defamation has become a preferred tactic to weaken resistance movements. In the first six months of 2022 UDEFEGUA found that the most popular form of aggression against defenders was defamation, with 184 acts registered. Through our meetings with defenders, we observed that defamation is also often a prelude to violence. According to GHRC Guatemala City Director Isabel Solis, “attacks on social media often signify that something worse is coming.”

Corrupt actors who support extractivist projects have used social media to spread false information about the projects themselves and about the opposition groups. They have also used social media to intimidate journalists who have reported on opposition movements – particularly female independent journalists. In some cases, pro-mining agents have published personal information about the journalists, such as their home addresses and telephone numbers – a practice known as doxxing. This clearly carries an implied physical threat against the journalists.

In the case of El Estor, the mining company paid off community members to support their operations—community members who later accused Doña Adela of witchcraft and launched an online campaign against her. The situation reached a breaking point in May when armed men broke into her home, covered her in gasoline, and threatened to burn her alive. The men brutally beat her and destroyed the family’s home along with all of their belongings.

### *Violent Evictions*

An additional trend we observed was the increase in forced evictions of rural Indigenous communities, as in the case of Las Pilas. The brutal expulsion of these families from their land is one of four violent evictions that have occurred in the Verapaces regions so far this year.

Defenders told us that the evictions are executed both by the police and by unofficial groups of paid thugs. The armed men who drive communities from their homes in the middle of the night primarily belong to the latter group, though many defenders noted that extractive companies often hire former soldiers as security personnel. In some cases, evictions are carried out by police themselves. We personally witnessed dozens of police vehicles gathered along the highway outside of Coban, preparing to carry out an eviction of the community in Purulha.

Defenders emphasized that this violence will only increase unless perpetrators are held responsible for their actions. The impunity still enjoyed by those responsible for decades of atrocities serves as a green light for corrupt interests to use violence to eliminate opposition to their projects. The most common phrase that we heard, whether from journalists, lawyers, or the community members themselves, was “The people are afraid.”

## **Role of the State**

It is clear that the State plays a direct role in either perpetrating or enabling the human rights abuses described in this report. We were told at nearly every meeting that the strategic co-optation of institutions by corrupt forces has had devastating consequences for human rights.

As articulated by Jorge Santos of UDEFEGUA, corrupt forces have taken control of all three State powers – the executive, the judiciary, and the Congress – which allows them to impose their agenda without resistance. To expedite the dismantling of the rule of law, the Giammattei administration has passed legislation to stonewall human rights defenders who stand in the way. In 2021 Congress passed Decree 04-2020, known as the “NGO Law,” which forces all non-governmental organizations to register themselves and gives the Department of the Interior absolute power to dissolve any organization thought to be “disrupting the public order.” “Their goal is to shut down any organization that opposes them,” explained Director of CALDH Hector Reyes. “It’s a clear attack against human rights groups.” There have also been several attempts to pass legislation that would grant amnesty to anyone accused of committing human rights violations during the internal armed conflict, as well as a law that would allow security forces to commute prison time for those convicted of excessive use of force against protesters. “These laws have dangerous implications. If they pass, it will be a major blow to justice and a major win for impunity,” Reyes told us. “I think they’re more likely to pass should they get introduced again.”



The co-optation of the State is harmful for defenders, especially at the local level. The case of El Estor, in which Solway employees made regular donations and gifts to local judges and police to purchase their support, illustrates the complete co-optability of local institutions by private entities. Defenders told us that the legal complaints they submit to courts after suffering violence are “lost” or discarded by local officials. Meanwhile, the State continues to prosecute defenders like Eduardo Bin on fabricated charges. Similarly, the defenders told us, Guatemalan police work to protect private interests rather than public safety. Hundreds of police officers were on hand in El Estor to crush a peaceful protest of 30 community members, but the same police failed to respond when Doña Adela was held hostage in her own home.

Similarly, in Las Pilas, the police did nothing to protect residents and instead chased them into the mountains where they were forced to hide while their homes and crops were destroyed. In many cases, defenders reported police working hand in hand with private security guards hired by megaprojects to forcibly evict Indigenous communities.

“When the Peace Accords were signed, we had hope,” explained Leocadio Juracan of CCDA. In the time following the internal armed conflict, mechanisms were established with the intent of protecting human rights, providing spaces for victims of human rights violations to bring complaints, and starting a process to hold perpetrators accountable. But now, Juracan told us, “the Pacto de Corruptos has ensured that that hope is destroyed.” The very same actors responsible for genocide, crimes against humanity, and other atrocities committed in the last century are behind the ongoing deterioration of the rule of law in Guatemala. With their shared goals of ensuring impunity for historical crimes, protecting corrupt actors, and promoting large scale land grabs, these individuals have worked to erase the progress made by human rights defenders over the last 25 years.

The dangers faced by defenders today are unprecedented in the post internal armed conflict era. When defenders are threatened, intimidated, and attacked, they can no longer trust the legal system to hear their complaints. Mechanisms established to mediate conflict and give a voice to Indigenous communities have been eliminated or rendered meaningless. Human rights organizations tasked with accompanying, supporting, and advocating for defenders are being disabled. This leaves defenders with few options, often forcing them to flee their homes, communities, and Guatemala altogether.

"I was here in 2018, and I'm very sad to say that things in Guatemala haven't gotten any better. They've gotten much worse."

*~Andrea Doll, three-time GHRC delegation participant*

# Conclusion

The delegates had all been familiar with the deteriorating human rights situation in Guatemala prior to our visit. After speaking with defenders on the ground, however, we can attest that the reality is worse than we could have imagined. From our first meeting to our last, we heard again and again how the systems in place to protect defenders not only fail to do so but are being used against them. From journalists and attorneys in the capital to Indigenous communities in the East, human rights defenders are targeted for criminalization, intimidation, defamation, and violence. And the information we gathered on our delegation barely scratches the surface of the crisis for defenders in Guatemala.

As US citizens, we are particularly concerned with the misappropriation of both aid and investment in Guatemala. We fear that Guatemala lacks the conditions to ensure that large-scale projects adhere to international human rights standards, as evidenced by the government's failure to enforce its own laws on extraction. Moreover, we are concerned that assistance to security forces in Guatemala could be used to increase the repression of human rights defenders and Indigenous communities. As we saw in Purulha and heard from the families evicted in Las Pilas, the police play an active role in dispossessing communities to further the objectives of corporations. We worry that, without stronger safeguards, even the best intentioned support – whether aid, investments, training, or other assistance – could be misused against the Guatemalan people.

Per Hector Reyes of CALDH, “It’s not that we don’t appreciate the support from the US, but we’re worried its messaging is not matching its actions.” We heard from many defenders that, while they are grateful for the US government’s statements in support of human rights in Guatemala, some recent initiatives – including the Vice President’s Call to Action – could actually undermine US policy goals. US investment may serve to embolden the corrupt actors the US opposes by funneling money into the pockets of corporate interests. For former Human Rights Ombudsman Jordan Rodas, the US could support Guatemala by ensuring that corrupt actors face meaningful consequences for their actions beyond visa restrictions. “They [the corrupt elite] need to feel the economic impact of their actions,” he told us.

We deeply admire the courage, resilience, and selflessness of human rights defenders in Guatemala as they continue their struggle in the face of constant threats to their lives and livelihoods. We support their vision of Guatemala as a country that upholds the rule of law, where the justice system protects rather than punishes Indigenous communities, and where all Guatemalans are granted the safety and freedom to heal from the horrors of the past. In closing, we are honored to stand in solidarity with these brave defenders and will continue to amplify their stories.

# WHAT YOU CAN DO:



- **Stay informed** – receive regular Guatemala Human Rights Updates, opportunities to join events (both online and in person), and action alerts by signing up for our [listserv](#), and follow us on social media;
- **Contact your representative** – urge them to take action to support human rights defenders in Guatemala (refer to recommendations on page 3);
- **Organize your own delegation** – email [coriewelch@ghrc-usa.org](mailto:coriewelch@ghrc-usa.org) to get started;
- **Donate to GHRC** – your donations are what allow us to continue supporting human rights defenders in Guatemala and advocating for more just policies in the US. [Donate online](#) or send a donation to 3321 12th St. NE Washington, DC 20017.