



## An Interview with Judge Miguel Ángel Gálvez

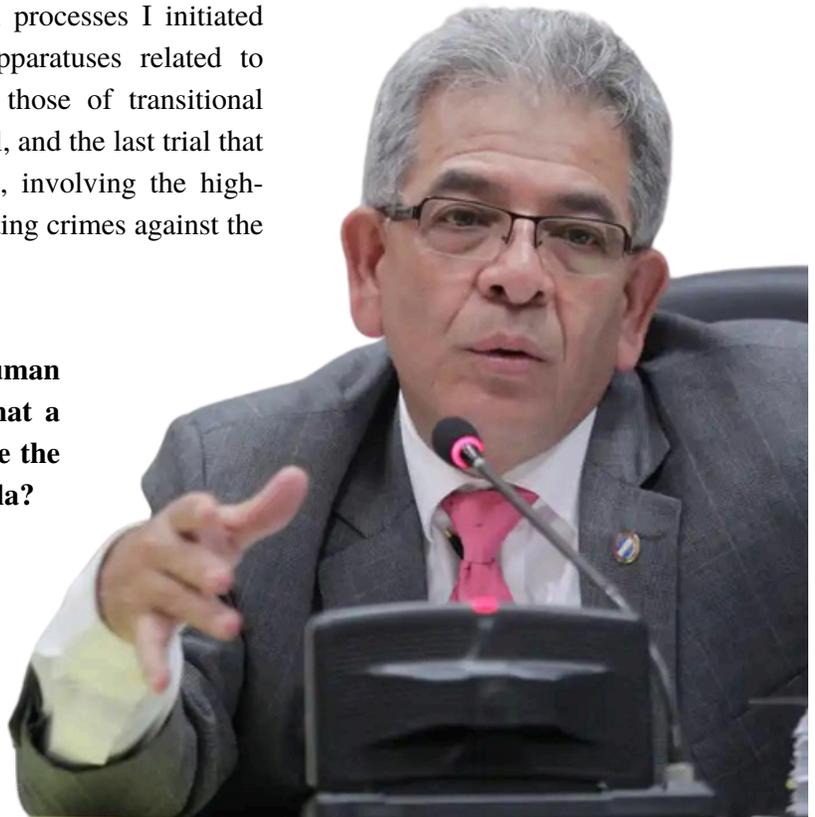
This year is a pivotal one for Guatemala. President Bernardo Arévalo must manage to implement his campaign promises and address the urgent and long-ignored needs of Guatemala’s Indigenous, who made it possible for him to take office. But this year is important even beyond those challenges. The entire Supreme Court will be replaced through elections this fall, along with the Courts of Appeal. We sat down with Judge Miguel Ángel Gálvez to ask him about the importance of this year’s elections and how they could affect the country’s future. Judge Gálvez, who in his three decades on the bench has held perpetrators of corruption and human rights abuses accountable, including ex-dictators, sitting presidents, and death squad members, is one of scores of judges and prosecutors forced into exile during the former administration of Alejandro Giammattei.

### Can you explain the conditions in Guatemala that forced you into exile?

What forced me to leave the country were the judicial processes I initiated against the illegal groups and clandestine security apparatuses related to corruption. However, the most significant trials were those of transitional justice, especially the Genocide trial, the Sepur Zarco trial, and the last trial that put me in the spotlight, the Death Squad Dossier case, involving the high-ranking military and police officers charged with committing crimes against the Guatemalan people during the armed conflict.

### In recent years, almost 80 judges, prosecutors, and human rights defenders have been forced into exile. Now that a more progressive administration is in power, what are the hopes and plans for your collective return to Guatemala?

Our goal is to return to Guatemala, but unfortunately, the current conditions have not allowed it, given that the institutions of the judicial sector are controlled by politicians and criminal structures. This complex context has not allowed the current government to create the conditions for the return of people in exile.



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## GHRC Mission

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

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## Letter from the Directors

Dear Friends,

Our work of monitoring, advocacy, and accompaniment has continued to be intense. This year is a pivotal one for Guatemala, and we are working to support our partners defending human rights and all those in Guatemala committed to positive change. The support of the international community is essential as President Bernardo Arévalo attempts to implement new policies designed to address corruption and injustice. For this reason, much of our work in Washington has focused on informing you and others in our network who can make a difference by taking action.

In February, we hosted a webinar together with the Unitarian Universalist Church of Arlington, in which Judge Miguel Ángel Gálvez discussed the political challenges facing Guatemala's democracy following President Bernardo Arévalo's inauguration. Hundreds signed up for the webinar to learn how to support Guatemala's fragile democracy. We also journeyed to remote communities in Guatemala to monitor the situation of Indigenous environmental defenders.

In March and April, through meetings with State Department and US embassy officials, we facilitated support for Indigenous leaders who were receiving death threats, while our team in Guatemala provided input into a joint congressional resolution introduced by Congresswoman Delia C. Ramirez, Congressman Joaquin Castro, and Congressman Greg Casar. The resolution calls for recognizing the indispensable role of Indigenous people in ensuring a democratic transition of power following the 2023 general election and addresses judicial corruption, political exclusion, and historical marginalization. We also attended the 57th session of the Commission on Population and Development (CPD) at the United Nations in New York and advocated for the new administration in Guatemala to address issues affecting Indigenous land defenders. The CPD monitors and advances the implementation of the action plan established during the International Conference on Population and Development in 1994. Our activities in New York included a private meeting with Hugo Garcia, head representative of the Guatemalan government delegation. We presented GHRC's perspective and concerns regarding forced evictions, access to land, and criminalization.

In May and June, we organized nearly a dozen meetings for Judge Gálvez with US congressional offices and officials from the State Department and Inter-American Commission. Judge Gálvez emphasized the need for the US government to closely monitor the elections to the Supreme Court and Courts of Appeal that will take place this fall. He also advocated for international support to help create conditions for Guatemalans living in exile to return to Guatemala.

Advocating for other Guatemalans in the US, we contributed to a letter to White House officials calling for Temporary Protected Status for Guatemalans. We also co-authored a memo to the Inter-American Commission related to their upcoming visit to Guatemala and contributed to a number of memos and statements written jointly with other NGOs. During the first six months of this year, we published nine updates on conditions in Guatemala.

Meanwhile, our team in Guatemala accompanied, observed, and monitored hearings in the Alaska Massacre case, as well as monitoring proceedings in the cases of Claudia Gonzalez, Virginia Laparra, and José Ruben Zamora. Our Guatemala team also conducted two joint investigations with the media outlet *El Observador* into the situation of Semuy II community members falsely prosecuted and jailed and into the conditions in Lote 9, a community in El Estor, Izabal that was the subject of a recent Inter-American Court ruling. We've done all this with a small but dedicated team! Thank you for supporting our work!



Verónica Serrano Tama



Isabel Solis

(Continued from p. 1)

## Why is the current nomination process for selecting new judges for the Supreme Court and the Courts of Appeal in Guatemala crucial for justice, due process, and the rule of law in the country?

The republican system comprises three branches: the executive, the legislative, and the judicial. The judicial system's role is to administer justice and ensure that each person receives what they deserve. Unfortunately, for certain groups, justice has become a matter of exerting power rather than maintaining checks and balances. This underscores the importance and interest in the special nomination commissions, particularly in selecting the magistrates for the Supreme Court of Justice and the appellate courts. Ensuring a fair and transparent selection process is a crucial step for the current administration in consolidating the rule of law.

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The Supreme Court elections in Guatemala are crucial because they will determine the country's direction for the coming years. The elected Supreme Court magistrates will be responsible for electing the next Attorney General and Constitutional Court. This fact underscores the significant role of the Supreme Court of Justice. The Supreme Court's involvement in all justice sector appointments gives those magistrates the power to end the current state of impunity and criminalization in the country.



## What are the possible dangers for Guatemalan democracy if corrupt individuals are elected to these courts?

Consolidating the rule of law will be impossible if the courts are taken over by corrupt actors, as this will only lead to increased impunity. **Is there a realistic possibility of positive change during these judicial elections?** I believe the likelihood of electing judges who will act transparently, meet all requirements, be honest, have integrity, and not align themselves with traditional political parties or criminal structures is very low.

## What role can the international community play in helping to ensure that these elections are transparent?

First, monitoring and advocacy must be done at various levels. The aim is to make the nomination commissions as transparent as possible so that individuals committed to the principle of legality in Guatemala can be selected. For example, one of the first things the nominating commissions will decide on is the qualifications for court magistrates. This is where the international community should offer their opinions and suggestions, ensuring that only the most capable candidates can pass the scrutiny of the nomination commissions.



## Our Work in Guatemala

Our team in Guatemala has worked to support the survivors of the Alaska Massacre, the Indigenous Authorities of Nebaj, land defenders in El Estor, and many others working for justice and the defense of basic rights. Some selected cases we've been working on:

**Alaska Massacre** – We provided continuous logistical, strategic, and moral support to the survivors of the Alaska Summit massacre and their legal team. On October 4, 2012, soldiers fired on unarmed demonstrators from the 48 Cantons of Totonicapán. The protestors, gathered at a point on the Inter-American Highway known as the Alaska Summit, were expressing their grievances regarding the surge in electricity prices and asserting their right to education. Eighty-nine soldiers under the command of Colonel Juan Chiroy opened fire on the protesters, leaving seven dead and forty injured. Sergeant Edin Agustín and seven soldiers, along with Chiroy, were brought to trial. The trial concluded in late February 2024. Seven soldiers were convicted but Colonel Chiroy and another soldier were acquitted. GHRC was involved in strategy meetings with the legal team in recent and accompanied the legal team, survivors, and family members as they sought justice.



**El Estor** – GHRC continues monitoring and advocating for communities affected by the open-pit nickel mine in El Estor. GHRC is part of a coalition of organizations that has filed a case on behalf of these communities before the Inter-American Commission on Human Rights. Located in northeastern Guatemala, El Estor is a municipality next to Lake Izabal and consists primarily of Q'eqchi Indigenous communities. For centuries, these communities have relied on Lake Izabal—the largest lake in Guatemala—for fishing and subsistence agriculture. The Fenix Mine, which lies in the mountains surrounding the lake, was opened in Q'eqchi territory without consultation. Mine ownership has passed

between several international companies, leaving behind a trail of human rights abuses. In November 2022, the US Treasury Department sanctioned two businesspeople linked to the mining in El Estor: the leader of Solway's mining operations in Guatemala and Russian national Dmitry Kudryakov, and Belarussian national Iryna Litviniuk, who “allegedly directed multiple bribery schemes over several years involving politicians, judges, and government officials.” As a result of the sanctions, Solway announced the closure of its operations, but the US Treasury Department lifted the sanctions in January 2024. Our team made a visit to El Estor in February 2024 and saw evidence of new activity indicating that mining would soon continue, placing the surrounding communities and their access to land and natural resources in danger. In May, Solway announced the opening of a subsidiary registered in New York and in press releases has promised to supply nickel from the mine to the United States and Europe.

**Claudia González Case** – Claudia González Orellana, a former prosecutor with the International Commission Against Impunity in Guatemala (CICIG), is being spuriously prosecuted as a result of her crusade against corruption and human rights abuses. During her tenure with CICIG, she played a crucial role in prosecuting high-level government officials and members of organized crime, which threatened the interests of powerful elites. Since CICIG's closure in September 2019, González and her family have faced threats and harassment due to her unwavering pursuit of justice. On August 28, 2023, Claudia González was arrested following a search of her home ordered by the Attorney General's Office. She spent 81 days in prison before being released to house arrest in November.



OUR WORK IN IMAGES



1 GHRC meeting with Judge Galvez and Silvia Talyor at the US State Department

4 GHRC meeting with Hugo Garcia of SEGEPLAN, at the CPD57 at the United Nations in New York

2 GHRC meeting with Olga Marina Che, of la Gremial de Pescadores, El Estor

5 GHRC accompanying criminalized public prosecutor Virginia Laparra in Guatemala City

3 GHRC visiting with lawyers of the Bufete para Pubelos Indígenas in Guatemala

6 GHRC meeting with Indigenous authorities and Luis Almagro, Secretary General of the OAS

# 100 Days of Government and a Weak Democratic Process

by Feliciano Herrera,

Mayan Ixil Authority and Mayor of Nebaj

In the last four years, the articulation and reinforcement of crime has been evident within state institutions. This is why the Indigenous, through their elected authorities, decided to rise up to call for an end to the blatant corruption by the government. By rejecting the actions of the Public Ministry, headed by Attorney General María Consuelo Porrás Argueta, and the head of the Special Prosecutor's Office against Impunity, Rafael Curruchiche—two shameless political characters who threaten the human rights of the general population. They have used the institution of the Public Ministry to strengthen themselves and persecute those who demand justice, those who fight for the common good and for a better Guatemala. Ending the blatant corruption seems an impossible dream, given the institutional power that these people have. As we have said, they are “the Visible Face of the Pact of the Corrupt,” due to the co-opting of the three branches of government, a process underway for more than four years.



GHRC and Ixil Authorities after Massacre De Alaska Hearing

Taking advantage of the population and evinced by their historical discrimination and racism, they forget that they live in a diverse, pluricultural, multilingual, and multiethnic Guatemala. Their unscrupulous extent has grown into local government, strengthening municipal mayors and local development committees allied with the corrupt. Guatemala, it seems, is not only a nondemocratic state; it is a corrupt state that belittles and mitigates democracy to guarantee the status quo, sinking the country deeper into poverty, dispossession, criminalization, migration, and so many other ills that the government gave no importance to ameliorating, such as the terrible education and health systems and the fundamental rights of all to work for the development of their communities.



GHRC Attends Press Conference w/ Rep. Norma Torres

Therefore, we cannot speak of a democratic rule of law when constitutional rights are being violated and only a few believe they own the country—disrespecting constitutional norms and using them only when it suits them: when it suits them to silence voices, when it suits them to persecute innocent people, when it suits them to criminalize Indigenous leaders. That is not a constitutional guarantee of the rule of law. There is a Constitutional Court and a congress that is protecting the corrupt, as well as a Supreme Court that is guaranteeing impunity—constructing networks of organized crime, protecting itself and using the laws to legitimize its illegal actions. What the Pact of the Corrupt did not expect was for the arrival of a candidate out of their control, a person who has no links with the corrupt pact, someone who gave hope back to the people.

## The Hope

Going out to the streets was the only way for us to be heard. We carried out 106 days of consecutive resistance to demand the resignation of those who threatened democracy. We got the attention of sectors allied with the corrupt, and they accused us of restricting free movement by our protest, but it was a national emergency. Of course, 106 days mean nothing next to the centuries that have kept many humiliated and entrapped within a racist state. We resisted for 106 days, guaranteeing a democratic transition with the arrival of Dr. Bernardo Arévalo de León. It was a tense January 14, but a hopeful January 14 and 15. In spite of their fatigue, those in resistance met this moment with expectation, waiting to see the new president, who would, within one hundred days, lay the groundwork for hopeful integration.

## Inclusion

After one hundred days of this government, we can see the intention and the will to strengthen the democratic state, and we have seen the will, especially on the part of the president, to favor inclusion. We have demanded respect and inclusion, and in one hundred days we can see that the will is there. But lacking still is a sense of control and participation in the decision-making process. Inclusion is not only being present but participating and being respected. So far on the local level there are municipalities that are co-opted by corrupt practices and that continue to ignore and reject the Indigenous authorities. The local authorities believe that we are an obstacle because we denounce their acts of corruption. These include not only municipal mayors, but authorities in governmental institutions who are unaware that the Indigenous authorities are fighting for the common good of their communities.

“ The people of Guatemala desire the construction of a truly democratic and inclusive country—not only through words but through actions. ”

The government’s national agenda aims to implement development mechanisms with the participation of Indigenous peoples. For the Ixil people and other Indigenous communities, an important milestone is the signing of a joint work agenda that commits to integral democratic development in their territories. This agenda addresses various needs and ensures their voices are heard. Additionally, it is worth mentioning the voluntary salary reductions made by President Bernardo Arévalo and Vice President Karen Herrera.



## Progress

We are aware that one hundred days are not sufficient to show conclusive changes. This is especially true when the Attorney General continues her shameless practices of protecting corrupt individuals and failing to fulfill the institution’s mandate. The people of Guatemala desire the construction of a truly democratic and inclusive country—not only through words but through actions. This includes not just assistance programs, but also respect for and participation in the ancestral practices of the Indigenous communities. The fight against corruption shows some progress with the filing of prosecutorial complaints. However, the infiltrated justice system continues to undermine democratic efforts. By considering development from the perspective of Indigenous ways of living, we can better meet community needs.

## Challenges

More must be done. The increase in the price of basic foods and electricity remains unaddressed by the current administration. The rural reality is currently ignored, and without incorporating this into the national agenda, no structural changes can occur. Political actors from other parties hold strategic positions, often due to their roles in the 106 days of resistance or their connections with Indigenous authorities. However, these appointments were not endorsed by the Indigenous leaders who genuinely fight against inequality and continue this struggle with a clear goal in mind. True change will be possible, and hope fully realized, once corrupt elements are removed. Only then can the persistent obstacles faced by the government be eradicated.



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