



Peace Brigades International

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Human Rights News

GUATEMALA

Constitutional Court Judges Threatened with Impeachment Following Recent Ruling

On June 26, Guatemala's Supreme Court ruled to allow the immunity of four Constitutional Court judges to be removed by Congress so that the judges could be investigated and impeached for supposedly exceeding the scope of their mandate. The four Constitutional Court judges were accused of overstepping after the Constitutional Court admitted an injunction that stopped the election process of judges to the Supreme Court and Courts of Appeals. The injunction was filed earlier in the year by the Public Ministry because some of the candidates for the judicial positions—as well as some of the members of the congressional committee charged with electing the magistrates—had been found to have had meetings with an [influential individual](#) who was implicated in several cases of corruption. The Constitutional Court, which is Guatemala's highest court, ruled that the congressional committee responsible for the judicial elections must eliminate from consideration those candidates whom Public Ministry had named as compromised. The congressional committee, however, many members of which will face charges themselves once they leave office, has not complied with the Constitutional Court's ruling, instead attacking four of the court's judges and threatening to oust them. A [provisional protection](#) granted by the Constitutional Court on June 27 suspended the impeachment proceedings against the judges, although Congress appears to be considering acting against the judges, regardless.

The Inter-American Commission on Human Rights in a series of [tweets](#) on June 27, and in a [June 30 statement](#), expressed concern about the process undertaken by the Guatemalan Congress to remove the immunity of the four Constitutional Court judges. The IACHR called on the Guatemalan government to guarantee the independence of the judicial sector's functions, free of interference and threats. According to the IACHR, in addition to the congressional action, the Constitutional Court judges have received a series of threats and have suffered harassment, pressure, and reprisals as a result of certain high-impact rulings. The IACHR said the judges should have the right to permanence in their positions. Because of the threats they've received, the four judges have protective measures from the IACHR.

Rule of Law is Threatened by Disobedience to the Highest Court's Order Concern within Guatemala and internationally is mounting as a result of the Guatemalan Congress' refusal to abide by the Constitutional Court's rulings. The United Nations Special Rapporteur on the Independence of Judges and Lawyers [reminded](#) the Guatemalan government on June 30 that the guarantee of independence is put into effect through respect for the Constitutional Court's process of deliberation and functioning. The Special Rapporteur, Diego García-Sayán, expressed concern about the procedures aimed at undermining the Constitutional Court. Fifty members of the Guatemalan Congress, representing seven different parties, have [asked](#) Organization of American States President Luis Almagro to urgently carry out an analysis of the situation. On July 2, US Congresswoman Norma Torres [tweeted](#), "Corrupt members of Guatemalan Congress are doing the bidding of organized crime as they seek to remove & prosecute Constitutional Court judges. The President, Attorney General, & other leaders must fight to uphold the rule of law to ensure the stability of the region." Indigenous and campesino organizations [have announced](#) that they will block highways and demonstrate in Congress next week in support of

the Constitutional Court judges. On July 8, Congressman Albio Sires (D-NJ) and Congressman Francis Rooney (R-FL), Chairman and Ranking Member respectively of the House Foreign Affairs Subcommittee on the Western Hemisphere, Civilian Security, and Trade, [expressed](#) concern: “As advocates for anti-corruption and respect for the rule of law in Guatemala, we urge the Guatemalan Congress to follow through with their constitutional duty to select judges to the Supreme Court and the Court of Appeals, in accordance with Guatemalan law,” the Members said. “The Guatemalan Congress’ ability to select an independent judiciary is a measure of its commitment to democracy, respect for the rule of law, and standing in the country’s fight against corruption. Judges should be selected in a transparent manner, on the basis of their professional qualifications, integrity, and commitment to justice, and vetted for potential conflicts of interest. We are deeply concerned by recent reports that members of the Guatemalan Congress and criminal organizations are taking legal actions against the Constitutional Court that are stalling the selection process,” the Members continued. “We are watching the events in Guatemala closely and we caution the members of Guatemala’s Congress not to take steps that would undermine efforts to fight corruption. The recent US designation of Gustavo Alejos for his involvement in significant corruption demonstrates that the United States is prepared to use all tools at its disposal to hold corrupt actors in Guatemala accountable and remains committed to supporting the Guatemalan people in their fight against corruption.” Alejos, the former Guatemalan Presidential Chief of Staff under former President of the Republic of Guatemala Álvaro Colom, was [designated](#) a corrupt official by the US State Department in June. As Representative Norma Torres explains in a [statement](#), “Gustavo Adolfo Alejos Cámara is currently under investigation for trying to influence Supreme Court and appellate court elections that are happening in Guatemala right now. In the past, he put Guatemala’s pharmaceutical industry up for auction, and illegally financed political campaigns.”

Judges with Special Prosecutor’s Office Against Impunity Threatened Judges working with the Special Prosecutor’s Office against Impunity, and particularly Judge Erika Aifán, and been the targets of threats and attacks recently. Guatemala’s Supreme Court on July 3 began the process of opening an investigation against Aifán so that she could be removed from her position. The United Nations Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, [noted](#) that Aifán had contributed to the struggle against impunity and corruption in Guatemala and said the Supreme Court should strengthen institutionality, not erode it. Because of threats she has received in the past, and the ongoing danger she faces, Aifán [has](#) protective measures from the IACHR. The US embassy and the embassies of Germany, France and the United Kingdom recently [met](#) with Aifán to offer support.

Constitutional Court Suspends Mining License of Nickel Mine on Lake Izabal Finding that the Fenix mine had carried out an incomplete environmental study and had not consulted populations affected by the mine, the Constitutional Court on June 19 ordered an immediate halt to the operations of the Fenix mine, owned by the Guatemalan Nickel Company, a subsidiary of the Swiss-based Solway Group. The [ruling](#) limits the area covered by the license to 6.29 square kilometers, the land that the environmental study did apply to; suspends all operations until a consultation is carried out with the affected populations; and mandates a period of 18 months during which the consultation must be conducted. Since 2011, Solway has invested almost \$620 million in the mine. Before the recent ruling, Solway considered that it had mining rights to 36.2 million tons of nickel ore reserves, as well as the rights to an additional 70 million tons of resources within its license area. Although the Constitutional Court provisionally ordered a suspension of the mine’s operations last year, pending a final ruling, the nickel mine continued to

operate. [Acts of violence](#) over the years against those protesting the mine because of its impact on the water quality and damage to the artisanal fishing industry have included murder, threats, and intimidation.

Guatemalan Government Declares State of Siege in Three Communities in Sololá On May 30, the Guatemalan government began implementing a state of siege in the Sololá communities of Nahualá, Santa Catarina Ixtahuacán, and Santa Lucía Utatlán. The communities were also subjected to a state of siege last year. President Alejandro Giammattei [decreed](#) the state of siege this year after a confrontation between residents of Nahualá and Santa Catarina Ixtahuacán, communities which are in conflict over [land](#), left one person dead. Of the five states of exception the Guatemalan government can implement, a state of siege is the second highest, just below a state of war. Basic rights, such as freedom of assembly, freedom of movement, and freedom to demonstrate, are restricted, and the army and police have expanded powers to arrest and interrogate residents. On June 26, the Guatemalan Congress ratified the extension of the state of siege for thirty more days but excluded Santa Lucía Utatlán from the measure.

A July 1 [letter](#) signed by 94 organizations calls for an immediate end to the state of siege. The organizations note that the government's ability to declare a state of siege stems from a public order law dating from the 1960s, when the country was at war. Recent administrations are using the implementation of a state of siege more and more frequently, according to the organizations, imposing repressive responses to land conflicts rather than alternatives based on dialogue and guarantees from public institutions. The indigenous population, women, and children are especially affected by this repressive response, suffering arbitrary detentions, criminalization, and other abuses carried out by the Guatemalan army and the National Civil Police. In addition to an immediate end to the state of siege, the organizations are asking for an end to the repressive actions against the population of Santa Catarina Ixtahuacán and Nahualá; a thorough investigation into the serious human rights violations that are being reported in those communities and the identification and sanctioning of those responsible; and monitoring, to include a report, by the Human Rights Ombudsman's Office on the situation of human rights and indigenous women in all three communities.

Environmental Defender Murdered in Izabal Fidel López, a member of the Campesino Development Committee (CODECA), was murdered on June 23 in Morales, Izabal. The murder occurred around 4:00 in the afternoon. As López was entering a shop, a gunman on a motorcycle opened fire, killing him. He was the nineteenth member of CODECA to be killed in the past [two years](#). López was president of his community, and he fought for access to and defense of the land. He is the second CODECA member to be killed this year. In March, a female member of CODECA, [Dominga Ramos](#), was killed while she was in her home with her daughter-in-law, in Las Delicias, Santo Domingo Suchitepéquez. A stranger arrived on a motorcycle, told her he had something for her, and shot her several times in the head.

Indigenous Rights Defender Killed in Chiquimula Indigenous and land rights defender Medardo Alonzo Lucero, a member of the Ch'orti' community of La Cumbre, was murdered in Olopa, Chiquimula. His body was found at dawn on June 15, with signs of torture. According to *Prensa Comunitaria*, Medardo was a "defender of the territory and natural resources, who according to authorities of this community, was part of the organized and peaceful fight for a mining and hydroelectric free territory." His murder is believed to be linked to the struggle against mining in the area. He reportedly was active in the community's [resistance](#) to the Cantera Los Manantiales mine, an antimony mine whose mining license was suspended last

year when the Supreme Court provisionally ruled in favor of the indigenous communities, finding that the company had failed to consult the indigenous population affected by the mine and that the environmental impact study conducted by the Ministry of the Environmental and Natural Resources revealed that the mine did not meet environmental and legal requirements. Antimony is used to make paint, fireworks, and computer and cellphone chips. Ovidio Alonzo, the brother of the murdered defender and vice president of the community's Indigenous Council, has been repeatedly [threatened](#) since the murder. [Threats and intimidation](#) of other community members have increased alarmingly in recent months.

Mayan Spiritual Leader Burned to Death On June 6, in the community of Chimay, San Luis, Petén, Domingo Choc Che, a Maya Q'eqchi' traditional healer was burned alive, after being tortured for ten hours. A specialist in medicinal plants, as well as a spiritual guide, Choc Che was murdered by a group of community members who accused him of witchcraft. Four brothers and their female cousin are being charged with the murder, and at least four arrests have been made. Choc Che was working to document traditional medicinal plants as part of a project launched in collaboration with University College London, Zurich University, and the Universidad del Valle.

According to a [tally](#) by the news outlet *Prensa Comunitaria*, at least sixteen Mayan spiritual leaders have been assassinated in the last twenty years. On June 11 and 12, three other men were accused of witchcraft in Cobán, Alta Verapaz. Hermelindo Caal Oxóm, the Verapaz Union of Campesino Organizations ([UVOC](#)), which is accompanied by PBI; Elías Caal Oxóm, a correspondent for *Prensa Comunitaria*; and the father of both of them, Jesús Caal, were accused by members of their community, Gancho Caoba II, and were threatened. The Caal Oxóm family practices ancestral medicine. According to a social media [post](#) by UVOC, “. . . [I]t is concerning that defending one's cosmovision, life, water, and territory is being linked with the idea of satanization. . . . It seems that in this moment, as a consequence of the hate speech and racism on the part of conservative sectors, violence is increasing against those who encourage the cosmovision and ancestral practices of the original peoples.”

National Civil Police Officer Shoots and Kills Vegetable Seller Edgar René Ic Pérez, a thirty-three-year-old fruit and vegetable seller, was shot in the head at pointblank range by National Civil Police officers on June 17. He still had his permission to circulate in his hand when neighbors and family members found his body between 1st Street and 15th Avenue in Zone 6 of Guatemala City. Video footage [shows](#) that he was driving in his car in Zone 6 of Guatemala City when police pulled in front of his car to block him. When he slowly reversed, an officer got out of his patrol car, grabbed Ic, pulled him out of the car, threw him down on the pavement, and shot him in the head, killing him instantly. Officer Werren David López Alvarado is in pretrial detention, accused of homicide.

Guard of National Protected Area Gunned Down While Heading to Work Alberto Cucul Cho, a ranger guarding natural resources in the Laguna Lachuá National Park, in Alta Verapaz, was shot three times as he was riding his motorcycle to work. He apparently tried to crawl to safety but died of his wounds. He had been working as a guard in the park for thirteen years. The motive for the killing has not been established. [According to](#) the Association of University Students, rangers guarding protected areas are being threatened, attacked, and assassinated for carrying out their work.

US Senate Bill Would Fund Tourism Project in the Protected Mayan Biosphere

Senators Inhofe, Risch, Wicker, and Udall have sponsored a bill, [S.3131](#)—known as the Mirador-Calakmul Basin Maya Security and Conservation Partnership Act of 2019—that would require the US Department of the Interior to establish the “Maya Security and Conservation Partnership program.” The goal of the program, according to the bill, is “to foster collaborative research efforts between the United States and local entities to create a sustainable tourism model that provides low-impact, controlled access to the archaeological sites of the Mirador-Calakmul Basin in Central America with an emphasis on providing economic opportunity for the communities in and around the basin.” According to [Vice](#), President Giammattei has expressed interest in the project, and congressmen who want to attract more investment to the country support the idea. Nonetheless, once the *Vice* article ran, in mid-June, the president [indicated](#) that he had received no official communication of the plan to develop tourism in the Maya Biosphere Reserve and thus was not in a position to evaluate it or approve it. The Senate bill would provide \$60 million in US taxpayer funding for a tourist park in the area of the ancient Mayan city of El Mirador. Archeologist Richard Hansen, a US citizen, has been trying to build a privately managed park in the area for twenty years, according to *Vice*. The park would involve building hotels, restaurants, and a miniature train on top of ancient Mayan highways to transport tourists in and out of the jungle and to different ruins. The people who actually live in the reserve oppose the project and point to the successful conservation model already in place. That model, the Forestry Concession System, allows local communities to live off the forest in exchange for guarding it from loggers and drug traffickers. As *Vice* points out, this model “has decreased deforestation rates and earned the support of international environmental groups, US agencies like USAID and the Department of Interior, and former Guatemalan governments.”

Environmental Defender Intimidated by Armed Men On the night of May 25, armed men wearing ski masks attempted to break in to the home of Council of Communities of Retalhuleu (CCR) member Abelino Salvador Mejía Cancino. Two days later, armed men wearing ski masks surrounded his house, located in the town of Champerico, and kept watch on him and his family. PBI-Guatemala began accompanying the CCR in May. The CCR works to defend health, access to water, and food sovereignty for communities affected by sugar mills in the area.

Forty-Three Attacks on Journalists Reported in First Half of the Year According to the Public Ministry’s Office for Crimes Against Journalists, in the first six months of 2020 [43 attacks](#) against journalists have been reported. The [attacks](#) include threats, coercion, assaults, robbery, denial of information, criminalization, and in one case, a murder, that of Bryan Leonel Guerra, who died in early March after being shot by unidentified men on February 27 in Chiquimula. A recent case of criminalization cited by the office is the detention of journalist Francisco Chox in Nahualá, Sololá, who was detained by residents as he covered a confrontation between residents of Santa Catarina Ixtahuacán and Nahualá on June 11, during the state of siege. Residents turned Chox over to the army, which turned him over to the police. Chox was jailed for six days in the department of Chimaltenango while waiting to be brought before a judge. He was charged with illegal possession of weapons, a charge which proved to be false.

Health Ministry Cuts Funds for Chronic Malnutrition The Guatemalan Ministry of Health and Social Assistance [recently reduced spending](#) for health infrastructure and programs to combat malnutrition. Half the children under five years old are chronically malnourished, and 15,580 children are acutely malnourished. The budget cuts were made in March, and funds were

redirected to programs related to COVID-19. Each month since, [according to](#) reports from the Ministry of Public Finances cited by *Prensa Libre*, the budget to fight child malnutrition and infant mortality has been reduced. Chronic malnutrition has tripled this year, and acute malnutrition has more than doubled. Five children have died from malnutrition so far this year.

Giammattei Closes Presidential Secretariat on Women President Alejandro Giammattei has announced he will close the Presidential Secretariat on Women (SEPREM) and will replace it with another entity. SEPREM was created to coordinate public policies to promote the holistic development of Guatemalan women and foster a democratic culture. It stemmed from the signing of the Peace Accords and has functioned for nearly twenty years and is responsible for significant advances. The president's announcement that it will be closed was met with dismay. President Giammattei has closed several other agencies set up to implement the terms of the Peace Accords, including the [Secretariat of Peace](#) and the [Secretariat of Agrarian Affairs](#).

[Peace Brigades International](#) is a nongovernmental organization committed to the principle of nonviolence. PBI sends teams of international observers to areas of conflict and repression to provide protective accompaniment to human rights defenders whose lives and work are under threat. Founded in 1981, PBI has worked in fourteen countries on four continents. PBI's international office in Brussels and advocacy staff around the world support efforts in the field to open space for peace and for the defense of human rights.