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Chris Grove
Executive Director

June 6, 2025

To:

Mr. Bernardo Arévalo
President of the Republic of Guatemala

Dr. María Consuelo Porras Argueta
Attorney General and Head of the Public Prosecutor's Office of Guatemala

Mr. Nery Ramos Irizarry
President of the Congress of the Republic of Guatemala

Subject: Urgent call to end the criminalization of Indigenous authorities and to respect the collective rights of Indigenous Peoples

Your Excellencies,

On behalf of ESCR-Net (International Network for Economic, Social and Cultural Rights) — a global network of over 300 social organizations, movements, and human rights defenders in more than 80 countries — we express our deep concern and strong condemnation regarding the criminalization and detention of Indigenous leaders Luis Pacheco and Héctor Chaclán, as well as the broader assault on ancestral authorities of the K'iche' people and the 48 Cantons of Totonicapán.

According to reliable documentation by trusted organizations in the region, on April 23, 2024, both leaders were arrested at the request of the Public Prosecutor's Office on charges of sedition, unlawful association, terrorism, obstruction of justice, and impeding criminal proceedings. These charges relate to their participation in peaceful protest actions during the October 2023 National Indefinite Strike, called by Indigenous authorities to



defend electoral results, constitutional order, and the autonomy of Indigenous peoples.

The Inter-American Commission on Human Rights (IACHR), in its May 23, 2025 statement, expressed deep concern about the arrests, reminding the State of Guatemala to refrain from using criminal law as a tool to criminalize human rights defenders—particularly Indigenous authorities exercising the right to peaceful protest and political participation. The IACHR also emphasized the State's obligation to ensure a safe environment for the defense of collective rights under international human rights standards. The IACHR noted that these investigations of Indigenous authorities “fall within broader documented patterns of instrumentalization of criminal law for political ends,” as detailed in its reports and preliminary observations during its 2024 in-situ visit.

We are profoundly alarmed that Guatemala's criminal justice system is being wielded to persecute Indigenous authorities for legitimately exercising fundamental rights — freedom of expression, peaceful protest, and self-determination — all protected under domestic and international law. This persecution is not only an attack on individuals but also represents an attempt to dismantle Indigenous self-governance structures.

We remind the State that Guatemala has obligations under ratified treaties and international declarations that expressly protect the rights of Indigenous Peoples and human rights defenders, including:

- ILO Convention 169 — recognizing Indigenous peoples' rights to maintain and strengthen their own institutions and to freely participate in political life and decision-making (Articles 6 & 8).
- UN Declaration on the Rights of Indigenous Peoples (2007) — recognizing rights to self-determination (Art. 3), autonomy (Art. 4), and protection from discrimination or criminalization for exercising these rights (Art. 9).
- American Declaration on the Rights of Indigenous Peoples (2016) — reinforcing these rights.



- UN Declaration on Human Rights Defenders — affirming that everyone, individually or collectively, has the right to promote and pursue human rights protection at national and international levels (Art. 1). Using judicial systems to punish and deter legitimate exercise of rights under this Declaration directly contravenes its spirit and letter.
- International Covenant on Civil and Political Rights — guaranteeing rights to personal liberty (Art. 9), due process (Art. 14), freedom of expression (Art. 19), peaceful assembly (Art. 21), freedom of association (Art. 22), and self-determination (Art. 1).
- American Convention on Human Rights — guaranteeing rights to personal liberty (Art. 7), due process (Art. 8), freedom of expression (Art. 13), peaceful assembly (Art. 15), freedom of association (Art. 16), and effective judicial remedies (Art. 25).

The criminalization of ancestral authorities, such as representatives of the 48 Cantons, constitutes a direct violation of Guatemala's international commitments and undermines constitutional principles recognizing the country's pluricultural, multiethnic, and multilingual nature, as well as the duty to protect Indigenous peoples' free organization.

We welcome recent statements by President Bernardo Arévalo acknowledging the political and persecutory nature of the arrest warrants. Yet, these words must be translated into concrete actions that guarantee justice, reparation, and non-recurrence.

Accordingly, we respectfully urge the State of Guatemala to:

1. Immediately and unconditionally release Luis Pacheco and Héctor Chaclán, and annul all arrest warrants related to the peaceful exercise of Indigenous collective rights;
2. Cease misuse of criminal law — including terrorism and sedition charges — for political ends or to intimidate human rights defenders and community leaders;
3. Recognize and guarantee Indigenous peoples' rights to autonomy and self-government, including their political participation and role in defending constitutional order;



4. Fully comply with international obligations — particularly under ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples, the American Declaration on the Rights of Indigenous Peoples, the UN Declaration on Human Rights Defenders, the International Covenant on Civil and Political Rights, the American Convention on Human Rights, and other human rights instruments.
5. Criminalizing protest and targeting Indigenous peoples weakens democracy, denies legal pluralism, and deepens historical inequalities. Guatemala now faces a historic opportunity to correct course and reaffirm its commitment to human rights, intercultural justice, and respect for its Indigenous nations.

Sincerely,

Chris Grove

Executive Director

On behalf of the membership of the International Network for Economic, Social and Cultural Rights.