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SOS-Torture Network
The Observatory
for the Protection
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JOINT PRESS RELEASE – THE OBSERVATORY / UDEFEGUA

GUATEMALA: Alert regarding the escalation of aggressions against human rights defenders

Geneva-Paris-Guatemala, December 21, 2016 – 14 murders and seven attempted murders so far this year illustrate the escalation of attacks against defenders in Guatemala, met by a lack of action by the authorities. The wave of aggressions against those working against impunity, including judges and lawyers, questions the very existence of the rule of law in Guatemala. Meanwhile, land rights defenders continue to be particularly targeted, as has been reported by the Observatory for the Protection of Human Rights Defenders and UDEFEGUA.

The first eleven months of 2016 confirm the existence of a worrying pattern of escalating aggressions against human rights defenders in Guatemala. Even though the amount of aggressions is lower than in 2015, there has been a total of 223 attacks and/or aggressions against defenders documented by UDEFEGUA, which is an average of 20 incidents per month. This shows that the seriousness and intensity have reached alarming levels.

A prime example of the escalation of the aggressions is the increase in the number of murders of defenders: as of 30 November, 2016, UDEFEGUA has registered a total of 14 murders, which shows a clear upward trend, considering that in 2014 and 2015 there were seven and 12 murders, respectively. In addition, there have been seven attempted murders so far this year. Moreover, it is particularly worrying to confirm that in most of these cases, murders were reported to be the final blow of an escalating long and repetitive cycle of violent actions against the defenders, which were not duly dealt with by the Guatemalan authorities.

Amongst the total of 223 aggressions, we must highlight the 68 new criminalisation cases which add up to the ongoing procedures started in previous years, 44 cases of intimidation and 42 cases of threats. We should also underline the fact that, as a result of the changes in local governments, there have been 24 aggressions by means of administrative measures such as lay-offs, mostly against trade unionists. As for the geographical distribution of the aggressions, Guatemala City leads the statistics with 101 cases, followed by Huehuetenango with 32 and Alta Verapaz with 26.

The Observatory and UDEFEGUA are specially concerned about the aggressions suffered by two groups of defenders: those working for justice and against impunity, and those working on land rights.

The campaign of harassment and destabilisation by some stakeholders keeps escalating against any step forward in iconic cases of transitional justice such as those of Molina Theissen and CREOMPAZ, in which former members of the military are accused of having committed serious human rights violations during the armed conflict. The smear, intimidation and legal complaints campaign against human rights defenders in this context, including justice operators such as the judges **Miguel Ángel Gálvez** and **Yassmín Barrios** or the lawyers **Miguel Morth**, **Ramón Cadena**, **Alejandro Rodríguez** and **Rafael Maldonado**, has reached a total of 38 defenders throughout 2016. The message is that anyone who works for justice and against impunity faces serious risks, and this questions the viability of the rule of law and of an independent judicial system in Guatemala.

As for those working on environmental and natural resources rights, there have been reported aggressions against 37 defenders so far this year in an environment of extractive and hydroelectric projects that have been forced upon the communities and of criminalisation



by the companies as a response to those daring to defend labour, environmental and land rights, as was denounced by the Observatory and UDEFEGUA in their report “*Smaller than David*”¹, published in February 2015 and which conclusions and recommendations are unfortunately still applicable today.

In this context, the Observatory and UDEFEGUA show their concern about the lack of action of the Guatemalan authorities in this regard. The initiation of the discussion and consultation process for the creation of the Programme for the Protection of Human Rights Defenders in the framework of the State’s obligation before the Inter-American Court of Human Rights regarding the case of *Human Rights Defender et al. v. Guatemala* is a step in the right direction. However, despite the context of extreme violence against human rights defenders, the initiation of this process was announced in September 2016, 25 months after the sentence was issued. Moreover, there is a worrying contradictory message sent by the State when withdrawing unilaterally the protection measures set for defenders whilst discussing the protection programme.

Finally, the Observatory and UDEFEGUA call for the public policy to be developed in a wide participative process and not to be limited to protection measures, but to deal with the main structural causes increasing the vulnerability of the defenders, including the insufficient investigation and the high levels of impunity regarding the attacks against them, as well as the reform of the legal framework with regards to land and territory issues.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by the World Organisation Against Torture (OMCT) and FIDH. The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. OMCT and FIDH are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

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¹ See the report of the Observatory and UDEFEGUA “*Smaller than David*”: *the fight of human rights defenders in Guatemala*, published in February 2015. Available on <http://www.omct.org/human-rights-defenders/reports-and-publications/2015/02/d23002/> and <https://www.fidh.org/IMG/pdf/obsreportgtm2015eng.pdf>.