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The Observatory
for the Protection
of Human Rights Defenders



JOINT PRESS RELEASE - THE OBSERVATORY / UDEFEFUGA

GUATEMALA: Human rights defenders at risk, unprotected and criminalised by the State

Conclusions from an international mission

Geneva-Paris-Guatemala City, March 13, 2015: The Observatory for the Protection of Human Rights Defenders and UDEFEFUGA call on the Guatemalan authorities to put an end to the practice of criminalising human rights defenders in Guatemala and welcome the authorities' commitment to implement public policies to protect defenders in collaboration with civil society.

Defending human rights in Guatemala is a high-risk activity due to the increasing number of attacks against defenders. Despite a comprehensive legal and institutional framework, human rights defenders in Guatemala work in extremely vulnerable conditions, which demonstrates the State's lack of willingness and capacity to enable a safe and free working environment for defenders.

The Observatory and UDEFEFUGA point out that there are insufficient mechanisms to address social conflicts through dialogue and consultation and tackle the structural problems that cause them. On the contrary, the trend is to excessively adopt criminalising measures that only exacerbate the aforementioned social tensions.

Our organisations also denounce the fact that in Guatemala human rights defenders are persistently denied justice. What is most striking is how the legal cases against them are processed with speed and efficiency whilst the legal claims lodged by human rights defenders in defence of their own rights remain unanswered.

Furthermore, in Guatemala there is a tendency to pass strict laws that criminalise the activities of human rights defenders, i.e. '*Ley de Tumulos*' (Traffic Circulation and Obstruction of Roads Law) and the '*Ley de Terrorismo Comercial*' (Commercial Terrorism Law), that is currently under debate in the Congress of the Republic of Guatemala. Therefore, the competent public authorities, such as the Human Rights Ombudsman and the Congressional Human Rights Commission, should systematically release legal opinions on any draft legislation that could affect human rights.

Lastly, the Observatory and UDEFEFUGA are pleased to announce that, during the dialogue with the mission, several country authorities, and primarily the Human Rights Ombudsman, have committed to creating a roundtable for high-level dialogue including Guatemalan civil society in order to implement public policies aiming to protect human rights defenders, as ruled by the Inter-American Court of Human Rights in the case *Human Rights Defenders et al. v Guatemala*.

Context:

The Observatory for the Protection of Human Rights and the UDEFEFUGA undertook a fact-finding mission in Guatemala from February 23 – 27, 2015 to establish a dialogue on the conclusions and recommendations contained in the report published on Monday, February 23, 2015 entitled '*Más Pequeños que David: the struggle of Human Rights Defenders in Guatemala*'.

The mission was comprised of the following members: Jael Quiroga, President of REINICIAR and member of the OMCT Executive Council (Colombia); Miguel Martín



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Zumalacárregui, OMCT Coordinator of the Observatory for the Protection of Human Rights Defenders (Spain); Claudia Samayoa, President of UDEFEGUA and member of the OMCT General Assembly (Guatemala); and Jorge Santos, Vice President of UDEFEGUA.

The Observatory and UDEFEGUA mission would like to extend their thanks to the public authorities that participated in the interviews and meetings: the Attorney General of the Republic, the Special Prosecutor for Human Rights, the Human Rights Ombudsman, the President of Presidential Human Rights Commission (COPREDEH), the Congressional Human Rights Commission, the Ministry of Interior, and the National Institute of Forensic Sciences. The mission also met with the Office of the High Commissioner of the United Nations for Human Rights.

The mission also heard testimonies from representatives of the civil society organisations involved in protecting human rights, and specifically land rights, during meetings held both in Guatemala City and the town of Huehuetenango. It also visited in prison **Antonio Rogelio** and **Saúl Aurelio**, two human rights defenders from the community of Santa Cruz Barillas who have been criminalised.

The report is available for download on the OMCT website:

In Spanish (http://www.omct.org/files/2015/02/23002/v1.2_w_es_rpprtguatemala_obs15.pdf) and in English (http://www.omct.org/files/2015/02/23002/v1.2_w_en_rpprtguatemala_obs15.pdf).

and on the FIDH website:

in Spanish (<http://www.fidh.org/IMG/pdf/obsreportgtm2015es.pdf>)
in English (<http://www.fidh.org/IMG/pdf/obsreportgtm2015eng.pdf>)

The documentary “Más pequeños que David” is available here:

(http://www.dailymotion.com/video/x2hwem4_obs-gtm-mas-pequen-os-que-david-espan-ol_news)

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