



EU-LAT
Advocacy Network
Red de Incidencia

Brussels-Guatemala, November 26th, 2020

Honorable Ambassador,

From FONGI, CODEG and EU-LAT networks, we express our deep concern about the deterioration of democracy and the systematic violation of rights that are being experienced in Guatemala, as well as the constant attacks against human rights defenders. After the complaints about the State capture by the International Commission Against Impunity in Guatemala (CICIG), we have seen that the situation has worsened. Since the beginning of the health crisis, the measures taken to fight the pandemic have justified the continuous use of states of siege, emergency, and alarm, militarizing public security. This has weakened the institutional framework of the country and permitted violations of the fundamental rights of the populations.

National institutions and justice operators, that fight against corruption and impunity have become targets of recurrent attacks, as well as attacks against human rights defenders increase in number and severity and enjoy almost total impunity. The Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEQUA) has documented 844 attacks against human rights defenders and 14 murders, in the first nine months of 2020. This represents a dramatic increase over 2019, a period in which 494 assaults were documented. The situation of defenders of the rights of indigenous peoples, land, and the environment is even more worrying. According to Front Line Defenders, they represent 40% of the total number of defenders killed in 2019. It should also be noted that these attacks have increased against journalists, broadcasters, and community broadcasters for denouncing acts of corruption.

In the same way, there have been 16 killings of union leaders and defenders of labor rights in 2020, as is the case of Ludim Estuardo Ventura Castillo of the Guatemalan Education Workers Union STEG, who was killed on September 18, 2020 or also the case of Benoit Amedee Maria, French citizen defender of human rights for Veterinarians without Borders, in the Mayan Ixil communities, killed on August 10, 2020. Impunity continues over these events, there has been a step back in terms of protection against threats or risks of violent acts against union leaders. Workers continue to be fired for trying to organize themselves.

This situation of vulnerability has particularly increased when the right of the communities to prior, free, informed, and culturally appropriate consultation, enshrined by ILO Convention 169 and ratified by Guatemala, is not fully respected. The peaceful struggle of the leaders in favor of the respect of their community rights has exposed them to reprisals of all kinds. Only in the first semester of 2020, UDEFEGUA has registered 481 acts of criminalization against it¹.

¹<https://udefegua.org/infografia/situacion-de-personas-comunidades-y-organizaciones-defensoras-de-derechos-humanos-enero>

One of the emblematic victims of this systematic criminalization is the defender Bernardo Caal Xol, sentenced in November 2018 to seven years and four months in prison, for the crimes of illegal detentions with aggravating circumstances and aggravated robbery. This sentence has been questioned nationally and internationally. Like him, many defenders are suffering attacks as part of their struggle for the recognition of the rights of communities affected by the dispossession of territories by megaprojects.

Moreover, we are concerned about the violent actions committed by the security forces against the right to freedom of expression and peaceful demonstration of the population. These actions are exemplified by the recent events during the protests in relation to the approval of Decree 33-2020 on the 2021 budget, a situation that occurred in an atmosphere of opacity and lack of transparency. The situation of excessive use of violence was evidenced, which shows that there were indiscriminate repression and excessive force exerted on a mostly peaceful mass demonstration.

In this context, the signatory organizations consider that the European Union and its member States have an important role to play, ensuring and promoting coherence between internal policies and the impacts of their foreign policy in Guatemala. Likewise, they can condemn the improper use of the penal system in Guatemala and alert European companies and financial institutes with investment plans in the country about the need to put respect for human rights first in the context of their businesses.

For all the above, we would like to highlight a number of recommendations that could be formulated to the Guatemalan authorities in the framework of the diplomatic and political relations. From our organisations, we request to:

- Urge the government of Guatemala to implement a comprehensive public policy for the prevention and protection of human rights defenders and the protocol for investigating attacks on defenders and, on the other hand, that the government complies with its obligation as mentioned in the judgment of August 28, 2014, of the Inter-American Court². This public policy must be created together with the beneficiaries and should integrate a gender perspective and a differentiated approach.
- Exhort the judiciary to make public hearings and trials of human rights defenders to ensure international observation. With the promulgation of the sanitary rules in the context of the pandemic, it is not always possible for the Embassies and the EU Delegation to be able to attend the hearings, however, and taking into account that it is an important principle of the EU guidelines, the judiciary has to ensure virtual channels so that international observers can attend.
- To urge the Government of Guatemala to guarantee a prompt and independent investigation of the attacks on defenders, implementing Protocol 05-2018 of the MP for the Investigation of Attacks on Defenders and Convention 169.

² https://www.corteidh.or.cr/docs/casos/articulos/seriec_283_esp.pdf

- Demand and create accountability mechanisms on the activities carried out in Guatemala by national companies and / or with national funds when there is a probability of violations of the human rights of the affected communities.
- Express before the Government of Guatemala concern about the apparent failures of due process in the case of Bernardo Caal Xol.
- Exhort and support the governments of the region, to achieve a dialogue on the structural reforms that the country needs to build a rule of law.
- Urge the State of Guatemala to guarantee the right to protest, the freedom of expression, and condemn the excessive use of force against protestors.