

## **PUBLIC STATEMENT**

### **WE URGE GUATEMALA TO PRIORITIZE ARMED CONFLICT CASES**

Guatemala City, San Jose, Utrecht and Washington D.C., April 4, 2018

In light of the recent death of the former dictator, Efraín Ríos Montt, the stagnancy and permeability of the Guatemalan judicial system has become evident. The search for justice for the genocide of the Maya-Ixil people has lasted over 18 years without reaching a final judgment. In 2013, a competent tribunal convicted Ríos Montt for genocide and crimes against humanity. However, the Constitutional Court ordered a second trial without any valid legal basis and prevented Ríos Montt from serving jail time. Later, the repetition of the trial was delayed five years due to the dilatory tactics utilized by Ríos Montt's legal team and the delay in the judicial system's resolution of the appeals. This represents a clear denial of justice for the victims and encourages the sentiment of impunity within society.

As international organizations, we are deeply concerned about the slow pace and negligence of the Guatemalan judicial system to investigate, prosecute, and punish those responsible of serious crimes committed during the armed conflict (1960 – 1996). We consider that, as Anabella Sibrian, Director of Plataforma Internacional contra la Impunidad, pointed out, “the State has an obligation to guarantee victims of gross human rights violations access to a prompt, impartial and effective justice, as established by international standards.”

The death of Ríos Montt, however, does not end the trial for genocide or the search for justice for the victims. The case against the former head of military intelligence Ríos Montt and Mauricio Rodríguez Sánchez, continues in the High Risk Tribunal B. As such, as indicated by Jo-Marie Burt, Senior Fellow at the Washington Office on Latin America (WOLA), “We call on the tribunal to expedite the trial for genocide and resolve the case in a prompt and impartial manner.” “We also demand that the Guatemalan justice tribunals prioritize transitional justice cases considering the seriousness of the facts, the length of time since they occurred, and the advanced age of the victims and accused,” Burt added.

In the same manner, we ask the Guatemalan Congress to reject the legislative proposal 5377, which aims to reform the National Reconciliation Law to ensure impunity for those responsible for the crimes of the past. As indicated by Ramón Cadena, Director for Central America of the International Commission of Jurists, “this would represent a violation of international law due to the existence of abundant jurisprudence on the inadmissibility of amnesty laws in cases of gross human rights violations.” “All States have an obligation to investigate and sanction crimes that have international implications such as genocide, torture and forced disappearances,” Cadena added.

We urge the Guatemalan State to stop denying the truth and recognize the serious human rights violations committed against civilians, men, women, and children the majority of whom were indigenous, during the internal armed conflict. We consider, as indicated by Marlies Stappers, Executive Director of Impunity Watch, that in order to advance on a path of a reconciliation and peace, “it is fundamental to guarantee a dignified justice and reparation for the victims, and to promote a critical reflection on history to avoid the repetition of past errors.”

Finally, we recognize the courage and integrity of the victims, joint petitioners, prosecutors and judges who brought Ríos Montt and other human rights violators to justice. We encourage you to continue fighting for justice with hope and we reiterate our commitment to continue working together towards the strengthening of the rule of law in Guatemala and the region.