

AMNESTY INTERNATIONAL - PUBLIC STATEMENT

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CONTINUING HOSTILE ENVIRONMENT FOR HUMAN RIGHTS DEFENDERS IN GUATEMALA

Amnesty International is concerned that the authorities are continuing to impose unjustified obstacles and restrictions on the work of human rights defenders in Guatemala.

On 22 March 2019, the authorities made public criminal charges filed by the President of the Judiciary and the Supreme Court of Justice against the human rights defenders Claudia Samayoa, President of the Board of the Unit for the Protection of Human Rights in Guatemala (UDEFEUGA), and José Manuel Martínez Cabrera, a member of the Justicia Ya collective. The two defenders were accused of illegally obtaining a copy of a decision issued by the Court on 9 January. This decision, which was also circulated on social media and in the media, was the basis of a complaint filed on 17 January 2019 by the two defenders against members of the Supreme Court of Justice, including its President.

The criminal complaint against the two defenders comes in a context of continuing attacks – including smear campaigns and vilification on social media, threats, intimidation and killings – targeting human rights defenders in Guatemala because of their human rights activities. Amnesty International views with concern the killings of 26 human rights defenders recorded during 2018, an increase compared to previous years, as well as speeches by public officials seeking to stigmatize and discredit human rights defenders in the eyes of the public.

The opening of baseless judicial proceedings to intimidate, harass and wear down human rights defenders in Guatemala is a practice that Amnesty International has criticized for several years. Since the publication in 2016 of its report *“We are defending the land with our blood”*, the organization has received information that new criminal proceedings initiated against defenders as a direct consequence of their work remain open in Public Prosecutor's Office for months or even years, during which time some of those accused may be held in detention.¹

In addition, Amnesty International has documented a number of worrying attempts to introduce legislation aimed at hindering the work of civil society organizations. Since February 2019 a bill amending the Law on Non-governmental Development Organizations (Law No. 5257) has been put in the Congress's agenda for discussion on a number of occasions. Amnesty International, along with several international human rights experts including the UN Rapporteur on the situation of human rights defenders, has expressed concern about this proposed law which threatens the rights to defend human rights and to freedom of expression and association.

¹ Amnesty International, *“We are defending the land with our blood”*: Defenders of the land, territory and environment in Honduras and Guatemala, 2016, www.amnesty.org/en/documents/amr01/4562/2016/en/
<https://www.amnesty.org/download/Documents/AMR0145622016SPANISH.PDF>

If passed, the new law would give the government broad powers to permanently put a stop to the activities of organizations for vaguely defined reasons such as disturbing public order, an ambiguous term whose interpretation could lead to the arbitrary closing down of civil society organizations and the imposition of criminal sanctions on human rights defenders that belong to them. The third and final reading of the bill prior to its approval could not take place because of the absence of quorum in Congress, but the final reading could be rescheduled at any time.

Amnesty International urges the Guatemalan authorities to publicly recognize the work of human rights defenders in Guatemala and to guarantee a safe and favourable environment in which they can carry out their work without fear of reprisals. It also urges the authorities to refrain from passing laws that impede their legitimate activities, such as Law No. 5257, and from misusing the justice system to intimidate, harass and discredit defenders. The Public Prosecutor's Office is the primary body responsible for identifying criminal proceedings opened against human rights defenders where there is no basis for continuing the investigations and should either close these cases, or request that the judges hearing the cases do so, on the grounds that they are unfounded.