

PRESS RELEASE 05/2013

Impunity Watch is concerned about the decision of Guatemala's Constitutional Court to overturn the genocide conviction of former head of state Ríos Montt and rejects the deployment of impunity strategies in Guatemala

Impunity Watch (IW) is concerned about the legal, political and social effects of the Constitutional Court's decision to annul the guilty verdict that was delivered in the case of the genocide committed against the Ixil Mayans in Guatemala. IW moreover rejects the legal insecurity in Guatemala, which is manifested in the deployment of obstruction strategies and the creation of legal confusion. These tactics strengthen the impunity in the country, especially in the field of Human Rights violations.

On Monday May 20, the Constitutional Court overturned the genocide conviction against Efraín Ríos Montt for his role in genocide against the Ixil Mayans in Guatemala and decided the trial needs to go back to where it was on April 19, 2013. Given these facts, IW states that:

1. This decision is a rejection of the victims' demand for the justice they were deprived of for decades, and which finally started to become accessible thanks to courageous efforts of civil society, prosecutors and certain Guatemalan judges and courts. Denying the indigenous people's right to seek justice for human rights violations is another manifestation of the Guatemalan State's persistent exclusion of indigenous peoples and other vulnerable groups. Indigenous groups' claims (agricultural, armed conflict, land, mining, etc.) are instead perceived as a source of social conflict, demonstrating that not all social groups are allowed to claim their rights before the state and/or society. ***Therefore, IW reconfirms its solidarity and commitment to the victims of human rights violations and their pursuit of justice.***
2. The decision of the Constitutional Court legitimizes the systematic and abusive legal procedures and formalities, widely condemned by Guatemalan society and international organizations such as the International Commission against Impunity in Guatemala (CICIG) and the Inter-American Court of Human Rights. The politicized environment that is serving as a framework for the decision of the Constitutional Court only reinforces the country's existing social perception that justice in Guatemala is neither independent nor impartial and that it favors those with the power and money to position themselves above the legal system. This means that the legal system is designed to allow structural impunity in the country. The obstacles for advancing in the genocide trial are no different than those that have become apparent in other trials that affect Guatemalan society as a whole. In the end, these obstacles strengthen the culture of impunity and widespread violence in the country. ***Therefore, IW urges the Guatemalan society to become aware of the many***

challenges that persist in the fight against impunity and violence and it calls on state authorities to guarantee access to justice for all Guatemalans.

3. The power that has been displayed by state and non-state sectors against the genocide trial and the conviction - one that has been difficult to reach considering the many obstacles - shows that some political issues are off limits. In particular, the violence against the civilian population during and after the conflict reaches civil-military networks that are still hidden, but that are able to exert power and of repression and control over the state. ***Therefore, IW urges state authorities and social groups to ensure effective legal independence and impartiality. Furthermore, IW urges the Constitutional Court to take ownership of their historical responsibility and legal and ethical trustworthiness that, by its nature, should be expected from such a court.***
4. The decision to overturn the genocide conviction shows that the achievements that have been accomplished over the last decade by civil society in Guatemala, with international support and cooperation, are vulnerable. Attacks on the role played by international cooperation in the country are an effort to curb future progress and the consolidation of the observed progress. That is, efforts to maintain the *status quo* and prevent the consolidation of a true democracy and rule of law in Guatemala. This is a historic moment in which Guatemala, more than ever, needs a strong presence of international cooperation against structural impunity in the country. ***Therefore, IW urges the international community in Guatemala to continue to support this historical process and resist undue pressure on their role in the country. Also, IW urges Governments that have decided to close delegations in Guatemala to reconsider their decision in view of the vulnerable progress that has been made with their support in the fight against impunity.***

Guatemala, 22 May 2013.