



January 24, 2008

Álvaro Colom Caballeros
President of Guatemala
6 a. Avenida, 4-18 zona 1
Guatemala City

Dear President,

Human Rights Priorities for your New Government

Congratulations on your recent election as President of the Republic of Guatemala. This letter contains suggestions on how to tackle some of the major human rights challenges facing your administration.

Human Rights First is a non-profit, nonpartisan international human rights organization based in New York City and Washington, DC. Since 1978, we have protected people at risk: refugees who flee persecution, victims of crimes against humanity or other mass human rights violations, victims of discrimination, those whose rights are eroded in the name of national security, and human rights advocates who are targeted for defending the rights of others.

1. The Situation of Human Rights Defenders

Human Rights First welcomes your decision to create the Ministry for Human Rights and Peace and to appoint Orlando Blanco and Ruth del Valle, well known human rights defenders, to important positions in that institution.

A human rights defender is anyone who promotes or protects human rights peacefully. The situation of human rights defenders in Guatemala was encapsulated by the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston:

The situation of human rights defenders in Guatemala is indicative of the broader human rights problems in the country. Death threats, fears of imminent extrajudicial execution and assassinations of human rights defenders are alarmingly common. From 2000 through mid-August 2006, at least 64 human rights defenders have been murdered. Those defenders most frequently assassinated, such as trade unionists, peasant workers (*campesinos*), indigenous leaders or environmental activists, have been upholding economic, social or cultural rights. Defenders seeking truth and justice for human rights violations committed during the internal armed conflict have also been particularly targeted.

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Few attacks against human rights defenders are investigated and even fewer result in convictions, and the killing of human rights defenders has increased in large part due to the failure to investigate and punish those responsible. A large number of killings are preceded by death threats or acts of intimidation which are not investigated. Effective investigation of these death threats could prevent a subsequent killing. More broadly, if coupled with effective prosecution for assassinations, it could rupture the culture of impunity and deter future killings.¹

The Guatemalan state bears responsibility for attacks against human rights defenders given its almost total failure to investigate or punish those who commit such crimes.

Human Rights First urges you to:

- Prioritize the investigation of threats and assassinations against human rights defenders as a way of combating impunity and deterring killings more broadly. Investigations should be prompt, comprehensive and impartial and lead to the prosecution of those responsible for committing these crimes. The office of the human rights prosecutor should emulate the best practices implemented by the recently-created human rights unit in the national police Criminal Investigation Division (DINC) and the Institute for the Analysis of Attacks against Human Rights Defenders created by the Interior Ministry (*Ministerio de Gobernación*).
- Implement the *National Action Plan for Human Rights 2007 – 2017*, in particular Strategic Objective 7 which guarantees the rights of human rights defenders.
- Implement the *Public Policy for Prevention and Protection of Human Rights Defenders* finalized in 2007 by the Presidential Human Rights Commission (COPREDEH), in particular by creating the following mechanisms for human rights defenders as envisioned in that policy: (1) an early warning system; (2) a committee of risk evaluation and protective measures; (3) an observatory for the protection of human rights defenders; and (4) a catalogue of protective measures. Other aspects of that Public Policy which should be implemented are a National Plan of Action for the Implementation of the U.N. Human Rights Defenders Declaration and a law for promotion and protection of the defense of human rights.

2. The Need to Investigate and Prosecute Mass Atrocities of the Past

As you know, the United Nations Commission for Historical Clarification found that gross human rights violations, including genocide, occurred in Guatemala during its internal armed conflict and that the vast majority of the 200,000 killings were committed by the Guatemalan

¹ Human Rights Council, *Civil and Political Rights, Including the Questions of Disappearances and Summary Executions Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston Addendum Mission to Guatemala*, UN Doc. A/HRC/4/20/Add.2 (February 19 2007), paras. 35-36.

armed forces.² Much of the continued lawlessness in Guatemala stems from the culture of impunity that has grown out of Guatemala's refusal to prosecute the heinous crimes committed during the conflict. According to Guatemalan law and international law, the Guatemalan state has an obligation to investigate and prosecute those responsible for committing mass atrocities.

Human Rights First urges you to prioritize:

- The immediate investigation of accusations of the commission of mass atrocities during Guatemala's internal armed conflict. The Attorney-General's office should promptly prosecute those responsible. If it is unwilling or unable to do so, it should extradite the accused to a jurisdiction where such a prosecution is possible.
- Reform of the *amparo* laws to minimize the potential for their misuse by individuals seeking to avoid justice. Congress should approve the Bill reforming the *amparo* laws which has been stalled for years.

3. The International Commission against Impunity in Guatemala (CICIG)

CICIG has the potential to end the culture of impunity in Guatemala and assist in the dismantlement and prosecution of illegal security organization that frequently attack human rights defenders. However, in order to successfully consolidate the rule of law, CICIG needs the cooperation of state institutions.

Human Rights First urges you to prioritize:

- Cooperation of the Attorney General's office in all aspects of CICIG's work, in particular in relation to investigating and prosecuting illegal security organizations. The Attorney General's office must act on the criminal complaints filed by CICIG.
- The adoption of measures to guarantee the security and protection of people who assist CICIG, in particular witnesses, victims and human rights defenders. Article 8 of the Agreement that established CICIG says that the Guatemalan state must adopt such measures. Without adequate measures to protect them, such individuals may lack the confidence to assist CICIG and its ability to build strong legal cases will be hampered.
- The adoption and implementation of all CICIG's recommendations, public policies and legal and institutional reforms to eradicate illegal security organizations.³

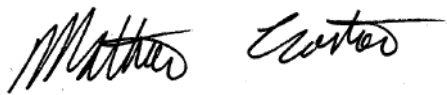
Human Rights First welcomes your public commitment to human rights and the reduction of poverty in Guatemala. I am confident that your support for the points mentioned above would

² Commission for Historical Clarification, *Guatemala: Memory of Silence*, February 1999, para. 41.

³ *Agreement between the United Nations and the State of Guatemala on the Establishment of an International Commission against Impunity in Guatemala ("CICIG")*, December 12, 2006, New York, art. 2(1)(c).

improve the grave situation of human rights defenders in Guatemala. Human Rights First wishes you success in the challenges that confront you and will support your important work.

Sincerely,



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Director, Human Rights Defenders Program

Cc

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