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European Parliament
Brussels, April 18, 2018

Mr. Jimmy Morales Cabrera
President of the Republic of Guatemala

Ms. Sandra Erica Jovel Polanco
Minister of Foreign Affairs in the Republic of Guatemala

Mr. Jorge Skinner-Kléé Arenales
Ambassador of the Republic of Guatemala before the European Union

CC: Mr. **Stefano Gatto**, Head of the European Union Delegation in Guatemala

Mr. President, Madam Minister, Mr. Ambassador:

We the undersigned Members of the European Parliament respectfully write to you today to express our concern regarding the human rights situation in Guatemala, and in particular the situation for human rights defenders. We do this bearing in mind the important role defenders play in strengthening democracy and the Rule of Law from their different spheres of action, and taking into account the commitment that the international community, including the EU, has acquired to protect human rights defenders around the world.

On February 16, 2017, the European Parliament unanimously adopted a resolution expressing our concerns about the situation of human rights defenders in Guatemala. This resolution included, among other issues, a reminder of the need to develop a public policy to protect human rights defenders, in line with the 2014 Sentence issued by the Inter-American Court of Human Rights. Equally, the resolution highlighted the need to undertake a reform of the justice system and to continue making progress in the fight against impunity and corruption in Guatemala.

According to information we have received as Members of the European Parliament, since this resolution was approved there have been a number events and occurrences which imply that there has been a deterioration of the human rights situation in the country.

In the first place, we regret that the severity and intensity of aggressions against human rights defenders have increased; a pattern which has been consolidated during the last two years in particular. For example, according to figures from UDEFEGUA, in 2017 a total of 483 acts of aggression were recorded against defenders, including 53 killings.

Also of concern is the campaign to delegitimise and attack institutions linked to the defence of human rights, including in particular the International Commission against Impunity in Guatemala (*Comisión Internacional Contra la Impunidad en Guatemala* - CICIG) and attempts to oust its Commissioner, Mr. Iván Velásquez, and also attacks against the Office of the Human Rights Ombudsman (*Procuraduría de Derechos Humanos* - PDH), the Public Prosecutor's Office, and justice operators, including the attempted murder of Human Rights Prosecutor Sonia Montes on February 15 this year.

In the European Parliament we regret that rather than making determined progress to fulfil Guatemala's commitments before the international community, the current legislative agenda includes several bills which contain significant setbacks to human rights.



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Instead of committing decisively to measures such as the development of a public policy for the protection of defenders or the development of a National Action Plan on Business and Human Rights in Guatemala, we note particularly the risk of a restriction on the right to defend human rights in Guatemala, via the following legislative proposals: the Law on Non-Governmental Development Organisations, whose articles do not comply with international standards regarding freedom of association; the reform to the description of the crime of terrorism in the Penal Code, as its wording classifies as terrorism actions that are included as part of the rights to freedom of expression and peaceful demonstration. We are also concerned about the proposal to reform Decree number 145-96 relating to the Law on National Reconciliation, that seeks to grant amnesty to all crimes committed during the internal armed conflict, including crimes against humanity, genocide, torture and forced disappearance, which goes against international human rights standards.

Finally, as MEPs we reiterate our steadfast commitment to the fight against impunity and corruption as central elements to improve the situation for human rights defenders and, consequently, the general human rights situation in the country.

Indeed, we would like to expressly recognise the role that the CICIG has carried out and continues to carry out in Guatemala. Moreover, we echo the call of United Nations Special Rapporteur on the independence of judges and lawyers, Mr. Diego García-Sayán, and we urge Guatemala to guarantee a transparent selection of the new Public Prosecutor based on strict, clear and objective criteria to evaluate the integrity and suitability of the candidates for the role, so as to demonstrate the unequivocal country's commitment to a determined fight against impunity.

We reiterate our highest esteem for the Republic of Guatemala, and we send our kindest regards.

1. ALBIOL, Marina (GUE/NGL, Spain)
2. ANDERSON, Martina (GUE/NGL, United Kingdom)
3. BENITO ZILUAGA, Xabier (GUE/NGL, Spain)
4. BILBAO BARANDICA, Izaskun (ALDE, Spain)
5. BOYLAN, Lynn (GUE/NGL, Ireland)
6. CARTHY, Matt (GUE/NGL, Ireland)
7. CHILDERS, Nessa (S&D, Ireland)
8. CORRAO, Ignazio (EFDD, Italy)
9. CROWLEY, Brian (ECR, Ireland)
10. GONZÁLEZ PEÑAS, Tania (GUE/NGL, Spain)
11. HENKEL, Hans-Olaf (ECR, Germany)
12. NI RIADA, Liadh (GUE/NGL, Ireland)
13. SÁNCHEZ CALDENTEY, Lola (GUE/NGL, Spain)
14. TORRES MARTÍNEZ, Estefanía (GUE/NGL, Spain)
15. URBÁN CRESPO, Miguel (GUE/NGL, Spain)
16. VALERO, Bodil (GREENS/EFA, Sweden)
17. VERGIAT, Marie-Christine (GUE/NGL, France)