



*For immediate release*

**Guatemala: United Nations experts call to prevent further delays and to increase respect for rule of law as Genocide trial resumes**

**Statement by the Special Adviser of the Secretary-General on the Prevention of Genocide, Adama Dieng, and by the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, on the judicial process against the former *de facto* Head of State, José Efraín Ríos Montt, and the former Chief of Intelligence of Guatemala, José Mauricio Rodríguez Sánchez**

(New York/Geneva, 27 August 2015) Two United Nations experts on genocide prevention and transitional justice today called on the Guatemalan judicial authorities to “prevent any further attempt at interference, obstruction of justice or manipulation of the law”, while resuming the genocide trial against the former *de facto* Head of State and Chief of Intelligence of Guatemala.

The appeal by United Nations Special Adviser on the Prevention of Genocide, Adama Dieng, and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, comes as a Guatemalan court decided to restart, in January 2016, the trial against José Efraín Ríos Montt and José Mauricio Rodríguez Sánchez, who are accused of genocide and crimes against humanity for human rights violations committed against the Mayan Ixil population between 1982 and 1983. Reports estimate that 200.000 persons were killed or disappeared during the internal armed conflict in Guatemala (1960-1996).

“The delaying strategies, abusive use of judicial recourses and alleged threats and pressure against judges and prosecutors working on the case that have characterized the genocide trial, reveal significant flaws in the administration of justice in Guatemala,” the United Nations experts noted.

The human rights experts raised questions about the court’s decision, based on Ríos Montt’s mental health condition, to order the application of special procedures, which includes representation by a legal guardian and hearings held behind closed doors. It is unclear why these procedures will apply to both defendants, while only Ríos Montt was found unfit. In all cases, the due process rights of both defendants should be regarded and the medical condition of Ríos Montt should be taken into consideration.

“This could have been avoided had the judiciary performed its functions effectively and in timely manner,” they noted.

While some progress has been achieved in other judicial cases, many cases of alleged gross human rights violations and serious violations of international humanitarian law from the conflict period are still pending.

“Denying victims and their families the right to justice by further delays and postponement of the trial will perpetuate feelings of frustration and discrimination. Guatemala still needs to transform a culture of impunity into a culture in which the truth is told and individuals are held accountable, whoever they are. Impunity destroys the social fabric and perpetuates mistrust. A fragmented society is a society that cannot live in peace,” stressed Special Adviser Dieng.

“In transitional societies, the effectiveness of measures that promote the rule of law depends on institutions that inspire trust. It is not possible to defend the reliability of State institutions when these allow impunity for such serious crimes as genocide,” Special Rapporteur de Greiff added.

“Addressing past violations and ending cycles of impunity is crucial for the consolidation of democracy – recent outcry against corruption in Guatemala confirms this,” he said.

“Time is critical. The decision to schedule the new hearing for January 2016, does not reflect the decisive prioritization that the case merits. The defendants, witnesses and victims are all getting older. Two witnesses have passed away. Victims only ask to see that justice is served before they die,” the experts stressed.

The two UN human rights experts commended “the tireless efforts of those who are fighting to end impunity for crimes committed during the internal armed conflict in Guatemala.”

END

This statement is endorsed by the President of the Working Group on Enforced or Involuntary, Ariel Dulitzky, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Juan Méndez and the Special Rapporteur on the Independence of Judges and Lawyers, Mónica Pinto.

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