

Dear Sir / Madam

The motivation for this letter is to bring attention to the reopening on the 5<sup>th</sup> of January of the trial relating to genocide and crimes of lesser humanity by the ex-head of state, General José Efraín Ríos Montt, and the then head of military intelligence, José Mauricio Rodríguez Sánchez. José Efraín Ríos Montt was already condemned on the 10<sup>th</sup> of May, 2013 for crimes against the Maya Ixil people, committed between the years 1982 and 1983. A few days later, the Court of Constitutionality (CC) ordered the annulment of this sentence as the result of a controversial decision from the interior of the court, which was questioned and received with much concern by international experts.<sup>1</sup>

The current context, in which the trial has been reopened, is characterized by the existence of a justice system that is much weaker when compared with that of 2013 and suffers serious problems of credibility and functionality. In 2014 the mandate of the then district attorney, Claudia Paz y Paz was finished due to a dubious decision from the CC.<sup>2</sup> Similarly, the formation of the commissions of postulation for the selection of magistrates in the court of appeals and the Supreme Court of Justice, as well as the process of selection for these, has been criticized by multiple entities for not responding to the corresponding ethical and professional criteria. Among these, the Special Rapporteur of the United Nations of the independence of magistrates and judges, Gabriela Knaul, asked in a public statement on the 7<sup>th</sup> of October, 2014 that the possibility of repeating the process was analysed. One of the judges selected for the Court of Appeals, Claudia Escobar Mejía, publicly left her post, denouncing the irregularities in the process of the election of magistrates. Likewise, more than 60 Guatemalan judges publicly supported a repetition of the whole process.<sup>3</sup> However, on the 19<sup>th</sup> of November, 2014, the CC, with 3 votes in favour and 2 against, confirmed the selection of the magistrates.

Other elements that character the current climate in which the trial has re-opened are the closure of spaces that local organizations can express themselves and the rise in attacks against human rights defenders in 2014, that according to the Unity for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA), in the month of November have already risen to 779, a statistic that exceeds the 657 attacks that took place in 2013.<sup>4</sup>

Since 2010, due to the multiple incidents of security, PBI Guatemala has accompanied the Judicial buffet of Human Rights in Guatemala (BJDHG), that legally assists the adhesive plaintiffs in this case: The Centre for Legal Action in Human Rights (CALDH) and the Association for Justice and Reconciliation (AJR).

**Before the opening of the case, PBI Guatemala manifests it's concerns in regards to the security of the people that form part of the BJDHG, as well as the other organizations and other people involved. Due to this, we ask that the international community is attentive to the trial, that they observe the due process, and that they are alert so that nobody involved in the trial suffer aggressions or intimidations.**

We thank you in advance for your support, as well as your support for the work of PBI.

Regards,

PROYECTO GUATEMALA  
BRIGADAS INTERNACIONALES DE PAZ (PBI)

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<sup>1</sup> CIJ: [http://www.rpp.com.pe/2013-05-22-juristas-internacionales-condenan-anulacion-de-sentencia-a-rios-montt-noticia\\_596940.html](http://www.rpp.com.pe/2013-05-22-juristas-internacionales-condenan-anulacion-de-sentencia-a-rios-montt-noticia_596940.html), Alta Comisionada para los Derechos Humanos de la ONU, Navv Pillay: <http://www.laprensagrafica.com/onu--anulacion-sentencia-montt-es-un-paso-atras--pero-no-el-final>

<sup>2</sup> [http://www.prensalibre.com/noticias/politica/Externan-apoyo-Paz\\_0\\_1080491956.html](http://www.prensalibre.com/noticias/politica/Externan-apoyo-Paz_0_1080491956.html)

<sup>3</sup> [http://www.cicig.org/index.php?mact=News.cntnt01\\_detail,0&cntnt01articleid=560&cntnt01returnid=1146](http://www.cicig.org/index.php?mact=News.cntnt01_detail,0&cntnt01articleid=560&cntnt01returnid=1146)

<sup>4</sup> UDEFEGUA, El Acompañante, Guatemala, noviembre de 2014.