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Republic of Guatemala

Head of state and government: **Alejandro Maldonado Aguirre** (replaced **Otto Pérez Molina** in September)

In a landmark development, the President and Vice-President resigned and were detained on corruption charges. Important progress towards accountability was made, although justice was still elusive for human rights violations and crimes under international law committed during the internal armed conflict. Human rights defenders, including environmental and land rights defenders protesting against hydroelectric and mining projects, and journalists, were threatened, attacked, harassed and intimidated. Violence against women and girls continued to be systemic.

BACKGROUND

The country was shaken by revelations in April by the International Commission against Impunity in Guatemala and the Guatemalan Public Prosecutor's Office of wide-reaching corruption involving the customs agency. More than a dozen officials were charged and arrested for their alleged participation, including Vice-President Roxana Baldetti. In September, President Pérez Molina resigned, one day after Congress stripped him of his immunity from prosecution. Otto Pérez Molina was the first ever serving president to face criminal charges.

The scandal gained momentum over a period of months during which public protests mounted. Massive anti-corruption demonstrations lasting several months were seen in the streets of a number of cities around the country, bringing together many different groups and sectors of society in an unprecedented fashion. However, the atmosphere of increased social mobilization, demonstrations and civic activity also resulted in threats and intimidation against participants.

In September, Alejandro Maldonado Aguirre, a former Constitutional Court judge, was sworn in as President. Presidential elections, which had been scheduled before the scandal broke, were held in

September with a run-off in October. The winner, comedian James Ernesto "Jimmy" Morales Cabrera, was due to take office in January 2016.

IMPUNITY

Truth, justice and reparations for human rights violations and crimes under international law committed during the country's internal armed conflict between 1960 and 1996 continued to be slow and halting. However, important steps towards accountability were made. In October, a Guatemala City appeals court declared that a 1986 amnesty decree could not be applied to crimes against humanity and genocide. As a result, the case against former President and Commander-in-Chief of the Guatemalan army, José Efraín Ríos Montt, could proceed.

In August, the Guatemalan Court for High Risk ruled that Efraín Ríos Montt should be tried behind closed doors in special criminal proceedings due to begin in January 2016.[1] Ríos Montt will be represented by a third party during the trial and the court is not empowered to hand down a prison sentence, owing to the 89-year-old defendant's poor health. In January, a civilian court in Guatemala City found Pedro García Arredondo, former chief detective of the now-defunct National Police, guilty of orchestrating a fire in the city's Spanish Embassy that killed 37 people in 1980.[2] He was sentenced to 90 years in prison for murder, attempted murder and crimes against humanity.

Civil society organizations continued to push for the approval of Law 3590, which would create a National Commission for the Search for Victims of Enforced Disappearance and Other Forms of Disappearance. The law was first presented before Congress in 2006.

HUMAN RIGHTS DEFENDERS

Human rights defenders, particularly Indigenous leaders and protesters defending environmental and land rights and opposing hydroelectric and mining megaprojects faced continuous attacks, threats, harassment and intimidation during the year.

The Guatemalan human rights organization UDEFEGUA documented 337 acts of aggression against human rights defenders in the first half of 2015, more than the number recorded in the whole of 2012, the year President Pérez Molina took office. Documented abuses rose by over 166% during his presidency, according to UDEFEGUA.

UDEFEGUA stated that almost 71% of all documented attacks and intimidation against human rights defenders in the first half of 2015 targeted Indigenous leaders and defenders working on environmental and land rights issues. Leaders of movements opposing hydroelectric projects in Huehuetenango Department were arbitrarily arrested and tried in proceedings that local groups said were characterized by irregularities and violations of due process. According to UDEFEGUA, eight human rights defenders were in prison at the end of the year.

FREEDOM OF EXPRESSION – JOURNALISTS

In March, *Prensa Libre* correspondent Danilo López and Radio Nuevo Mundo reporter Federico Salazar were shot dead by gunmen while walking in a park in Mazatenango, the capital of Suchitepéquez Department. Danilo López, according to the authorities the probable target of the attack, had frequently received threats for his reporting on local government corruption and was

investigating a story on money laundering shortly before his death. The authorities arrested several people they accused of having carried out or planned the crime, including two police officers, but no one was charged with ordering the crime. At the end of the year, it remained unclear who was behind the killings; investigations were ongoing.

LAND DISPUTES

In July, an appeals court suspended operations of the contested El Tambor gold mine until further community consultations were held. In a separate case in September, a criminal court suspended operations of a palm oil company in Petén Department pending further investigation of its alleged responsibility for the contamination of a local river. In both cases, the activists and human rights defenders involved had been intimidated, threatened and attacked.

VIOLENCE AGAINST WOMEN AND GIRLS

The National Institute of Forensic Science reported that 766 women were murdered throughout the year, compared with 774 in 2014. The Public Prosecutor's Office stated that violence against women had been the most frequently reported crime in the country in 2013 and 2014.

Guatemala had yet to comply with a 2014 ruling of the Inter-American Court of Human Rights in the case of María Isabel Véliz Franco, who was 15 at the time of her death in 2001. The Court found Guatemala responsible for her gender-based killing and the subsequent failure to investigate, prosecute and punish those responsible. The judgment called on the authorities to carry out an effective investigation, make a public apology, and reinforce state institutions to investigate and prosecute gender-based violence. Compensation for victims, including María Isabel Véliz Franco's mother, had not been paid by the end of the year.

[1] Guatemala: Court ruling on Ríos Montt's case highlights flaws in justice system (News story, 25 August)

[2] Guatemala: Conviction of ex-police chief finally brings justice for 1980 Spanish embassy attack (News story, 20 January)