New Report: Guatemala must immediately protect human rights defenders

Human rights defenders, civil society organizations, and indigenous community groups in Guatemala report operating in a dangerous environment where they live under constant threat.


“The Guatemalan judicial system is being utilized to harass and intimidate human rights defenders, especially in the context of disputes between businesses and indigenous communities over property rights and land use,” said Santiago A. Canton, Director of Partners for Human Rights at the RFK Center. “Human rights defenders and indigenous leaders are targeted with threats and violence, and find themselves faced with false criminal charges, while their perpetrators go unpunished.”

Attorneys and civil society leaders reported that disputes between indigenous communities and extractive companies resulted from the government’s failure to hold culturally appropriate, prior consultations in good faith as required under international law. The report also questions the compliance of multilateral banks and multinational corporations with international standards. “Companies operating contentious, large-scale industrial projects often employ private security forces with dubious human rights records,” said RFK Center President Kerry Kennedy. “Many defenders report that ex-military officers who committed abuses during the internal armed conflict are now intimidating locals and committing crimes with impunity in the communities where they work.”

“We are concerned about the misuse of pre-trial detention as a means to harass defenders who have protested against mining or other extractive projects and subsequently been accused of crimes. There are also grounds to believe that disciplinary procedures have been misused against judicial functionaries perceived as advancing human rights cases,” said Brittany Benowitz, Chief Counsel at the American Bar Association’s Center for Human Rights.

The authors explain that defenders must contend with widely published derogatory and inflammatory statements against them, in addition to the possibility of being physically attacked or falsely accused of a crime. “Peaceful human rights activists have been labeled as ‘terrorists’ by prominent commentators, including leaders affiliated with business interests,” said Katharine Valencia nee Nylund, Donald M. Wilson Fellow at the Robert F. Kennedy Center, a former Fellow at Georgetown Law’s Human Rights Institute and co-author of the report. “Such inaccurate invective puts defenders at risk of serious human rights abuses.”

The report emphasizes the Guatemalan government’s obligations under the American Convention on Human Rights to protect the physical integrity of citizens; guarantee the independence of judicial authorities; thoroughly and impartially investigate allegations of criminal activity; and protect against arbitrary detention and prolonged, unjustified pretrial detention. The report also stresses that prior to the development of projects in indigenous territories, the state must engage in good-faith, culturally appropriate, and fully informed consultations with affected communities. Finally, the report calls upon extractive industries and financial institutions to justly compensate communities that have been displaced or otherwise adversely impacted by business activity, and urges compliance with reparations agreements related to the internal armed conflict.

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