



Plenary sitting

B8-0182/2019

12.3.2019

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Guatemala
(2019/2618(RSP))

Molly Scott Cato, Tilly Metz, Ernest Urtasun, Barbara Lochbihler, Bodil Valero, Maria Heubuch, Jordi Solé, Josep-Maria Terricabras, Florent Marcellesi, Ana Miranda, Bart Staes
on behalf of the Verts/ALE Group

**European Parliament resolution on Guatemala
(2019/2618(RSP))**

The European Parliament,

- having regard to its resolutions of 15 March 2007 on Guatemala¹, of 11 December 2012² on the EU-Central America Association Agreement, and of 16 February 2017 on Guatemala, notably the situation of human rights defenders
- having regard to its Subcommittee on Human Rights visit to Mexico and Guatemala of February 2016 and its final report,
- having regard to the Delegation for relations with the countries of Central America report on its visit to Guatemala and Honduras on 16-20 February 2015,
- having regard to the visit of the delegation with the countries of Central America to Guatemala, on 28 October to 1 November 2018,
- having regard to the Multiannual Indicative Programme for Guatemala 2014-2020, and its engagement to contribute to the resolution of conflicts, to peace and to security,
- having regard to the European Union support programmes for the justice sector in Guatemala, particularly SEJUST,
- having regard to the European Union’s Annual Action Programme 2018 in favour of Guatemala, on *Sustainable and inclusive economic growth in the Guatemalan AZ and its vicinity*” and for “*Support to the International Commission against Impunity in Guatemala (CICIG)*” ,
- having regard to the Statement by the Spokesperson of the EEAS on the decision of the Guatemalan government not to renew the CIGIC mandate, of 2 September 2018,
- having regard to the joint letter of the President of the UN Working Group on Forced or Involuntary Disappearances and the UN Special Rapporteur on the Promotion of Truth, Justice, reparation and Guarantees of No-Repitition to the President of Guatemala, of 6 April 2018,
- having regard to the pronouncement of the High Commissioner for Human Rights of the United Nations, Michelle Bachelet, on the decision of the Guatemalan government against the CICIG, on 10 September 2018,
- having regard to the declaration of the High Commissioner for Human Rights of the United Nations, Michelle Bachelet, on the bill amending the Guatemalan Law on Non-Governmental Organisations for Development, of 6 March 2019,

¹ OJ C 301 E, 13.12.2007, p. 257.

² OJ C 434, 23.12.2015, p. 181.

- having regard to Rule 135 of its Rules of Procedure,

- A. Whereas since, 2007, the CICIG has been fighting corruption and impunity at the invitation of the Government of Guatemala and in close collaboration with the national institutions in Guatemala, in order to identify and help dismantle para-state institutions, as well as contributing to strengthening the capacities of the country's judicial and security institutions;
- B. Whereas after four extensions of successive two-year mandates, the government of Guatemala requested from the UN Secretary General the extension of CICIG's mandate until September 2019, thus further strengthening governance through CICIG's high impact investigations and through its support for the rule of law in Guatemala, and its achievement in significantly reducing corruption and challenging the impunity of non-state activities with links to the State (CIACS);
- C. Whereas in April of 2018, CICIG and the Public Ministry presented the outcome of new investigations into illegal financing of the ruling FCN party in its electoral campaign; whereas in July 2018, the Supreme Court of Justice planned an investigation into the activities of the President Jimmy Morales with respect to illegal financing of his electoral campaign;
- D. Whereas at the end of August 2018, the government of Guatemala announced the cancellation of the CICIG mandate from September 2019; whereas the government shortly afterwards also prohibited the return of CICIG director Iván Velázquez to the country and subsequently cancelled visas for 11 CICIG employees who investigate high level cases of corruption; whereas in January 2019 the government cancelled the agreement between the UN on the CICIG with immediate effect and requested the CICIG to leave the country;
- E. Whereas these measures have been contested and annulled by the Constitutional Court of Guatemala; whereas these rulings by the Constitutional Court have been ignored by the government; whereas the Congress has prepared action against the Constitutional Court and its members, creating a flagrant conflict with the Rule of Law;
- F. Whereas the conflict with CICIG and the Constitutional Court is occurring at a moment of further serious legal destabilisation in Guatemala, demonstrated by flagrant breaches of its own Constitution; whereas the reform bill 5377 amending the national reconciliation law, which passed Congress in the second out of three readings in early March 2019, would extend an amnesty for all crimes committed by the domestic security forces and individuals acting on behalf of the government, including crimes against humanity, such as torture, forced disappearance and genocide;
- G. Whereas, according to the IACHR, reform bill 5377 fails to comply with Guatemala's international commitments, is allegedly in violation of international law, and violates article 171 (g) of the Guatemalan Constitution, as all persons in prison who had been found guilty of and were convicted for political crimes and crimes against humanity committed during the armed conflict would be freed within hours;
- H. Whereas people in Guatemala are suffering from an extremely high level of insecurity and the National Civil Police (PNC) has been severely undermined in recent years; whereas judges and judicial staff investigating cases of corruption and war crimes are harassed and

threatened with increasing frequency; whereas civil society organisations in rural areas are at particular risk, especially when their members are indigenous people and when they are working to protect territorial rights;

- I. Whereas 26 human rights defenders were killed in Guatemala in 2018, meaning an increase of 136 per cent compared with 2017; whereas female human and environmental rights defenders are at especial risk;
 - J. Whereas Bernardo Caal, a leader of the peaceful resistance of Cahabon, was sentenced to seven years in prison in November 2018, although reliable accounts suggest that he was not present at the scene of the crime;
 - K. Whereas Aura Lolita Chávez, indigenous environmental defender from Guatemala and Sakharov finalist of the European Parliament in 2017, left her country after serious attacks, murder threat and defamation, and faces various judicial processes, if she returns to Guatemala,
 - L. Whereas general and presidential elections are planned in Guatemala on June 11, and August 16, 2019;
1. Is convinced that the CICIG has played a vital role in Guatemala and that its work fighting impunity and corruption, preparing investigations for trials to be carried out by Guatemalan institutions is crucial to upholding the rule of law; expresses its deep concern about the current situation facing the CICIG in Guatemala and asks the Guatemalan Government to cease all illegal attacks against the CICIG and its national and international staff;
 2. Welcomes, in this context, the Commission Implementing Decision to support the extended mandate of the CICIG with an additional EUR 5 million from the Development Cooperation Instrument (DCI) 2018 Guatemala Annual Action Programme. Takes note that the draft Implementing Decision received a positive opinion from the Member States in the DCI Committee meeting of 26 September 2018, but that the money has not yet been released t;
 3. Requests, therefore, the Commission to disburse the EUR 5 million agreed last September as a matter of urgency, and to continue all approved programmes with the CICIG; asks the Commission to stand ready for a continuation of its cooperation with and funding of the CICIG after September 2019, and actively supports such a prolongation;
 4. Is convinced that the passage of the National Reconciliation Law poses a significant threat to the Rule of Law in Guatemala and would drastically undermine the important progress achieved through the work of the CICIG and the national courts in their fight against impunity; shares the view of the UN High Commissioner that the amnesty for violators of human rights, perpetrators of crimes against humanity and war criminals foreseen in the bill would fuel even more violence in the country: notes that such action might include retaliation by released prisoners, which could lead to societal destabilisation; therefore urges the Guatemalan Congress not to adopt the bill;
 5. Is equally concerned about the proposed reforms of the Law on Non-Governmental Development Organisations; reminds the authorities and institutions of Guatemala of the need to create and maintain a safe and conducive environment for NGOs to freely express their opinions and conduct their work for the benefit of society at large; underlines that the reforms would restrict

freedom of expression and assembly as well access to funds, and open the door to the arbitrary banning of NGOs; expresses its concern that the reform plans ignore recommendations by the UN High Commissioner; therefore asks the Guatemalan Congress not to adopt this bill;

6. Reiterates its request for the protection of human rights defenders, and in particular female human rights defenders; welcomes and supports the action undertaken thus far by European embassies and the European delegation in Guatemala; requests the European Union to maintain, and if necessary, to step up projects to support the work of national and international organisations in Guatemala;
7. Insists that Guatemalan authorities must declare and ensure the legal and and physical safety of Sakharov finalist Lolita Chávez, if she decides to return to her home country;
8. Urges that the elections in Guatemala should take place in a peaceful and transparent manner, and that security is provided for all candidates; underlines that the Supreme Electoral Court (TSE) must act independently and with no interference from state institutions or actors; offers to send an Electoral Observation Mission from the EU;
9. Insists that all institutions that defend constitutional democracy and human rights in Guatemala need to be supported and strengthened; recalls that guaranteeing an independent judiciary and respecting its independence, as well as ensuring an impartial legal system, is essential; stresses that these are key to consolidating efforts to combat corruption and impunity;
10. Considers that allegations of intimidation and threats against magistrates, judges and prosecutors should lead to immediate action to protect the country's judicial institutions and their representatives; urges that the Executive should immediately cease its attempt to undermine the independence of the judiciary, and guarantee freedom of press and media;
11. Deplores that after more than 20 years, the Peace Accords have still not been implemented, and indeed are at risk of being dismantled; strongly encourages all national and international actors to do everything possible to accelerate their full implementation;
12. Asks the Guatemalan Government to refrain from militarising the PNC and other institutions like CONRED, the national coordination for disaster reduction, and from channelling humanitarian funds through the army, as this is inconsistent with the goals of the Peace Accords;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the President, Government and Parliament of the Republic of Guatemala, the CICIG, SIECA, the Parlacen, and the co-presidents of the EuroLat Assembly.