



Embassy Magazine

Guatemala: Canada must break its silence

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We urge the Canadian government to take a stance on the ongoing case against José Efraín Ríos Montt, the former military head of state of Guatemala from 1982-83, for war crimes and genocide committed during that country's civil war.

As a coalition of Canadian civil society organizations engaged with development and social justice issues in the Americas, we are deeply concerned about the current status of this case following reversals in the landmark verdict against him. The need for international pressure is urgent given an Oct. 22, 2013 ruling by Guatemala's constitutional court which opens the door for Ríos Montt to be granted amnesty from the charges against him.

In January 2012, Ríos Montt was charged as the intellectual author of the genocide of 1,771 Mayan Ixil people between 1982 and 1983. Despite numerous appeals and injunctions, he was convicted of genocide and war crimes on May 10, 2013. This emblematic case was recognized internationally as precedent-setting, as it was the first time a former head of state had been prosecuted for genocide by a domestic court in the Americas.

Only 10 days later, the constitutional court annulled the verdict and ordered that the trial restart from a point midway through the proceedings. New proceedings for the retrial are not scheduled to begin until 2015.

The court's Oct. 22, 2013 ruling, which opens the possibility of having the amnesty law applied and of getting the charges against Ríos Montt thrown out, is a cause of concern for many civil society groups. Lawyers Without Borders Canada notes that amnesty laws seeking to shield officials from charges of genocide and war crimes are contrary to international law and cannot be used to nullify criminal charges. This move threatens victim's rights and the possibility of a fair trial in this case and others like it.

A 2013 report by the International Crisis Group highlights several structural problems faced by Guatemala's justice system, including the problem of a weak judiciary. As the Guatemalan justice system struggles to ensure accountability for the widespread crimes committed during Mr. Ríos Montt's rule, it faces ongoing pressure from powerful economic and military forces within the country.



Canada's strategy for engagement in the Americas sees a role for Canada "strengthen[ing] institutions that safeguard freedom, democracy, human rights and the rule of law" throughout the Americas. Importantly, in 2011 the Canadian government pledged \$7.1 million to strengthening Guatemala's judicial and security sectors. This funding, according to then-minister of state of foreign affairs (Americas and consular affairs) Diane Ablonczy, "reflects Canada's sustained commitment to Guatemala...by supporting a range of Guatemalan institutions working to strengthen the delivery of security and justice."

Indeed, Canada's support has contributed to a strengthening of Guatemala's justice system and an enhanced respect for human rights, reflected in a slight but important decrease in the country's impunity rate and the conviction of war crimes authors in several emblematic cases. Guatemala's attorney general, Claudia Paz y Paz, who has played an important role in these gains, was reportedly nominated for the 2013 Nobel Peace Prize for her valuable work.

Ms. Paz y Paz has stressed Canada's role in helping Guatemala re-establish the rule of law, fight impunity and reduce crime. Pointing to Canada's support for the International Commission Against Impunity in Guatemala and for organizations such as LWBC, she concluded that "Canada's support has been critical." She cautioned, however, that "If we do not continue strengthening those efforts...we will go back to what we had before."

Despite important progress, Canadian support for justice in Guatemala has waned. Funding to some organizations previously supported by the Canadian government in their work to strengthen Guatemala's judicial sector has thus far not been renewed. Moreover, Canada has maintained its silence regarding the Rios Montt case despite troubling setbacks.

Continued support for Guatemala's justice system and for Ms. Paz y Paz's work is essential. Given its foreign policy goals, it is critical for the Canadian government to dialogue with the Guatemalan state in order to ensure that the case continues and does not remain mired in injunctions and delays. Furthermore, considering the increasing involvement of Canadian businesses in the country, particularly in the extractive sector, Canada has an increasing stake in supporting an effective justice system and respect for the rule of law.

Now is the time for the Canadian government to break its silence by issuing a statement in support of judiciary independence and a timely resolution of the Rios Montt trial. In doing so, Canada will join other important actors in the international community calling for perpetrators of the genocide to be held accountable.

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