



Inter-Parliamentary Union
For democracy. For everyone.

Guatemala

GUA/10 - Amilcar de Jesus Pop

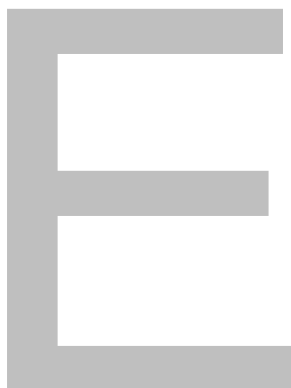
***Decision adopted unanimously by the IPU Governing Council
at its 198th session (Lusaka, 23 March 2016)***

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Amilcar de Jesus Pop, a member of Guatemala's Congress, which has been examined by the Committee on the Human Rights of Parliamentarians pursuant to the Procedure for the examination and treatment of complaints (Annex I of the revised rules and practices),

Considering the following information on file as presented by the complainants:

- Mr. Pop was elected as a member of Guatemala's Congress in 2011 and re-elected in 2015 for a further term until 2020. According to the complainants, Mr. Pop is a human rights defender and lawyer. He is the co-founder, together with Nobel Peace laureate, Ms. Rigoberta Menchú, of the political party WINAQ created in 2009, which has one seat in parliament. Mr. Pop has occupied this seat since the elections in 2012 and is one of three members of parliament who advocate for respect for the rights of the Maya population;
- Mr. Pop has allegedly been the subject of repeated death threats and serious harassment in reprisal for his work as an opposition member of parliament, during which he has raised, in defence of the rights of the Mayan indigenous population, numerous cases of abuse by public officials and private companies; that as part of his parliamentary activities, he launched investigations against more than 100 public officials, 26 mayors and six judges accused of corruption, money laundering and illegal enrichment; that he has been closely linked to the criminal cases against the former President and Vice-President of Guatemala; that he has also criticized public tender processes in the private sector, in particular with regard to the company *Cementos Progresos*, and the creation of the *planta hidroeléctrica* (hydroelectric power plant) *Hydro-Santa Cruz*, both of which have caused great damage to the environment where the Maya population lives; that Mr. Pop has been receiving death threats and been subjected to attacks for several years;
- The complainants state that, since the beginning of Mr. Pop's term as a member of parliament, his car has repeatedly been vandalized, he has been subjected to threats and telephone harassment, and documents such as diaries have been stolen from his vehicle; that he also noted that he is regularly followed by unknown vehicles with tinted windows;
- On 16 June 2015, Mr. Pop lodged a complaint with the International Commission Against Impunity in Guatemala (CICIG) and with the Human Rights Prosecutor's Office (File no. MP-001-60257-2015 – *Expediente único*), regarding the threats, the damage to his car and the theft of private documents related to his work as a parliamentarian. The complainants allege that the authorities are not investigating the case properly in order to bring the culprits to justice;
- The complainants fear for Mr. Pop's physical integrity and life in light of the powerful vested political and economic interests he is challenging,



Considering that, according to the complainants, threats and harassment suffered by Mr. Pop occurred against a complex and unstable political background. Tensions had been increasing since April 2015, when the Public Prosecutor and the CICIG uncovered a large-scale corruption scandal, which led to the resignation and arrest of the Vice-President and the President. According to the complainants, Mr. Pop was closely linked to these events and the denunciation of other highly politicized cases of corruption,

Bearing in mind that, in its concluding observations, during its examination of Guatemala's reports in 2012, the United Nations Human Rights Committee, which monitors implementation of the International Covenant on Civil and Political Rights to which Guatemala is a State party, with regard to the protection of human rights activists whose lives and security are endangered by their professional activities, encouraged the State to take immediate measures to provide effective protection for defenders, facilitate the immediate, effective and impartial investigation of threats, attacks and assassinations of human rights defenders, and to prosecute and punish the perpetrators. The Human Rights Committee considered that the State should give priority to the discussion and approval of legal reforms to the professional career system of the judiciary and the Public Prosecution Service, in order to eliminate any structural obstacle that may exist to the independence and impartiality of the courts,

Bearing in mind also that, according to the country report on the situation of human rights in Guatemala of the Inter-American Commission on Human Rights, published on 14 March 2016, Guatemala is one of the most violent and insecure countries in Latin America. This violence has reportedly had a much greater impact on certain population segments, including defenders of the rights of indigenous peoples and the environment. According to a report from the CICIG of November 2015, the impunity rate for the crime of homicide from 2008 to 2014 fluctuated between 99.1 per cent and 98.4 per cent with certain drops depending on the years and the subject,

Bearing in mind as well that articles 2 and 46 of the Constitution of Guatemala guarantee the rights to life, to justice and to security and establish the primacy of international human rights law over domestic law, and that Guatemala, in addition to the International Covenant on Civil and Political Rights, is also a State party to the American Convention on Human Rights; that, as a result, Guatemala is obliged to respect without reservation the rights to life, physical integrity and freedom of expression and opinion,

Considering that, in a letter dated 26 January 2016, the Secretary General shared the summary of the complainants' allegations with the President of Congress and requested him to provide any information he considered might be useful with regard to the examination of the case, and that no response has been forthcoming to date,

1. *Is deeply concerned* at the alleged death threats and harassment targeting Mr. Amilcar de Jesus Pop, and the allegation that his complaints about these incidents have not been looked into; *considers* that these allegations have to be taken extremely seriously, all the more so in light of the high incidences of impunity that prevail for homicide in Guatemala;
2. *Urges* the competent authorities to make every effort, as is their duty, to identify the culprits and to bring them to justice, this being the only means of preventing the recurrence of such crimes, ending the vicious cycle of impunity, and to put in place the security arrangements that Mr. Pop's situation requires; and *wishes to know* what steps are being taken by the competent authorities to this end;
3. *Stresses* that threats to the life and security of members of parliament, if left unpunished, infringe their rights to life, security and freedom of expression and undermine their ability to exercise their parliamentary mandate, affecting the ability of parliament as an institution to fulfil its role;
4. *Considers*, therefore, that the Parliament of Guatemala has a vested interest in using its powers to the fullest to help ensure that effective investigations are being carried out and protection offered to Mr. Pop; *wishes* to receive official information from the parliamentary authorities on any action that parliament has taken to this effect;

5. *Requests* the Secretary General to convey this decision to the attention of the competent authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.