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## **Guatemala: Scrapping genocide trial would strengthen impunity**

The decision to annul the Guatemalan genocide trial of Generals Ríos Montt and Rodríguez Sánchez must be overturned urgently or risk strengthening impunity and weakening the rule of law, Amnesty International said today.

According to Guatemalan law, the decision will stand unless it can be reversed in the next 10 days.

“This trial represented a hope of justice for victims of crimes against humanity and crimes under international law in Guatemala,” said Sebastian Elgueta, researcher on Guatemala at Amnesty International.

“The consequences of this decision may set back the clock in Guatemala to a time when impunity was the norm for those types of crimes.”

The trial of General José Efraín Ríos Montt, former head of state between 1982 and 1983, and his former head of intelligence General Mauricio Rodríguez Sánchez, for charges of genocide and crimes against humanity opened on 19 March 2013. More than 100 witnesses and experts have already testified in court and the trial was in its final days.

On 18 April, a court in Guatemala City ordered the annulment of the generals’ trial – which was being heard at another court in the city – a move which set the legal process back to the pre-trial phase.

Thursday’s annulment decision was on a procedural aspect around an earlier request by Ríos Montt’s lawyers to have a number of witnesses heard. A judge had denied the request during the pre-trial phase on the grounds that they were irrelevant to the issue to be tried.

The judge overseeing the trial, however, had permitted the defence to present all the witnesses and experts they proposed, and all the defence witnesses that had turned up the trial to date had been heard.

“The grounds of yesterday’s decision to annul the trial seem to defy logic and due process,” said Elgueta.

“The defence and the prosecution have had ample freedom to date to present witnesses, experts and evidence. The basis for the annulment ruling is a request to do something which has already been done.”

On 19 April, the judge overseeing the trial refused to accept the annulment, but did suspend proceedings, in expectation that the country’s highest court, the Constitutional Court, issue a ruling on the matter.

Ríos Montt and Sánchez are charged with being the intellectual authors of the killings of 1,771 mostly Maya indigenous individuals and the forced displacement of tens of thousands more from the Ixil triangle region of Guatemala’s southern Quiché department amid an internal armed conflict in 1982-83.

On 3 April one witness testified how soldiers killed his daughters, opening up her chest and taking out her heart. On 8 April another witness testified how, when she was 12 years old, she was taken to an army barracks and gang-raped by countless soldiers before passing out.

“Annulling the evidence of witnesses, and forcing them to relive, once more, their harrowing testimony, is insensitive and cruel” said Elgueta.

“This decision shows disregard for the rights of victims, in effect re-traumatizing them all over again.”

### **Background information**

In 1999, a UN-backed truth commission found that during Guatemala’s 36-year internal armed conflict (1960-1996) some 200,000 people - over 80 per cent of whom were of Mayan descent – were killed or disappeared, and that genocide had occurred.