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**UN Human Rights Council
Twenty-second session, 25 February - 22 March 2013**

**Item 6:
Consideration of UPR reports**

GUATEMALA

Mr. President,

Although there has been some progress in bringing to justice those suspected of responsibility for crimes under international law, this is marred by the lack of cooperation of the military with investigations into these crimes, as well as its refusal to release key documents relating to military operations conducted during the internal armed conflict. That means that information which would enable survivors and victims' relatives to discover the truth about what happened, and to bring those suspected of criminal responsibility to account, remains out of reach. Much remains to be done to achieve justice.

We welcome that several states raised the issue of impunity for crimes under international law and recommended strengthening the justice system and ensuring investigation and prosecution of all crimes.¹ It is not clear, however, from Guatemala's response if these recommendations enjoy its support or not. We are also concerned at the reference in the Addendum to an amnesty law, which Guatemala maintains was negotiated with the help of the UN. However, what the UN-sponsored Truth Commission actually called for in 1999, in its recommendation 47, was the prosecution and punishment of those responsible for crimes under international law.² We call on the government of Guatemala to ensure that no one responsible for crimes under international law be granted an amnesty. The trial of the former head of state, retired General Rios Montt on charges of genocide is due to commence next week and we urge

¹ A/HRC/22/8, recommendations 100.16 (Canada) and 100.17 (Germany).

² Comisión para el Esclarecimiento Histórico, *Guatemala: Memoria del Silencio, Tomo V, Recomendaciones*, page 72, paragraph 47. (UNOPS; 1999)

the government to ensure that justice is served on this momentous occasion for human rights in Guatemala.

Mr President,

We welcome that the right of Indigenous Peoples to protection and to consultation and a role in decision-making in the context of disputes over land and development projects was raised by a number of states during the review,³ and that Guatemala indicated its support of at least five of the related recommendations.⁴ In its response to the recommendations Guatemala refers to the forthcoming promulgation of a law governing such consultations and to meetings with representatives of the ILO and officials from the government of Peru in this regard. We are concerned, however, that the government does not appear to have consulted with members of Indigenous Peoples communities on the draft law. We call on the government to implement the November 2011 judgment of the Constitutional Court which calls on the government to consult with Indigenous Peoples communities on the draft law.

Thank you, Mr. President.

³ A/HRC/22/8, recommendations 100.9 (Republic of Korea), 100.20-100.27 (Austria, Iraq, Ireland, Slovakia, Slovenia, Norway, Switzerland, and USA)

⁴ A/HRC/22/8/Add. 1, paragraph 4. Guatemala "took note" of a further four recommendations regrettably without indicating its support or rejection of these.