

12 April 2016

## **Guatemala - Ongoing criminalisation and pre-trial detention of several environmental rights defenders**

A new hearing in the case against human rights defender and indigenous leader Mr [Bernardo Ermitaño López Reyes](#) is expected to be held on 13 April 2016. On 31 March 2016 the human rights defender had the charges of illegal detention, obstruction of justice and incitement to crime confirmed by the *Tribunal de Sentencia de Mayor Riesgo A* (Court for Sentencing of High Risk A), which ordered that his case should now move to the next stage. The Court dropped other previous charges issued against him including assault, plagiarism and kidnapping due to a lack of evidence. Bernardo Ermitaño López Reyes remains in pre-trial detention in Huehuetenango along with six other human rights defenders who have also been subjected to trumped-up charges; Messrs. [Sotero Adalberto Villatoro](#), [Arturo Pablo Juan](#), [Mynor López](#), [Francisco Juan Pedro](#), [Domingo Baltazar](#) and [Rigoberto Juárez](#).

All of the above-mentioned human rights defenders work in the northern department of Huehuetenango and have played a key role in the defence of environmental and indigenous rights in the region. The human rights defenders have acted as mediators in conflicts between indigenous communities and state authorities, particularly regarding the large-scale, government supported hydroelectric projects of Santa Cruz Barillas, initiated in 2008 by the company Hidro Santa Cruz (the Guatemalan subsidiary of a Spanish company). These projects have been met with strong opposition from local populations, including indigenous communities, amid reports of arbitrary detentions, repression, militarization and the killing of people from the maya q'anjob'al ethnic group since the initiation of the projects.

The preliminary hearing that took place on 31 March 2016 confirmed several of the charges that were presented against Bernardo Ermitaño López Reyes on [9 June 2015](#). The human rights defender was detained on 2 June 2015 by Guatemalan National Police (PNC) in Guatemala City and has remained in pre-trial detention since.

Sotero Adalberto Villatoro, Francisco Juan Pedro and Arturo Pablo Juan also remain in pre-trial detention on trumped-up charges that include threats, illegal detention and illicit association. Similarly to what happened with Bernardo Ermitaño López Reyes, in October 2015, the charges against them of plagiarism and kidnapping were dropped, but the judicial case will proceed under the remaining fabricated charges. The environmental rights defenders were arrested on [26 February 2015](#) when the Seventh Chamber of the Huehuetenango Court of Appeals on Criminal Drug Activities and Crimes against the Environment reinstated a decision issued by a lower court in January 2015 ordering their preventive detention.

Rigoberto Juárez and Domingo Baltazar were arrested on 24 March 2015 under false accusations of leading a group of people to destroy equipment belonging to a hydroelectric project in San Luis, jurisdiction of Santa Eulalia, in December 2014. Although they were ordered to be placed under house arrest for these accusations, they were re-arrested on the same day under different accusations, for allegedly organising roadblocks to demand the release of other indigenous detainees from Barillas,

Huehuetenango. The human rights defenders remain in pre-trial detention on fabricated charges of coercion, threats, incitement to crime, obstruction of justice, plagiarism and kidnapping.

The investigation and judicial processes of the defenders have been marked by irregularities. The Prosecutor's Office has based its investigation on a document issued by the company Hidro Santa Cruz itself, in which it accuses human rights defenders Bernardo Ermitaño López, Sotero Adalberto Villatoro, Francisco Juan Pedro, Arturo Pablo Juan, Domingo Baltazar and Rigoberto Juárez of forming part of a criminal network in Huehuetenango.

The implementation of extractive mega-projects in Guatemala has been accompanied by the harassment and intimidation of those working to defend the rights of the local populations against the abuses committed by the extractive companies. There is an alarming trend of judicial harassment and criminalisation against indigenous human rights defenders working on these issues, which has been on the rise since 2014.

It is also a matter of concern that kidnapping charges have been used against human rights defenders, for the sole purpose of keeping them in pre-trial detention indefinitely, preventing them from resuming their human rights work. Prolonged arbitrary preventive detention is a trend identified by the Inter-American Commission on Human Rights in its report [Criminalization of Human Rights Defenders](#), published in 2015. Under Guatemalan law, if a person faces kidnapping charges, he or she can be held in preventive detention for the duration of the process. The case of Bernardo Ermitaño López Reyes is an example, in which it took almost 10 months – after several adjournments – for the Guatemalan judicial system to conclude the preliminary stage of the case and move to the next phase.

Front Line Defenders expresses its concern at the development of legal proceedings against Bernardo Ermitaño López Reyes, Sotero Adalberto Villatoro, Francisco Juan Pedro, Arturo Pablo Juan, Rigoberto Juárez, Mynor López and Domingo Baltazar and their arbitrary pre-trial detention, which it believes to be a clear attempt to halt their legitimate work in the defence of human rights, and to dissuade Guatemalan communities from attempting to exercise their rights. Furthermore, it expresses concern at the persistent attempts by the Guatemalan authorities to criminalise human rights defenders in the country, and in particular indigenous and environmental rights defenders.

### **Front Line Defenders urges the authorities in Guatemala to:**

1. Immediately and unconditionally release Bernardo Ermitaño López Reyes, Sotero Adalberto Villatoro, Francisco Juan Pedro, Arturo Pablo Juan, Rigoberto Juárez, Mynor López and Domingo Baltazar, as Front Line Defenders believes that they are being held solely as a result of their legitimate and peaceful work in the defence of human rights;
2. Drop all of the remaining charges against Bernardo Ermitaño López Reyes, Sotero Adalberto Villatoro, Francisco Juan Pedro, Arturo Pablo Juan, Rigoberto Juárez, Mynor López and Domingo Baltazar ;
3. Guarantee in all circumstances that all human rights defenders in Guatemala are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.