

#### **GUATEMALA HUMAN RIGHTS COMMISSION/USA**

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### **Guatemala Human Rights Update - May 2018**

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**Defender Killed: Territorial Defense** 

A regional coordinator of CODECA campesino organization was killed days after President Jimmy Morales publicly attacked CODECA

Three Indigenous leaders were killed just as UN Special Rapporteur for the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, completed her mission to Guatemala. The first was Luis Marroquin (47 years), regional coordinator of the Committee for Campesino Development - CODECA - from San Juan Jilotepeque, was killed the morning of May 9 on his way to a meeting. The following day, May 10, the Highland Committee of Peasant Farmers (CCDA) reported that José Can Xol had been killed, soon followed by fellow CCDA member Mateo Chaman Paau, murdered on May 14, discussed below.

CODECA has been at the forefront of <u>organizing protests</u> against President Jimmy Morales. In response, Morales has repeatedly singled out the indigenous and campesino organization and its supporters, making public statements against them. During a May 2 speech, the President <u>called for criminal investigations</u> of CODECA, and criticized then-Attorney General Thelma Aldana and Jordan Rodas, head of the Human Rights Ombudsman's Office, all of which have been critical of Morales. In response, individuals publicly attacked by Morales <u>filed charges against him</u> for inciting violence. CODECA, national and international organizations condemned Marroquin's murder and called for a thorough and impartial investigation. In the speech, Morales specifically cited comments he made to the U.S. federal government investment agency, Overseas Private Investment Corporation (OPIC) about criminal charges against CODECA by an energy company with U.S. investment. Many CODECA community leaders have been killed over the past 10 years, and subject to false prosecution, since the organization became active protesting corruption by the privatized energy distribution company.

- <u>Take Action: Amnesty International Urgent Action</u> following the murder of three Indigenous leaders in Guatemala.
- Read Ms. Tauli-Corpuz's reflections on her recent visit to Guatemala in this Op Ed. she penned for the Washington Post.

**Defender Killed: Territorial Defense** 

Three CCDA affiliated Q'eqchi land rights defenders were murdered May 10, 14 and 31

CCDA reported that on May 10 José Can Xol (37 years) was killed in Choctún Basilá, Alta Verapaz after unknown armed men came into the community and threatened families. Four days later, on May 14, Mateo Chaman Paau (31 years) was killed San Juan los Tres Rios, Alta Verapaz, the same community where <a href="Daniel Choc Pop">Daniel Choc Pop</a> was killed in 2016. Also in Alta Verapaz, Samuel Chubb from Saqboche was killed on March 1 en route to the CCDA Annual

General Assembly. All four members of the CCDA were involved in long-standing struggles for recognition of community land rights that the Guatemalan State has refused to resolve despite numerous agreements to do so. These murders have left 15 children in the sole care of their widows, with no source of income. In line with state practices to criminalize Indigenous communities protecting their land, according to the CCDA, there are at least 330 arrest warrants for community members in Alta Verapaz alone. In a written statement, the CCDA denounced that the CCDA has been, "explicitly and often unfairly accused of provoking conflict, and subject to stigmatization and persecution by state institutions, landowners, extractivist companies, and the corrupt economic sector, which has caused an increase in repression, persecution, criminalization, land evictions and murders."

On May 31, the CCDA reported through social media that Ramon Choc Sacrab, an indigenous Maya Q'eqchi' elected authority and the president of the community of Ixloc San Pedrito, Alta Verapaz had been tortured the night before. The morning of June 1, Mr. Choc Sacrab died in hospital from his injuries. Mr. Choc Sacrab had previously been threatened and was under an order for protective measures by the State. Ixloc San Pedrito is one of the communities that forms part of a agreement signed by Vice President Japhet Cabrera in November 2017 in which the State committed to finding a solution to the land conflict which affects local communities.

On May 30, indigenous and campesino organizations including the CCDA, UVOC, CNOC, Nuevo Dia and others held simultaneous marches in Alta Verapaz, Suchitepequez, El Quiche, Retalhuleu and Chiquimula, mobilizing thousands of the people to denounce the criminalization and murder of indigenous leaders and the militarization of communities in favour of extractive projects. In Guatemala City, the People's Assembly, the University Student's Association (AEU), Maya Spiritual Guides, Colectivo Otro Guatemala Ya, Gente Positiva and members of mining affected communities including La Puya, among others, gathered in front of the Ministry of the Interior to denounce state-led violence against communities.

In a <u>recent\_interview</u> following the murder of the three indigenous leaders, Executive Director of the UN Environment Programme, Erick Solheim, noted, "the murder of Indigenous People on the front line of environmental protection is inacceptable."

- <u>Take Action: Amnesty International Urgent Action</u> following the murder of three Indigenous leaders in Guatemala.
- Read Ms. Tauli-Corpuz's Op Ed in the Washington Post entitled, "Guatemala Needs to do more to stop the killing of Indigenous Activists."



Maya Achi Spiritual Guides stand in front of the Ministry of the Interior to denounce the criminalization and murder of indigenous and campesino leaders and the role of the Guatemalan state in perpetuating violence to protect the extractive sector.

# Defender Threatened: Territorial Defense Omar Jeronimo, General Coordinator of the Nuevo Dia Chorti organization

On Tuesday, May 22, the vehicle of Omar Jeronimo, General Coordinator of the Maya Ch'orti' organization Nuevo Dia, was shot up when it was parked without any passengers. In addition to bullets in the passenger side door, a handwritten note was left in the vehicle threatening Jeronimo. This recent act of violence and intimidation was repudiated by Guatemalan organizations who note the escalating trend of violence against indigenous and *campesino* organizations in recent months.

• Read More about the work of Nuevo Dia here.

### Defenders Threatened: Territorial Defense and Hydroelectric Dams Juan Castro of the Indigenous Peoples Legal Clinic Edgar de León of Uk'u'x B'e

The Maya Uk'u'x B'e Association denounced intimidation acts of intimidation against Maya lawyers Edgar de Leon and Juan Castro on May 18 in the department of San Marcos, where they were attending a hearing in defense of their client <u>Oscar Sanchez</u>, Maya Mam Ancestral Authority from San Pablo. Following the hearing Karen Ness, spokesperson for the Pro Patriot League (Liga Propatria) verbally assaulted the lawyers while leading a group of heavily armed men.

Mr. Sanchez was criminalized in August 2016 after denouncing human rights violations committed by several hydroelectric companies working near his community. He was one of 10 people were charged and detained. At the May 23 hearing, Mr. Sanchez was convicted of crimes and illegal detentions in aggravating circumstances and ordered to pay a fine of 3,650 Guatemalan Quetzales (approximately \$525 USD). According to Prensa Comunitaria, Ms. Ness and the armed men followed the lawyers, their clients and their families and national and international supporters from the court to the office of the Movement of Campesino Workers (MTC). According to the complaint presented to CICIG, Human Rights Ombudsman's Office (PDH), Public Ministry (MP) and the UN, Ms. Ness used her phone to record video of the community members and yelled at them. The complaint filed by the lawyers asked for an investigation into her actions and motivations for her acts; there is fear their images may be used to identify community leaders for violence.

The Pro Patriot League in Guatemala was created in 1998 and <a href="https://has.been.a.vocal">has.been.a.vocal</a> opponent of the UN-backed International Commission Against Impunity in Guatemala (CICIG) and the Public Ministry. They also regularly speak out in favour of extractive projects and against justice for crimes against humanity that occurred during the civil war. They have notable ties to the Guatemalan military and were <a href="https://strong.supporters">strong supporters</a> of the Jimmy Morales and FCN political campaign. <a href="https://exaction.org/According to Soy502">According to Soy502</a>, US law firm Greenberg Taurig LLP is being paid \$80,000 USD per month to lobby the Trump Administration in favour of the Jimmy Morales Administration with support of Pro Patriot League supporters. US Congresswoman, Norma Torres (D-CA), <a href="https://recently.denounced">recently.denounced</a> efforts by Guatemalan organizations lobbying Washington to undermine support for CICIG.

# Trial Monitoring: Territorial Defense COMUNDICH accompanies Chorti' authorities from the Corozal Arriba community

On Friday, May 25, the trial against seven indigenous Maya Ch'orti' leaders opened in Zapaca for the murder of Harrison Zuñiga, a private security guard for the Marsella Finca, owned by Vilma Esperanza Chew Casasola. Zuñiga was killed on June 6, 2013, the same day

that three members of the Ch'orti' community of Corozal Arriba, La Union, Zacapa, were also killed.

Witnesses from Corozal Arriba explain that the community had gathered to await news that the Mayor and Municipal Council of La Union, Zacapa had formally recognized Corozal Arriba as an indigenous Maya Ch'orti' community, an administrative measure which would help guarantee the communities rights to land a local businesswoman, Vilma Chew, had taken possession by placing armed men in the area. This municipal act was the result of years of dialog and protests by communities seeking recognition of their rights the Government of Guatemala committed to protecting when it ratified International Labor Organization Convention 169. Witnesses explain that while the community awaited news, four men went to clean the community water tank. They were ambushed and Catalino Perez, Juan de Dios Alonzo or David Almazan were killed by gunmen known to work for Vilma Chew. One man was able to flee the scene. The next day in a different area of the farm, the body of Harrison Zuniga was found near the building Vilma Chews men had built in the community's land. Community members from Corozal Arriba believe the men had argued in the night as the men in Chews employ frequently drink at night.

José Mendez Torres (Indigenous Mayor) and Melvin Alvarez Garcia (Treasurer of the local Land Council) were indicted for Zunigas killing. In total, 30 Maya Ch'orti' men from the community of Corozal Arriba have arrest warrants pending execution related to the murder of Harrison Zuñiga.

No one has been arrested for the murder of Catalino Perez, Juan de Dios Alonzo or David Almazan. After a complaint was filed by indigenous authorities and leaders against the local prosecutor for not investigating these murders, arrests warrants were issued for two assassins. COMUNIDICH reports that it is these assassins, who they believe to also be responsible for Zunigas death, who acted as witnesses accusing Corozal Arriba leaders and over 30 community members, of killing Zuniga.

The community of Corozal Arriba is an organized community of COMUNDICH - the Coordination of Associations and Communities for the Integral Development of the Ch'orti' People, winners of the 2017 Alice Zachmann Human Rights' Defender Award. GHRC and other national and international organizations <u>are closely watching</u> the trial unfold and will keep members updated. The next hearing will be June 7.

#### Trial Monitoring: Territorial Defense and Political Prisoners Bernando Caal Xol Maya Q'eqchi leader in Oxec dam lawsuit

On Tuesday, May 22 indigenous Maya Q'eqchi' community leader and teacher Bernardo Caal Xol faced an intermediate phase hearing in Coban, Alta Verapaz. <u>Hundreds of</u>

community members from supporting communities were denied entrance into the hearing. Caal Xol and his supporters explain he is a political prisoner for his resistance to the Oxec 1 and 2 hydroelectric projects. He has been charged with aggravated robbery and instigating a crime. At the evidentiary, on May 29, the judge did not allow all of the evidence provided by Bernardo's defense Lawyer Edgar de León, including expert witnesses about indigenous organizing and ancestral authorities. Bernardo's trial is set to begin June 19.

- Read More: Business and Human Rights Resource Centre
- Watch an interview with Bernardo after his May 29 hearing here.

# Trial Monitoring: Territorial Defense and Political Prisoners Q'eqchi rights defender Abelino Chubb Caal ordered to continue awaiting trial in prison

On May 29, Abelino Chubb Caal, Maya Q'eqchi' community leader who works with the Guillermo Toriello Foundation (FGT) faced an evidentiary. Abelino Chubb Caal has been behind bars for more than 16 months, <u>even after the prosecutors requested</u> the judge dismiss charges against him for lack of evidence in a June 2017 hearing.

After being indicted on charges of land occupation, arson and illicit association, Judge Claudette Dominguez of the High Risk "A" Court accepted the majority of the evidence that both the defense, the Public Ministry and the Company (Inversiones Cobra) submitted, including expert witnesses on the historical and current context, archival information related to land ownership and community witnesses. The case was sent to Judge Yassmin Barrios, who will preside over the trial which is set to begin on June 19. Read the GHRC update on Abelino's case <a href="here.">here.</a>

At the end of the hearing on May 29, Judge Dominguez confirmed that the forced eviction of the Plan Grande farm, which Abelino has worked to defend, will take place on the morning of August 30 as ordered by a court in Morales, Izabal.

Abelino's statement following the hearing:

"I'm happy, first of all, because the trial date is soon. I will show my innocence and the reality of the communities. Thank you for the solidarity comrades, sisters and brothers, institutions that have been accompanying me from the beginning until now, I hope that you will continue to accompany me in the trial. I am facing an unfair process and I recognize that; and I'm not regretful. This process is a struggle that we have as the marginalized Peoples of this country."



Indigenous Maya Q'egchi' land defender Abelino Chubb Caal is handcuffed following his hearing on May 29.

### Trial Monitoring: Territorial Defense Moises Maas Tut Ordered to Remain in Prison, GSP

Moises Maas Tut Ordered to Remain in Prison, GSP reports his community in Purula, Baja Verapaz is being criminalized to gain access to their water rights

The Guatemala Solidarity Project (GSP) denounced the wrongful incarceration of Moises Maas Tut is a Maya Poqomchi´ community leader from the community Dos Fuentes, Panima, in the municipality of Purulha, department of Baja Verapaz. The community lies close to rivers and springs, which make it vulnerable to industries already diverting local watersheds towards hydroelectric dams without the required consent of indigenous communities. As a result, GSP denounces that local ecosystems are being devastated, and according to the communities are alternately being flooded and being left without access to water. The GSP writes that the Guatemalan State and multinational banks "are using lies, judicial repression and military and private security violence to execute this looting of indigenous territory and natural resources."

Maas Tut was arrested on May 7 for aggravated robbery, aggravated theft, coaction, usurpation, illegal detention and attempt against private property. On May 15, he was ordered to remain in jail because he did not speak Spanish, only his native Maya language Poqomchi'.

 Read more about the criminalization of indigenous land defenders on the Guatemala Solidarity Project website <u>here.</u>

# Trial Monitoring: Extractive Industries Tahoe Resources silver company seeks to reopen mine opposed by Xinca communities

On Monday, May 21, Indigenous Xinca communities of Santa Maria Xalapan held a press conference outside of the Constitutional Court (CC) to denounce a <u>falsified letter</u> that was presented last week on their behalf to the CC, falsely affirming their support for Minera San Rafael (MSR). MSR is a wholly owned subsidiary of Tahoe Resources which was ordered to stop operations at its Escobal Silver mine in July 2017 after the Supreme Court of Justice ruled that the indigenous Xinca community had not been consulted. Now awaiting a final decision by the Constitutional Court, tensions have heated up. Pro-mining groups associated with Tahoe Resources, such as the Minera San Rafael Employees and Affiliated Companies Solidarity Association, held a counter-protest, carrying banners denouncing "anti-development" NGOs, in an attempt to raise doubts regarding the legitimacy of the widespread opposition to the mine by indigenous Xinca communities.

Later Monday afternoon, the US Embassy in Guatemala <u>posted a press bulletin</u>, advocating for the exploitation of natural resources as means of building the economy, urging the CC to emit a prompt decision, and apparently reinforcing Tahoe Resources pressure on the CC. This is <u>not the first time</u> that US officials have tried to influence the pending CC decision.

- GHRC has worked with other international human rights organizations to write an open letter to the Embassy. Organizational signatures are welcome until Monday, June 4. **Take Action HERE.**
- Read More: GHRC condemns the U.S. Embassy's statements



Elected indigenous Xinca Authorities from Santa Maria Xalapan stand outside of the Constitutional Court. They came to the Court to reiterate the stance they've had since 2007 against Tahoe Resources operating in their territory.

#### **Trial Monitoring: Extractive Industries**

Nevada based KCA nickel company formally notifies the Republic of Guatemala of its intent to sue under the CAFTA arbitration framework for closing La Puya nickel mine

On May 16, Kappes, Cassiday & Associates (KCA) and Daniel W. Kappes <u>filed a Notice of Intent</u> to initiate an investment treaty claim for arbitration through Chapter 10 of DR-CAFTA alleging that Guatemala has breached the National Treatment, Minimum Standard of Treatment and Full Protection and Security provisions. The notice, sent by Washington, DC law firm White & Case to the Minister of the Economy, seeks a 'friendly resolution' and estimates losses since two mining projects were indefinitely suspended by a ruling of the Supreme Court on June 28, 2016 at more than \$300 million USD. The Supreme Court found in favour of a suit presented by the Guatemalan environmental NGO, the Center for Environmental Legal Action (CALAS) on behalf of local communities, which argued that the lack of consultation by the State of local communities before the exploitation licence for the El Tambor gold and silver mine was granted constituted a violation of the States obligations as required through ratification of International Labour Organization (ILO) Convention 169.

### Trial Monitoring: Crimes of the Past Molina Theissen Trial Concludes with Guilty Verdict

On Tuesday, the trial of seven former members of the military high command and military intelligence unit G2 charged with crimes against humanity ended. At 4am the following day the three judge panel, presided over by Judge Xitumul de Paz, declared four of the five men accused guilty of perpetrating in crimes against humanity, including torture, kidnapping and rape. Among the most notorious of those convicted are:

- Benedicto Lucas Garcia, Head of the Military High Command in 1981
- Hugo Ramiro Zaldaña, S2 Intelligence Officer in Quetzaltenango in 1981.
- Manuel Antonio Callejas, Head of G2 Military Intelligence in 1981.

All three men were sentenced to 58 years in prison - 25 years for crimes against humanity, 8 years for the rape with the intent of punishment (aggravated rape) of Emma Guadalupe Molina Theissen and 25 years for the enforced disappearance of Marco Antonio Molina Theissen.

In addition, Francisco Gordillo Martinez, Commander of the Military Brigade of Quetzaltenango in 1981. Sentenced to 33 years in prison - 25 years for crimes against humanity, 8 years for the rape with the intent of punishment of Emma Guadalupe Molina Theissen.

The Molina Theissen trial opened in March 2018, 37 years after the kidnapping, torture and rape of Emma Molina Theissen and later the forced disappearance of her 14 year old brother, Marco Antonio Molina Theissen. In the sentencing hearing held on May 28, the Molina Theissen family asked for the Guatemalan State to continue to search for the body of Marco Antonio, who has never been found. The judges ordered Congress to back the creation of a National Commission for the Search of Victims of Enforced Disappearance and declared October 6, the day that Marco Antonio was disappeared, as the National Day of Disappeared Children. They also said that the Quetzaltenango Military Zone, where Emma Molina Theissen was tortured and raped should be turned into a museum of historical memoria, while the Campo de Marte (a sports field named after Mars, the god of war) be renamed the Campo de Marco Antonio Molina Theissen.

The Molina Theissen family chose to not ask for economic compensation for their losses, an issue which was the focus of manipulation by local media and pro-military sympathizers.

#### Read more:

- <u>"We have chosen to live"</u> by the Guatemala Solidarity Network.
- <u>International Justice Monitor:</u> "Four Retired Senior Military Officers Found Guilty in Molina Theissen Case"

- <u>The Guardian</u> Guatemala: ex-military officers convicted of crimes against humanity: Four former high-ranking officers convicted of 1981 rape and torture of young woman and disappearance of her teenage brother
- International Justice Monitor.

#### Crimes of the Past: 40 Years Later, Remembering the Panzos Massacre

May 29 marked 40 years since the Guatemalan army opened fire and killed more than 140 indigenous Maya Q'eqchi' peasants, including many women and children who had come to a march to demand recognition of their land rights and to speak with the mayor, Walter Overdick Garcia. The Panzos Massacre is remembered as one of the first large scale massacres of indigenous communities in what would become a policy of the Guatemalan military and come to constitute acts of genocide during the governments of Benedicto Lucas Garcia and Efrain Rios Montt. Maya Q'eqchi' communities in the Polochic Valley in Alta Verapaz and Izabal departments continue to denounce land grabbing by the Guatemalan State and transnational mining, African palm and hydroelectric projects in their territory, as Q'eqchi' land rights are still not recognized in accordance with national and international legal standards. There has been no justice for the Panzos Massacre.

- Read the GHRC backgrounder on the Panzos Massacre here.
- Read "Guatemala: Peasant Massacre" by NACLA here.

## Crimes of the Past: Ex-Civil Defense Patrollers Arrested for Sexual Violence and Crimes Against Humanity

On May 11, Juan Cecilio Guzman, Simeón Enríquez Gómez (67 years), Damián Cuxún Alvarado (63 years), Pedro Sánchez Cortez (63 years), Benvenuto Ruiza Aquino and Bernardo Ruiz Aquino (53) were captured after High Risk Court "A" Judge Claudette Dominguez ordered their arrest. The men, former Civil Defense Patrollers under the direction of the Coban Military Base, have been charged with sexual assault and crimes against humanity against Maya Achi women, acts committed at the military detachment in Rabinal, Baja Verapaz between 1982 and 1983. Nine searches were undertaken in the communities of Xococ, Las Vegas Santo Domingo and Chixín, all in the municipality of Rabinal, Baja Verapaz. Their first hearing took place on June 1 before Judge Dominguez in Guatemala City.

#### **Migrant Justice:**

Claudia Patricia Gomez Gonzalez, indigenous Maya Mam Youth Killed at US-Mexico Border by Customs and Border Protection (CBP) Agent

Twenty year old Claudia Gomez was shot in the head and killed on Thursday, May 23 in Rio Bravo, Texas. Claudia was an indigenous Maya Mam woman from the community La Unión Los Mendoza en Varsovia, in San Juan Ostuncalco, Quetzaltenango who had left home in search of employment opportunities to allow her to make the necessary money to continue studying. Claudia had studied accounting but her dream was to attend university when she left for the USA.

Claudia was with three other Guatemalan youth when they were attacked. The young men are now in custody, and the FBI is investigating. The incident was recorded on Facebook live by a Texan woman who heard the gunshots and came out to find Ms. Gomez on the ground. While CBP originally said that the group of youth were armed and had attacked them, they later changed their story. The Guardian recently reported that 97 people, including six children, have been killed by CBP agents since 2003. The attack came a week after President Donald Trump referred to Central American gang members as "animals" which critics cautioned was a way to generalize and dehumanize all migrants.

On May 31, <u>Claudia was repatriated to Guatemala</u>. Her body was met at the Guatemala City Aurora Airport by a caravan who accompanied her and her family back to San Juan Ostuncalco where hundreds of people gathered to honor her life. En route, the caravan <u>stopped in Salcaja</u>, at the monument dedicated to the Guatemalan Migrant, where people had gathered to pay their respect.

Take Action: National and international organizations, including GHRC, have strongly condemned the murder of Claudia Patricia Gomez Gonzalez and are demanding justice for her murder. An open letter asks for:

- 1. The Guatemalan government to raise the profile of Claudia's murder and demand a thorough investigation by the corresponding US authorities
- 2. The Guatemalan government to demand dignified reparations for the family of Claudia Gomez
- 3. To US Congress to legislate against the policies and actions that attack the life and dignity of people and instead enact legislation that guarantees rights, in particular for migrants.
- 4. All organizations that promote human rights to speak out and unite to monitor and denounce these and other crimes against people fleeing different types of exclusion and violence.
  - Take Action: Have your organization, church, NGO, etc. sign on to the letter, found here.

- Read and share The Nation: "Claudia Gómez González Wasn't Killed by a Rogue Border Agent—She Was Killed by a Rogue Agency" here.
- Read and share- The Guardian: "Claudia was a good girl. Why did they killer? From a Guatemalan village to death in Texas." here



#### Judicial Independence Under Threat: Judge Erika Aifan

The International Commission of Jurists (ICJ) has expressed its grave concern that on May 22, Judge Erika Aifan of the High Risk Court "D", who is responsible for overseeing high profile cases involving corruption and impunity, was sanctioned by an Appeals court with a fine of 1000 Quetzales, and the Public Ministry (public prosecutors office) was ordered to investigate the judge for breach and disobedience. CIJ is concerned that Judge Aifan's persecution is motivated by special interest groups who do not want her presiding over high profile cases related to impunity for crimes against humanity.

On May 4, <u>Senator Marco Rubio suspended \$6 million in U.S. funding</u> for the International Commission Against Impunity, CICIG, until a Russian family of 3, sentenced to prison for buying fake identities, was released. The appropriations conditions is illogical given that only the courts can release the Bitkovs, not CICIG. On May, 28, after the Constitutional Court ordered the magistrate to expand on her previous decision, even though appeals Judge Aifan was under intense pressure to throw out the sentence against the Bitkovs, she sent the case to a retrial, and released Igor Bitkov to house arrest while awaiting the retrial. Following the Aifan decision for a new trial, an Appeals court canceled her ruling and the sanction against the judge followed.

The Bitkovs allege they are fleeing political persecution by Russia, <u>but their lawyers did describe the</u> <u>persecution or present evidence of it in their initial trial</u> which made it impossible to take into consideration in the ruling. Guatemala has refused to grant them asylum.

CIJ considers Aifan a judge who has based her independent and objective decisions on truth and adherence to the law. They urged for the UN Special Rapporteur on the independence of judges and lawyers, Diego García-Sayán, to visit Guatemala.