

Over 100 National and International Organizations Support Maya Achi Women Survivors of Sexual Violence and Crimes Against Humanity and Denounce Court Ruling by Judge Claudette Dominguez

On Friday, June 21, High Risk Court "A" Judge Claudette Domínguez dismissed charges against three former Civil Defense Patrollers PAC in Guatemala, accused of sexual violence and crimes against humanity committed in the early 1980s during the genocidal regimes of military dictators Benedicto Lucas García and José Efraín Ríos Montt, against Maya Achi women in the municipality of Rabinal, in the department of Baja Verapaz. Judge Domínguez provisionally closed the case against three others to give the Public Prosecutor's Office more time to continue its investigation. She requested documentation that is impossible to obtain, essentially clearing the way for the charges to later be dismissed. In her decision, Judge Dominguez rejected the first-hand accounts of the survivors and multiple eyewitnesses, stating that there was not enough evidence to confirm that the defendants were members of the civil self-defense patrols. However, five of the six defendants have received payments from the government to compensate the ex-PACs and all were identified in the military records as PACs.

The historic Maya Achi case documenting the horrendous crimes of sexual violence committed between 1981 and 1985 is headed by Maya Achi survivors, their families, and the Asociación Bufete Jurídico Popular de Rabinal. The private prosecution and the Special Prosecutor's Office for Crimes Committed during the Armed Conflict presented more than 200 pieces of evidence including eyewitness testimony, military records, and expert witness testimony. Among the witnesses were not only the victims but also many eyewitnesses, including civilian patrolmen and other prisoners of the military posts within which the women were detained and tortured for up to a month.

Judge Dominguez's ruling comes at a time when pressure is mounting to discredit and reject the call for justice for victims of Guatemala's internal armed conflict, in which more than 200,000 people were killed and more than 45,000 disappeared. This year, Congress made efforts to amend the National Reconciliation Law to favor perpetrators of crimes against humanity, genocide, sexual violence, enforced disappearances, and other serious human rights violations, increasing the risks for victims who seek justice through the courts. The judge's ruling jeopardizes the State's compliance with the ruling on acts of genocide against the Achí people issued by the Inter-American Court of Human Rights on November 30, 2016, in which it orders the State to "remove all obstacles, de facto and de jure, that maintain impunity in this case, and initiate, continue, promote and reopen the investigations that are necessary to determine and, where appropriate, punish those responsible for the human rights violations that are the subject of this case. All of this within a reasonable period of time, in order to establish the truth of the facts, with the terms of paragraphs 285 to 289 of this Judgment."

Eight of the women involved in the case benefit from Provisional Measures of the Inter-American Court of Human Rights and the State of Guatemala has the responsibility to guarantee their safety and that of the 36 women in this case who courageously pursued the prosecution of their aggressors, despite the risk. The civil self-defense patrols (PACs) were a

paramilitary structure, created by the Guatemalan army. They operated in communities to control and, in many cases, carry out acts of violence and serious human rights violations against their neighbors, the civilian population, during the internal armed conflict. The survivors who seek justice, in this case, live in the same municipality, Rabinal, where their rapists reside. Although there is a strong possibility that Judge Dominguez's ruling will be overturned on appeal, the defendants were released from pre-trial detention.

It is not the first time that Judge Claudette Domínguez, whose sister is a commander of the Guatemalan Armed Forces, has handed down rulings that arbitrarily dismiss the evidence and violate the Constitution in favor of the military. In March, she granted bail to infantry colonel Juan Chiroy Sal and eight other military officers accused of extrajudicial killings of six peasants in an October 4, 2012 massacre in Alaska, Totonicapán. Chiroy was appointed by President Jimmy Morales on Friday as Army Inspector General. In 2017, in the so-called CREOMPAZ case, the largest known case of forced disappearance in Latin America, Judge Dominguez granted bail to Edgar Ovalle, a powerful retired military man accused of forced disappearance and crimes against humanity for his acts committed between 1981 and 1988 in Military Zone 21 (now named CREOMPAZ). At the time of his arrest, Ovalle was an elected member of Jimmy Morales' FCN-Nación party congress. After Dominguez granted him bail, Ovalle allegedly fled the country and has been a fugitive ever since. Judge Dominguez has also granted bail to congressional representatives accused of corruption.

Not only has she released actors accused of serious crimes, but he has obstructed the path to justice through the arbitrary dismissal of important evidence, in particular, the testimony of those most affected by the crimes, i.e. survivors and eyewitnesses. In the CREOMPAZ case, Judge Dominguez excluded about 80% of the evidence and testimonies presented by the Public Prosecutor's Office and the plaintiff organizations. These include all accusations of sexual violence, on which the judge simply did not rule. Therefore, the CREOMPAZ case is on hold, while survivors of sexual violence go to the Femicide Chamber to order the judge to rule. In their actions, there is a pattern of disregard for the right to justice for survivors of systematic sexual violence committed by the army and ex-PACs under their command.

Victims of serious human rights violations have the right to be heard by objective, impartial and independent judges.

We, the undersigned organizations:

- Express our full support and solidarity to the Mujeres Maya Achi and the Asociación Bufete Jurídico Popular de Rabinal. We reiterate our respect, gratitude, and admiration for your courageous struggle and reaffirm that we stand with you in the continued pursuit of integral justice.
- Fully support your decision to appeal Judge Dominguez's decision and the request to recuse her from the case.
- Reiterate the victims' call on the Judiciary to remove Judge Dominguez from a transitional justice case where the military is being accused of serious human rights violations.
- Ask the State to guarantee the protection and physical safety of the victims, their families, their lawyers and members of the Bufete Jurídico Popular de Rabinal Association.

Global

Just Associates JASS

Regional

Center for Justice and International Law CEJIL

International Commission of Jurists

International Platform Against Impunity

Canada

Comité por los derechos humanos en América latina

Common Frontiers

Communities at play Society

Elders for Environmental Justice

Guatemala Community Network

Guatemala Research Group, University of Northern BC

MiningWatch Canada

Todos por Guatemala

Waterloo Region Mayan Project

Catalonia

Entrepobles

Chile

Hagamos Lo Imposible

Colombia

Coordinador Nacional Agrario

Organización Nacional Indígena de Colombia - ONIC

El Salvador

JPIC Franciscanos

France

Collectif Guatemala

Guatemala

AEU

Amerindia

APDAS MANOS FRATERNAS

Asecsa

Asociación Chomija'

Asociación COMUNICARTE

Asociación Pop No'j

Autónoma/ Alianza de Mujeres y Mujeres Indígenas por el Acceso a la Justicia en Guatemala

Bufete para Pueblos Indígenas

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Chomija

Chomoja'

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Human Rights Defenders Project
IIHAA - USAC
Impunity Watch
Instituto Nueva Esperanza, Rio Negro
La Cuerda
Mono Imagen
Movimiento Nacional de Víctimas Q'anil Tinamit
Nim Alaxik
ONU mujeres
Proyectos y Servicios
Red por la Paz y el Desarrollo de Guatemala
Red Tz'ikin - Realizadoras-es Independientes de Guatemala
Seguridad en Democracia (SEDEM)
Unidad de Protección a Defensoras y Defensores de Derechos Humanos -Guatemala (UDEFEUGUA)
Unión Nacional de Mujeres Guatemaltecas
Uxiluj Batz (Trece Batz)
Verdad y Justicia en Guatemala
Visibles
Voces de Mujeres

Honduras

Comité por la Libre Expresión
Movimiento Amplio por la Dignidad y la Justicia

Indonesia

Kojigema

Mexico

CIESAS
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Spain

Asun Terol
Col.lectiu Maloka
Compañía de Jesus
CUP Olesa de Montserrat
Entrepobles
Institut Català de la Salut
Plataforma Suport Persones Refugiades de Santa Coloma de Cervelló

Sweden

Swefor

Switzerland

Guatemala-Netz Zurich, Suiza

United Kingdom

University of Birmingham

United States

Asociación de Guatemaltecos sin Fronteras DMV

Austin Research Associates

C4RR

Casa solidaria del Sur

Claremont For Refugee Rights

Code Pink

Colectivo Guatemalteco

Committee in Solidarity with the People of El Salvador (CISPES)/Comite en Solidaridad con el Pueblo de El Salvador

Despertar Maya

First United Methodist Church, Downers Grove

Grace Presbytery

Guatemala Human Rights Commission GHRC-USA

GuatemayaLA mujeres resistiendo

IFCLA Inter-Faith Committee on Latin America

International Mayan League

L.A. Alvarado Dds Inc.

NISGUA/Network in Solidarity with the People of Guatemala

Norther Virginians for Peace and Justice

Washington Office on Latin America (WOLA)

Philippines-US Solidarity Organization

Raices Migrantes

Santa Rosa Junior College

School of the Americas Watch (SOAW)

SOS Inmigracion

St. Gertrude Parish

The CUNY Graduate Center

Tom Neilson Music

Taprock Center for Peace and Justice

United Church of Christ

Western Massachusetts Venezuela Solidarity

Workrs Center

Xun Biosphere Project