

Briefing on the request for an EP Urgency Resolution on the rule of law in Guatemala

February 2022

This briefing aims to contribute elements to the argumentation on the importance of pushing for an urgency resolution in the framework of the European Parliament on the situation of the rule of law and human rights in the Republic of Guatemala.

Since 2019 when the government of Jimmy Morales unilaterally decided to terminate the mandate of the International Commission against Impunity (CICIG), Guatemala has consequentially suffered a sustained dismantling of the rule of law and institutional co-optation, which has seriously eroded institutions and the functioning of democracy in the country. This process has been marked by: the co-optation and dismantling of institutions that guarantee rights; the systematic obstruction of the work of judges and prosecutors; the harassment and intimidation of justice operators; and the intensification and increase in attacks and criminalisation of individuals and groups defending rights.

Next May, the current Attorney General of the Republic, María Consuelo Porras, will be replaced. This is the most important position to guarantee the rule of law, the protection and defence of human rights, the fight against corruption and impunity, and the sound functioning of democracy. In the context of this process, there are repeated attacks on various actors that call into question the rule of law, as well as the independence and objectivity of the process of electing the person who will occupy the position of Attorney General. This has been expressed by the EU¹, the US², and the UK³, among others. The lack of support for democratic structures that uphold the separation of powers and the rule of law could be an unprecedented setback for democracy and human rights in Guatemala.

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1. Key information

- According to Transparency International data, in the past ten years Guatemala has dropped 59 positions in the Corruption Perceptions Index (CPI), from 91st place (2010) to 150th out of 180 countries.
- Progress in the fight against impunity and corruption since the Peace Accords and the installation of the International Commission against Impunity (CICIG) in the country has been progressively dismantled.
- In Guatemala, there is a policy of harassment, bullying and blocking the work of all independent justice operators, which results in a profound weakening of the rule of law.

¹ https://eeas.europa.eu/regions/latin-america-caribbean/110837/guatemala-statement-spokesperson-rule-law-situation_en

² <https://www.state.gov/u-s-concern-for-integrity-of-guatemalan-judicial-system/>

³ <https://www.gov.uk/government/news/guatemala-uk-statement-on-rule-of-law>

- More than ten judges and prosecutors have been forced into exile, including former attorneys general Claudia Paz and Thelma Aldana, and Juan Francisco Sandoval, who led the Special Prosecutor's Office for the Fight against Impunity (FECI).
- There have been 137 attacks and assaults on justice officials, including lawyers, prosecutors, judges and complainants who carry out their work independently and in defense of the principles of legality and judicial independence.
- There is a progressive closing of space for civil society in the country. A central element has been the NGO Law 4-202, the implementation of which began in February 2022. This legislation seeks to restrict the activities of NGOs, giving the Interior Ministry the right to close them at its discretion if it considers that they do not contribute to the common good and/or "alter public order".
- In 2020, Global Witness ranked Guatemala as the country with the seventh highest number of murdered human rights defenders in the world (13) and the fourth highest incidence per capita⁴.
- Between January and July 2021, the Guatemalan Human Rights Defenders Unit (UDEFEUGA) counted at least 551 attacks on human rights defenders, organisations and communities.
- Between January and July 2021, UDEFEUGA counted a total of 87 attacks against independent journalists and social communicators.
- The ILO Committee of Experts on Labour Standards has once again expressed its deep concern at the new killings and other acts of anti-union violence committed in 2021 in Guatemala, and the persistence of a high level of impunity.

1. Dismantling of the rule of law, end of judicial independence.

a/Public Prosecutor's Office

The increase in corruption has contributed to the further impoverishment of the population. According to Transparency International, in ten years Guatemala has dropped 59 positions in the Corruption Perceptions Index (CPI), from 91st place in 2010 to 150th place out of 180 countries⁵. At the root of this deterioration is the progressive dismantling of all progress in the fight against impunity and corruption that had taken place since the Peace Accords and the establishment of the International Commission against Impunity (CICIG)⁶ in the country. In this regard, already in 2019, the HR/VP of the European Union expressed their concern about the rule of law in Guatemala.⁷

The unilateral decision of the then government of Jimmy Morales to terminate CICIG's mandate marked the starting point of a process of systematic obstruction of the work of independent judges and prosecutors through fabricated accusations of corruption and other crimes, a process that continues today. More than ten judges and prosecutors have been forced into exile, including former attorneys general Claudia Paz and Thelma Aldana, as well as Juan Francisco Sandoval, who headed the Special Prosecutor's Office for the Fight against Impunity (FECI). After more than two years of constant⁸ harassment, smear campaigns and intimidation on social media, and a total of 47 criminal and administrative complaints against him, Juan Francisco Sandoval was illegally dismissed on 23 July 2021 and forced to leave the country for fear of his safety and detention.

These events, about which the US State Department and the HR/VP of the European Union expressed strong concern⁹, were followed by the relocation of certain judges to other prosecutors' offices, thus removing them from important cases related to human rights or corruption. This is the case, for example, of Hilda Pineda, who was in charge for ten years of the prosecutor's office that brought former dictator Efraín Ríos Montt to trial,

⁴ <https://www.globalwitness.org/en/campaigns/environmental-activists/last-line-defence/>

⁵ <https://elperiodico.com.gt/opinion/opiniones-de-hoy/2022/02/04/en-el-tobogan-de-la-corrupcion/>

⁶ <https://www.wola.org/analysis/wola-report-on-the-international-commission-against-impunity-in-guatemala-cicig/>

⁷ <https://www.consilium.europa.eu/en/press/press-releases/2019/03/26/declaration-by-the-high-representative-on-behalf-of-the-eu-on-the-increasing-tension-on-the-rule-of-law-and-democracy-in-guatemala/>.

⁸ https://www.omct.org/site-resources/files/Guatemala_UnaDeudaSinSaldar.pdf

⁹ <https://www.prensalibre.com/guatemala/politica/portavoz-de-asuntos-exteriores-de-la-ue-dice-que-salida-de-sandoval-genera-serias-preocupaciones/> and <https://apnews.com/article/guatemala-aab7d6852c956a981cc73affe5bdcd1>

and who was moved in October 2021 to the newly created Office of the Prosecutor for Crimes against Foreign Tourists.

Many other judges suffer attacks, defamation and death¹⁰ threats. This is the case of four judges renowned for their work in high-profile cases against corruption and crimes of the internal¹¹ armed conflict, who filed a complaint on 21 June 2021, claiming that they are subjected to increased surveillance and persistent harassment by the authorities. According to the records of human rights organisations, 137 attacks against justice officials, including lawyers, prosecutors, judges and complainants, have been recorded. Among them is Judge Erika Aifán, who last year received the "International Woman of Courage" award from the US State Department¹² and the "Human Rights and Rule of Law 2021" award from the German and French embassies in the country¹³. Judge Aifán is currently facing a high-risk situation, as the Guatemalan Attorney General's office has filed two requests to cancel her immunity, arguing that she abused her authority by taking on cases without obtaining the approval of the country's Supreme Court. These accusations are denied by Aifán.

More recently, on 10 February 2022, Leydi Santizo, former head of CICIG and defender of FECCI prosecutors, and Siomara Sosa, former FECCI prosecutor and still a prosecutor in the Public Prosecutor's Office, were arrested and placed in pre-trial detention. Human rights organisations have denounced these arrests, considering that they are "for having been part of CICIG's actions - from different spaces - that unveiled and dismantled criminal groups that made profits from corruption and different organised crime activities".¹⁴

A key player in this process of dismantling the rule of law and criminalising justice officials has been the current attorney general, Consuelo Porrás, in close collaboration with President Giammattei. It is worth noting that Consuelo Porrás is on the US government's Engel¹⁵ list of people considered corrupt and/or linked to organised¹⁶ crime, imposing sanctions¹⁷ on them.

b/The Constitutional Court and the Supreme Court

Beyond the Public Prosecutor's Office, other justice institutions have also been affected by this process of state capture. In April 2021, the Guatemalan Congress refused to swear in the legally elected magistrate Gloria Porrás, based on false arguments of procedural error in her appointment¹⁸ process. Gloria Porrás is renowned for her independence and commitment to the fight against impunity and corruption, and had served as a magistrate of the Constitutional Court for the past ten years, and as president of the Constitutional Court since 2020. The United Nations expressed its strong concern in this regard¹⁹.

In this framework of disruption and dismantling of the justice system, the Supreme Court magistrates have exceeded their mandate by 27 months, with re-election being prevented by President Giammattei, Attorney General Porrás and the Head of the Justice Sector. There is an ongoing investigation by the FECCI into the improper and questionable election process of the current Court, but progress in this investigation has become unlikely due to the dismissal of Juan Francisco Sandoval, former head of the FECCI.

¹⁰<https://www.prensalibre.com/guatemala/justicia/jueces-de-mayor-riesgo-piden-al-mp-que-desestime-denuncias-en-su-contra-pues-consideran-que-son-infundadas-y-espurias-breaking/>

¹¹ Yassmín Barrios, Miguel Gálvez, Erika Aifán and Pablo Xitumul.

¹²<https://www.state.gov/2021-international-women-of-courage-award-2/>

¹³<https://www.prensalibre.com/guatemala/justicia/jueza-erika-aifan-recibe-premio-derechos-humanos-y-estado-de-derecho-de-francia-y-alemania-breaking/>

¹⁴UDEFEUGA: Complaint 01-2022

¹⁵<https://www.state.gov/u-s-releases-section-353-list-of-corrupt-and-undemocratic-actors-for-guatemala-honduras-and-el-salvador/> and <https://www.state.gov/united-states-announces-actions-against-seven-central-american-officials-for-undermining-democracy-and-obstructing-investigations-into-acts-of-corruption/>

¹⁶<https://apnews.com/article/caribbean-guatemala-c012bc18a334ae57f1fa478c8a8da42a>

¹⁷<https://thehill.com/policy/international/550325-us-sanctions-guatemalan-officials-over-corruption-allegations>

¹⁸<https://www.prensalibre.com/guatemala/justicia/gloria-porras-amparo-impide-juramentacion-de-magistrada-de-la-corte-de-constitucionalidad-breaking/>

¹⁹[https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27006#:~:text=GENEVA%20\(19%20April%202021\)%20%E2%80%93,Court%2C%20condemning%20the%20continued%20harassment](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27006#:~:text=GENEVA%20(19%20April%202021)%20%E2%80%93,Court%2C%20condemning%20the%20continued%20harassment)

2. Closure of civic space and the disarticulation of institutional guarantors.

During 2020, the Guatemalan government declared 11 states of prevention or emergency, while in 2021 it sought to "solve" social conflict by declaring 8 different states of emergency²⁰. The fundamental rights of the population (such as freedom of movement, association, expression, and the possibility of providing for their subsistence) are extremely restricted during these states of emergency. On the other hand, the development of investment projects, which in many cases have been at the root of conflict situations, has not been altered, even contradicting some rulings of the Constitutional Court and taking advantage of the restrictions on the population's²¹ capacity to enjoy their freedom of expression.

A central element in the progressive process of closing spaces is the so-called NGO Law 4-2022²², which entered into force in August 2021 and whose implementation began on 1 February 2022. This legislation, which has already caused concern in the European Parliament²³, finds a parallel with Nicaragua's "Law for the Regulation of Foreign Agents", and seeks to restrict the activities of non-governmental organisations, granting the Interior Ministry the right to close them at its discretion if it deems that they do not contribute to the common good and/or "alter public order". This particularly ambiguous formulation is based on a 1965 law drafted during the military²⁴ dictatorships. In this regard, the Inter-American Commission on Human Rights (IACHR) has already pointed out that "the approved reforms would seriously affect the ability of human rights organisations to carry out their legitimate work of defending human rights in Guatemala"²⁵.

In addition to the repeated declarations of states of prevention or emergency, and the closure of spaces through restrictive legislation, there has also been the co-optation or elimination of the institutions that guarantee compliance with the Peace Accords and human rights. In their place the Presidential Commission for Peace and Human Rights (COPADEF) has been created, an institution without adequate funding or clear responsibilities. In this regard, in her 2020 report on Guatemala, the United Nations High Commissioner for Human Rights recommends ensuring that COPADEF provides continuity and strengthens the implementation of the activities previously carried out by the Peace Secretariat of the Presidency of the Republic (SEPAZ), the Presidential Commission for Human Rights (COPREDEF) and the Secretariat for Agrarian Affairs (SAA), and that land policies and programmes are reviewed and reformed, also strengthening the capacities of the competent authorities in this area.

At the same time, the Human Rights Ombudsman's Office (PDH) has seen its work blocked as for months it has not received the resources approved in the National General Budget. According to its Ombudsman, this lack of funding is preventing the fulfilment of its constitutional mandate and the presence of the PDH in areas of the country that are experiencing situations of strong conflict over land or extractive projects. It should be noted that the mandate of the current Human Rights Ombudsman lasts until August 2022.

Finally, another worrying setback in the fight against impunity is a new amnesty bill by the party led by the daughter of General Ríos Montt, whose genocide conviction was overturned after political pressure. This bill proposes the release of convicted war criminals and would prevent further investigations²⁶. The UN High Commissioner for Human Rights²⁷, as well as the European Parliament in its 2019 resolution²⁸, have already expressed concern about the possible adoption of this law.

²⁰<https://canalantigua.tv/segundo-ano-de-gobierno-de-giammattei-registra-dos-estados-de-sitio-y-seis-de-prevencion/>

²¹<https://www.excelsior.com.mx/global/decretan-estado-de-sitio-en-guatemala-tras-proteta-indigena-contra-minera/1478833>

²²<https://www.fidh.org/es/temas/defensores-de-derechos-humanos/guatemala-graves-ataques-a-la-sociedad-civil-continuan-deteriorando>

²³https://www.europarl.europa.eu/doceo/document/TA-8-2019-0205_ES.html

²⁴<https://www.wola.org/analysis/qa-guatemalas-controversial-ngo-law/>

²⁵<https://lahora.gt/cidh-por-ley-de-onsg-reformas-dificultan-la-participacion-publica-y-la-defensa-de-los-dd-hh/>

²⁶<https://www.worldpoliticsreview.com/trend-lines/29753/in-guatemala-and-el-salvador-civil-war-era-crimes-are-a-root-cause-of-today-s-impunity> and <https://guatemalalolidarity.org.uk/2021/07/07/amnesty-for-war-crimes-is-back-on-the-table/>

²⁷<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24098&LangID=E>

²⁸<https://eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:52019IP0205&from=EN>

3. Increase in attacks on individuals and groups defending human rights.

The Guatemalan Human Rights Defenders Unit (UDEFEQUA) counted at least 551 attacks on human rights defenders, organisations and communities²⁹ between January and July 2021, confirming an upward trend comparable to 2020, with a total of 1055 attacks, including five murders and three attempted murders. There has also been an increase in attacks against women human rights defenders³⁰.

In this context, the adoption of repressive legislation, such as the NGO Law, contributes to the total dismantling of the protection system for human rights defenders³¹, reinforcing impunity³². It should be noted that, to date, the Government of Guatemala has not developed a Public Policy for the Protection of Human Rights Defenders, ignoring a 2014 ruling of the Inter-American Court of Human Rights³³ and disregarding the very commitment made by the State of Guatemala before the Human Rights Council in 2018.

Attacks on the media and journalists

Independent journalists and social communicators who report on human rights violations, setbacks in the pursuit of peace, justice and reparation, as well as corruption cases involving high-level officials, are systematically harassed and their right to freedom of expression is limited. Between January and July 2021 alone, UDEFEQUA counted a total of 87 attacks against them³⁴.

Such is the situation, for example, of journalists Marvin del Cid and Sonny Figueroa who have seen criminal charges brought against them following the publication of investigations in which they denounced the involvement of public officials in corrupt³⁵ practices or honour-demolishing³⁶ ploys. The misuse of the criminal justice system is aimed at intimidation and inducing self-censorship.

Attacks on land and territory defenders

According to the UN Office of the High Commissioner's report of 2020³⁷, another group of defenders who are under attack and who suffer most from the criminalisation of their work are those who defend land, territory, the environment and the rights of indigenous peoples. Examples of this are the cases of Bernardo Caal, Eduardo Bin, Anabella España Reyes, Abelino Salvador Mejía, Flavio Vicente and Virgilio García Carrillo, among others, prosecuted and detained for defending their rights. According to the same OHCHR report, from January to October 2020, at least 881 arrest warrants were issued against just one peasant organisation, the Comité Campesino del Altiplano.

Criminalisation processes include stigmatisation, defamation, intimidation, the misuse of criminal procedures and failures of due process, and affect a demographic of the population that has been historically discriminated against and excluded, thus exacerbating their vulnerability. Victims of this criminalisation have repeatedly pointed out that attacks and accusations often come from non-state actors, including non-state actors linked to transnational corporations and their security services.

²⁹https://mcusercontent.com/cd639ff1b4b8013b628e7b0b1/files/455ae0e7-f3c2-5dd2-5bb1-2b2055e55e37/COMUNICADO_UDEFEGUA_actualización_de_datos_de_situación_personas_defensoras_2021.pdf

³⁰[https://mcusercontent.com/cd639ff1b4b8013b628e7b0b1/files/455ae0e7-f3c2-5dd2-5bb1-2b2055e55e37/COMUNICADO_UDEFEGUA_actualización%3%B3n_de_datos_de_situación%3%B3n_personas_defensoras_2021.p](https://mcusercontent.com/cd639ff1b4b8013b628e7b0b1/files/455ae0e7-f3c2-5dd2-5bb1-2b2055e55e37/COMUNICADO_UDEFEGUA_actualización%3%B3n_de_datos_de_situación%3%B3n_personas_defensoras_2021.pdf)

³¹https://www.omct.org/site-resources/files/Guatemala_UnaDeudaSinSaldar.pdf

³²<https://udedefegua.org/download/file/fid/5995>

³³https://www.corteidh.or.cr/docs/casos/articulos/seriec_283_esp.pdf

³⁴https://mcusercontent.com/cd639ff1b4b8013b628e7b0b1/files/455ae0e7-f3c2-5dd2-5bb1-2b2055e55e37/COMUNICADO_UDEFEGUA_actualización%3%B3n_de_datos_de_situación%3%B3n_personas_defensoras_2021.p

³⁵<https://voxpuliguat.com/2021/02/04/la-nueva-casa-de-los-martinez-morales/>

³⁶<https://voxpuliguat.com/2021/05/20/la-estrategia-del-congreso-para-atacar-a-opositores-y-funcionarios/>

³⁷<https://undocs.org/en/A/HRC/46/74>

Therefore, the climate of high territorial³⁸ conflict deployed by an extractivist development model chosen by the Guatemalan state has resulted in a total of 49 attacks against people defending land, territory and the environment³⁹ in the first half of 2021.

Attacks on workers and trade unions

Moreover, in its report on Labour Standards from February 2022⁴⁰, the ILO Committee of Experts on the Application of Conventions and Recommendations reiterated its deep concern at the new killings and other acts of anti-union violence committed in 2021 in Guatemala, denouncing the persistence of a high level of impunity, as the vast majority of the numerous killings of members of the trade union movement have still not resulted in convictions. The Committee has also again urged the Guatemalan Government to take concrete initiatives to promote freedom of association and collective bargaining in the manufacturing sector and to make progress in strengthening social dialogue and the resolution of collective disputes in the country.

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³⁸<https://www.omct.org/es/recursos/declaraciones/guatemala-violencia-sistemática-contra-quienes-defienden-el-territorio>

³⁹https://mcusercontent.com/cd639ff1b4b8013b628e7b0b1/files/455ae0e7-f3c2-5dd2-5bb1-2b2055e55e37/COMUNICADO_UDEFEGUA_actualizaci%C3%B3n_de_datos_de_situaci%C3%B3n_personas_defensoras_2021.pdf

⁴⁰https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_836655.pdf

APPENDIX: Emblematic cases of attacks on individuals and groups defending rights

- **Closure of extractivist investment sites and projects: Fenix nickel mine in El Estor**

On 24 October 2021, the Government of Guatemala declared by Decree 9-2021 a State of Emergency in El Estor, department of Izabal, opening the door to the militarisation of the territory and undue restrictions on the right to peaceful protest of the Maya Q'eqchi' population of this municipality. This measure follows multiple complaints of violent repression and excessive use of force, as well as the indiscriminate use of tear gas by the National Civil Police, which resulted, according to the Guatemalan Human Rights Ombudsman's Office (PDH), in several people being injured, including children and adolescents, elderly people and journalists, as well as 7 PNC officers.

The declaration of a state of emergency was in response to the protest and sit-in in front of the Fenix nickel mine (belonging to the mining company Compañía Guatemalteca de Níquel (CGN), controlled by the Russian-Swiss company Solway Investment Group) by organisations and individuals requesting the implementation of the Constitutional Court's 2019 ruling, which had ordered the suspension of mining activity until a consultation had been carried out, as established by ILO Convention 169. The population was also protesting the government's organisation of a pre-consultation from which local organisations and indigenous authorities that had been critical of the mining project were excluded.

Following the declaration of a state of emergency, ratified three days later by Congress, the Guatemalan army mobilised 1,500 soldiers who, together with 500 members of the National Civil Police, moved towards El Estor to put an end to the mobilisation. After 17 days of peaceful resistance, the demonstrators were violently evicted. The security forces used unjustified and disproportionate force against the demonstrators and the population, including the indiscriminate use of tear gas⁴¹. According to an assessment from a rights perspective, in this case there was stigmatisation and a lack of judicial guarantees during the raids and arrests. Likewise, selective persecution was carried out and international standards were not respected in relation to evictions during the states of emergency. The rights to defend rights, to protest, to free expression and freedom of association were also violated.

In the case of El Estor, patterns of criminalisation are being reproduced, creating a hostile and insecure environment for the exercise of the defence of rights. Civil society has also denounced the abuse of states of exception by the current Guatemalan government, as they are being used to militarise and suspend constitutional guarantees in contexts of social protest.

- **Criminalisation of defenders of land, territory and the environment: the case of Bernardo Caal**

A relevant case of criminalisation of a Q'eqchi' land defender is that of Bernardo Caal Xol, community leader, human rights defender and president of the board of directors of the Cahabón community organisation in the municipality of the same name in the department of Alta Verapaz in Guatemala. Mr. Caal opposes the installation of the Oxec and Oxec II hydroelectric dams. In his capacity as president of the aforementioned board of directors, he brought actions before the courts against the installation of the two hydroelectric plants, and only when these actions were unsuccessful did he exercise, together with the people of the community, the right to peaceful protest.

Mr. Caal Xol was charged with promoting violent actions and arrested on 30 January 2018. He remained in prison until 9 November of that year, when he was charged and sentenced to 7 years and 4 months in prison. According to the group of UN experts that studied his case, a group that includes 3 Special Rapporteurs and 4 experts from the Working Group on Human Rights and Transnational Corporations, this conviction was given "despite a lack of evidence against him and irregularities in the process". The group has also stated that "Mr. Bernardo Caal Xol has been criminalised because, in the name of his community, he took a case to the Supreme

⁴¹For more information see the Joint Pronouncement of 4 November 2021 by the Observatory / UDEFEGUA / CALDH / IM-Defensoras / Indigenous Peoples and Torture Group

Court of Justice to try to stop the Oxec hydroelectric project" (...) "Unfortunately, this is not an isolated case; all too often in Guatemala, those who defend land and the environment are considered criminals".⁴²

During the processing of his appeals and cassation appeals, he has been deprived of his liberty, having to remain in prison for more than three years⁴³, with the consequent deterioration of his physical and mental health, suffering and uncertainty for his family, and insecurity and frustration for the people in the community he represents. According to the OHCHR, "Bernardo's lawyers immediately filed an appeal following his conviction, but the hearings have been cancelled or suspended on numerous occasions, including by the decision of 69 appeals chamber judges to abstain from hearing the case."⁴⁴

In addition to the above, the conditions of detention in which Bernardo Caal Xol is being held, the overcrowding, poor infrastructure and lack of access to basic food and health services that characterise his incarceration violate international standards for the treatment of persons deprived of their liberty, such as the United Nations Standard Minimum Rules for the Treatment of Prisoners⁴⁵. Such conditions of detention, even more so in the context of the current pandemic, could constitute ill-treatment and even torture.

In short, Mr. Caal Xol is facing criminal proceedings that reproduce the patterns identified as constant in the criminalisation faced by indigenous land and territory defenders.

⁴²<https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=27343&LangID=S>

⁴³ The amicus curiae referred to was drafted in March 2021.

⁴⁴ <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=27343&LangID=S>

⁴⁵ The United Nations Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) are a set of rules established by the General Assembly of the United Nations (UN) to ensure standards that are recognised as appropriate for the treatment of prisoners and prison management, available at: https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-S-ebook.pdf.