

“Milestone judgement” in Guatemala – UN Human Rights Chief

GENEVA (24 May 2018) – UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein today welcomed the ruling issued unanimously by the High Risk “C” Tribunal in Guatemala yesterday against four high-ranking former military officials for crimes against humanity, aggravated sexual violence and enforced disappearance.

“This is a milestone judgement for Guatemala and beyond with regards to the investigation, prosecution and punishment of serious human rights violations committed by senior military officers during an internal armed conflict,” High Commissioner Zeid said.

The High Commissioner said that this ruling, together with the jurisprudential precedents established in other transitional justice cases, such as Sepur Zarco, Dos Erres, Plan de Sánchez and Myrna Mack, sends a clear message that it is possible for Guatemala to advance in the fight against impunity of the past, which in turn, strengthens the fight against the impunity of the present and the consolidation of the rule of law.

“I pay tribute to the Molina Theissen family for their courage and perseverance to fight for over three decades for their right to justice and the truth,” Zeid said.

Emma Guadalupe Molina Theissen was detained at a military checkpoint on 27 September 1981 and transferred to the “Manuel Lisandro Barillas” Military Brigade in Quetzaltenango, where she was held captive, interrogated, subjected to torture and other cruel, inhuman or degrading treatment, as well as sexual violence. She escaped on 5 October 1981. The following day, her 14-year-old brother Marco Antonio was taken by force from the family’s home in Guatemala City, put into a nylon sack and taken to an unknown destination in a vehicle with an official Government license plate. He has never been found.

On 4 May 2004, the Inter-American Court of Human Rights held the State of Guatemala responsible for the enforced disappearance of Marco Antonio.

Yesterday's judgment, citing international human rights standards, found that the practice of sexual violence, torture and enforced disappearance formed part of the military strategy during the internal armed conflict in Guatemala. It also held that past crimes involving serious human rights violations are not subject to time limits for prosecution and cannot be subject to amnesty.

"I urge the authorities to guarantee that the victims benefit from the effective implementation of comprehensive and transformative reparation measures, including non-repetition of such serious human rights violations in the country," the High Commissioner said. "It will also be important to adopt necessary measures to establish the whereabouts and identification of the remains of Marco Antonio Molina Theissen."

Zeid called on the State to guarantee the safety and personal integrity of victims, plaintiffs, judges, prosecutors, lawyers, witnesses and those who have participated in and supported the judicial process, as well as to advance with structural reforms to strengthen the conditions for the independent functioning of the justice system.

The UN Human Rights Office in Guatemala has accompanied and observed the various stages of the judicial process in the Molina Theissen case to ensure access to justice and guarantees of due process. The High Commissioner stressed that the Office was always willing to continue accompanying the efforts of the State in the fight against impunity of the past and present, as well as to support the victims and their families in obtaining justice.

ENDS

*For more information and **media requests**, please contact or Ravina Shamdasani (+41 22 917 9169 / rshamdasani@ohchr.org) or Rupert Colville (+41 22 917 9767 / rcolville@ohchr.org)*
2018 is the **70th anniversary of the Universal Declaration of Human Rights**, adopted by the UN on 10 December 1948. The Universal Declaration – translated into a world record 500 languages – is rooted in the principle that "all human beings are born free and equal in dignity and rights." It remains relevant to everyone, every day. In honour of the 70th anniversary of this extraordinarily influential document, and to prevent its vital principles from being eroded, we are urging people everywhere to **Stand Up for Human Rights**: www.standup4humanrights.org.
Tag and share - Twitter: [@UNHumanRights](https://twitter.com/UNHumanRights) and Facebook: [unitednationshumanrights](https://www.facebook.com/unitednationshumanrights)