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Press Release
21/12/05

Impunity, violence and dysfunctions of the judiciary in Guatemala

On 18 December, a delegation of WCL and ICFTU went to the Guatemalan Embassy in Brussel to express its great concern about the persistent violence, obstacles to trade union activities and impunity in this Central American country.

Six days earlier, on 13 December, Alfonso Ramírez García, Secretary General of the union of independent traders had fallen victim to an attack in a park of the municipality of Esquipulas. He took three bullets (two in the neck and one in the back).

These facts are just the latest ones on a long list. In recent years, WCL and ICFTU have denounced a whole series of obstacles to trade union freedom, including threats to, even assassinations of, trade union leaders as well as cases of forcible entry in trade union head offices. These situations also occur in the free zones. All these facts, brought to the notice of the Guatemalan authorities, remain protected by impunity. Moreover, the social dialogue is almost impossible.

Recently, further, the Constitutional Court created a legal void in abolishing labour inspection on the application of sanctions in case of disregard of the social laws.

And proofs of malfunctioning of justice are also manifold.

The judiciary is going through a profound crisis. Between 2004 and the end of 2005, 1800 legal complaints were filed against employers. In merely 80 cases this resulted in a condemnation. 70 cases ended in an acquittal. So, 1600 files are still pending whereas the violations of workers' rights persist and the integrity of these workers is in jeopardy.

Rigoberto Dueñas, Deputy Secretary General of CGTG, unjustly accused of malversations at the social security institute IGSS, who was released thanks to a great trade union campaign, is only provisionally free. A three-year prison sentence is still hanging over his head, along with a fine to the amount of 12 million Quetzals (1,315,023 euros) and with the payment of the costs for the legal proceedings.

Reminding of the fact that the proper functioning of an unbiased, rapid and independent judiciary is one of the pillars of the constitutional state, ICFTU and WCL also demanded from the Guatemalan authorities guarantees for the exercise of the freedom of association, total freedom for Rigoberto and the suspension of the financial penalty weighing upon him. They also demanded urgent measures in the struggle against impunity.

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