

# GUATEMALA

## Genocide survivors give testimony

\* Genocide victim-survivors testify, for the first time, in Guatemala courts in the Spanish genocide case. One man giving testimony, Jesus Tecu Osorio, was an eye-witness to and survivor of the March 13, 1982 Rio Negro massacre (of 177 people)

April 17, 2008

[This summary was based on information from NISGUA, Network in Solidarity with the People of Guatemala]

For the first time in history, a genocide and State repression survivor gave public testimony today in a Guatemalan court about the genocide committed against Maya peoples.

Jesus Tecú Osorio, a Mayan-Achi man from the isolated rural village of Río Negro, Rabinal (department of Baja Verapaz), gave an emotional testimony to a packed courtroom, with national and international media and observers present.

With the two domestic genocide cases languishing for years in Guatemalan courts, with little to no movement (due to well entrenched impunity), the courageous witnesses are finally having their day in court, as part of the "genocide case" now being heard in Spanish courts. Twenty-nine eyewitnesses and experts are scheduled to testify between today and May 6th.

Judge Eduardo Cojulun of the 11th Criminal Court is moving forward with the testimonies in support of the ongoing genocide investigation by Spanish judge Santiago Pedraz. The presentation of testimonies will continue on Monday in Rabinal.

### BACKGROUND

Last December, Guatemala's highest court effectively halted the Guatemalan genocide case in Spain, expressly rejecting the principal of universal jurisdiction and ruling that the investigation led by Pedraz could not continue in Guatemala.

Nonetheless, according to the legal principle of judicial reciprocity a Guatemalan judge can receive declarations from witnesses and share them with Spain, in support of Pedraz's investigation, since Pedraz has been blocked from conducting investigations on the ground in Guatemala. In late March 2008, the Constitutional Court rejected an injunction by defendant Efraín Ríos Montt, which allowed the 11th Criminal Court to proceed.