

Press Release

Preliminary Findings of the International Mission of Jurists for Guatemala

Guatemala, October 29, 2025 – For several years now, international bodies, independent missions, and civil society organizations have been warning about the progressive deterioration of the rule of law in Guatemala. Six months ago, the UN Special Rapporteur on the Independence of Judges and Lawyers carried out an official visit to Guatemala and warned of serious risks to judicial independence and the legal profession.

The **International Mission of Jurists for Guatemala**, composed of the International Observatory for Lawyers in Danger (OIAD), Lawyers for Lawyers (L4L), the Association of Human Rights Lawyers, Judges, and Prosecutors of Latin America and the Caribbean (AJUFIDH), the Association of Judges for Democracy (JJpD), and the Spanish Association for Human Rights (ADPHE), visited the country with the aim of impartially **observing, documenting, and assessing the situation of judicial independence and the practice of law.**

During our visit, we conducted interviews with current and former justice operators, lawyers, persons deprived of liberty, civil society organizations, embassies, academics, and relevant legal and political institutions such as the Constitutional Court, the Bar Association of Guatemala, the Ministry of the Interior and Universities. The Public Prosecutor's Office declined the invitation to participate in these interviews.

Main findings: structural patterns that threaten the Rule of Law

The preliminary findings are alarming: the patterns of intimidation, criminalization, and persecution against independent judges, prosecutors, and lawyers, as well as against human rights defenders, indigenous leaders, journalists, and civil society representatives, have **not only become entrenched** but also reveal a **structural scheme that uses criminal law as a tool to control State institutions.** This scheme also **restricts the exercise of fundamental rights** such as freedom of association, social protest, and freedom of expression.

Guatemala is undergoing a phase in which the struggle for power has shifted to the courts. After the signing of the **Peace Accords in 1996**, an authoritarian regime condemned for genocide that had dominated all institutions and judicial bodies came to an end. However, the democratic transition was marked by the persistence of **patterns of domination by de facto powers**, which consolidated a network of influences aimed at guaranteeing impunity and protecting economic and political interests. Today, **persecution no longer occurs through gunfire but through the criminal and penitentiary system**; voices are no longer silenced by force, but through **endless legal proceedings and the unjustified use of pretrial detention**, all under a cloak of apparent legality.

In our interviews, we have identified a systematic pattern of persecution that often culminates in **criminalization processes**. This pattern includes acts of **physical intimidation**—such as surveillance and physical monitoring—as well as **online harassment**, manifested through campaigns of stigmatization, defamation, and attacks on social media. In most cases, **defamation campaigns serve as a prelude to criminal prosecution**, even publicly indicating who will be the next to face charges. These actions often originate from accounts linked to political agents or anonymous profiles associated to *net centers*, creating the perception that certain actors have early access to confidential information from criminal cases, even before the accused individuals are formally summoned.

The Public Prosecutor's Office, in collusion with certain judges and magistrates, has become a central actor in this selective instrumentalization of criminal law, frequently resorting to **vague criminal charges and superficial investigations**. Criminalization is used as a means to **intimidate and suppress critical voices, including judicial officials who have pursued cases involving corruption and serious human rights violations**. It also serves to **influence electoral processes by criminalizing or threatening members of Nomination Commissions and candidates**, thereby consolidating institutional control.

These **judicial processes** exhibit systematic violations of due process, particularly through the **breach of reasonable time limits and the abusive use of secrecy**, turning legal proceedings into forms of preemptive punishment. This generates prolonged uncertainty and, together with forced exile, constitutes a form of civil death, affecting victims' access to employment, their reputation, and their social participation. Once again, this exclusion extends to **electoral processes**, preventing criminalized or exiled individuals from exercising their right to vote or to be elected.

The climate of fear permeates all institutions and sectors of society, fueling a spiral of institutional control and co-optation. This dynamic is especially concerning ahead of the upcoming elections, in which—for the first time in 60 years—the selection processes to renew the Supreme Electoral Tribunal, the Constitutional Court, and the Attorney General, head of the Public Prosecutor's Office, will coincide.

Lawyers and justice operators: a line of defence for human rights

Lawyers and justice operators play an **essential role in defending human rights and maintaining democratic balance**. However, precisely because they fulfill this role, they have become targets of systematic attacks, which constitute a symptom of a **deep crisis in the Rule of Law**. Below, the Mission expands on some of the most relevant observations regarding their situation.

The co-optation of the judicial system and its structural roots

The mission identifies a sophisticated **apparatus of judicial co-optation** that cuts across various processes, from the selection of magistrates to internal control mechanisms.

The **system for appointing magistrates**, through the Nomination Commissions allows **power groups to exert influence** by financing candidacies and creating commitments that undermine judicial independence. Added to this is the **concentration of jurisdictional, administrative, and disciplinary powers in the Supreme Court**, which enables the transfer and removal of judges who, by applying the law, fail to align with power interests.

This apparatus is **reinforced through mechanisms of criminalization** that threaten not only the regular work of judicial officials but also the transparency of electoral processes. The absence of effective oversight and corrective mechanisms by other institutions reveals both institutional co-optation and the reluctance of some bodies to act.

Taken together, these practices shape a **model in which the basic principles of justice are subverted**, which allows for:

- The **multiplication of criminalization cases** against independent judicial officials, human rights defenders, Indigenous leaders, and lawyers committed to justice. And, in turn,
- The **obstruction of investigations into other crimes that are not of interest to the co-opted structure or that affect its own interests**, such as corruption, drug trafficking, crimes committed during the armed conflict, or gender-based violence and human trafficking. In particular, there is clear inaction in response to complaints filed against judicial officials for illegitimate criminalization practices.

Lawyering under pressure

The climate of fear has created a **chilling effect** on the legal profession, especially among those who defend human rights. **Self-censorship, reluctance to take on cases, and shifts in litigation strategies** toward more cautious or defensive approaches have been documented. In interviews, lawyers described feeling powerless: their legal expertise is no longer sufficient to secure justice for their clients, as applying the law does not guarantee fair outcomes within a co-opted judicial system.

For those practicing law in this context, every professional decision can have serious consequences, making their work **high-risk and subject to constant surveillance**. The Mission also observed social media attacks, physical surveillance, theft of information, and the inclusion of lawyers representing certain clients on “blacklists.” These pressures not only erode legal defence work but also restrict society’s access to - and trust in - justice.

Unequal justice: structural racism and the criminalization of indigenous communities

During meetings with legal assistance teams supporting **indigenous peoples**, the Mission confirmed the **persistence of structural racism that hinders access to justice and shapes judicial processes**. This pattern is particularly severe in the criminalization of ancestral indigenous organizations, which are arbitrarily equated with organized crime and charged with

serious offenses such as sedition, illicit association, or terrorism for defending their territories or exercising their right to peaceful protest.

The **practice of indigenous lawyering** is especially affected by a range of **violence inside and outside the courts**. Indigenous communities and their representatives face unfounded complaints, harassment, public defamation, and discriminatory treatment. In hearings, restrictions on speaking, delegitimization of their cultural identity, and unequal treatment compared to other judicial actors have been documented. These practices violate not only individual rights but also the collective right of indigenous peoples to access intercultural and equitable justice.

Double persecution: women lawyers facing professional and gender-based harassment

Women lawyers and judicial officers face **double persecution**—both for their professional work and for being women. During our visit, the Mission identified especially harsh and gendered forms of persecution targeting women who have served in judicial roles, investigated corruption cases, or documented serious human rights violations, including exposure of personal information not experienced by their male counterparts.

In the courts, many suffer sexist and dismissive treatment, attempts to invalidate their testimony, constant interruptions, and restrictions on their participation. This violence extends beyond the courtroom, manifesting in digital harassment, threats, and attacks that endanger their physical safety and professional integrity. The intensity of these aggressions far exceeds what male colleagues face, revealing a systematic dynamic of gender-based discrimination and harassment, particularly targeting women who pursue cases involving gender perspectives and the defence of girls, adolescents, and women.

Urgent call: protecting judicial independence and strengthening the Rule of Law

The climate of fear identified during the Mission is deeply concerning. However, during our visit we also identified signs that the Rule of Law in Guatemala remains an attainable goal. In particular, we observed a legal community committed to defending the constitutional order and representing individuals unjustly criminalized, as well as judges and prosecutors who, despite pressures, continue to carry out their duties in adherence to the law, ensuring compliance with procedural norms and fundamental principles of justice.

The findings presented today are preliminary, and we recognize their limitations. The full analysis will be carried out in the coming months, deepening the information collected and incorporating additional interviews with judicial officials and lawyers in exile. Based on this work, the International Mission of Jurists for Guatemala intends to carry out advocacy actions and will publish a detailed report on these issues, including concrete recommendations.

Despite their preliminary nature, the findings highlight the urgency of immediate measures to protect judicial independence and the work of the legal profession in Guatemala. For this reason, the call to action includes:

- **To national authorities, including the Judiciary and the Public Prosecutor's Office:**
 - Guarantee a safe, threat-free environment for judges, prosecutors, and lawyers by immediately abandoning intimidatory practices, enabling them to carry out their duties without fear, pressure, or retaliation.
 - Urgently issue public policies and operational protocols for protecting human rights defenders, including judicial officers and lawyers, ensuring legal assistance, physical protection, and support against selective criminalization.
 - Safeguard the integrity of electoral processes through preventive measures, including transparency from Nomination Commissions' formation and criteria development to selecting members of the three institutions up for renewal next year.
- **To judicial officers and lawyers:** Remain steadfast in defending human rights and legality, strengthening the work with ethics and professional commitment, avoiding any deviation that could weaken justice or be used as a tool by those seeking to co-opt the system.
- **To the international community:** Provide active accompaniment and coordination to protect those who defend justice, ensuring support for those who have had to leave the country due to their professional work.
- **To the International Human Rights Protection Systems:** Issue prompt decisions in cases submitted to your consideration, firmly urging the Executive and all branches of government to adjust their actions to the law, and promote extraordinary internal mechanisms to review criminalization procedures.
- **To civil society and the media:** Help make these risks visible and contribute to building a Rule of Law that guarantees justice and equity for all.

Ultimately, we urgently call on all actors to intervene decisively and protect those who uphold justice and democracy in the country, ensuring a safe, transparent, and fair environment for judges, prosecutors, and lawyers, as well as dignified conditions for those forced into exile for defending justice. This is an unavoidable **responsibility to strengthen democracy in Guatemala and ensure that law ceases to be an instrument of control and returns to being a tool of protection for all people.**

Finally, all members of this mission reaffirm our deep commitment to the work undertaken, viewing this activity as a starting point for future efforts such as monitoring, follow-up, visibility, and accompaniment for all sectors involved in defending the Rule of Law and democratic life.