

CLIMATE OF FEAR

THE LEGAL PROFESSION AND JUDICIAL INDEPENDENCE AT RISK

March 2026



Report by the International Mission
of Jurist for Guatemala

Juezas y Jueces
para la Democracia

LAWYERS
FOR
LAWYERS



INTERNATIONAL
OBSERVATORY
FOR LAWYERS

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Derechos Humanos



ABOUT THE MISSION

PARTICIPATING ORGANISATIONS

Lawyers for Lawyers ('L4L') is an independent, apolitical, non-profit organisation of lawyers, founded in 1986. Its mission is to promote the independent practice of law and the autonomous functioning of the legal profession worldwide, in accordance with internationally recognised norms and standards, including the United Nations Basic Principles on the Role of Lawyers. Lawyers for Lawyers was granted special consultative status with the United Nations Economic and Social Council ('ECOSOC') in July 2013.



The International Observatory for Lawyers at Risk ('OIAD') is an initiative of the Conseil National des Barreaux and the Paris Bar Association (France), the Consejo General de la Abogacía Española (Spain) and the Consiglio Nazionale Forense (Italy), whose objective is to defend the free and independent practice of law and to denounce violations of the right to defence. It coordinates its work with other entities and gathers numerous professional associations and organisations, making it a key actor in the defence of endangered lawyers at the national and international level.



Asociación de Abogados, Abogadas, Jueces y Fiscales de Derechos Humanos de América Latina y el Caribe ('AJUFIDH') was created in January 2024 by lawyers, judges and prosecutors from nine countries in the region, in response to the need to promote concrete actions for the promotion and protection of human rights. Its work includes legal advice, advocacy for legal reforms, monitoring and documentation of violations, strategic litigation, training, and international cooperation. It currently has representation in 22 countries in Latin America and the Caribbean.



Juezas y Jueces para la Democracia ('JJpD') is a Spanish association of judges created in 1984. It aims to contribute to the promotion of the conditions necessary to ensure freedom, justice, equality and political pluralism in order to strengthen the social and democratic rule of law and the defence of universally recognised human rights. It is a member of European Magistrates for Democracy and Freedom (Magistrats Européens pour la Démocratie et les Libertés, 'MEDEL').

**Juezas y Jueces
para la Democracia**

La Asociación Pro Derechos Humanos de España ('APDHE'), founded in 1976, is the leading organisation in the defence of fundamental rights in Spain. Its work focuses on monitoring compliance with the Universal Declaration of Human Rights through public awareness, training and reporting abuses. Headquartered in Madrid, it acts both nationally and internationally to protect vulnerable groups and strengthen the rule of law. It is also recognised for its membership of global networks such as the World Organisation Against Torture ('OMCT') and the International Federation for Human Rights ('FIDH').



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- ***Netherlands Institute for Multiparty Democracy ('NIMD')***
- ***Peace Brigades International ('PBI') – Guatemala***
- ***Centro para la Acción Legal en Derechos Humanos ('CALDH')***
- ***Universidad Rafael Landívar***

The Mission also extends special recognition to other local organisations and individuals who made substantial contributions and who, for security reasons, are not explicitly mentioned in this report. Their support was essential.

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Executive summary

Following its visit, the **International Mission of Jurists for Guatemala** identified **persistent patterns** of harassment, criminalisation, arbitrary detention and forced exile primarily targeting **legal actors** – justice operators and lawyers – in **Guatemala**. These patterns do not constitute isolated incidents but rather reflect structural dynamics aimed at obstructing investigations into corruption, serious human rights violations and high-level political and economic networks.

This **report** documents how the **criminal justice system** has been **instrumentalised** through the initiation of proceedings based on spurious complaints, the extensive and disproportionate application of criminal charges, the misuse of judicial confidentiality orders, and the systematic imposition of pretrial detention as a means of pressure. These practices are accompanied by **smear campaigns, digital harassment, and public stigmatisation**, which seek to erode the professional and social legitimacy of those who perform essential functions in the administration and defence of justice. While the report focuses on **legal actors**, it also highlights the impact on journalists, students, trade union representatives, and human rights defenders, particularly in the context of social protest.

In such a scenario, **exile** has become a direct consequence of the documented patterns. Several interviewees reported leaving the country in anticipation of imminent arrest or because they could not access a trial that meets minimum standards of independence and impartiality. Beyond its impact on individuals and their families, exile has led to a significant loss of technical expertise and institutional knowledge within Guatemala's justice system.

The report draws particular attention to the **disproportionate impact on historically marginalised groups. Women justice operators and lawyers** have faced specific forms of gender-based violence and stigmatisation, including gender stereotyping and the instrumentalisation of criminal law against them. Likewise, **indigenous communities and human rights** defenders have been subjected to criminal proceedings in the context of social protest and the defence of their lands and territories, reproducing patterns of criminalisation and structural discrimination that also affect legal professionals who belong to or represent these communities.

In parallel, the report documents a sustained process of **institutional co-optation** that particularly affects the Public Prosecutor's Office and certain sectors of the judiciary, thereby compromising their independence and constitutional function.

Likewise, other institutions called upon to exercise checks and balances and oversight functions—including those involved in the appointment of authorities, such as the Guatemalan Bar Association (*Colegio de Abogados y Notarios de Guatemala*, ‘CANG’) and the University of San Carlos (*Universidad de San Carlos de Guatemala*, ‘USAC’)— are subject to **dynamics of politicisation and capture** that erode their role in upholding the rule of law. This institutional framework reinforces these patterns of persecution and undermines effective protection.

The **current context** is particularly significant. Guatemala is undergoing a **process of selecting and appointing senior judicial authorities**, which will continue in the coming months. This process represents a critical opportunity to **reverse patterns of institutional co-optation and to strengthen judicial independence**. However, it also carries the risk of entrenching institutional capture if urgent structural measures are not adopted to ensure transparency, merit-based selection, and independence in appointments.

Against this backdrop, the report sets out **recommendations** addressed to the different branches of the Guatemalan government, as well as to international organisations, diplomatic actors, and the broader international community. These recommendations reiterate and reinforce those recently issued by the **United Nations Special Rapporteur on the Independence of Judges and Lawyers** (‘SRIJL’) and the **Inter-American Commission on Human Rights** (‘IACHR’).

In particular, the **recommendations** call for the adoption of structural measures to ensure judicial and prosecutorial independence and the proper functioning of institutions; the implementation of effective safeguards to protect the professional practice of justice operators and lawyers, including a review of cases of undue criminalisation; the establishment of comprehensive measures for the recognition, protection, reparation, and safe return of persons in forced exile; and the strengthening of the quality and independence of legal education. Furthermore, the international community is urged to provide active and coordinated support grounded in accountability mechanisms, while protection systems are called upon to prioritise, monitor, and closely follow up on identified cases and structural patterns, thereby contributing to ensuring justice, reparation, and guarantees of non-repetition.



INTRODUCTION, METHODOLOGY AND BACKGROUND

1. INTRODUCTION

The International Mission of Jurists for Guatemala (hereinafter, the Mission) is a joint initiative of the International Observatory for Lawyers at Risk ('OIAD'), Lawyers for Lawyers ('L4L'), *Asociación de Abogados, Abogadas, Jueces y Fiscales de Derechos Humanos de América Latina y el Caribe* ('AJUFIDH'), *Juezas y Jueces para la Democracia* ('JJpD'), and *Asociación Pro Derechos Humanos de España* ('APDHE').

The **purpose** of this international fact-finding mission was to conduct an impartial, independent, and comprehensive observation, documentation, and assessment of the current situation of the justice system in Guatemala. It focused specifically on the situation of the legal profession and judicial independence in a context marked by the progressive weakening of the rule of law. This report is based on and builds upon previous work carried out by civil society organisations and international human rights mechanisms. This work has extensively documented a persistent pattern of stigmatisation, harassment, criminalisation and reprisals against legal actors, motivated by certain groups and power structures, in response to investigations and prosecutions of corruption and serious human rights violations. Such practices pose serious threats to both the personal safety of those practising the profession and the independence and proper functioning of the justice system.

The Mission's initiative aims **to complement and follow up on the findings and recommendations** issued after the official visit of the United Nations Special Rapporteur on the independence of judges and lawyers ('SRIJL') to Guatemala in May 2025. It also seeks to address the observations and recommendations issued by the Inter-American Commission on Human Rights ('IACHR') in the context of its monitoring of the situation in the country, particularly following its most recent on-site visit in July 2024.

This report does not aim to reiterate or duplicate existing analyses. Rather, it seeks to monitor the extent to which the recommendations issued by these mechanisms have been implemented, document subsequent events, and focus on issues that have received less attention in previous reports.

In line with this goal, the report adopts a dual complementary approach.

On the one hand, it follows a **temporal perspective**, paying special attention to events that have occurred since the visits by the IACHR and the SRIJL and in the recent political and institutional context.

On the other hand, it adopts a **thematic perspective** aimed at identifying and analysing:

(i) patterns of harassment, criminalisation, arbitrary detention, and forced exile directed against legal actors—including lawyers, prosecutors, and judges involved in cases of anti-corruption, transitional justice, human rights defence, and legal representation of indigenous communities;

(ii) specific patterns of persecution directed against historically marginalised groups, including women and indigenous communities; and

(iii) the role of the state and non-state institutions identified as responsible for these practices, as well as the weakness or absence of institutional checks and balances that allow them to persist.

Legal actors fulfil an **essential role in defending human rights, ensuring due process and maintaining democratic balance**. Their work is particularly relevant in contexts where corruption, serious human rights violations, and abuses of power are under investigation. However, precisely because they perform these functions, they have become the target of systematic attacks. These attacks not only endanger their personal safety but also reveal, and further fuel, the deepening crisis of the rule of law.

The cases documented in this report primarily concern lawyers, judges, prosecutors, as well as other actors within the justice system. For the purposes of this report, the term **“legal actors”** is used broadly to refer to the various legal professionals involved in the administration and defence of justice, including judges, prosecutors and lawyers. The term “justice operators” specifically refers to judges, prosecutors and other members of the judicial system, excluding independent lawyers, in line with the terminology used by the Inter-American Commission on Human Rights and local organisations.

The report is **structured** as follows: Chapter I presents the Mission’s methodology and background; Chapter II provides a detailed description of the different patterns of persecution identified; Chapter III delves into specific situations, including criminalisation linked to the defence of indigenous communities, the particular challenges faced by indigenous lawyers, and forms of gender-based discrimination affecting women lawyers and justice operators; Chapter IV analyses the role and responsibilities of relevant state and non-state institutions, including the Judiciary, the Public Prosecutor’s Office, the Executive Branch, universities, civil society organisations, and professional bar associations; finally, Chapter V presents the conclusions, and Chapter VI sets out the recommendations.

Through this report, the Mission seeks to **strengthen the protection of lawyers, judges, prosecutors, and other legal professionals in Guatemala** who face persecution and reprisals in the legitimate exercise of their functions. It also aims to contribute to expanding access to justice for individuals who have suffered violations of their rights and for Guatemalan society as a whole.

The conclusions of this report will serve as a basis for future advocacy and monitoring efforts at both the national and international levels. The organisations that took part in the Mission will continue to closely monitor further developments and the implementation of the recommendations made.



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2. METHODOLOGY

This report is based on a **mixed methodology** combining documentary research, fieldwork, and subsequent remote follow-up.

The **fieldwork** was conducted in Guatemala between 20 and 30 October 2025. During this period, seven representatives of the organisations comprising the Mission (hereinafter, the Delegation) visited Guatemala City and Quetzaltenango. This was followed by a process of **remote follow-up** and verification carried out between November 2025 and February 2026, including interviews with 11 former legal actors in exile.

Throughout the research, the Delegation adopted a **qualitative methodology**, primarily based on in-depth semi-structured interviews and roundtable discussions. In total, testimonies were collected from 34 lawyers, 10 sitting or former judges, 7 former prosecutors, as well as four individuals deprived of their liberty. In addition, interviews and dialogue sessions were held with civil society organisations and academic experts with specialised knowledge of the situation of the justice system in Guatemala, as well as with representatives of diplomatic missions and United Nations agencies actively working in the country.

The Delegation also held a series of institutional meetings with representatives of relevant judicial, governmental, and professional institutions, including the Constitutional Court, the Ministry of the Interior, the Office of the Human Rights Ombudsman, and the Guatemalan Bar Association. The Public Prosecutor's Office was formally invited to participate in this process but declined the invitation.

In all cases, the Mission obtained the free, prior, and informed **consent** of the interviewees, ensuring that they understood the purpose of the interviews, as well as how the information collected would be stored, shared, and potentially used in the public domain. To this end, participants were asked to sign a consent form, through which they were able to freely determine the scope of their participation and how the information provided could be used in the Mission's outputs. For security reasons, the Mission has chosen to withhold the names and identifying details of certain interviewees.

At all times, the Delegation was guided by the **principle of "do no harm"**, adopting specific measures to minimise the risk of re-victimisation, re-traumatisation, or reprisals against interviewees. Interviews were conducted in safe and appropriate settings, taking into account the needs and preferences of each participant. All interviews were conducted in Spanish, and the Delegation did not provide any incentives in exchange for testimonies.

The report's findings are primarily based on primary **sources** of information. In addition, reliable secondary sources were used to corroborate and contextualise the information collected, including reports by intergovernmental organisations, state institutions, non-governmental organisations, as well as academic research and independent expert analyses.

3. BACKGROUND AND CONTEXT

The **current political and judicial context** in Guatemala cannot be understood without reference to the **internal armed conflict** that took place between 1960 and 1996. This conflict was marked by the systematic commission of serious human rights violations, including extrajudicial executions, enforced disappearances, sexual violence and “scorched earth” policies, particularly targeting the Maya people.

The **signing of the Agreement on a Firm and Lasting Peace in 1996** formally ended 36 years of authoritarian rule, during which all state institutions, including the judiciary, had been co-opted. However, the democratic transition remained severely constrained by the persistence of de facto political, economic, and military power structures. These networks consolidated their influence in order to guarantee impunity, preserve entrenched privileges, and obstruct accountability for past crimes.

Thirty years after the signing of the Peace Agreements, international organisations, independent missions, and civil society organisations have repeatedly warned of **structural non-compliance** with these agreements and the **progressive deterioration of the rule of law in Guatemala**. These reports highlight high levels of corruption and impunity, the lack of meaningful progress in transitional justice, and the perpetuation of discrimination, racism, violence, and exclusion, which disproportionately affect indigenous communities.

Although the Peace Agreements formally ended the internal armed conflict, patterns of persecution did not disappear but rather evolved into new forms. In the period following the accords, the state's response to social conflicts—particularly those related to territorial defence and extractive projects—became increasingly channelled through the **instrumentalisation of criminal law as a mechanism of control and deterrence**. Several people interviewed by the Mission summarised this shift succinctly:

“Persecution that was once carried out through the use of force is now channelled through the criminal justice system”

This dynamic of persecution intensified after the **withdrawal of the International Commission against Impunity in Guatemala (Comisión Internacional contra la Impunidad en Guatemala, ‘CICIG’) in 2019**. The CICIG was an independent international body mandated to investigate and assist in prosecuting crimes committed by members of illegal security forces and clandestine security apparatuses. The joint work of the CICIG and the Public Prosecutor’s Office dismantled criminal networks embedded in the state and led to investigations involving high-ranking officials across all three branches of government, revealing structural corruption schemes.

● 1960 – 1996

○ International armed conflict

● 1996

○ Signing of the Peace Agreement

● 2006

○ CICIG’s establishment

● 2019

○ End of CICIG’s mandate

● 2023

○ Latest presidential elections

● 2025

○ *International Mission of Jurists for Guatemala*

● 2026

○ *Renewal of the TSE, CC, and FG
(Supreme Electoral Tribunal, the Constitutional Court, and the Attorney General)*



However, these achievements provoked an adverse reaction from influential political, economic, and military actors, which promoted the early termination of CICIG’s mandate and enabled a **progressive co-optation of the justice system and other state institutions**. Following the termination of its mandate, patterns of persecution shifted to directly target justice operators who had played a central role in combating corruption and impunity. Consequently, numerous legal actors were investigated and charged with alleged crimes related to the performance of their official functions.

Criminal law has also been used as a mechanism to intervene in electoral processes. The 2023 **presidential elections** and subsequent transition were characterised by interference from the Public Prosecutor’s Office, which challenged the constitutional order and the independence of public authorities.¹ These actions threatened to override the will of the majority of the population and were met with social mobilisations called by ancestral authorities and indigenous communities defending democratic institutions. Along with scrutiny from the international community, these mobilisations were decisive in ensuring a peaceful transition.²

In this context, the **IACHR** has closely and continuously monitored human rights in Guatemala, which remains one of the countries most frequently visited by the Commission.³ During its **2024 on-site visit**, the IACHR confirmed the progressive undermining of democratic institutions, the weakening of the system of checks and balances, and significant setbacks in the fight against corruption and impunity.⁴



“We do not want such acts to be repeated; it is our firm belief that, for peace to exist in Guatemala, there must first be justice.”

– Genocide conviction, Guatemala 2013.

7. Kaji Tulam Memory House, Guatemala City

¹ OAS Electoral Observation Mission (MOE/OAS) and the European Union, [Preliminary Report](#), 22 August 2023.

² IACHR, Preliminary Observations On-site Visit to Guatemala, [OEA/Ser.L/V/II. Doc. 124/24](#), 15 August 2024, para. 10.

³ IACHR, Situation of Human Rights in Guatemala, [OEA/Ser.L/V/II. Doc. 208/17](#), 31 December 2017, para. 19.

⁴ IACHR, Report on the Situation of Human Rights in Guatemala 2025, [OEA/Ser.L/V/II Doc. 227/25](#), 2 November 2025, para. 41.

It also observed repeated interference with judicial independence, the criminalisation of justice operators, and the extension of these practices to lawyers representing plaintiffs in corruption cases or defending criminalised justice operators.⁵

In **May 2025, the United Nations Special Rapporteur on the Independence of Judges and Lawyers** paid an **official visit to Guatemala**. Following this visit, she expressed concern over the deterioration of the system for appointing senior justice officials, the concentration of administrative and disciplinary powers in the Supreme Court of Justice, arbitrary transfers and dismissals, and the Public Prosecutor's Office's policy of criminalisation, accompanied by a concentration of power in the figure of the Attorney General. The Rapporteur also warned about attempts to co-opt the Guatemalan Bar Association, the proliferation of law schools with low academic standards, and a consistent pattern of criminalisation targeting specific groups, systematically eroding procedural guarantees.⁶

As noted, this report **seeks to monitor compliance with the recommendations issued by the SRIJL and the IACHR** following their respective visits, to examine specific issues related to the persecution of legal actors, and to analyse the most recent developments. This exercise is particularly relevant in 2026, as the Supreme Electoral Tribunal, the Constitutional Court, and the Attorney General—head of the Public Prosecutor's Office—will all be renewed.

The simultaneity of these appointments creates a **highly sensitive institutional context**: on the one hand, it increases the risk of undue interference in bodies essential to democratic balance; on the other, it provides an opportunity to appoint competent, independent authorities committed to upholding the constitutional order and fundamental guarantees. The outcome of these processes could mark a turning point in the recent trajectory of the rule of law in Guatemala. In this context, the importance of observation and verification initiatives such as that undertaken by this Mission is reinforced, alongside national and international monitoring and accompaniment efforts aimed at safeguarding democratic institutions and the independence of the justice system.

⁵ *Ibid.*, para. 171.

⁶ Special Rapporteur on the Independence of Judges and Lawyers, [Visit to Guatemala, 12 to 23 May 2025, Preliminary observations](#), 23 March 2025.



PERSECUTION OF LEGAL ACTORS

Patterns of persecution: General description

Modalities of persecution

- » Harassment, coercion, threats and intimidation
- » Criminalisation
- » Exile

The effects of persecution on legal actors

1. PATTERNS OF PERSECUTION: GENERAL DESCRIPTION

This chapter examines the different patterns of persecution identified by the Mission, which reveal the existence of a systematic framework of repressive practices directed against specific social, political, and legal actors. This framework involves the Public Prosecutor’s Office, members of the judiciary, and occasionally private actors, and operates through both formal and informal mechanisms of pressure and sanction.

On the one hand, this system of persecution operates as a tool to intimidate and silence dissenting voices, thereby restricting the exercise of fundamental rights, such as freedom of expression, freedom of association, the defence of human rights, and the right to social protest. On the other hand, it functions as a mechanism of institutional control aimed at disciplining justice operators and independent lawyers, and at influencing the structure and functioning of public institutions—including processes for the election and appointment of authorities—thus reinforcing patterns of institutional co-optation.



8. The delegation met at the Tower of Courts, Guatemala City

Regarding the **targets of persecution**, the Mission has documented repeated patterns affecting both current and former judges and prosecutors, particularly those involved in investigations and proceedings related to cases of corruption, transitional justice, and serious human rights violations. These actions tend to intensify at critical stages of the judicial proceedings in which these individuals are involved. For example, 2022 marked a peak in the criminalisation of justice operators, largely as a form of retaliation for their involvement in cases affecting the interests of powerful groups. This dynamic later expanded to increasingly target lawyers who took on the defence of these justice operators, thereby perpetuating the cycle of persecution. Similarly, acts of persecution have been identified against lawyers representing victims of the armed conflict and defending individuals criminalised for exercising their right to protest or for protecting the lands and ancestral rights of indigenous communities.

These practices generally begin with harassment and stigmatisation, escalate into processes of criminalisation characterised by due process violations, and often culminate in the forced exile of those affected. Each of these forms of persecution is described in detail below.

2. MODALITIES OF PERSECUTION

a) Harassment, coercion, threats and intimidation

The persecution of legal actors described in the previous section typically follows a recurring pattern, combining physical intimidation, psychological harassment, and public stigmatisation campaigns, aimed at generating fear, attrition, and self-censorship.

This pattern includes **surveillance and direct intimidation**, such as systematic monitoring of homes, offices, and regular travel routes, vehicle tracking, and confrontations in public spaces. Several interviewees reported **threats and attacks**, particularly when travelling to or from court hearings, as well as receiving threatening calls.



In response to these risks, many lawyers reported implementing self-protection measures, such as avoiding attending hearings alone, frequently changing vehicles, modifying travel schedules, and limiting movement at night or in the early morning.

Selective robberies at law firms have also been documented, in which only computers and other devices containing sensitive case information were stolen. **Attempts to hack** social media and email accounts have likewise been reported. These incidents suggest a targeted interest in accessing confidential information and exerting pressure on legal professionals.

Harassment also occurs within courtrooms, including practices such as **photographing court officials without their consent**. Such actions reinforce a sense of constant surveillance and public exposure. In some cases, intimidation originates from institutional actors, through threats of criminalisation for the legitimate exercise of legal defence. Documented cases include lawyers being warned of potential obstruction of justice or defamation charges simply for filing appeals or motions on behalf of their clients.

The interviews highlighted that, whereas in the past public lists of “undesirable” lawyers were circulated through print and broadcast media, persecution has now shifted and expanded into the digital sphere. The Mission documented the coordinated use of **cyberbullying, disinformation, and doxing** via social media and digital platforms. Accounts were identified publishing photographs, full names, and even court documents, deliberately exposing legal professionals and other actors within the justice system.

According to interviewees, some of these accounts, such as one known “Yesmaster”⁷, are believed to be linked to certain state actors or power structures. These platforms disseminate images of lawyers and justice operators, taken in public or private spaces, alongside intimidating messages. In certain cases, the emoji of a white van (“*panel blanca*”) has been used, which in Guatemala evokes practices of kidnapping and enforced disappearance during the internal armed conflict, thereby adding a particularly threatening symbolic dimension.



This public exposure serves a dual purpose. On the one hand, it acts as an explicit warning to those under surveillance; on the other, it seeks to stigmatise and defame, directly associating lawyers with the charges attributed to their clients, thereby undermining their professional credibility. Expressions such as “defends land usurpers” or accusations of illicit enrichment are recurrent in these campaigns. In high-profile cases, digital harassment has taken on an increasingly aggressive character, including attacks on private life and forms of symbolic violence with clear sexist and racist components.

As a result of these practices, several interviewees reported adopting digital security measures and engaging in self-censorship, restricting social media activity, avoiding sharing information about their location or activities, and limiting public exposure to reduce risk.

In most documented cases, smear campaigns precede or coincide with criminalisation processes, effectively serving as a precursor to prosecution. In some instances, the next individuals to be investigated or prosecuted were publicly identified in advance. These actions typically originate from accounts linked to political operators — often associated with the Foundation Against Terrorism (*Fundación Contra el Terrorismo*, ‘FCT’)⁸ — or from anonymous profiles connected to organised digital disinformation networks (so-called “net centres”), reinforcing the perception that certain actors have early access to confidential information about criminal proceedings, even before the individuals concerned are formally notified by the competent authorities.

⁷ Account on social network X identified as “Yesmaster” (@D___Vader), available at: https://x.com/D___Vader

⁸ For more information, see the section on [Foundation Against Terrorism](#) in this report.

Financial and administrative pressure on legal defence

In addition to the harassment mechanisms described above, interviewed lawyers reported that the practice of legal defence and the work of civil society organisations take place in a context of increasing financial and administrative pressure. On the one hand, they highlighted the impact of the withdrawal or reduction of funding from United States cooperation and other international donors, which has severely limited the capacity of organisations to finance legal defence and has forced many lawyers to take on cases on a pro bono basis.

On the other hand, they emphasised the administrative pressure arising from Decree 4-2020, which reformed the Law on Non-Governmental Organisations (known as the “NGO Law”), as well as the application of the Decree 67-2001 (Law Against Money Laundering or Other Assets). These laws impose oversight and reporting obligations that often exceed the operational capacities of many organisations in which human rights defenders work.

Although the Mission was informed that several provisions of the NGO Law are suspended by the Constitutional Court and that, in practice, the Registry of Legal Entities⁹ does not fully enforce this legal framework, civil society organisations remain subject to strict oversight under anti-money laundering regulations. In particular, it was noted that all civil society organisations are required to submit detailed reports on financial transactions to the Special Verification Office (*Intendencia de Verificación Especial*, ‘IVE’).

Interviewees also highlighted that the Law Against Money Laundering has been effectively expanded through its implementing regulations, which introduce requirements more burdensome than those provided for in the law itself. According to the interviewees, this situation grants broad discretion to the authorities responsible for its enforcement, who in practice extend their supervisory powers beyond the limits established by law.

⁹ For more information, see the [“Registry of Legal Entities”](#) section of this report.

CASE 1. ESTEBAN CELADA

Systematic harassment in the exercise of defence



With more than two decades of experience as a human rights lawyer, Esteban Celada has been subjected to a sustained pattern of threats, criminalisation, and attacks linked to his involvement in high-profile cases involving state and military actors.

His work in emblematic cases such as *Sepur Zarco*, *Molina Theissen*, and *Hogar Seguro* significantly increased the risks he faced, particularly after he publicly denounced state responsibility during the Jimmy Morales administration. Since then, he has experienced surveillance, intimidation during court hearings, and confrontations in public spaces, culminating in February 2018 with the murder of his brother under circumstances reportedly suggesting the involvement of state agents.

Since that time, Celada has been targeted with unauthorised photographs taken during hearings, intimidating messages, patrols outside meetings, and various forms of institutional harassment. In the *Molina Theissen* case, he faced a spurious accusation of child abduction, which was later dismissed. In 2023, one of the defendants allegedly attempted to run him over, followed by a direct threat and the subsequent release of the perpetrator. In other proceedings, including those related to the burning of Congress, he has faced judicial hostility, including arbitrary expulsions from hearings, constant interruptions, and unlawful profiling by prosecutorial authorities, alongside digital attacks and smear campaigns promoted by actors such as the Foundation Against Terrorism.

His security situation has been exacerbated by the intermittent and unjustified withdrawal of his state-provided protection measures, even after the attempted run-over on 8 February 2025. This date coincides with the anniversary of his brother's murder, with similar intimidating incidents reportedly recurring on or around this date, reinforcing concerns about the deliberate nature of these attacks. Complaints have been systematically dismissed, and since 2023, all requests for protective measures have been rejected. As a result, he has been forced to change his residence eight times and to limit the cases he undertakes, particularly those involving police torture, freedom of expression, and criminalisation in politically sensitive contexts.

In addition, patterns of structural discrimination have been reported, reflected in differential treatment in courts and homophobic threats. After a period outside the country in 2023 and his return in 2024, surveillance and intimidation reportedly intensified. He continues to litigate high-risk cases while awaiting responses to his communications submitted to the UN Human Rights Committee and the Inter-American Commission on Human Rights.

b) Criminalisation

Structural flaws identified in criminal cases

The misuse of criminal law as a tool of persecution in Guatemala has been **widely documented by international human rights mechanisms**. Both the United Nations Special Rapporteur on the Independence of Judges and Lawyers and the Inter-American Commission on Human Rights have identified recurring patterns in criminal investigations and proceedings targeting justice operators and other key actors involved in the fight against corruption and the defence of human rights. The Mission found that these patterns not only persist but have continued—and in some cases intensified—during the period under review.

A central element is the **presence of structural flaws in the formulation of criminal charges**. In cases involving justice operators and lawyers, a specific set of criminal offences—often vague or ill-suited to the conduct in question—is repeatedly employed, including unlawful association, abuse of authority, violation of public duties, breach of confidentiality, and obstruction of justice. In cases linked to the exercise of the right to protest and the defence of territories and collective rights, offences such as aggravated trespassing, destruction of cultural property, sedition, and crimes related to counter-terrorism are invoked. In these contexts, narratives of insecurity are instrumentalised to justify the exercise of punitive state powers without the necessary procedural safeguards.



Charges are frequently formulated in a vague or imprecise manner, with insufficient descriptions of the alleged conduct, or as collective accusations that fail to individualise responsibility, thereby violating the principle of legality. Investigations carried out by the Public Prosecutor’s Office are often superficial, relying on generic or “copy-and-paste” accusations that do not specify individual actions, and reflect deficiencies in judicial oversight. Case files often contain irrelevant material unrelated to the charges.

In corruption cases, a **phenomenon of “mirror cases” or counter-complaints** has been observed, whereby a parallel file is opened to criminalise legal actors involved in the original case affecting certain economic interests. This mechanism operates by constructing alleged illegal acts within the same case file.

For example, prosecutors investigating anti-corruption cases may themselves become the subject of investigations and counter-complaints by the Internal Affairs Prosecutor’s Office. Similarly, lawyers who report irregularities face parallel proceedings, creating a chilling effect that discourages the filing of complaints and obstructs key stages in the investigation of corruption networks.



This phenomenon is reinforced by the **proliferation of cases against these actors**, who may face multiple complaints for identical or similar conduct. The scale of this issue is reflected in records maintained by international and civil society organisations. In its 2024 report, the Office of the United Nations High Commissioner for Human Rights (‘OHCHR’) documented attacks against 70 justice operators, all of whom have faced prolonged criminal persecution through multiple open complaints, simultaneous proceedings, and repeated arrest warrants and/or arbitrary detentions.¹⁰ Lawyers Without Borders Canada, for its part, is currently monitoring 208 cases of criminalised justice operators and lawyers, supported by a team of six staff members, two of whom have themselves been criminalised.

In addition to the **participation of certain judges in apparent coordination with the Public Prosecutor’s Office**, another recurring feature is the involvement of the **Foundation Against Terrorism** as complainant and “adhesive plaintiff”, which underscores the political nature of these actions. In most cases, there are clear indications of close collaboration between plaintiffs and the Public Prosecutor’s Office, evidenced, for example, by the striking similarity in the formulation of charges.

¹⁰ United Nations High Commissioner for Human Rights, Situation of human rights in Guatemala, [A/HRC/58/22](#), 21 January 2025, para. 55.

CASE 2. STUARDO CAMPOS

Mirror cases following his work as an anti-corruption prosecutor



Stuardo Ernesto Campos began his career at the Public Prosecutor's Office in 2011, gradually rising through the ranks to become Metropolitan Regional Prosecutor. He also served as a section prosecutor in the Internal Affairs, Human Trafficking, and Anti-Corruption Units, participating in high-profile investigations, including cases involving alleged acts of corruption linked to relatives of then-President Alejandro Giammattei.

In May 2023, the Foundation Against Terrorism requested his arrest on charges of dereliction of duty, following an administrative incident in his office. Simultaneously, the organisation launched a public smear campaign against him on social media, questioning his performance as a prosecutor. The incident involved a subordinate prosecutor's material error in the issuance of an arrest warrant—namely, the alteration of a letter in a person's name—which resulted in the arrest of the wrong individual. Upon discovering the error, Mr Campos personally appeared before the court the following business day to request its correction and the immediate release of the affected person.

After becoming informally aware of an arrest order against him, Mr Campos met with the Attorney General and submitted his resignation. Nevertheless, he was arrested in July 2023 and placed in pretrial detention on generic grounds, namely an alleged risk of interference with evidence. He remained in custody for three months.

In August 2023, Mr Campos was granted alternative measures to detention, including house arrest, the placement of a telematic monitoring device (electronic ankle monitor), and a prohibition on communicating with the press, embassies, or international organisations. The proceedings concluded with his acquittal on 18 July 2025, which is currently under appeal. However, the alternative measures remain in effect.

Three months after his release, on 1 December 2023, a second criminal proceeding was initiated against Mr Campos, and a new arrest warrant was issued, despite the alternative measures from the previous case still being in force. In this new proceeding, he was charged with breach of official duties and denial of justice in connection with a corruption case handled by a subordinate prosecutor under his supervision.

The prosecution alleged that the office had failed to use certain exculpatory evidence and that a notary was heard as a witness when, in the plaintiffs' view, he should instead have been investigated as a suspect. The judge again ordered his pretrial detention on the day of his arrest.

Since that date, Mr Campos has not had an effective hearing to review his legal situation. At least 35 hearings have been postponed, with delays attributed to the Public Prosecutor's Office or to the plaintiffs, often without sufficient justification. Furthermore, the case was declared confidential, restricting access to the case file to the parties, which has significantly undermined his right of defence.

CASE 3. ORLANDO LÓPEZ

Judicial persecution against those who investigated serious human rights violations



Orlando López served as Head of the Human Rights Prosecutor's Office within the Public Prosecutor's Office, where he investigated and litigated some of the most emblematic cases linked to the internal armed conflict. Among these, he participated in the investigation of the CREOMPAZ case, which involved one of the largest discoveries of victims of enforced disappearances in Guatemala, with hundreds of skeletal remains located in the former Military Zone No. 21, in Alta Verapaz.

He also took part in the prosecution and trial of retired General José Efraín Ríos Montt for genocide, which concluded in 2013.

In September 2016, while still serving as a prosecutor, Mr López was arrested on charges of manslaughter resulting from a traffic accident and detained for 26 days. His initial hearing was held only 25 days after his arrest. The case was heard before a court in Zacapa and ultimately concluded with an acquittal on 18 March 2024.

In March 2023, the Public Prosecutor's Office initiated a second criminal proceeding against him, resulting in two indictments for continued abuse of authority, based on the claim that he had practised law while still employed by the Public Prosecutor's Office. In the course of these proceedings, Mr López was again deprived of his liberty.

Upon making his first statement in March 2023, he was granted alternative measures to detention, which were subsequently challenged by the prosecution. Ultimately, in April 2024, the court ordered the closure of both cases, finding the charges to be legally untenable, containing substantial inaccuracies and material inconsistencies in the evidence presented by the prosecution, thereby raising serious doubts about both the validity of the charges and the manner in which the evidence had been obtained.

CASE 4. LEILY SANTIZO RODAS

**Threatened for investigating corruption cases, criminalised
for defending persecuted prosecutors**



Leily Santizo Rodas served as a representative of the International Commission against Impunity in Guatemala ('CICIG'), where she was responsible for investigations and litigation in high-impact cases of government corruption.

From the outset of her work on cases related to drug trafficking, money laundering, and corruption, Ms Santizo was subjected to systematic harassment and death threats, particularly in cases involving high-ranking military officials.

The threats intensified as the cases progressed to trial. During this period, she suffered an attack attributed to drug trafficking organisations, resulting in cervical injuries, despite travelling in an armoured vehicle.

Following the closure of CICIG, Ms Santizo took on the defence of 17 former FECL colleagues, including six defendants in the Odebrecht case. As part of this work, she filed various legal motions in the course of her professional practice, including a request for joinder, as two parallel cases had been opened against her clients. Four days after a High-Risk Court ordered the joinder of the proceedings, an arrest warrant was issued against her, charging her with organised crime-related offences. The complaint was filed on 1 February 2022, and the arrest warrant followed just nine days later, on 10 February 2022, resulting in her detention for 28 days.

At the initial hearing, no evidence was presented to substantiate the charges. Nevertheless, she was bound over for trial for collusion, with alternative measures to detention imposed, including house arrest, a ban on leaving the country, a prohibition on communicating with other defendants (effectively restricting her defence of criminalised prosecutors), weekly biometric checks, and financial bail. The judge justified the alleged flight risk on the basis of Ms Santizo's prior work in international organisations.

After securing alternative measures in the first trial, a second criminal proceeding related to the same events was initiated. At the request of Ricardo Méndez Ruiz, President of the Foundation Against Terrorism, a second arrest warrant was issued on 18 October 2022, charging her with obstruction of justice. This warrant remains in force. Confronted with persistent arrest warrants, repeated searches of her residence, and the impossibility of obtaining effective judicial protection, Ms Santizo was forced into exile and has remained abroad since 16 February 2023.

Violations of due process and the right to a fair trial

The criminalisation processes documented in this report are characterised by a persistent pattern of violations of the rights to due process and a fair trial. In particular, the combination of undue delays and the abusive application of judicial confidentiality has played a central role in undermining fundamental guarantees.

Violations of the right to be tried within a reasonable time are a constant feature of the cases analysed. In several instances, accused persons have waited more than a year without appearing before a judge in a substantive hearing, in addition to repeated cancellations and rescheduling for reasons beyond the control of the defence, including the failure of the Public Prosecutor's Office or the plaintiffs to appear. These delays prolong legal uncertainty, aggravate the restrictions imposed on the accused, and, in some cases, turn the process itself into a form of early punishment incompatible with the presumption of innocence.

Excessive use of court-ordered confidentiality further compounds these issues. While Article 314 of the Code of Criminal Procedure allows for confidentiality of case files as an exceptional and temporary measure, its application in the cases examined has clearly exceeded those limits. Frequently, initial orders provide only a generic justification, and extensions are granted almost automatically, without individualised consideration of necessity and proportionality. Applied in this manner, confidentiality restricts the defence's access to case files and investigative evidence, undermining the right to adequate time and resources to prepare a defence. Simultaneously, it limits access to hearings by the press and national and international observers, violating the principle of publicity and reducing judicial transparency.

This mechanism also has a chilling effect on the professional practice of law. Several interviewees reported that lawyers risk being questioned or even facing new criminal charges if they publicly discuss procedural irregularities, while other actors disseminate detailed case information without consequences. This imbalance further weakens procedural fairness and creates a hostile environment for the independent exercise of legal defence.

Other **substantive limitations on the right to defence** were also observed. These include obstacles to retaining trusted lawyers due to repeated criminalisation, arbitrary refusals to admit, produce, or examine evidence, restrictions on access to files under the control of the Public Prosecutor's Office, and deficiencies in procedural notifications. Proceedings between the Public Prosecutor's Office and judicial bodies conducted without the presence of the defence were also documented, undermining

the principles of adversarial proceedings and equality of arms.

The right to be heard by a competent, independent, and impartial court is similarly compromised.

Several interviewees noted judicial decisions that reproduce, without further analysis, the arguments of the Public Prosecutor’s Office or joint plaintiffs, reinforcing the perception of alignment between prosecuting and adjudicating bodies. This seriously calls into question judicial impartiality.

Finally, plea-bargaining mechanisms have been employed in cases characterised by serious charges, prolonged restrictive measures, and structural procedural imbalances. In such circumstances, the possibility of obtaining a reduced sentence can operate as a form of indirect pressure to plead guilty, even when the evidence has not been fully examined in court. When these decisions occur within a context of structural coercion and lack of guarantees, there is a significant risk of confessions that are not entirely voluntary and of convictions rendered without thorough consideration of the evidence, in violation of international standards on due process and fair trial.



9. Support gathering for Ramón Cadena at the Tower of Courts (*Torre de Tribunales*), Guatemala City

“United in support of the release of Ramón Cadena Rámila, a fellow activist, we call for an end of the judicial persecution and criminalisation of our leaders and colleagues committed to the defence of justice and human rights.”

CASE 5. RAMÓN CADENA RÁMILA

Almost a year without a hearing and 11 days in detention for practising law



Ramón Cadena Rámila, a long-standing Guatemalan lawyer and prominent figure in human rights defence, has faced criminal proceedings since 16 November 2023.

This is not the first time that Mr Cadena has been subjected to unfounded criminal persecution arising from his professional work: since 2016, he has benefitted from precautionary measures issued by the IACHR (MC 661-16) following a raid and theft of his computer at home, campaigns of stigmatisation and threats, and previous attempts at criminalisation.

The current persecution is linked to the pro bono legal advice he provided to a group of students at the University of San Carlos, who themselves were being targeted for exercising their right to peaceful assembly and protest.¹¹ In this context, the criminal proceedings clearly stem from his work as a lawyer, raising serious concerns regarding the freedom and independence of the legal profession.

The proceedings have been marked by undue delays, preventing Mr Cadena from appearing before a judge for almost a year, in violation of his right to a trial within a reasonable time and to be heard by a competent, independent, and impartial tribunal. Despite voluntarily appearing for trial in January 2025, the hearing was repeatedly postponed: first to July, then to 23 October — by which date the International Mission of Jurists for Guatemala had formally notified the judge of its intention to attend as an impartial observer — and finally to 27 January 2026, prolonging legal uncertainty and violating Mr Cadena’s procedural guarantees and right to defence.

Faced with repeated violations of due process, Mr Cadena appeared in person before the court on 10 November 2025. Despite his clear willingness to comply with the judicial process, he was arrested without a preliminary hearing and without the arrest warrant being lifted. He was transferred to Mariscal Zavala prison, where he remained in an isolated and reportedly unsanitary area for 11 days.

His detention did not result in a more expeditious handling of the proceedings. The hearing eventually began late on 18 November and, after yet another postponement, was finally held on 20 November, at which Mr Cadena was formally charged, placed under criminal proceedings and granted alternative measures. Despite his release from custody, the judge set lengthy deadlines, scheduling the next hearing for 11 May 2026.

¹¹ For more information on the case “USAC Takeover: Political Booty”, see the section on [Universidad de San Carlos de Guatemala](#) in this report.

CASE 6. CLAUDIA GONZÁLEZ ORELLANA

Victim of a criminal proceedings marked by serious violations of due process



Claudia González Orellana is a lawyer and former representative of the International Commission against Impunity in Guatemala (‘CICIG’), where she participated in the litigation of 16 high-impact cases linked to organised crime networks embedded within state institutions. Following the closure of CICIG, she continued to provide legal defence to former justice operators investigated by the Public Prosecutor’s Office in cases related to corruption and serious human rights violations.

On 28 August 2023, she was arrested at her home without being informed of the charges against her at the time of arrest. During the search, electronic devices containing confidential information related to her professional work were seized, despite the court order not authorising their seizure. Subsequently, she was charged with “abuse of authority,” an offence which, under Guatemalan law, may only be attributed to public officials—a status she did not hold. The accusation relates to actions she undertook in the course of her work at CICIG.

She was placed in pretrial detention without an individualised assessment of the necessity and proportionality of the measure and remained deprived of liberty for 82 days until her release under alternative measures to detention in November 2023. These measures remained in force until January 2026.

The proceedings against her have been marked by undue delays, manifested in repeated postponements of hearings, as well as restrictions on full access to the case file and the imposition of judicial confidentiality measures without adequate factual or legal justification. Such measures excluded diplomatic representatives, the media, and the general public from several hearings, undermining the principle of publicity of judicial proceedings.

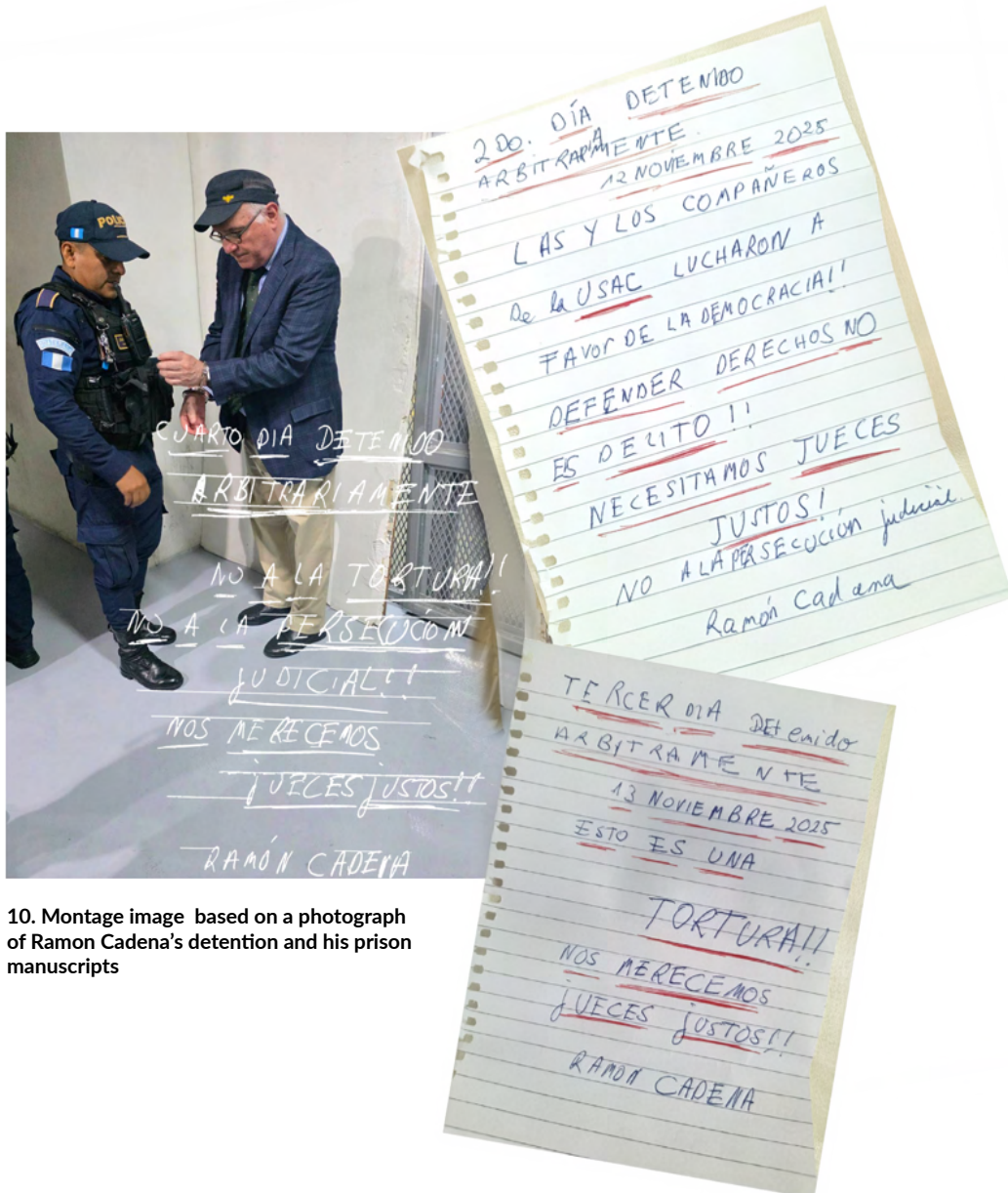
Furthermore, the defence has reported substantive obstacles in accessing evidence deemed essential for the preparation of an adequate defence. In this context, she filed a motion for the recusal of Judge Jimi Bremer Ramírez,¹² presiding over the Tenth Pluripersonal Court of First Instance for Criminal, Drug-Related, and Environmental Offences in Guatemala, citing serious objective grounds to question his impartiality. The request was rejected by the competent court.

The criminal proceedings are currently at an advanced intermediate stage, pending the oral trial hearing scheduled for May 2026 before the Seventh Criminal Court.

¹² Included in the Engel List of “corrupt and undemocratic actors.” See: United States Department of State, [Section 353 Corrupt and Undemocratic Actors Report, 2023](#).

Arbitrary deprivation of liberty as a tool of persecution

In the documented cases of criminalisation, deprivation of liberty emerges as a central tool of persecution and control, particularly through the **systematic and disproportionate use of pretrial detention**. In multiple proceedings, this measure has been imposed based on arguments that are incompatible with both Guatemalan domestic law—particularly the provisions of the Code of Criminal Procedure—and international human rights standards, which enshrine the exceptional nature of pretrial detention, the principle of proportionality, and the presumption of innocence.



10. Montage image based on a photograph of Ramon Cadena's detention and his prison manuscripts

The Mission has found that, in several cases, the legitimate exercise of the right to defence—including the filing of legal appeals, requests for alternative measures, or procedural challenges—has been interpreted by the authorities as indicative of procedural risk or alleged interference with the proceedings, and has been used to justify the imposition or continuation of pretrial detention. Likewise, contradictory criteria have been identified in the assessment of the grounds for rejecting alternative measures, with decisions varying from one hearing to another without sufficient or reasonable justification, demonstrating an arbitrary exercise of judicial discretion.

Another recurring pattern is the issuance of arrest warrants even when the accused have voluntarily appeared before the judicial authorities and expressed their willingness to submit to the proceedings. This practice reinforces the punitive and selective use of pretrial detention, detaching it from its strictly precautionary purpose.

The Mission has also documented a **system of “chaining” or multiplication of criminal proceedings**, whereby accused persons remain in a situation of continuous persecution. In these cases, the granting of an alternative measure to detention in one proceeding is followed by the initiation of a new criminal case and the issuance of a new arrest warrant, which effectively precludes their release.

Deprivation of liberty also operates as a mechanism of indirect coercion, aimed at pressuring defendants to accept criminal responsibility. The combination of prolonged detention, financial hardship, public stigmatisation, and limited legal resources leads, in some cases, to the acceptance of guilt as the only means of reducing criminal exposure or accessing procedural benefits, even in the absence of duly established criminal responsibility.

Finally, there is a **lack of effective remedies for the protection of the rights of persons deprived of liberty**, including the absence or ineffectiveness of timely and accessible mechanisms to challenge pretrial detention, periodically review its necessity, obtain alternative measures, or ensure an adequate legal defence.

Detentions declared arbitrary by the UN Working Group

The patterns described in this section have been expressly confirmed by international human rights protection mechanisms. The **United Nations Working Group on Arbitrary Detention** has declared the detentions of Virginia Laparra and José Rubén Zamora to be arbitrary in its Opinions No. 24/2023¹³ y No. 7/2024,¹⁴ respectively.

In the case of **Virginia Laparra**¹⁵, former head of the Special Prosecutor's Office against Impunity in Quetzaltenango, the Working Group noted that pretrial detention was imposed without an individualised analysis of the risk of flight or obstruction of the proceedings. The judge merely invoked the Criminal Procedure Code in general terms, even though the investigation concerned a non-violent crime—abuse of power—without explaining the need to isolate her from society or considering alternative measures to detention. The Working Group also noted that the legitimate exercise of the right to defence, including the filing of appeals and procedural remedies, was used against her as an argument to justify her deprivation of liberty.

Regarding **José Rubén Zamora**¹⁶, a journalist and founder of the newspaper *elPeriódico*, the Working Group concluded that the court did not specify what specific and immediate threat he posed to the criminal investigation at the time of his arrest, nor how that threat would have persisted during his detention. Although the Government invoked an alleged risk of obstruction of justice linked to the use of *elPeriódico*'s resources, the Working Group observed that, if that were the basis, Mr Zamora should have been released no later than 15 May 2023, the date on which the newspaper ceased operations. Furthermore, the Working Group concluded that his detention was a direct result of him exercising his right to freedom of expression. The Working Group also found violations of the right to be informed of the reasons for detention, the right to be brought promptly before a judge, the right to effective legal assistance, the right to equality of arms and the right to the presumption of innocence. Finally, the WGAD declared that his deprivation of liberty was discriminatory on the basis of political opinion.

Conditions of detention

The Mission has found that a significant proportion of those criminalised have been, or continue to be, deprived of their liberty, predominantly under prolonged pretrial detention regimes. The Delegation visited the Mariscal Zavala Penitentiary, located within the complex of the Military Brigade of the same name, where it interviewed Stuardo Campos, José Rubén Zamora, Luis Pacheco, and Héctor Chaclán.

Regarding the criminalised persons interviewed, the Mission observed that, since the change of government in January 2024, there has been a relative improvement in the material conditions of detention at Mariscal Zavala compared to the previous period. The persons interviewed did not report recent physical ill-treatment or conditions comparable to those documented in previous years.

¹³ WGAD, Opinion No. 24/2023, [A/HRC/WGAD/2023/24](#), 18 May 2023.

¹⁴ WGAD, Opinion No. 7/2024, [A/HRC/WGAD/2024/7](#), 17 May 2024.

¹⁵ For more information on the case of Virginia Laparra, see [Section II.2.c](#)) of this report.

¹⁶ For more information on the case of José Rubén Zamora, see [Section II.2.b](#)) of this report.

However, several issues remain of concern. First, **there is no clearly structured separation between persons in pretrial detention and convicted prisoners.** Although informal differentiation measures may be applied in practice for security reasons, the absence of a systematic prison classification policy is problematic, given the principle of presumption of innocence and the exceptional nature of pretrial detention.



11. Representatives of the delegation visiting the Mariscal Zavala detention center

Furthermore, in some cases, **delays in access to specialised medical care were reported,** as well as administrative obstacles to the provision of medicines. While these situations were not described as widespread, they highlight limitations that, in the context of prolonged detention, may affect the right to health and personal integrity.

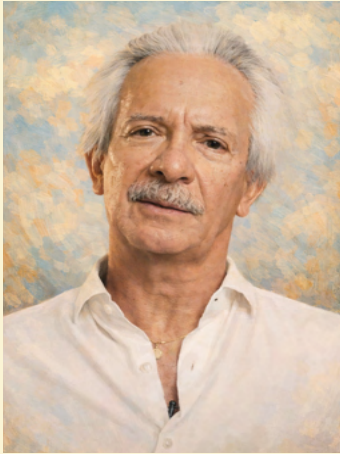
Beyond material conditions, the Mission noted the **sustained psychological impact of prolonged detention** on individuals whose imprisonment is directly linked to the exercise of their professional duties or their work in defence of human rights. Uncertainty regarding the duration of criminal proceedings, prolonged pretrial detention, and public stigmatisation generate anxiety, distress, and profound emotional exhaustion.

This scenario contrasts with the conditions documented prior to January 2024. During that period, particularly serious situations were reported, such as restrictions on the entry of food and the physical and psychological effects documented in the case of Virginia Laparra. Similarly, in the case of José Rubén Zamora, United Nations experts described the conditions of detention as amounting to cruel, inhuman, and degrading treatment.¹⁷ Despite these findings, no prompt, thorough, and independent criminal investigations have been initiated to clarify the facts or determine accountability, leaving the responsible parties unexamined.

¹⁷ Special Procedures of the Human Rights Council, [Comunicación conjunta AL GTM 6/2024](#), 15 August 2024.

CASE 7. JOSÉ RUBÉN ZAMORA

State failure to investigate allegations of cruel, inhuman and degrading treatment



José Rubén Zamora is a journalist and the founder of *elPeriódico*, a media outlet that for years published investigations into corruption and power structures in Guatemala. He was detained on 29 July 2022 and released on 12 February 2026, after spending 1,295 days deprived of liberty at the Mariscal Zavala Penitentiary. His release was granted on the grounds that his pretrial detention had exceeded the legally permissible limits, and he was instead placed under alternative measures consisting of house arrest without supervision, residency within Guatemala, and periodic biometric monitoring.

Several criminal proceedings have been brought against Mr Zamora for offences such as money laundering, extortion, and obstruction of justice, in cases marked by repeated allegations of procedural irregularities and violations of due process guarantees. In the context of the first proceeding, Mr Zamora was represented by at least eleven defence lawyers; five of them have been criminalised and four convicted, illustrating the difficulties and risks associated with exercising an effective legal defence.

Beyond procedural irregularities—which are addressed in other sections of this report—Mr Zamora’s case is particularly serious due to the conditions he endured during his detention, especially under the previous administration.

According to communications from the United Nations Human Rights Council Special Procedures, Mr Zamora was subjected to prolonged isolation, severe restrictions on access to natural light and water, unsanitary conditions in his cell—including mite infestations—humiliating treatment, and excessive use of coercive measures during transfers to court hearings.¹⁸

Moreover, limitations were documented regarding timely access to adequate medical care, despite pre-existing health conditions, which reportedly led to a significant deterioration of his physical and psychological state. Independent United Nations experts qualified these conditions as constituting cruel, inhuman, or degrading treatment.

With the arrival of the new government in January 2024, the material conditions of Mr Zamora’s detention improved substantially. Nevertheless, this subsequent improvement does not mitigate the seriousness of the previously reported events, nor does it relieve the State of its obligation to investigate the allegations raised by international mechanisms with due diligence.

¹⁸ *Ibid.*

At the same time, the Mission received consistent information about structural problems in the Guatemalan prison system, such as extreme levels of overcrowding¹⁹ and extortion. While these issues were not reported as direct practices affecting the cases observed at Mariscal Zavala, they nonetheless impact the general detention environment and raise serious concerns regarding fundamental guarantees.

Various sources described the existence of improper charges within prisons—a practice commonly referred to as “*talacha*”—which are required to permit visits, determine placement within the facility, or access certain security conditions. According to the information received, the amount of these payments may vary depending on the crime charged or the profile of the detainee, and refusal or inability to make them may result in reprisals, including assignment to higher-risk areas or assaults. These practices demonstrate the persistence of informal control structures and deficiencies in institutional oversight mechanisms. Similarly, extortion was reported in police stations where detainees are held.

With respect to the exercise of the right to defence, although access to lawyers was described as generally adequate at Mariscal Zavala, limitations were noted in other detention centres, where interviews cannot be conducted under conditions that ensure confidentiality between lawyer and client. Such restrictions undermine essential due process guarantees and compromise the effective exercise of the right to technical legal defence.

c) Exile

Exile has become one of the most severe expressions of persecution documented by the Mission in Guatemala. In many cases, forced departure from the country is the result of a broader strategy of persecution directed against legal actors.

In this context, exile emerges as the outcome of a sequence of repressive practices that compel targeted individuals to leave the country in order to avoid arbitrary deprivation of liberty and the indefinite prolongation of criminal proceedings against them. This dynamic produces **a form of sustained exclusion from civic and professional life**, which those affected describe as a “civil death.” Consequences include disrupted career trajectories, an impact on family environments and interrupted life projects within the country.

Both the Inter-American Commission on Human Rights and the United Nations Special Rapporteur on the independence of judges and lawyers have raised concerns regarding the forced exile of justice operators in Guatemala in the context of criminalisation processes related to the independent performance of their duties.

¹⁹ Currently with an estimated overcrowding rate of 345% according to data provided by the Ministry of the Interior, see Chapter IV.a) of this report.

Through interviews, the Mission has confirmed that this phenomenon continues during the period under review, collecting specific information on the factors that trigger it, its effects, and the conditions of life in exile. These aspects are examined in the following sections.

The phenomenon of exile among legal actors in Guatemala

The phenomenon of exile linked to persecution is not new in Guatemala. However, it has intensified since 2019, following the departure of the International Commission against Impunity in Guatemala ('CICIG'). This has had a **systematic impact on justice operators involved in anti-corruption investigations and cases of serious human rights violations**. More recently, since 2023, a new phase of persecution has emerged, affecting lawyers, political figures, university authorities and social movements, thereby expanding the scope of the phenomenon.

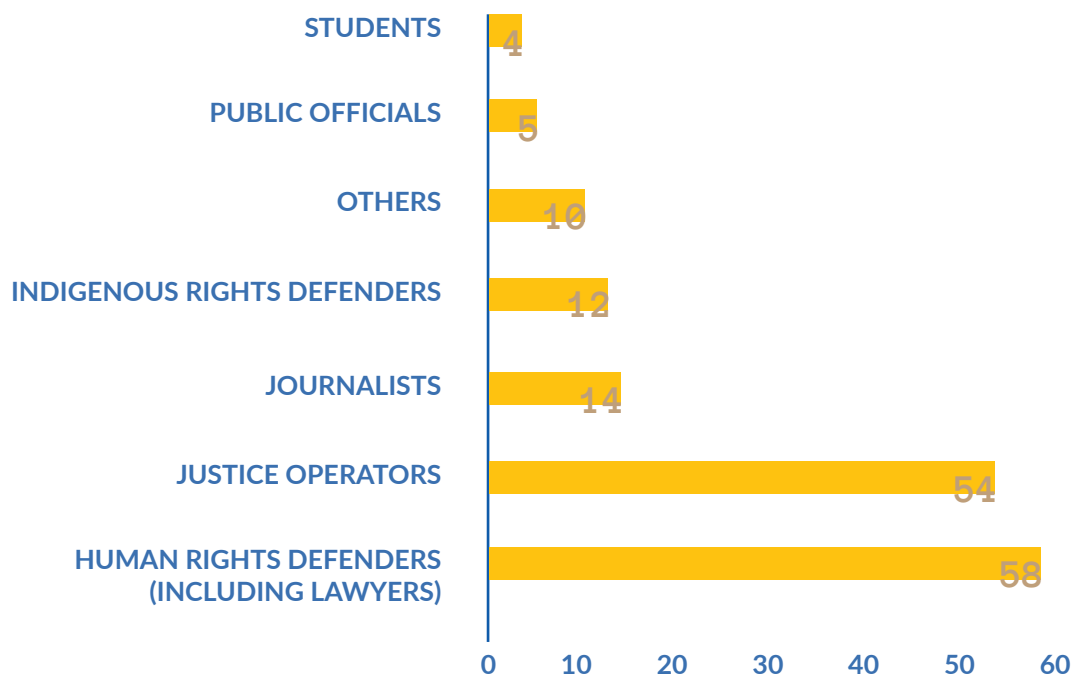
With regard to justice operators, while there was a precedent in 2014 with the departure of former Attorney General Claudia Paz y Paz, sustained forced departures of justice operators began in 2019, as seen in the cases of Thelma Aldana, former Attorney General of the Republic, and Juan Francisco Sandoval, former Chief Prosecutor at the Special Prosecutor's Office against Impunity (*Fiscalía Especial Contra la Impunidad*, 'FECI'). These cases have multiplied to the present day. The information in this section primarily concerns individuals forced to leave the country since 2014.

According to Guatemalan civil society organisation records, at least 157 people involved in human rights defence are currently in forced exile. Of these, **54 are justice operators**, many of whom were exiled for participating in anti-corruption investigations and high-impact cases, or for defending persecuted colleagues.



The graph below illustrates the cross-cutting nature of the phenomenon and the central role of justice operators and human rights defenders in this context by showing the distribution of exiled persons by profession.

Figure 1. Individuals in forced exile by profession (n=157)



Source: Prepared by the author based on information provided by Guatemalan civil society organisations.

Exile is therefore not a voluntary decision, but rather a protective measure in the face of an imminent and real risk of arbitrary detention in the context of criminal proceedings lacking guarantees. This pattern has even been observed in relation to individuals who benefit from precautionary measures granted by the IACHR. For example, Judge Miguel Ángel Gálvez was forced to leave the country due to persistent threats and criminal proceedings. The Mission found that, in numerous cases, individuals left the country because they had a well-founded expectation that arrest warrants would be issued, or because they had previously experienced deprivation of liberty, which made it clear that the proceedings were not aimed at clarifying the facts, but rather at the prolonged neutralisation of the accused.

CASE 8. VIRGINIA LAPARRA

Criminalisation and lack of guarantees: exile as the only alternative



Virginia Laparra, a former prosecutor at the Special Prosecutor’s Office against Impunity in Quetzaltenango, was criminalised after filing corruption complaints against Judge Lester Castellanos Rodas²⁰ and lawyer Omar Ricardo Barrios Osorio²¹, who had links to former President Alejandro Giammattei.

These complaints triggered a sustained pattern of harassment and successive criminal proceedings against her, driven, among others, by Ricardo Rafael Méndez Ruiz Valdéz, president of the Foundation Against Terrorism.

The first criminal complaints, initially dismissed, were reopened and brought before various courts until they came to the attention of judges such as Fredy Orellana²² and later Sergio René Mena Samayoa. In 2022, she was arrested and remained in custody for two years in proceedings directly related to the exercise of her duties as a prosecutor. She faced severe prison conditions and multiple obstacles in exercising her right to defence.²³ After a second conviction in 2024, three new cases were immediately brought against her, again under the jurisdiction of Judge Mena Samayoa, further solidifying the pattern of ongoing persecution.

“The combination of judicial harassment, the loss of institutional independence, and the lack of state protection led me to conclude that my freedom, personal integrity, and life project were at real and imminent risk. This ultimately forced me to decide to go into exile.”

– Virginia Laparra, former prosecutor at the Special Prosecutor’s Office against Impunity.

²⁰ Included in the Engel List of “corrupt and undemocratic actors.” See: U.S. Department of State, [Section 353 Corrupt and Undemocratic Actors Report](#), 2023.

²¹ Included in the Engel List of “corrupt and undemocratic actors”. See: United States Department of State, [Section 353 Corrupt and Undemocratic Actors Report](#), 2023.

²² Included in the Engel List of “corrupt and undemocratic actors”. See: United States Department of State, [Section 353 Corrupt and Undemocratic Actors Report](#), 2023.

²³ For more information on the arbitrary detention of Virginia Laparra, see [Section II.2.b\)](#) of this report.

A recurring theme in the collected testimonies is the presence of **threats prior to leaving the country**. These threats included death threats, smear campaigns and digital harassment, particularly via social media. Several interviewees reported receiving explicit messages offering them the choice of imprisonment or exile. In some cases, these harassment campaigns continued even after the individuals had left the country, highlighting the **transnational nature of the persecution**.

Furthermore, a significant proportion of exiled individuals currently face ongoing criminal proceedings and outstanding arrest warrants, which makes it practically impossible for them to return without risking arbitrary deprivation of liberty. In many cases, they have been found in contempt of court, which further restricts their procedural rights. The IACHR has warned that several justice operators remain subject to arrest warrants and threats of international detention, as well as multiple confidential criminal cases, and have no effective access to case files or minimum guarantees of defence.²⁴

Despite the Public Prosecutor's Office attempting to extend the persecution beyond national borders by repeatedly requesting INTERPOL Red Notices against justice operators, these requests have been denied. INTERPOL has instructed the Public Prosecutor's Office to refrain from submitting new requests in these cases as they contravene Article 3 of its Statutes, which prohibits the institution from intervening in political matters.²⁵ This further reinforces the perception that the analysed criminal proceedings are motivated by purposes other than the legitimate prosecution of crimes.

Living conditions and affected rights in exile

Forced exile has a **sustained and multidimensional impact** on the lives of those who are persecuted. It is not just a matter of leaving the country; it is a phenomenon that affects the right to private and family life, the right to work and professional development, and the right to personal integrity.

On a personal and family level, **exile means breaking up the family unit and disrupting the social environment**, which directly affects the right to family life. Those interviewed described an experience characterised by isolation and uncertainty, and often the inability to reunite with family members who remain in Guatemala.

²⁴ IACHR, Report on the Situation of Human Rights in Guatemala 2025, [OEA/Ser.L/V/II Doc. 227/25](#), 2 November 2025, para. 149.

²⁵ Prensa Comunitaria, [Interpol asks FECCI to refrain from requesting red alerts against anti-corruption prosecutors](#), 19 September 2023.

“I have always felt that exile means starting from scratch many times over. It is frustrating because you have no economic, professional, or emotional stability”

– Flor de María Gálvez, Guatemalan lawyer in exile.



12. Faculty of Law, University of San Carlos of Guatemala (USAC)

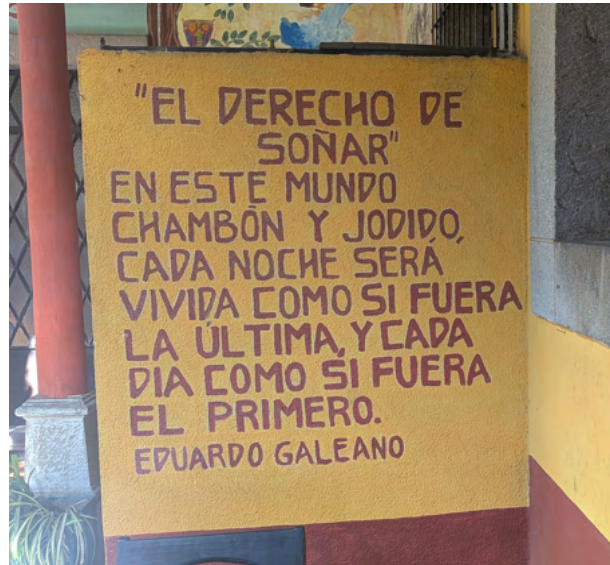
In some cases, even after spending several years in their host country, people remain on a provisional immigration status. This prolongs their **legal instability, limits their access to rights** and affects their legal security and ability to develop a stable life plan.

Economically and professionally, exile translates into **precariousness, directly impacting the right to work and to decent living conditions**. The abrupt loss of income and the inability to practise their profession in the host country forces many people into subsistence-level living, often through unskilled or unstable employment. The stigmatisation associated with criminalisation processes – perceived as a permanent burden that follows the individual beyond borders – has a negative impact on access to employment, housing and basic financial services, thereby deepening economic vulnerability.

This issue is particularly acute for long-serving legal professionals, many of whom are approaching retirement. The lack of recognition of their qualifications means they cannot practise law without undertaking further university studies and training, which hinders their professional continuity in the legal field. This limitation, combined with immigration restrictions, language barriers, and age, is identified as a factor limiting their reintegration into the labour market.

In some cases, criminalisation processes have involved the seizure of bank accounts, restricting access to resources accumulated over decades of public service. Those interviewed repeatedly identified the search for a stable livelihood as their main concern, in a context where professional continuity in the legal field is, in practice, unfeasible.

In terms of personal integrity and mental health, the testimonies reveal a pattern of persistent anxiety, sleep disturbances, and depressive episodes linked to persecution and displacement. Some interviewees stated that **their safety**, as well as that of their relatives remaining in Guatemala, **is not fully guaranteed abroad**. Former judge Miguel Ángel Gálvez reported being followed and having his computer, tablet and mobile phone stolen, which made him feel vulnerable even outside the country.



13. Mural featuring a text by Eduardo Galeano

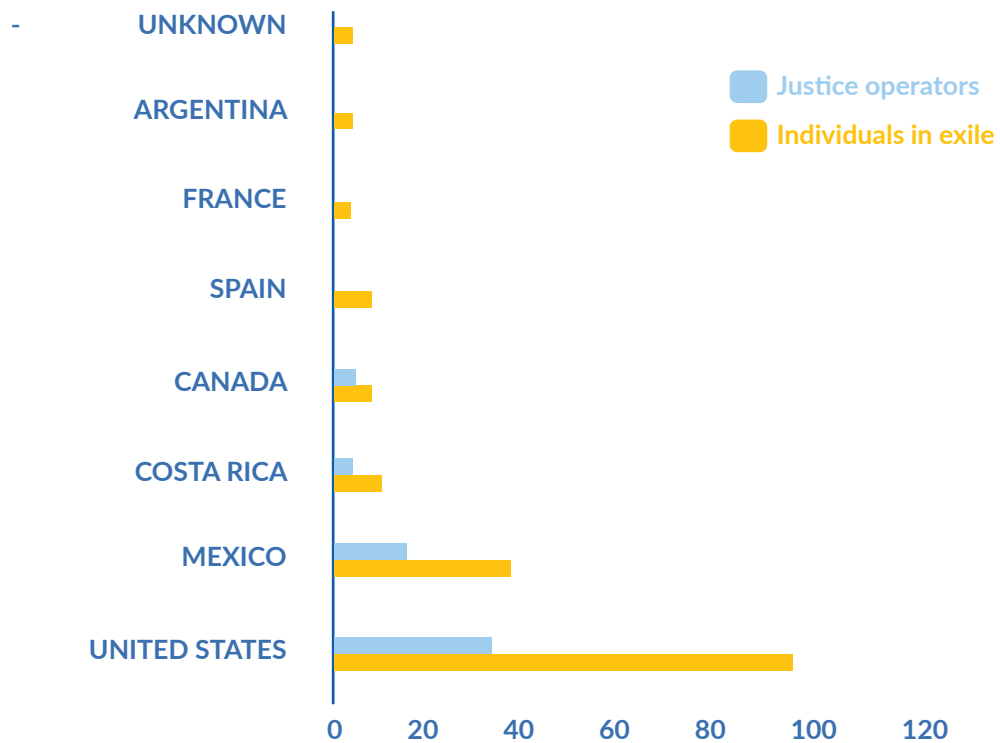
Similarly, several interviewees noted that their family members in Guatemala continue to face pressure, harassment and smear campaigns on social media. In some cases, these situations have also forced family members to leave the country, thus extending the effects of exile beyond those directly persecuted.

Those interviewed also expressed a deep sense of injustice at being forced into exile for carrying out their duties in accordance with the law, while those they consider responsible for manipulating the justice system remain in office. This exacerbates the emotional impact and hinders the process of personal reconstruction. Despite the limitations imposed by exile, some said that they continue to provide support in the defence of criminalised individuals on a voluntary basis from abroad.

Insufficient institutional or diplomatic support and lack of guarantees for a safe return to Guatemala

The exiled individuals identified by the Mission are primarily located in the United States (97) and Mexico (38), and to a lesser extent in countries such as Costa Rica, Canada, Spain, France, and Argentina. Of the 54 exiled justice operators, 34 are based in the United States and 16 in Mexico.

Figure 2. Individuals in forced exile by host country (n=157)



Source: Prepared by the author based on information provided by Guatemalan civil society organisations.

The conditions for remaining in host countries are marked by growing uncertainty, particularly in the United States. Several interviewees expressed concern about the current tightening of immigration policy in that country.

Despite having been granted political asylum, there have been reports of situations in which access to permanent residence or definitive regularisation remains subject to additional procedures or changes in immigration policy, maintaining a **situation of legal instability**.

Regarding institutional support, the testimonies reveal significant disparities. In some high-profile cases, diplomatic support or backing from international organisations facilitated departure and the initial granting of protection. However, others reported leaving without prior protection or clear guidance on their destination. It was also noted that support from agencies such as the United Nations High Commissioner for Refugees ('UNHCR') was inconsistent, leading to perceptions of differential treatment among exiled individuals.

The support received, including emergency funds and temporary assistance, was described as time-limited and lacking a comprehensive framework to facilitate sustainable integration. While the intervention of Guatemalan diplomatic representatives in host countries was viewed positively in some cases, it was emphasised that such efforts were the result of individual initiatives rather than a structured institutional protection policy.

In the absence of structural support, networks²⁶ formed between exiled individuals, human rights organisations, and supportive communities have played a key role in fostering resilience.

Regarding the possibility of returning to Guatemala, the interviewees agreed that this is currently legally unfeasible or materially unsafe. Ongoing criminal proceedings, outstanding arrest warrants and the lack of guarantees of judicial independence make a safe return impossible to consider. Even in hypothetical scenarios where judicial measures are lifted, concerns remain about personal safety and the likelihood of successful professional reintegration.

Some individuals expressed their hopes for the 2026 elections, particularly regarding the appointment of a new Attorney General and of judges to the Constitutional Court. However, remaining in exile significantly limits the possibility of participating in these processes, either as candidates or as active participants in institutional life. This situation affects not only individual political rights, but also the future configuration of the justice system by de facto excluding professionals with established legal careers.

“They will see us return.”

- Thelma Aldana, former Attorney General of Guatemala currently in exile.

²⁶ The group **“Voces Guatemaltecas en el Exilio” (Guatemalan Voices in Exile)** was formed in November 2025 in Valencia, Spain, following a meeting of former justice operators who currently live outside Guatemala. It is a voluntary, ethical, and non-partisan space that seeks to raise awareness and transform the conditions that have forced Guatemalans into exile, especially criminalised justice operators. The collective is currently in its initial stages of formation, working collaboratively to build its identity and principles with the aim of defending rights and promoting the strengthening of the rule of law in Guatemala.

3. THE EFFECTS OF PERSECUTION ON LEGAL ACTORS

The forms of persecution documented throughout this chapter have a **profound and lasting impact on the personal, professional and institutional lives of legal actors**. For Public Ministry staff and judicial officials, the automatic suspension of duties for those who have been criminalised results in an immediate loss of income, putting them and their families in a state of prolonged economic insecurity. These consequences transcend the strictly legal sphere, manifesting as psychological, financial and family damage, as well as serious violations of professional rights.

The professional practice of independent prosecutors, judges, and lawyers working on cases of public interest takes place in a **climate of widespread fear**, as described by many interviewees. High-profile cases have a clear exemplary effect, aimed at instilling fear among other actors within the system and discouraging the independent practice of the profession, as well as applications for positions within the judiciary.

“That lawyer who fought for judicial independence is being persecuted in a trial that is not fair. Imagine what other lawyers might think. It is a deterrent process.”

– Anonymous, referring to the case of Ramón Cadena.

The arbitrary prolongation of criminal proceedings, characterised by unjustified delays and the abusive use of pre-trial detention, subjects those under investigation to a permanent state of uncertainty. Several interviewees described this situation as a kind of ‘civil death’, as it prevents the effective exercise of civil, political and professional rights, and constitutes prolonged psychological torture. In many cases, this situation culminates in forced exile, where individuals are vulnerable, their family networks break down, and they are unable to continue practising their profession.

Persecution has a particularly corrosive impact on the legal profession. The criminal prosecution of defence lawyers has become an established mechanism for intimidating not only those directly affected, but the entire profession. The abusive application of judicial confidentiality to initiate criminal proceedings against lawyers has also been documented, with charges of breach of confidentiality being brought against those who question arbitrary actions. Added to this is the professional and psychological strain resulting from the constant need to verify whether complaints or investigations are ongoing against them.

These patterns affect not only individual rights, but also imply a structural violation of professional rights, particularly the right to practise defence. Lawyers have reported systematic obstacles to accessing court files due to the abusive use of judicial confidentiality. Coupled with the late or fragmented delivery of files containing large volumes of irrelevant information, this demonstrates a failure to act in good faith during proceedings and seriously hinders the effective practice of law.

In this context, a **marked chilling effect is evident in legal practice**, characterised by limitations on taking on cases, recommendations to clients to seek public defence, self-censorship, a reduction in the public profile of defences and adjustments in litigation strategies towards more cautious approaches. Examples of this include the decision not to file certain appeals. The lawyers interviewed reported feeling ‘defenceless’ when they realised that knowledge of and compliance with the law no longer guaranteed the protection of their clients or their own safety in the face of a co-opted judicial system.

“One is intimidated by the threat of criminalisation. The greatest effect is the change in our intended approach to cases. The way we practise our profession is changing because we now feel that we are in an unprotected and unsafe space where we cannot turn to any entity for help.”

–Francisco Javier García, Unit for the Protection of Human Rights Defenders – Guatemala.

Informal barriers also hinder lawyers who represent criminalised persons from accessing the labour market. Additionally, internal pressures within law firms discourage lawyers from taking on such cases, due to fear that reprisals could affect other ongoing matters. Together, these dynamics produce a collective chilling effect on the independent practice of law and on the broader civic space.

On top of this, disproportionate **financial penalties are applied under the Law on Constitutional Relief (amparo proceedings)**, which allows fines to be imposed on lawyers when their cases are unsuccessful. In recent years, lawyers have reported that the Constitutional Court has endorsed a sanctions system of up to 3,000 quetzales per appeal and per professional, accompanied by threats of bank account seizure and criminal proceedings. This scheme punishes the legitimate exercise of constitutional control and severely restricts access to justice.

Added to this are administrative and notarial obstacles, such as unjustified delays in proceedings before the Supreme Court of Justice, which exacerbate the professional exclusion of persecuted lawyers.

Finally, there have been attacks on social media, surveillance and information theft, as well as the inclusion of lawyers representing certain clients on “blacklists”. These practices undermine the work of defence lawyers and affect access to justice, thereby weakening society’s trust in the judicial system.

The patterns described in this chapter should therefore be understood as part of a broader strategy to capture and control the justice system. The impact of these practices extends beyond those directly affected, generating a widespread chilling effect and seriously compromising judicial independence, the rule of law, and public confidence in institutions.



III IMPACTS ON SPECIFIC GROUPS

Ethnic and racial discrimination

Gender-based discrimination

- » Gender-based discrimination against women lawyers and justice operators
- » Vindictiveness against criminalised women lawyers and justice operators

This chapter examines the situation of social groups subjected to historical and structural forms of discrimination in Guatemala, and how these inequalities are reflected in the functioning of the justice system.

1. ETHNIC AND RACIAL DISCRIMINATION

Structural racism in Guatemala **limits indigenous peoples' access to justice and influences judicial proceedings.** Communities defending their territory are often portrayed as 'the enemy', a narrative which socially legitimises attacks against their legal representatives and forms part of a history of ethnic and racial discrimination dating back to the colonial period. In this context, indigenous lawyers face unfounded complaints, harassment, public defamation, restrictions on speaking in court hearings and unequal treatment compared to other judicial actors. These practices violate the individual rights of those providing legal defence and the collective right of indigenous peoples to equitable and intercultural justice.

There are also **structural barriers that hinder the professional practice of indigenous lawyers,** including limited access to higher education for indigenous people, a shortage of indigenous licenced lawyers, discrimination in training settings, and the criminalisation of the defence of rights relating to water, energy and land. Added to this is the imbalance of resources between communities and large energy companies or other powerful actors, which undermines the principle of equality of arms in often protracted legal proceedings. Despite these conditions, the persistence of indigenous legal practice in strategic litigation is fundamental to the rule of law and democracy, as it seeks not only favourable rulings but also the transformation of a justice system historically marked by exclusion and racism.

There are also **frequent reports of discrimination, abuse of authority, and interference with professional practice within the courts.** Examples include arbitrary expulsions from hearings, criminal proceedings initiated against indigenous lawyers, deliberate delays to proceedings, surveillance, mockery, dissemination of images, and denial of basic conditions for mounting a technical defence. These practices reflect a pattern of criminalisation that leaves lawyers representing Indigenous communities doubly vulnerable, forcing them to protect both their clients and themselves from intimidation by the justice system.

Indigenous women lawyers, in particular, experience an exacerbated form of discrimination, shaped by the intersection of racism and structural misogyny. They face constant interruptions, delegitimisation of their professional authority, degrading treatment, physical aggression, attempts at arbitrary detention, and questioning about their clothing or cultural identity. These are forms of harassment that are not directed at male or non-indigenous colleagues. These practices constitute psychological abuse, silencing their voices in judicial spaces, and deepening gender inequalities within the justice system. This highlights the urgent need for specific measures to protect and recognise indigenous women lawyers.

The Mission also received information suggesting that **justice operators lack adequate training in the rights of indigenous peoples** and legal pluralism. This issue is exacerbated by indigenous peoples' limited access to the judiciary and Nominating Commissions, and the absence of effective mechanisms to ensure their representation in decision-making spaces. These factors perpetuate structural barriers and prevent culturally relevant responses from being implemented.

“At the entrance to the courthouse, they told us: ‘We know who you are, what you are like and who you defend’.. When I spoke, the judge said he wasn’t listening; when a male lawyer spoke, then he did. He even prevented me from using my computer, effectively denying my status as a lawyer.”

- Wendy Geraldina López, Unit for the Protection of
Human Rights Defenders - Guatemala.

CASE 9. JOVITA TZUL AND LUCIA XILOJ

Triple discrimination and attacks in connection with their work as indigenous lawyers

In Guatemala, the practice of law and the defence of human rights by indigenous women takes place in a context of profound vulnerability, characterised by triple discrimination combining racism, sexism, and structural exclusion. Jovita Tzul and Lucía Inés Xiloj Cuín, who are both Maya K'iche' lawyers, embody a legal resistance that challenges the traditional legal system and the prejudices that call into question the professional capabilities of indigenous women. In her role as Legal Coordinator of the indigenous Peoples' Law Firm, Tzul has led the defence of territorial rights against extractive projects and historical dispossession affecting the sovereignty of communities. Xiloj, for her part, has set historic precedents in transitional justice, notably in the Achí Women's Case, where she successfully secured the recognition of sexual violence committed during the internal armed conflict as a crime against humanity.

However, this commitment to justice carries with it severe risks and constant attacks on their integrity and work. The harassment against them is not limited to isolated incidents; rather, it is part of a strategy of criminalisation and discrediting aimed at slowing down the progress of high-impact cases. A critical example of this institutional harassment occurred in 2019 when National Civil Police officers attempted to arbitrarily detain **Jovita Tzul** by force without a valid warrant while she was conducting legal research. Similarly, at the end of a hearing in the intermediate stage of a criminal trial in June 2022, Jovita Tzul was verbally assaulted with racist remarks directed at her status as an indigenous lawyer by a person who subsequently attempted to physically assault her in the vicinity of her office.

For **Lucía Xiloj**, violence often manifests as symbolic and procedural discrimination within the courts. Unequal treatment by judges and court staff, such as constant interruptions and a failure to recognise her authority, reveals an environment that still resists the presence of indigenous lawyers in positions of power.



2. GENDER-BASED DISCRIMINATION

The Mission has documented persistent patterns of gender-based discrimination affecting women lawyers and justice operators in both the exercise of their profession and criminalisation processes.

Gender-based discrimination against women lawyers and justice operators

Attacks and harassment campaigns on social media, as well as various forms of stigmatisation within the legal system, are among the most common forms of gender-based discrimination against women lawyers and legal professionals. Examples include the use of **derogatory or disparaging remarks by judges** when a technical defence is conducted by women, as well as verbal abuse and pejorative treatment by agents of the Public Prosecutor's Office and the adhesive plaintiffs, which is often based on gender stereotypes. Lawyers interviewed reported repeated attempts to delegitimise their professional role, including undue restrictions on their right to speak and arbitrary limitations on their participation in hearings imposed by both judges and court staff.

A specific **pattern of stigmatisation was also observed against women lawyers who incorporate a gender perspective into the cases they represent**. These professionals reported that, when applying national and international standards on equality and non-discrimination, they are frequently pigeonholed or discredited under ideological labels, even though their actions are strictly limited to the technical exercise of their profession under the current regulatory framework. This stigmatisation often results in hostile treatment during judicial proceedings, creating additional obstacles to the progress of cases.

The interviews also highlighted structural deficiencies in the investigation of cases related to gender-based violence and discrimination. These include practices such as expedited case filing, which was introduced by the Public Prosecutor's Office to reduce the backlog of cases, but which undermines the thorough analysis of the facts.

In this context, women lawyers noted that only a small number of them continue to litigate with a gender-sensitive approach. This means they must take on additional informal training and support responsibilities, in order to compensate for the lack of institutional training. They also identified **persistent resistance to gender-focused training within the justice system**. Often, prosecutors and judges ignore or dismiss applicable gender doctrine and standards, forcing women lawyers to substantiate requests that are already recognised under national and international human rights legislation. These dynamics reinforce stigmatisation, increase the professional burden on women lawyers and perpetuate a hostile environment for legal representation with a gender approach.

CASE 10. DORIS RAMÍREZ

“Being a woman is a limitation to the practice of law”



Doris Ramírez is a lawyer at the Aj Kawbil Law Firm, where she specialises in defending criminalised women and in cases of gender-based violence. She has a particular focus on representing indigenous women and community leaders.

In her testimony, Ramírez described a judicial environment characterised by power relations riddled with gender stereotypes, which directly affect the effective exercise of the right to defence. She noted that, during hearings, she has often been interrupted and prevented from speaking—especially when acting as an adhesive plaintiff—because the Public Prosecutor’s Office had already presented its arguments, a rule that is not applied to male lawyers.

She also indicated that exercising legitimate procedural remedies, such as recusing judges in the face of arbitrary decisions, can have negative consequences for women lawyers. In her experience, filing for a judge’s recusal has led to persistent hostile treatment, forcing her to take extreme precautions in subsequent hearings with the same judge, in an atmosphere of stigmatisation and mistrust.

Ramírez also highlighted discriminatory dynamics in the defence of indigenous leaders, where both justice operators and parties frequently address male lawyers preferentially, even when she is the designated legal representative. According to her testimony, these practices are particularly pronounced in cases involving indigenous women, who are often treated condescendingly or labelled as “ignorant,” reinforcing structural barriers to access to justice.

CASE 11. JOSELINE JACOMÉ

Discriminatory practices against technical defence exercised by women



Joseline Jacomé participated in the defence of the Claudia González Orellana case,²⁷ in a procedural context characterised by closed hearings and severe restrictions on access for international observers, even after these restrictions were formally lifted.

During the hearings, both the Public Prosecutor's Office and the plaintiffs repeatedly made derogatory comments about the defence lawyers, openly questioning their professional competence and criticising their performance for reasons unrelated to the legal merits of the case.

Jacomé described these practices as a form of psychological abuse exercised during the hearings. Despite his duty to guarantee respect, equality of arms and the proper conduct of the adversarial process, the judge did not correct or redirect these practices.

Vindictiveness against criminalised women lawyers and justice operators

As documented in previous reports,²⁸ women lawyers and justice operators who are criminalised face **double persecution**. On one hand, persecution stems from their professional work, such as investigating corruption, transitional justice, or serious human rights violations. On the other, it is linked to their status as women within a system entrenched with gender stereotypes and rigid social roles.

Both public and procedural discourse against criminalised women has been found to contain **misogynistic expressions and delegitimising narratives**. These narratives reinforce gender stereotypes and call into question their professional and moral suitability. This gendered dimension

²⁷ For more information on the case of Claudia González Orellana, see [Sección II.2.b\)](#) of this report.

²⁸ Amnesty International, [Guatemala: The whole system against them: Criminalisation of women justice operators and human rights defenders in Guatemala](#), May 2024.

was particularly evident among women subjected to arbitrary detention in high-profile cases during the peak of arrests of judicial personnel in 2022.

The gathered information shows that **women** who have exercised judicial functions or participated in anti-corruption and human rights cases **are subject to a higher degree of vindictiveness in criminal prosecutions**. This persecution is reflected in practices such as the public disclosure of personal and private information, which is not observed with the same intensity in cases involving male counterparts. It also manifests as intensified defamation, media stigmatisation and attacks specifically targeting their status as women lawyers.

Finally, it was documented that, during certain periods, **the detention conditions of women were deliberately worsened** to pressure them into accepting charges or mechanisms for the early termination of proceedings. Although improvements to these conditions were recorded later on, they do not offset the cumulative impact of the initial treatment or the use of deprivation of liberty as a coercive measure.

“The persecution intensified when I took on cases involving the military; people questioned how a woman like me could dare to investigate a member of the military. They said I should devote myself to my home, that my place was ‘sweeping’ and not practising law.”

During my detention, someone even paid to have photographs taken of me in custody and posted them on social media accompanied by messages calling me a traitor and reproducing misogynistic expressions.”

Leily Santizo, former head of CICIG
and defence lawyer in exile.



ANALYSIS OF THE ROLE OF INSTITUTIONS, UNIVERSITIES, CIVIL SOCIETY ORGANISATIONS AND THE LEGAL PROFESSION

The functioning of the Judiciary

- » Concentration of powers within the Supreme Court of Justice
- » The Constitutional Court

The functioning of the Public Prosecutor's Office

Executive Branch

Ministry of the Interior

Presidential Commission for Peace and Human Rights

Office of the Attorney General of the Nation

Human Rights Ombudsman

The Bar Association

- » The Board of directors
- » The Court of Honour

Universities

Civil society organisations and the legal profession

This chapter examines the role played by various institutional actors in the patterns of persecution described in this report. This is based on their legal powers and on information gathered during interviews conducted by the Delegation. The persecution documented herein should not be viewed as a series of isolated incidents. Rather, it reflects entrenched structural dynamics that have emerged in recent years as retaliatory measures in response to investigations into corruption and serious human rights violations.

Based on its analysis, the Mission has identified **three main types of actors**. Firstly, there are institutions that actively participate in persecution. This is facilitated by coordination between the Public Prosecutor’s Office, certain sectors of the judiciary and private actors who influence the manipulation of the justice system. Several of these individuals and organisations have been identified internationally, including through their inclusion on the *Engel List*²⁹ of ‘corrupt and anti-democratic actors’, and through the imposition of restrictive measures by the European Union.³⁰ Secondly, certain institutions that are constitutionally and legally mandated to act as checks and balances, and to protect fundamental rights, have been identified as largely ineffective. Due to a climate of fear, external pressure and undue interference, they are often unable to fulfil their core responsibilities. Finally, some institutions, along with civil society organisations, lawyers, and independent judicial actors, continue to resist and serve as one of the last safeguards against institutional capture despite constant risks.

The information gathered by the Mission suggests that there is a **sustained process of institutional co-optation**, driven by power structures that are seeking to curb the fight against impunity and corruption. This process affects authorities across different government branches and manifests through mutually reinforcing mechanisms. One such mechanism is the persecution and criminalisation of individuals for legitimately carrying out their duties. Attacks, pressure, and interference against bodies that had previously demonstrated independence and impartiality, such as the Special Prosecutor’s Office against Impunity (*Fiscalía Especial Contra la Impunidad*, ‘FECI’), the Public Prosecutor’s Office, and the High-Risk Courts, with the support of the International Commission against Impunity in Guatemala (‘CICIG’), have become established as a strategy of selective repression.

This dynamic aims to **dismantle institutional capacities, neutralise perceived adversaries, and penalise the defence of human rights** and the investigation of corruption networks. Judicial independence encompasses more than just the absence of interference from the executive branch or other formal state powers. According to international standards, it must also be protected from internal interference and external pressures. In Guatemala, however, the “misuse of the constitutional autonomy of the Office of the Prosecutor” persists, as defined by international organisations.³¹

²⁹ US Department of State, *Section 353 – Engel List of corrupt and anti-democratic actors*.

³⁰ Council of the European Union, *Council Decision (CFSP) 2024/254*, of 12 January 2024, concerning restrictive measures in view of the situation in Guatemala, OJEU L 254, consolidated version as at 12 June 2025.

³¹ IACHR, *Report on the Situation of Human Rights in Guatemala 2025*, *OEA/Ser.L/V/II Doc. 227/25*, 2 November 2025, para. 135.

Another key aspect of institutional co-optation concerns the processes for appointing and renewing authorities. Various stakeholders have highlighted that the Guatemalan appointment system, which is organised through **Nominating Commissions** (constitutional bodies responsible for proposing candidates for senior positions in the justice system), has become particularly susceptible to undue influence. Although these commissions are intended to promote diversity, suitability and institutional balance by including representatives from state bodies, universities with law faculties and the Guatemalan Bar Association, they have in practice been infiltrated by political, corporate and private interests.

The absence of clear transparency standards and objective selection criteria, coupled with weak internal procedures, has contributed to dynamics of capture that undermine the legitimacy of these processes and the independence of the appointed authorities. In this context, criminalisation has also been used as a tool to discredit or exclude independent candidates and authorities, and to pressure commission members to vote for a particular candidate.

Civil society organisations have also reported a persistent **climate of fear and demobilisation** resulting from threats, stigmatisation campaigns, and criminalisation processes. This environment limits institutions' capacity to exercise control and oversight, and reduces citizens' participation in public affairs. These restrictions weaken accountability mechanisms and erode social control over institutional processes.

From a structural perspective, the combination of institutional co-optation, weakened checks and balances, and a generalised climate of fear creates **an environment particularly adverse to civic participation and the independent exercise of public functions**. These dynamics pose significant challenges to the rule of law, the separation of powers, and judicial independence in Guatemala. They also help to explain why the patterns of persecution documented in this report have persisted and are so widespread.

1. THE FUNCTIONING OF THE JUDICIARY

The functioning of the justice system in Guatemala has been repeatedly described by interviewees as a **deeply co-opted system in a state of substantial collapse**. The lack of judicial independence and impartiality is one of the main mechanisms enabling the excessive, selective, and unjustified use of criminal law. In this context, the forms of persecution described in Chapter II particularly affect judges who have issued rulings in accordance with the law or contrary to the interests of powerful actors. This creates a **chilling effect on the exercise of judicial functions and weakens guarantees of internal independence**.



14. Guatemala Palace of Justice

At the same time, the justice operators interviewed reported **repeated patterns of manipulation in the assignment of cases**, particularly those involving the criminalisation of justice operators, social leaders, or political actors. According to the testimonies collected, these cases are often repeatedly assigned to the same small group of judges, who are considered to be the main judicial figures responsible for criminalisation.

Those mentioned by name include are Fredy Raúl Orellana, Seventh Multi-Member Judge of the First Criminal Court, Drug Trafficking and Crimes against the Environment; Jimmi Rodolfo Bremer, Tenth B Judge of the First Criminal Court, Drug Trafficking and Crimes against the Environment; Sergio Mena, Seventh B Multi-Member Judge of the First Criminal Court; Víctor Manuel de la Cruz, Tenth A Multi-Member Judge of First Instance Criminal Court, Drug Trafficking and Crimes against the Environment; Geisler Smaile Pérez Domínguez, Third Multi-Member Judge of the First Criminal Court, Drug Trafficking and Crimes against the Environment; Carol Patricia Flores, Duty Judge of the Multi-Member First Criminal Court; as well as members of the Third Criminal Appeals Chamber.

Similarly, cases involving corruption or having a high political impact, in which powerful individuals are accused, tend to be concentrated in certain courts, with the intention of dismissing, delaying or closing them. This practice has led to well-founded suspicions that the case assignment mechanisms are not random, but subject to undue interference. Consequently, the judicial system swiftly and severely

prosecutes justice operators and human rights defenders, yet responds slowly, inadequately or not at all to crimes committed against them, **creating a pattern of selective justice.**

Added to these issues are structural **shortcomings linked to the system for electing and appointing judicial officials**, which further undermine the independence of the judiciary. Whilst access to the courts of first instance is granted through competitive examinations, promotion to senior posts depends on the Nomination Commissions. These commissions lack objective, standardised and transparent criteria for the evaluation and selection of candidates, which makes them particularly vulnerable to interference from political, corporate and economic interests that are unrelated to strictly technical and merit-based criteria.

This situation has led to a lack of realistic prospects for promotion within the judicial career and has fostered informal practices that distort the appointment processes. Among these, interviewees highlighted the existence of alliances between powerful groups, influence peddling, backroom deals, reciprocal voting arrangements, and spurious agreements that influence the outcomes of the committees. Consequently, lawyers from the private litigation sector have been appointed to the Courts of Appeal, to the detriment of first-instance judges who have greater judicial experience and accredited training. This phenomenon has also reinforced relationships of loyalty between certain judicial authorities and the groups that promoted their candidacies.

Furthermore, the Mission has documented **campaigns of harassment, stigmatisation and discrediting on social media targeting members of the Nominating Commissions** and candidates for the judiciary who are perceived as independent or not aligned with co-opted interests. These campaigns involve public accusations and criminalisation processes that greatly reduce candidates' chances of being appointed and discourage independent participation in selection processes.

The testimonies collected also reveal the existence of a **patronage-based system in the formation of the judiciary.** This system is characterised by the frequent rotation of personnel between the judiciary and the Public Prosecutor's Office, as well as by the appointment of family members to positions within the justice system. These dynamics have contributed to the consolidation of internal networks of alliance, thereby reinforcing patterns of institutional capture.

a) Concentration of powers within the Supreme Court of Justice

The **expansion of the administrative and disciplinary powers of the Supreme Court of Justice** has been identified as one of the reasons that has contributed to the collapse of the judicial system. In this regard, both the Inter-American Commission on Human Rights (IACHR) and the Special Rapporteur on the Independence of Judges and Lawyers (SRIJL) have noted that Decree 7-2022, which amended Decree 32-2016—previously intended to strengthen the independence of the Judicial Career Council—

represents a serious setback.³² This reform redefined the Judicial Career Council as a technical and auxiliary body, with the President of the Supreme Court of Justice as chair. It also granted the Supreme Court exclusive powers to select, confirm, and remove key officials, including the members of the Judicial Disciplinary Board and its appellate body, the Directorate of the School of Judicial Studies, and the Executive Secretariat of the Council itself.

In this context, there have been **reports of judges being arbitrarily removed or transferred as a means of pressure or covert sanction** against those who do not align themselves with these dynamics. This situation is compounded by the fact that, under Article 208 of the Constitution, both magistrates and first-instance judges serve five-year terms, after which they may be reappointed for additional terms of equal duration. The periodic evaluation of their performance creates incentives for judges to align their decisions with the interests of those responsible for determining their continuation in office.

Consequently, many judges avoid issuing rulings that could upset the Supreme Court or its represented interests, while those who align with prevailing expectations may be rewarded with promotions or the uncontested renewal of their mandates.

There have also been cases in which judges were transferred from their jurisdiction following the expiry of their constitutional term, due to alleged disagreements regarding their performance, even disregarding their area of specialisation. Such practices not only affect the individuals concerned but also undermine institutional integrity and contribute to the structural deterioration of the justice system.

Several interviewees also pointed to the practical **absence of an adequate judicial training system**. While specific training programmes for judges existed in the past, these are now considered insufficient or, in some cases, effectively absent. This situation is reflected in weaknesses in the management of fundamental legal institutions. The School of Judicial Studies, which reports to the Supreme Court of Justice (CSJ), is responsible for judicial training; however, its work has been widely regarded as insufficient to meet the needs of the system.

The Judicial Disciplinary Board is responsible for administering the disciplinary regime, which involves investigating and sanctioning ethical misconduct and poor performance by judges and judicial personnel. The Board bases its decisions on case files referred by the General Supervision of Courts. Justice operators interviewed reported that **these disciplinary mechanisms are often used as instruments of intimidation and pressure**. They also highlighted biased and inconsistent practices in the handling of investigations. According to the testimonies collected, disciplinary proceedings are

³² IACHR, Report on the Situation of Human Rights in Guatemala 2025, [_OEA/Ser.L/V/II Doc. 227/25,, 2 November 2025, para. 115](#); Special Rapporteur on the independence of judges and lawyers, [Visit to Guatemala, 12 to 23 May 2025, Preliminary observations, 23 March 2025, p. 3](#).

initiated more quickly against judges who do not align with power structures, whereas investigations involving officials considered to be aligned tend to stagnate or fail to progress. It was also noted that amendments to the catalogue of disciplinary offences have introduced open-ended and ambiguous categories. These changes discreetly expand the scope of action of disciplinary bodies and facilitate their use as mechanisms of pressure and intimidation against independent judges, particularly in retaliation for decisions that do not align with certain interests.

Juez Fredy Orellana - Improper conduct and lack of disciplinary accountability

During the Delegation's visit to Guatemala, it came to light that the Seventh Court of First Instance in Criminal Matters, presided over by Judge Fredy Orellana, had issued a ruling in which it declared, within the framework of criminal proceedings, the absolute nullity of the political party *Movimiento Semilla* and the positions obtained in the electoral process to be null and void.

In support of this decision, the Public Prosecutor's Office and the judge relied on the Law against Organised Crime, in particular Article 82, which provides for the provisional suspension of legal entities when they are used to commit criminal offences. However, this provision is intended for situations involving the instrumental use of legal entities in the context of organised crime—such as shell companies—and not for intervening in or suspending political organisations or electoral processes.

Various sources pointed out that a criminal judge lacks the jurisdiction to suspend an electoral process or its subsequent effects, a matter which falls within the remit of the Supreme Electoral Tribunal in accordance with the constitution. The ruling was subsequently overturned by the Constitutional Court, which reaffirmed the electoral body's exclusive jurisdiction in this matter. Despite the serious institutional implications of what occurred and the overturning of the decision, no disciplinary or criminal consequences have, to date, been imposed in relation to the judicial proceedings. The Guatemalan Bar Association ('CANG') lodged a complaint with the Judicial Disciplinary Board of the Judiciary, alleging conduct contrary to the principles of ethics, impartiality, independence, and judicial responsibility. Furthermore, the President of the Republic lodged a complaint with the General Supervision of Courts regarding the same events.

According to the information gathered, the judge in question has multiple disciplinary complaints and grievances against him, several of which have reportedly been dismissed and others remain pending resolution. This case is seen as illustrative of a broader pattern: the lack of effective application of the disciplinary regime with regard to certain judges whose actions, even when overturned by higher bodies, do not result in proportionate institutional consequences.

b) The Constitutional Court

Composed of five permanent and five alternate judges whose terms are up for renewal this year, the Constitutional Court plays a central role in the protection of fundamental rights. This is particularly evident in its adjudication of constitutional relief actions (amparo proceedings) against acts or omissions by authorities that violate constitutional guarantees.

However, interviewees highlighted the inconsistent application of standards by the Court, depending on the individuals and nature of the cases involved. It has been observed that, in cases involving military personnel accused of corruption or other offences, the Court systematically recognises the right to alternative measures by applying the case law of the Inter-American Court of Human Rights. By contrast, such standards have repeatedly been denied to human rights defenders and other criminalised individuals despite them being in comparable legal situations.

Various actors have attributed this unequal treatment to a **process of co-optation of the Constitutional Court**, which seriously compromises its independence and its role as the ultimate guarantor of constitutional supremacy. Consequently, it has been observed that the use of constitutional remedies, strategic litigation and the pursuit of structural judgements intended to protect rights and address systemic practices has been significantly restricted, if not entirely neutralised, in the current context.

Reports have also emerged of an **explicit rejection of international human rights law in judicial practice**, particularly in decisions issued by the Constitutional Court. Legal practitioners who rely on these standards have been stigmatised and discredited, which discourages their use and limits the exercise of conventionality control.

During their meeting with the Delegation, Constitutional Court representatives affirmed their commitment to international legal standards and denied any tension in their application by judges. When asked about the alleged misuse of criminal law and violations of due process, they stated that amparo proceedings must be initiated by the affected party, adding that such matters had not been brought before the court for consideration.



15. Representatives of the Delegation and the Constitutional Court

Similarly, when questioned about access to justice for indigenous communities, they indicated that interpretation services are provided for all linguistic groups, including Afro-descendant communities in Izabal. However, they played down the need for such measures, asserting that ‘all Guatemalans speak Spanish’.

Application of International Human Rights Law

Article 46 of the Constitution recognises the primacy of international human rights law ratified and accepted by Guatemala over domestic law. However, certain sectors of the judiciary and the Public Prosecutor’s Office have demonstrated a tendency to disregard this constitutional primacy. Instead, they assert the exclusive primacy of domestic law, arguing that the application of international human rights treaties constitutes interference with state sovereignty.

During the Mission’s visit to Guatemala, Leyla Lemus, President of the Constitutional Court, speaking at the opening ceremony of an International Congress on Constitutional Law, affirmed that the constitutional order is the foundation of the rule of law over popular sovereignty. She argued that:

“Subordinating the Constitution to international norms without democratic procedures not only violates the Constitution, but also infringes on the sovereignty of a people... Constitutional judges owe allegiance exclusively to the Constitution (...) It is imperative to defend democratic pluralism and the right of each nation to adopt its own political choices while respecting fundamental rights.”³³

This position, in addition to being inconsistent with the explicit text of the Constitution, undermines the enhanced framework of protection established by the constituent assembly for the safeguarding of fundamental rights.

2. THE FUNCTIONING OF THE PUBLIC PROSECUTOR’S OFFICE

The Public Prosecutor’s Office, which is headed by Attorney General María Consuelo Porras, whose term also ends this year, has been identified by interviewees as a key obstacle to restoring democratic institutions and the rule of law in Guatemala. Information gathered by the Mission indicates that **the Office systematically protects the interests of corruption networks and certain powerful individuals** by using the criminal justice system arbitrarily and selectively, employing criminal law as

³³ Canal Antigua, [President of the CC calls for the defence of “constitutional supremacy” during speech at event](#), 16 October 2025.

both a tool for criminalisation and a mechanism for ensuring impunity.³⁴

Evidence of these practices can be seen in politically or electorally motivated criminal prosecutions targeting members of Nomination Commissions, candidates or elected officials, as well as in the dismissal or inaction in cases involving powerful actors or situations where the complainants are justice operators, human rights defenders or indigenous communities. The Mission formally requested a meeting with officials from the Public Prosecutor's Office to gather their institutional perspective, but this request was denied.

The manipulation of the criminal justice system has been facilitated by a **sustained process of co-optation and institutional dismantling within the Public Prosecutor's Office**. This process was initiated during the current Attorney General's first term in office in 2018 and has been intensified since her re-election in 2022. Since then, the Office has allegedly distorted its constitutional duty to prosecute impartially and objectively.

MORE THAN 100 PROSECUTORS HAVE BEEN
DISMISSED SINCE 2018, WITH PRIOR
DISCIPLINARY PROCEEDINGS BEING CONDUCTED
IN ONLY AROUND 20 CASES

This process of co-optation has been consolidated through the arbitrary imposition of disciplinary measures, as well as the mass removal, transfer, and dismissal of prosecutorial staff, in clear violation of tenure guarantees. Transfers have become a form of covert sanction, contrary to Article 71 of the Organic Law of the Public Prosecutor's Office (*Ley Orgánica del Ministerio Público*, 'LOMP'), which requires decisions that are duly reasoned and respectful of functional specialisation. Information on these practices is limited. However, according to the Special Rapporteur on the Independence of Judges and Lawyers (SRIJL), more than 100 prosecutors have been dismissed since 2018. In only around 20 of these cases were prior disciplinary proceedings conducted, as required under Article 63 of the LOMP.³⁵

³⁴ For more information on the misuse of criminal law as a tool of persecution, see the section on [Criminalisation](#) in this report

³⁵ Special Rapporteur on the independence of judges and lawyers, [Visit to Guatemala, 12 to 23 May 2025, Preliminary observations](#), 23 March 2025, p. 5.

The dismissal of the heads of key specialised prosecutorial units is particularly concerning, including the Special Prosecutor's Office against Impunity ('FECl'), the Internal Affairs Prosecutor's Office, the Administrative Crimes Prosecutor's Office, the Anti-Corruption Prosecutor's Office, and the Prosecutor's Office against Human Trafficking. Several of these removals occurred at critical stages of ongoing investigations. The case of the FECl is particularly illustrative: this office had played a key role in advancing corruption and transitional justice cases, in coordination with the International Commission against Impunity in Guatemala ('CICIG'). According to the testimonies gathered, the FECl has effectively been dismantled and repurposed since then. This has been done in order to shield individuals who were previously under investigation for corruption, while pursuing criminal charges against those who led such investigations. This demonstrates both a process of institutional co-optation and a significant erosion of technical expertise.

At the same time, the Prosecutor's Office for Organised Crime has taken on most cases involving human rights defenders and indigenous communities who have been accused of terrorism or endangering national security. This has exacerbated their stigmatisation. Similarly, concerns have been raised about the criminal policy approach of recently created units, such as the Special Prosecutor's Office for Crimes of Usurpation, which is known to be close to individuals with private economic interests.

These organisational reconfigurations reflect a **selective criminal policy** that prioritises certain cases while obstructing others. This policy relies on a narrative of efficiency based on accelerated case closure to improve statistical indicators without addressing the merits of reported incidents. In this context, lawyers interviewed by the Mission emphasised that cases relating to human trafficking, gender-based violence, crimes committed during the armed conflict and complaints filed by indigenous communities are often dismissed without proper investigation.

There have been repeated attempts to dismiss cases for lack of merit, even in matters involving military personnel accused of enforced disappearances and extrajudicial killings. Furthermore, criminal proceedings have been focused on low-level actors in trafficking offences, avoiding investigation of higher-level command or organisational structures. As a result, while criminalisation proceedings against certain sectors are increasing, patterns of structural impunity are simultaneously reinforced in relation to others.

CASE 12. JUAN FRANCISCO SANDOVAL

Dismissal and persecution of the former chief prosecutor of the FECI after investigating high-level political-economic networks



Juan Francisco Sandoval Alfaro was a member of the Special Prosecutor's Office against Impunity ('FECI') for over a decade, heading the office during its most intense period of investigating illicit political and economic networks in Guatemala. During his time in charge, the FECI pursued high-profile cases involving former presidents, customs smuggling organisations such as *La Línea*, corruption networks within the Guatemalan Social Security Institute, illicit electoral financing – including investigations that implicated members of the organised business sector – and bribes linked to the Odebrecht case.

The progress of these investigations, which involved an increasing number of individuals from the political and business sectors – including members of CACIF, the country's main business association – marked a turning point. From 2017 onwards, smear campaigns and criminal and administrative complaints against him and the prosecutors on his team intensified. Many of these were promoted by individuals under investigation and by the Foundation Against Terrorism.

With the appointment of Consuelo Porras as Attorney General in 2018, the institutional relationship changed substantially. Systematic mechanisms of control and internal obstruction were introduced, including the automatic referral of administrative complaints, repeated supervision, operational restrictions on coordination with the police, and delays in strategic decision-making. Likewise, sensitive investigations—including cases involving the presidential entourage and alleged acts of influence peddling—were obstructed or reassigned.

Following the CICIG's definitive departure in 2019, the FECI was left exposed. Institutional support gradually weakened, resulting in a process of internal disarticulation. In July 2021, Sandoval was dismissed through a public statement alluding to alleged irregularities, without prior disciplinary proceedings. Shortly afterwards, multiple arrest warrants were issued against him.

He left the country in circumstances of imminent risk of arrest, without any minimum guarantees of institutional protection. Subsequently, several members of the FECI were subjected to criminal proceedings, arrests, or exile, in a pattern that demonstrates not only the removal of its head, but also the systematic dismantling of the specialised prosecutorial unit.

The case of Juan Francisco Sandoval is a clear illustration of how the Public Prosecutor's Office, under its current leadership, shifted from advancing structural investigations into corruption networks to pursuing criminal charges against those who had led them.

3. EXECUTIVE BRANCH

The change of administration in 2024, which was initially marked by significant obstacles to the electoral process and the assumption of office by the new authorities, was viewed by many interviewees as a potential opportunity to rebuild democratic institutions and address abuses within the criminal justice system. These expectations, however, were quickly undermined following the provisional suspension of the *Movimiento Semilla* party as a legal entity. The Public Prosecutor's Office and certain judicial actors directly challenged the executive branch, even preventing the president-elect and his cabinet from taking office for 108 days. This episode starkly illustrated both the institutional crisis and the ability of these actors to defy the constitutional order without accountability.

Confidence in the new government has since been eroded by the widespread perception that the executive branch has failed—or has been unable—to respond decisively and consistently to events requiring prompt action to prevent further institutional escalation.

The impasse surrounding the presidential inauguration was ultimately overcome through extensive social mobilisation—led largely by indigenous peoples—sustained public demonstrations, and international pressure. Nevertheless, these actions did not result in sanctions or in the attribution of responsibility to those who orchestrated the obstruction of the inauguration process, reinforcing the perception of impunity. This situation is compounded by the continued criminalisation of individuals who participated in these protests.

Institutional harassment against the Executive did not end with the inauguration. While the Delegation was in Guatemala, Judge Fredy Orellana issued a ruling declaring the political party *Movimiento Semilla*,³⁶ null and void. This decision prompted international reactions, including an extraordinary session of the OAS General Assembly and submissions to judicial disciplinary bodies calling for action within their mandate.

Against the backdrop of ongoing institutional fragility, the government's various promises and commitments face significant obstacles to implementation. This is exemplified by the so-called “return plan”, which was requested by over 100 former officials of the Public Prosecutor's Office, former judges, and former magistrates currently in exile. All sources within the executive branch agreed that, under current conditions, there are no guarantees regarding outstanding arrest warrants, making any safe return unfeasible until such warrants are revoked by the relevant authorities.

Similarly, various institutions that could play a role in containing the arbitrary use of the punitive

³⁶ For more information, see the section [on the functioning of the judiciary in this report](#).

apparatus are paralysed by a general climate of fear. For instance, following its on-site visit in 2024, the Inter-American Commission on Human Rights emphasised the necessity of an independent review of the Public Prosecutor’s Office’s role and its effect on human rights. Several interviewees identified this recommendation as a key opportunity to address the crisis in the justice system in a structural manner. However, despite several exploratory meetings and approaches, the initiative did not prosper, mainly due to fear of reprisals and the Public Prosecutor’s Office’s continued ability to intimidate other institutional actors.

The Delegation met with authorities from the Ministry of the Interior (*Ministerio de Gobernación*) and the Presidential Commission for Peace and Human Rights (*Comisión Presidencial por la Paz y los Derechos Humanos*, ‘COPADEH’). Their respective roles in this context are analysed below.

4. MINISTRY OF THE INTERIOR

The Ministry of the Interior has a broad and strategic set of powers related to internal security, domestic intelligence, and the management of the prison system, which positions it as a key institutional actor. Under its purview are, among other bodies, the General Directorate of the National Civil Police, the General Directorate of Criminal Investigation, the Prison System, the Directorate of Civil Intelligence, and the Registry of Legal Entities, thereby granting it significant influence over the maintenance of public order, the protection of individuals, and the safeguarding of their rights.

During the Mission, a mass escape occurred at the Fraijanes II men’s detention centre, in which twenty prisoners managed to escape allegedly with the collaboration or acquiescence of prison officials.



16. Representatives of the Delegation and the Ministry of the Interior

This event led to the opening of investigations by both the Public Prosecutor’s Office and the Ministry of the Interior itself and resulted in an institutional crisis that culminated in the resignation of the Minister and his deputy ministers, as well as the issuance of multiple arrest warrants against officials at different hierarchical levels, including those responsible for the prison system.

The Mission held a meeting with the new authorities, who, being at an early stage of their administration, shared their institutional priorities and outlined general lines of action to address the structural challenges identified within their areas of competence.

a) Security and intelligence forces and the prison system

One of the areas of greatest concern identified by the Mission relates to the functioning of the security forces and intelligence services, particularly in light of testimonies from justice operators who reported having been subjected to surveillance, monitoring, and other forms of covert observation. The practices reported include intrusive intelligence activities, such as photographing individuals when visiting court buildings or private spaces, using these images for stigmatisation campaigns on social media, and incorporating intelligence-derived information into criminal investigations.

In response to these concerns, Ministry officials noted that one of the first measures adopted by presidential order was the closure of the intelligence unit operating in the basement of the Ministry of the Interior, reportedly linked to the Civil Intelligence Directorate ('DIGICI'). In this regard, they indicated that it would currently be difficult for that unit to carry out intelligence activities aimed at targeting perceived "enemies". However, they acknowledged that the Public Prosecutor's Office orders investigative measures in the context of criminal investigations, which, they stated, are carried out under its direction and subject to judicial oversight by competent judges.

The authorities distinguished between lawful and formal investigative actions, typical of criminal proceedings conducted within the rule of law, and informal or unlawful practices, which must be prevented and sanctioned. In this context, they recognised the need to review and strengthen existing investigative protocols and oversight mechanisms to prevent abuses and illegitimate actions. They also expressed concern about the expansion of the Public Prosecutor's Office and the existence of parallel structures allegedly conducting intelligence activities outside the Ministry of the Interior's institutional framework. The authorities indicated that they were working to strengthen internal controls within the intelligence services, as well as preventive safeguards to ensure compliance with applicable legal standards.

Regarding the security forces, Ministry of the Interior officials indicated that one of their priority objectives is to strengthen the institutional capacity of the National Civil Police by enhancing both initial and ongoing training programmes. They acknowledged that, although the curriculum includes human rights modules, these are limited and lack continuity, necessitating a comprehensive review. In this regard, they highlighted the adoption of a new National Civil Police Act, approved by Decree 35-2024 at the end of 2024, which establishes a one-year deadline for updating internal training processes and reinforces the police career structure. They also noted that the institution is undergoing

a process of renewal, including measures addressing indigenous languages, strengthening community policing, recruiting personnel from local communities, and implementing specific actions for the recognition and protection of human rights defenders.

*THE PRIORITY **LINES** OF ACTION
INCLUDED THE CONSTRUCTION OF A
MAXIMUM-SECURITY FACILITY TO REDUCE
OVERCROWDING, WHICH IS
CURRENTLY ESTIMATED AT **345%***

When asked about coordination with the Public Prosecutor's Office and the judiciary, the authorities pointed to the existence of various regulatory mechanisms for inter-institutional coordination, despite practical difficulties in implementation. Among these, they noted that the National Civil Police participates in crisis committees at departmental and municipal levels. Regarding evictions, they stated that specific protocols are in place and that excessive force has been progressively curtailed in previously recorded instances.

With regard to the criminalisation of human rights defenders, the Mission interviewed justice officials who noted that, while the new administration has not completely stopped criminalisation, conditions for those in detention have improved. Concerning the prison system, the new authorities acknowledged its serious issues, which include extreme overcrowding, internal corruption and structural instability. They acknowledged the illegal practice of '*talacha*' and confirmed that steps were being taken to eliminate it.

The priority lines of action included the construction of a maximum-security facility to reduce overcrowding, which is currently estimated at 345%, and the reorganisation of the prison population to enable the effective implementation of the progression regime. These initiatives are coordinated within the framework of the National Prison System Commission, which comprises the Ministry of the Interior, the Public Prosecutor's Office, the Judiciary and the Public Defender's Office.

Regarding cases of individuals who, having served their sentences, remained in detention due to administrative obstacles, officials noted that these difficulties are linked to delays on the part of the judiciary, which is responsible for lifting the judicial orders. The Criminalistics Office of the National Civil Police ('PNC') provides notarial and legal support to ensure that the judiciary effectively lifts arrest warrants. However, this service is not universally accessible, as a notary is usually required. This procedure, which requires active follow-up, remains inaccessible to many persons deprived of liberty, exacerbating inequalities.

b) Registry of Legal Entities

With regard to the functioning of the Registry of Legal Entities (*Registro de las Personas Jurídicas*, 'REPEJU'), which is a department of the Ministry of the Interior, the Mission received repeated reports of the Registry's powers being used selectively and discretionarily. It was suggested that this registry had been used to promote the suspension or disqualification of community and social organisations, yet no investigations or equivalent measures had been initiated with respect to organisations accused of participating in stigmatisation and persecution, such as the Foundation Against Terrorism.

The Ministry of the Interior authorities indicated that the files are being analysed on a case-by-case basis, and that the current regulatory framework – especially the Law on Non-Governmental Organisations (known as the "NGO Law") – contains significant ambiguities which have not yet been fully defined as to their constitutionality by the Constitutional Court. In this context, they stated that, although the possibility of promoting legislative reform to address these issues had been considered, the time for doing so had passed.

Regarding the Foundation Against Terrorism specifically, the authorities stated that the current government does not share the approach of the NGO Law, which permits the suspension or cancellation of organisations via administrative procedures. They noted that the Executive had decided not to pursue the cancellation of the foundation, as it considered that applying this regulation could set a dangerous precedent, potentially enabling the arbitrary dissolution of democratic organisations and civil society in the future.

c) Protection policies

When asked about policies for protecting human rights defenders, the authorities said that the current protocol, Ministerial Agreement 160-2020, had been revised based on accumulated experience, incorporating dedicated units for risk analysis and situational assessment to provide personalised security measures.

They also reported the reactivation of a unit to analyse attacks against indigenous peoples. However, shortcomings were noted in relation to the underreporting of complaints and the inaction of the Public Prosecutor's Office. The authorities stated that they were developing a new, specific protection policy for human rights defenders, which was approved in November 2025 and is discussed below. This policy takes an intersectional approach, recognising the vulnerability of lawyers who support communities.

During the meeting with the Delegation, the authorities emphasised that they had begun to record crimes against lawyers' lives during 2024 and 2025, information which was shared after the Mission's visit. The registry records three cases in 2024 and eight in 2025, including the date and location of the incident and the name of the person attacked. However, the cause of the attacks is not always clear. In all cases, "firearm" is indicated, though the circumstances of the attacks are not explained.

Furthermore, recognising the fear many individuals feel when reporting crimes to the Public Prosecutor's Office, the Ministry of the Interior has established alternative complaint mechanisms, including a dedicated telephone line, noting that the National Civil Police is legally authorised to receive complaints. It was also reported that efforts are underway to utilise digital platforms to improve access to these services and to encourage lawyers to use these channels to initiate investigations and activate protection measures.

5. PRESIDENTIAL COMMISSION FOR PEACE AND HUMAN RIGHTS

The Presidential Commission for Peace and Human Rights ('COPADEH') is an entity attached to the Presidency of the Republic. It is composed of six ministries, two secretariats, and the Office of the Attorney General of the Nation ('PGN'), and its mandate is to strengthen inter-institutional coordination on human rights, compliance with judgments and decisions of international protection systems, and the formulation and implementation of public peace policy.

During the interviews conducted by the Delegation, various stakeholders identified **insufficient human and financial resources** as COPADEH's main weakness, as well as persistent difficulties in complying effectively with the precautionary measures granted by the Inter-American Commission on Human Rights ('IACHR') in favour of justice operators and human rights defenders.

When asked about the main institutional challenges, the authorities at COPADEH indicated that, prior to the approval of the new Policy for the Protection of Human Rights Defenders in November 2025, Ministerial Agreements 214-2024 and 197-2025 were already in force. The former created the body responsible for analysing attacks against indigenous peoples and human rights defenders, while the latter approved the regulations for this body. They also reported on the formation of three

specific working groups within this body, focusing on ancestral authorities, journalists and human rights defenders. The authorities emphasised the importance of the new policy, agreeing that the main challenges to its implementation lie in **strengthening the technical teams and ensuring an adequate, sustainable budget**. Concerning the situation of justice operators, they referred to ongoing collaboration with the Guatemalan Bar Association.

With regard to differentiated approaches, the authorities emphasised the efforts of the **working group focused on indigenous peoples**, acknowledging the complexity of the matter and the substantial escalation in the criminalisation of indigenous communities in the past five years. They also indicated that there are still significant shortcomings in the human rights training of security forces.

Regarding the gender perspective, the authorities emphasised **the need for a comprehensive approach to identify and address the specific risks faced by women human rights defenders**. They recognised that, beyond criminalisation, women are often subjected to aggravated forms of violence and stigmatisation. However, they admitted that this approach is not yet fully developed and will need to be implemented by the team responsible for enforcing the new policy.

Finally, with reference to compliance with precautionary measures, COPADEH reported that thirty-eight measures were in force at the time of the interview, most granted in favour of human rights defenders, and some more recent measures benefiting indigenous communities. The authorities identified limited coordination with the justice system as the principal obstacle to effective compliance.

Public Policy for the Protection of Human Rights Defenders 2025–2035

In November 2025, the Government of Guatemala approved the Public Policy for the Protection of Human Rights Defenders (2025–2035), in compliance with the Inter-American Court of Human Rights' ruling in the case of Human Rights Defenders and Others v. Guatemala, issued on 28 August 2014. Formulation of the policy began in 2016, was interrupted in 2018, and subsequently resumed until final approval in 2025.

Responsibility for the policy lies with the Ministry of the Interior, while the Presidential Commission for Peace and Human Rights ('COPADEH') is in charge of coordinating its implementation as the Secretariat of the Coordinating Council.

The policy is structured around three strategic objectives:

1. Establishing mechanisms to prevent risks, threats and attacks against human rights defenders.
2. Creating and implementing a comprehensive protection system for human rights defenders with a differentiated approach.
3. Strengthening inter-institutional coordination, particularly within the justice sector, to guarantee effective access to justice and comprehensive, dignified reparations for defenders.

Adopting this policy represents a significant regulatory advance in fulfilling the State's international obligations. However, its effectiveness will depend on sufficient budget allocation, specialised technical resources, and clear implementation and accountability mechanisms. It is also essential that the policy incorporates a differentiated approach that takes into account the specific risks faced by legal actors, as well as the aggravated effects of gender and ethnic-racial discrimination.

6. OFFICE OF THE ATTORNEY GENERAL OF THE NATION

During the interviews conducted by the Mission, various legal actors pointed out that the Office of the Attorney General of the Nation (*Procuraduría General de la Nación*, 'PGN') should play a central role as guarantor of the rule of law. However, they stated that its actions are limited by the climate of fear and that, in some cases, it aligns itself with or acts as an adjunct to the Public Prosecutor's Office, particularly in contexts of criminalisation.

The PGN acts as the legal representative of the State and provides legal advice to State bodies, in accordance with the functions established in the Constitution and its current regulations. As **it currently lacks its own organic law**, its powers are mainly regulated by Decree 512, a regulation in force since 1948 that also governs the Public Prosecutor's Office. This decree confers on the PGN the legal representation of the Nation, the representation and defence absent persons, minors, and persons with disabilities, as well as the duty to uphold the rights of the Nation in all cases in which it is a party.³⁷ This regulatory framework has led to **divergent interpretations of the scope of its powers**, with tangible effects on its actions in criminal cases linked to criminalisation processes.

³⁷ [Decree 512, Arts. 1, 12 and 13.](#)

According to PGN authorities, its involvement in criminal matters is limited and generally takes the form of acting as an aggrieved party, representing exclusively the interests of the State. Participation as a plaintiff is exceptional and occurs mainly in cases involving children and adolescents. In this regard, they pointed out that although in certain circumstances the PGN may adopt positions favourable to the accused—for example, opposing the continuation of the proceedings or requesting alternative measures to pretrial detention—this is only possible when such action is compatible with the protection of the State’s interests.

Various interviewees argued that the PGN **should take a more active role in defending legality and due process guarantees**, in accordance with the provisions of Article 1 of Decree 512, which assigns it the function of “promoting the necessary steps to obtain the proper and prompt administration of justice.” They pointed out that the institution could speak out against practices such as undue delay in proceedings, abusive use of judicial confidentiality, or disproportionate application of pretrial detention.

When consulted on these issues, PGN authorities acknowledged that, when they take positions questioning the continuation of certain proceedings or request alternatives to imprisonment, the Public Prosecutor’s Office may request their exclusion from the proceedings on the grounds that the conditions for their participation as an aggrieved party no longer exist. This situation exposes the PGN to the risk of being relegated to a merely passive role. Added to this is the risk of institutional reprisals, including the opening of criminal investigations for alleged crimes such as abuse of authority or breach of public duties. In this context, threats and legal actions against PGN lawyers have been reported, as well as the promotion of preliminary proceedings against the head of the PGN.

In this context, various stakeholders agreed on **the need to provide the PGN with an organic law that would update and clarify its institutional mandate**. Decree 512 seems inadequate for the institution’s current functions and organisational structure. On 3 December 2025, the Congressional Justice Sector Reform Commission therefore issued a favourable opinion on Initiative 6594, which proposes the approval of the Organic Law of the Office of the Attorney General of the Nation. Debating this bill provides an opportunity to define the institution’s functions more precisely, strengthen its role in defending the State’s interests, and consolidate its role as guarantor of the proper administration of justice. This would overcome the limitations of the current regulatory framework.

7. HUMAN RIGHTS OMBUDSMAN

The role played by the Human Rights Ombudsman’s Office (*Procuraduría de los Derechos Humanos*, ‘PDH’) under its current administration was repeatedly criticised by those interviewed by the Mission. They highlighted a tendency towards institutional passivity and a retreat from exercising its powers, which has weakened its ability to respond to human rights violations affecting justice actors and other individuals at particular risk.

In accordance with the Political Constitution of Guatemala and Decree 54-86, the PDH is mandated to investigate complaints of human rights violations, publicly censure acts contrary to constitutional rights and promote judicial or administrative action where appropriate.³⁸ However, several interviewees agreed that the institution has adopted a **restrictive interpretation of its functions based on a “non-interference” doctrine in judicial matters**, resulting in a lack of intervention in practice.

When questioned by the Delegation about this stance, the Ombudsman repeatedly invoked the principle of judicial independence to justify its refusal to rule on or take action in cases involving alleged violations of due process. Regarding judicial delays, the Ombudsman stated that it is the responsibility of the judiciary to manage the workload of the courts, and that the PDH has not issued any specific statements on the matter. Various actors questioned this position, pointing out that administrative supervision and monitoring of respect for fundamental guarantees do not constitute undue interference in the judicial function, but rather form part of the PDH’s constitutional mandate.

In this context, it is also noteworthy that **the Ombudsman refused to recognise the existence of a pattern of persecution against judges, prosecutors, and other legal actors**, despite public documentation of criminalisation and forced exile. In response to the persecution of defence lawyers, the Ombudsman’s position has been to shift responsibility to the victims themselves or to the profession, suggesting that criminalisation is often linked to a lack of “ethics” or the nature of the clients defended. This attitude not only dismisses the seriousness of institutional harassment, but also ignores the abusive use of criminal law to neutralise legal actors.

Although the PDH claims to have specialised units monitoring the situation of human rights defenders, judges, and journalists, those interviewed considered that their impact has been limited given the scale and systematic nature of the current crisis. The institutional response is largely confined to general exhortations to strengthen the “culture of reporting”, without the development of effective protection mechanisms capable of breaking cycles of retaliation. During the interview with the Delegation, **the institution declared itself incompetent to address acts that may constitute criminal offences**, indicating that such complaints are referred to the Public Prosecutor’s Office, thereby fragmenting victim protection and diluting its oversight role in safeguarding human rights.

When consulted by the Delegation on particularly sensitive cases, such as the application of the Organised Crime Act to indigenous leaders and authorities, the Ombudsman avoided analysing or commenting on the possible misuse of this legislation, deferring such assessments to the technical defence of the accused.

During its meeting with the Mission, the PDH undertook to provide disaggregated statistical information on reports of human rights violations and attacks against human rights defenders.

³⁸ Decree 54-86, Art.13 (c), (e) and (f).

However, this information was not provided, thereby limiting the possibility of external evaluation of its performance and reinforcing concerns regarding transparency and accountability.

Taken together, the elements identified **reveal a significant gap between the legal mandate of the Human Rights Ombudsman's Office and its effective performance** in the current context.

8. THE BAR ASSOCIATION

The Bar Association of Guatemala (*Colegio de Abogados y Notarios de Guatemala*, 'CANG') is of particular relevance to the objectives of this report and was a central topic in both the meetings held with legal professionals and the meeting with representatives of the Board of Directors that assumed office this year. These meetings addressed issues related to the role of the Association in electoral processes, the defence of the profession, professional training and continuing education, as well as ethics and the disciplinary system.

The CANG plays a decisive role in the Nominating Commissions responsible for selecting judicial authorities and other constitutional bodies. A representative elected by the Bar Association's General Assembly sits on the Nominating Commission for the appointment of magistrates to the Supreme Electoral Tribunal. Likewise, the General Assembly appoints both a sitting and an alternate magistrate to the Constitutional Court, while the President of the CANG is part of the Nominating Commission responsible for preparing the shortlist of candidates for the position of Attorney General. These powers give the Bar Association significant influence over the shaping of the justice system and the country's institutional framework.

a) The Board of Directors

The CANG Board of Directors is the professional association's highest executive and administrative body. It is responsible for the association's management, administration and institutional representation, in accordance with the Compulsory Professional Association Law and the association's own internal statutes.

A significant proportion of the legal professionals interviewed gave a positive assessment of the new authorities. However, various sectors pointed out that the Board of Directors is still perceived as being heavily influenced by political dynamics rather than primarily oriented towards defending and protecting the legal profession. Against this backdrop, concerns were raised once more about the transparency of internal electoral processes, particularly with regard to the origin and management of campaign funding, and the importance of bolstering institutional safeguards to ensure impartiality, transparency, and the meaningful involvement of members was emphasised as crucial for maintaining the CANG's legitimacy.

The current Board of Directors stated that they are aware of their responsibilities and expressed their intention to establish the Association as a transparent and objective organisation that promotes suitable candidates in the appointment processes in which it is involved, prioritising integrity, independence, and technical capacity in its selection criteria. The authorities also explained that the CANG Electoral Tribunal exercises its functions autonomously and is responsible for organising and supervising internal electoral processes, as well as tabulating and certifying results. These results are subsequently validated by the Board of Directors in accordance with the information provided by the Electoral Tribunal. In this context, the current administration affirmed its commitment to ensuring that the Electoral Tribunal acts without any external or internal pressure and with full respect for its functional independence.

However, critical perceptions persist within the profession, describing the CANG as a predominantly political body rather than an organisation actively defending lawyers and notaries, particularly in a context marked by criminal proceedings against lawyers linked to the legitimate exercise of their professional functions. Concern was also expressed regarding **the lack of clear and public institutional statements on cases of criminalisation of legal professionals.**



17. Representatives of the Delegation and the Board of Directors of the Guatemalan Bar Association (CANG)

During the meeting with the Mission, the Board of Directors presented a **proposal to establish a legal assistance team to support lawyers and notaries facing prosecution** in the course of their professional work. This initiative was welcomed as a possible way of supporting those at risk of persecution. However, it was noted that the Bar Association has not formally intervened in specific cases, as it has not received formal requests to that effect, and that the requests received to date have been individual requests for hearings' attendance. It was also reported that five lawyers had offered pro bono services; however, the team has not yet been fully activated due to the members' existing professional commitments.

Following the visit, the Mission requested that the Board of Directors send the legal assistance plan, receiving in response that the project is still in the drafting stage. Against this backdrop, there is a clear need to define the project's scope, eligibility criteria and implementation schedule more precisely, in order to ensure its effectiveness and bolster the profession's confidence in the CANG's commitment to defending it.

In terms of professional training and continuing education, the reactivation of the Bar Association's long-neglected academic unit was viewed positively. The current administration reported that it has

promoted agreements and a regular schedule of activities, including weekly lectures delivered by experts in various areas of law, open to members of the profession.

Regarding the adoption of specific measures in favour of lawyers belonging to historically discriminated groups, **no clearly structured institutional policies or actions were identified that address the discrimination faced by indigenous lawyers.** In terms of gender, however, **the approval of a mentoring programme aimed at promoting equity and empowerment in professional practice was noted.** This initiative pairs experienced female professionals with early-career female lawyers, offering them guidance, support and opportunities to develop their skills.



18. Representatives of the Delegation and the Board of Directors of the Guatemalan Bar Association (CANG)

Pressure against the CANG - The case of Eduardo Masaya

The electoral process for the renewal of the Board of Directors was marked by undue pressure and interference. On 28 January 2025, the date on which List 10 was officially presented to compete in the election, Eduardo Masaya, a candidate for the Board of Directors, was arrested at the end of the registration process. The Public Prosecutor's Office charged him with the crime of falsification of documents relating to his work as a notary in preparing membership forms for the *Movimiento Semilla* party.

The charge is linked to a material error detected in seven of approximately ten thousand forms submitted, in which the reverse side of the document lacked the required declaration; one of those sheets bore his signature. According to Masaya himself, the criminal action was intended to exclude the party from the electoral contest on the grounds that the detention of one of its members could result in the entire group being disqualified.

Although the alleged offence allows for alternatives to pretrial detention, Masaya remained in custody for approximately six months. After spending one night in a court cell, he was transferred to the Mariscal Zavala Military Detention Centre, where he remained from January to the end of May. He was subsequently sent to the Zone 18 Centre. During that period, he was transferred several times between different detention centres, including maximum security facilities, and in some cases was held alongside persons prosecuted or convicted of serious crimes. The successive transfers between detention centres were allegedly used as a means of pressure aimed at encouraging him to accept the charges, in a context in which similar exhortations were also made during hearings, reportedly by counsel for the Foundation Against Terrorism. Masaya filed a complaint regarding these actions with the CANG Court of Honour, which has not progressed.

Despite these events, the Electoral Tribunal allowed the party to participate in the elections, and it won in the second round. However, the new Board of Directors faced additional obstacles in taking office. This process was accompanied by public statements from officials of the Public Prosecutor's Office questioning the legitimacy of the assumption of office, as well as a series of delays that complicated the transfer of functions. Legal actions were brought to prevent the inauguration, including attempts to suspend the inauguration ceremony. Ultimately, it was necessary to seek constitutional relief (amparo proceedings) to enable the transfer of power and ensure institutional continuity.

Subsequently, following the decision to commit the case to trial and the transfer of the case file to a sentencing court, Masaya was placed under house arrest in June 2025, with the obligation to report periodically to the judicial authorities and a prohibition on leaving the country without authorisation. In this context, he was able to assume the position of deputy secretary of the Board of Directors. The oral trial is scheduled to begin in April 2026 before the Seventh Criminal Sentencing Court.

Undue interference in the CANG process for the appointment of Constitutional Court magistrates

At the time of finalising this report, the Mission became aware of new pressure being exerted on the CANG in the context of the electoral process for the appointment of the permanent and alternate magistrates who will make up the Constitutional Court. On 12 February 2026, officials from the Public Prosecutor's Office carried out raids on polling stations set up for the CANG's election, arguing that they had received reports of the use of false ID cards, without providing further details as the case was confidential.

The operation was carried out by the Prosecutor's Office for Crimes against Justice Operators and Trade Unionists, under the direction of prosecutor Leonor Morales Lazo. These actions were publicly questioned by the United Nations Special Rapporteur on the independence of judges and lawyers,³⁹ the Special Mission of the Organisation of American States for the Strengthening of Democratic Institutions in Guatemala,⁴⁰ as well as by various civil society organisations⁴¹ which expressed concern about their impact on union autonomy and the transparency of the electoral process.

It was also reported that Patricia Elizabeth Gámez Barrera, the president of the CANG's Board, was publicly searched and asked to surrender her personal mobile phone in the context of the electoral process. Press coverage of the operation was restricted, with journalists expelled from the room where voting was taking place when the raid began. These events, which occurred in the context of an election relating to the composition of the Constitutional Court, raise serious concerns regarding respect for institutional autonomy, freedom of the press, and the absence of undue interference in electoral processes of constitutional significance.

³⁹ SRIJL, statement on social network X, 12 February 2026. <https://x.com/SRjudgeslawyers/status/2022074862127493547?s=20>

⁴⁰ OAS Special Mission in Guatemala, OAS Mission in Guatemala condemns intervention by the Public Prosecutor's Office in the vote by the Bar Association and Notaries in the election to the Constitutional Court, Press Release C-021/26, 12 February 2026.

⁴¹ Prensa Comunitaria, [Civil society condemns Public Prosecutor's Office operations in the CANG](#), 13 February 2026.

b) The Court of Honour

The Court of Honour is CANG's disciplinary body, responsible for hearing and sanctioning ethical violations committed by lawyers and notaries in the exercise of their profession. Its institutional function is to uphold professional ethics, preserve the honour of the Bar, and maintain public confidence in the justice system through disciplinary procedures regulated by the statutes and internal rules of the Association.

However, various sectors of the legal profession and civil society have expressed concerns about the functioning of the Court of Honour, particularly in contexts of high institutional conflict. Among the main criticisms are its **lack of effective independence**—stemming from the politicised manner in which its members are appointed—as well as **the opacity of certain disciplinary procedures and the absence of uniform criteria in the imposition of sanctions**.

The Mission was also informed that complaints filed against lawyers who allegedly contributed to criminalisation processes—for instance, by filing allegedly spurious complaints or exerting pressure to induce acceptance of charges—had not resulted in disciplinary sanctions. This situation reflects **unequal treatment and a lack of effective response to conduct that undermines professional ethics** and the proper functioning of the justice system.

These weaknesses are particularly relevant in a context of criminalisation of legal defence, independent professional practice, and human rights activism. Proceedings before the Court of Honour can be perceived—and in some cases used—as **mechanisms to pressure or deter lawyers handling sensitive cases, challenging state actions, or participating in strategic litigation**. This perception contributes to a climate of fear and self-censorship within the profession, affecting the free and independent practice of law.

This situation raises concerns regarding the right to defence, freedom of expression, and the professional independence of lawyers, as recognised in international standards. In this context, strengthening due process guarantees, transparency, and impartiality in the actions of the Court of Honour is essential to prevent its instrumentalisation and to foster an institutional environment that promotes legality, rights protection, and the rule of law.

The Mission formally requested an interview with the Court of Honour to gather information on its functioning and the criteria applied in disciplinary proceedings; however, this request went unanswered, limiting the possibilities for dialogue and direct verification.

9. UNIVERSITIES

Beyond their traditional role in training legal professionals, **universities play a strategic institutional role in Guatemala due to their direct participation in the Nominating Commissions.** Under the current regulatory framework, universities, through their academic authorities, sit on these commissions alongside representatives from other sectors, giving them significant influence in shaping the leadership of the justice system.

In relation to upcoming elections, the rector and dean of law at the University of San Carlos de Guatemala (*Universidad de San Carlos de Guatemala*, ‘USAC’) and a representative of the rectors of private universities form the nomination commission for the Supreme Electoral Tribunal (‘TSE’). The USAC University Council must appoint a full magistrate and an alternate for the Constitutional Court, while the twelve deans of the law faculties comprise the nomination commission for the Attorney General.

Several interviewees questioned this institutional design, pointing out that it has contributed to **the growing politicisation of university governing bodies**, with effects felt both in academic life and in the selection of judicial authorities.

According to the information gathered, internal electoral processes in universities—particularly within law faculties—are frequently marked by conflicts, factionalism, and political alignments, making it difficult to elect authorities based on merit, independence, and technical capacity. These dynamics tend to favour the formation of blocs aligned with certain power groups, directly impacting the functioning of the Nominating Commissions and, consequently, the independence of the justice system.

Regarding legal education, interviewees expressed **widespread concern over a significant decline in the quality of initial training for legal professionals.** Persistent deficits were highlighted in fundamental subjects such as human rights, professional ethics, and gender perspective. Overall, legal education remains predominantly formalistic and does not adequately prepare students for practicing law in complex contexts with high levels of institutional conflict.

This situation is exacerbated by the **proliferation of private law schools, commonly referred to as “cardboard universities.”** Many of these institutions were created without a solid academic foundation and, in some cases, for predominantly political purposes, such as securing representation on the Nominating Commissions, rather than ensuring quality legal education.

Various actors pointed out that the Council for Private Higher Education (*Consejo de Enseñanza Privada Superior*, ‘CEPS’), the body responsible for authorising and supervising private universities, is perceived as an entity whose work is limited to formal control of administrative requirements, without

exercising substantive and continuous evaluation of the academic quality, curricula, teaching staff, or institutional practices of these universities. The absence of effective oversight and accountability mechanisms contributes to the reproduction of poor educational standards, which has a direct effect on the quality of professional practice and, indirectly, on the functioning of the justice system.

University of San Carlos of Guatemala

Founded over 350 years ago, the University of San Carlos of Guatemala ('USAC') is the country's only public university, with a national presence of more than 100,000 students, including over 15,000 enrolled in the Faculty of Law. Its significance is recognised in the Constitution⁴² and is reflected in its participation in the Nominating Commissions for the election of senior justice sector officials.⁴³



19. Representatives of the Delegation and academic staff, students, and trade union representatives of the USAC

The information gathered by the Mission reveals deep concern regarding the **politicisation of USAC and its progressive instrumentalisation as a platform to influence key justice sector appointments.** This phenomenon was particularly evident during the 2022 rector election, which resulted in the appointment of Walter Mazariegos amid strong criticism from broad sectors of the university community.



20. Representatives of the delegation and academic staff and students at the USAC

Various sources reported substantial irregularities, including the exclusion of opposition electoral bodies, disregard for previously issued results, and restricted access to voting premises through the intervention of security forces and shock groups. Consequently, **broad sectors of the university community described the process as fraudulent.**

In response, students, teachers, university staff, and union representatives engaged in peaceful mobilisation, including the occupation of university facilities between May 2022 and June 2023, demanding the annulment of the electoral process and respect for institutional order.⁴⁴

⁴² Political Constitution of the Republic of Guatemala, 1985, Arts. 82–86.

⁴³ Political Constitution of the Republic of Guatemala, 1985, Art. 269.

⁴⁴ IACHR, Report on the Situation of Human Rights in Guatemala 2025, [OEA/Ser.L/V/II Doc. 227/25](#), 2 November 2025, paras. 195–204.

During that period, at least 20 constitutional relief actions were filed due to irregularities in the electoral process, but none were successful.

According to the information gathered, the university mobilisation was followed by a pattern of labour, academic and criminal reprisals, including the dismissal of workers—at least 98 union members—student expulsions (82 cases) and the initiation of criminal proceedings against students, teachers, union representatives and lawyers. The IACHR has noted the criminalisation of peaceful protests linked to the USAC electoral process.⁴⁵

At the same time, more subtle forms of persecution against students were reported, including administrative delays, obstacles to graduation, and digital harassment through the dissemination of images and personal data on social media.

In February 2025, the University Council ('CSU') implemented measures targeting teachers, students, and lawyers involved in legal proceedings against USAC. These processes, referred to as **"blacklists,"** imposed restrictions on academic and professional activities until the resolution of the proceedings and **included legal professionals who provided legal advice services, thereby affecting both the free exercise of the legal profession and the legal defence of rights.**

Case "USAC Takeover: Political Spoils"

The case known as "USAC Takeover: Political spoils" ("*Toma Usac: Botín Político*") brings together the criminal proceedings initiated by the Public Prosecutor's Office in relation to the university mobilisation that took place between 19 May 2022 and 9 June 2023. On 16 November 2023, the Public Prosecutor's Office reported that 31 raids had been carried out and 27 arrest warrants issued against students and student leaders, teachers and academic staff, trade union representatives and lawyers who had provided legal advice to people involved in the protest.⁴⁶ The crimes initially charged included sedition, unlawful association, destruction of cultural property, and aggravated trespassing. Subsequently, some criminal charges were dropped; however, the criminal proceedings continue to move forward.

The indictment has been described by those interviewed as generic and lacking in individualisation of conduct, reproducing identical formulations for multiple defendants. In several cases, the evidence base consists of call records, social media posts, or presence on university premises during the protest period.

Additionally, requests were made to lift the immunity of members of parliament and elected officials linked to political parties, and attempts were even made to implicate officials from the elected executive branch, which was perceived as an extension of the university conflict to the national level. The case is being heard in the Tenth Court of First Instance, under the responsibility of Judge Víctor Cruz. Several of the accused are under house arrest, while others have chosen to leave the country due to the risk of new arrest warrants.

⁴⁵ IACHR, Annual Report 2023: Guatemala, [OEA/Ser.L/V/II Doc. 386](#), 21 December 2023.

⁴⁶ See the case of Ramón Cadena, [Section II.2.b](#)) of this report.

10. CIVIL SOCIETY ORGANISATIONS AND THE LEGAL PROFESSION

In the current Guatemalan context, **various private actors have actively contributed to promoting and intensifying criminal proceedings** against justice operators, lawyers, journalists, human rights defenders, and community leaders. These actors include organisations linked to political, economic, or military sectors, which have filed criminal complaints, requested preliminary hearings, and initiated legal actions in cases of high public impact.

Foundation Against Terrorism

The Foundation Against Terrorism ('FCT') was created in 2013 with the stated purpose of providing legal assistance and advice to former members of the state security forces. Since then, it has played an active role in promoting criminal complaints against justice operators, public officials, journalists and human rights defenders. It has also intervened as a adhesive plaintiff in multiple legal proceedings and has promoted public campaigns to target and delegitimise actors linked to investigations into corruption or serious human rights violations committed during the internal armed conflict.

As a result of its malicious actions, the FCT and its authorities have been subject to international sanctions, including measures adopted by the European Union⁴⁷ and by various states, who have deemed the FCT's activities to be undermining the rule of law and judicial independence in Guatemala.

In contrast to this dynamic, **civil society organisations and independent lawyers have played a central role in both defending human rights and representing criminalised individuals** amid the current context of institutional deterioration. Their work takes place in an increasingly hostile environment, marked by public stigmatisation, the initiation of criminal and administrative investigations, and narratives linking certain social actors to destabilising agendas or alleged criminal structures.

Lawyers working with these civil society organisations have faced criminal complaints, smear campaigns, and public accusations of obstructing justice or acting for political purposes. Added to this are administrative and financial measures used to monitor and, in some cases, restrict the operations of civil society organisations, including controls over their legal status, funding, and activities.

⁴⁷ European Commission, [EU sanctions tracker, Foundation against Terrorism](#), 12 June 2025.

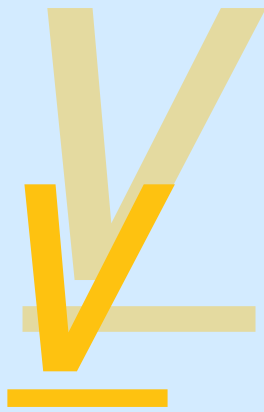
This environment contributes to a climate of **pressure that undermines professional independence and the right to defence.**

Within this context, the Mission noted the presence of a **legal profession committed to defending the constitutional order and providing technical representation to unjustly criminalised individuals** who, despite significant pressure, continue to exercise their duties in accordance with the law, safeguarding the right to defence.



21. Representatives of the Delegation and lawyers, Quetzaltenango

Particularly noteworthy is the work of indigenous organisations and law firms, which have developed defence strategies and community coordination mechanisms to confront criminalisation linked to the protection of territory and collective rights. These groups not only provide legal representation but also integrate intercultural and community-based approaches, articulating state law with indigenous normative systems.



CONCLUSIONS

This report demonstrates the existence of a sustained **pattern of persecution against legal actors** involved in high-impact investigations into corruption and serious human rights violations in Guatemala. This pattern is manifested through harassment, threats, intimidation and smear campaigns. These frequently precede criminalisation processes that disregard fundamental guarantees of due process and a fair trial.

Forced exile emerges as a consequence of these repressive practices, leaving targeted individuals with the choice of leaving the country or facing arbitrary detention and prolonged, uncertain criminal proceedings. **Such conditions constitute a form of “civil death,”** with severe impacts on access to employment, professional reputation, family life, and social participation.

Lawyers, judges, prosecutors, and former justice officials play a central role in guaranteeing human rights and maintaining democratic balance. Precisely because of these functions, they have become targets of systematic attacks. These attacks compromise both personal security and institutional independence and simultaneously reflect and exacerbate the ongoing crisis of the rule of law.

Criminalisation functions as a tool of intimidation and silencing, producing a chilling effect that fosters self-censorship, discourages the acceptance of certain cases, and prompts more cautious litigation strategies. In this context, **practising law and exercising judicial functions have become high-risk activities subject to constant surveillance.** These patterns not only jeopardise the rights of persecuted individuals but also undermine the general population’s access to justice and effective judicial protection.

The report also documents persistent differentiated **patterns of persecution against historically discriminated groups**, particularly women and indigenous peoples. Structural racism and sexism continue to shape access to justice and judicial outcomes. Indigenous lawyers face specific forms of violence both inside and outside court proceedings, while women lawyers and justice operators encounter compounded persecution—both for their professional work and for their gender—including

misogynistic attacks and smear campaigns that are not experienced to the same extent by their male counterparts.

The Public Prosecutor's Office, in coordination with certain judges, is a central actor in these dynamics. The Mission has identified the existence of a **network of institutional co-optation** that influences the selection and tenure of judicial and prosecutorial authorities, as well as internal disciplinary mechanisms.

These practices have created an **climate of fear throughout institutions and sectors of society**, producing a chilling effect and weakening the checks and balances that are vital for the rule of law. The absence of effective institutional responses reflects both the capture of strategic spaces and the reluctance of some bodies to exercise their powers independently.

This pattern is further reinforced by the use of criminal law as a mechanism to exert **pressure and influence electoral processes**. This is particularly concerning in the context of the ongoing elections for the Supreme Electoral Tribunal, the Constitutional Court, and the Attorney General, as it undermines the autonomy and integrity of institutions that are fundamental to the functioning of democracy.

Rather than advancing the recommendations of the United Nations Special Rapporteur on the Independence of Judges and Lawyers, following her official visit in May 2025, and of the Inter-American Commission on Human Rights, following its visit in July 2024, the current context shows significant setbacks—particularly regarding judicial independence and the protection of lawyers and justice operators.

The facts documented in this report reveal the systematic failure to comply with various international human rights obligations undertaken by the State of Guatemala, including those protected by the **American Convention on Human Rights** ('ACHR') and the **International Covenant on Civil and Political Rights** ('ICCPR'). Among these, the following stand out:

- » **The right to personal liberty** (Art. 7 ACHR; Art. 9 ICCPR), violated through arbitrary detentions and the disproportionate use of pretrial detention.
- » **The right to judicial guarantees and due process** (Art. 8 ACHR; Art. 14 ICCPR) and the **right to judicial protection** (Art. 25 ACHR), undermined by a lack of independence, impartiality, and effective remedies.
- » **The right to personal integrity** (Art. 5 ACHR; Art. 7 ICCPR) and the **right to honour and dignity** (Art. 11 ACHR; Art. 17 ICCPR), threatened by harassment, intimidation, and stigmatisation campaigns.

- » **Freedom of expression** (Art. 13 ACHR; Art. 19 ICCPR), **freedom of association** (Art. 16 ACHR; Art. 22 ICCPR), and **the right to peaceful assembly** (Art. 15 ACHR; Art. 21 ICCPR), compromised by the chilling effect on legal actors and human rights defenders, the criminalisation of social protest, and the use of criminal law to discourage participation in peaceful demonstrations and collective actions

- » **The right to equality and non-discrimination** (Arts. 1.1 and 24 ACHR; Arts. 2 and 26 ICCPR), particularly affecting women and members of indigenous peoples.

According to these instruments, the State has not only a negative obligation to refrain from unduly interfering with the exercise of the defence and the judicial function, but also a positive obligation to prevent, investigate, punish, and redress acts of intimidation and harassment, even when they come from private actors; obligations that have also been breached.

Furthermore, the facts documented in this report contradict the **United Nations' Basic Principles on the Role of Lawyers** (the Havana Principles), which state that lawyers should be able to carry out their work free from intimidation or retaliation, and should not be associated with the causes they defend. They also contradict the **Basic Principles on the Independence of the Judiciary**, which enshrine the **obligation to ensure an independent and impartial judiciary**, and the **Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Human Rights**, which protects the right to promote and protect human rights without fear of retaliation.

In summary, the present report does not merely document isolated cases of this phenomenon; rather, it provides evidence of a pattern of structural deterioration that undermines the very foundations of the constitutional rule of law. The restoration of judicial independence, the cessation of undue criminalisation, and the guarantee of safe conditions for the practice of law and the defence of human rights are not only international legal requirements;

**THEY ARE CRUCIAL CONDITIONS FOR THE FUNCTIONING OF DEMOCRACY AND PUBLIC
CONFIDENCE IN THE JUSTICE SYSTEM.**



RECOMMENDATIONS

The patterns described in this report call for coordinated measures to restore the proper functioning of institutions, safeguard judicial independence and the free exercise of the legal profession, and create conditions for the safe and dignified return of persons forced into exile.

The following recommendations build on the international standards outlined in the previous section, as well as on the recommendations already issued by the United Nations Special Rapporteur on the Independence of Judges and Lawyers (SRIJL) following her visit to Guatemala in May 2025, and by the Inter-American Commission on Human Rights after its on-site visit in July 2024.

This report does not seek to restate those recommendations in full. Rather, it aims to underscore the aspects that are particularly urgent in light of the documented findings and to complement existing recommendations with additional measures designed to reverse the patterns of persecution and institutional weakening described above.

**IT IS RECOMMENDED THAT THE STATE OF GUATEMALA,
INCLUDING ALL BRANCHES OF GOVERNMENT ACTING WITHIN THEIR
RESPECTIVE CONSTITUTIONAL POWERS AND RESPONSIBILITIES:**

1. Adopt structural measures to safeguard judicial and prosecutorial independence and ensure the proper functioning of institutions. In particular, the State should:

- » Promptly and effectively comply with the recommendations issued by the IACHR and the SRIJL to **undertake the necessary reforms to guarantee the separation of the administrative and adjudicative functions of the Supreme Court of Justice.**⁴⁸ In particular, the State should re-establish the Judicial Career Council as a truly autonomous oversight body, endowed with sufficient resources and operating under merit-based and transparent rules, and refrain from transferring or reassigning judges without their consent or proper justification.
- » Promptly and effectively comply with the recommendations issued by the IACHR and the SRIJL to **ensure that the appointment of senior judicial authorities and the Public Prosecutor's Office is conducted in accordance with international standards.**⁴⁹ In particular, guarantee the prior publication of selection criteria, public interviews, and independent assessments of candidates' performance; exclude candidates linked to corruption or organised crime; and ensure that criminal law is not used as a mechanism to intimidate members of the Nominating Commissions and candidates.
- » Incorporate the **principles of equality and non-discrimination throughout the organisation and functioning of the justice system.** In particular, promote the effective and representative participation of indigenous peoples in the judiciary, in Nominating Commissions and in decision-making spaces; and establish clear protocols and effective mechanisms to prevent, investigate, punish and eradicate gender discrimination and racism within the judicial system, including practices of delegitimation, stigmatisation or mistreatment directed at indigenous lawyers, justice operators and other legal professionals.

48 IACHR, Report on the Situation of Human Rights in Guatemala 2025, [OEA/Ser.L/V/II Doc. 227/25](#), 2 November 2025, para. 627 (3); Special Rapporteur on the Independence of Judges and Lawyers, [Visit to Guatemala, 12 to 23 May 2025, Preliminary Observations](#), 23 March 2025, p. 3.

49 IACHR, Report on the Situation of Human Rights in Guatemala 2025, [OEA/Ser.L/V/II Doc. 227/25](#), 2 November 2025, para. 627 (4); Special Rapporteur on the Independence of Judges and Lawyers, [Visit to Guatemala, 12 to 23 May 2025, Preliminary Observations](#), 23 March 2025, p. 2.

- » Guarantee the **independence and autonomy of the Guatemalan Bar Association ('CANG')**, by adopting the necessary measures to prevent undue interference, pressure or manipulation of its governing bodies, especially in the exercise of its constitutional functions related to the nomination and election of senior officials within the justice system.
- » **Adopt an Organic Law for the Office of the Attorney General of the Nation** that clearly defines and updates its institutional mandate, ensuring its central role as a guardian of the rule of law and defender of legality.
- » In addition, **a specific call is made to the Human Rights Ombudsman to fully exercise their constitutional and legal mandate** and to refrain from adopting restrictive interpretations that limit the institution's role in guaranteeing and overseeing respect for human rights.

2. Adopt effective measures to protect the professional practice of justice operators and lawyers and review criminalisation processes. In particular, the State should:

- » Effectively and promptly comply with the recommendations issued by the IACHR and the SRIJL aimed at **ending the misuse of the criminal justice system**.⁵⁰ In particular, establish a registry to identify cases of criminalisation based on spurious allegations and ensure their prompt dismissal; review the application of legal provisions such as judicial confidentiality and certain criminal charges applied inconsistently with international standards; review case assignment mechanisms; and conduct an independent assessment of the functioning of the Public Prosecutor's Office and its impact on human rights. Additionally, review the conduct of judges involved in such cases and initiate disciplinary proceedings where appropriate.
- » Adopt immediate measures to **ensure the prompt, independent, thorough, and impartial investigation of allegations of cruel, inhuman, or degrading treatment** suffered by persons deprived of liberty in the context of criminalisation processes, **as well as threats**—including those perpetrated in digital environments—documented in this report, ensuring that those responsible are identified and sanctioned in accordance with the law.

⁵⁰ IACHR, Report on the Situation of Human Rights in Guatemala 2025, [OEA/Ser.L/V/II Doc. 227/25](#), 2 November 2025, para. 627 (5), (6), (7) and (8); Special Rapporteur on the Independence of Judges and Lawyers, [Visit to Guatemala, 12 to 23 May 2025, Preliminary Observations](#), 23 March 2025, pp. 7–9.

- » Guarantee the right to **comprehensive reparation for persons who have been deprived of liberty** in the context of criminalisation processes, including measures of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, in accordance with international standards on State responsibility for human rights violations.
- » Adopt measures to ensure that **no legal entity is used as an instrument to promote undue criminalisation**, harassment or the instrumentalisation of the criminal justice system against justice operators, lawyers, and human rights defenders, including the opening of administrative investigations and, where appropriate, the application of sanctions in accordance with the law and with full respect for due process guarantees.
- » Ensure that **lawyers can practise their profession freely and independently, without intimidation, harassment, or reprisals for the performance of their work**, ensuring that they are not identified with the cases or persons they represent and that they have effective guarantees of security, confidentiality and free communication with their clients, in accordance with the United Nations Basic Principles on the Role of Lawyers.⁵¹ The State should also consider acceding to the Council of Europe Convention for the Protection of the Profession of Lawyer once it enters into force and becomes open to non-member States.
- » Ensure that **judges and prosecutors can perform their duties with full independence and impartiality, free from pressure, interference, threats, or reprisals** for the content of their decisions or actions, and guarantee adequate conditions of security and protection against any form of intimidation, in accordance with the United Nations Basic Principles on the Independence of the Judiciary.⁵²
- » Provide adequate **human and financial resources for the recently approved Human Rights Defenders Policy** and ensure the inclusion of differentiated approaches for legal actors, women and indigenous communities. Likewise, establish clear mechanisms for inter-institutional coordination for the implementation of precautionary measures granted by the IACHR and other decisions adopted by international human rights mechanisms, ensuring the effective participation of beneficiaries in the design and implementation of protection measures.
- » It is also recommended that the Board of Directors of the Guatemalan Bar Association ('CANG') advance the **formalisation and effective implementation of the announced legal support and assistance mechanism** for legal professionals at risk, clearly defining its scope, eligibility criteria and implementation schedule, in order to guarantee its operability and generate

⁵¹ United Nations Basic Principles on the Role of Lawyers, Principles 16, 17, 18, and 22.

⁵² United Nations Basic Principles on the Independence of the Judiciary, Principles 4, 11, 17, 18, 19, and 20.

confidence in the profession; enable a secure and confidential channel for reporting pressure, threats or interference related to professional practice; and adopt and promote urgent measures to prevent any form of disqualification, suspension or restriction of professional practice that may result from criminalisation processes.

- » In addition, the **Court of Honour of the Bar Association** should effectively comply, without delay, with the recommendations of the SRIJL regarding **strict compliance with professional ethics and anti-corruption standards**.⁵³ Ensure that disciplinary proceedings against lawyers are conducted before an independent and impartial body and are carried out promptly and fairly, in accordance with the ethical standards governing the profession and the United Nations Basic Principles on the Role of Lawyers.

3. Adopt comprehensive measures for the recognition, protection, redress, and safe return of persons in forced exile. In particular, the State should:

- » Design and implement, with the active participation of exiled persons, a comprehensive **state policy that guarantees the immediate cessation of arrest warrants, criminal proceedings and other forms of persecution** against legal actors in exile; facilitates their safe and voluntary return; and ensures their reintegration into the labour market.⁵⁴ Such a policy should also provide for comprehensive reparation measures, with a differentiated approach grounded in the principles of equality and non-discrimination. In this regard, establish comprehensive reparation measures that include, inter alia, reintegration into public service or professional practice, the lifting of financial or administrative restrictions resulting from undue criminalisation processes, and access to adequate psychosocial support services.
- » It is also recommended, in particular, that the Guatemalan Ministry of Foreign Affairs and the country's diplomatic and consular missions promote and coordinate **bilateral and multilateral cooperation mechanisms to guarantee dignified conditions for persons in exile while obstacles to safe return persist**. This should include facilitating immigration regularisation processes and ensuring access to health care, housing, employment, recognition of professional qualifications, and continuity of academic studies, as well as establishing permanent institutional channels of dialogue with host States to ensure protection and legal stability.

⁵³ Special Rapporteur on the independence of judges and lawyers, [Visit to Guatemala, 12 to 23 May 2025, Preliminary observations](#), 23 March 2025, p. 10.

⁵⁴ IACHR, Report on the Situation of Human Rights in Guatemala 2025, [OEA/Ser.L/V/II Doc. 227/25](#), 2 November 2025, para. 627 (9).

4. Strengthen the quality and independence of legal education and promote the effective application of international law:

- » Effectively and promptly comply with the recommendations of the SRIJL⁵⁵ regarding the **strengthening of the quality of legal education and the safeguarding of the independence of universities**, in particular the USAC. This should include the accreditation and periodic, transparent, and impartial evaluation of law schools, as well as the establishment of mandatory and continuous training and refresher programmes for law students and justice operators on human rights, judicial independence, equality and non-discrimination, gender perspective, legal pluralism, and the rights of indigenous peoples. Such measures should ensure the systematic and cross-cutting incorporation of international standards into legal education and professional training.

- » Comply with the recommendations of the IACHR⁵⁶ to ensure that the actions of the Public Prosecutor's Office and the judiciary are fully in line with inter-American human rights standards, guaranteeing the **effective exercise of conventionality control** at all jurisdictional levels.

⁵⁵ Special Rapporteur on the Independence of Judges and Lawyers, [Visit to Guatemala, 12 to 23 May 2025, Preliminary Observations](#), 23 March 2025, p. 4.

⁵⁶ IACHR, Report on the Situation of Human Rights in Guatemala 2025, [OEA/Ser.L/V/II Doc. 227/25](#), 2 November 2025, para. 627 (6) and (24).

THE INTERNATIONAL COMMUNITY IS URGED TO TAKE ACTION TO:

- » Adopt concrete and coordinated measures to promote **accountability for acts of criminalisation, harassment and interference with judicial independence** documented in this report. In particular, it is recommended to: explicitly incorporate the situation of judicial independence into bilateral and multilateral dialogues with the State; establish public and periodic monitoring mechanisms to assess compliance with international recommendations; make cooperation, financing, and technical assistance conditional on verifiable progress in judicial independence and the protection of justice operators; evaluate the adoption of individual measures—such as visa restrictions or targeted sanctions, in accordance with applicable legal frameworks—against persons responsible for serious violations of the rule of law; and support international observation initiatives in key processes, including the appointment and election of senior justice officials.
- » Increase **material, technical, and financial support to civil society organisations, professional associations, and academic networks** that document violations of judicial independence, accompany cases of criminalisation, and promote access to justice, ensuring that such support strengthens institutional capacity and the long-term sustainability of their work.
- » Ensure that **States receiving Guatemalan persons in forced exile** adopt agile, accessible, and context-sensitive procedures for migration regularisation and, where appropriate, the recognition of refugee status or other forms of international protection, taking into account documented patterns of criminalisation and persecution linked to professional practice in the justice sector. They are further encouraged to guarantee dignified reception conditions, including effective access to health care, housing, employment, education, and psychosocial services, as well as mechanisms for the recognition of academic and professional qualifications, enabling the continuity of professional and academic activities under adequate conditions.

IT IS RECOMMENDED THAT INTERNATIONAL HUMAN RIGHTS SYSTEMS:

- » Prioritise the **expedited processing of cases related to harassment, criminalisation, arbitrary detention, and forced exile of Guatemalan legal actors**, including the adoption of precautionary or provisional measures when necessary to prevent irreparable harm. They are also encouraged to maintain enhanced monitoring of compliance with their decisions and recommendations, including the establishment of specific follow-up mechanisms where structural patterns of non-compliance persist, thereby contributing to ensuring justice, reparation, and guarantees of non-repetition.

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