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Statement of the International Mission of Jurists for Guatemala regarding the appointment of the new Attorney General Gabriel García Luna

Following the appointment of Gabriel García Luna as the new Attorney General of the Republic and Head of the Public Prosecutor's Office of Guatemala, who will assume office on 18 May 2026, the International Mission of Jurists for Guatemala calls for the institutional transition process to take place in a peaceful, transparent manner, and in full respect of the constitutional order and democratic institutions.

The Mission also urges the new authorities of the Public Prosecutor's Office to adopt concrete, immediate and verifiable measures aimed at restoring the constitutional mandate of the institution to exercise criminal prosecution with objectivity, impartiality, independence, and strict adherence to human rights and international standards on the administration of justice. This is essential to restore institutional credibility, strengthen the rule of law, and guarantee access to independent justice for all people in Guatemala.

Findings of the International Mission of Jurists for Guatemala

The International Mission of Jurists for Guatemala is a joint initiative of the International Observatory for Lawyers at Risk (OIAD), Lawyers for Lawyers (L4L), the *Asociación de Abogados, Abogadas, Jueces y Fiscales de Derechos Humanos de América Latina y el Caribe* (AJUFIDH), *Asociación de Juezas y Jueces para la Democracia* (JJpD) and *Asociación Pro Derechos Humanos de España* (APDHE). The Mission carried out an independent, impartial and comprehensive verification exercise aimed at observing, documenting and assessing the situation of the justice system in Guatemala, with particular emphasis on the situation of the legal profession and judicial independence.

As a result of this work, the Mission published the report ["Climate of Fear: The Legal Profession and Judicial Independence at Risk"](#), which documents persistent patterns of harassment, criminalisation, arbitrary detention and forced exile targeting justice operators, lawyers and human rights defenders. The report concludes that these practices are not isolated incidents but structural dynamics aimed at undermining anti-corruption efforts, obstructing accountability for serious human rights violations, and limiting human rights defence.

The Mission's research documents how the criminal justice system has been instrumentalised through the filing of cases based on spurious complaints, the broad and disproportionate application of certain criminal offences, the misuse of judicial secrecy, and the systematic use of pre-trial detention as a mechanism of pressure. These practices are compounded by smear campaigns, digital harassment and public stigmatisation aimed at eroding the professional and social legitimacy of those performing essential roles in the administration and defence of justice.

Functioning of the Public Prosecutor's Office

The Mission found evidence of a sustained process of institutional capture that has particularly affected the Public Prosecutor's Office, undermining its independence and distorting its constitutional mandate to exercise criminal prosecution with objectivity and impartiality. Available information consistently indicates that the Public Prosecutor's Office has acted in a systematic manner to protect interests linked to corruption networks and certain power groups, through the arbitrary and selective use of the criminal justice system.

These practices have manifested, on the one hand, in selective criminal prosecution for political or electoral purposes — targeting members of nomination commissions, political candidates and elected officials — as well as the criminalisation of human rights defenders, justice operators, lawyers and Indigenous communities; and, on the other hand, in guaranteeing impunity through inaction, case dismissal, or lack of diligent investigation in cases involving powerful actors, as well as in cases where victims or complainants are justice operators, human rights defenders or Indigenous communities, which are quickly dismissed without proper investigation.

The Mission observed that this process of institutional capture intensified during the administration that began in 2018 and was consolidated following the re-election of the current Attorney General in 2022. It has been implemented through mass removals, transfers and dismissals of prosecutorial staff, seriously undermining guarantees of stability and independence in office, as well as institutional restructuring through the dismissal of heads of specialised prosecution units, including the Special Prosecutor's Office against Impunity (FECI), the Internal Affairs Prosecutor's Office, the Prosecutor's Office for Administrative Offences and other key units in the fight against corruption and impunity. The situation of FECI is particularly illustrative. This office — which played a central role in corruption investigations and transitional justice in coordination with the International Commission against Impunity in Guatemala (CICIG) — has been progressively dismantled and redirected towards the prosecution of those who previously led such investigations.

Continuation of criminalisation policies

The report documents multiple cases of criminalisation against lawyers, former prosecutors and judges who continue to face baseless criminal proceedings without due process and fair trial guarantees. These include lawyer Claudia González Orellana, whose trial hearing scheduled for 5 May 2026 was suspended for one year due to the absence of the Public Prosecutor's Office. Likewise, lawyer Ramón Cadena was arrested on 10 November 2025 despite voluntarily appearing before the authorities and was subsequently granted alternative measures. His intermediate hearing, scheduled for 11 May 2026, had to be rescheduled to August due to the absence of the Prosecutor's Office for Crimes against National Heritage, while the criminal proceedings against him remain ongoing. The report also highlights the situation of former prosecutor Stuardo Campos, who has been deprived of liberty since 2023 without an effective review of his legal situation, as well as Indigenous

leaders Luis Pacheco and Héctor Chaclán, who have remained in detention for more than a year and whose pre-trial detention was extended in April until 23 September 2026.

Similarly, the Mission notes with concern the situation of lawyers and justice operators who remain in exile due to ongoing criminal proceedings and outstanding arrest warrants against them. Particularly emblematic cases include Leily Santizo, Eva Siomara Sosa, Flor de María Gálvez, Paola Escobar, Virginia Laparra, Miguel Ángel Gálvez, Juan Francisco Sandoval and Thelma Aldana, who performed roles related to the administration of justice and whose criminalisation reached such a level that they were forced to leave the country. To date, the continuation of multiple criminal proceedings and the risk of arbitrary deprivation of liberty prevent them from returning to Guatemala under conditions that guarantee their effective right of defence, due process and access to independent and impartial judges.

Appointment and call to action

The Mission takes note that the work plan presented by Gabriel García Luna before the Nomination Commission proposes restoring the autonomy and credibility of the Public Prosecutor's Office, as well as reorienting prosecutorial policy towards objective criteria, prioritising high-impact cases related to corruption, organised crime and human rights violations.

This context represents a crucial opportunity to initiate an effective process of restoring the independence and credibility of the Public Prosecutor's Office through the adoption of concrete measures aimed at re-establishing its constitutional mandate to exercise criminal prosecution with objectivity, impartiality and respect for human rights.

Accordingly, we call on all State institutions to ensure that the transition and assumption of office by the new authorities take place with full respect for legality, institutional independence and democratic principles.

We also urge the new authorities to promote an institutional transformation aligned with the Constitution of Guatemala and international standards on judicial independence, due process and access to justice, in order to reverse the dynamics of criminalisation, institutional capture and misuse of criminal law documented in recent years.

In particular, we urge them to:

- Ensure that the transition process and assumption of office of the new Public Prosecutor's Office authorities are conducted transparently, publicly and in full respect of the constitutional and democratic order.
- Identify and review, through independent and impartial mechanisms, cases based on spurious or unfounded complaints, ordering their prompt dismissal and fully guaranteeing due process and the right to a fair trial.

- Urgently review the abusive use of pre-trial detention and promote judicial review of arbitrary detentions documented in cases involving justice operators, human rights defenders, journalists and Indigenous leaders.
- Ensure independent investigations into the functioning of the Public Prosecutor's Office and its human rights impact, including accountability processes for possible abuses, misuse of power or undue interference in prosecutorial functions.
- Review the application of legal provisions and procedural mechanisms used contrary to international standards, including the expansive use of certain criminal offences and other practices incompatible with the principle of legality and judicial guarantees.
- Ensure that prosecutors can perform their duties with full independence and impartiality, free from pressure, interference, threats or reprisals, and guarantee adequate safety and protection.
- Adopt measures aimed at restoring the technical capacity, independence and specialisation of the Public Prosecutor's Office, including strengthening specialised units and protecting staff who have faced reprisals for independent work.
- Ensure safe conditions for the return and professional practice of justice operators and lawyers in exile due to persecution or criminalisation.

The International Mission of Jurists for Guatemala reiterates that restoring judicial independence and the independence of the Public Prosecutor's Office is an essential condition for the rule of law, the fight against impunity, and the effective protection of human rights in Guatemala.