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28 August, 2019

GUATEMALA: OPEN LETTER TO ATTORNEY GENERAL

SUBJECT: CHALLENGES IN THE FIGHT AGAINST IMPUNITY

Dear Attorney General,

I am writing to you regarding the imminent closure of the International Commission against Impunity in Guatemala (Comisión Internacional Contra la Impunidad en Guatemala, CICIG) after 12 years of joint work with the Public Prosecutor's Office. These investigations enabled major advances to be made in emblematic cases - several of which are closely related to crimes under international law such as extrajudicial executions, or actions that affect the enjoyment of human rights, such as freedom of expression and the press, the right to health and judicial independence - which have raised many hopes for the future of justice in the country.

Amnesty International is monitoring closely what is happening in Guatemala. For the organization, the next steps that you as Attorney General take in support of the fight against impunity are extremely important. We hope that you will adopt, in a timely and diligent manner, all necessary measures to ensure that, where there is sufficient admissible evidence, cases already opened will reach their final conclusion. As you know, the existence of an independent, efficient and effective criminal investigation system, which enables all those suspected of criminal responsibility for crimes under international law or human rights violations to be brought to justice, is essential to guarantee and restore respect for human rights in Guatemala. This applies both in cases of direct violations of such rights and in situations where corruption may have a negative impact on the enjoyment of human rights.

Therefore, in the context of preparing the strategy of the Public Prosecutor's Office for continuing the fight against impunity, which is due to be announced on 29 August 2019, we would draw your attention to our recent report, *Last chance for justice: Dangerous setbacks for human rights and the fight against impunity in Guatemala*¹. In this report, Amnesty International made a series of recommendations aimed at addressing the setbacks highlighted by the organization. These included the need to take appropriate measures to continue strengthening the investigation capacity of the Public Prosecutor's Office and valuing the specialization of staff. The organization regrets, for example, that to date announcements regarding the strengthening of the institution do not include the establishment of a mechanism for integrating trained and qualified CICIG personnel into teams in the Public Prosecutor's Office. This undoubtedly represents a missed opportunity for the effective delivery of justice in Guatemala.

We urge you to adopt all the measures necessary to ensure that prosecutors in the Public Prosecutor's Office can continue to carry out their investigations independently. For example, in the face of attacks and harassment, on social media and through the misuse of criminal proceedings targeting these individuals, and especially those investigating high-profile cases against powerful criminal networks, the security department of Public Prosecutor's Office must be strengthened so that it can address the protection needs of all personnel. In addition, steps must be taken to ensure that all unfounded complaints and accusations or those made with the sole purpose of obstructing the work of prosecutors are dismissed as quickly as possible.

Amnesty International also wishes to draw to your attention the worsening of the situation for human rights defenders and your obligation, as Head of the Public Prosecutor's Office to ensure a safe environment for the defense of human rights. The Unit for the Protection of Human Rights Defenders in

¹<https://www.amnesty.org/en/documents/amr34/0611/2019/en/>



Guatemala (Unidad de Protección a Defensoras y Defensores de Derechos Humanos en Guatemala, UDEFEGUA) recorded a total of 392 attacks against human rights defenders in 2018. However, in 2019, 327 attacks were recorded between January and June alone. One of the most common forms of attack is the misuse of the criminal justice system to harass defenders by initiating unfounded criminal proceedings and so hampering their work. Faced with this situation, we again ask you to expedite the identification of criminal proceedings opened against human rights defenders where there is no genuine basis for continuing them and either dismiss them, or request the respective judges to do so, on the grounds that they are unfounded. Because of the continuing high levels of violence against these individuals, including threats, attacks and killings, Amnesty International also calls on you to take all measures to ensure the proper implementation of General Instruction 5-2018 relating to the prompt, effective and thorough investigations of all attacks.

Finally, and based on the above, Amnesty International respectfully urges you to take concrete measures, within the framework of the law, which will ensure open investigations relevant to impunity continue and allow them to proceed with greater speed so that the passage of time does not become another factor contributing to impunity and undermine the important achievements to date regarding justice in Guatemala.

Thanking you for your attention, we remain available for any clarification you may require.

Sincerely,

Carolina Jimenez Sandoval
Deputy Director for Research