

URGENT ACTION

LAWYER AND HUMAN RIGHTS DEFENDER JAILED

On 28th August 2023, Guatemalan lawyer and human rights defender, Claudia González Orellana was arrested at her home after a judge issued a questionable arrest warrant against her. Claudia is a former CICIG official – a UN anti-corruption mechanism that operated in Guatemala until 2019 – and whose former officials have faced widespread persecution. Claudia is also the legal representative for various former anti-corruption lawyers who have faced criminalization in retaliation for their work. Claudia’s arrest represents a clear attempt to silence her, and all those fighting for justice and human rights in Guatemala. Amnesty International calls on Guatemala’s Public Prosecutor’s Office to immediately and impartially review the charges against Claudia and guarantee her human rights at all stages of this process.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

*Noé Nehemías Rivera Vásquez
Fiscalía de Asuntos Internos
Ministerio Público de Guatemala
15 avenida 15-16 zona 1, Barrio Gerona
Ciudad de Guatemala
Guatemala
01001
Email: nnriviera@mp.gob.gt*

Dear Mr. Noé Nehemías Rivera,

I am writing with respect to the detention of Ms. Claudia González Orellana carried out by the Public Prosecutor’s Office on 28th August 2023. Ms. González is a former CICIG official and the lawyer to several individuals in Guatemala facing unfair criminal charges as a result of their anti-corruption work.

In a context of widespread criminalization in Guatemala against those who have stood up against corruption and impunity, the charges against Ms. González represent a clear attempt to silence her and punish her for her work.

It is worrying, for example, that the prosecutor’s office was not present during the hearing against her on 28th August 2023 to present charges, which violates her rights. In addition, it is notable that the charges she faces relate to alleged “abuse of authority”, even though she has never held a position in the Guatemalan administration. This raises serious doubts about the impartiality and motivation of the charges against her.

I therefore urge you to conduct an immediate review of the existing charges against Ms. Claudia González with a view to dismissing any unfounded proceedings and guaranteeing her rights under national and international law.

Yours sincerely,

ADDITIONAL INFORMATION

Claudia González Orellana, 55, is a former official of CICIG – the UN Commission against Corruption and Impunity in Guatemala - which operated in the country until 2019. In 2019, the government refused to renew the mandate of this institution, and since then its former officials – including those working for FECI – the Special Prosecutor's Office against Corruption and Impunity, which collaborated closely with CICIG – have faced severe persecution and criminalization in retaliation for their work. While CICIG operated, numerous corruption scandals were exposed and high-profile cases of human rights violations and crimes under international law were prosecuted.

In addition to being a former CICIG official, Claudia is also the legal representative for several former CICIG and FECI officials facing unfair criminal charges in retaliation for their work. She represents, among others, former FECI official Virginia Laparra, currently serving jail time for filing a complaint against a judge in the course of her duties; and Juan Francisco Sandoval, former FECI chief, currently in exile from Guatemala. In May 2023, Claudia received the Lawyers for Lawyers Award, which rewards legal professionals who face high risks as a result of their work.

The criminal process against Claudia represents a clear attempt to punish her both for her work at CICIG and her attempt to seek justice for those being unfairly criminalized in her profession. In addition, it leaves those she is representing, such as Virginia Laparra and Juan Francisco Sandoval, unprotected in the legal processes against them, and sends an intimidating message to all those speaking out in favour of justice and human rights in Guatemala.

From 2019 to date, more than 50 human rights defenders, prosecutors, ex CICIG workers, judges and journalists have been forced to flee the country due to unfounded criminal proceedings initiated by the country's Public Prosecutor's Office against them; and the absolute lack of impartiality and guarantees of their rights that exist in Guatemala at present. Claudia's detention takes place in this context. International human rights experts have repeatedly expressed concern regarding criminalization of those involved in the fight against corruption and impunity in Guatemala.

Prior to her arrest, Claudia repeatedly went to the prosecutor's office to request information about possible proceedings against her, however she was denied this information. On 28th August 2023, agents from the Public Prosecutor's Office executed several search warrants against former CICIG and FECI workers, including at Claudia's home. She was subsequently taken into custody. The arrest was authorized on charges of "abuse of authority", despite Claudia never having held a public position in Guatemala's government. The charges therefore raise serious questions regarding the impartiality and motivation of the case against her. The day she was arrested, the judge initially refused to hold a hearing. When the hearing finally did take place, the prosecutor's office didn't present itself and Claudia was therefore not properly informed of the charges against her, in violation of her rights. Despite this, Claudia was sent to pre-trial detention until her next hearing, and is reportedly being held in solitary confinement. The next hearing is scheduled for 6 September 2023, despite the requirement under Guatemalan law that it take place within 24 hours of her detention.

Recent cases documented by Amnesty International demonstrate that the Guatemalan authorities do not guarantee the right to a fair trial and other human rights of people facing unfounded criminal proceedings.

Amnesty International calls on Guatemalan officials to immediately and impartially review the charges against Claudia González and to ensure respect for her human rights.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 9 October 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Claudia González Orellana

ADDITIONAL TARGET

Mr José Alberto Briz Gutiérrez

Embassy of Guatemala

1st Floor & Suite1, 2nd Floor

105a Westbourne Grove W2 4UW

embgranbretana@minex.gob.gt - General and Ambassador's Office

adminUK@minex.gob.gt - Administrative