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Orde van Advocaten Gelderland

Speech Claudia González Orellana

Guatemala is a small country located in the centre of greater Latin America. It is a beautiful country, but unfortunately its history has been marked by violence, state terror and injustice. It is common in analysis that the justice system in Guatemala has been taken over by networks of corruption that violate and limit social, political and economic interests.

A concrete example of the seriousness of the situation and of what it means in terms of aggression and suffering for some people who worked for many years to reduce corruption and impunity and thus make the country a place with more social justice, is the case of Lilian Virginia Laparra, mother, daughter, wife and excellent Guatemalan lawyer. Last year she was captured and has been in prison for more than a year. She has been sentenced to 4 years in prison for having filed 4 administrative complaints against a judge, while this is legal, the corruption networks have managed to twist the law and say that this is a crime.

The situation of Virginia Laparra, her case is not a crime, however having a criminal case against her, is to criminalise her for her work against corruption and impunity, which is why after a first trial and a first conviction, a new arrest warrant was issued for a new case which is also related to the first one.

Nine other lawyers under my defence have cases against them, six of them former prosecutors and three other former colleagues from the International Commission against Impunity in Guatemala. All of them, including myself, worked on high-impact cases against high-ranking public officials that were proven in court. And now they are facing the revenge of those who have benefited for years from state resources and want to continue to keep the state as a business and not as the source of administration of the population's resources.

Unfortunately, the 9 lawyers whom I represent in their defence and against whom there is more than one criminal complaint, are not the only ones suffering criminalisation and persecution, so far at least 32 lawyers and justice operators have been forced into exile outside Guatemala and are thus denied the exercise of their profession, their public positions as prosecutors, judges and magistrates, and the possibility of ending their life plans in Guatemala.

Defending those like me who remain in the country is very complicated, even the process of electing Supreme Court judges has been co-opted by criminal networks. In early 2020, a case showed that the election of judges was illegal because criminal network operators had intervened to appoint corrupt magistrates. These same magistrates have remained in office ever since, making it impossible for cases to be properly reviewed and for due process to be guaranteed.

Guatemala's Public Prosecutor's Office, which for years and through various attorney generals has strengthened investigation and professionalised many professionals, has also been taken over by these corruption networks. The current attorney general, Consuelo Porras, has stopped acting seriously in the face of the high crime rates that plague the country and has instead become a messenger for the criminal networks, bringing cases against lawyers, prosecutors and activists who have tried and continue to try to expose the serious problems of justice and democracy that the country is facing.

Institutions such as the police and special investigation units have also been weakened and the population is once again facing high levels of common violence and fear. What is even more serious is that judges are part of this criminalisation and deterioration of the rule of law in Guatemala. This is evident not only in the economic crisis, but also in the processes of migration to the United States in search of survival or means of survival. Indigenous communities also face criminalisation and violence by the police and criminal groups such as the narco. Recent tragedies include the death of 18 Guatemalan migrants in a detention centre in Ciudad Juárez, Mexico.

Because the problems of the justice system are not isolated, but are part of a permanent political strategy to weaken all groups or people who work every day for justice. That is why it is very important to be here with you today, because the knowledge and rapprochement of the international community is necessary and cannot be postponed. Because I know that although our struggles are against complex and obscure networks.

Therefore we ask you to promote independence of the judiciary and to protect anti-corruption prosecutors and other human rights defenders: they need support inside and outside Guatemala. We ask for help to protect exiled lawyers and journalists, it is necessary to create programmes in Europe to give practical assistance to exiles, e.g. with university or other diverse institutions and organisations. We also need political support for human rights defenders in Guatemala, publicly showing European concern about the situation. Lobby with your representatives to the Parliament and the Ministry of Foreign Affairs so that they create Dutch government policies in favour of the protection of human rights defenders in Guatemala. We need editorials in the Dutch press. Also trips of academics, activists and observers to Guatemala to meet with members of civil society, judges, justice operators and the Guatemalan government and all that with strategic coordination.

The solidarity networks we form make us strong and make us more human. I thank you for your generosity in listening to me, and I am sure to think of new ways to get involved and get to know this beautiful country called Guatemala.