

26 March 2019

Guatemala: criminalisation of Claudia Samayoa and José Martínez by the President of the Supreme Court of Justice

On 22 March 2019, **Claudia Samayoa**, President of the board of directors of **UDEFEGUA**, and **José Manuel Martínez**, member of **Colectivo Justicia Ya**, were denounced to the Prosecutor's Office Against Corruption (*Fiscalía Contra la Corrupción*) for allegedly committing theft, deviation of correspondence and trafficking of influence. The accusation against the human rights defenders was referred to the Prosecutor's Office by the President of the Supreme Court of Justice, Nester Mauricio Vásquez Pimental, and is connected to their participation on a previous judicial complaint against eleven members of the Supreme Court of Justice, on 17 January 2019.

[Claudia Samayoa](#) is a founder and the President of the board of directors of [Unidad de Protección de Defensoras y Defensores de Derechos Humanos Guatemala](#) - UDEFEGUA (Human Rights Defenders Protection Unit in Guatemala), and a woman human rights defender. UDEFEGUA is an internationally recognised human rights organisation that supports the work of human rights defenders in preventing and responding to security risks, through monitoring, verification and advocacy. UDEFEGUA has gained visibility and legitimacy due to its human rights work, which involves the publishing of regular reports on the situation for human rights defenders in Guatemala.

[José Manuel Martínez](#) is a human rights defender and member of the [Colectivo Justicia Ya](#) (Justice Now Collective), where he promotes advocacy and debates on political issues. The *Colectivo Justicia Ya* was created in 2015, after the International Commission against Impunity in Guatemala (CICIG) and the Attorney General's Office arrested several high-level officials in Guatemala on corruption charges. The Collective uses their communication skills to organise social mobilisations and promote discussions on social and political issues in the country involving democratic participation and government accountability. Due to their human rights work, other members of the Collective have also faced defamation and judicial harassment.

On 22 March 2019, a criminal complaint against Claudia Samayoa and José Manuel Martínez was sent to the Prosecutor's Office Against Corruption. It was sent by the President of the Supreme Court of Justice, Nester Mauricio Vásquez Pimentel, and involved allegations of theft (*sustracción*), deviation of correspondence (*desvío o supresión de correspondencia con agravación específica*) and influence peddling (*tráfico de influencias*). Until 24 March 2019, Claudia Samayoa and José Manuel Martínez had not received information about the filing of a complaint against them, which was only discovered after a visit to the Prosecutor's Office.

The criminalisation of the human rights defenders came a after they filed a complaint against eleven of the Supreme Court of Justice members, including its President, on 17 January 2019, before the Criminal, Drug trafficking and Environment crimes Judge of the municipality and department of Guatemala. The defenders' complaint was based on the action that the eleven judges had taken against three judges of the Constitutional Court, who are known for their work against impunity and corruption in Guatemala.

On 9 January 2019, the eleven judges of the Supreme Court of Justice had agreed with a request to remove the Constitutional Court judges' judicial immunity based on their alleged exceeding of functions, in a case known as "Antejuicio 294-2018". The human rights defenders believe that the case raises concerns about the level of judicial independence and autonomy in high level

instances in Guatemala, given that the Constitutional Court has as one of its essential functions the upholding of constitutional guarantees and democratic governance.

Front Line Defenders condemns the criminalisation of human rights defenders Claudia Samayoa and José Martínez, once the accusations against them appear to have been used in retaliation for their role in denouncing crimes and human rights violations rather than due to a genuine violation of the law. Front Line Defenders remains worried for the hostile environment for the work of human rights defenders in Guatemala, especially those who fight for government accountability and democratic participation.

Front Line Defenders urges the authorities in Guatemala to:

1. Drop all accusations against Claudia Samayoa and José Manuel Martínez;
2. Take all necessary measures to guarantee the physical and psychological integrity and security of Claudia Samayoa and José Manuel Martínez, as well as all members of UDEFEGUA and *Colectivo Justicia Ya!*, in consultation with them;
3. Cease targeting all human rights defenders in Guatemala and guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.