

**AMICUS CURIAE BRIEF**

**SUBMITTED TO THE UNITED NATIONS WORKING GROUP ON ARBITRARY DETENTION  
(WGAD)**

In the matter of: Ms. Claudia González Orellana  
(reference: k1mbln2g)

**Submitted by:**  
Lawyers for Lawyers (L4L)  
International Observatory for Lawyers in Danger (OIAD)

4 November 2025

## 1. Introduction

1.1. **Lawyers for Lawyers** (hereinafter: “**L4L**”) and the **International Observatory for Lawyers in Danger** (hereinafter: “**OIAD**”, by its French acronym) (together, the “**Intervenors**”) respectfully submit this Amicus Curiae to the Working Group on Arbitrary Detention (hereinafter: “**WGAD**”). The purpose of this submission is to provide an impartial analysis regarding the situation of lawyers in Guatemala, in light of the complaint concerning the lawyer, human rights defender and a former official of the International Commission Against Impunity in Guatemala (hereinafter: “**CICIG**”), Claudia González Orellana (hereinafter: “**Ms. González**”) (reference: k1mbln2g).

1.2. This case concerns the detention of Ms. González, seemingly in connection with her professional activities in anti-corruption efforts and the defence of human rights. It raises serious concerns regarding the protection of lawyers and respect for their role in democratic societies, as well as the principles of the rule of law and the right to a fair trial. Her case unfolds within a broader context in which lawyers in Guatemala have increasingly faced threats, harassment, and reprisals for carrying out their legitimate professional duties (see **Section 3**). Against this backdrop, and, given the fundamental role of lawyers in safeguarding human rights and ensuring access to justice (see **Section 2**), the Intervenors submit that any restrictions on the rights of lawyers, including arbitrary detention, must be subjected to particularly strict scrutiny in the WGAD’s assessment.

1.3. The Intervenors are organisations with expertise in international human rights law and the protection of the legal profession, including standards related to the independence of lawyers. L4L is an independent, non-political and not-for-profit lawyers’ organization established in 1986. L4L’s mission is to promote the legal profession and the independence of lawyers across the world in accordance with internationally recognized norms and standards. L4L is dedicated to supporting lawyers who face threats, risks, or reprisals due to their professional duties. The efforts of L4L aim to strengthen affected lawyers’ international recognition and protection under laws, policies and practices, and empower them to fulfil their role as essential agents of the administration of justice. L4L was granted special consultative status by the United Nations Economic and Social Council in July 2013.

1.4. The OIAD is an initiative launched by the Conseil National des Barreaux (France), the Paris Bar Association (France), the Spanish General Council of the Legal Profession (Spain), and the Consiglio Nazionale Forense (Italy). The Observatory was established with the aim of coordinating its efforts with third-party organizations, networks, and mechanisms that operate in the field of legal profession protection—particularly for lawyers working on human rights issues. Among the areas of work is raising visibility for cases involving lawyers at particular risk. This includes sending communications to relevant authorities and international bodies, and submitting amicus curiae briefs to express OIAD’s position in complex legal proceedings.

1.5. In this submission, the Intervenors will address several key issues. First, the brief outlines the international instruments concerning the role of lawyers and the standards of protection applicable to the legal profession, which may serve as critical reference points in evaluating any interference with lawyers’ rights in connection with their professional functions (**Section 2**). The submission proceeds to provide contextual background by examining the broader situation of

lawyers in Guatemala, alongside the specific circumstances of Ms. González's detention (**Section 3**). Building upon the legal and factual framework introduced, the brief offers a legal analysis of Ms. González's detention under the categories employed by the WGAD to assess arbitrary deprivation of liberty (**Section 4**). The final section of this submission discusses the broader relevance of the case, emphasizing its systemic nature and the chilling effect on the legal profession (**Section 5**) and offers the Intervenors' conclusions (**Section 6**).

1.6. The Intervenors respectfully urge the WGAD to take these considerations into account when evaluating the arbitrary nature of Ms. González's detention.

## 2. Instruments concerning the role of lawyers and standards of protection for the legal profession

2.1. This section outlines three premises, grounded in international human rights standards, that are particularly relevant to the present case:

1. **The independence of the legal profession must be preserved** to ensure the integrity of the administration of justice and the exercise of fundamental rights.
2. **Lawyers are entitled to a heightened level of protection** due to the nature of their professional function.
3. **Any restrictions on the rights of lawyers, including measures such as arbitrary detention, must be subject to strict scrutiny** under international human rights standards regarding the role of lawyers.

2.2. The legal profession plays a vital role in democratic societies. Lawyers are indispensable to the administration of justice, ensuring access to justice, and upholding human rights and the rule of law.<sup>1</sup> The importance of the legal profession in the adequate protection of human rights and fundamental freedoms necessitates special safeguards for its effective functioning.<sup>2</sup> To fulfil this essential role, it is crucial that lawyers are able to practice their legal profession freely and independently.

2.3. The indispensable role of lawyers has been enshrined in a broad array of international legal instruments, culminating most recently in the adoption of the Council of Europe Convention for the Protection of the Profession of Lawyer. Adopted by the Committee of Ministers on 12 March 2025, this Convention constitutes the first legally binding international instrument devoted exclusively to safeguarding the legal profession.<sup>3</sup>

2.4. The Universal Declaration of Human Rights (hereinafter: "**UDHR**") and the Covenant on Civil and Political Rights (hereinafter: "**ICCPR**") form the foundational framework for these safeguards. The right to legal assistance is essential to preserve the right to fair trial<sup>4</sup>, envisaged in articles 10 and 11 of the UDHR, and article 14 of the ICCPR. More specifically, lawyers are vital to help individuals exercise their right to an effective remedy by the competent national tribunals.<sup>5</sup>

<sup>1</sup> UN Basic Principles on the Role of Lawyers, Preamble.

<sup>2</sup> UN Basic Principles on the Role of Lawyers, Principles 16-22.

<sup>3</sup> Council of Europe Convention on the Protection of Lawyers.

<sup>4</sup> As recognized in WGAD, Report of the Working Group on Arbitrary Detention, 24 July 2020, [A/HRC/45/16](#), para. 52.

<sup>5</sup> UDHR, Article 8.

Also, lawyers form the last line of defence to prevent arbitrary arrest, detention or exile.<sup>6</sup> Ultimately, “*adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession*”.<sup>7</sup>

2.3. International and regional human rights standards provide specific protections to ensure that lawyers can perform their functions independently and without fear of prosecution, interference, or societal pressure.<sup>8</sup> In the context of this *Amicus Curiae*, specific reference is made to the United Nations Basic Principles on the Role of Lawyers (hereinafter: “**UN Basic Principles**”), which the WGAD has consistently referenced in its opinions.<sup>9</sup> The UN Basic Principles reinforce the norm that States must ensure that lawyers “*are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference*”.<sup>10</sup> They further establish that they “*shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties*”<sup>11</sup>, and affirm the prohibition on identifying lawyers with their clients or their causes simply for representing them.<sup>12</sup>

2.4. The United Nations Declaration on Human Rights Defenders (hereinafter: “**UN Declaration on HRDs**”) further reinforces the protected status of lawyers when they are engaged in the defence and promotion of human rights under international law.<sup>13</sup> Article 9.3 (c) of this instrument affirms that “*everyone has the right, individually and in association with others [...] to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms*.” This Declaration further recognizes that “*Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession*”.<sup>14</sup> The Declaration, along with other international standards, recognises that lawyers engaged in the protection of human rights require heightened legal safeguards.<sup>15</sup>

2.5. International human rights law establishes that everyone has the right to liberty and security;<sup>16</sup> that any deprivation of liberty should be lawful;<sup>17</sup> and that no one should be subject to arbitrary arrest or detention.<sup>18</sup> At the core of the right to liberty and security is the prohibition of

<sup>6</sup> UDHR, Article 9.

<sup>7</sup> UN Basic Principles on the Role of Lawyers, Preamble.

<sup>8</sup> UN Basic Principles on the Role of Lawyers, Principle 16.

<sup>9</sup> See for example WGAD, Opinion No. 15/2019, concerning Yu Wensheng, [A/HRC/WGAD/2019/15](#), 29 May 2019; Opinion No. 7/2024, concerning José Rubén Zamora Marroquín, [A/HRC/WGAD/2024/7](#), 17 May 2024; Opinion No. 70/2021 concerning Robert Pether and Khalid Radwan, [A/HRC/WGAD/2021/70](#), 16 March 2022.

<sup>10</sup> UN Basic Principles on the Role of Lawyers, Principle 16 (a).

<sup>11</sup> UN Basic Principles on the Role of Lawyers, Principle 16 (c).

<sup>12</sup> UN Basic Principles on the Role of Lawyers, Principle 18.

<sup>13</sup> UNGA, Report of the Special Rapporteur on the Independence of Judges and Lawyers, Mónica Pinto – Protecting the independence of lawyers and the legal profession, [UN Doc A/71/348](#), 22 August 2016, para 35.

<sup>14</sup> UN Declaration on HRDs, Article 11.

<sup>15</sup> UN Declaration on HRDs, Article 12.

<sup>16</sup> UDHR, Arts 3 and 9; ICCPR, Art 9; UN Basic Principles and Guidelines on Remedies and Procedures on the Right of Persons Deprived of Their Liberty to Bring Proceedings Before a Court, Principle 1; UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Principles 2 and 32.

<sup>17</sup> ICCPR, Art 9 (1).

<sup>18</sup> UDHR, Art 9; ICCPR, Art 9 (1).

arbitrary detention, the most commonly reported type of attack against lawyers brought to the attention of the SRIJL.<sup>19</sup>

2.6. As will be further outlined, the WGAD has consistently recognized the essential role of lawyers in protecting against arbitrary deprivation of liberty.<sup>20</sup> In line with the UN Basic Principles, it has affirmed that lawyers must be able to perform their functions effectively and independently, without fear of reprisal, interference, intimidation, hindrance, or harassment.<sup>21</sup> The WGAD has also expressed concern regarding “*the various forms of retaliatory measures reportedly taken against lawyers solely for providing professional legal services to their clients*”.<sup>22</sup>

### 3. Context of this amicus brief

#### i. The situation of lawyers in Guatemala

3.1. The situation of the legal profession in Guatemala has given rise to serious questions of its alignment with the law and standards outlined above. Multiple international human rights bodies have expressed deep concern over a sustained campaign of state-sponsored repression targeting lawyers and other justice operators. This repression intensified significantly following the 2019 dismantling of the International Commission against Impunity in Guatemala (“**CICIG**”), established by a 2006 agreement between the United Nations and the Government of Guatemala.<sup>23</sup> During its decade of operation, CICIG played a vital role in the fight against impunity leading to approximately 400 convictions and contributed to the dismantling of at least 70 complex criminal networks.<sup>24</sup> Several international human rights bodies have emphasized the important contribution of CICIG in strengthening the rule of law in Guatemala.<sup>25</sup> They have also noted with concern that the decision not to renew CICIG’s mandate came after the Commission’s investigations began to implicate high-ranking officials from all three branches of government in serious acts of corruption.<sup>26</sup>

3.2. In February 2022, a wave of arrests targeted former anti-corruption officials and legal professionals, many of whom had defended justice operators facing politically motivated prosecutions.<sup>27</sup> These arrests occurred in the context of a broader campaign aimed at discrediting individuals affiliated with CICIG and the Special Prosecutor’s Office Against Impunity (“**FECI**”).<sup>28</sup> Prior to the initiation of formal legal proceedings, many of those targeted were subjected to a range of retaliatory tactics, including online threats, personal surveillance, stigmatization, and

<sup>19</sup> UNGA, Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy – Independence of lawyers and the legal profession/Brief review and assessment of six years of the mandate/Major developments in international justice, [UN Doc A/64/181](#), 28 July 2009, para 60; UNGA, Report of the Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwait- Safeguarding the independence of judicial systems in the face of contemporary challenges to democracy, [A/HRC/56/62](#), 21 June 2024, para 63; SRIJL, [Visita a Guatemala, 12 a 23 de mayo de 2025 - Observaciones preliminares](#).

<sup>20</sup> WGAD, Report of the Working Group on Arbitrary Detention, [A/HRC/45/16](#), 24 July 2020, para 55.

<sup>21</sup> WGAD, Report of the Working Group on Arbitrary Detention United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, [14 A/HRC/30/37](#), annex, principle 9; Opinion No. 70/2021 concerning Robert Pether and Khalid Radwan, [A/HRC/WGAD/2021/70](#), 16 March 2022, para. 94.

<sup>22</sup> WGAD, Opinions No. 66/2019, No. 70/2017, No. 36/2017, No. 34/2017, No. 32/2017 and No. 29/2017.

<sup>23</sup> Agreement between the United Nations and the State of Guatemala on the Establishment of an International Commission Against Impunity in Guatemala (“**CICIG**”), UN Treaty Series, vol. 2472, [No. 44373](#), 12 December 2006.

<sup>24</sup> CICIG, [Informe de Cierre: El legado de Justicia en Guatemala](#), p. 59.

<sup>25</sup> IACHR, [Resolution 1/17](#). Human Rights and the Fight Against Impunity and Corruption, 12 September 2017.

<sup>26</sup> IACHR, IACHR Expresses its Concern over Guatemala’s Decision to not Renew the Mandate of the International Commission against Impunity in Guatemala (CICIG), [Press Release 196/18](#), 4 September 2018.

<sup>27</sup> IACHR , Annual report 2022, [Chapter IVb](#), Guatemala, para. 50-58.

<sup>28</sup> Ibid. 45-46.

workplace and administrative harassment. A recurring pattern has been the use of social media to label these individuals as "criminals," reinforcing narratives of delegitimization that closely mirror the charges later brought against them. In some cases, judicial rulings have reportedly been leaked to anonymous online networks ("net centers") before the defendants themselves have had access to them, illustrating a clear breach of due process and contributing to a hostile environment for lawyers working on sensitive cases.

3.3. The Office of the United Nations High Commissioner for Human Rights ("OHCHR") has extensively reported reprisals, including online harassment, threats, and criminal prosecution in retaliation against justice officials, public prosecutors and lawyers who had investigated and/or heard high-profile cases of corruption or human rights violations.<sup>29</sup> OHCHR highlighted a pattern of due process violations in these cases, including delayed arraignment hearings and other unjustified procedural delays, the issuance of arrest warrants and pretrial detention orders without sufficient legal basis,<sup>30</sup> restricted access to case files and the use of closed proceedings, which undermine legal certainty.<sup>31</sup> In its most recent report, OHCHR documented allegations of reprisals taken against 70 justice officials. Notably, the continued criminal prosecution of former anti-corruption officials—including Claudia González—has been cited as particularly troubling, given the lack of transparency and apparent retaliatory motives behind these proceedings.<sup>32</sup>

3.4. Successive mandate holders of the Special Rapporteur on the Independence of Judges and Lawyers ("SRIJL") have repeatedly raised alarms about the criminalization of lawyers and other justice operators in Guatemala, particularly those involved in anti-corruption efforts and in cases against high-level government officials.<sup>33</sup> In May 2025, the current Special Rapporteur conducted a country visit to Guatemala and, in her preliminary observations, noted:

*"The instrumental use of criminal law by the Public Prosecutor's Office appears to amount to a systematic, intentional, and severe deprivation of fundamental rights, targeting specific groups. This persecution seems to be intensifying, especially against those who have sought to end impunity and corruption, defend human rights, or expose abuses of power..."<sup>34</sup> (Original in Spanish, unofficial translation by the Intervenors.)*

The SRIJL further identified a set of recurring elements commonly present in cases of criminalization:

- (i) the targeting of a specific group—most often independent judges, prosecutors, and lawyers—with a significant number of individuals linked to anti-corruption efforts;
- (ii) the initiation of multiple legal proceedings based on the same set of facts;
- (iii) vague and overly broad charges that lack a proper factual basis;
- (iv) arbitrary detention, frequently involving the unfounded use and abuse of pretrial detention, coupled with unjustified delays in the proceedings; and

<sup>29</sup> Report of the United Nations High Commissioner for Human Rights, [A/HRC/55/21](#), 14 June 2024, para 67.

<sup>30</sup> *Ibid.*, para 65.

<sup>31</sup> Report of the United Nations High Commissioner for Human Rights, [UN doc. A/HRC/58/22](#), 21 January 2025, para. 51.

<sup>32</sup> *Ibid.*, para. 55-56.

<sup>33</sup> OHCHR, "Guatemala: Top judges face threats, must be protected – UN expert, [press release](#), 6 July 2021; OHCHR, Guatemala: UN expert condemns targeting of prosecutor and judge, [press release](#), 25 November 2022.

<sup>34</sup> SRIJL, [Visita a Guatemala, 12 a 23 de mayo de 2025 - Observaciones preliminares](#).

(v) the erosion of judicial guarantees, including unjustified secrecy in criminal cases, which restricts access to evidence and undermines the ability of defence lawyers to adequately represent their clients, as well as the repeated and unjustified suspension of hearings.<sup>35</sup>

3.5. The Inter-American Commission on Human Rights (“IACHR”) has also documented a progressive deterioration of the rule of law and democratic institutions in Guatemala, attributing this decline in part to the instrumentalization of the criminal justice system to target individuals involved in the fight against corruption and impunity.<sup>36</sup> In particular, the IACHR has expressed concern that lawyers serving as private prosecutors in corruption cases against state officials, as well as those currently defending criminalized justice operators, have increasingly become targets of judicial and extrajudicial persecution.<sup>37</sup> During its 2024 *in loco* visit, the IACHR identified several deeply troubling patterns, including: (i) filing a high volume of complaints against the same individual; (i) processing anonymous or unfounded complaints; (iii) use of open-ended, vague, or inapplicable criminal charges, such as investigating non-public officials for crimes limited to public servants; (iv) abusive use of pretrial detention, particularly by charging serious offenses not subject to alternative measures and (v) due process violations, including the use of delaying tactics or denial of access to case files that impair effective defence.<sup>38</sup>

3.6. The WGAD has also raised serious concerns about pressure exerted on lawyers and other justice operators in Guatemala. In its Opinion No. 7/2024, concerning journalist José Rubén Zamora Marroquín, the WGAD expressed serious concern over the systematic criminalization of his legal defence team. Over the course of the proceedings, Mr. Zamora had ten lawyers, four of whom were arrested, and six others faced criminal charges. The Working Group concluded that this constituted a violation of the right to legal counsel as protected under Article 14(3)(d) of the ICCPR.<sup>39</sup> Additionally, the WGAD issued an opinion on the case of Lilian Virginia Laparra Rivas, former Chief Prosecutor against Impunity in Quetzaltenango, finding her deprivation of liberty to be in violation of article 9 UDHR and article 9 and 14 ICCPR, (ii) arbitrary, and (iii) falling within categories I and III.<sup>40</sup>

## ii. Brief description of the case against Ms. González

3.7. Ms. González is a lawyer and former representative of the CICIG. In 2023, she was recognized for her work with the *Lawyers for Lawyers Award*, an honor granted by an independent international jury.<sup>41</sup> During her tenure with CICIG, she was involved in the litigation of 16 high-impact cases related to organized crime structures embedded within the state apparatus and other forms of macro-criminality. Following the closure of CICIG in 2019, Ms. González continued her legal practice, representing clients in several prominent human rights and anti-corruption proceedings.<sup>42</sup> At the time criminal proceedings were initiated against her, Ms. González was

<sup>35</sup> *Ibid.*

<sup>36</sup> IACHR, Preliminary Observations On-site visit to Guatemala, [doc. 124/24](#), 15 August 2024, para. 14.

<sup>37</sup> *Ibid.*, para 18.

<sup>38</sup> *Ibid.*, para 21.

<sup>39</sup> WGAD, Opinion No. 7/2024, concerning José Rubén Zamora Marroquín, [A/HRC/WGAD/2024/7](#), 17 May 2024, para103.

<sup>40</sup> WGAD, Opinion No. 24/2023 concerning Lilian Virginia Laparra Rivas, [UN doc. A/HRC/WGAD/2023/24](#), 18 May 2023.

<sup>41</sup> [Claudia González Orellana - Lawyers for Lawyers](#)

<sup>42</sup> New York City Bar Association, [The New York City Bar Association Demands an End to the Arbitrary Detention of Prominent Lawyer Claudia Gonzalez by the Guatemalan Government and Advocates for Broader International Protection for the Legal Profession](#), 22 November 2023; Plaza Pública. [El caso contra Claudia González es «el símbolo de la lucha contra la injusticia del MP»](#), 14 September 2023.

acting as defence counsel for multiple former justice officials under investigation by the Public Prosecutor's Office. Among her clients were former prosecutor Virginia Laparra and the journalist Juan Francisco Sandoval, both of whose detentions have been declared arbitrary by the WGAD.

3.8. On 28 August 2023, Ms. González was arrested at her residence without being informed of the charges against her at the time of apprehension. During the search of her residence, the Public Prosecutor's Office confiscated a USB drive, a mobile phone, and a computer used in the exercise of her legal profession—despite the fact that the judicial warrant did not authorize the seizure of electronic devices. These devices reportedly contained sensitive and confidential information related to her ongoing legal cases.

3.9. Following her arrest, Ms. González was transferred to the Courts in Guatemala City, where she waited approximately five hours before being informed of the charges against her—namely, “abuse of authority.” The initial arraignment hearing was not held within the constitutionally mandated 24-hour period.<sup>43</sup> She was subsequently transferred to the Mariscal Zavala detention center and held in solitary confinement.

3.10. The arraignment hearing, originally scheduled for 6 September 2023, was suspended on three occasions for reasons unrelated to the defence. It was initiated and interrupted multiple times, and ultimately held on 22 September 2023, following a habeas corpus request filed by Ms. González’s legal team. This prompted the Court of Appeals to order the lower court to resume the proceedings within 48 hours. At the hearing, the judge ruled to proceed with criminal charges for abuse of authority, a crime that under Guatemalan law can only be committed by a public official, an official status Ms. González never held. The charge was based on her role in signing a request to lift the immunity of a sitting judge during her tenure with CICIG. The court argued that CICIG lacked the legal standing to file such requests and concluded that Ms. González may have exceeded her functions.

3.11. Pretrial detention was ordered without a detailed assessment of its necessity or proportionality. The court invoked risk of flight, citing, *inter alia*, the attendance of diplomatic observers at hearings as evidence of her potential to seek asylum abroad. The judge also referred to what was described as a perceived “disrespect” toward the judiciary and argued that Ms. González could obstruct justice through her public statements, potentially influencing other defendants or witnesses. No individualized risk assessment was conducted, and the court’s reasoning relied largely on general references to the Criminal Procedure Code of Guatemala.

3.12. On 27 September 2023, the defence filed three appeals challenging the order of pretrial detention. The Court of Appeals found that the lower court’s arguments concerning flight risk and obstruction of justice lacked both legal and evidentiary support. The court therefore revoked the detention order and granted substitute measures, including house arrest, periodic check-ins, and a travel ban. Ms. González was released on 16 November 2023 after 82 days in detention. However, the substitute measures continue to impose restrictions on her personal liberty.

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<sup>43</sup> Article 9 of the Political Constitution of the Republic of Guatemala states: “Judicial authorities are the only ones authorized to interrogate detainees or prisoners. This procedure must be carried out within a period not exceeding twenty-four hours.” (Original in Spanish, unofficial translation by the Intervenors.)

3.13. The proceedings against Ms. González have been marked by repeated procedural delays and concerns over transparency. Hearings have been postponed on multiple occasions due to the absence of the Public Prosecutor or the scheduling of hearings beyond legally permissible timeframes. The most recent hearing took place on 12 August 2025, while the next one has been scheduled for September 2026—more than a year later. The court declared the case confidential without providing a reasoned decision and in the absence of the defence. As a result, representatives of diplomatic missions—including those from the European Union, United Kingdom, and United States—as well as members of the press and the general public were denied access to hearings. Even after the confidentiality order was lifted, the judge continued to restrict public access, citing concerns that “biased media” might misrepresent the proceedings.

3.14. Ms. González’s right to an adequate defence has also been adversely affected throughout the process. The presiding judge reportedly denied several defence requests to access audio recordings and official reports included in the judicial file—documents considered essential to the preparation of an effective defence. Moreover, following media coverage of the case, the judge reportedly requested that the Public Prosecutor’s Office submits a report on social media activity and press coverage related to the proceedings. This action raises concerns about potential retaliatory measures against the defence and calls into question the impartiality of the judicial process.

#### 4. Legal analysis

##### 4.1. Category I: Detention lacking legal basis in violation of domestic law and international human rights standards

###### i. Violation of the rights to prompt information on the grounds for arrest and to be brought without delay before a judge

4.1.1. The WGAD has consistently emphasized that anyone who is arrested must be informed, at the time of the arrest, of the reasons for the detention including both the legal basis and the factual circumstances.<sup>44</sup> This is typically done through an arrest warrant or a court order, or an equivalent document.<sup>45</sup> The issuance of an arrest warrant serves two purposes: to ensure that the arrest has a legal basis (ICCPR, art. 9 (1)) and to ensure that the arrested person is informed, at the same time, of the reasons for his or her arrest (art. 9 (2)). Guatemalan domestic law also requires that, for detention to be lawful, the necessity of the measure must be established, except in cases of *flagrante delicto*.<sup>46</sup> Furthermore, according to article 9 (3) of the ICCPR, anyone arrested or detained on a criminal charge must be brought promptly before a judge. As the Human Rights Committee has established, 48 hours is ordinarily sufficient to satisfy the requirement to bring a detainee “promptly” before a judge after arrest and any longer delay must remain absolutely exceptional and be justified under the circumstances.<sup>47</sup>

<sup>44</sup> ICCPR, Art 9 (2); WGAD, Opinion No. 40/2019 concerning Juan Carlos Requesens Martínez, 9 October 2019, [A/HRC/WGAD/2019/40](https://www.hrcwgad.org/en/opinions/40-2019), para 93.

<sup>45</sup> WGAD, Opinion No. 7/2024, para 83.

<sup>46</sup> Article 6 of the Guatemalan Constitution establishes: “Legal detention. No person may be detained or imprisoned except for the commission of a crime or offense, and by virtue of an order issued in accordance with the law by a competent judicial authority. Exceptions are made in cases of *flagrante delicto*.” (Unofficial translation by the Interveners.)

<sup>47</sup> WGAD, Opinion No. 7/2024, para 86.

4.1.2. In Ms. González’s case, these obligations were clearly breached. She was arrested at her home on 28 August 2023 without being promptly informed of the reasons for her detention. The initial arraignment hearing was not conducted within the constitutionally mandated 24-hour period but was repeatedly postponed, violating Article 6 of the Guatemalan Constitution and relevant international standards. It was only on 22 September 2023—after the Court of Appeals ordered the lower court to complete the hearing within 48 hours—that Ms. González was finally informed of the specific factual basis for the charges against her.

#### ii. Lack of sufficient, relevant, and reasoned justification for pretrial detention

4.1.3. It is an established norm of international law that pretrial detention should be the exception, rather than the rule, and should be ordered for the shortest possible time.<sup>48</sup> As the most severe restriction on liberty for an accused person, pretrial detention must comply with the principles of legality, presumption of innocence, necessity and proportionality, which are essential in a democratic society. Likewise, failure to comply with domestic procedural safeguards renders detention unlawful and violates international law. The Guatemalan Code of Criminal Procedure states that preventive detention is not required for offenses that are not of the highest gravity;<sup>49</sup> a threshold that is not met by the charge of “abuse of authority”.

4.1.4. The WGAD has consistently affirmed that any judicial decision to impose pretrial detention must be founded upon an individual assessment, determining that such a measure is both reasonable and necessary in light of all relevant circumstances. This assessment must be made specifically to prevent flight, interference with evidence, or the commission of further offences. Courts are obligated to consider whether less restrictive alternatives to detention, such as the granting of bail, would suffice to achieve these objectives, thereby rendering detention unnecessary.<sup>50</sup> In its jurisprudence, the WGAD has noted relevant factors such as the non-violent nature of the alleged offense and the absence of concrete reasons to isolate the accused from society.<sup>51</sup> In addition, the WGAD has stated that courts should consider alternatives and, after an initial determination has been made that pretrial detention is necessary, there should be periodic reexamination of whether it continues to be reasonable and necessary.<sup>52</sup>

4.1.5. In Ms. González’s case, the justification for pretrial detention was insufficiently specified. The judge cited a flight risk based on the presence of diplomatic observers who might grant asylum and alleged “disrespect” towards the judiciary to substantiate the alleged risk of obstructing justice, without providing any concrete evidence or reasoned analysis. No alternatives to detention were considered or ruled out. Additionally, there was no clear limit on the detention duration, nor was there a reasoned proportionality assessment. Although charged with a non-violent offense, the supposed need to detain and isolate her was unexplained. Thus, the legal grounds for her detention lack sufficient relevance, reasoning, and justification.

<sup>48</sup> ICCPR, Art 9 (3); Art 7 (2) of the American Convention on Human Rights; WGAD, Opinion No. 7/2024; Opinion No. 40/2019, par 108; Opinion No. 24/2023, para. 96.

<sup>49</sup> Article 261 of the Guatemalan Code of Criminal Procedure: “Exceptions. In less serious offenses, pretrial detention shall not be required, unless there is a reasonable presumption of flight risk or obstruction of the investigation of the truth.” (*Unofficial translation by the Intervenors.*)

<sup>50</sup> WGAD Opinion No. 47/2019 concerning Ricardo Martinelli, [UN doc. A/HRC/WGAD/2019/47](https://www.ohchr.org/EN/Issues/Pages/WGAD.aspx), 2 October 2019, para. 86.

<sup>51</sup> WGAD Opinion No. 24/2023, para. 97-98.

<sup>52</sup> WGAD, Opinion No. 7/2024, para 89.

4.1.6. It is also relevant that Ms. González, in her role as a defence attorney, maintained a consistent professional presence before the courts and in the public sphere, representing numerous criminalized justice operators following CICIG's closure. Given her consistent attendance at the courts, she could have easily been summoned to attend hearings rather than being subjected to arrest. Furthermore, her professional activities demonstrate her strong ties to Guatemala and commitment to legal processes, which significantly undermine any presumption of flight risk or obstruction of justice. The authorities' failure to consider these facts further weakens the justification for pretrial detention and indicates a violation of Article 9(3) of the ICCPR and related international standards.

4.1.7. After 82 days in pretrial detention, Ms. González was granted house arrest. The appeals court specifically found that the lower court's justification regarding flight risk and obstruction lacked both legal and evidentiary basis. Nevertheless, she remains under restrictive pretrial measures, including house arrest, without updated or adequate justification. As such, the concerns regarding the legality, necessity, and proportionality of her deprivation of liberty continue to apply to her current situation.

### **iii. Criminal charges lacking a sufficient factual and legal basis**

4.1.8. Under Guatemalan law, the offense of abuse of authority requires the perpetrator to be a public official or employee.<sup>53</sup> However, Ms. González never held that status. While she acted as a legal representative for CICIG, she was not a government official. Nevertheless, criminal proceedings were initiated against her on the basis that CICIG lacked standing to file motions for the lifting of immunity, and that by signing such a request against a judicial official, she may have exceeded her authority. This interpretation disregards the mandate and operational framework of CICIG, as established by the 2006 Agreement between the United Nations and the Government of Guatemala, which explicitly provided for coordination with national authorities, including participation in the preparation of legal actions.

4.1.9. Accordingly, the criminal prosecution of Ms. González is based on conduct that does not meet the legal elements of the offense. The charges against her therefore lack both a factual and legal foundation. Extending the scope of this criminal offense to include representatives of international organizations would contravene fundamental principles of criminal law, including legality, strict interpretation, and non-extension by analogy. In line with the jurisprudence of the WGAD, such a deprivation of liberty must be considered arbitrary, as it is neither permitted under national law nor compatible with international human rights standards.

## **4.2. Category II: Detention resulting from the exercise of fundamental rights and freedoms guaranteed under international law**

### **i. The right to exercise professional functions as a lawyer and human rights defender**

<sup>53</sup> Art 418 of Guatemalan Criminal Code: "Abuse of authority. Any public official or employee who, abusing their office or function, orders or commits any arbitrary or illegal act to the detriment of the administration or individuals, which is not specifically addressed in the provisions of this Code, shall be punished with imprisonment of one to three years." (Unofficial translation by the Intervenors.)

4.2.1. As detailed in **Section 2**, the right of lawyers and human rights defenders to carry out their professional functions without interference is protected under international human rights law. The WGAD has consistently held that the detention of individuals for engaging in legitimate legal or human rights work constitutes a violation of their fundamental rights, including the right to equality before the law and equal protection under the law, as enshrined in Article 7 of the UDHR<sup>54</sup> as well as rights enshrined in the UN Declaration on Human Rights Defenders.<sup>55</sup>

4.2.2. The WGAD has taken into account the professional role of the detained individual when assessing the arbitrariness of detention. For instance, in cases involving human rights lawyers who were initially held incommunicado or denied due process, the WGAD emphasized that legal professionals are particularly vulnerable to arbitrary detention in contexts where judicial independence is compromised.<sup>56</sup> In multiple cases, the WGAD has concluded that a lawyer's detention was directly linked to their legitimate professional activities, particularly when the individual had a prominent role in human rights defence or sensitive cases, and no credible evidence of criminal conduct was presented.<sup>57</sup>

## ii. Right of freedom of expression

4.2.3. The rights to practice law and to advocate for human rights are intrinsically linked to the right to freedom of expression.<sup>58</sup> Freedom of expression is a cornerstone of the legal profession and an essential component of the role of lawyers. The UN Basic Principles on the Role of Lawyers affirm that lawyers "*shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights*".<sup>59</sup>

4.2.4. The WGAD has reinforced this principle in its jurisprudence, emphasizing that lawyers are entitled to express opinions on matters of justice and public interest.<sup>60</sup> The WGAD has examined numerous cases where the detention of lawyers and human rights defenders lacked a credible factual or legal basis and was found to be directly linked to their public advocacy or criticism of governmental practices. In such instances, the Working Group has consistently concluded that the detention was arbitrary under Category II of its working methods, as it contravenes Articles 19 through 21 of the UDHR and Articles 19 and 21 of the ICCPR.<sup>61</sup>

4.2.5. International human rights bodies have consistently noted that arbitrary detention in Guatemala frequently targets individuals who speak out against institutional corruption or challenge entrenched power structures.<sup>62</sup> Lawyers engaged in public discourse on justice,

<sup>54</sup> WGAD, Opinion No. 46/2018 concerning Lê Thu Hà, Nguyen Trung Ton and Nguyen Trung Truc, 25 September 2018, A/HRC/WGAD/2018/46, para 60; Opinion No. 15/2019, concerning a Yu Wensheng, para 37; Opinion No. 33/2013 Concerning Le Quoc Quan, A/HRC/WGAD/2013/33, 14 January 2014, para. 29; Opinion No. 34/2014 concerning Mohammed Hassan Sedif and Abdul Aziz Moussa, A/HRC/WGAD/2014/34, 21 November 2014, para 29-30.

<sup>55</sup> WGAD, Opinion 15/2019 concerning Yu Wensheng, [A/HRC/WGAD/2019/15](https://www.ohchr.org/EN/Issues/Lawyers/Pages/WGAD.aspx), 29 May 2019, para 37.

<sup>56</sup> Ibid., para. 28.

<sup>57</sup> WGAD, Opinion No. 87/2017 concerning Marcelo Eduardo Crovato Sarabia, A/HRC/WGAD/2017/87, 23 January 2018, para. 41; Opinion No. 34/2014 concerning Mohammed Hassan Sedif and Abdul Aziz Moussa, A/HRC/WGAD/2014/34, 21 November 2014, para 29; Opinion No. 26/2011 concerning Muhamnad Al-Hassani, A/HRC/WGAD/2011/26, 28 February 2012, para 27-29.

<sup>58</sup> Article 19 (1) of the ICCPR.

<sup>59</sup> UN Basic Principles, Principle 23.

<sup>60</sup> WGAD, Opinion No. 6/2015 concerning Thulani Rudolf Maseko, A/HRC/WGAD/2015/6, 7 July 2015, para. 26.

<sup>61</sup> WGAD, Opinion No. 26/2011 concerning Muhamnad Al-Hassani, para 27; Opinion No. 87/2017 concerning Marcelo Eduardo Crovato Sarabia, para 41; Opinion 15/2019 concerning Yu Wensheng, [A/HRC/WGAD/2019/15](https://www.ohchr.org/EN/Issues/Lawyers/Pages/WGAD.aspx), 29 May 2019, para. 36.

<sup>62</sup> IACHR, Preliminary Observations On-site visit to Guatemala, [doc. 124/24](https://www.ohchr.org/EN/Issues/Lawyers/Pages/WGAD.aspx), 15 August 2024, para. 22.

accountability, and the fight against impunity, particularly those defending clients who are themselves criminalized for such work, are entitled to heightened protection under international human rights law, including the UN Basic Principles.

4.2.6. Ms. González case exemplifies this pattern. Her legal practice has focused on the defence of prosecutors and judges who have been systematically targeted for their involvement in high-profile anti-corruption cases. At the time of her arrest, she was actively practicing law, a role which was abruptly disrupted by her detention. Her legal representation of former prosecutors and judges—many of whom faced reprisals for their work—clearly constitutes protected activity under international human rights standards. These facts strongly suggest that her arrest and ongoing prosecution are a direct reprisal for her legitimate professional activities. As such, her detention constitutes a violation of her right to carry out her duties as a lawyer, to engage in human rights defence, and to exercise freedom of expression. These circumstances clearly meet the threshold for arbitrary detention under Category II as defined by the WGAD.

### **4.3. Category III: the detention results from a total or partial failure to observe international norms relating to the right to a fair trial**

#### **i. Right to be tried without undue delay**

4.3.1. In Ms. González’s case, the right to be tried without undue delay has been clearly compromised.<sup>63</sup> Numerous hearings were postponed or interrupted due to the repeated absence of the Public Prosecutor’s Office or were scheduled outside the procedural time limits established under domestic law. Ms. González remained in pretrial detention for approximately three months without any meaningful procedural advancement. Although she is now under house arrest, her case has continued with no substantial progress, thereby prolonging her legal uncertainty in violation of her right to a prompt and fair resolution.

#### **ii. The right to be heard by an impartial and independent tribunal**

4.3.2. The right to a hearing before an independent and impartial tribunal<sup>64</sup> is a cornerstone of fair trial guarantees. This right includes two essential elements. First, judges must remain free from personal biases or prejudice, must not hold preconceptions about the particular case before them, and must avoid any conduct that could unfairly advantage one party over the other. Second, the tribunal must also appear impartial to a reasonable observer.<sup>65</sup> The WGAD has recalled the Bangalore Principles of Judicial Conduct, which state that “*a judge shall disqualify himself or herself from participating in any proceedings in which the judge is unable to decide the matter impartially or in which it may appear to a reasonable observer that the judge is unable to decide the matter impartially*”. Such proceedings include instances where “*the judge has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings*”.<sup>66</sup>

4.3.4. In Ms. González’s case, the presiding judge has overseen several politicized cases involving justice operators and journalists, many of which have been marked by due process

<sup>63</sup> Article 14(3)(c) of the ICCPR.

<sup>64</sup> Article 14(1) of the ICCPR and Article 10 of the UDHR.

<sup>65</sup> WGAD, Opinion No. 24/2023, para. 40.

<sup>66</sup> WGAD, Opinion No. 6/2015 concerning Thulani Rudolf Maseko, A/HRC/WGAD/2015/6, 7 July 2015.

violations and a pattern of excessive use of pretrial detention. He has also been sanctioned by both the United States<sup>67</sup> and the European Union<sup>68</sup> for acts of corruption and for undermining democratic institutions and human rights protections. A request for his recusal was denied, raising serious concerns about impartiality. Under these circumstances, a reasonable observer could not have confidence in the court's independence or fairness, in clear violation of Article 14(1) of the ICCPR.

4.3.5. Furthermore, following media coverage of the case, the judge reportedly requested that the Public Prosecutor's Office submit a report on social media activity and press coverage related to the proceedings. This measure raises additional concerns about possible retaliatory behavior against Ms. González or her defence team and suggests that public scrutiny may be influencing judicial conduct. In this context, the judge's actions contribute to an environment of intimidation and further erode the appearance of impartiality. The use of procedural mechanisms to respond to critical media coverage, rather than to ensure transparency and fairness, risks reinforcing perceptions of bias and improper motives behind the proceedings.

### iii. Right to a public hearing

4.3.6. International law orders hearings to be public except in narrowly defined and justified circumstances, in order to ensure transparency and accountability.<sup>69</sup> In Ms. González's case, multiple hearings were held behind closed doors without adequate justification, in breach of this requirement. On several occasions, public access to the courtroom was restricted, despite the importance of public oversight in safeguarding against arbitrariness and abuse of power. These limitations, compounded by the vague and unsupported nature of the charges and the inadequate reasoning for her pretrial detention, raise serious doubts about compliance with fair trial guarantees under international human rights law.

### iv. Right to be presumed innocent

4.3.7. As the Human Rights Committee has noted, the presumption of innocence<sup>70</sup>, which is fundamental to the protection of human rights, means that all public authorities have a duty to refrain from prejudging the outcome of a trial, for example by abstaining from making public statements affirming the guilt of the accused.<sup>71</sup> In its jurisprudence, the WGAD noted that media campaigns and prejudicial public statements can undermine the presumption of innocence. In some cases, it has observed that both judicial conduct and hostile media narratives may have adversely affected a defendant's rights under Article 14(2) of the ICCPR, stressing that the media must also avoid coverage that preempts judicial findings or suggests guilt.<sup>72</sup>

4.3.8. In Ms. González's case, information about her arrest was reportedly disclosed to the media before it had even occurred. Following this, her case was surrounded by a hostile media

<sup>67</sup> U.S. Department of State. [Section 353 Corrupt and Undemocratic Actors Report: 2023](#). 21 December 2023.

<sup>68</sup> European Union, [Guatemala: Council sanctions three individuals and one entity for undermining democracy and the rule of law](#), 12 June 2025.

<sup>69</sup> Article 14 (1) ICCPR.

<sup>70</sup> Article 14 (2) ICCPR.

<sup>71</sup> Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial ([UN doc. CCPR/C/GC/32](#)), para. 30.

<sup>72</sup> WGAD Opinion No. 48/2017 concerning Narges Mohammadi ([UN doc. A/HRC/WGAD/2017/48](#)), 22 September 2017, para. 47-48.

environment, including harassment via social media and the publication of sensitive details concerning her legal proceedings. This is especially troubling considering that many of her hearings were held in private, leaving her unable to benefit from the public scrutiny and transparency that typically serve as a safeguard against misrepresentation. These actions contributed to a climate of bias and undermined her right to be presumed innocent.

#### v. Right to adequate defence

4.3.9. The right to adequate defence<sup>73</sup> is a fundamental component of the right to a fair trial. In Ms. González’s case, this right has been seriously undermined. The presiding judge reportedly denied multiple defence motions to access audio recordings and official reports included in the judicial file—documents considered essential to preparing an effective defence. The unjustified denial of access to such key elements of the case file violates the principle of equality of arms and directly compromises the fairness of the proceedings. The imbalance of arms was further highlighted in August 2025, when the judge admitted most of the prosecution’s evidence while rejecting much of the defence’s submissions.

### 4.5. Category V: Deprivation of liberty constitutes a violation of international law on the grounds of discrimination

4.5.1. The Working Group has consistently recognized that human rights defenders, including lawyers, are protected under article 2 and 7 UDHR.<sup>74</sup> In numerous cases, the WGAD has found that where an individual’s detention is linked to their work in defence of human rights, this amounts to discrimination and thus violates international law.<sup>75</sup>

4.5.2. When lawyers are criminalized or retaliated against because of their professional associations—especially for representing disfavored individuals or sensitive causes—such treatment may constitute discrimination and the WGAD may find a Category V violation. In its Opinion No. 50/2019, the WGAD found that Mr. Yu Wensheng was persecuted for his work as a lawyer and human rights defender, particularly for his legal defence of other activists and lawyers. The WGAD concluded that his detention violated Category V due to the discriminatory targeting of him based on his role and associations.<sup>76</sup>

4.5.3. Ms. González’s professional background—as a prominent human rights lawyer and former legal representative of CICIG, and as legal counsel for criminalized justice operators—places her squarely within this protected category. The context and conditions of her detention strongly suggest discriminatory motives. Her arrest and prosecution appear to be a form of reprisal both for her former role with CICIG and for her ongoing work defending prosecutors and judges who were themselves targeted for combating corruption. The circumstances of Ms. González’s case suggest that the proceedings against her may be linked not only to her own professional activity, but also to her association with clients who have faced systematic criminalization. Such a pattern

<sup>73</sup> Article 14(3)(b) ICCPR.

<sup>74</sup> Opinions No. 66/2021, para. 60, 63 and 74; No. 15/2019, para. 50; No. 83/2018; No. 19/2018; No. 50/2017 and No. 48/2017; and A/HRC/36/37, para. 49.

<sup>75</sup> Opinion No. 48/2017, para. 50; Opinion No. 75/2017; Opinion No. 4/2018, para. 74; Opinion No. 43/2019, para. 90; Opinion No. 46/2021, para. 111; Opinion No. 66/2021, para. 73 – 74; Opinion No. 68/2020, para. 88.

<sup>76</sup> Opinion 15/2019 concerning Yu Wensheng, [A/HRC/WGAD/2019/15](#), 29 May 2019, para 50.

raises serious concerns regarding compliance with the guarantees enshrined in the UN Basic Principles on the Role of Lawyers and applicable international human rights treaties.

4.5.4. In several of its cases, the Working Group underlined that in instances where there is a pattern of persecution, such circumstance may contribute to the conclusion that there is an arbitrary detention under Category V.<sup>77</sup> In the case of Ms. González, there is credible evidence that such a pattern emerged well before her arrest. This includes online harassment, coordinated smear campaigns, threatening rhetoric on social media, verbal threats warning that she herself could face criminal charges, and acts of physical intimidation near her home. These actions collectively indicate a sustained effort to intimidate and silence her because of her status as a lawyer and the clients she represents.

4.5.6. The continuation of criminal proceedings against Ms. González, coupled with the imposition of house arrest, has severely undermined her ability to carry out her professional duties and human rights advocacy. Notably, while the case remains open, she is prohibited from practicing criminal law—her principal area of expertise—which effectively prevents her from representing justice operators and other individuals at risk. The conditions of her house arrest hinder contact with clients, and curtail her public engagement, all of which contribute to her social and professional isolation. Beyond the individual impact, her prosecution sends a broader and alarming message to the legal community. It exerts a chilling effect on other lawyers in Guatemala, who may be deterred from taking on politically sensitive cases for fear of facing similar reprisals, thus undermining the integrity and independence of the legal profession as a whole.

## 5. Relevance of the case

### i. Systematic nature of the persecution

5.1. The Working Group has consistently held that when arbitrary detentions occur as part of a systematic practice, this significantly strengthens the case for a Category II or V violation.<sup>78</sup> In such contexts, the Working Group has reminded States of their binding obligation under international human rights law not to arbitrarily detain individuals, to release those unlawfully detained, and to provide appropriate reparations. Importantly, these obligations are not limited to the executive branch, but apply equally to all State actors, including judges, prosecutors, police, and prison officials.<sup>79</sup>

5.2. As outlined in **Section 3**, Ms. González's detention did not occur in isolation, but rather in the context of a broader campaign of criminalization targeting those who have played a role in combating impunity and corruption in Guatemala. This includes justice operators, journalists, and particularly defence lawyers who represent such individuals. The Working Group itself has previously recognized this pattern in the case of José Rubén Zamora, where it noted with concern a trend of criminal investigations targeting his legal representatives: “[t]he Working Group is

<sup>77</sup> Opinion, No. 48/2017, para. 49; Opinion. No. 75/2017, para. 55; Opinion No. 79/2017, para. 68; No. 13/2018, para. 35.

<sup>78</sup> Opinion No. 75/2017, para. 55; Opinion No. 68/2020, para. 87; Opinion No. 46/2021, para. 111. Opinion No. 43/2019, para.

<sup>89–90.</sup>

<sup>79</sup> Opinion No. 34/2014 concerning Mohammed Hassan Sefid and Abdul Aziz Moussa, A/HRC/WGAD/2014/34, 21 November 2014, para 34.

concerned about this pattern of investigating and criminalizing Mr. Zamora's lawyers, which was not refuted by the Government.”<sup>80</sup>

5.3. The similarities between Ms. González's case and that of Virginia Laparra<sup>81</sup>, another prominent legal professional who was targeted, reinforce the conclusion that these are not isolated incidents but reflect a deliberate and systemic pattern of repression. In both cases, detention orders were issued in hearings where their legal counsel was absent; both were charged with vague, overly broad offenses such as “abuse of authority”; and both were stigmatized through public campaigns and subjected to repeated procedural delays. These parallels support the conclusion that the government is engaged in a coordinated effort to dissuade and punish those who challenge entrenched power structures.

5.4. Several international human rights bodies have expressed serious concern regarding the criminalization and detention of Ms. González. IACtHR included her case in its *Annual Report 2023*<sup>82</sup>, highlighting it as emblematic of the broader pattern of persecution against justice operators in Guatemala, and emphasizing the risks she faces for her prior role at CICIG and her defence of criminalized actors in the justice system. The SRIJL, in a 2023 public statement, expressed alarm over Ms. González's arrest, noting that “*Claudia González's case appears to be the latest in a series of similar cases targeting judges, prosecutors, and lawyers who have worked on corruption or human rights cases in Guatemala.*”<sup>83</sup> The OHCHR, has also noted the continued criminal prosecution of former anti-corruption officials, citing the case of Ms. González as particularly troubling, given the lack of transparency and apparent retaliatory motives behind these proceedings.<sup>84</sup>

## ii. Continued deprivation of liberty under house arrest

5.5. After release from prison, the individual who is placed under house arrest, remains subject to restrictive conditions, including limited freedom of movement and frequent reporting requirements. Although this measure may appear less severe than detention in a penitentiary facility, in practice, house arrest results in continued loss of liberty, professional obstacles, and ongoing uncertainty. As such, house arrest constitutes a form of deprivation of liberty and must be subject to the same safeguards. This is recognized, among others, within the ICCPR.<sup>85</sup> The Working Group's Deliberation No. 1 (1993) established that the working group in each case may assess the arbitrariness of a detention under house arrest. According to the WGAD house arrest constitutes a form of detention where individuals are confined to a specific location without their consent and must be assessed for arbitrariness like any other form of detention.<sup>86</sup> This interpretation is echoed in Article 9 of the ICCPR, which requires that any deprivation of liberty must be lawful, necessary, proportionate, and subject to regular judicial review.

<sup>80</sup> Opinion No. 7/2024, concerning José Rubén Zamora Marroquín, [A/HRC/WGAD/2024/7](#), 17 May 2024, para. 103.

<sup>81</sup> Opinion No. 24/2023.

<sup>82</sup> IACtHR, Annual report 2023, [Chapter IVb](#), Guatemala, para. 117.

<sup>83</sup> SRIJL, Guatemala: UN expert concerned about legal action against prominent lawyer, [press release](#), 18 September 2023.

<sup>84</sup> Report of the United Nations High Commissioner for Human Rights, [UN doc. A/HRC/58/22](#), 21 January 2025, para. 55-56.

<sup>85</sup> Human Rights Committee, general comment No. 35 on liberty and security of person, [UN doc. CCPR/C/GC/35](#), 16 December 2014, para. 5.

<sup>86</sup> Opinion No. 87/2017 concerning Marcelo Eduardo Crovato Sarabia, A/HRC/WGAD/2017/87, 23 January 2018, para. 41.

5.6. Despite being a less visible form of incarceration, Ms. González's house arrest imposes substantial limitations on her personal freedom, professional work, and mental well-being. Moreover, procedural problems persist, creating uncertainty about her situation and raising questions about the legitimacy and necessity of the imposed measure. Hearings in her case have been repeatedly postponed, often at the request of the Prosecutor's Office or for vague administrative reasons. No adequate justification has been provided for these delays, and there is no indication that the authorities have conducted a proportionality assessment or explored less restrictive alternatives. The measure has been indefinite in duration, without periodic, impartial review.

5.7. There is a serious concern that the restrictions on Ms. González' liberty of movement, which are imposed in the context of the ongoing and delayed proceedings, are not proportional in light of what she is accused of and the sentence she may face. Given that Ms. González is accused of a non-violent offense that carries a maximum penalty of three years, the ongoing restrictions—now nearly two years in length—are manifestly disproportionate. The use of such prolonged and restrictive measures for a non-violent accusation raises serious concerns about the legitimacy, necessity, and proportionality of her continued deprivation of liberty.

### iii. Denial of the right to counsel and chilling effects on the legal profession

5.8 The arrest and prosecution of Ms. González not only violates her individual rights, but also undermines the rights of her clients, many of whom are themselves victims of political persecution. In particular, the 16 justice operators she represented are effectively denied their right to legal counsel<sup>87</sup>, as guaranteed by Article 14(3) of the ICCPR.

5.9. The implications for the legal profession are deeply concerning. The criminalization of Ms. González sends a chilling message to other lawyers: defending clients who expose corruption may result in personal reprisal. This fear-driven deterrent undermines both the independence of the legal profession and access to justice for vulnerable individuals. The ongoing prosecution of defence lawyers like Ms. González directly threatens the rule of law and violates international standards on the protection of lawyers and human rights defenders.

## 6. Conclusion

6.1. In light of the above, Lawyers for Lawyers concludes that the arrest and continued detention of Ms. González were carried out in retaliation for her work at CICIG and her role in defending justice operators.

6.2. The restrictions on her liberty—both during her pretrial detention and ongoing house arrest—are arbitrary under **Categories I, II, III, and V** of the Working Group on Arbitrary Detention's working methods. They also constitute violations of the UDHR (Articles 7, 9, 10, 19), the ICCPR (Articles 9, 14, 19, 26), and other relevant international standards, including the UN Basic Principles on the Role of Lawyers and the UN Declaration on Human Rights Defenders.

6.3. The case of Ms. González is not an isolated incident. It is emblematic of a broader and systematic campaign to undermine the legal profession, weaken the rule of law, and obstruct efforts to combat corruption and impunity in Guatemala. The Working Group's intervention is

<sup>87</sup>

New York City Bar Association, [Protections for Prominent Guatemalan Lawyer Claudia González](#), 30 October 2023.

crucial—not only to restore the rights of Ms. González, but to reaffirm that international law protects those who work to uphold it. This case calls for urgent, principled action to protect the independence of lawyers and defend the right to be free from arbitrary detention.

6.4. Through this Amicus Curiae submission, we underscore the importance of preventing arbitrary deprivation of liberty and of ensuring a safe, enabling environment for legal professionals. We respectfully urge the Working Group to find that the case of Ms. González illustrates serious breaches of these principles, and to issue appropriate recommendations accordingly.