Geneva, July 2024

**César Bernardo Arévalo de León**

President of the Republic of Guatemala

**Carlos Ramiro Martínez Alvarado**

Minister of Foreign Affairs of Guatemala

**H.E. Ángela María Chávez Bietti**

Permanent Representative of Guatemala to the United Nations Office at Geneva

Dear Mr. President,

I write to express my concern about the situation of Ramón Cadena Rámila. Mr Cadena is one of Guatemala's leading human rights defenders and was the Director of the ICJ's Central America Programme for over 14 years.

For more than four decades, the ICJ has engaged in advocacy and capacity building on human rights and the rule of law in Guatemala. In recent years, the ICJ has observed a deterioration of the rule of law in the country due to serious attacks on the independence of judges and prosecutors. Equally worrying, human rights defenders, social and political activists, members of indigenous groups, and journalists have also been victims of human rights violations.

As you are aware, Ramón Cadena is among 27 human rights defenders, political activists, students, and academics who were issued with arrest warrants on 16 November 2023 in connection with the 2022 protests against the election of the rector of San Carlos University (“Toma Usac” case). The ICJ, in concurrence with the [Organization of American States](https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-084/23), the [European Parliament](https://www.europarl.europa.eu/doceo/document/TA-9-2023-0485_EN.html), and other international and national institutions, considers that the head of the Office of the Attorney General, María Consuelo Porras Argueta, and other State prosecutors have abused their prosecutorial function to pursue unwarranted and spurious criminal investigations in connections with this incident.

According to the credible information the ICJ has received, Ramon Cadena’s arrest is linked to legal advice he gave to students involved in the 2022 protests. He had also previously [denounced](https://nomada.gt/pais/entender-la-politica/hay-que-recordarle-a-la-fiscal-general-que-las-violaciones-tambien-se-cometen-por-omision/) allegedly improper actions by the Office of the Attorney General. Due to the arbitrary nature of the arrest warrant and the lack of judicial guarantees for a fair trial, Mr. Cadena remains in exile to this day.

The ICJ has learned that last month the Office of the Attorney General [asked](https://lahora.gt/nacionales/jmaldonado/2024/06/16/caso-toma-usac-mp-acude-a-interpol-para-detener-9-personas/) Interpol to issue a “red notice” against Mr. Cadena and eight other persons accused in the “Toma Usac” case. As of this writing and to the ICJ’s knowledge, Interpol has not yet responded to the Office of the Attorney General’s request.

This is not the first time that Ramon Cadena has been subjected to harassment and persecution for his human rights work. In August 2016, while he was working for the ICJ, his home was illegally searched by individuals who falsely claimed to be members of the National Police. During the search, Mr. Cadena’s security guard and family were intimidated by an individual who pointed a gun at them. Because of this incident, the Inter-American Commission on Human Rights issued [precautionary measures](https://www.oas.org/es/cidh/decisiones/pdf/2016/MC661-16-ES.pdf) in his favour in October 2016. He was eventually provided with official police protection.

As a lawyer and human rights defender, Mr. Cadena enjoys the right to carry out his profession free from unwarranted interference. In the case of [*Human Rights Defender et al. vs. Guatemala*](https://www.corteidh.or.cr/docs/casos/articulos/seriec_283_ing.pdf)*,* the Inter-American Court of Human Rights emphasized the State’s obligation to allow the free exercise of the defense of human rights, including by guaranteeing the conditions in which defenders can freely exercise their role. The Court also highlighted the State’s obligation to “*create conditions to eradicate violations by State agents*” and to “*refrain from hindering their work*”.

Along the same lines, Article 12.2 of the Declaration on Human Rights Defenders provides:

*“The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”*

In light of the above, the ICJ would request that you take all the necessary measures to ensure that Guatemala discharges its international legal obligations to protect Ramon Cadena and all human rights defenders. This includes desisting from pursuing spurious criminal charges, such as in the *Toma Usac* case. Such protective actions are also mandated by the Guatemalan Constitution.

In the case of those unfairly prosecuted in the “Toma Usac” case, the arrest warrants and petitions for red notice before Interpol should be revoked. Mr. Cadena and others living in exile must be offered judicial guarantees to return to Guatemala without fear of criminal prosecution, arbitrary detention, or any form of harassment or intimidation aimed at preventing them from carrying out their professional work.

I remain at your disposal to elaborate upon any aspect of our communication.

Yours sincerely,

**Santiago Canton**

Secretary General

International Commission of Jurists