



October 6, 2016

Dear Member of Congress:

We write to you to express our concern for the personal integrity of Orlando Salvador López, the former Chief Prosecutor of the Human Rights unit of the Public Ministry of Guatemala. Mr. López is accused of having tragically caused the death of a pedestrian in a traffic accident and currently is being held in Matamoros prison while awaiting a hearing. The three security agents assigned to his security detail, and who were with him the evening of the traffic accident, are also being held in a prison in Zone 18 in Guatemala City. Our concern is not only for their personal safety but also that due process in their case is fully respected.

Mr. López has led the prosecution of grave human rights violations, including forced disappearances, sexual slavery, extrajudicial executions, and acts of genocide. He was the lead prosecutor in the 2013 genocide trial against former dictator Efraín Ríos Montt, and was key to the recent indictments of high-ranking military officials in cases dating to Guatemala's civil war. Because of the nature of the human rights cases prosecuted by Mr. López and those implicated, including high level military officers, Mr. López and his staff are and have been at risk for retaliation. We are therefore concerned that Mr. López' incarceration exposes him to a grave risk of personal harm, particularly given the insecure nature of the prison system in Guatemala. We are furthermore concerned that his access to legal counsel has been limited.

We are also concerned that third parties have and will continue to take advantage of this unfortunate situation to carry out reprisals against Mr. López. For his work in bringing human rights violators to justice, Mr. López has previously been the subject of media attacks as well as a criminal complaint that was later dismissed by the judicial authorities. It is therefore of the utmost importance that the pattern of baseless attacks and frivolous lawsuits against Mr. López be taken into account in the consideration of his case, and that the authorities ensure that a thorough, impartial investigation be conducted in conformity with the law and due process.

Regarding the incarceration of Mr. López and his guards, it is important to remember that under international law binding upon Guatemala, preventive detention must only be used in exceptional cases and only when necessary to ensure the accused will not impede nor escape the judicial process. Because of his career dedicated to Guatemalan justice, and because Mr. López has fully cooperated with investigators, we believe that a substitutive measure such as house arrest is clearly justified in this case.

The unnecessary and dangerous detention of Mr. López and his three guards takes place in an overall climate of threats to and persecution of legal advocates, journalists, and activists who are trying to build a new Guatemala and right historical wrongs. Current U.S. assistance to Guatemala and the neighboring countries of Honduras and El Salvador is conditioned in part on the

governments respecting the rights of activists and journalists to operate without obstruction or fear of retaliation.

We write to inform you of this situation and urge you to call on the Morales government to guarantee the physical integrity of Attorney López and his guards and to respect due process.

If you have any questions, please contact Vicki Gass, Oxfam Policy Advisor for Central America at vicki.gass@oxfam.org or (202) 777-2976.

Thank you for your attention to this matter.

Sincerely,

CEJIL
Due Process of Law Foundation
Guatemala Human Rights Commission
International Platform against Impunity
Oxfam
Robert F. Kennedy Human Rights
Washington Office on Latin America