



**Mr. Herman Van Rompuy**

Permanent President of the European Union

**Mrs. Catherine Ashton**

High Representative of the European Union for Common and Foreign Security Policy  
and Vice-President of the European Commission

**Mr. Jose Luis Rodríguez Zapatero**

Spanish Presidency of the EU

Cc Member States of the European Union

Brussels, 9th of June 2010

**Subject: The fight against impunity in Guatemala and urgent support for Carlos Castresana and the CICIG**

Dear High Representative:

The undersigned European civil society platforms express our deep concern in view of the announcement of the resignation of the Commissioner of the International Commission against impunity in Guatemala, Mr. Carlos Castresana, on the 6<sup>th</sup> of June 2010.

The resignation of Mr Castrena comes shortly after the recent appointment of the new General Attorney of the Republic of Guatemala, Mr. Conrado Reyes. Far from demonstrating a commitment in favor of justice, Mr Reyes gave through his first actions signs to want to hamper the process of the fight against impunity in Guatemala. Among others, dismantling the professional team of the Special Unit in Support of the CICIG (UEDAC) of the Attorneys office which had been producing results in the fight against impunity.

Referring to the new General Attorney, Mr. Castresana denounced that «in his very short time in the institution he had rather showed commitment to illicit organizations than to the Rule of Law and general interest of the Guatemalan people. His appointment is a consequence of a pact between adoption lawyers and lawyers who defend drug-

lords». The commissioner, together with the United Nation's High Commissioner for Human Rights in Guatemala (UNHCHR) had already warned about the grave irregularities that marked the selection process of the new General Attorney, in particular the lack of transparency.

Furthermore, Mr. Castresana pointed to the successful intent of the organized crime to recover spaces and discredit the CICIG, through attacks against himself. He, moreover, condemned the grave threats against himself, in particular since the detention of ex President Alfonso Portillo, in February 2010.

In a country, characterized by almost full impunity (98% of the crimes), this situation is to be considered particular severe.

Considering the above mentioned and in follow up to the declaration of the EU on the 18th of May 2009<sup>1</sup>, expressing its deep concern for the deterioration of the situation of impunity and violence in the country and reiterating its full support for the CICIG.

We urge the European Union to make an official declaration in order to:

- **Condemn the obstacles to the fight against impunity in Guatemala and deficiencies in the functioning of the judicial administration** as brought up to surface once again through the election of the general attorney, Mr. Conrado Reyes, and the resignation of the Commissioner of the CICIG.
- Remind the State of Guatemala, that upon ratifying an agreement together with the United Nations on the 12th of December 2006, allowing for the creation of the CICIG as an independent organ and in support of the General Attorneys office and the National Police and other state institutions tackling with the investigation of delicate and difficult cases<sup>2</sup>, it also **committed itself to cooperate with the CICIG**. Until this moment, the State of Guatemala has, however, failed to fulfil this commitment, something that needs to be amended.
- **Acknowledge the achievements of the CICIG and the work of Mr. Castresana**, reiterating at the same time the **political and economic support of the European Union** in order to ensure that the institutionality of the CICIG is not damaged by Mr. Castresana's imminent departure.
- Request the President of Guatemala, Álvaro Colom, to ensure that the staff of the Special Unit in Support of the CICIG (UEFAC) is reintegrated.
- Urge the President of Guatemala, Álvaro Colom, **to clarify the accusations against the General Attorney of ties to the organized crime and to consider his immediate destitution**, appointing a temporary General Attorney from

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1 Statement of the European Union and Canada on Guatemala 10080/09 (Presse 141) P 59/09

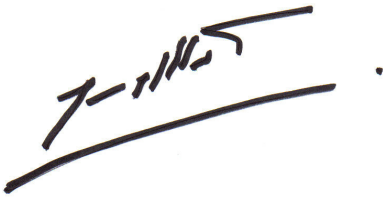
2 See mandate of CICIG, <http://cicig.org/index.php?page=mandato>

the district prosecutors of the country.

- Express its concern about the **lack of transparency** during the last electoral process of the General Prosecutor and interest in preparing a new process that would respond in particular to the criteria of transparency and objectivity, allowing for the selection of suitable, honorable and independent candidates.
- With the abovementioned in mind, **consider a moratorium of the ratification of the association agreement between the EU and Central America**, until the guatemalan counterpart is in the condition of guaranteeing the coming into force of the rule of law in all its territory.

We look forward to your reply.

Yours Sincerely,



Luis Guillermo Perez  
Executive Secretary CIFCA  
Copenhagen Initiative for Central America & Mexico



Souhayr Belhassen  
President of the FIDH  
International Federation for  
Human Rights



Marlies Stappers  
Coordinator of the Dutch Platform against Impunity