

The Truth of Exile

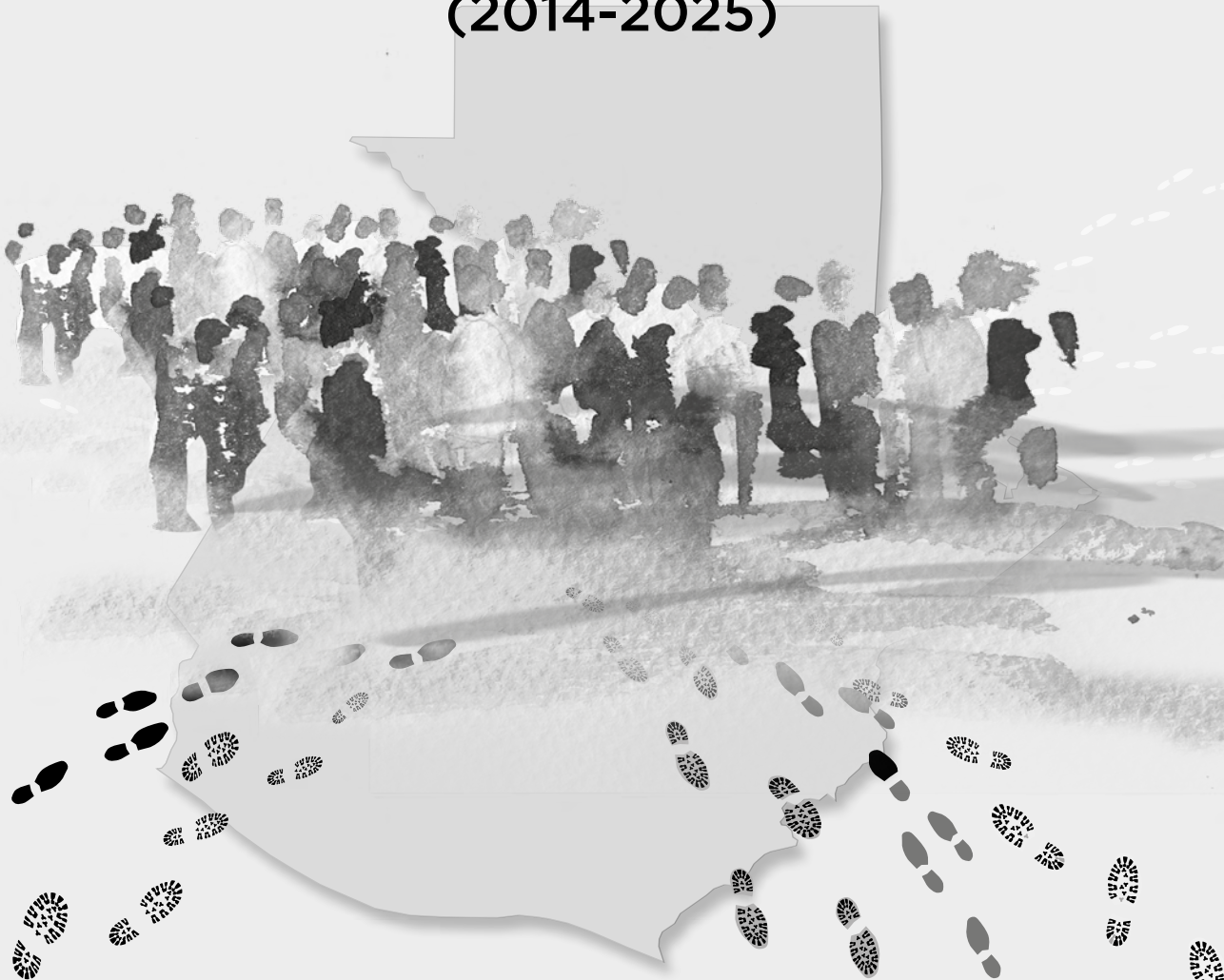
Ethics, Criminalization, and the
Struggle for Justice in Guatemala
(2014-2025)



Executive Summary

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Note on Authorship and Responsibility

This report was prepared by an independent team led by Carlos Martín Beristain, with the participation of Sonja Perkič-Kreml, Kelsey Alford-Jones, and Liliana Rincón, as part of a process of documentation, analysis, and testimony gathering on persecution and exile in Guatemala.

Casa Centroamérica provided institutional support, logistical assistance, and technical secretariat services throughout the process.

The findings, interpretations, conclusions, and recommendations presented in this report are the sole responsibility of the report's director.

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Acronyms

CEH	Commission for Historical Clarification
CICIG	International Commission against Impunity in Guatemala
COPADEH	Presidential Commission for Peace and Human Rights
IACHR	Inter-American Commission on Human Rights
INTERPOL-ICPO	International Criminal Police Organization
IGSS	Guatemalan Social Security Institute
IOM	International Organization for Migration
OHCHR	Office of the United Nations High Commissioner for Human Rights
PEI-GT	Panel of Independent Experts on Guatemala
PDH	Office of the Human Rights Ombudsman
PGN	Office of the Attorney General of the Nation
REMHI	Recovery of Historical Memory Project
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
USAC	University of San Carlos

Language Note. This report seeks to use inclusive language as part of its commitment to recognizing the dignity, equality, and diversity of all people. At the same time, it prioritizes clarity, technical precision, and fidelity to the voices of those who participated in this research. Accordingly, inclusive language has been applied with flexibility, respecting the wording of testimonies, the official names of institutions, public offices, legal norms, and cited documents, as well as expressions whose modification could alter their meaning or historical significance.

Foreword

Margaret Satterthwaite

United Nations Special Rapporteur on the Independence
of Judges and Lawyers

Guatemala is experiencing a moment of profound change—one that is also a moment of immense responsibility. The hope that exists today will ultimately be measured by the actions taken to restore confidence in the justice system, end the criminalization of those who have defended the rule of law, and support the judges, prosecutors, lawyers, Indigenous leaders, and human rights defenders who were forced into exile because of their work. This report constitutes an essential contribution to that process.

Guatemala's recent history demonstrates that accountability does not emerge from institutions alone. It is built —often over decades— through the persistence of victims, survivors, Indigenous authorities, human rights defenders, journalists, and civil society organizations that refuse to allow serious human rights violations to disappear into silence. In Guatemala, the pursuit of justice in cases such as Myrna Mack, Diario Militar, Chichupac, the genocide trials, cases concerning sexual slavery, the CREOMPAZ mass graves, as well as the many investigations into enforced disappearances, torture, and sexual violence, has decisively advanced justice through the efforts of society itself.

As this report demonstrates, none of that progress would have been possible without the sustained commitment and extraordinary work of civil society. Survivors and those who represented them pursued these cases long before public institutions were prepared to do so, often at tremendous personal cost. Their work reminds us that independent justice institutions do not exist in isolation. They depend upon a society willing to defend accountability, truth, and the rule of law—even when those very institutions are themselves under attack. This is particularly significant at a time when, as I recently observed, “the forced exile of justice officials has weakened institutional capacity,

deepened impunity, and left victims of serious human rights violations without effective remedies.”*

The Truth of Exile makes a vital contribution by giving voice to people who are all too often defined solely through court records, arrest warrants, or institutional statistics. This report reveals the human reality concealed behind criminalization: the shattering of life plans, the loss of a profession, separation from family and community, and the long struggle to rebuild dignity and a renewed sense of purpose in exile.

Exile as a Consequence of Criminalization

During my official visit to Guatemala, I repeatedly heard that criminalization had forced justice officials—both current and former judges and prosecutors—as well as public defenders and Indigenous leaders to leave the country. This report explores that reality in greater depth. It demonstrates that exile is one of the gravest consequences of the misuse of criminal law. Exile separates people from what makes life worth living—our homes, our professions, our communities, and often our families—while those forced to flee remain subject to ongoing legal threats and persistent risks to their personal security.

Indeed, exile does not necessarily bring persecution to an end. Many justice officials continue to face outstanding arrest warrants, the possibility of international alerts, ongoing threats, and attacks against both their families and their reputations. Under these circumstances, exile becomes a new phase of criminalization, marked by fear of return, uncertainty regarding one’s legal status, and the awareness that the machinery of persecution can extend well beyond national borders.

Criminalization is not only an attack on individuals; it is an attack on the administration of justice itself. When judges, prosecutors, lawyers, and investigators are targeted because of the work they perform, the damage extends far beyond those accused. Cases are weakened, institutional memory is lost, victims are left without effective remedies, and the pursuit of truth and accountability becomes increasingly fragile. In Guatemala, the exile of justice officials has deepened impunity precisely in those areas where justice is most urgently needed, including investigations, criminal prosecutions, and efforts to secure accountability for corruption and transitional justice crimes.

* [A/HRC/62/43/Add.1](#), paragraph 117.

The experiences documented in this report reflect a pattern that I have described as the instrumentalization of the justice system: the use of legal mechanisms for purposes contrary to justice itself. More specifically, criminalization involves:

“The use of legal proceedings against specific individuals or groups who appear to have been selected in order to (a) persecute them; (b) retaliate against them; (c) discriminate against them; (d) silence them, whether personally or in the exercise of their professional functions; or (e) create a chilling effect directed at others engaged in similar activities.”

Criminal law is intended to protect society and uphold accountability. When it is instead used to intimidate, punish, or remove those who have fought corruption, impunity, or serious human rights violations, the criminal process itself becomes an instrument of abuse.

Due Process Devoid of Substance

The testimonies gathered in this report demonstrate how due process can be stripped of its essential meaning in cases of criminalization. Protracted proceedings, lack of transparency, restrictions on public access to hearings, attacks on reputation, and the constant threat of detention or imprisonment can transform the legal process itself into a form of punishment. The right to a fair trial requires legality, judicial independence, public proceedings, equality of arms, and genuine judicial oversight. When these guarantees are absent –or rendered meaningless in practice– the criminal process ceases to function as an instrument of justice and instead becomes a mechanism of coercion.

The report’s analysis of pretrial detention is particularly significant. Pretrial detention must never be used as a means of punishment, pressure, or retaliation. Its abusive use inflicts profound harm by depriving detainees of their liberty, physical integrity, mental health, family life, and professional dignity. At the same time, it sends an intimidating message to those who continue working to advance accountability.

The testimonies describing imprisonment are especially difficult to read, yet they are indispensable. They reveal how criminalization reaches beyond legal proceedings to affect the body, the family, and the most intimate dimensions of human dignity. For those who have been imprisoned, the consequences

do not end upon release or exile. The harm persists through trauma, stigma, economic insecurity, family separation, and the immense challenge of rebuilding a life after an experience that should never have occurred.

Online Harassment and the Gendered Impact of Criminalization and Exile

In Guatemala, criminalization has been reinforced through online harassment, stigmatization, and digital violence. Online attacks intensify fear, destroy reputations, expose families to threats, and continue to target individuals even after they have left the country. Women justice officials frequently face gender-based violence, including misogynistic attacks, sexual threats, and deliberate attempts to undermine their professional credibility through the dissemination of private information –or even intimate images– as documented throughout this report.

One of the report's most valuable contributions is the space it provides for women justice officials to describe the specific harms they have endured. Their testimonies show that criminalization and exile are profoundly shaped by gender, intersecting with caregiving responsibilities, family separation, public stigma, economic insecurity, and digital violence. The report also sheds light on a dimension of exile that often remains invisible for women: the guilt associated with the economic hardship experienced by their families and the deterioration of family life. At the same time, it gives voice to the remarkable resilience of women who have continued to defend truth and justice despite living under conditions of profound vulnerability.

Rebuilding Life in Exile

Exile is often described as a place of safety. Yet for many justice officials it is equally a place of uncertainty, isolation, and loss. Judges, prosecutors, and legal professionals who devoted their lives to public service may suddenly find themselves in a new country where their qualifications are not recognized, their immigration status remains uncertain, professional networks have disappeared, financial resources are scarce, and they may not even speak the local language fluently. The burden of starting over is immense, particularly for those who never chose to leave.

For justice officials, exile frequently means losing not only a homeland but also a profession. Their work depends upon intimate knowledge of legal

systems, institutions, language, public trust, and decades of accumulated experience. When forced to leave their country, they lose the opportunity to carry out the work for which they trained and to which they dedicated their lives. This professional uprooting is one of the least visible –and yet one of the deepest– forms of harm caused by forced exile.

One of the report's most moving reflections concerns identity itself. Although exile is commonly understood as geographic displacement, the testimonies collected here reveal that it also entails a profound transformation of one's sense of self. During my consultations with justice officials living in exile, many described losing not only their country but also the social, professional, and personal identities that had shaped their lives. This is particularly true for Indigenous Peoples.

One family member captured this experience with extraordinary simplicity, describing exile as “a way of being without truly being.” Another interviewee reflected on the need to learn how to inhabit the present while carrying the weight of an uncertain future. Taken together, these accounts illustrate what might be described as the dual consciousness of exile: grieving what has been lost while gradually constructing a new identity that does not erase the past.

Particularly powerful is the testimony of a K'iche' woman from Totonicapán, who explains:

“One of the hardest things has been rebuilding your identity from a place that does not deny who you are, but instead honors everything that has shaped your journey.” Her words remind us that rebuilding identity is not an act of forgetting, but one of continuity and dignity. For justice officials, preserving professional ethics, historical memory, and commitment to justice becomes, in itself, an act of resistance.

The Social Impact of Exile

The forced exile of justice officials carries profound consequences for society as a whole. Guatemala has lost judges, prosecutors, lawyers, and human rights defenders whose expertise was essential to the pursuit of truth, accountability, and democratic reconstruction. Their absence weakens institutions, erodes public trust, and leaves victims of serious human rights violations with fewer avenues to obtain justice.

These consequences are particularly severe in the field of transitional justice. Guatemala's efforts to investigate genocide, enforced disappearances, sexual violence, and other grave crimes have depended upon highly specialized judges, prosecutors, lawyers, and investigators whose expertise was built over decades. When these individuals are criminalized and forced into exile, it is not only individual careers that are interrupted. Institutional memory, legal strategies, and the continuity of highly complex judicial processes are also disrupted. As I noted in my report following my country visit: *"Those presiding over transitional justice cases have themselves been subjected to criminalization."* Their forced displacement has weakened the justice system's ability to respond to some of the country's gravest crimes and has further prolonged victims' search for truth and accountability. In this sense, exile affects not only those compelled to flee—it shapes the prospects for justice across Guatemalan society.

Support and Reparations

This report reaffirms the urgent need to provide protection, assistance, and reparations to those affected by criminalization and forced exile. Such measures should include support in obtaining documentation and regularizing immigration status, emergency assistance, legal and psychosocial services, professional reintegration, initiatives to reduce isolation, and, whenever possible, guarantees for a safe return. Individuals who have been criminalized should not be subjected to further punishment through financial claims, reparation orders, or the internationalization of persecution.

During my visit to Guatemala, I met with numerous justice officials –both serving and former– who had been forced into exile. Their experiences featured prominently in the report I presented to the Human Rights Council. The testimonies gathered in *The Truth of Exile* add a profound human dimension to those findings.

Perhaps this report's greatest contribution is its refusal to reduce exile to a condition of victimhood. Throughout these pages, we encounter pain and loss, but also resilience, solidarity, and an unwavering determination to continue defending justice despite displacement. Exile may have become the means by which many people protected their lives, but it has also become an act of resistance.

This report stands both as a testimony and as a call to action. Listening to those living in exile is essential to understanding what has happened to justice in Guatemala. Supporting those who were forced to flee is an integral part of rebuilding the rule of law, and Guatemala's path toward the future must include those who defended truth, accountability, and justice. Their return requires dismantling the very machinery of persecution and criminalization. Making that return possible is essential to strengthening hope and democracy in Guatemala. This report represents a decisive step in that direction.



Introduction

The Dignity of Resistance in Prison and Exile

“If you had tried to talk to me about this one or two years ago, I wouldn’t have lasted even five minutes. The truth is, I simply wasn’t ready. I’ve learned that when people cry, it may appear to be a sign of weakness, but it has taken me a long time to understand that it is actually a sign of sensitivity— of being deeply connected to reality. Then comes another challenge: how you reinvent yourself, how you begin to imagine yourself differently. This is part of my life. This is the life I was given.”
(Interview ODJ-C-0430)

This report tells the stories of people who, following the signing of the 1996 Peace Accords, believed that truth and justice could serve as foundations for strengthening democracy in Guatemala. Despite enormous challenges, they helped achieve significant advances in the country. Yet during the past decade, many of them were criminalized and persecuted, subjected to threats, arbitrary detention, and ultimately forced into exile.

To each of them, we extend our deepest respect and gratitude. Without their commitment to truth and justice –and without the trust they placed in us by sharing their experiences– this report would never have been possible.

In order to dismantle many of these achievements, a strategy of criminalization was deployed against justice officials, Indigenous ancestral authorities and representatives, human rights defenders, activists, and journalists. They were persecuted, stigmatized, imprisoned, and ultimately forced into exile because remaining in Guatemala no longer allowed them to safeguard either their liberty or their personal integrity. The principal objective of this strategy was

to preserve structures of violence deeply rooted in Guatemala's history and now increasingly intertwined with organized crime and high-level corruption.

Every system of violence is accompanied by a narrative designed to legitimize itself. In Guatemala, extensive networks of corrupt actors succeeded in capturing significant portions of the State –particularly the justice system– in order to obstruct efforts to dismantle clandestine violent structures, combat impunity for the atrocities of the past, and confront the contemporary nexus of organized crime, drug trafficking, and corruption.

The testimonies gathered in this report have been entrusted to us by individuals who believed their experiences would be treated with dignity and respect. Together, these testimonies offer an ethical lesson for institutions and society alike. Their story begins in a period when Guatemala sought pathways out of armed conflict, when historical memory was understood as a means of establishing the social and political boundaries of what should never be allowed to happen again. This struggle for dignity continued in the days following the assassination of Bishop Juan Gerardi on 26 April 1998, when thousands marched in defense of peace and respect for life. Years later, it inspired the massive anti-corruption mobilizations of 2015, demands for justice reform, the work of the International Commission against Impunity in Guatemala (CICIG), and institutional advances that once appeared unimaginable in Guatemala. In 2023, citizens again mobilized across the country to defend democracy against renewed attempts at corruption and authoritarian control.

Since then, a broad range of social, political, and institutional actors have continued working to recover and consolidate democracy, strengthen the rule of law, and build institutions capable of guaranteeing fundamental rights.

The stories contained in this report form part of that collective memory. Listening to them leaves no one untouched –not only because of the suffering endured and the deliberate actions of those responsible, but also because of the profound absurdity of fraudulent criminal proceedings, fabricated accusations, and the abuse of legal institutions. The justice system itself was deliberately distorted in order to secure impunity and preserve an exclusionary political, economic, social, and cultural order.

The testimonies reveal people whose commitment to Guatemala never wavered –individuals guided by ethical principles that could neither be bought nor intimidated. They accepted the possibility of prison or exile rather than submit to demands that they confess crimes they had not committed

or legitimize a system built upon corruption. Again and again, they refused. They refused to normalize corruption. They refused to accept impunity. They refused to believe that Guatemala was destined to remain a country where ordinary people do not matter, where public institutions fail to uphold citizenship and rights, and where Indigenous Peoples continue to be denied the dignity and equality long withheld from them.

This report tells the story of lives fractured into a clear “before” and “after” by criminalization and persecution. Some individuals spent two, three, or more years in prison, enduring degrading treatment –and in some cases torture– without meaningful access to legal defense.

Many others were compelled into exile, where they have now spent between two and seven years –or even longer– under difficult circumstances whose consequences continue to shape every aspect of their lives. Perhaps the deepest of these consequences is what many interviewees describe as civil death.

“Civil death means that once you’re prosecuted, half the people who know you walk away. They think, ‘I’d better keep my distance, otherwise I might be next.’ What’s worse is that some people begin to think maybe you really did something wrong—otherwise why would they be coming after you? They start killing you socially. Your professional circle disappears. Your networks of resistance fade away. The reputation you spent years building slowly dies.”
(Interview CONT-C-0292)

Exile is a non-place. It exists somewhere between a Guatemala to which people still cannot safely return and a host country that can never fully become home. As testimonies were gathered from prisons and places of exile –in Europe, the United States, Mexico, Costa Rica, and elsewhere– one question repeatedly emerged: What kind of country might Guatemala be today if these individuals had been allowed to continue their work? They represent an ethical reference point not only for Guatemala but for societies around the world at a time when attacks against human rights defenders and the capture of justice institutions by corrupt interests are becoming increasingly widespread. The consequences extend far beyond the one hundred documented cases examined in this report. They include the paralysis and derailment of criminal investigations, the capture of justice institutions, and threats to freedom of expression and access to information –developments that affect the entire society and undermine the functioning of the State itself.

Those forced into exile were torn away from their land and from the shared body that is their country—their communities, families, and people. Yet they carried with them the freedom others sought to take away. Today they bring back a truth that, as this report demonstrates, has steadily claimed its rightful place. Listening to that truth—and making it part of Guatemala's future—remains an unfinished task. This report is intended as a tool for that purpose. The phrase repeatedly heard throughout this research—"You will see us return"—is more than a slogan. It is the expression of a profound demand for justice and a reminder of one of Guatemala's greatest unfinished responsibilities. It reflects the conviction that the persecution these individuals endured was profoundly unjust and that its consequences have deeply hindered the construction of a genuine democracy.

Structure of the Report

This report is organized into four principal sections. The first examines the struggle for justice and the entrenched impunity that formed the backdrop—and ultimately the driving force—behind the persecution documented here. The second analyzes the mechanisms of criminalization, including fabricated criminal proceedings, judicial persecution, digital harassment, arbitrary detention, and other forms of repression. The third explores the experience of exile itself as a consequence of persecution and as a strategy for preserving personal freedom and physical integrity. The final section presents the demands expressed by those who were criminalized, summarizes the report's principal findings, and offers recommendations to the Guatemalan State and society aimed at advancing decriminalization, recognition, protection, and meaningful acknowledgment of exile.

Methodology and Scope

The following section outlines the report's methodology, objectives, and scope. It describes the number and profiles of those interviewed, the documentary review undertaken, the methods used to analyze the evidence, and the basic statistical information that supports the findings presented throughout this report.

1. Purpose of the Report

Overall Purpose

To document and analyze the experiences of forced exile of justice officials, human rights defenders and activists, journalists, Indigenous authorities, and others who, in the exercise of public-interest functions or in the defense of democracy, human rights, and the rule of law, were subjected to criminalization, persecution, harassment, or threats that forced them to leave Guatemala.

By documenting their testimonies, life trajectories, and lived experiences, the report seeks to understand the mechanisms and patterns that enabled these processes, as well as the impacts they have had on those affected, their families, their communities, and Guatemalan society as a whole. It also seeks to recognize and highlight their contributions to justice, human rights, and democracy; to make visible their needs, demands, and expectations regarding recognition, support, reparation, and return; and to contribute to the reconstruction of Guatemala's democratic institutions and justice sector.

Specific Objectives

1. To document cases of forced exile and reconstruct the patterns of persecution that made them possible by collecting and analyzing testimonies, documentary evidence, and other sources of information that shed light on the forms of criminalization, harassment, threats, arbitrary detention, abusive judicial proceedings, and other practices that compelled justice officials, human rights defenders, journalists, Indigenous authorities, and others to leave Guatemala.
2. To analyze the impacts of forced exile on those affected, their families, and their communities by identifying the personal, familial, professional, economic, social, cultural, and psychosocial consequences of being forced to leave the country, as well as the broader effects of this phenomenon on access to justice, the protection of human rights, freedom of expression, and democratic strengthening in Guatemala.
3. To recover, systematize, and recognize the trajectories, experiences, and contributions of people living in exile, acknowledging their role in building more democratic institutions, strengthening the rule of law, defending human rights, and combating impunity, as well as the value of their knowledge and experience for future processes of institutional reconstruction in Guatemala.

4. To identify the needs, demands, expectations, and proposals of people living in exile regarding decriminalization, recognition, support, reparation, reintegration, and safe return, with the aim of contributing to the design of public policies, institutional measures, and other actions intended to restore their rights and good name, uphold the dignity of victims, rebuild trust in public institutions, strengthen guarantees of non-repetition, and advance Guatemala's democratic reconstruction.

2. Scope and Limitations

This report focuses on cases that occurred between 2014 and 2025. This period was selected because it represents a particularly significant phase for understanding the recent phenomenon of exile in Guatemala. The starting point is the genocide conviction of former General Efraín Ríos Montt and the forced exile of former Attorney General Claudia Paz y Paz in April 2014, events that set an important precedent regarding the risks faced by individuals involved in justice processes and marked the beginning of the recent wave of exile within Guatemala's justice sector. The period also encompasses the expulsion of the International Commission against Impunity in Guatemala (CICIG) in 2019 and the subsequent developments that led to a significant increase in criminalization, persecution, and forced exile. This temporal framework makes it possible to examine the evolution of the phenomenon, its principal characteristics, and its impacts on those affected as well as on the country's institutional life.

3. Methodology

The research was conducted using a qualitative, inductive approach aimed at reconstructing and understanding the experience of exile from the perspective of those directly affected. In this sense, the report is grounded in a bottom-up approach, drawing primarily on interviews with affected individuals to document the testimonies, experiences, analyses, and reflections of those who have directly experienced criminalization, persecution, and exile. To this end, semi-structured interviews were conducted with people living in exile, individuals who had been detained, and family members. Context interviews were also carried out with national and international experts, complemented by a review of secondary sources. Finally, the information collected was systematically coded and subjected to qualitative analysis.



Findings and Conclusions

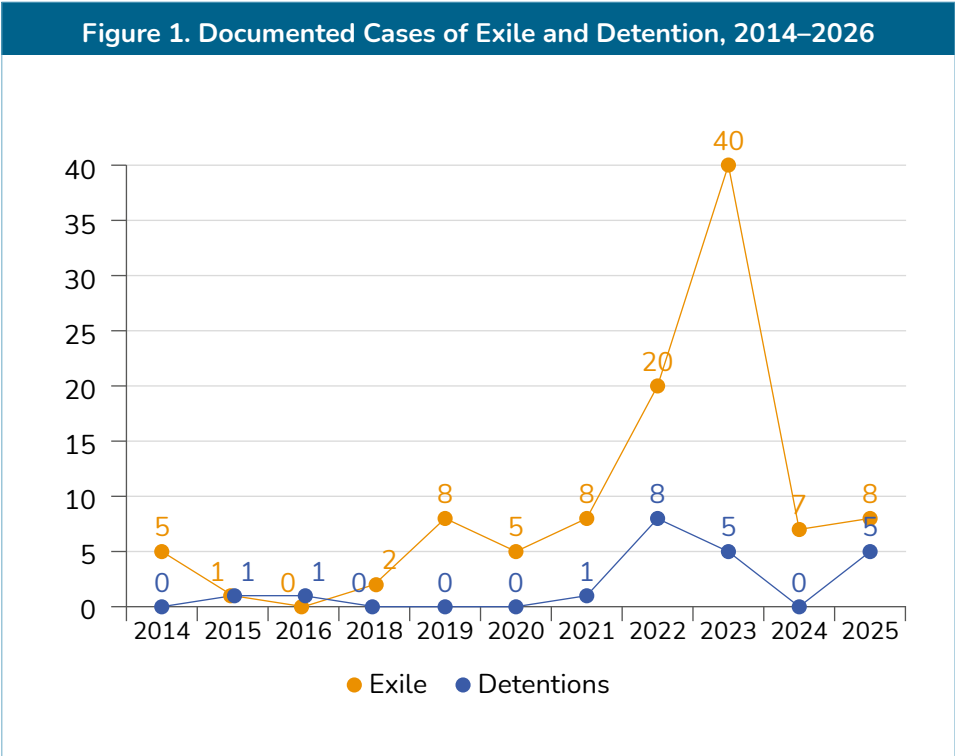
This report documents the struggle for justice in Guatemala and the processes of criminalization that have unfolded over the past decade, forcing large numbers of people into exile. Those affected include prosecutors, judges, former officials of the Public Prosecutor's Office and the Judiciary, former officials of the International Commission against Impunity in Guatemala (CICIG), investigative journalists, Indigenous ancestral authorities, community leaders, human rights defenders, members of the Semilla Movement, university students, and many others who were persecuted, criminalized, or forced to flee because of their professional work, public service, or civic engagement.

Of the Interviewed People Living in Exile

For the purposes of this report, cases of exile are documented beginning in 2014, with the departure into exile of former Attorney General Claudia Paz y Paz in May of that year. The period from 2014 to 2018 records the fewest documented cases. It should be noted that, during this period, four individuals were forced into exile twice.

The most significant increase occurred beginning in 2019, following the expulsion of CICIG from the country. This marked the start of a period characterized by a sustained rise in persecution, detentions, and exile, reaching its peak in 2023, when 40 cases of exile were documented. This increase corresponds to the 2019–2023 period, which accounts for the highest concentration of the events examined in this report, in the context of the capture of State institutions and the weakening of mechanisms to combat corruption and impunity.

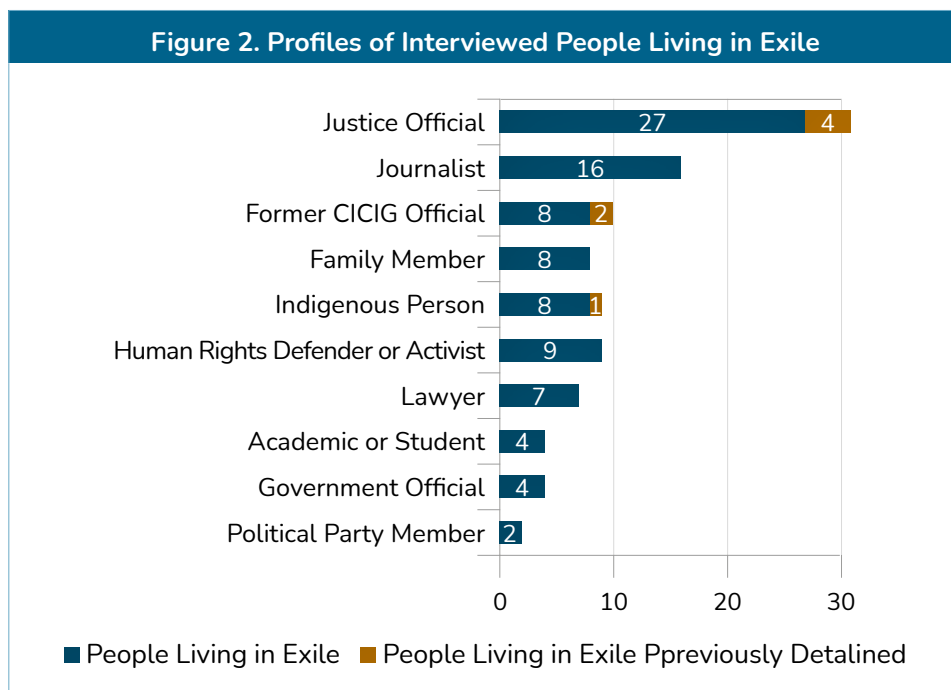
As shown in Figure 1, following the change of government in January 2024, there was a significant decline in these practices. However, cases of persecution, criminalization, and exile did not disappear entirely, as the same Attorney General remained in office until May 2026.



Authors' own elaboration.

Of the 100 interviewed people living in exile, nearly one-third (31%) are former justice officials from the Public Prosecutor's Office and the Judiciary. Journalists account for 16% of those interviewed, while former CICIG officials represent 10%. The next largest groups are family members (who accompanied criminalized individuals), Indigenous authorities, and human rights defenders, each representing 8% of the interviewees.

Among the former justice officials and former CICIG officials, seven were detained before being forced into exile, five of whom are women. Notably, 80% of the interviewed people living in exile from the justice sector and CICIG are women.



Source: Authors' own elaboration.

Impunity and the Struggle for Justice

The testimonies collected for this report reveal that, long before exile became inevitable, those interviewed had already endured diverse forms of criminalization, intimidation, arbitrary detention, and persecution. These abuses were carried out not only through state institutions but also through coordinated campaigns involving social media, digital harassment, traditional media outlets, and other public and institutional actors. Rather than representing isolated abuses, the documented cases of criminalization, arbitrary detention, and forced exile form part of a broader process of democratic erosion and institutional capture in Guatemala. This section summarizes the principal findings derived from the analysis of the political and institutional context, the mechanisms of persecution identified, and the experiences of those affected based on the documented cases. It also examines the impacts these practices have had on the personal, family, and professional trajectories of those interviewed—particularly the consequences of exile—as well as their broader effects on the fight against impunity, the defense of human rights, and the strengthening of the rule of law.

These findings provide the foundation for the report's recommendations, which set out an agenda for truth, recognition, justice, reparation, and guarantees of non-repetition that, as emphasized by those affected and by international human rights bodies, should form an integral part of State policy.

Interviews with justice officials reveal that the progress achieved in advancing justice was made possible not only by legal and institutional reforms, but also by the sustained commitment of numerous individuals and representatives of civil society organizations. Together, they promoted legal reform processes, strengthened the professional capacity of the justice sector, and worked alongside Attorneys General, prosecutors, police personnel, senior justice sector officials, analysts, investigators, and the technical assistance provided by the International Commission against Impunity in Guatemala (CICIG).

These justice officials built specialized teams, contributed to the development of protocols and accountability mechanisms, and fostered, from within justice institutions, a greater openness toward victims of serious human rights violations and other high-impact crimes. Their work made it possible to advance investigations and secure accountability for criminal structures and corruption networks that had operated with high levels of impunity for decades.

Particularly in the field of transitional justice, these advances were also the result of many years of advocacy by victims themselves and by numerous civil society organizations, working in partnership with the Public Prosecutor's Office and the Judiciary. Together, they advanced high-impact cases that were successfully brought before the courts thanks to the strengthened institutional capacity of both the Public Prosecutor's Office and the Judiciary.

Victims of Criminalization, Arbitrary Detention, and Exile

1. HIt was precisely these advances in the justice sector that came under attack from entrenched impunity networks operating through the capture of State institutions. Wielding considerable power –particularly after the departure of CICIG in 2019– these actors implemented a broad strategy to dismantle progress in strengthening the justice system, undermine ongoing investigations, and persecute those who had led them. The criminalization documented in this report can only be understood in light of these achievements, which, despite formidable obstacles, continued to advance until 2019, although the backlash had already begun to

emerge following the annulment of the genocide conviction against former General Efraín Ríos Montt in May 2013.

2. Criminalization has targeted justice officials, ancestral authorities and Indigenous leaders defending their territories and democracy, investigative journalists, students and academics, human rights defenders and social activists, as well as members of the Semilla political party, among others, who were perceived as obstacles to the capture and control of public institutions. These criminalization efforts have included threats, forced transfers, dismissals, the filing of criminal complaints, abusive criminal prosecutions, and other forms of persecution directed at individuals who carried out their responsibilities with a commitment to justice and to Guatemala..
3. The persecution of former justice officials documented in this report is directly linked to their involvement in investigations and judicial decisions concerning high-impact cases involving corruption, drug trafficking, organized crime, and serious human rights violations. Most of these cases occurred after the end of CICIG's mandate in 2019. Their criminalization formed part of a broader process aimed at dismantling the institutional capacities that had been built over previous years and weakening the justice system itself in order to reverse these investigations. This included the initiation of abusive criminal proceedings against prosecutors, other key actors within the justice sector, and former CICIG officials. The result has been the erosion of institutional capacity, the weakening of justice institutions, and the consolidation of an internal climate of control and fear in the face of arbitrary power.
4. At the same time, criminalization also targeted journalists and media outlets that documented, investigated, or reported on these developments. The cases analyzed show that investigative journalists and media organizations such as elPeriódico were subjected to harassment, attacks, and persecution that ultimately led to the newspaper's closure. Subsequently, other independent media outlets, including Prensa Comunitaria, as well as other journalists, faced similar patterns of persecution. Criminalization thus extended to those who exposed or reported on corruption, as well as to those who covered struggles to defend Indigenous territories and documented the impacts of extractive projects on affected communities. These actions constitute a clear attack on freedom of expression, as repeatedly denounced by United Nations mechanisms and international organizations working to protect press freedom.

5. Another recurring context of criminalization identified in this report concerns social mobilization and the exercise of collective rights. Interviewees were criminalized in connection with public demonstrations and protest movements, including the mobilization led by the 48 Cantons of Totonicapán at Alaska Summit in 2012, during which the Guatemalan Army killed and wounded several Maya K'iche' people; the 2015 nationwide protests demanding the resignation of then-President Otto Pérez Molina and then-Vice President Roxana Baldetti over corruption allegations; initiatives led by ancestral authorities and community leaders defending their territories, the right to prior consultation, and communities affected by extractive projects; and the nationwide mobilizations organized by ancestral authorities and Indigenous communities in 2023 to defend democracy and uphold the electoral results, which were joined by broad sectors of Guatemalan society. Although these events arose in different contexts, they share a common feature: the participation of individuals, authorities, and communities exercising their rights to collective organization, representation, and participation in matters of public interest.
6. The criminalization of Indigenous Peoples is neither an isolated nor a recent phenomenon. Rather, it forms part of a continuum of violence against Indigenous Peoples that predates the current wave of criminalization targeting former justice officials and continues, through new forms of restriction on the exercise of both individual and collective rights and on participation in public life, with racism and discrimination as defining features. Based on the interviews conducted for this report, three principal contexts of criminalization were identified: (a) individuals involved in defending their territories and resisting the exploitation of natural resources and the implementation of large-scale extractive projects; (b) individuals who have played a central role in seeking justice for the crimes and serious human rights violations committed during Guatemala's internal armed conflict –documented by both the Recovery of Historical Memory Project (REMHI) and the Commission for Historical Clarification (CEH)– as well as in advancing processes of memory, truth, and reparation; and (c) individuals who played an active role in organizing and leading the nationwide pro-democracy mobilizations of 2023, as discussed in the previous section. The interviewees included in this report are primarily members of the Maya Q'anjob'al, Ixil, and K'iche' Peoples.
7. The report also documents the exile of individuals who were members of, or closely associated with, the Semilla Movement, the political

party that brought Bernardo Arévalo to the presidency of Guatemala and that was dissolved in 2026 following complaints filed by Attorney General Consuelo Porras. The cases examined show that some of these individuals left the country amid criminal investigations, judicial proceedings, and other actions directed against members of the political organization. These events unfolded in a context marked by attempts to suspend, dissolve, or restrict the party's political participation, as well as by measures targeting individuals linked to its leadership and organizational structure.

8. With regard to human rights defenders, the research shows that those forced into exile were, for the most part, individuals who had played a central role for decades in Guatemala's processes of memory, truth, and justice. They were also part of the broad network of civil society organizations that promoted the strengthening of democratic institutions, transparency, accountability, and the transformation of the justice system through advocacy, accompaniment, and the defense of human rights.
9. Finally, the report documents cases of criminalization targeting students, faculty members, and other members of the university community who mobilized and denounced irregularities in the election process that brought Walter Mazariegos to the rectorship of the University of San Carlos of Guatemala (USAC). The controversy surrounding that process triggered a profound institutional crisis, accompanied by protests, marches, and the occupation of university facilities. The cases examined show that participation in these actions led to criminal complaints, judicial proceedings, and, in some instances, the exile of students and those who supported them. Some students also had their academic registration suspended, preventing them from completing their studies. This situation must be reversed in light of subsequent revelations concerning the use of control over the university to influence the appointment of authorities within the justice system.
10. At the same time, the documented criminalization processes extended to legal professionals who represented those facing persecution. Several were subjected to threats, harassment, and criminal investigations and, in some cases, to deprivation of liberty or ongoing judicial proceedings. As a result, many criminalized individuals faced serious difficulties in securing or retaining legal representation because of the risks associated with taking on such cases. Accusations against defense counsel, together with fear of criminalization, have undermined the right to an effective defense.

Patterns and Mechanisms of Criminalization

11. Based on the documentary evidence reviewed and the testimonies of participants, this research identified a series of recurring patterns and mechanisms of criminalization across the cases analyzed. Many of these findings are consistent with those documented by international human rights bodies, including the Inter-American Commission on Human Rights, the Office of the United Nations High Commissioner for Human Rights, and the UN Special Rapporteur on the Independence of Judges and Lawyers, all of which are cited throughout this report. The analysis also documents the impacts of these practices not only on those directly affected and their families, but also on the functioning of public institutions and the exercise of fundamental rights within Guatemalan society.
12. The documented cases reveal a number of recurring patterns in the criminalization processes examined. These include: (1) the filing of criminal complaints for conduct that does not constitute a criminal offense, including the submission of multiple complaints against the same individual; (2) the rapid advancement of those complaints into criminal proceedings by the Public Prosecutor's Office; (3) restrictions on access to complaints and case files, together with the use of criminal charges such as criminal association or terrorism, which limit the exercise of procedural rights, as well as vague charges lacking any specific factual basis, such as abuse of authority; (4) the use of confidential proceedings and the systematic postponement of hearings through repeated suspensions and rescheduling, with hearings frequently conducted behind closed doors on the grounds that the investigations were under seal, thereby prolonging pretrial detention as a form of punishment; (5) the extensive use of pretrial detention as a means of exerting pressure on criminalized individuals and coercing guilty pleas, including forms of pressure specifically directed at women because of their gender or their role as mothers; and (6) the involvement of adhesive complainants, at times acting in coordination with prosecutors, in the disclosure of confidential information, threats, cyberharassment, and other forms of digital violence directed against criminalized individuals. Ninety-three percent of all documented cases exhibiting these patterns occurred during the tenure of Attorney General Consuelo Porras as head of the Public Prosecutor's Office (2018–2026). Taken together, these mechanisms were intended –and had the effect– of prolonging judicial proceedings and detention, increasing the personal and professional costs of legal defense, and undermining the effective enjoyment of judicial guarantees and the right to due process.

13. This broad strategy of criminalization and the instrumentalization of the justice system –commonly referred to as lawfare– was directed primarily against officials of the Judiciary and the Public Prosecutor’s Office, as well as human rights defenders, journalists, activists, students, and Indigenous authorities who had played a significant role in combating impunity and strengthening the rule of law. The justice officials interviewed described, from their own experience, how this regression was driven principally by individuals, groups, and entities under investigation for corruption and other crimes, together with allied networks seeking to reverse the progress that had been achieved.
14. Interviews with journalists and media professionals document the emergence of increasingly specialized and independent journalism that played a critical role in exposing corruption, monitoring high-impact investigations, and scrutinizing processes essential to democratic governance. It was precisely because of this work that many journalists and independent media outlets later became targets of criminalization, persecution, and exile by the very power structures and corruption networks they had helped expose.
15. The experiences of students and lawyers criminalized in connection with the USAC case illustrate how positions of influence have gradually been captured in order to control public institutions, particularly those responsible for nominating candidates to key positions within the justice system. The case demonstrates how many of the very individuals accused of manipulating institutional processes or engaging in corruption initiated legal proceedings against those seeking to defend justice and democracy. It also shows how social mobilization has been used as a pretext to initiate criminalization processes. The criminal complaints focused not on documented criminal conduct supported by concrete evidence, but rather on a broad range of individuals perceived as political threats, including students, journalists, politicians, and defense lawyers.
16. The testimonies collected indicate that pretrial detention frequently became arbitrary detention because of the absence of the due process guarantees described above, making it one of the recurring features of the documented detention cases. Individuals remained deprived of their liberty for prolonged periods as a result of repeated delays in hearings and other procedural acts, even when the charges they faced did not necessarily justify the imposition of pretrial detention. Arrests were carried out primarily at individuals’ homes or workplaces, often involving large deployments of security forces and the excessive use of

force. The uncertainty created by the lack of clarity regarding individuals' legal status and the duration of proceedings further exacerbated the vulnerability of those affected and their families.

17. Several of the complaints that gave rise to the criminalization processes documented in this report were filed by individuals who had previously been investigated for corruption, serious human rights violations committed during Guatemala's internal armed conflict, drug trafficking, or links to organized criminal groups. The evidence points to a significant element of retaliation by these sectors, which, during the period under review, benefited from the power and support of the Office of the Attorney General in pursuing such actions.
18. Conditions of detention constituted an additional source of harm for those deprived of their liberty. Several of the documented cases involved prolonged periods of solitary confinement, as well as treatment described as cruel, inhuman, and degrading. The investigation also documented cases of physical and psychological torture. The effects of these conditions extended beyond the detainees themselves, affecting their family members, who were subjected to particularly restrictive security procedures and other obstacles when visiting detention facilities.
19. The cases of arbitrary detention revealed a systematic lack of due process guarantees and effective protection of procedural rights. During the period under review, these practices were directed primarily against women justice officials and the publisher of *elPeriódico* as a means of restricting investigative journalism and freedom of expression. They were later extended to former CICIG officials, USAC students, additional prosecutors, and ancestral authorities of Indigenous Peoples.
20. Although the investigation documented a range of media strategies and the widespread use of criminalizing and hate-based narratives, most interviewees identified cyberattacks, harassment, and digital violence as the forms of abuse that affected them most deeply. The systematic use of threats and hostile messages on social media –disseminated through netcenters, anonymous accounts, and fake profiles– emerged as one of the recurring mechanisms of the documented criminalization processes. These platforms were used to circulate false or unverified information, confidential information relating to judicial proceedings, and messages characterized by aggressive and violent content. The investigation also documented threats, the disclosure of personal and family information, the publication of family or intimate photographs as

a means of intimidation—including while individuals were already in detention—and various forms of symbolic violence, particularly directed against women, constituting acts of harassment and attacks on their psychological integrity.

21. Digital harassment campaigns helped legitimize the criminalization processes in the public sphere and unfolded in parallel with actions promoted by complainants, adhesive complainants, and, in some cases, by the Public Prosecutor's Office itself. In many of the documented cases, information regarding potential arrest warrants was circulated on social media before the Public Prosecutor's Office had executed or formally notified those warrants. These practices resulted in high levels of stress, significant impacts on mental health, and a profound sense of insecurity arising from the arbitrariness perceived by those affected and the absence of effective protection mechanisms. Beyond their impact on individuals, these practices also undermined the public reputation and credibility of those involved in justice processes, contributing to a chilling effect on civic participation and eroding public trust in democratic institutions.
22. The cases analyzed also reveal patterns of surveillance and intimidation directed against individuals subjected to criminalization. Interviewees reported being followed near their homes, monitored during their movements, threatened with physical attacks in several instances, placed under surveillance in both public and private spaces, and even tracked while traveling abroad. In a number of cases, these practices were accompanied by the dissemination of private information about their daily routines, activities, or family members. Together, these actions created a constant sense of insecurity and vulnerability. The cumulative effect of these threats and security risks led at least 17 individuals to obtain precautionary measures from the Inter-American Commission on Human Rights or provisional measures from the Inter-American Court of Human Rights. Although these measures neither halted the criminalization nor prevented their forced exile, they underscore the State's responsibility to protect them and their families.
23. The criminalization documented in this report had a pronounced gender dimension. Women in leadership positions, particularly those involved in high-profile corruption and impunity cases, were subjected to specific forms of stigmatization and violence aimed at discrediting their competence, integrity, and professional standing. The cases analyzed reveal the use of gender stereotypes, misogynistic and degrading language, attacks on their privacy, dignity, and family life, and the instrumentalization of

motherhood as a means of intimidation. Amplified through harassment campaigns on social media and other public platforms, these practices demonstrate aggravated forms of persecution directed at women both because of their role in combating corruption and impunity and because they challenged the patriarchal structures that sustain these networks of power. Many of these attacks were formally reported, yet investigations were either never initiated or were subsequently dismissed, reinforcing a broader pattern of impunity.

24. A common feature across the different criminalization processes is the continuity of particular actors, methods, and narratives, even as the profiles of those targeted have changed over time. The cases analyzed reveal the persistence of polarizing narratives –branding individuals as “leftists” or “enemies”– that were widely used during Guatemala’s internal armed conflict, together with symbols associated with the intelligence services of that period, such as the Panel Blanca, which continues to appear on social media, among others. These narratives portray specific individuals or groups as threats to the political and social order who must be eliminated. Within this context, the report documents the recurrent use of terrorism charges against individuals involved in social mobilization, the defense of democracy, or the defense of Indigenous territories, thereby contributing to their stigmatization and criminalization. Dismantling these mechanisms of impunity and criminalization is a responsibility of the new Attorney General’s Office appointed in May 2026, the Judiciary, and other State institutions.
25. The cases analyzed reveal a recurring concentration of complaints, investigations, and judicial decisions in the hands of a small group of senior officials within the Public Prosecutor’s Office and the Judiciary who were closely associated with the documented criminalization processes. Several of these officials have been subject to international sanctions or restrictive measures, including those adopted by the European Union in 2024 and the inclusion of officials from both the Office of the Attorney General and the Judiciary on the United States’ Engel List. The testimonies also consistently identify the involvement of non-State actors, including the Foundation Against Terrorism, acting as complainants or adhesive complainants in numerous cases. In many instances, these actors appeared to operate in coordination, with advance knowledge of complaints or arrests, leaks of confidential hearings, and the publication of photographs and threats on social media. Taken together, these findings demonstrate the repeated involvement of these actors in the criminalization processes examined in this report.

26. The testimonies further show that the consequences of criminalization extend well beyond the immediate legal proceedings. Information published on social media and digital platforms has become a persistent obstacle for many people living in exile when seeking employment or housing, as online searches of their names frequently produce misleading or distorted information that portrays them as suspicious or problematic. The lasting impact of this digital footprint constitutes an attack on their dignity, leaving them with little or no opportunity to defend their reputation. It also contributes to social isolation, restricts the development of personal and professional relationships, and encourages emotional self-restraint and concealment as strategies to avoid being identified.
27. One of the most profound consequences of criminalization is the damage it inflicts on individuals' sense of identity and social recognition. Many of those affected belong to a generation that built its professional careers from the ground up, often through extraordinary personal and family sacrifice. They earned positions of responsibility and recognition through the quality of their work, enabling them to advance within their institutions or organizations and improve their living conditions. Criminalization therefore struck not only at their work and livelihoods, but also at their dignity and personal integrity. In multiple ways, these processes deliberately sought to undermine their right to a good name and to respect for their dignity as individuals and professionals. The concentration of attacks against particular individuals—including repeated intimidation, harassment, and digital threats by the same perpetrators—constitutes an attack on psychological integrity. Despite this, none of these acts have been effectively investigated, a concern that has also been raised by international human rights bodies.
28. Many of the criminalized individuals interviewed referred to the concept of civil death. In legal terms, civil death traditionally refers to the condition in which a person is deprived of their civil and political rights, effectively losing legal personality for certain legal purposes. However, as reflected in the experiences documented in this study, civil death is a far broader and more devastating reality. Individuals subjected to fraudulent criminal proceedings lose not only their civil and political rights, but also their economic and social rights, along with their ability to participate fully in society. They are effectively excluded from social and political life in their own country: stripped of the effective enjoyment of citizenship, deprived of employment, and, in many cases, denied access even to their own bank accounts. As a result, they are reduced to a condition of social exclusion and economic destitution while these abusive proceedings remain pending, often for years.

The Broader Effects of Criminalization and the Instrumentalization of the Justice System

29. The criminalization documented in this report had consequences that extended far beyond the individuals directly affected and their families. Those targeted because of their work had often devoted decades to serving their institutions, organizations, and social movements, building institutional capacity, preserving institutional memory, and assuming leadership roles that reflected their professional excellence and commitment to public service. Consequently, the effects of their criminalization –and subsequent exile– reached institutions and society as a whole, undermining public confidence in the justice system, civic participation, and the conditions necessary for the effective exercise of rights. These processes also brought numerous ongoing investigations into corruption and drug trafficking to a halt. Their impact therefore extends well beyond the individual cases documented, affecting levels of impunity, prospects for democratic consolidation, and the future of younger generations in Guatemala.
30. The misuse of legal and judicial mechanisms, together with efforts to undermine institutional independence and concentrate control over key components of the justice system, has weakened the rule of law as a safeguard for the respect, protection, and enjoyment of human rights. The documented cases reveal practices that are incompatible with the principles of judicial independence, due process, and legal certainty, with consequences that continue to undermine institutional functioning and the quality of democracy in Guatemala.
31. The State failed to fulfill its obligation to guarantee the life, personal integrity, and security of all persons under its jurisdiction. In particular, it failed to adopt adequate protection measures for justice officials—including prosecutors, judges, and personnel associated with CICIG— as well as for journalists and human rights defenders, despite the risks they faced in the exercise of their functions. It also failed to comply with precautionary measures ordered by the Inter-American Commission on Human Rights (IACHR) and provisional measures issued by the Inter-American Court of Human Rights. Several individuals who were subsequently forced into exile were already beneficiaries of these protection measures at the time they left the country. In some cases, those measures remain necessary today for both the individuals concerned and their families.

32. This research also demonstrates how efforts to expand democratic space and sustain the fight against corruption and impunity provoked a counteroffensive by those implicated in these cases, many of whom wield significant political and economic influence within the country. The spaces for democratic transformation created through respect for legality and the rule of law—including universities, the Office of the Human Rights Ombudsman (PDH), and other public institutions—played a crucial role in strengthening a more independent and democratic justice system. Yet these very institutions became targets of criminalization and institutional capture. Beyond the individual cases documented, the experiences of students, social movement leaders, journalists, and defense lawyers are essential to understanding the broader patterns of criminalization. These practices have not been directed solely at justice officials investigating corruption, but also at those defending democratic space within their own institutions and throughout society; subsequently at journalists reporting on these developments; and finally at the lawyers who provided legal representation to those facing persecution. In this way, criminalization has expanded progressively, reaching virtually anyone perceived as a threat to the interests of those seeking to preserve impunity.
33. At the societal level, the consequences of criminalization and impunity are reflected in fear of civic participation, the silencing of critical voices, self-censorship among journalists, and a sense of learned helplessness across different sectors of society. Over time, these dynamics risk fostering resignation and diminishing hope in the possibility of democratic change, reinforcing a system in which political, economic, and military power is exercised to protect private interests rather than to serve democracy. At the same time, Guatemalan society has repeatedly demonstrated its capacity to overcome this sense of helplessness through collective action, showing that impunity is not Guatemala's inevitable future. The nationwide mobilizations of 2015, 2019, and especially 2023 stand as powerful examples of this resilience. Together with the work of social movements, democratic actors, and Indigenous Peoples, these mobilizations represent one of Guatemala's greatest sources of hope—a hope and a struggle that also require sustained international support.

Findings on Exile

Exile can be understood both as a consequence of, and an extreme response to, the patterns of persecution analyzed in the preceding sections. Forced exile itself constitutes a human rights violation while, at the same time, becoming the last remaining means of protecting life. As noted by the Inter-American Commission on Human Rights in its 2025 report, exile has often become the only viable option for safeguarding fundamental rights.

34. This research systematically documents how these patterns of persecution, threats, and arbitrary detention forced more than 100 individuals into exile in the face of a justice system that had been instrumentalized to facilitate their criminalization, leaving them with no other option to protect their lives, personal integrity, and liberty. Within this context, the study records a sustained increase in forced exile between 2019 and 2023, with the highest number of departures occurring in 2023, when 40 individuals were documented as leaving the country. Significantly, this wave of departures followed a sharp rise in arbitrary detentions, which peaked in 2022 with eight documented cases. This trend is consistent with the testimonies of those living in exile, who described a pervasive fear of being subjected to unlawful detention and abusive criminal proceedings.
35. Faced with these pressures, the research shows that many of those affected refused to abandon the principles that guided their professional and public service, even when doing so meant facing criminal prosecution, deprivation of liberty, or exile. In doing so, they left an ethical and democratic legacy that stands as an important reference for future generations. For many, exile became the only avenue of escape from fraudulent criminal charges, cyberharassment, digital violence, and the threat –or the reality– of arbitrary detention. As illustrated by the experiences of those whose imprisonment is documented in this report, exile emerged from a refusal to yield to corruption: an ethical commitment grounded in legality and integrity, and a rejection of the coercion and extortion that many endured in attempts to force them to admit to false charges in exchange for avoiding detention. Yet exile brought with it a new set of hardships that, for many, became an additional form of criminalization and civil death.
36. Among all the people living in exile interviewed for this report, the largest group consists of individuals who were criminalized and persecuted because of their work to strengthen the justice system and to investigate and prosecute criminal structures and corruption networks. Former

officials of the Public Prosecutor's Office, the Judiciary, and former CICIG officials account for 41 percent of all documented cases. Notably, women constitute the majority within this group (56 percent). Journalists and human rights defenders represent 23 percent of the documented cases, while members of Indigenous Peoples account for 9 percent.

37. It is also important to note that many individuals went into exile together with members of their families, who represent approximately 10 percent of all documented cases. These family members also became victims of forced exile and, in some instances, were themselves subjected to criminalization as part of the persecution directed against justice officials.
38. With regard to journalists, the research documents the forced exile of 16 media professionals. The detention and imprisonment of journalist Rubén Zamora for more than three years became a defining reference point for many of them, illustrating the extent to which criminalization could be pursued. Most of the journalists interviewed were affiliated with *el Periódico* and the independent news outlet *Prensa Comunitaria*, while the remainder were independent journalists or worked for other media organizations.
39. Among all the people living in exile interviewed for this study, 10 percent had previously experienced one or more periods of exile, primarily during the political violence and repression that characterized Guatemala in the 1980s and 1990s. At least 15 percent also had a personal or family history of exile.
40. Individuals between 36 and 55 years of age account for 55 percent of all documented cases of exile. This group is composed primarily of former Judiciary officials (20), former CICIG officials (9), and journalists (10). The concentration of exiled individuals within this age range is particularly significant, as it corresponds to the stage of life in which professional careers, family life, and civic and political engagement are typically at their peak.
41. Among younger people, between 20 and 35 years of age, the largest group consists of relatives of individuals who had been persecuted or forced into exile (5), followed by journalists (3) and students (3). Many were in the process of building their lives—completing their education, establishing professional careers, starting families, or deepening their social, cultural, and political engagement. Forced exile interrupted these life trajectories and limited the opportunities of a generation that represents the future leadership of Guatemala's institutions and society.

42. Older adults represent 19 percent of the documented cases. At the time they left the country, most were human rights defenders (5), followed by justice sector officials (4) and members of Indigenous Peoples (4). These individuals had extensive professional experience and long-standing records of social and political leadership. Their lives had been shaped both by the most violent years of Guatemala's internal armed conflict and by their subsequent contributions to institutional reconstruction, the promotion of human rights, and democratic strengthening following the Peace Accords. Beyond the loss of their accumulated expertise, their exile deprived Guatemalan society of individuals who served as important role models for subsequent generations through both their professional achievements and their commitment to justice, human rights, and democratic governance.
43. For several of those interviewed –particularly individuals who currently hold or previously held positions of leadership or prominence in Guatemala's public life– threats and persecution have continued even after going into exile. The report documents cases in which cyberharassment, threats, and smear campaigns have persisted beyond Guatemala's borders. The Public Prosecutor's Office also sought the issuance of INTERPOL Red Notices to secure the international arrest of individuals living in exile. In most cases, however, these notices were subsequently withdrawn by the relevant international police authorities after the politically motivated nature of the persecution had been established. Although many of these alerts were cancelled because of the unlawful nature of the proceedings, some individuals continue to face active Red Notices or extradition requests, prolonging legal uncertainty and restricting their freedom of movement while in exile. This situation should be remedied by the competent authorities through full respect for the right to defense, including the decriminalization of these abusive proceedings.
44. The profiles of those living in exile reflect different patterns of criminalization. Although the methods employed share common characteristics, the circumstances that triggered persecution and exile varied according to the roles, responsibilities, and life trajectories of those affected. Taken together, these experiences reveal not only the broader patterns of criminalization documented in this report, but also the positive experiences of those who worked to advance justice – experiences that should form part of the reconstruction of justice and democracy in Guatemala.

45. Exile represents an extraordinary disruption in the lives of individuals from diverse professional and social backgrounds who played key roles in advancing justice and expanding democracy and fundamental freedoms in Guatemala. Their departures occurred under conditions of extreme tension and uncertainty, often suddenly and amid imminent danger, without even knowing the accusations that had been brought against them. At the same time, they faced threats of arbitrary detention and sustained harassment campaigns. Many endured prolonged periods of severe stress and emotional strain –affecting both their professional and family lives– for weeks, months, or even years. Exile was then followed by family separation, the loss of employment, economic hardship, and the collapse of long-term life plans, forcing many to navigate multiple forms of grief and traumatic experiences using only their own personal coping mechanisms. While some benefited from emergency assistance during their departure and reception through international organizations such as UNHCR and IOM, as well as humanitarian organizations in receiving countries, most later remained in those countries with only limited opportunities to find employment or obtain continued support. Others fled entirely alone, without assistance, and under conditions of extreme precarity and danger, seeking support only after arriving in their host countries.
46. The physical and emotional costs of exile are reflected in the deterioration of pre-existing health conditions, often exacerbated by the hardships of displacement and the need for treatment of illnesses with significant psychosomatic components. Most interviewees also described severe emotional distress, including depressive episodes, insomnia, intense anxiety, anger, guilt, and, in some cases, panic attacks. Many required psychosocial support, which they consistently identified as an essential source of assistance. Contrary to criminalizing narratives portraying them as individuals fleeing justice, the interviews demonstrate that exile was a response to organized persecution directed against them and came at an enormous personal, family, and professional cost. At the same time, those interviewed also demonstrated remarkable resilience, and many reported that their ethical convictions and democratic commitments had grown even stronger while living in exile.
47. During the initial stages of persecution, many believed they would be able to defend themselves through legal channels within Guatemala, guided by a belief in proportionality and fairness –captured in the common expression, “if I have done nothing wrong, I have nothing to fear.” The experiences documented in this report demonstrate that this assumption did not apply within the criminalization processes they faced.

Some people living in exile have also been made to feel responsible for the suffering experienced by those they left behind, as their commitment to justice resulted in separation from their loved ones and feelings of abandonment among family members and friends. The dilemmas surrounding these experiences, and the search for explanations, are deeply intertwined with grief and misplaced feelings of responsibility. Responsibility for the human cost of exile, however, lies with those who orchestrated and carried out the criminalization.

48. Exile is not an individual experience but a profoundly family experience. Many of those documented in this report were forced to flee alone, often at night or in the early hours of the morning, leaving abruptly without any opportunity to prepare their departure or even say goodbye to their closest relatives. Approximately one-third left together with part of their family, or were later joined by family members several months after their arrival. The research also documented a smaller number of cases in which school-aged children and adolescents remained in Guatemala under the care of relatives, creating profound emotional hardship both for those who fled and for the children who remained behind.
49. The most painful and consistently cited consequence of exile is the forced separation of families and the loss of the emotional support that family life provides. Being far from loved ones, the disruption of everyday life, separation from children during their upbringing, the loss of close family relationships, missing important occasions such as birthdays and Christmas, and the death of loved ones without the possibility of saying goodbye or accompanying them through the grieving process have all caused profound suffering. Although modern technologies, including internet communications and video calls, have made it easier to maintain contact with family members and with Guatemala, years of separation from loved ones have had a profound psychosocial impact– not only on those living in exile, but also on the family members who remained in the country.
50. Exile has had profound and far-reaching consequences for the lives of those forced to flee and their families. Although they have sought to cope with these challenges in different ways, most have done so under conditions of precarity, uncertainty about the future, and persistent hardship. Exile is not a “promised land.” Rather, it entails the abrupt interruption of a life project and brings with it multiple losses, traumatic experiences, ongoing stress, and new hardships in unfamiliar environments where livelihoods and social support networks are

often absent. One of the greatest concerns for those living in exile is securing a sustainable livelihood in the host country. Beyond the loss of employment and property, many exhausted the savings accumulated over years of work simply to finance their departure and meet their most immediate needs. The research documented numerous cases of individuals who continue to bear financial responsibilities in Guatemala—including mortgage payments, financial support for elderly parents, and the care of their children—without stable income to meet those obligations over time. Many interviewees have also been unable to obtain the employment benefits or severance payments to which they were legally entitled after decades of public service. In addition, their contributions to social security systems, including health insurance and pension schemes, were interrupted despite having contributed to them throughout much of their working lives.

51. Access to employment remains one of the greatest challenges facing people living in exile. Most are compelled to accept precarious and unstable jobs that frequently involve demanding physical labor, high levels of stress, discrimination, and low wages, often requiring them to combine multiple jobs in order to support their families. Language barriers, the non-recognition of academic qualifications and professional credentials, and burdensome credential recognition procedures significantly limit their opportunities for labor market integration. These obstacles affect former justice officials in particular, whose ability to continue practicing their profession is severely constrained by the country-specific nature of national legal systems. Journalists likewise face limited opportunities to continue their professional work, often relying on occasional collaborations with Guatemalan media outlets or temporary employment in their host countries.
52. Students from the USAC cases faced additional obstacles. They were unable to continue or complete their studies in Guatemala not only because of forced exile, but also because they had been expelled from their academic programs as a consequence of their opposition to the university rector. At the same time, universities in host countries rarely recognize the academic coursework they had already completed, leaving many with no alternative but to begin their studies again from the beginning. This situation represents yet another form of civil death and requires reconsideration by both USAC and the State.
53. Exile is characterized by a persistent state of uncertainty and ambivalence about the future. Frequent changes of residence, relocation within or

between countries, economic precarity, and uncertainty about long-term prospects have made it difficult for many to establish stable social ties in their host societies. Even today, after between two and seven years in exile, many continue to live under fragile conditions, with only limited opportunities for meaningful social and economic integration.

54. The objective of exile is not simply to cross an international border, but to obtain legal protection in a host country. In practice, however, asylum procedures and refugee status determinations vary considerably across jurisdictions. Difficulties in obtaining legal documentation have significantly limited opportunities for stability, protection, and employment. More than half of the individuals included in this study were ultimately granted asylum or recognized as refugees, thereby receiving international protection. For many others, however, months passed before they were authorized to work legally, and the uncertainty surrounding their legal status continued to generate significant stress and instability. In response, many sought assistance through employment support programs, humanitarian organizations, migrant integration services, and faith-based organizations, which in some cases provided contacts, referrals, or practical assistance in securing employment. These networks became essential avenues through which people living in exile sought to rebuild their livelihoods despite the persistent conditions of precarity.
55. The impact of exile is not experienced equally by everyone, including within families and among children. Factors such as age, individual differences, the ability to build relationships in a new environment, and language acquisition all shape the process of integration into the host country. Although children generally possess a greater capacity to adapt to new environments than adults, this should not diminish recognition of the difficulties they face. Their distinct ways of grieving loss and adapting to change must be acknowledged and supported. Beyond the initial reception and settlement period, adapting to life in exile presents new challenges related to identity formation. In countries where cultural differences are pronounced or where migrants experience discrimination and racism, children may respond by attempting to suppress aspects of their own identity and assimilate into the dominant culture in order to avoid being perceived as “different.” These dynamics create significant emotional challenges not only for the second generation, but also for their parents.
56. For older adults, exile presents additional challenges. Individuals over the age of 65 account for 19 percent of the documented cases. Many were approaching retirement or had reached the final stage of

professional careers built over decades, with well-established life plans. Upon arrival in their host countries, however, they were forced to rebuild their lives while facing significant barriers to employment at their age, limited recognition of their professional experience and qualifications, and the loss of the lives they had built in Guatemala. These challenges are compounded by the increasing healthcare and caregiving needs associated with later life, as well as difficulties in accessing appropriate health services in host countries.

57. For members of Indigenous Peoples, exile carries distinctive characteristics. Its impact extends beyond forced acculturation to include the continuation of the marginalization and discrimination they experienced in Guatemala, which often persists in exile. In this context, exile takes on a particularly profound dimension, as it entails not only physical separation from one's place of origin but also a process of deterritorialization, cultural loss, and profound mourning. Separation from ancestral lands also ruptures community ties, collective forms of social organization, and the spiritual and cultural relationships connected to the land, the natural environment, and community life. As a result, exile has especially severe consequences for Indigenous individuals and communities, whose experiences are further shaped by conditions of greater socioeconomic vulnerability.
58. The experience of uprootedness, social and cultural distance, and the profound emotional impact of forced departure are compounded by the challenges of integrating into societies that differ significantly from the conditions people experienced in Guatemala. Economic precarity, cultural adjustment, and language barriers in some countries have further hindered access to employment and the minimum conditions necessary to establish a stable life in exile. At the same time, individuals continue to navigate a persistent state of uncertainty and ambivalence between "here" and "there," facing ongoing threats, the impossibility of returning, limited access to information about the legal proceedings against them, and heightened personal, family, social, and legal vulnerability.
59. The responses of extended families and broader social networks to exile are equally revealing. Politically motivated traumatic experiences, such as criminalization and forced exile, often generate differing reactions and tensions within families and communities. While many individuals received meaningful support, other responses were shaped by fear, political stereotypes, State propaganda, or competing political narratives. In some cases, exile led to ruptures within extended families and

friendships, leaving those in exile feeling abandoned during particularly difficult periods. This included the absence of assistance with practical matters—such as resolving legal issues, managing property, or carrying out administrative procedures that could not easily be handled from abroad. These experiences also underscore the importance of public recognition of exile, including acknowledgement of those affected, restoration of their good name, and the rejection of the political stigmatization that sought to discredit them.

60. Those interviewed explained that, at first, they regarded their departure from Guatemala as a temporary measure, whether for a few months or a few years, always expecting to return as soon as conditions allowed and their legal situations were resolved. This prolonged period of uncertainty required many to live in a state of improvisation, while the absence of clarity regarding their cases and the legal situation in Guatemala complicated their integration into host countries, leaving them suspended between “here” and “there.” After several years, as criminalization persisted and hopes for a safe return diminished, many experienced a second profound sense of loss. This realization deepened emotional suffering and, in some cases, contributed to lasting impacts on mental health, despite the remarkable resilience and adaptability demonstrated by those living in exile.
61. At the same time, exile has also exposed many individuals to meaningful experiences, values, and ways of living that are more restricted in Guatemala. Across the interviews, two experiences emerged as especially significant: freedom and security. The ability to walk in public without fear, relate openly to others, move freely, and experience daily life without constant threats represented profound transformations, despite the many hardships that exile itself entails.
62. People living in exile have had to rebuild their lives from the ground up—re-establishing their legal status, employment, relationships, and even their sense of identity amid the accumulation of multiple losses. Dialogue with others who had undergone similar experiences became an important source of support and self-understanding. Many testimonies describe lessons learned from others who had already navigated exile, illustrating how identification with peers became a powerful source of emotional support and personal reflection. Exile also broadened awareness of similar situations affecting people from other countries, leading to collective initiatives such as networks of Guatemalan exiles

and relationships with refugees from elsewhere. These experiences ultimately contributed to the creation of Casa Centroamérica.

63. After several years in exile, particularly for families whose children have established friendships, educational pathways, and lives in their host countries, return is neither simple nor automatic. In many respects, return constitutes a new displacement. Voluntary return remains one of the principal aspirations of those living in exile, who seek to rebuild their lives in Guatemala. At the same time, they recognize that neither they, nor their families and friends, nor the country itself remain as they were when they left. A comprehensive policy on voluntary return is therefore needed –one that is based on an assessment of the circumstances of those in exile and offers concrete conditions to remedy the consequences of the human rights violations they suffered, including the harms caused by exile itself.
64. The consequences of exile continue to shape the lives of those affected, limiting their ability to rebuild their lives, secure sustainable livelihoods, and restore their sense of dignity and self-worth. Recognizing these harms and their lasting effects is an essential foundation for any policy aimed at supporting people living in exile, as well as for society's understanding of this chapter of its collective history. At the same time, the experiences documented in this report testify to extraordinary resilience: the capacity to begin again from nothing in a new country, without established support networks and while confronting immense economic, social, and psychological challenges. Giving meaning to the profound and unnecessary suffering caused by criminalization requires dismantling the mechanisms that made it possible and ensuring that those affected are free to decide whether to return or to build their futures elsewhere, on the basis of a genuine process of decriminalization capable of helping to heal this enduring wound.

Exile as a Defense of Justice and Democracy

65. While exile became a means of protecting life, despite the profound losses it entailed, it also became an act of resistance. At the heart of the experience of exile lies a defining act of principle: the refusal of those who were imprisoned or forced to flee to yield to corruption or impunity, despite the immense personal and family costs. For those committed to defending life and ancestral territories, democracy, justice, and human rights, exile has remained inseparable from the aspiration to transform

society and from the conviction that another future –built on dignity, justice, and respect– is possible.

66. The experience of exile has demonstrated the importance of strengthening connections with those living abroad and recognizing their contributions to Guatemala. Regardless of the pace or circumstances under which this may occur, the Government has an urgent responsibility to foster these relationships, learn from their experiences, and strengthen the networks that have emerged in exile. Meaningful adaptation to exile also requires recognition of those affected, genuine consideration of their demands, direct dialogue, and acknowledgement of the knowledge, experience, and capacities they continue to offer. It also requires advancing the process of ending exile –a long-standing aspiration of those who have been forced to remain outside their country.
67. Although still at an early stage, the initiatives and organizational processes emerging from exile are of enormous significance. People living in exile have mobilized to support one another and defend their rights. They have sought to organize collectively, overcome differences, and explore new forms of collaboration through shared projects, collective spaces, meetings, and joint demands addressed to the State, including calls for official recognition of exile and meaningful processes of decriminalization.
68. Exile also provides an opportunity to view past experiences with greater clarity and perspective. Reflecting on political and social processes, as well as on mistakes and lessons learned, can transform what is currently experienced as loss or defeat into a valuable contribution to Guatemala's future –and, more broadly, to Central America, where similar patterns of forced exile continue to unfold and where new spaces for dialogue and mutual learning are emerging. In this sense, understanding exile as a form of resistance lies not only in the determination of those affected but also in their continuing engagement with democratic processes in Guatemala. While exile is marked by longing and uprootedness, it is also shaped by a deep awareness of injustice. Many of those interviewed expressed a shared sense of collective responsibility and a conviction that they can continue to make a meaningful contribution to building a different– and urgently needed –Guatemala, whether from exile or upon their eventual return.

69. The interviews conducted for this study reveal a resilience and commitment to justice that have endured despite the many challenges those living in exile have faced. The forced departure of so many professionals, public officials, leaders, and experts has represented a profound loss for Guatemala's institutions and, in particular, for efforts to strengthen the justice system. The deterioration of the justice system resulting from this wave of criminalization –and the use of State institutions themselves as instruments of persecution– has affected not only those directly targeted, but Guatemalan society as a whole, leaving it more vulnerable by weakening the institutions and justice system that should operate in accordance with the principles of legality and the rule of law.
70. The experiences of resistance and the lessons learned by people living in exile form part of a broader collective experience. Understanding these experiences and listening to the voices of those who have lived them is one of the central appeals of this report to the Guatemalan State, society, and host countries alike. The challenge facing Guatemala extends beyond restoring justice for those forced into exile. It is to transform exile into a source of learning and a catalyst for rebuilding the rule of law, democracy, and a justice system capable of promoting democratic change. This requires recovering the path that had begun before the wave of criminalization: advancing the investigation of corruption, dismantling structures of impunity, and confronting the renewed capture of State institutions by organized criminal networks seeking once again to consolidate their influence. In many respects, the experiences of those living in exile constitute one of the clearest indicators –and most compelling testimonies– of these processes.

The Demands of People Living in Exile Following Criminalization

71. The foremost demand expressed by people living in exile is recognition. They call for public acknowledgement of the State's responsibility, as well as the restoration of the good name and dignity of those who were criminalized, arbitrarily detained, or forced into exile. The wounds of exile extend beyond those directly affected, touching society and the State as a whole. This demand for recognition requires symbolic measures that acknowledge the experiences of affected individuals and their families, while also sending a clear message to society that breaks with the practices of criminalization. Such measures should incorporate strong

guarantees of non-repetition, embodying the principle of “Never Again,” while also being accompanied by concrete actions that give meaningful effect to that commitment.

72. The demands expressed by those interviewed focus primarily on three areas: (a) the establishment of a comprehensive decriminalization mechanism; (b) the adoption of measures to create the conditions for the safe and voluntary return of those who wish to return; and (c) administrative and financial assistance to help address the needs of people living in exile, both in their host countries and in Guatemala.
73. To achieve these objectives, interviewees emphasized that exile must become a political priority supported by an institutional framework with sufficient authority and resources to coordinate action. Such a framework should incorporate mechanisms for dialogue, consultation, and participation involving the Government, the Office of the Attorney General, the Judiciary, the Office of the Human Rights Ombudsman (PDH), and other relevant institutions in order to address, in a coordinated manner, the underlying patterns of criminalization and impunity. The measures emerging from these demands and experiences should be brought together within a comprehensive national program, coordinated by the central Government in partnership with Guatemalan embassies abroad and supported by international cooperation. Such a program should mobilize resources, improve the legal and protection status of people living in exile, facilitate voluntary return under conditions of safety and dignity, and provide appropriate assistance tailored to the diverse circumstances of those affected.
74. Many interviewees explained that, through their professional responsibilities and public service, they had contributed to building a more just Guatemala founded on democracy and the rule of law, and that these very efforts led to their criminalization and persecution. Consequently, they believe that recognition of both their contributions and their current circumstances should not remain merely declaratory but should be reflected in concrete actions by the State. Particular priority should be given to supporting those living in the most vulnerable situations.
75. The Government of Guatemala, the newly appointed Attorney General, and other State authorities must adopt a clear and sustained public policy on exile, decriminalization, and the right to return. Acknowledging the

responsibility of State institutions, together with restoring the dignity of those affected, constitutes the first and most fundamental step demanded by victims of arbitrary detention, criminalization, and forced exile.

- 76.** This report is intended as a resource for those directly affected, for the Guatemalan State, and for the international community. It seeks to contribute to an agenda centered on recognition, reparation, decriminalization, and the right to return as essential components of rebuilding justice, strengthening democracy, and restoring the rule of law in Guatemala.



Recommendations

A Roadmap for Decriminalization and the Reconstruction of Justice

This section presents a summary of the recommendations arising from the findings of this report. Many of the concerns and demands expressed by those interviewed, together with the conclusions reached by the research team, are consistent with recommendations previously issued by international human rights bodies, including the Inter-American Commission on Human Rights (IACHR)¹, the Office of the United Nations High Commissioner for Human Rights (OHCHR)², the UN Special Rapporteur on the Independence of Judges and Lawyers³, as well as by civil society organizations. These recommendations underscore the structural and persistent nature of the problems identified and reaffirm the State's obligation to implement appropriate measures in fulfillment of its national and international human rights commitments.

Some of the recommendations presented below consist of short- and medium-term measures aimed at addressing the immediate needs and obstacles identified during the research. Others call for structural reforms that are necessary to address the root causes of the documented violations and

- 1 Inter-American Commission on Human Rights (IACHR), *Human Rights Situation in Guatemala* (2025).
- 2 Office of the United Nations High Commissioner for Human Rights (OHCHR), *Guatemala: Challenges in the Protection of Human Rights, 2020–2025* (2025).
- 3 Margaret Satterthwaite, *Visit to Guatemala, 12–23 May 2025: Preliminary Observations*, para. 1.

to provide effective guarantees of non-repetition. Many of these measures extend beyond the timeframe of a single presidential administration. Nevertheless, important actions can and should be initiated immediately to lay the institutional, legal, and policy foundations necessary to ensure the continuity and sustainability of the measures that the current Government (2024–2028) is able to initiate.

The recommendations contained in this report are organized around three principal lines of action. The first is the public recognition of the broader pattern of criminalization, the harms it has caused, and the important contributions made by those who were persecuted. Such recognition should be accompanied by a corresponding change in the public discourse of State institutions. The second is the establishment of a technical decriminalization process, encompassing the review of cases of persecution through a transparent and rigorous mechanism for assessing complaints and criminal proceedings, with a view to dismissing abusive and unfounded cases.

Finally, the report recommends the creation of a return and follow-up mechanism that addresses both the needs of those who choose to return to Guatemala and those who remain in exile.

1. Public Recognition

The State should officially and publicly acknowledge that the recent wave of Guatemalan exile resulted from acts of persecution and criminalization directed against individuals from a wide range of sectors, both within and outside public institutions, who were engaged in legitimate efforts to combat corruption and impunity and to strengthen a just and democratic State.

This acknowledgement should take the form of a public act recognizing State responsibility, restoring the dignity of those affected, and offering a public apology, in which:

- The full range of affected groups is acknowledged, including former justice officials, human rights defenders and activists, journalists, students and academics, members of political parties, ancestral authorities, and leaders of Indigenous Peoples, among others.
- Recognition is given to the commitment and contributions of these individuals in advancing justice, democracy, human rights, the defense

of ancestral territories and Mother Earth, as well as their role in strengthening the rule of law and protecting civil and political rights in Guatemala.

- It is acknowledged that criminalization was carried out not only through the abusive use of criminal law, but also through arbitrary detention, threats, and sociopolitical stigmatization, and that these actions caused profound harm to those affected and their families.
- It is emphasized that many acts of persecution and criminalization were promoted from within State institutions, in violation of their constitutional obligations.
- The fundamental importance of freedom of the press and freedom of expression in a democratic State is reaffirmed.
- Explicit recognition is given to the historical and structural nature of the criminalization and persecution of Indigenous Peoples and their leaders, particularly in connection with the peaceful defense of their ancestral territories, natural resources, and collective rights.

In accordance with the standards on reparations developed within the Inter-American human rights system⁴, this public recognition should be accompanied by a sustained public discourse on the part of State institutions aimed at dismantling the stigmatization of those affected as “criminals.” This narrative of decriminalization and recognition should be consistently embraced by the Government, the Attorney General, and other public institutions, including those whose mandate is the protection of human rights, such as the Office of the Human Rights Ombudsman (PDH). It should also be reflected in the legal positions adopted by the Office of the Attorney General of the Nation (PGN) in its public statements and participation in judicial proceedings.

These measures should be understood not only as forms of reparation for those directly affected, but also as mechanisms for establishing the public truth about what occurred and for restoring the good name, dignity, and public legitimacy of those who were unjustly persecuted and criminalized.

4 Carlos Martín Beristain, “Actos de reconocimiento. Expresando responsabilidad y voluntad,” in *Diálogos sobre la reparación: experiencias en el sistema interamericano*, 2 vols. (San José: Instituto Interamericano de Derechos Humanos, 2008).

2. Decriminalization Process

The State of Guatemala should establish a comprehensive decriminalization process based on a broad understanding of criminalization and its differentiated impacts⁵. Decriminalization should be treated as an urgent national priority, particularly by the institutions responsible for the administration of justice and criminal prosecution. The adoption of measures to review and reverse the consequences of criminalization is essential to safeguarding the rights of those who have been criminalized and to creating the conditions necessary for the prompt, safe, and dignified return of people living in exile.

a. Establishment of a Decriminalization Working Group under the Principle of Objectivity in Criminal Prosecution

A multidisciplinary, inter-institutional, and independent working group should be established within the Public Prosecutor's Office, composed of personnel from different prosecutorial units, independent experts with relevant expertise, and international participation or observation.

This working group should lead the review and analysis of criminalization cases and develop the methodology to guide the process. It is essential that the review employ a methodology for the joint analysis of cases that makes it possible to identify common patterns of violations of due process and judicial guarantees. Such an approach would help to clarify the logic and operation of criminalization practices, strengthen the review of individual cases, and identify the structures and individuals responsible, thereby facilitating subsequent investigations and the determination of accountability.

b. Legal Decriminalization: Establishment of a Special Mechanism for the Registration, Assessment, and Review of Complaints and Criminal Cases

The decriminalization process should begin with the establishment of a formal registry of criminalization cases involving individuals subjected to arbitrary criminal prosecution because of their work as justice officials, public servants, ancestral authorities, or because of their defense of human rights, democracy,

5 Similar recommendations for a process of this nature have also been put forward by the Inter-American Commission on Human Rights (IACHR) (2025), the International Commission of Jurists (2026), and Amnesty International (2024).

or the exercise of the freedoms of expression, assembly, or association. This registry should comprehensively document the circumstances of all affected individuals.

It should include persons deprived of liberty, those subject to alternative measures or conditional release, people living in exile, and individuals who, although never detained, remain subject to criminal complaints, investigations, or ongoing criminal proceedings. The registry should also contain an up-to-date record of all complaints filed, open criminal investigations, pending or unresolved judicial proceedings, and other forms of persecution or stigmatization associated with these cases.

The registry should include all cases initiated either *ex officio* or through private complaints, whether or not they appear in the Public Prosecutor's Office case management system, in order to prevent the existence of hidden or inaccessible cases that could undermine the right to a defense.

This registry should serve as the basis for the development of a methodological framework that enables: (i) the systematic analysis of cases; and (ii) the establishment of a procedure based on predetermined criteria to guide a transparent decriminalization process.

This methodological framework should be grounded in respect for due process and international human rights standards, particularly the rights to defense and access to judicial records. Accordingly, the Public Prosecutor's Office should request the lifting of the confidentiality restrictions established under Article 314 of the Criminal Procedure Code. Specific procedures should be established for the following procedural stages:

I. Investigation Stage

- Apply the methodology to assess the legal basis of the complaint and, where the alleged conduct does not constitute a criminal offense, dismiss the complaint.
- Where an arrest warrant has been issued and the alleged conduct does not constitute a criminal offense, request that the warrant be revoked.
- Where a person has been declared in default in pending judicial proceedings and the alleged conduct does not constitute a criminal offense, request that the declaration be revoked.

II. Preliminary Investigation and Intermediate Stages

- Where the person is being held in pretrial detention, request a review of the custodial measure so that the proceedings may continue while the person remains at liberty.
- Where the person is subject to alternative measures, assess whether those measures should be revoked.
- Review the case and, where the alleged conduct does not constitute a criminal offense, request dismissal of the proceedings; where the conduct constitutes a less serious offense, request amendment of the order formally charging the accused.

III. Trial Stage

- Where the person is being held in pretrial detention, request a review of the custodial measure so that the proceedings may continue while the person remains at liberty.
- Request that the trial be rescheduled so that it may proceed as soon as possible.
- Where the alleged conduct does not constitute a criminal offense, seek an acquittal.
- Ensure compliance with the principle of public hearings.

IV. Appeals Stage

- Where the person is being held in pretrial detention, request a review of the custodial measure so that the proceedings may continue while the person remains at liberty.
- Where the review concludes that the alleged conduct does not constitute a criminal offense, withdraw the appeal.

The methodology should give priority to cases involving individuals who are currently deprived of liberty, those subject to house arrest or other coercive measures, and people living in exile, ensuring an expedited review of their legal status and the prompt adoption of the measures necessary to achieve their decriminalization.

With respect to people living in exile, the methodological framework should prioritize: (1) Requesting the suspension of INTERPOL Red Notices and immigration alerts; (2) Guaranteeing the right to a defense, including ensuring that each individual has access to information concerning any criminal cases pending against them, their procedural status, the evidence on file, and other relevant case materials; (3) Establishing a clear process for the assessment of cases, including dismantling criminalization mechanisms that have already been documented and denounced by international bodies, including the Inter-American Commission on Human Rights (IACHR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Special Procedures of the United Nations Human Rights Council.

c. Dismantling Criminalization Networks and Investigating Potential Criminal Conduct

As a guarantee of non-repetition of abuses in criminal prosecution, the Public Prosecutor's Office should conduct the necessary criminal analysis to identify patterns of conduct by prosecutors, investigators, judges, and civil society organizations involved in criminalization processes. Based on these findings, it should initiate the appropriate administrative, civil, or criminal proceedings to establish accountability, including investigations into the leaking of confidential information and its use in criminalization campaigns on social media. These practices have already been documented and denounced by the Inter-American Commission on Human Rights (IACHR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Special Procedures of the United Nations Human Rights Council.

The inter-institutional working group should also develop specific recommendations to prevent, investigate, and sanction digital violence and cyberharassment associated with criminalization, incorporating both gender-sensitive and intersectional approaches.

d. Expediting Criminal Proceedings

The Judiciary should prevent undue delays in cases involving the abusive use of criminal law and should prioritize the scheduling of hearings in such cases.

e. Independence and Impartiality

The Public Prosecutor's Office and the Judiciary should ensure that public officials who have been subject to international sanctions for their involvement in acts of criminalization are not permitted to continue handling cases involving criminalized individuals.

Social Decriminalization: A Strategy to Combat Defamation and Criminalization on Social Media

As documented throughout this report, and in the reports of international human rights bodies cited herein, criminalization extends well beyond the misuse of criminal law. It is therefore recommended that the inter-institutional working group develop concrete recommendations to address and combat digital violence and cyberharassment. In particular, it should develop recommendations aimed at:

- Adopting measures to address the threats associated with criminalization, including the unauthorized disclosure of confidential information, online harassment, cyberharassment, and other forms of intimidation that many affected individuals have experienced and documented.
- Developing regulatory frameworks and public policies to prevent, investigate, and sanction digital violence, including cyberharassment, coordinated harassment campaigns, threats, and defamation on social media and other digital platforms, particularly where these practices target human rights defenders, journalists, justice officials, and community leaders.
- Establishing legal measures to address the coordinated use of netcenters, chatbots, troll farms, and other digital manipulation structures designed to facilitate harassment, intimidation, and disinformation. Such measures should ensure effective protection for those affected while fully safeguarding the right to freedom of expression in accordance with international human rights standards.

3. Mechanism for Assistance and Follow-up for People Living in Exile

The Presidential Commission for Peace and Human Rights (COPADEH) should establish a specialized mechanism to provide assistance, accompaniment, and follow-up for people living in exile. This mechanism should be staffed

by specialized personnel, include designated focal points for people living in exile, and benefit from international support and the participation of independent experts to ensure its effective implementation and oversight.

As an initial step, COPADEH should establish and maintain an up-to-date registry of all individuals forced into exile as a result of criminalization and persecution.

The mechanism should coordinate closely with the decriminalization working group and with people living in exile to ensure clear communication and provide regular updates on criminal proceedings and decriminalization processes.

a. Specific Procedures for Individuals Wishing to Return

For those who wish to return to Guatemala, the Government –through COPADEH– should develop a protocol establishing standardized procedures to ensure that returns are voluntary, safe, and dignified. Before any return takes place, the responsible authority or designated team should work with the relevant State institutions to conduct an individualized risk assessment, identify the specific needs of each person, and establish a post-return follow-up plan proportionate to the level of risk. The return procedure should also extend to family members who left the country together with the criminalized individual. At a minimum, the safe return process should include:

- An individualized pre-return risk assessment for each person or family to identify or rule out any risk factors relevant to their particular circumstances, including pending legal proceedings and issues relating to legal certainty. These assessments should be updated periodically.
- Measures to guarantee the safety and security of returning individuals and their family members whenever necessary.
- The development of individualized return pathways, incorporating differentiated approaches that respond to the specific needs and circumstances of each case.
- The establishment of partnerships with UNHCR, the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Inter-American Commission on Human Rights (IACHR) to accompany and monitor voluntary, assisted, safe return processes, while ensuring respect

for the rights of refugees and others entitled to international protection, as well as the voluntary, dignified, and safe nature of such returns.

- Measures to support the reintegration of returning individuals.
- The technical and institutional strengthening of the COPADEH working group on exile and the safe return mechanism, ensuring that its decisions are binding on other government ministries and institutions.
- Financial, employment, and family reintegration measures. The decriminalization policy and measures facilitating safe return should be supported by adequate financial resources to ensure their effectiveness. Such resources may be provided by the State or through international cooperation, which has supported efforts to advance justice and assist people living in exile through different mechanisms over time.
 - Continuity of social security coverage: Establish agreements to recognize and credit the years worked while in exile, ensuring continuity of pension contributions and full access to the Guatemalan Social Security Institute (IGSS).
 - Post-return integration measures: Once a person has returned voluntarily and safely, the State should facilitate their reintegration through measures including:
 - Employment reintegration: Guarantee the reinstatement of individuals who were arbitrarily dismissed or forced to resign from public service. Where reinstatement is not feasible, provide employment opportunities of equivalent rank and dignity, commensurate with their qualifications, professional experience, and years of service.

b. Specific Procedures for Individuals Who Do Not Wish or Are Unable to Return

For individuals whose circumstances do not permit a safe return, or who choose to remain in another country, the follow-up mechanism should coordinate with Guatemalan diplomatic missions to ensure the free provision of essential consular services. These should include: (i) the prompt issuance or renewal of passports, national identity documents (DPI), birth and marriage certificates, and other civil documents; (ii) assistance in obtaining official certification of documents, including academic records and professional qualifications; and (iii) guidance and accompaniment in immigration and residency procedures.

Diplomatic missions should also coordinate with local authorities and international organizations, including UNHCR, to ensure that individuals enjoy the rights guaranteed to refugees under the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.⁶

As a form of reparation and compensation, people living in exile could, where consistent with their professional backgrounds and interests, be offered opportunities to participate in programs supporting migrants and refugees or in other initiatives that facilitate their social and professional integration in their countries of residence, building on experiences that have already proven successful in some cases. The support provided under this mechanism should also extend to family members who left Guatemala together with the criminalized individual.

4. Rehabilitation Measures and Symbolic Reparations

As recognized under international human rights law, reparations encompass both rehabilitation measures –including health care, psychosocial, educational, and legal support– and symbolic measures, such as truth-telling and memorialization, as forms of recognition. In this regard, the following measures are of particular importance:

- Ensure timely and free access to health care and mental health services. This study has documented the profound psychosocial impacts experienced by individuals subjected to arbitrary detention, criminalization, and exile. The Government of Guatemala, together with the relevant institutions, should establish a comprehensive health care mechanism for affected individuals and their immediate family members in countries of refuge, for their immediate family members remaining in Guatemala, and throughout the process of return and reintegration. Mental health services should be culturally appropriate, trauma-informed, and specifically address the consequences of political persecution. They should be grounded in community support networks and designed in consultation with victims, with the participation of organizations and professionals possessing the necessary expertise. Guatemala already has a psychosocial support network with extensive

6 United Nations General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, vol. 189, p. 137; Protocol Relating to the Status of Refugees, 31 January 1967, United Nations Treaty Series, vol. 606, p. 267.

experience assisting criminalized individuals, which could serve as the foundation for such a program.

- Establish procedures to support educational continuity and facilitate reintegration, including:
 1. Priority access to scholarships for victims and their children. This should include language training, particularly in countries where English or another language is the official language, in order to facilitate economic integration in host countries and support future return.
 2. Extraordinary procedures enabling individuals living in exile to complete their studies and obtain recognition of their academic qualifications.
 3. With respect to students and faculty at the University of San Carlos of Guatemala (USAC), establish a special protocol with the university to expedite procedures for completing interrupted coursework, degree requirements, professional qualifying examinations, and graduation for students and faculty members who have been criminalized. The protocol should also establish procedures to review –and, where appropriate, reverse– decisions of the University Council that were influenced by criminalization.
- Promote memory, truth, and historical documentation as measures of reparation. Building collective memory and fostering a critical understanding of the processes of persecution, criminalization, and exile should be recognized as essential components of reparations and guarantees of non-repetition. The experiences of those affected, together with their contributions to justice and democracy, should form part of educational curricula and professional training programs. Fields such as law, criminology, psychology, history, and political science have much to learn from these experiences, and the knowledge and testimony of those affected represent a valuable contribution to the education of future generations of professionals.

It is essential that historical memory initiatives produce educational and audiovisual materials that reach a wide range of audiences, including training academies for judges, prosecutors, and other justice sector personnel, as well as journalists and the broader public, so that these experiences become part of the public record and collective

understanding. Given that efforts to preserve and disseminate these experiences have themselves frequently been subjected to criminalization and cyberharassment, appropriate safeguards should be incorporated into the design and implementation of these initiatives.

5. Additional Recommendations to Guarantee Non-Repetition

a. COPADEH should be transformed into a Secretariat that takes on the responsibility of being the governing authority for the policy on human rights.

It is necessary that the human rights policies in Guatemala are equipped with the necessary coordination and institutionality with the power to implement them.

b. Emergency Protection Measures for Journalists and Human Rights Defenders

The work of journalists, media professionals, and human rights defenders is essential to the protection of human rights and democratic accountability. The existing protection mechanism for human rights defenders should therefore be strengthened, and the Public Policy for the Protection of Human Rights Defenders should incorporate concrete measures to prevent and respond to situations of risk. In this regard, the policy should be reviewed and strengthened to include effective mechanisms for prevention, immediate protection, and rapid response. It should also establish a specific protection mechanism for journalists and media workers. At a minimum, this mechanism should provide preventive and protective measures, individualized risk assessments, relocation where necessary, security measures, and legal assistance, in accordance with applicable international human rights standards.

With regard specifically to journalists, the State should ensure that disputes or alleged misconduct arising from journalistic activities are addressed through existing self-regulatory and professional ethics mechanisms, including the appropriate ethics committees, rather than through the criminal justice system. The State should also ensure that journalistic work is not subjected to persecution, criminalization, or reprisals as a result of investigative reporting, the expression of opinions, or the defense

of freedom of expression. These measures are essential to advancing the decriminalization of freedom of expression and safeguarding the independent exercise of journalism.

As part of the protection framework for human rights defenders, the Public Prosecutor's Office should strengthen the Unit for Crimes against Human Rights Defenders, Justice Officials, Journalists, and Trade Unionists, within the Human Rights Prosecutor's Office, by providing adequate financial, technical, and human resources, as well as effective protection measures and guarantees of operational independence.

This strengthening should encompass not only physical protection measures but also the effective investigation of threats and attacks, together with the adoption of institutional reforms and targeted measures designed to reduce the conditions of vulnerability and risk identified by the victims themselves.

c. Additional Measures and Institutional Reforms Recommended for the State

The following additional measures are recommended for the Executive Branch⁷:

- **Reorientation of the Office of the Attorney General of the Nation (PGN):** As the State's legal representative and guardian of due process, the PGN should cease acting as an adhesive complainant in cases involving criminalization and instead adopt a clear legal position in defense of the rule of law and due process.
- **Restoration of Institutional Integrity:** It is essential that the Office of the Human Rights Ombudsman (PDH) reclaim its constitutional mandate to oversee public administration and protect fundamental rights, moving away from its current alignment with actors involved in persecution. The appointment and tenure of the heads of institutions such as the PDH and the National Preventive Mechanism against Torture should comply with international standards on independence, impartiality, and professional competence.

7 Similar recommendations have also been put forward by the International Mission of Jurists (2026). *(Verify the organization's official English name before publication.)*

- Comprehensive review of the State's response to precautionary and provisional measures: COPADEH should undertake a detailed review of the State's implementation of precautionary and provisional measures granted by the Inter-American Human Rights System to people living in exile. This review should examine patterns of State action and inaction, as well as assess the impact of the State's responses on the safety and protection of the individuals concerned.
- Legal reforms, institutional measures, and guarantees of non-repetition: This study has documented the structural deficiencies that enabled criminalization in Guatemala and underscores the need for guarantees of non-repetition as an essential component of the right to reparation. Among the reforms required is stronger protection of the rights to peaceful protest and the self-organization of Indigenous Peoples, whose exercise has frequently formed the basis for criminalization under allegations of "terrorism." The recommendations presented in this report to strengthen the justice system and institutionalize guarantees of non-repetition are consistent with the detailed recommendations issued by international human rights bodies, including the Inter-American Commission on Human Rights (IACHR)⁸, the Office of the United Nations High Commissioner for Human Rights in Guatemala (OHCHR Guatemala)⁹, and the UN Special Rapporteur on the Independence of Judges and Lawyers¹⁰; as well as by specialized expert bodies such as the Panel of Independent Experts on Guatemala

8 See, for example: Inter-American Commission on Human Rights (IACHR), *Human Rights Situation in Guatemala* (2025).

9 Office of the United Nations High Commissioner for Human Rights (OHCHR), *Guatemala: Challenges in the Protection of Human Rights, 2020–2025* (2025); Office of the Human Rights Ombudsman (PDH) and Office of the United Nations High Commissioner for Human Rights (OHCHR), *Situación de las personas defensoras de derechos humanos en Guatemala: Entre el compromiso y la adversidad* (2019). (Retain the Spanish title unless an official English version exists.)

10 UN Special Rapporteur on the Independence of Judges and Lawyers, *Visit to Guatemala, 12–23 May 2025: Preliminary Observations* (United Nations Human Rights Council, 2025).

(PEI-GT)¹¹ and the International Mission of Jurists for Guatemala¹²; and by both national and international non-governmental organizations¹³. These recommendations should be fully taken into account by the State of Guatemala.

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- 11 Antonia Urrejola, Ana Lorena Delgadillo, and Sidney Blanco, *Obstáculos y desafíos para la independencia judicial en Guatemala* (Panel de Personas Expertas Independientes, 2024). (Retain the Spanish title unless an official English edition exists).
 - 12 International Mission of Jurists, *Clima de Temor* (2026). (Verify the organization's official English name and whether an official English title exists).
 - 13 See, for example: (a) Amnesty International. *Guatemala: The Entire System Against Them: Criminalization of Women Justice Officials and Human Rights Defenders in Guatemala* (2024). (Use the official English title if available.) (b) CEJIL, Due Process of Law Foundation (DPLF), ACTuando Juntas JOTAY Programme, and PICI. *Judicial Independence in Central America: A Still Distant Aspiration* (2025). (Use the official English title if available.) (c) Fundación Myrna Mack. *Monitoreo sobre la implementación de la ley de la carrera judicial* (2019). (Retain the Spanish title unless an official English version exists.) (d) The Cyrus R. Vance Center for International Justice. *La criminalización de personas operadoras de justicia en Guatemala: Estrategia para asegurar impunidad* (2022). (Retain the Spanish title unless an official English version exists).

This report stands both as a testimony and as a call to action. Listening to those living in exile is essential to understanding what has happened to justice in Guatemala. Supporting those who were forced to flee is an integral part of rebuilding the rule of law, and Guatemala's path toward the future must include those who defended truth, accountability, and justice. Their return requires dismantling the very machinery of persecution and criminalization. Making that return possible is essential to strengthening hope and democracy in Guatemala. This report represents a decisive step in that direction.

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on the Independence of Judges and Lawyers.*