



# human rights *first*

**30<sup>th</sup>**  
**ANNIVERSARY**  
**CELEBRATE**  
**ADVOCATE**  
**PARTICIPATE**

January 22, 2009

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Fiscal General de la Republica y Jefe del Ministerio Publico  
15 Avenida 15-16, 8º Nivel  
Zona 1 Barrio Gerona,  
Ciudad de Guatemala, GUATEMALA

cc.

Sr. Salvador Gándara  
Ministro de Gobernación  
6ª Avenida 13-71, Zona 1,  
Ciudad de Guatemala, GUATEMALA

Claudia Martina Muñoz Andrade  
Agencia Once Fiscalía de Delitos contra la Vida y la Integridad de las Personas  
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Ciudad de Guatemala, GUATEMALA

Aura Marina Mancilla  
Jefa de la Sección de Derechos Humanos, Ministerio Publico  
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Ciudad de Guatemala, GUATEMALA

Dear Attorney General:

## **Arrest Warrant Issued against Jorge Luis López Sologaitoa - Case No C-1073-2008-09374**

We, the below-signed 1,135 signatories, join Human Rights First in writing to express our concern over the issuance of an arrest warrant against Jorge López Sologaitoa for alleged involvement in the assault of sex worker “Laila”. (Her real name is on file with the prosecutor and is not used in this public document for security reasons.) We urge you to immediately begin an impartial review of the validity of the charges against him and to close the case against him if there is insufficient evidence.

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López is the Director of the Organization to Support an Integrated Sexuality to Confront AIDS (OASIS), in Guatemala City. He is recognized as a leading advocate for Lesbian, Gay, Bisexual and Transgender (LGBT) communities and sex workers and has engaged in advocacy around the world to prevent violence against them.

On July 4, 2008, López assisted a group of sex workers to lodge a complaint with the National Civil Police (PNC) about various violent attacks suffered by sex workers the day before (MP001-2008-66376). López requested that police provide greater security to the sex workers in the street, including Laila. In particular, he warned the police and Laila about the possibility of an imminent attack against sex workers. Despite López' warnings, Laila was assaulted and badly injured that evening, reportedly by two unidentified individuals.

Two months later, on September 9, 2008, López submitted a formal complaint to the police and the Public Prosecutor in a separate case. The complaint alleged that police had subjected a group of sex workers to illegal detention, threats, intimidation and humiliating treatment. On November 4, 2008, Claudia Martine Muñoz Andrade, Prosecutor 11 of the Unit for Crimes against Life and Integrity of the Person, issued an arrest warrant against López, accusing him of the attempted murder of Laila in relation to the July 4 assault.

López has devoted his career to the advancement and protection of the human rights of LGBT communities. Given the actions he took to prevent the assault of Laila, the prosecutor would need strong evidence linking him to the crime to justify an arrest warrant. Yet, we understand that the testimony from the victim and a witness does not identify López as one of the attackers. Prosecutors are obliged to abide by due process standards and to assess exculpatory evidence favorable to the defendant. Article 14 of the United Nations Guidelines on the Role of Prosecutors states that “prosecutors shall not initiate or continue prosecution, or shall make every effort to stay proceedings, when an impartial investigation shows the charge to be unfounded.”<sup>1</sup>

We are concerned by the failure of authorities to investigate the complaints presented by López of police misconduct and also by the failure to adequately investigate the assault of Laila. We fear that López's warnings of an imminent attack against Laila and other sex workers may have been mistaken for involvement in the crime. We also fear that the issuance of the arrest warrant may have been related to his complaints of police misconduct and could be intended to impede OASIS's work to promote respect for LGBT communities in Guatemala.

The court has already upheld the arrest warrant against López, and he has a hearing on January 23, 2009, before the 9<sup>th</sup> Court of First Instance for Crimes, Drugs and Environmental Offences. We urge you to immediately appoint the human rights prosecutor from the public prosecutors office, together with the human rights unit of the Police's Investigation Division

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<sup>1</sup> Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

(DINC), to investigate the claims against López. The review should analyze whether the criminal investigation comports with the due process standards contained in Guatemalan criminal law and international law and should thoroughly assess all exculpatory evidence. Unless there is sufficient, corroborated evidence demonstrating López's guilt, we urge you to close the criminal investigations against him

Thank you for your attention in this urgent matter. We will continue to closely monitor this situation.

Sincerely,

*(The names of the 1,135 signatories have been hidden for privacy reasons.)*