



The Law Society of
Upper Canada | Barreau
du Haut-Canada

May 19, 2017

Office of the Treasurer

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H.E. Jimmy Morales
President of the Republic of Guatemala
6av. 5-34 zona 1,
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Guatemala

Your Excellency:

Re: Intimidation of lawyer Pedro Rafael Maldonado Flores

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the intimidation of lawyer Pedro Rafael Maldonado Flores. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Pedro Rafael Maldonado Flores is a human rights lawyer and the director of the legal department at Centro de Acción Legal Ambiental y Social de Guatemala (“CALAS”). CALAS is a human rights organization which promotes environmental issues, community participation and respect for the collective rights of indigenous communities in relation to environmental concerns. CALAS has been active in denouncing human rights abuses committed by mining companies in Guatemala, in particular the transnational mining company Tahoe Resources Inc. and its Guatemalan subsidiary Minera San Rafael S.A. In addition to his work with CALAS, Pedro Rafael Maldonado Flores has worked on lawsuits which oppose the criminalization of human rights defenders.

It has come to the Law Society’s attention that on April 3, 2017, unidentified men riding a motorcycle fired eight to twelve gunshots at a vehicle parked in front of Pedro Rafael Maldonado Flores’s home in Guatemala City. The incident was reported to the local authorities and to the Public Prosecution.

Unfortunately, this is not the first time Pedro Rafael Maldonado Flores has been targeted as a result of his human rights work. In January 2016, an organization called Fundación Contra el Terrorismo (Foundation Against Terrorism), which comprises (in part) multinational companies and former army personnel,

commenced legal proceedings against him on the following grounds: discrimination, threats, aggravated theft, coercion, and “incitement to crime and conspiracy”. He received death threats via Twitter in November 2015, only a few short months after an unknown gunman riding a motorcycle fired multiple shots outside CALAS headquarters. In 2013, he was the subject of many defamatory newspaper articles.

Pedro Rafael Maldonado Flores is a beneficiary of protection measures ordered by the Inter-American Commission for Human Rights and was, in December 2015, placed under protective measures by order of the Guatemalan Ministry of the Interior. That being said, and as is clear from the acts of harassment and intimidation that have since followed, Pedro Rafael Maldonado Flores and his colleagues at CALAS continue to be targeted and remain in danger.

The Law Society is deeply concerned about Pedro Rafael Maldonado Flores’s situation and urges Your Excellency to comply with Guatemala’s obligations under international human rights laws, including the United Nations’ *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the Government of Guatemala to:

- a. immediately conduct a fair, impartial and independent investigation into the act of intimidation against Pedro Rafael Maldonado Flores in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;

- b. put an end to all acts of harassment and violence against Pedro Rafael Maldonado Flores and all other human rights lawyers in Guatemala;
- c. guarantee in all circumstances the physical and psychological integrity of Pedro Rafael Maldonado Flores;
- d. ensure that all lawyers in Guatemala can carry out their professional duties and activities without fear of reprisals, physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours truly,

Paul B. Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

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