

DATE
22/03/2010

Mr. President of Guatemala
Álvaro Colom Caballeros
Palacio Nacional de la Cultura
Avenida 6, calle 6 zona 1
1er. Nivel, ala Poniente Sala 16
Guatemala

Re: **Concerns regarding the case of lawyer Mr. Juan Antonio Chea**

Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents around one million European lawyers. In addition to membership from EU bars, it has also observer representatives from a further eleven European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

We express our profound concern over the murder of Mr. Juan Antonio Chea, a Mayan indigenous lawyer and defender of human rights in Guatemala.

According to our information, on 17 February, Mr. Juan Antonio Chea was murdered in Guatemala. He died after being shot by unknown gunmen in Cobán, Alta Verapaz.

He was working with the Human Rights Office of the Archbishop (ODHA) and the National Reparations Program (PNR), as a part of the reconciliation program after a 36 year period of armed conflict.

This murder seems caused by his professional activity, in particular his work defending human rights.

In this context, the CCBE wishes to draw to your attention the following Articles of the United Nations Basic Principles on the Role of Lawyers (1990):

Article 16 states that:

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.

Furthermore, Article 23 states that:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional

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association internationale sans but lucratif

restrictions by reason of their lawful action or their membership in a lawful organisation. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognised standards and ethics of the legal profession.

In view of the above, the CCBE strongly urges the Guatemalan authorities to maximize its efforts to investigate this crime, and to prosecute the perpetrators of Mr. Juan Antonio Chea's murder, and bring those responsible to justice, and also to guarantee the adequate protection of lawyers in order to preserve the independence and integrity of the administration of justice.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J.M. Davó-Fernández', written over a horizontal line.

JOSÉ-MARÍA DAVÓ-FERNÁNDEZ
President