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Supreme Court orders investigations into 10 judges accused of malfeasance of office

Analysts deem it to be standard procedure and hope for clean proceedings

In sixty days, the investigating judges named by the Supreme Court of Justice will report on their investigations into ten of their fellow judges who have been accused by the International Commission against Impunity (CICIG) of supporting organized crime groups in the country.

This comes following the yesterday's decision by the plenum of the Supreme Court, whereby investigating judges (who serve in the first, third and fourth chambers) were named and allocated sixty days to present their respective reports and to establish whether the accused parties committed any offences.

"The plenum has ordered the corresponding investigations; this does not mean the Court is declaring the admissibility or inadmissibility of the applications to lift immunity. The applications are being processed and judges have been appointed, who—upon completion of the investigations—will rule on the applications," affirmed Gabriel Medrano, President of the Supreme Court.

The accused judges are: José Eduardo Cojulum, judge of the Eleventh Court of the First Criminal Instance; Carlos Antonio Aguilar Revolorio, judge of the Second Court of the First Criminal Instance; Julio Jerónimo Xitumul, judge of the Fifth Court of the First Criminal Instance; Silvia Violeta de León Santos, judge of the Sixth Court of the First Criminal Instance; Silvia Coralia Morales Ascencio, judge of the Ninth Court of the First Criminal Instance; and Verónica del Rosario Galicia Marroquín, judge of the Tenth Court of the First Criminal Instance.

Furthermore, investigations will be opened into judges of the Second Chamber of the Court of Criminal Appeals Artemio Tánchez, Héctor Echeverría, Fausto Corado Morán and Byron de la Cruz.

The Investigators

The Supreme Court named Selvin Flores Vivas, Rudy Barrios Pineda Ramírez, Jorge Mario Valenzuela Díaz, Gustavo Adolfo Dubón Gálvez, Carlos Ramiro Contreras Valenzuela, Sergio Roberto Lima Morales, Silvia Roxana Morales Alvarado and Axel Otoniel Maas Jácome as investigating judges.

Diego Álvarez, Press Officer of the International Commission against Impunity in Guatemala (CICIG), stated that the procedure of naming investigating judges was normal and the Commission would be offering support.

"The investigating judges must investigate and we will watch the cases with interest. In addition, we will provide any information requested from us," he added.

Álvarez indicated that the decision was a step forward as far the criminal complaint was concerned and CICIG, as an institution, however, acknowledged that there were honest judges who abided by the law.

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Pressure-free investigators

Analyst Carmen Aída Ibarra, from the Pro Justice Movement, believes that the Supreme Court took the right decision and, ideally, the investigating judges will be able to go about their business free of external pressures and with absolute independence.

"The links between judges and impunity-generating structure have been brought to the table and the justice chain has forwarded the case files to investigating judges who, without a doubt, will present their reports independently, without being subject to pressures," added Carmen Aída Ibarra.

Lorena Escobar, security analyst at the Asociación de Investigación y Estudios Sociales [Association of Investigation and Social Studies] (ASÍES), opined that the Supreme Court decision was expected. "The accused judges deserve a transparent proceeding to elucidate their innocence or culpability," she stated.

Escobar believes the responsible justice operators should be trusted and they should rule in accordance with the law.

What they said

- *"The plenum has ordered the corresponding investigations; this does not mean the Court is declaring the admissibility or inadmissibility of the applications to lift immunity". — Gabriel Medrano, President of the Judiciary*
- *"CICIG will provide any information requested by the investigating judges so that the proceedings follow their due course". — Diego Álvarez, CICIG Press Officer*
- *"All people deserve a fair trial and the accused judges also have the right to defend themselves". — Lorena Escobar, ASÍES Analyst*

Boxes

No influences allowed

The Association of Judges, presided over by Jorge Aroldo Vásquez, expressed its intentions to ensure judges were afforded a due process, free of all interferences, including any external influences, following the appointment of investigating judges.

"We will ensure that our fellow judges are investigated in accordance with the law and that the investigating judges conduct their work ethically and impartially," indicated Vásquez.

Vásquez said to have faith in the accused judges' ability to prove their innocence. "As an Association, we will be watching carefully to ensure due process guarantees are upheld," he reiterated.

Vásquez went on to say they had seen the Supreme Court decision coming and perhaps it should have been an administrative complaint.