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An important investigation

The Supreme Court of Justice unanimously decided to investigate 8 of 18 judges accused by the International Commission against Impunity in Guatemala (CICIG) of allegedly committing malfeasance of office.

The Supreme Court judges named a group of investigating judges—who serve in the first, third and fourth chambers—to investigate the accused parties and then present their respective reports. The Supreme Court will then base their decision to lift the judges' immunity on these reports.

The eight judges were among the eighteen judges accused by CICIG at the end of last year of ruling in breach of the law and supporting organized crime groups. CICIG labeled the group as "the impunity judges".

Firstly, the Public Prosecutor's Office (MP) revised the original list and forwarded the names of thirteen judges to the Supreme Court, and the latter deemed there to be evidence to suggest the possible commission of malfeasance of office by eight judges.

The accused judges are Julio Gerónimo Xitumul (Court of Sentencing), who whilst serving as a lower court judge was responsible for proceedings against former President Alfonso Portillo; Artemio Tánchez (judge of the Second Chamber); and chamber judges Fausto Corado Morán and Héctor Echeverría. In addition, Carlos Antonio Aguilar Revolorio (judge of the Second Court), Silvia Coralia Morales Ascencio (judge of the Seventh Court), Silvia Violeta de León Santos (judge of the Sixth Court), Verónica del Rosario Galicia Marroquín (judge of Minors in Conflict with the Law), and José Eduardo Cojulum (judge of the Eleventh Court) are also accused.

At the end of November, CICIG declared that these judges had been responsible for fostering impunity and using their legal decisions to support corrupt, criminal groups. Therefore, the Commission requested that criminal proceedings be initiated against the judges in question.

The report was meticulously prepared and 18 months passed before it was presented. It contains clear indications to suggest judges ruled in breach of the law.

The Supreme Court must now conduct a detailed investigation to decide if the immunity of the accused judges should be lifted in order to bring them to justice and allow a court of law to rule on whether they broke the law.

At the presentation of the report last November, CICIG reiterated that "a principle of governance" must be upheld "in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. Furthermore, measures are necessary to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency."