



## Impacts on prosecutors' independence and the autonomy of the Attorney General's Office of Guatemala

This report is a contribution to the fourth cycle of the Universal Periodic Review of Guatemala presented by Due Process of Law Foundation (DPLF), American Jewish World Service, Centro por la Justicia y el Derecho Internacional (CEJIL), Cyrus R. Vance Center for International Justice, Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD), Guatemala Human Rights Commission (GHRC), Impunity Watch, Latin America Working Group Education Fund (LAWGEF), Washington Office on Latin America (WOLA), Plataforma Internacional Contra la Impunidad (ICI), Protection International Mesoamerica, and Robert F. Kennedy Human Rights (RFKHR)<sup>1</sup>. It was developed based on monitoring the laws, policies and practices implemented by the State of Guatemala in relation to its obligation to respect and guarantee the autonomy of prosecutors and prosecutor's offices, and also on the experience of the organisations submitting it and the victims, including justice operators and members of Guatemalan civil society with whom we work. It focuses on providing information on **the impact on the independence of prosecutors and the autonomy of the Attorney General's Office in Guatemala**, as well as the impact that this has had on human rights, specifically on the guarantees of judicial independence established in Article 14 of the International Covenant on Civil and Political Rights, a binding international treaty ratified by Guatemala in 1992.

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1. This report documents some of the main violations of the principles of prosecutorial independence and the autonomy of the Attorney General's Office (*Ministerio Público*, MP) in Guatemala. The current Attorney General of the Republic, Consuelo Porras, was appointed to this position in May 2018, and was re-elected for a second term by President Alejandro Giammattei in May 2022.
2. Prosecutors are justice operators, and therefore human rights defenders<sup>2</sup>. They play a fundamental role in a democratic society, as they are guarantors of the rule of law<sup>3</sup> and guarantee the right of access to justice, respect for the presumption of innocence and the guarantees of the right to a fair trial, within the framework of the criminal investigation<sup>4</sup>. In addition, they ensure the defense of the rule of law and the human rights of citizens<sup>5</sup>.
3. In order to fulfil this role as guarantors, it is necessary for them to be able to exercise their functions independently and for the prosecutors' offices to enjoy institutional autonomy from the other branches of government, as well as from de facto powers.
4. International law establishes the principle of the institutional autonomy of prosecutors' offices and the independence of prosecutors in the exercise of their functions<sup>6</sup>, and the obligation of States to ensure that they can carry out their work without being subject to intimidation or attacks, including through sanctions or other types of harassment<sup>7</sup>. International standards seek to guarantee this independence, through guidelines for their appointment, promotion, conditions of service, stability in office, and the objective system of transfers and rotations<sup>8</sup>; in addition to other considerations related to the protection of certain guarantees and rights such as security and physical integrity, freedom of expression, among others.
5. At the domestic level, the autonomy of the MP is developed in Article 8 of the Guatemalan Code of Criminal Procedure, which establishes that the MP may carry out investigations and prosecutions with "full independence" and without interference from other authorities with respect to the way it conducts its investigations or prosecutes criminal cases<sup>9</sup>. However, this autonomy has been violated in numerous ways, including: non-compliance with the normative framework that regulates selection processes, including for the attorney general, and disciplinary processes; the use of arbitrary transfers to punish independent prosecutors; the political co-optation of the MP and the use of criminal prosecution to criminalise justice operators and human rights defenders; and the obstruction of effective investigations to facilitate impunity in cases of corruption and serious human rights violations involving political and business elites.

**Failure to comply with constitutional, legal and regulatory standards governing the selection, promotion, sanctioning and removal of prosecutors.**

6. Article 78 of the Organic Law of the Attorney General's Office provides that appointments to positions in the Attorney General's Office shall be made on the basis of "competitive examinations and merit"<sup>10</sup>. Article 79 of the same law establishes the stages of the process for entry and promotion in the prosecutorial career, which includes written and oral tests of knowledge in addition to verification of requirements for the position and merit<sup>11</sup>. Despite this, these processes have been conducted in an irregular manner, in violation of their own legal framework, culminating in appointments guided by the need to maintain and administer a system of impunity.
7. On 16 April 2022, the MP announced a series of appointments and internal transfers, including the promotion of prosecutor Rafael Curruchiche to the position of Section Prosecutor for the Electoral Crimes Prosecutor's Office<sup>12</sup>. He was promoted despite the fact that the previous year, in July 2020, the Training Unit (UNICAP) reported that he had not passed the exams of the selection course within the 2019-4 call, an internal call held between 2 and 15 July 2020 for prosecutors who wanted to apply for the positions of Section Prosecutor or Deputy Section Prosecutor<sup>13</sup>. Subsequently, on 3 August 2021, Curruchiche was appointed head of the Special Prosecutor's Office against Impunity (FECI), following the irregular dismissal of Juan Francisco Sandoval on 23 July 2021 and the temporary appointment of Carla Valenzuela.<sup>14</sup>

8. Article 75 of the Organic Law of the Attorney General's Office indicates that

[Professional career shall be understood to be the system of selection, appointment, promotion, transfer, performance evaluation and disciplinary system for employees of the Attorney General's Office, both prosecutors and technical and administrative personnel, which shall guarantee professional excellence in the exercise of their functions and equal opportunities for entry and promotion within the institution....

and provides that the positions of "regional prosecutors, district prosecutors, deputy district prosecutors, section prosecutors, deputy section prosecutors, prosecutorial agents and assistant prosecutors" are included within the prosecutorial career. In addition, Article 75 specifies that everything related to careers in the MP shall be governed by the Organic Law of the Attorney General's Office, and also in accordance with the Constitution and applicable international human rights instruments.<sup>15</sup>

9. For its part, Article 60 of the Organic Law of the Public Prosecution Service regulates the disciplinary regime of the prosecutorial career, and establishes that "[n]o one may be punished or deprived of his or her rights without having been summoned, heard, and heard in the disciplinary system of the professional career."<sup>16</sup> Likewise, Article 14 of the Collective Agreement on Working Conditions between the Attorney General's Office and the Union of Workers of the Attorney General's Office establishes the guarantee of job stability for its workers, unless there is just cause for dismissal established by law and the corresponding disciplinary process has been followed.<sup>17</sup> This pact also establishes the right of MP workers dismissed without just cause to request their reinstatement through the courts, and in the event that a court order for their reinstatement is granted, "they shall be

reinstated immediately in the same position and conditions in which they were at the time of their dismissal or in a position similar to the one they held."<sup>18</sup> Article 63 of the same Law, which regulates misconduct and the type of sanction corresponding to each, establishes that dismissal may be applied only in cases of "very serious misconduct", which may also be sanctioned with suspension without pay for a period of 21-90 days.<sup>19</sup> However, several decisions regarding disciplinary proceedings and sanctions, including removal, of MP staff by the Attorney General's Office have transgressed these legal norms and violated constitutional and international standards on due process and workers' rights, and are being used to obstruct the work of prosecutors, especially those charged with investigating cases of corruption and serious human rights violations, in retaliation for their work.

10. Thus, on 23 July 2021, the former director of the Special Prosecutor's Office against Impunity (FECI), Juan Francisco Sandoval, was arbitrarily and illegally removed from his post after more than 10 years of work in that office and three years as its director. Attorney General Porras cited as justification for Sandoval's removal "abuses and outrages" against the institutionality of the Attorney General's Office and "humiliations" against him;<sup>20</sup> however, without offering any other reason to justify his removal, she applied the most serious disciplinary sanction, dismissal, without following any disciplinary procedure whatsoever. At the time of his dismissal, the FECI was investigating corruption cases involving high-level government authorities.<sup>21</sup>
11. In removing prosecutor Sandoval, the disciplinary procedure regulated in articles 64 to 65 *octies* of the Organic Law of the Attorney General's Office<sup>22</sup> was not followed. The sanction was not imposed by the Disciplinary Board, the prosecutor in question was not heard, was not allowed to offer evidence, was not granted the right to a hearing, was not investigated, the General Supervision of the Attorney General's Office did not intervene, and was not given the opportunity to challenge the decision. The principle of legality, the right to defense, the principle of proportionality, and the enhanced job stability that prosecutor Sandoval enjoyed as an employee of the Attorney General's Office were violated.
12. Then, in June and July 2022, eight prosecutors and 11 MP workers were arbitrarily dismissed without due process.<sup>23</sup> Among the prosecutors dismissed by the Attorney General were Hilda Pineda, Wendy Ordóñez, Sara Romero, Elka Huitz and Sara Sandoval,<sup>24</sup> who had investigated significant cases of corruption and serious human rights violations. These dismissals were seen by the international community as measures to disrupt the continuity of investigations of great public interest in Guatemala.

### **Irregular transfers of prosecutors for political reasons**

13. Although the legal regulations in force in Guatemala until February 2022 established that transfers of MP staff could be made for reasons of convenience of the worker concerned, alteration of the worker's health, and danger to the physical or psychological integrity of the worker or their family,<sup>25</sup> the attorney general's office has used transfers to stealthily punish prosecutors whose work makes government authorities and other powers that be uncomfortable, and to obstruct accountability processes involving them. A clear example is the transfer of the then head of the Human Rights Prosecutor's Office, Hilda Pineda, who on 11 October 2021 (before being removed as prosecutor in June 2022), was irregularly transferred to the Office of the Prosecutor for Crimes against Foreign Tourists by order of the attorney general.<sup>26</sup> Prior to her transfer, she had been criticised by the president of the Foundation Against Terrorism for her work on emblematic cases of serious human rights violations involving members of the armed forces.<sup>27</sup>
14. Pineda served as a prosecutor in the special cases section of the armed conflict, where she participated in and then led large-scale investigations against former military officers accused of crimes against humanity, including the genocide trial against former head of state Efraín Ríos Montt,<sup>28</sup> the trial against two military officers for sexual violence against women and girls in the Sepur Zarco case,<sup>29</sup> and the case of mass forced disappearance known as the CREOMPAZ case.<sup>30</sup> She headed that section between 2013 and 2016, and in 2016 was elevated to head the Human Rights Prosecutor's Office. In 2012, the Inter-American Court of Human Rights determined the responsibility of the State of Guatemala in the *Diario Militar* case and ordered the investigation, prosecution and punishment of those responsible. After several years, the case was reactivated when the authorities arrested 11 former military and police officers in May 2021.<sup>31</sup> Prosecutor Pineda's transfer that same year did not comply with the conditions established in the current regulations, as it was not carried out for one of the permitted reasons, and together with her subsequent dismissal seven months later - is part of a pattern of reprisals for her work, and in particular for the investigation she led in the *Diario Militar* case, case involving several retired high-ranking military officers with links to current power structures,<sup>32</sup> as well as an attempt to weaken the Human Rights Prosecutor's Office, which has played such a significant role in investigations of crimes against humanity committed during the internal armed conflict.
15. On 23 February 2022, the MP was notified of the new Collective Agreement on Working Conditions negotiated and signed between the MP and the Attorney General's Office Workers' Union;<sup>33</sup> notably, the new regulation is silent on the conditions justifying MP staff transfers.
16. Other emblematic examples of politically motivated transfers include the transfers of anti-corruption prosecutors Stuardo Campo and Eduardo Pantaleón, who had made progress in investigations related to acts of corruption involving the current Guatemalan government.<sup>34</sup> Similarly, the dismantling of the FECCI occurred in the midst of a series of transfers, whose justification and motivation did not meet the criteria set out in the regulations. In this way, the transfers - and the threat of being transferred - for political reasons have undermined the capacity of prosecutors to carry out their investigative functions independently, and

have led to a deterioration in the capacity of the specialised units to investigate cases of great public interest, such as corruption and serious human rights violations.

### **Responsibility of the Attorney General's Office in the criminalisation of independent justice operators and civil society**

17. In recent years the MP has become a tool of criminalisation of justice operators, particularly those fighting against corruption and impunity (for more information on criminalisation of justice operators, see the report cited in the note),<sup>35</sup> as well as civil society actors demanding accountability of the prosecution.
18. In its last UPR, several States recommended that Guatemala strengthen protections for human rights defenders and increase support for the fight against corruption and impunity, in cooperation with the Commission against Impunity and Corruption in Guatemala (CICIG),<sup>36</sup> whose mandate was not renewed in 2019 by former President Jimmy Morales, forcing its closure. However, the MP has promoted spurious legal actions, to intimidate and persecute these defenders.<sup>37</sup>
19. Thus, parallel to the development of the selection process for attorney general for the period 2018-2022, in which Prosecutor Porras participated seeking to be re-elected, the MP began the persecution and harassment against the team of prosecutors and investigators that constituted its emblem for at least 6 years (2015-2021), which has since intensified:<sup>38</sup> during Porras' first term 24 justice operators - 15 in the MP - have had to go into exile.
20. Former FECI prosecutors Siomara Sosa, Rudy Herrera, Amy Girón, Juan Francisco Sandoval and former CICIG official Leily Santizo have been criminalized for, among other reasons, their investigation into the *Odebrecht* case involving Guatemalan politicians and businessmen. Far from deepening the investigation, the MP focused its efforts on persecuting the investigators and protecting those involved in the bribery and money laundering operation.
21. Another emblematic example of this pattern of persecution is the case of Quetzaltenango's anti-corruption prosecutor, Virginia Laparra.<sup>39</sup> In October 2018, Laparra filed complaints against Judge Lester Castellanos, alleging that he had committed serious misconduct in the handling of one of the cases he was in charge of. The complaints were declared inadmissible, but the judge denounced Laparra for violating her independence. She is currently under criminal proceedings for the crime of abuse of authority for having made this denunciation of judicial corruption, and has been in preventive detention for more than five months, in a case without evidence and in conditions incompatible with dignity that have been strongly criticized by the international community.<sup>40</sup>
22. In addition to the above, the Attorney General's Office also systematically violates the rights of the defence of the accused in these cases. Those who are being prosecuted today

face these trials almost alone, based on scant information to prove the "investigated" facts, and with an evident and biased manipulation of evidence.<sup>41</sup>

23. These violations of the right to a fair trial include: 1) Unjustified reservation of the file, in whole or in part, which affects the possibility of an adequate defence, despite the fact that, on the other hand, the leakage of information to the so-called *netcenters*, which announce actions against justice operators in advance, which are later confirmed in reality, is not investigated; 2) Creation of legal proceedings against the defence lawyers of justice operators, which has caused lawyers to fear taking on this technical defence, which has been carried out by former CICIG officials, with the same fear of being criminalised; 3) Unjustified delays in the holding of first statement hearings, which unjustifiably extends the time of detention without defining the legal situation of the detainees. These suspensions have not been due to requests from the defense, but to maneuvers by the judges themselves, who argue conflicts of agenda that are later proven not to have existed.<sup>42</sup>
24. Civil society, human rights defenders and journalists also suffer attacks and threats from the MP. One example is the case of independent journalist Juan Bautista Xol, who was detained in his home on 26 October 2021, while 29 police officers, together with the military and the MP, raided it<sup>43</sup> just a few kilometres from a mine with strong links to the authorities and security forces in the community of El Estor.<sup>44</sup> This repression is understood to be an act of intimidation and censorship of Bautista Xol's work. As a journalist he has reported extensively on this community where mining exploitation has generated an environmental disaster and the mine has been the object of strong community resistance, resistance that the mining company has tried to repress.<sup>45</sup>

### **Responsibility of the Attorney General's Office in obstructing effective investigations in cases of corruption and serious human rights violations**

25. In addition to undermining investigations through transfers, dismissals and criminalisation of anti-corruption justice operators, after the departure of CICIG, when most cases of grand corruption were left in the hands of the FECCI, the attorney general began to curtail the autonomy of FECCI prosecutors, deciding, for example, that every FECCI request to the courts to investigate a case would have to be authorised by her in advance.<sup>46</sup>
26. The attorney general has also intervened to obstruct the investigation and progress of specific corruption cases. One of these cases is known as the *UNE Illicit Financing Case*, related to electoral financing of the UNE political party, a case involving Sandra Torres, former first lady and former presidential candidate.<sup>47</sup> On October 11, 2018, former FECCI prosecutors and CICIG agents presented evidence to the attorney general that a criminal group sought to appropriate funds from the 2015 election campaign without them being reported to the Supreme Electoral Tribunal, avoiding legal controls and exceeding the allowed amounts. Attorney General Consuelo Porrás and her secretary for criminal policy Julio Cerdón, in a coordinated manner, obstructed the prosecution of this case: she

repeatedly refused to review the financial report, submitted to her by FECCI prosecutors, which implicated numerous powerful actors in Guatemala. She also delayed the indictment, to allow Torres to be credentialed as a presidential candidate, acquire immunity and participate in the presidential elections in 2019.<sup>48</sup> Then, former FECCI prosecutor Andrei González, now in exile, denounced Porras and Cerdón for the crimes of abuse of authority, denial of justice and obstruction of justice.<sup>49</sup>

27. Another case that exemplifies the obstruction of investigations to protect powerful interests and state authorities is known as the *Subordination of Powers Case (Tigo)*, which involves the telephone company Tigo for allegedly having bought the support of congressional deputies for the approval of the "Tigo Law" in 2014, through bimonthly payments of 50,000 quetzals per deputy.<sup>50</sup>

28. As prosecutor Sandoval, the former head of the FECCI, noted on his departure after being dismissed,

[When prosecutor Luis Omar Mejía was preparing to make the case operational...the attorney general informed him that for "legal certainty," it was necessary to wait for the resolution of an appeal for reconsideration. When he was informed that the appeal had been resolved, coincidentally, with unusual immediacy, the Second Chamber of the Court of Appeals of the Criminal Branch [on March 1, 2019], took cognizance of and resolved a recusal, in which the same Chamber stated that the cause had not been proven, but for procedural sanity it was necessary to proceed to forward the case file to the Tenth Judiciary of the First Criminal Instance.<sup>51</sup>

29. The decision of the attorney general's office to 'wait for an appeal to be resolved', caused the file to be transferred to the office of Judge Víctor Cruz (Tenth Judge of First Criminal Instance), a judge known in Guatemala for issuing favorable resolutions with those involved in corruption cases and who also endorsed the arrest warrant against former Attorney General Thelma Aldana<sup>52</sup> (who is now also among the justice operators in exile). In November 2019, Cruz quashed all evidence supporting this case.<sup>53</sup> All of these favoring actions were made possible by the action of Consuelo Porras in stopping the operation of the case.

30. Finally, in addition to obstructing cases of grand corruption, the MP has impeded progress in cases of human rights violations committed during the internal conflict. Although the MP should play a fundamental role in the investigation, criminal prosecution, and punishment of those responsible for these serious acts, through the aforementioned transfers and dismissals of members of the Human Rights Prosecutor's Office, the MP has sought to weaken the capacity and morale of the prosecutors working in that unit. In addition, it has failed to provide adequate protection for these prosecutors in the face of the surveillance, intimidation and other threats they have faced.

31. As a whole, the actions of the attorney general and the MP demonstrate a systematic and coordinated effort to prevent cases of great social impact from moving forward, such as

those of corruption and serious human rights violations committed in the context of the internal conflict, which implicate high-level authorities and other powerful actors.

### **Disproportionate increase in cases dismissed for the appearance of prosecutorial efficiency**

32. Another troubling trend is the use of "case dismissal" by the MP. Through the use of this procedural solution, the MP not only avoids fulfilling its obligation to carry out effective investigations, but also manipulates statistics to demonstrate a false efficacy in the resolution of cases. An analysis of the cases that entered the Attorney General's Office in 2020 showed that there were 308,947 cases. In March 2022, of these there were 286,506 cases pending resolution and 22,441 cases resolved.<sup>54</sup> However, when analyzing these figures, it is evident how overvalued "dismissal" is, as it is shown as the main referent for the solution of cases.<sup>55</sup>
33. In Guatemala's domestic legal framework, there are various mechanisms for responding to potential cases, such as opportunity criteria, conditional suspension of criminal prosecution, common procedure, abbreviated procedure, among others. However, in most cases the procedural solution used by the Attorney General's Office is to dismiss the cases, thus closing them, without prioritizing the interests of the victim and without exhausting the investigation. Therefore, in no way is this an indicator that demonstrates the effectiveness of the Attorney General's Office as an investigative body.<sup>56</sup>

### **Non-compliance with legal standards and undermining of the independence and impartiality of the process for the selection and appointment of the Prosecutor General**

34. Finally, the selection process for the Attorney General, which ended in May 2022, did not comply with the established regulations, affecting the independence and impartiality of the process and therefore the autonomy of the MP.
35. In accordance with the applicable constitutional norms, the Attorney General of the Republic,  

[must be a lawyer and have the same qualifications as the justices of the Supreme Court of Justice and shall be appointed by the President of the Republic from a list of six candidates proposed by a nominating commission....<sup>57</sup>
36. According to the call issued by the Nominating Commission in February 2022, one of the requirements to be a candidate for the post of attorney general is the absence of human rights sanctions.<sup>58</sup> However, in the selection process for the attorney general that ended in May 2022, the Commission did not take into account the fact that Consuelo Porrás had had such a sanction since 2004.<sup>59</sup>

37. In addition to the PDH's decision, two subsequent rulings by the Constitutional Court (CC) at the request of representatives of the Foundation Against Terrorism (FCT) directly affected the attorney general selection process. The FCT is a right-wing NGO that supported Porras' re-election and, during his first term as attorney general, had filed several legal actions against prosecutors, judges and other anti-corruption officials, as well as indicating that it had knowledge of MP decisions before they were made public through official channels.<sup>60</sup>
38. The first ruling of the CC mentioned above excluded the nomination of judges as candidates for attorney general.<sup>61</sup> Guatemalan constitutional law establishes that, among other requirements, to run for attorney general, candidates must have practiced law for a minimum period of 10 years.<sup>62</sup> However, the Court's decision on February 17, 2022 subverted constitutional norms by determining that working as a judge or magistrate did not count as time spent practicing law, even though it is obvious that being a member of the judiciary implies working as a lawyer. This determination had the effect of preventing the participation of judges and magistrates in the competition for candidates for attorney general.
39. The second ruling of the CC mentioned above forced the inclusion of Porras in the final list sent by the Postulation Commission to the President of the Republic, Alejandro Giammattei, for having obtained the highest score in the evaluation carried out by the Commission.<sup>63</sup> In this way, the Court's ruling not only directly favoured Porras' candidacy, but also encroached on the Postulation Commission's ability to make decisions on candidates for attorney general autonomously.
40. In addition to the petitions to the CC mentioned above, several actions taken by the Foundation against Terrorism to influence and undermine the independence of the selection process of the attorney general include a criminal complaint made on February 1, 2022 against a then member of the Nominating Commission, David Gaitán, dean of the law school of Da Vinci University, accusing him of the crime of "abuse of authority."<sup>64</sup> By that crime they referred to the fact that Gaitán did not have a master's degree, a requirement to be a dean according to internal university regulations, although the requirement had been suspended by the law school in that case. By that crime they referred to the fact that Gaitán did not have a master's degree, a requirement to be dean according to internal university regulations, although the requirement had been suspended by the law school in that case.<sup>65</sup> During his tenure as a member of the nominating committee, Gaitán had led efforts to conduct comprehensive background checks on each applicant for the post of attorney general.<sup>66</sup> Just one day after the complaint by the Foundation Against Terrorism, the MP acted to request information from the law school about Gaitán's appointment as dean, and the next day, on February 3, Gaitán resigned his position on the nominating commission; with his departure, the comprehensive evaluation of candidates for attorney general ceased.<sup>67</sup>

## **Recommendations**

We request that, in order to comply with its domestic legal, constitutional, and international obligations related to the principle of autonomy of prosecutors and prosecutor's offices - an essential element for the guarantees of judicial independence and, therefore, the rule of law - the Guatemalan State should adopt the following recommendations.

41. Adopt the necessary measures to ensure that prosecutors can carry out their work independently and objectively, without interference or external pressure from other public authorities or external actors, especially those investigating cases of high public interest or that may affect powerful interests.
42. Strengthen the prosecutorial career, including but not limited to guaranteeing prosecutors stability of tenure, adequate conditions of service, and the rights derived from due process in the area of disciplinary responsibility.
43. Immediately and effectively investigate and prosecute attacks and threats against justice operators and human rights defenders in order to identify their causes and punish those responsible.
44. Guarantee an adequate process for promotion and appointment within the prosecutorial career, respectful of international standards. This means carrying out transparent, meritocratic processes, open to public scrutiny, to ensure that those selected have the appropriate qualifications.
45. Ensure compliance with the disciplinary rules and procedures established to apply the sanction of removal of prosecutors, ensuring that removal for political reasons is avoided.
46. Allow for independent review of arbitrary and unlawful transfers and dismissals, and reinstate prosecutors who have been transferred or dismissed in an irregular manner.
47. Provide human rights institutions, including special prosecutors' offices and the Human Rights Ombudsman's Office (PDH), with the necessary resources for effective investigation of human rights violations and compliance with victims' rights. The Internal Armed Conflict Special Cases Section should be provided with sufficient resources to carry out its investigations, including exhumations and forensic investigations, fully and safely.
48. Cease practices of persecution and intimidation against independent prosecutors and officials whose work is uncomfortable for government officials and other powerful actors. Politically motivated charges, arrest warrants, and other proceedings against current and former justice operators must be dropped and prosecutors illegally and unjustly detained must be released.

49. Establish autonomous and effective corruption investigation bodies. The institutional anti-corruption apparatus should include a specialised prosecutor's office for the investigation and prosecution of corruption cases that is not subject to political interference, even if it comes from the attorney general herself. An independent international commission against corruption and impunity in the country should also be re-established.

## References

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<sup>1</sup> **Due Process of Law Foundation (DPLF)** is a regional human rights organization whose mandate is to promote the rule of law and the protection of human rights in Latin America. Through its judicial independence program, DPLF promotes the strengthening of the region's justice systems and their autonomy. Inspired by the Jewish commitment to justice, **American Jewish World Service (AJWS)** works to realize human rights and end poverty in Africa, Asia, Latin America and the Caribbean. The **Center for Justice and International Law (CEJIL)** is an organization of

human rights defenders working to reduce inequality and violence by strengthening democracies, protecting and promoting human rights, and combating impunity in the Americas. They have been working for more than 30 years throughout the Americas and represent more than 10,000 victims of human rights violations. The **Cyrus R. Vance Center for International Justice** promotes global justice by engaging legal professionals around the world to support civil society and an ethically active legal profession. It is a non-profit program of the New York City Bar Association that brings together leading law firms and other partners around the world to promote international justice initiatives and provide pro bono legal representation to civil society organizations fighting for social justice. **Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD)** is a non-governmental, non-political and non-religious organization created in 2011 based in Mexico City, with representatives in Honduras, El Salvador and Guatemala. Our mission is to promote access to justice for vulnerable groups and the accountability of authorities in order to strengthen the democratic rule of law through the empowerment of victims, jurisdictional actions and public policy advocacy. **Guatemala Human Rights Commission (GHRC)** is a grassroots, non-profit, solidarity-based organization dedicated to promoting human rights in Guatemala and supporting communities and activists facing threats and violence. GHRC documents and denounces abuses, raises international awareness, and promotes policies that foster peace and justice. **Impunity Watch** is an international human rights organization that promotes transitional justice and the strengthening of the rule of law in countries with violent pasts. It works in partnership with victims' organizations and civil society to fight impunity and prevent atrocities. **Latin America Working Group Education Fund (LAWGEF)** is a Washington, D.C.-based nongovernmental organization that advocates on U.S. policy toward Latin America and the Caribbean and on issues of human rights and social, environmental, economic, and peace justice. The **Washington Office on Latin America (WOLA)** is a leading research and advocacy organization promoting human rights in the Americas. Its vision is to achieve a continent in which public policies protect human rights and recognize human dignity, and where justice prevails over violence. **International Platform Against Impunity (PICI)** is a strategic alliance of European and Central American non-governmental organizations that promotes international attention and action towards structural causes and effects of impunity in different areas of Central America in support of actors vulnerable to impunity. **Protection International Mesoamerica (PI)** is an international, non-profit NGO that facilitates the formulation of strategies and the use of security and protection management tools for people and groups that defend human rights. Based in Brussels, it has a presence in Asia, Africa and the Americas where it has two regional offices: one for Mesoamerica in Guatemala and another for South America in Colombia. **Robert F. Kennedy Human Rights (RFKHR)** was founded in 1968 following the assassination of then-Attorney General Robert F. Kennedy. The organization seeks to continue his legacy by promoting respect for human rights and civic space in collaboration with local organizations in different regions of the world, including Latin America.

<sup>2</sup> IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas*, 31 December 2011, OEA/Ser.L/V/II, Doc. 66, para. 350.

<sup>3</sup> United Nations, General Assembly, Human Rights Council, *Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul*, A/HRC/20/19, 7 June 2012, para. 35.

<sup>4</sup> *Ibid.* para. 93. See also United Nations. *Guidelines on the Role of Prosecutors*. Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August-7 September 1990, U.N. Doc. A/CONF.144/28/Rev. p. 189 (1990), (preface). Available at: [https://www.ohchr.org/es/instruments-mechanisms/instruments/guidelines-role-prosecutors#:~:text=The%20prosecutors%2C%20of%20compliance%20with%20the%20criminal%20justice%20system](https://www.ohchr.org/es/instruments-mechanisms/instruments/guidelines-role-prosecutors#:~:text=The%20prosecutors%2C%20of%20compliance%20with%20the%20criminal%20justice%20system;).

<sup>5</sup> IACHR, *Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II.124, Doc. 5 rev.1, 7 March 2006, para. 223; see also United Nations, General Assembly, Human Rights Council, *Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul*, A/HRC/20/19, 7 June 2012, para. 2; and European Court of Human Rights, *Kayasu v. Turkey (n°1)* - 64119/00 Judgment 13.11.2008 [Section II], para. 91 (original French) [unofficial translation].

<sup>6</sup> *Ibidem* (IACHR. *Guarantees for independence...*), para. 109.

<sup>7</sup> United Nations. *Guidelines on the Role of Prosecutors*. Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, 27 August-7 September 1990, UN Doc. A/CONF.144/28/Rev. p. 189 (1990), para. 4. Available at: <https://www.ohchr.org/es/instruments-mechanisms/instruments/guidelines-role-prosecutors#:~:text=The%20prosecutors%2C%20of%20compliance%20with%20the%20criminal%20justice%20system>.

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prosecutors#:~:text=The%20prosecutors%2C%20of%20compliance%20with%20the%20criminal%20justice%20sys  
tem.

<sup>8</sup> The Due Process of Law Foundation (DPLF), the Foundation for Justice and the Democratic Rule of Law (FJEDD), and JSCA-JSCA. "International Standards on Prosecutorial Autonomy and Prosecutorial Offices", September 2017, p. 31. Available at:

[http://www.dplf.org/sites/default/files/estandares\\_fiscales\\_diagramacion\\_v3.pdf](http://www.dplf.org/sites/default/files/estandares_fiscales_diagramacion_v3.pdf)

<sup>9</sup> Congress of the Republic of Guatemala, Decree 51-92, Article 8.- (Independence of the Attorney General's Office). - *"The Attorney General's Office, as an institution, enjoys full independence for the exercise of criminal action and the investigation of crimes in the manner determined in this Code, except for the hierarchical subordination established in its own law. No authority may give instructions to the head of the Attorney General's Office or his or her subordinates regarding the manner of carrying out the criminal investigation or limiting the exercise of the action, except for the powers granted by this law to the courts of justice."*

<sup>10</sup> Organic Law of the Attorney General's Office, Article 78.- (Appointments) - *"Appointments to fill positions in the Attorney General's Office shall be subject to the procedure established in the regulations, which shall be based on competitive examinations and merit, which for this purpose shall be issued by the Attorney General. \*Reformed by Article 53 of Decree Number 18-2016 of the Congress of the Republic."*

<sup>11</sup> Organic Law of the Attorney General's Office, Article 79.- (Entry and promotion in the prosecutorial career): *"...The competitive examination process for entry and promotion in the prosecutorial career shall include the following stages: a) Prequalification. (a) Pre-qualification: The candidate must meet the legal requirements for the position and not have any grounds for incompatibility. b) Competitive examination. 1) Merit examination: The Training Unit will evaluate the candidate's merit, assessing his or her professional background according to the table set forth in the regulations. 2) Written test of knowledge: A written test of knowledge will be prepared and graded by the Training Unit. The test must be conducted in such a way that the person marking the test is unaware of the identity of the examinee. 3) Oral knowledge test: The candidate shall be examined orally on the knowledge required for the position. The regulations shall determine how the oral test is to be conducted. The oral test shall be public and may be attended by any persons who so wish, provided that the order and normal conduct of the test is not disturbed"* [excerpt].

<sup>12</sup> La Hora, "Curruchiche lost exams for Section Attorney; how he ended up winning is a mystery". October 8, 2021. Available at: <https://lahora.gt/nacionales/la-hora/2021/10/08/curruchiche-perdio-examenes-para-ser-fiscal-de-seccion-como-termino-ganando-es-un-misterio/>

<sup>13</sup> *Id.*

<sup>14</sup> Cristian Veliz, "Rafael Curruchiche is the new head of the FECCI". *ElPeriodico*. August 3, 2021. Available at: <https://elperiodico.com.gt/lo-mas-importante-de-hoy/2021/08/03/rafael-curruchiche-es-el-nuevo-jefe-de-la-fecci/>

<sup>15</sup> Organic Law of the Attorney General's Office, Article 75.

<sup>16</sup> Organic Law of the Attorney General's Office, Article 60(4).

<sup>17</sup> Collective Agreement on Working Conditions between the Attorney General's Office and the Union of Workers of the Attorney General's Office, Article 14. - (Job Stability) - *"The Attorney General's Office guarantees the job stability of its workers unless they incur in any of the just causes for dismissal contemplated in the law and in accordance with the corresponding disciplinary procedure. When the dismissal is not due to a just cause as provided by law, the dismissed worker may make a judicial claim for reinstatement and, if reinstatement is granted, and there is a final judicial decision ordering reinstatement and payment of the corresponding benefits, the worker shall be immediately reinstated in the same position and conditions in which he or she was at the time of dismissal or in a position similar to the one he or she held, in accordance with the provisions of article 20 of the Labour Code, and the sum of money ordered by the court shall be paid to him or her."*

<sup>18</sup> *Id.*

<sup>19</sup> Organic Law of the Attorney General's Office, Article 63.

<sup>20</sup> Attorney General's Office, Press Release dated July 23, 2021. Available at: <https://twitter.com/MPguatemala/status/1418684380432764930/photo/1>

<sup>21</sup> "Entrevista con un exfiscal rumbo al exilio: 'todo lo hecho por Porras es oscuro, ahora lo puedo decir'", *El Faro*, July 25, 2021. Available at: <https://elfaro.net/es/202107/centroamerica/25623/Entrevista-con-un-exfiscal-rumbo-al-exilio-%E2%80%9Ctodo-lo-hecho-por-Porras-es-oscuro-ahora-lo-puedo-decir%E2%80%9D.htm>

<sup>22</sup> Organic Law of the Attorney General's Office, Articles 64 and 65.

<sup>23</sup> See Joint Communiqué of International Organizations, "We Condemn the Arbitrary Dismissal of Prosecutors and the Weakening of the Attorney General's Office in Guatemala," July 11, 2022. Available at: "[https://twitter.com/DPLF\\_info/status/1547346631179309057](https://twitter.com/DPLF_info/status/1547346631179309057)"; see also Oscar García and Edwin Pitán, "Consuelo Porras ordena la destitución de las fiscales Hilda Pineda y Wendy Ordóñez," *Prensa Libre*, June 30, 2022. Available at: <https://www.prensalibre.com/guatemala/justicia/consuelo-porras-ordena-la-destitucion-de-las-fiscales-hilda-pineda-y-wendy-ordonez-breaking/>

Miguel Barrientos Castañeda, "MP confirma destitución jefa de Fiscalía de DD.HH. Hilda Pineda," *Prensa Libre*, June 30, 2022. Available at: <https://www.prensalibre.com/ahora/guatemala/justicia/mp-confirma-destitucion-jefa-de-fiscalia-de-dd-hh-hilda-pineda/>

<sup>24</sup> Oscar García and Edwin Pitán, "Consuelo Porras ordena la destitución de las fiscales Hilda Pineda y Wendy Ordóñez," *Prensa Libre*, June 30, 2022. Available at: <https://www.prensalibre.com/guatemala/justicia/consuelo-porras-ordena-la-destitucion-de-las-fiscales-hilda-pineda-y-wendy-ordonez-breaking/>

<sup>25</sup> Pacto Colectivo de Condiciones de Trabajo 2012-2015 celebrado entre el Ministerio Público y el sindicato de trabajadores del Ministerio Público, Article 35 [still in force until new collective pacts are negotiated in 2022, in accordance with the provisions of Decree 330 of the Congress of the Republic, Código de Trabajo y sus Reformas, 1947]. Available at: [https://www.mintrabajo.gob.gt/images/Documentacion/Pactos\\_colectivos/R-272-2012\\_Pacto\\_del\\_Ministerio\\_Publico\\_lite.pdf](https://www.mintrabajo.gob.gt/images/Documentacion/Pactos_colectivos/R-272-2012_Pacto_del_Ministerio_Publico_lite.pdf)

<sup>26</sup> El Periódico, "Fiscal que investigó a militares es trasladada de fiscalía", October 11, 2021. Available at: <https://elperiodico.com.gt/lo-mas-importante-de-hoy/2021/10/11/fiscal-que-investigo-a-militares-es-trasladada-de-fiscalia/>; see also César Pérez Marroquín, "Consuelo Porras hace rotaciones en 11 fiscalías, entre ellas la de Derechos Humanos, cuya extitular llevó a juicio a Ríos Montt," Oct. 11, 2021. Available at:

[https://www.prensalibre.com/guatemala/justicia/consuelo-porras-hace-rotaciones-en-11-fiscalias-entre-ellas-la-de-derechos-humanos-cuya-extitular-llevo-a-juicio-a-rios-montt-breaking/?utm\\_source=modulosPL&utm\\_medium=linkinterno&utm\\_campaign=ux](https://www.prensalibre.com/guatemala/justicia/consuelo-porras-hace-rotaciones-en-11-fiscalias-entre-ellas-la-de-derechos-humanos-cuya-extitular-llevo-a-juicio-a-rios-montt-breaking/?utm_source=modulosPL&utm_medium=linkinterno&utm_campaign=ux);

<sup>27</sup> Jeanelly Vásquez, "MP confirms the transfer of the Human Rights Prosecutor, who was criticized by Méndez Ruiz". *La Hora*. October 11, 2021. Available at: <https://lahora.gt/nacionales/jeanelly/2021/10/11/mp-confirma-el-traslado-de-la-fiscal-de-derechos-humanos-que-era-criticada-por-mendez-ruiz/>.

<sup>28</sup> Shawn Roberts, "Witnesses testify to rape in Ríos Montt genocide trial; defense also objects to documents," *International Justice Monitor*, April 3, 2013. Available at: <https://www.ijmonitor.org/2013/04/witnesses-testify-to-rape-in-rios-montt-genocide-trial-defense-also-objects-to-documents/>

<sup>29</sup> Attorney General's Office, *Sepur Zarco: El caso que devela con testimonios los delitos de esclavitud y violencia sexual en contra de 11 mujeres*, December 12, 2015. Available at: <https://www.mp.gob.gt/noticia/sepur-zarco-el-caso-que-devela-con-testimonios-los-delitos-de-esclavitud-y-violencia-sexual-en-contra-de-11-mujeres/>

<sup>30</sup> Jo-Marie Burt, "CREOMPAZ Hearings Conclude; Tribunal to Determine if Case Goes to Trial," *International Justice Monitor*, June 7, 2016. Available at: <https://www.ijmonitor.org/2016/06/creompaz-hearings-conclude-tribunal-to-determine-if-case-goes-to-trial/>; Emiliano Castro Sáenz, "Creompaz, el secreto militar y un caso que no avanza," *Plaza Pública*, August 11, 2017. Available at: <https://www.plazapublica.com.gt/content/creompaz-el-secreto-militar-y-un-caso-que-no-avanza>

<sup>31</sup> Jo-Marie Burt and Paulo Estrada, "Caso Diario Militar: la inteligencia militar va a juicio," *Ocote*, June 8, 2022. Available at: <https://www.agenciaocote.com/blog/2022/06/08/caso-diario-militar-la-inteligencia-militar-va-a-juicio/>

<sup>32</sup> See Jo-Marie Burt and Paulo Estrada, "Trial in 'Diario Militar' Case Links Atrocities of Guatemala's Internal Armed Conflict to Current Criminal Networks," *WOLA*, April 29, 2022. Available at: <https://www.wola.org/es/analisis/diario-militar-vincula-conflicto-armado-guatemala-redes-criminales/> and Jo-Marie Burt and Paulo Estrada, "Caso Diario Militar: la inteligencia militar va a juicio," *Ocote*, June 8, 2022. Available at: <https://www.agenciaocote.com/blog/2022/06/08/caso-diario-militar-la-inteligencia-militar-va-a-juicio/>

<sup>33</sup> Notification of Resolution number 102-2022, dated February 14, 2022, of the Ministry of Labor and Social Welfare, (not yet published but notified to the Attorney General's Office on February 23, 2022).

<sup>34</sup> Sonia Pérez D., "Guatemala: Cambian a fiscal que iba por inmunidad de Morales", *AP News*, April 16, 2021. Available at: <https://apnews.com/article/noticias-2a5b56fe910d2c986faf1781f753ce10>;

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- <sup>35</sup> See joint contribution presented by this same coalition of organizations, "Ataques y criminalización a operadores y operadoras de justicia como parte de la estrategia para el desmantelamiento de la lucha contra la corrupción y la impunidad", en el marco del Cuarto Ciclo del Examen Periódico Universal del Período Periódico Universal del Período de Sesiones N° 42 del Consejo de Derechos Humanos de las Naciones Unidas sobre Guatemala. July 2022.
- <sup>36</sup> A/HRC/37/9 - Para. 111
- <sup>37</sup> AP News, "EU, US caution Guatemala over persecution of lawyers, judges," Feb. 11, 2022. Available at: <https://apnews.com/article/caribbean-european-union-united-nations-guatemala-city-guatemala-441cd915c9940c168a56c107d91ac267>.
- <sup>38</sup> Claudia Escobar Mejía, "A Guatemalan Judiciary Tailored for the Mafia Needs Reform," Georgetown Journal of International Affairs, July 8, 2022. Available at: <https://gja.georgetown.edu/2022/07/08/a-guatemalan-judiciary-tailored-for-the-mafia-needs-reform/>
- <sup>39</sup> See Claudia Escobar Mejía, "A Guatemalan Judiciary Tailored for the Mafia Needs Reform," Georgetown Journal of International Affairs, July 8, 2022. Available at: <https://gja.georgetown.edu/2022/07/08/a-guatemalan-judiciary-tailored-for-the-mafia-needs-reform/>
- <sup>40</sup> Sonia Pérez D., "Guatemala: 100 días presa fiscal que denunció corrupción", Los Angeles Times, June 7, 2022. Available at: <https://www.latimes.com/espanol/internacional/articulo/2022-06-07/guatemala-100-dias-presa-fiscal-que-denuncio-corrupcion>
- <sup>41</sup> Oscar Canel, "Decretan Falta de mérito para tres ex FECCI; uno es ligado por coacción", La Hora, March 11, 2022. Available at: <https://lahora.gt/nacionales/oscar-canel/2022/03/11/decretan-falta-de-merito-para-tres-ex-feci-uno-es-ligado-por-coaccion/>
- <sup>42</sup> Alexander Valdéz, "MP niega acceso a expediente de investigación contra exfiscal Francisco Sandoval," El Periodico, August 7, 2021. Available at: <https://elperiodico.com.gt/politica/justicia/2021/08/07/mp-niega-acceso-a-expediente-de-investigacion-contra-exfiscal-francisco-sandoval/>; see also Anaité Álvarez, "Reprograman pedido de Sosa y Santizo para apartar a Fundación contra el Terrorismo," La Hora, May 4, 2022. Available at: [https://lahora.gt/nacionales/anaite\\_alvarez/2022/05/04/reprograman-pedido-de-sosa-y-santizo-para-apartar-a-fundacion-contra-el-terrorismo/](https://lahora.gt/nacionales/anaite_alvarez/2022/05/04/reprograman-pedido-de-sosa-y-santizo-para-apartar-a-fundacion-contra-el-terrorismo/); and William Oliva, "Suspenden audiencia de exfiscales leily Santizo y Siomara Sosa," Prensa Libre, March 1, 2022. Available at: <https://www.prensalibre.com/ahora/guatemala/justicia/suspenden-audiencia-de-exfiscales-leily-santizo-y-siomara-sosa/>
- <sup>43</sup> Paolina Albani, "Periodista de El Estor cuenta intentos de censura y ataques", Ruda GT, October 28, 2021. Available at: <https://rudagt.org/periodista-de-el-estor-cuenta-intentos-de-censura-y-ataques/>
- <sup>44</sup> The Store Project, "Guatemala: La mina espía y criminaliza para controlar El Estor," Marcha, April 11, 2022. Available at: <https://www.marcha.org.ar/guatemala-la-mina-espia-y-criminaliza-para-controlar-el-estor/>
- <sup>45</sup> *Id.*
- <sup>46</sup> Sonia Pérez D., AP Explains: "¿Por qué Guatemala persigue a jueces y fiscales?", AP News, February 18, 2022. Available at: <https://apnews.com/article/noticias-29b5b7f4afc27bdb08013c002a11348b>
- <sup>47</sup> Irving Escobar, "Exfiscal acusa a María Consuelo Porras de obstruir caso para favorecer a Sandra Torres," Prensa Libre, October 15, 2019. Available at <https://www.prensalibre.com/guatemala/politica/exfiscal-acusa-a-maria-consuelo-porras-de-obstruir-caso-para-favorecer-a-sandra-torres/>
- <sup>48</sup> *Id.*
- <sup>49</sup> *Id.*
- <sup>50</sup> CICIG, *Subordination of the Legislative Branch to the Executive, An Expression of State Capture*. May 6, 2019. Available <https://www.cicig.org/casos/caso-subordinacion-del-poder-legislativo-al-ejecutivo/>. See also "Caso Subordinación del Poder Legislativo al Ejecutivo (Ley Tigo)," No-Ficción. Available at: [https://www.no-ficcion.com/casos/caso\\_subordinacion\\_poder\\_legislativo\\_ejecutivo\\_ley\\_tigo](https://www.no-ficcion.com/casos/caso_subordinacion_poder_legislativo_ejecutivo_ley_tigo)
- <sup>51</sup> See press conference by Juan Francisco Sandoval, July 23, 2021. Available at: [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=93279908729062](https://www.facebook.com/watch/live/?ref=watch_permalink&v=93279908729062), and Gabriel Woltke, "Los señalamientos de Sandoval contra Consuelo Porras por sus favores a Giammattei, Tigo y magistrados," Quorum, July 24, 2021. Available at: <https://quorum.gt/mp-feci/senalamientos-de-sandoval/>
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<sup>54</sup> Sara Solórzano, "Eficiencia del MP es alta, pero 7 de cada 10 denuncias son desestimadas," Prensa Libre, March 5, 2022. Available at: <https://www.prensalibre.com/guatemala/justicia/eficiencia-del-mp-es-alta-pero-7-de-cada-10-denuncias-son-desestimadas/>

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<sup>56</sup> Available at: <https://www.plazapublica.com.gt/content/el-gran-plan-de-consuelo-porras-es-caroy-debilito-otras-fiscalias>

<sup>57</sup> Political Constitution of the Republic of Guatemala, Article 251.

<sup>58</sup> Postulation Commission for the Nomination of Candidates [for] Attorney General of the Republic and Head of the Attorney General's Office 2022-2026. *Convocatoria*, point 15. Available in Spanish at: <http://guatemalavisible.net/monitoreo/wp-content/uploads/2022/03/Convocatoria.pdf>

<sup>59</sup> Evelin Vásquez, "PDH requests report on alleged plagiarism in Consuelo Porras' doctoral thesis". El Periódico. September 20, 2021. Available at: <https://elperiodico.com.gt/politica/justicia/2021/09/20/pdh-solicita-informe-por-supuesto-plagio-por-tesis-de-doctorado-de-consuelo-porras>/ Véase also Sara Solórzano, "Verificamos por Usted: ¿Pueden los comisionados indagar sobre el supuesto plagio doctoral de Consuelo Porras?", Prensa Libre, April 8, 2022. Available at: <https://www.prensalibre.com/pl-plus/guatemala/justicia/verificamos-por-usted-pueden-los-comisionados-indagar-sobre-el-supuesto-plagio-doctoral-de-consuelo-porras/>

<sup>60</sup> Human Rights Watch, "Guatemala: Election of Attorney General Crucial to Rule of Law," April 13, 2022. Available at: <https://www.hrw.org/es/news/2022/04/13/guatemala-eleccion-de-fiscal-general-es-crucial-para-el-estado-de-derecho>

<sup>61</sup> Constitutional Court of Guatemala, Case 833-2022, Order dated February 17, 2022.

<sup>62</sup> *supra* note 13 (Constitution of Guatemala, Art. 251.- (Ministerio Público)). See also Political Constitution of Guatemala, Article 216 (establishing requirements to serve as magistrates of the Supreme Court of Justice).

<sup>63</sup> Constitutional Court of Guatemala, Case 2319-2022, Order dated April 21, 2022.

<sup>64</sup> See photos of criminal complaint against Luis David Gaitán Arana by Ricardo Rafael Méndez Ruiz Valdés, president of the Board of Directors of the Fundación Contra el Terrorismo Guatemala, February 1, 2022. Available at: <https://twitter.com/RMendezRuiz/status/1488839932647022605>

<sup>65</sup> Note 63, *supra* (Human Rights Watch, "Guatemala: Election of Prosecutor...").

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*