

Impunity Watch is a Netherlands-based, international non-profit organization seeking to promote accountability for atrocities in countries emerging from a violent past. IW conducts periodic and sustained research into the root causes of impunity and obstacles to its reduction that includes the voices of affected communities to produce research-based policy advice on progress intended to encourage truth, justice, reparations and non-recurrence of violence. We work closely with civil society organizations to increase their influence on the creation and implementation of related policies.

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Policy Brief

Nomination Commissions and Judicial Independence in Guatemala

Summary

This publication is a result of the need to point out a series of elements that have led to the current stagnation of the processes concerning the election of magistrates for the Supreme Court of Justice and the Courts of Appeal. Through a critical analysis of such mechanisms, their vulnerability to particular interests is evidenced, thus violating international standards as well as the parameters of national law regarding judicial independence.

The objective of this Policy Brief is the analysis of factors that question the efficacy of such election mechanisms, due to different motives, particularly: the high level of discretionary elements, in which judiciary practice is not a priority; conflicts of interest, shown in the fact that persons appointed as nominators in one commission might be eligible candidates for another commission; lack of compliance with legal dispositions concerning the mechanisms for the evaluation of candidates, especially those regarding honorability and the use of grading charts, as well as the devising of the final list of candidates; likewise, the co-optation of the tasks performed by the Nomination Commissions by groups whose particular interests influence and interfere with the proper functioning of the State's three branches.

Based on what has been stated above, IW wishes to warn about the need to listen to the calls already carried out by the Ombudsman, by the United Nation's Special Rapporteur on the independence of judges and lawyers and by the Commissioner of the International Commission Against Impunity in Guatemala (CICIG), requesting the Guatemalan Government for the repetition of the process, in consideration of both international standards and national legislation. Likewise, IW considers that these reasons urge for reflection a debate towards the formulation of legislative reforms aimed to guarantee the real exercise of judicial independence and the strengthening of the Rule of Higher Law in Guatemala.



Al servicio de las personas y las naciones

I. Introduction

The debate concerning judicial independence has garnered enormous importance by the final stretch of 2014. Monitoring performed by various civil society organizations and mass media over the actions taken by the Nomination Commissions in charge of selecting candidates to the Supreme Court of Justice and the Courts of Appeal, evidenced various types of problems which are to be analyzed in this brief and which resulted in both national and international organizations, the Ombudsman, the Commissioner of the International Commission Against Impunity in Guatemala (CICIG), the Inter-American Human Rights System and the United Nation's Special Rapporteur on the independence of judges and lawyers, to request the State of Guatemala to consider repeating the process.

Four actions of constitutional appeal (called writ of "*amparo*" by Guatemala's Law) were presented before Guatemala's Constitutional Court (CC) by the end of September 2014, requesting the annulment of the process, among other motives, due to the influence of various groups during the process as well as the lack of application of precepts contained in the Judicial Career Law.

The CC, on October 9 2014, provisionally granted the "*amparo*" in favor of the actions presented, which delayed the new Justices from taking their positions; thus, the mandate of the previous justices was extended.

In this manner, the CC has opened an important opportunity that should provoke a critical debate concerning the Nomination Commissions system and its effects over judicial independence and legal certainty. The political and legal decision over this case is a complex one, especially considering all interests at play; this has led for the elected magistrates to involve themselves in the trial as interested third parties along with the CICIG and other institutions. What is at stake here is not only the proper conformation of the Judicial Branch, but also the whole credibility of the judicial system in the citizens' perception, as well as the strengthening of the Rule of Higher Law.

How did it come to the present state of things? This is one of the issues we expect to answer in this brief, which also includes some recommendations for the strengthening of the processes concerning the selection of justice operators, as well as listing international standards and declarations that are pertinent to this matter.

Impunity Watch hopes to contribute to the knowledge and discussion of this subject matter, understanding judicial independence as a fundamental value in order to obtain the right to justice for victims of Guatemala's Internal Armed Conflict. Only an independent Judicial Branch will be able to take on the challenges that persist against the trial and sanctioning of the worst atrocities committed in Guatemala.

Finally, this brief will cover aspects concerning the Nomination Commissions in charge of devising the final list for the election of the Attorney General and the magistrates for the Courts of Appeal and the Supreme Court of Justice.

II. Judicial Independence

The United Nations Human Rights Committee in its General Comment No. 32-2007 on the right to equality before courts and tribunals and to a fair trial, established that: *“The right to equality before the courts and tribunals and to a fair trial is a key element of human rights protection and serves as a procedural means to safeguard the rule of law”*.

Among international instruments, the Basic Principles on the Independence of the Judiciary is a stand out, which establishes the following principles, numbered 1 and 10¹:

1. The independence of the judiciary shall be guaranteed by the State and enshrined in the Constitution or the law of the country. It is the duty of all governmental and other institutions to respect and observe the independence of the judiciary.

10. Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. Any method of judicial selection shall safeguard against judicial appointments for improper motives. In the selection of judges, there shall be no discrimination against a person on the grounds of race, color, sex, religion, political or other opinion, national or social origin, property, birth or status, except that a requirement, that a candidate for judicial office must be a national of the country concerned, shall not be considered discriminatory.

Regarding the Inter-American Human Rights System, a recent brief states that, overall, articles 8 and 25 of the American Convention on Human Rights, should be interpreted as a frame in which *“affected people should be guaranteed their rights for the search of justice in their specific cases. Additionally, from such State obligations derive some determined guarantees that States must comply with and grant all justice operators in order to secure their independent exercise, thus allowing the State to comply with its obligation of granting access to justice to all people”*². The IACHR recommends that Member States should *“adopt legislative measures that guarantee that neither the Executive Branch nor the Legislative Branch, have the faculties to appoint the President of the High Courts nor to appoint the justices that will integrate the courts or tribunals, with the objective of leaving such faculties in the hands of the Courts themselves, thus strengthening internal independence of the Judicial Branch”*³.

The Republic of Guatemala’s Political Constitution establishes, in article 203, the independence of the Judicial Branch as well as the power to judge, which is carried out with absolute exclusivity by the Supreme Court of Justice and the rest of the courts and tribunals created by Law, stating that no other authority should be able to intervene in the administration of justice, sanctioning those who might attempt against such independence.

¹ Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

² Inter-American Commission on Human Rights. Guarantees for the Independence of Justice Operators. 2013. Available in <http://www.oas.org/es/cidh/defensores/docs/pdf/Justice-Operators-2013.pdf>

³ *Ibíd.*

Likewise, article 205 reiterates functional and economic independence as guarantees to the Judicial Branch. In addition, article 52 of the Judicial Branch Law establishes that the Judicial System will not be subject to any type of subordination to any organism, branch or authority.

The Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society states that one of its priorities is “to reform the administration of justice in order to put an end to inefficiency, eradicate corruption and guarantee free access to the justice system, impartiality in the application of the law, judicial independence, ethical authority and the integrity and modernization of the system as a whole”⁴.

In accordance with this view, after the signing of the Peace Agreements Guatemala adopted various measures including the authorization of the Judicial Career Law⁵, citing as its main objective “to establish the principles, rules and procedures, as well as to create the necessary organs for the administration and operation of the Judicial Career. The Judicial Career establishes the system that regulates the access, permanence, promotion, upgrade, training, discipline and other activities pertinent to the justices and magistrates, no matter their category or level, with the objective of guaranteeing their dignity, independence and professional excellence in the practice of their jurisdictional functions”⁶.

That same year, the Nomination Commissions Law was authorized⁷, its objective being “the development of constitutional rules regarding the Nomination Commissions, with the purpose of regulating and settling mechanisms and procedures, with concrete goals concerning the selection of the nominees for public positions of relevance to the State of Guatemala, such as Magistrates and Justices for the Supreme Court of Justice, the Courts of Appeal, the Comptroller and Auditor General, the Attorney General and Chief of the Public Ministry, the Ombudsman and any other that should be designated by intermediation of the Nomination Commissions”⁸.

In the following section we will revise issues concerning the Commissions as a constitutional mechanism. It is important, however, to note that the Judicial Career Law was not abolished by the Nomination Commissions Law; thus, its rules are currently effective and must be applied. This is one of the matters upon which the Constitutional Court must make a decision.

III. Nomination Commissions

The Nomination Commissions system is established by the Guatemalan Constitution; specifically in article 215 (election of Magistrates for the Supreme Court of Justice), article 217 (election of Magistrates for the Courts of Appeal and other tribunals), and 251 (Attorney General). This system’s rules are expanded and specified in the Nomination Commissions Law, cited above.

⁴ Agreement for the Strengthening of Civilian Power, AFPC in its Spanish initials.

⁵ Decree 41-99 of the Republic’s Congress.

⁶ Article 1, Judicial Career Law

⁷ Decree 19-99 of the Republic’s Congress.

⁸ Article 1 of the Nomination Commissions Law

Article 207 of the Constitution establishes the following common requirements for magistrates and justices: Guatemalan origin, known honorability, in full exercise of citizenship rights and being a collegiate attorney save for the exceptions also listed by the law concerning minor and private jurisdiction justices.

Additionally, in order to be elected as a Magistrate for the Supreme Court of Justice, persons are required to be at least 40 years of age, to have performed as a Magistrate in a Court of Appeal or in any other tribunal of identical hierarchy for a complete period, or to have been a practicing Attorney for over ten years⁹. In the case of Magistrates for the Courts of Appeal, it is required to be at least 35 years of age, to have been a justice in a regular trial court or to have been a practicing Attorney for at least five years¹⁰.

Magistrates for the Supreme Court of Justice are elected by the Congress for a five year period from a list of 25 candidates, selected by a Nomination Commission which is constituted by:

- One representative of the Rectors of each of the country's universities, who presides the Commission;
- The Deans of the Law Schools and Faculties of each of the country's universities;
- An equivalent number of representatives elected by the General Assembly of the Collegiate Association of Notaries and Attorneys of Guatemala; and,
- An equivalent number of representatives elected by the titular Magistrates of the Courts of Appeal and other tribunals.

The election of candidates requires the favorable vote of at least two thirds of all members of the Nomination Commission¹¹. Magistrates of the Supreme Court of Justice elect their President amongst their members with the favorable vote of at least two thirds; the presidency lasts for a year and a former President cannot be reelected during that same Court's period.

Magistrates for the Courts of Appeal are elected by Congress from a shortlist that must contain twice the number of candidates to be elected; the list is submitted by a Nomination Commission constituted by:

- One representative of the Rectors of each of the country's universities, who presides the Commission;
- The Deans of the Law Schools and Faculties of each of the country's universities;
- An equivalent number of representatives elected by the General Assembly of the Collegiate Association of Notaries and Attorneys of Guatemala; and,
- An equivalent number of representatives elected by the titular Magistrates of the Supreme Court of Justice.

The election of candidates requires the favorable vote of at least two thirds of all members of the Nomination Commission¹².

⁹ Article 216 of the Political Constitution of the Republic of Guatemala

¹⁰ Article 217 of the Political Constitution of the Republic of Guatemala

¹¹ Article 215 of the Political Constitution of the Republic of Guatemala

¹² Article 217 of the Political Constitution of the Republic of Guatemala

In the case of the General Attorney in charge of the Public Ministry, the Political Constitution of the Republic of Guatemala establishes that he or she should be a collegiate practicing Attorney and possess those same qualities required for the Supreme Court of Justice's Magistrates. The General Attorney shall be named by the Republic's President from a shortlist of six candidates devised by a Nomination Commission, constituted by:

- The President of the Supreme Court of Justice, who presides the Commission;
- The Deans of the Law Schools and Faculties of each of the country's universities;
- The President to the Board of Directors of the Collegiate Association of Notaries and Attorneys of Guatemala; and,
- The President of the Legal Ethics Tribunal of this Association.

The Nomination Commissions Law, which develops these constitutional precepts, establishes other specific requirements for the candidate selection process. Each Commission must carry out a public calling for possible candidates; it must also devise a grading chart for applicants that ranges from one to a hundred points, numerically quantifying ethical, academic, professional and human projection merits, which are used in devising a shortlist which is later submitted to the Congress.

IV. Problems with the functioning of the System of Commissions

Regarding this system, the Foundation for Due Process sustains –correctly so– that “[...] *the main lesson taught by the Guatemalan experience to other countries in search of strengthening their judicial selection process: in spite of the existence of a law and a detailed set of rules (Nomination Commissions Law, in Guatemala) which makes for a more regulated and transparent process than in other Latin American Countries, the rules still leave room for discretionary gaps that might be taken in advantage of third party actors on behalf of their specific interests, such as the Government, private sector and de facto powers*”¹³.

As a matter of fact, the Nomination Commissions system possesses a structure that should ideally represent a checks and balances system in which the Academy –represented by the Guatemalan Law Schools and Faculties – and the professional guild of Attorneys, should minimize the influence of political actors. In 1985, when the Guatemalan Constitution was enacted, these checks and balances of power was based upon the existence of four universities and a Collegiate Association of Notaries and Attorneys under the control of a traditional and conservative group of professionals, proceeding from those four universities¹⁴.

Such balance has now drastically changed. Since 1995, 12 universities have been authorized, thus tripling the number of universities with the right to be represented in the Nomination Commissions. This element is not casual and responds to the strategy of various groups who have understood that the creation of Law Schools constitutes a space

¹³ Postema Mirte, *The process for selecting the Attorney General in Guatemala: more regulation does not imply less arbitrariness*, Foundation for Due Process, 2014.

¹⁴ See: Nómada, *Las Claves para Entender el control del Sistema de Justicia [The keys to understanding the Justice Control System]*, May 2014. Available in: <https://nomada.gt/las-claves-para-entender-la-disputa-por-la-justicia-2/>

of influence¹⁵. Concerning this issue, the “Nómada” investigation cited above states that “López Villatoro even participated in the creation of some private universities –the other stronghold of the private sector in the Nomination Commissions–”. After having won the Collegiate Association of Attorneys, we realized that (the traditional ones) kept winning above us in the Nomination Commissions due to private universities; therefore, we decided to create some other ones in order to compete”, says one of his allies. Five of the ten Law Schools and Faculties are less than fifteen years old; three (San Pablo, Occidente and Da Vinci) have not graduated any practicing Attorneys; and six of the eleven Law Schools and Faculties only graduated 0.8% of new practicing Attorneys between 2002 and 2014¹⁶.

Similar conclusions might be gathered regarding the Collegiate Association of Notaries and Attorneys of Guatemala. The existence of more than 16,000 registered professionals resulted in the fragmentation of the guild, which is no longer under a unique control. Diverse groups are struggling for power in order to be part of the directive organs of the guild, especially to take part in representing the Association in the different Nomination Commissions, which even implies campaigning in a way that replicates the flaws of Guatemala’s electoral system. In 2009, CICIG described the elections that took place in the Collegiate Association of Notaries and Attorneys in the following manner: *The integration of the Nomination Commissions significantly responded to sectorial interests that aimed to be represented through the members of such Commissions; because of this, obtaining a position and, therefore, the corresponding vote, was done in the interests of groups who supported the different sets of candidates, the candidates themselves as well as the Nomination Commissions*¹⁷.

The struggles between different groups that respond to both the private sector and others of a more recent nature in order to control the Collegiate Association of Notaries and Attorneys, is described in a recent publication as a scenario of disputes amongst emerging and traditional elites¹⁸.

Likewise, in 2009, the CICIG noted that “(...) CICIG’s particular concern, in order to prevent the process of Magistrates election from becoming infiltrated by the acts of persons regularly linked to the Commission’s mandate concerning criminal investigation; specifically, regarding crimes that involve corruption, sexual slavery and irregular adoptions, criminal organizations dedicated to drug trafficking, all with enough capacities to generate impunity, as well as human rights violations”¹⁹.

However,

¹⁵ See the Insight Crime report, *Del ‘Rey del Tenis’ al caballero cabildero de Guatemala, [From ‘tennis shoe king’ to the lobbyist gentleman]* September 2014. Available: <http://es.insightcrime.org/investigaciones/rey-del-tenis-caballero-cabildero-guatemala>

¹⁶ Nómada, *Ibíd.*

¹⁷ International Commission Against Impunity in Guatemala –CICIG– *Report regarding the Process of Election of Magistrates for the Supreme Court of Justice, Courts of Appeal and other Tribunals of identical hierarchy, 2009*, Guatemala, 2009.

¹⁸ Insight Crime, *Ibíd.*

¹⁹ CICIG, *Ibíd.*

V. Challenges

In 2014 the Nomination Commissions system has shown clear signs of exhaustion, which can be summarized in at least four categories of problems:

1. The selection process does not privilege the practice of justice, placing justices in direct competition against lawyers who practice law independently. Therefore, a lawyer mainly dedicated to notarial duties has the same possibility as a career justice to opt for a position in the Courts of Appeal, the Supreme Court of Justice or even as Attorney General²⁰. This does not strengthen a regime that rewards merits in the practice of justice nor the continuous professional ascent to higher positions within the judicial career. The possibility of incorporating private lawyers to a judicial position –even those highest in the judicial hierarchy– constitutes a potential source of conflicts of interest, because only five years in justice practice is not enough to properly interrupt links to clients or to other lawyers.
2. Conflicts of interest resulting from a system based on the “you choose me and I choose you” principle. This is reflected on the fact that a person who is a member of a Nomination Commission is, at the same time, an eligible candidate for another Nomination Commission. This is due to the fact that the law allows for justices from the Courts of Appeal to take part in the Commission that nominates candidates for the Supreme Court of Justice, and vice versa. In this same manner, Magistrates and Justices seeking their own reelection are able to take part in the Association of Attorney’s internal elections, even if at the same time they are also part of a Nomination Commission. On August 28, the Human Rights Convergence presented an action of *amparo* against 26 members of Nomination Commissions –from a total of 54– for “wearing a double hat”, which means they were both eligible candidates and members of a Commission²¹.
3. Lack of compliance with rules contained in both the Guatemalan Constitution and the Nomination Commissions Law regarding those mechanisms established for the proper evaluation of the candidate dossiers, especially when it comes to known honorability, the devising of grading charts and the presentation of the final shortlist. When it comes to “known honorability” the spoken declaration of this requisite –which the Commission’s members stated almost automatically– does not comply with international standards requiring objective parameters for this subject matter²². It must be noted that the Foundation for Due Process, states: “*the notion of honorability is loaded, more than by the presence of some factor, by the absence of elements that make it possible to contest the person. Honorability brings something similar to that which characterizes judicial independence. When is there judicial independence? When*

²⁰ During the process in which the 2014 Courts of Appeal were formed, various examples that back the affirmations here stated occurred. Amongst them, one that stands out is the case of Rolando Sequén, former Secretary of the Secretary of Strategic Analysis, a dependence of the State’s Civilian Intelligence and former advisor to the National Registry of Persons (RENAP, by its Spanish initials). Mr. Sequén was elected as a Magistrate for a Court of Appeal, although he does not have a judicial career.

²¹ Concerning this issue, the investigation performed by the printed Guatemalan newspaper elPeriódico is available at <http://www.elperiodico.com.gt/es/20140829/pais/1109/Accionan-contra-26-comisionados-que-aspiran-a-magistratura.htm>

²² Report by the Special Rapporteur on the independence of judges and lawyers, 2012.

*there is no interference*²³. When it comes to the grading charts devised by the Commissions, these contain elements that do not take judicial experience into consideration. This resulted in favoring independent lawyers as well as candidates close to members of the Commissions. The Nomination Commission that selected candidates for Attorney General last May is a clear example of this. The list was devised with the best evaluated candidates and, later, the members of the Commission voted on the selection for the final shortlist. Because of that, Claudia Paz y Paz, the second highest graded amongst all of the candidates, was not included. However, Eunice Mendizábal, with half the grade as Paz y Paz, was indeed included.

4. Permeability to influences of de facto groups, who influence the selection of members of the Nomination Commissions in order to place operators who service their interests. As mentioned earlier, the constitutional system foresees the participation of the academy –Law Schools and faculties– and the guild of Attorneys –Collegiate Association of Notaries and Attorneys– as a supposedly counterbalancing element to the possible influence of political parties and the Executive Branch. However, the cooptation of these groups has been evidenced throughout the processes for electing the Attorney General, the Supreme Court of Justice and the Courts of Appeal. Regarding this issue, the statements made by Félix Serrano, rector of the Universidad Mesoamericana, who presided the Nomination Commission for the Supreme Court of Justice must be noted: *“Yes, we know it’s a political act, and as such, all diverse actors in reality are involved. No one can be exempt from preferences for some candidates nor from the interests of a political party of a certain guild. This is a merely political process”*²⁴.
5. As the pact between the Patriota and the Líder²⁵ parties has evidenced –a pact that led to the current election of the Magistrates for the Courts of Appeal and the Supreme Court of Justice– along with the other problems stated, the final selection carried out by the Republic’s Congress does not comply with those necessary conditions that guarantee the election of the most suitable candidates; it opened the possibility for negotiations between diverse power groups. Regarding this, the postulates of the Declaration of Copán, adopted in 2004, are to be remembered; they state that “when the State’s internal rules foresee that the selection has been intervened by organs of political nature, or when different powers of the State are involved, it will be imperative to guarantee the greatest transparency and agility in the mechanisms for co-participation in the proposals, with predetermination of the system of election, time periods and qualified majorities”²⁶.

²³ Foundation for Due Process, *The evaluation for “known honorability” in processes for the selection of public positions*, Washington DC, 2014.

²⁴ Interview published in the Guatemalan newspaper Prensa Libre on August 18 2014.

²⁵ On September 26 2014, Guatemala’s official political party, Partido Patriota, and its strongest opposition, Partido Líder, who have maintained irreconcilable differences in various issues, voted together to select Magistrates to the Courts of Appeal and the Supreme Court of Justice, something never seen before during this government’s period.

²⁶ Declaration of Copán, adopted in the IV Iberoamerican Meeting of Justice Concils. Available at:
http://www.cumbrejudicial.org/c/document_library/get_file?folderId=24801&name=DLFE-1013.pdf

VI. Conclusions

The system of Nomination Commissions has become permeable to the influence of different groups of power who have captured the Commissions from their very beginning, especially through the selection of representatives from the guild of Attorneys and from the universities, as a means for maintaining direct influence in the selection of Magistrates and Justices. The calls carried out by the Ombudsman, by the United Nation's Special Rapporteur on the independence of judges and lawyers and by the Commissioner of the International Commission Against Impunity in Guatemala (CICIG) asking the Guatemalan Government to repeat the whole process are well founded and valid in this context, which should be pertinently assessed by the Constitutional Court for its final resolution in the writs of *amparo* that were presented last September.

The integration of the Judicial Branch is an essentially technical issue and not a political one; it must comply with international standards in such matter, as well as with national dispositions. The only guarantee for an efficacious persecution, trial and sentence in cases of corruption is granted by an adequate conformation of the Justice System. Due to this, Judicial Independence and Legal Security are values that directly affect all Guatemalan citizens; the adequate integration of the Judicial Branch with honorable and suitable justices secures the proper resolution of disputes, which should be done in the name of the common good and social peace and not defending the interests of certain sectors or groups of influence.

Neither the Nomination Commissions' work nor the final selection carried out by the Republic's Congress, comply with the necessary conditions in order to guarantee an election of suitable candidates; it lends itself to private negotiations amongst diverse groups of particular interests.

These reasons urge for legislative reforms that will guarantee the real exercise of judicial independence in Guatemala. Thus, the application of the Judicial Career Law must be prioritized, since its articles 17 and 22 determine that the Nomination Commissions must request the Judicial Career Council for a list of suitable members who are adequate for consideration as justices and magistrates. This Council should have submitted a shortlist to the Nomination Commissions in order for it to be sent to the Guatemalan Congress. Likewise, the Council should have weighed the specific cases of internal and external candidates and, in the case of identical merits, prioritize judicial experience, grading the charts accordingly²⁷.

Guatemala must establish a justice election system that eliminates any discretionary gaps, political negotiations and the influence of all different groups of power. Otherwise, once this judicial period ends, these same problems will be repeated and even worsened by the complete capture of the Judicial Branch. This will set impunity precedents in favor of those groups who have already influenced the integration of the justice bodies.

²⁷ This argument was presented before the Constitutional Court within the writ of *amparo* presented by Alma Carolina Aguilar, Pedro Cruz, Helen Mack and others, which must be definitely resolved by the Constitutional Court.

Impunity Watch es una organización sin fines de lucro con Sede en Holanda, que busca promover la responsabilidad por las atrocidades llevadas a cabo en países que emergen de un pasado violento. Dirige la investigación prolongada y periódica sobre las causas de la impunidad y los obstáculos para su reducción, que incluye las voces de comunidades afectadas para realización de recomendaciones sobre políticas basadas en la investigación en el proceso planeado para fomentar la verdad, justicia, indemnización y el no incurrimento de la violencia. Trabaja en estrecha colaboración con organizaciones de la sociedad civil para incrementar su influencia en la creación e implementación de políticas. Ejecuta "Programas Nacionales" en Guatemala y Burundi, además de "Programas de perspectiva" que implica la investigación comparativa en varios países después de los conflictos armados en los aspectos de impunidad. El presente informe es parte de la publicación del Programa en Guatemala de IW, con sede en la ciudad de Guatemala.

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