

## Guatemala will elect a new Attorney General

In the coming days, Guatemalan president Jimmy Morales must appoint a new Attorney General for the 2018 – 2022 period. The Guatemalan Constitution establishes that a Nomination Commission must select and propose a roster of six applicants to the position of Attorney General; this Commission is integrated by 15 members who represent the Supreme Court of Justice, the Attorneys' College, and the law schools of the nation's universities.

The Nomination Commission was integrated in January of this year and, during a period of three months, it performed technical tests, interviews, and evaluated the files of 39 attorneys who applied to the position. On April 17<sup>th</sup>, the Commission gave President Morales a list with six applicants, which includes four women and two men: Brenda Dery Muñoz, former narcotics prosecutor; María Consuelo Porras, Constitutional Court judge; Miguel Ángel Gálvez, judge of high risk court B; Patricia Gámez, criminal court judge; Gladys Verónica Ponce, former prosecutor and former attorney of the International Commission against Impunity in Guatemala—CICIG, for its initials in Spanish--; and Edgar Estuardo Melchor, former prosecutor and current director of the Direction of Criminal Investigations of the Prosecutor's Office—DICRI, for its initials in Spanish.



Photo: Attorney General Applications Commission meeting. Source: Simone Dalmasso, Plaza Pública.

There is great expectation in Guatemala about the next Attorney General selection process, because the continuity of the fight against corruption and impunity that CICIG and the Prosecutor's Office began in 2015 depend upon it. Likewise, the continuity of the current cases of transitional justice and grave violations of human rights also depend upon it. This decision is important, as well, because the new Attorney General must also decrease the high rates of impunity in cases of homicide, femicide, extortion, organized crime, and other crimes that affect society.

Without a doubt, this has been the most watched justice officer selection process in the history of Guatemala. Civil society organizations presented proposals on the suitability profile for applicants and instruments of evaluation. Also, in attendance were representatives of civil society, indigenous

authorities, women's groups, members of LGBTI groups, the international community, and the media. On April 12th, civil society organizations and rural groups participated in a march that concluded in front of the Supreme Court, to demand that the Applications Commission select the best applicants.



Photo: Judge Miguel Ángel Gálvez, applicant to the charge of General Attorney, presents his work plan to the Applications Commission. In the background, members of Civil Society watch the process. Source: Soy 502.

Impunity Watch observed the 20 Applications Commission's meetings and reported to social organizations on the process' development. It also gave public statements and shared analyses with the diplomatic corps accredited in Guatemala. Moreover, it organized two forums on international standards for General Attorney elections processes, and another one on women's leadership and participation in the District Attorney's office. These were done jointly with national and international civil society organizations.

The selection process developed in orderly fashion and with enough publicity; however, the Nomination Commission made some technical mistakes. For instance, the suitability profile does not correlate with the evaluation table, and there was no specific grading score assigned to the applicants' work plans. Furthermore, not all decisions were sufficiently discussed nor reasoned, especially pertaining to the applicants' ethics.

Civil society mistrusts President Morales' objectivity in selecting the next Attorney General, being that he has strong conflicts of interest, since his family and members of his party are currently subject to investigation and accused of acts of corruption. Also, during the last year, President Morales has made alliances with groups accused of corruption and who seek to obstruct judicial processes in Guatemala.

For more information on the General Attorney's election in Guatemala, click on:

<http://www.oj.gob.gt/index.php/publicaciones-comision>

<https://es.insightcrime.org/noticias-sobre-crimen-organizado-en-guatemala/>

<https://www.ijmonitor.org/2018/04/nominating-commission-narrows-attorney-general-applicant-pool-to-14-but-critics-question-methods-and-results/>