



International organizations call for respect for the rule of law and urge transparency in the Nomination Commission processes

Guatemala City, February 12, 2014. As representatives of national and international organizations, we are concerned about recent events that affect the institutionality of the Public Ministry and we urge respect for the principles of independence, participation, transparency, open access to information, and representativity in the election processes of the members of judicial institutions.

We represent organizations that, in diverse ways over many years, have supported the struggle for the respect of human rights, the strengthening of democracy and the rule of law in Guatemala.

Due to the importance of the judicial positions that will be filled this year, the undersigned organizations express our intention to support all the efforts to ensure that the appointments of the Attorney General, Supreme Court justices and the Appellate Court judges are carried out in accordance with international standards. To this aim, we share the following declarations:

1. We lament the Constitutional Court's (CC) decision that - through a provisional *amparo* - arbitrarily reduces the term of appointment of the current Attorney General, Claudia Paz y Paz. This ruling threatens the independence of the Public Ministry and impacts the health of the institution itself. For this reason, we respectfully urge the CC to reconsider its provisional ruling and to maintain the mandate of the Attorney General in accordance with that which was established in her contract when appointed.
2. We acknowledge the changes undertaken by Attorney General Claudia Paz y Paz in recent years, which have improved investigative techniques and administration of the institution, and resulted in a reduction in impunity by approximately 30%. The next Attorney General should commit him or herself to build on these successes and to guarantee there are no set-backs in the reforms undertaken in the last few years.
3. If the process to appoint a new Attorney General moves forward, it is essential that those selected as candidates meet the requirements of being honorable, suitable, and have the professional qualities and capacity to carry out their duties, qualities that Mrs. Claudia Paz y Paz more than satisfies.

4. Based on current international standards, we recommend that during the selection processes for candidates, the nomination commissions comply with a series of principles in order to guarantee the independence, impartiality and autonomy of all those that are elected, namely:
 - a. Transparency: the nomination commissions should guarantee transparent processes in which the profile of the position up for election is clearly established, as well as the elements that will be evaluated, the criteria for evaluation, and the corresponding ranking system.
 - b. Access to information: the entire selection process for candidates should be public, as should the hearings held when candidates present themselves.
 - c. Participation: broad participation among different sectors in society should be guaranteed, ensuring that sufficient time is granted for any person who is interested to present information about the candidates.
 - d. Representativity: the postulation commissions should seek to elect people that represent the diversity that makes up Guatemalan society; in particular, they should consider adequate representation of women and indigenous peoples.

The undersigned organizations express our willingness to closely follow the processes of the postulation commissions that will take place in 2014. We will contribute our experience and knowledge with the sole objective being to contribute to the creation of a more solid democracy that guarantees access to justice and ample human rights protections based on equality and non discrimination, as well as strengthening the rule of law.

Center for Justice and International Law (CEJIL)

Guatemala Human Rights Commission/USA (GHRC)

Due Process of Law Foundation (DPLF)

Open Society Justice Initiative (OSJI)

Washington Office on Latin America (WOLA)