INTERNATIONAL ORGANIZATIONS REJECT THE CRIMINALIZATION OF JUDGE PABLO XITUMUL AND DENOUNCE THE PERSECUTION OF JUSTICE OPERATORS IN GUATEMALA

Guatemala City, Geneva and Washington D.C.

February 10, 2022

On February 9, 2022, the Supreme Court of Justice declared admissible the request to strip Judge Pablo Xitumul de Paz of his judicial immunity, leaving him vulnerable to impeachment. Pablo Xitumul de Paz is the judge of the First Court of Criminal Sentencing, Drug Trafficking and Crimes against the Environment, with jurisdiction to hear high-risk cases of group "C".

The request to repeal his judicial immunity is linked to a complaint filed against the judge by a police inspector during a vehicle inspection incident in which the judge's family was traveling. Despite the existence of documentary evidence showing the police officer used excessive force -which was denounced by Xitumul and led to the officer being prosecuted for abuse of authority-, the latter in turn filed a criminal complaint against Xitumul, and reportedly received full support from the Ministry of the Interior to push forward his request to lift his judicial immunity. The recent decision of the Supreme Court places Judge Xitumul at risk of being deprived of his personal liberty, subjected to measures of arraigo (writ of ne exeat) and to a criminal process that lacks factual support.

The international organizations that make up the International Observatory on Guatemala have warned on multiple occasions about repeated attacks and criminalization against justice operators in Guatemala. These attacks are part of a systematic pattern that has been worsening, and that has as a common denominator, the use of the criminal justice and disciplinary systems to undermine the independence of judges and prosecutors who oversee highly complex criminal investigations and prosecutions that affect powerful individuals and groups and that involve serious human rights violations or large-scale corruption.

These types of acts affect criminal judges with high-risk jurisdiction, and prosecutors who are or were members of the Special Prosecutor's Office against Impunity (FECI) of the
Guatemala, quiénes tienen o tuvieron conocimiento de estas causas, así como abogados nacionales y antiguos funcionarios que fueron miembros de la Comisión Internacional contra la Impunidad (CICIG). Como han sido denunciados por entidades de derechos humanos internacionales y la comunidad internacional, los ataques proceden o son promovidos por el sistema judicial mismo, tanto desde el Poder Judicial como la Fiscalía General, con la participación directa o indirecta de sus propias autoridades; así como a través de agentes externos, sindicatos, o organizaciones que promueven ataques, amenazas y criminalización y cuya influencia en el sistema judicial es significativa.

Rechazamos enérgicamente la decisión adoptada por la Corte Suprema de Justicia de Guatemala en el caso del Juez Pablo Xitumul, la cual consideramos un atentado grave a su independencia, y una acción inaceptable que busca asustar y intimidar a los operadores del ordenamiento jurídico en el país.

Invitamos a las autoridades competentes a abstenerse de continuar actos de criminalización e intimidación contra los operadores del ordenamiento jurídico, y, cuando corresponda, en el marco de las acciones introducidas, revocar esta decisión y restaurar las garantías de independencia del Juez Pablo Xitumul. Asimismo, invitamos a las organizaciones de derechos humanos internacionales y la comunidad internacional a expresar su decisión en rechazo a estos actos, que ponen en tela de juicio la integridad del sistema democrático en el país.

Organizaciones firmantes:

Centro de Justicia y Derechos Internacionales (CEJIL)  
Fondation Due Process of Law (DPLF)  
Fundación de los Derechos Humanos Robert F. Kennedy  
Oficina de Washington sobre América Latina (WOLA)  
Servicio de Mundo Judio Americano (AJWS)  
Grupo de Trabajo de América Latina y el Caribe (LAWG)  
Pulso de la Impunidad  
Actuando Juntas Jotay Program - Guatemala  
Ser Justo
Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD)
Guatemalan Human Rights Commission (GHRC)
Protection International Mesoamerica
International Platform against Impunity