



PRESS RELEASE

Supreme Court of Justice Must Respect the Independence of the Guatemala Constitutional Court

Guatemala City, Washington DC and San José, 2 August 2019: We, signatory international organisations, express our concern over the constant attacks against the independence of the Guatemalan Constitutional Court. We believe that the recent complaint presented by the Permanent Commission of the Congress of the Republic against Magistrates Bonerge Mejía, Gloria Porras and Francisco De Matta Vela is unjustified and violated article 167 of the Amparo Law, which states that: “Magistrates of this Court cannot be prosecuted for the opinions expressed in the exercise of their function.” The magistrates cannot be prosecuted for their resolutions. This is an essential guarantee for the independent exercise of their functions.

The Supreme Court must reject this complaint *in limine*, because it goes against the judicial independence and it is a clear retaliation of some congress deputies against magistrates of the Constitutional Court for issuing a resolution that suspended the formers’ Law Initiative 5377 on Reforms to the National Reconciliation Law. This resolution of the Constitutional Court is consistent with the Constitution and the international standards that prohibit amnesty in cases of serious human rights violations. In full compliance with its obligations, the Constitutional Court granted provisional protection to the victims of the internal armed conflict in the face of the imminent risk that the 5377 Bill would be approved and take effect which would have led to the immediate release of those accused of war crimes and crimes against humanity. On 12 March 2019, the Inter-American Court of Human Rights ordered the State of Guatemala to interrupt the legislative process and file the 5377 Bill that seeks to amend the Law on National Reconciliation. All state institutions have the obligation to abide by the resolutions of this high international court and to guarantee justice to victims of serious human rights violations. In case of non-compliance, they will generate new international responsibilities to the Guatemalan State.

Finally, we remind the Guatemalan authorities that, under the rule of law, all state bodies must respect the judicial independence of the courts and comply with the resolutions that they enact.

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