



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, who have or had knowledge of these cases, as well as national lawyers and former officials who were members of the International Commission against Impunity (CICIG). As has been denounced before international human rights bodies and the international community, the attacks come from or are promoted both by the justice system itself, from within the Judicial Branch and the Attorney General's Office, with the direct or indirect participation of its own authorities; as well as through external agents, unions, or organizations that promote attacks, harassment and criminalization and whose influence in the justice system is significant.

We strongly reject the decision taken by the Supreme Court of Justice of Guatemala in the case of Judge Pablo Xitumul, which we consider a grave attack on his independence, and an unacceptable action that seeks to frighten and intimidate justice operators in the country.

We call on the competent national authorities to refrain from continuing acts of criminalization and intimidation against justice operators, and when appropriate, within the framework of the actions brought, to revoke this decision and reestablish the guarantees of independence of Judge Pablo Xitumul. Likewise, we call on international human rights organizations and the international community to pronounce themselves decisively in rejection of these acts, which call into question the integrity of the democratic system in the country.

Signatory organizations:

Center for Justice and International Law (CEJIL)
 Due Process of Law Foundation (DPLF)
 Robert F. Kennedy Human Rights
 Washington Office on Latin America (WOLA)
 American Jewish World Service (AJWS)
 Latin America Working Group (LAWG)
 Impunity Watch
 ACTuando Juntas Jotay Program -Guatemala
 Be Just

DPLf Due Process
of Law
Foundation



WOLA
Advocacy for Human Rights in the Americas



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WORKING GROUP**

**impunity
watch**

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JUSTICIA**

**plataforma
internacional
contra la impunidad**

**PROTECTION
international
MESOAMÉRICA**

Fundación para la Justicia y el Estado Democrático de Derecho (FJEDD)
Guatemalan Human Rights Commission (GHRC)
Protection International Mesoamerica
International Platform against Impunity