

ILLEGAL CONSTITUTIONAL COURT RULING JEOPARDIZES RULE OF LAW

Once again the Guatemalan society and the entire world are witnesses to the impunity that exist in this nation. The Magistrates of the Constitutional Court (CC), Alejandro Maldonado Aguirre, Héctor Hugo Pérez Aguilera and Roberto Molina Barreto, ruled in favor of a written motion filed by a lawyer of the general condemned for Genocide and crimes against humanity.

In accordance with Guatemalan legislation, that the CC acted on said motion is not legal because such resource cannot be used to change the core of a judicial decision once its has already been pronounced. This contradicts that which is established in law and in jurisprudence in the sense that a process cannot be reversed to a previous and completed phase. This ruling by the CC makes a late and extemporaneous interpretation of the actions taken by the Lower Court.

The defense's strategy was notorious: on the same day in which the hearings began, the defense presented a lawyer that objected the tribunal's magistrates, even when tribunal's composition was previously known. Therefore, the complaint presented by the defense is should not have been accepted by the CC. Given that the identity of the judges leading the oral and public hearing was already known, it is the lawyer who filed the motion in the CC who should have inhibited himself from defending the accused.

It is important to highlight the fact that two magistrates of the Constitutional Court were in disagreement and voted against the court's ruling. The two dissident magistrates expressed their concern regarding the grave consequences that this illegal ruling for the criminal justice system in general. We should also take into consideration the grave consequences of this ruling for the rule of law and the fulfillment of obligations contracted by the country with the international community.

Given that the criminal justice system is equipped with the internal mechanism needed to address any anomaly that may arise during the penal process, we wonder as to the motives that has led these magistrate to rule in a way that goes against the law.

The court's decision will have a devastating effect on the victims and survivors of genocide whom have believed in the criminal justice system and whom have fought for an unwavering and conclusive response to their

grievances only to see justice denied by the aforementioned magistrates of the Constitutional Court.

As such, the court's ruling can only mean one thing: IMPUNITY. It confirms what we have been denouncing along ago: the unduly influence of powerful groups who impose their particular interest over the interest of the nation. With their illegal and malicious actions, the above mentioned magistrates are having a devastating effect on the criminal justice system. The genocide against the Ixil people has been tried and condemned by a National Tribunal. It merits our utmost respect.

History has been written, truth will not be erased, the names of the ignominious magistrates who through their illegal acts have allowed impunity to go unchecked and justice unserved will be forever remembered by the Guatemalan people.

We will continue to fight for justice exhausting all possible means sanctioned by the law

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Asociación para la Justicia y Reconciliación AJR; Autoridades Ancestrales Maya de la Región Ixil; Asociación Movimiento de Víctimas para el Desarrollo Integral Norte del Quiché; Asociación de Mujeres Indígenas Voz de la Resistencia, AMIVIR; Asociación Departamental de Jóvenes de Sololá Kaji Batz; Asociación para el Desarrollo y Rescate de Alta Verapaz, AJODER; Asociación Caja Lúdica; Asociación Familiares de Detenidos Desaparecidos de Guatemala, FAMDEGUA; Asociación de Estudiantes la Escuela de Historia de la USAC; Asociación DARE; Asociación de Cristiana Jóvenes de Guatemala, ACJYMCA; Asociación CEIBA; Asociación Maya Ukux' b'e; Asociación Expresión Juvenil, Quetzaltenango; Asociación Qanil de Quiché; Estudiantes Universitarios San Carlistas, Asamblea Estudiantil por la Reforma Universitaria; Equipo de Estudios Comunitarios y Acción Psicosocial, ECAP; Asociación Grupo Integral de Mujeres San Juaneras, AGIMS; Asamblea Nacional de Jóvenes de Guatemala; Asamblea Departamental de Huehuetenango; Central General de Trabajadores de Guatemala, CGTG; Carolina Escobar Sarti; Centro para la Acción Legal en Derechos Humanos CALDH; Centro de Análisis Forense y Ciencias Aplicadas, CAFCA; Centro Internacional para Investigaciones en Derechos Humanos, CIIDH; Colectivo Nosotras las Mujeres; Coordinadora Nacional de Viudas de Guatemala, CONAVIGUA; Centro Q'anil; Coordinadora de Mujeres Ixiles "Baxil B'atz"; Colectiva de Mujeres Feministas de Izquierda; Comisión de Derechos Humanos de Guatemala en Madrid; Comité Campesino del Altiplano, CCDA; Comité de Víctimas del Ixcán; Coordinadora Departamental de Juventud de Huehuetenango; Coordinadora Juventud por Guatemala, CJG; Coordinación Genocidio Nunca Más; Coordinación y Convergencia Nacional Maya Waqib Kej; Comité de Unidad Campesina, CUC; Conferencia de Religiosos y Religiosas de Guatemala, CONFREGUA; Familiares en Búsqueda de la Verdad y Justicia por las Víctimas del Diario Militar; Fundación Guillermo Toriello; Fundación Nueva Esperanza-Rio Negro; Foro de ONGS Internacionales FONGI; Fundación Rigoberta Menchú; Guatemala Human Rights Commission, GHRC; Hijos Guatemala; IBIS en Guatemala; Instituto de Estudios Comparados en Ciencias Penales de Guatemala, ICCPG; Instituto Centroamericano de Estudios para la Democracia Social,

DEMOS; Instituto de Enseñanza para el Desarrollo Sostenible, IEPADES; Irma Alicia Velásquez; Julio Solorzano Fopa; Mujeres Transformando el Mundo, MTM; Movimiento de Jóvenes Mayas, MOJOMAYAS; Oficina de Derechos Humanos del Arzobispado de Guatemala, ODHAG; Puente de Paz; Pastoral Juvenil Diócesis de San Marcos; Proyecto de Desarrollo Santiago, PRODESSA; Red Alternativa de Intercambio Solidario, RAIS; Red de la No Violencia contra las Mujeres, REDNOVI; Red Guatemalteca de Mujeres Positivas en Acción; Red de Organizaciones de Víctimas; Red de Jóvenes Ixiles "Chemol Txumb'al"; Seguridad en Democracia, SEDEM; Sector de Mujeres; Sociedad Civil para el Desarrollo de la Juventud/ Fundación para la Juventud; Unión Nacional de Mujeres de Guatemala, UNAMG; Úrsula Roldan; Unión Sindical de Trabajadores de Guatemala, UNSITRAGUA; Unidad de Protección a Defensoras y Defensores de Derechos Humanos Guatemala, UDEFEGUA; Unión Verapacense de Organizaciones Campesinas, UVOC; Voz e Identidad Joven San Raymundo.