

# SUMMARY OF KEY ISSUES FROM PREVIOUS CYCLES

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To guarantee judicial Independence and its effectiveness, adopting the measures in the fight of impunity and corruption, increasing financial resources, and applying judicial reforms and public policies that generate public confidence in the Judicial System (111.68: Germany, 111.69: Holland, 111.70: Korea, 111.73: Canada)

# NATIONAL FRAMEWORK

1. The Political Constitution of the Republic of Guatemala
  - The Nomination Commission Law
  - Judicial Career Law
  - Penal Procedure Code

## CHALLENGES

1. The exile of Guatemalan justice operators, affect the delivery of justice.
2. Fulfillment of the measures granted by ICHR.
3. The role of the Constitutional Court.
4. The role of the Prosecutor's Office (MP).

## IMPACTS

1. The labor in the application of justice by independent judges is affected.
2. There is an impact on the Guatemalan citizens to trust in the justice system.
3. At the international community level.
4. The deficient application of guarantees of due process.

## RECOMMENDATIONS

- To guarantee the right to opt to jobs or public positions under equal conditions, the principle of independence of the Judicial Body and the power to judge.
- To guarantee judicial independence established by the Political Constitution of the Republic of Guatemala, legislation related to resolutions of the Universal and Interamerican System.
- Disallow the strategy of attacking the work of independent judges, by opening and carrying out spurious processes to remove the immunity they have, respecting the legal mandate that magistrates shall not be prosecuted by the opinions expressed in the performance of his or her duties

# QUESTIONS

- What measures have been taken to improve the justice system and increase its judicial independence, besides the promotion of the election process of Courts, delayed for more than three years?
- Has the government of Guatemala ever considered to extend an invitation to the Special Procedures of the Human Rights Counsel? particularly to the Special Rapporteur of the UN on the independence of judges and attorneys?
- What specific measures exist for the protection of the right of independence in the judicial power, that disallows procedures of pre-trial based on judicial trial for justice operators, allowing public hearings.