



GUATEMALA HUMAN RIGHTS COMMISSION/USA

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Guatemalan President Names Judge Consuelo Porrás Argueta as New Attorney General

Though named by Guatemalan President fighting impeachment requests, human rights and justice reform advocates hope the new nominee will continue the fight against corruption

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On May 3, in the midst of heightening confrontation between Guatemalan president Jimmy Morales and the United Nations backed International Coalition Against Impunity in Guatemala (CICIG), President Morales announced via [Twitter](#) that he had chosen María Consuelo Porrás Argueta de Porres to become the country's new Attorney General and head of the Public Prosecutor's Office. Judge Porrás Argueta is expected to serve in office for four years and will be sworn in on May 17, 2018 replacing outgoing attorney general, Thelma Aldana.

The Public Prosecutors' office that Consuelo Porrás will oversee is in the midst of a delicate, ongoing battle to purge the judicial system of the influence of criminal networks that not only seek impunity for crimes but also engage in malicious prosecution. While specialized prosecutors offices operating out of Guatemala City have made important advances in high level prosecutions, regional prosecutors offices have engage in rampant persecution of indigenous communities and land rights defenders.

Hundreds of eviction requests against poor and indigenous communities advance without due investigation into the legitimacy of land claims, while influential individuals with interests in land and natural resources enact violence against small farming communities with impunity. Guatemalan organizations denounce wrongful prosecution of indigenous authorities and land rights defenders, some estimate that approximately 750 such prosecutions are ongoing. These problems in justice administration, particularly 'criminalization' or malicious prosecution, appear to have grown exponentially over the past four years.

As part of efforts to prosecute criminal networks' influence on the State, current Attorney General Thelma Aldana, in conjunction with CICIG, asked congress to impeach President Morales on two occasions. Last August CICIG sought to prosecute Morales for receiving illegal campaign financing in the lead up to the 2015 elections. Weeks later, CICIG again sought impeachment, this time to charge Morales with receiving an illegal \$7,000 USD per month bonus from the Guatemalan military. Days after the first impeachment request, Morales declared Ivan Velasquez, CICIG commissioner, persona "non grata" and demanded that Velasquez leave the country immediately, a decision the Constitutional Court stopped.

On April 19, CICIG and the Attorney General made public results of their investigations documenting a second incident of illicit campaign financing directly coordinated by the current president. Though Guatemala's most elite business leaders apologized publicly for their participation in the crime, on April 20 President Morales denied the allegations, and ordered the National General Procurator to investigate CICIG's mandate. He asserted the investigation could lead to an accelerated re-examination of CICIG's mandate in Guatemala. CICIG's mandate ends in 2019 unless Morales requests an extension from the United Nations. National General Procurator is an agency similar to but independent of the Attorney General.

Porras praised [President Morales](#) as an ally in the fight against corruption. She expressed support for CICIG [in her first press statements](#), "We are going to work hand-in-hand [with CICIG], as long as its mandate is in effect," going on to refer to Morales' authority over CICIG's mandate.

Consuelo Porras Argueta is currently a substitute judge in the Constitutional Court, elected by Supreme Court magistrates in 2016. [Porras became an appeals court judge](#) in October 2004 after eight years as a public prosecutor. Over the past six years, Porras has been a Justice Sector Advisor in the Security and Justice Project funded by USAID, a position she will have to resign to become Attorney General. Her husband Gilberto de Jesus Porres de Paz attended the military Polytechnical School and graduated in 1983, during the time of the de facto government of Ríos Montt. Porres de Paz is a trainer at the Intelligence School of the Military High Command (Escuela de Inteligencia del Estado Mayor de la Defensa Nacional).

Guatemala's largest daily paper, Prensa Libre, listed Porras as [one of eight candidates](#) promoted in 2014 by Edy Geovanni Orellana Donis, a member of the Supreme Court Nomination Commission arrested in February 2018. Prosecutors charge Orellana received a stolen apartment as a bribe from Roberto Lopez Villatoro in exchange for promoting the eight candidates. Lopez Villatoro, former son-in-law of the late convicted genocide author Efraín Ríos Montt, is under prosecution for managing a powerful influence trafficking network in the judiciary.

This nomination is the culmination of a closely observed Attorney General selection process. The Nomination Committee put forward five other candidates from a total of 39 applicants. On April 13, Ramon Cadena of the International Commission of Jurists (CIJ) [presented an appeal for protection \(writ of amparo\)](#) to the Constitutional Court, arguing the nomination process was riddled with constitutional violations and that the candidates were not judged based "on the merit of capacity, suitability, honesty and the recognized good repute" as required by the Constitution. Other appeals have been filed and as yet have not been ruled upon. [Cadena expressed concern](#) about high levels of impunity and increasing criminalization of indigenous authorities. He noted the absence of an indigenous candidate.

On April 30, the [Projustice Movement](#) criticized the secrecy surrounding Morales' decision, calling instead for adherence to "the spirit and principles of a public and transparent process." In a [statement](#) released after Porras Argueta's nomination, they noted the "uphill battle in exercising the duties of office," and the "strong pressures trying to sabotage advances that have been made."