



Guatemala Human Rights Commission/USA

3321 12th St NE | Washington, DC 20017 | 202-998-2191 | ghrc-usa@ghrc-usa.org

New Supreme Court Magistrates Elected by Congress

October 2024

On October 3rd, the Guatemalan Congress [selected](#) 26 new Supreme Court magistrates for the 2024-2029 term. Thirteen will serve on the bench and thirteen will be *suplentes*, or substitutes. On October 13th, the candidates will be sworn in and will begin their term. The selection of judges comes at a critical moment for democracy in Guatemala, as the Public Ministry (aka Public Prosecutor's Office) and judicial authorities are intensifying their efforts to undermine President Bernardo Arévalo and the Semilla party.

International observers and nongovernmental organizations have expressed concern about the outcome of the congressional vote. Impunity Watch [noted](#) that Congress elected the judges in two hours, without interviewing them or analyzing their integrity. The Panel of Independent Experts [pointed to](#) a “lack of standards” in the election. Ana Maria Méndez, of the Washington Office on Latin America, stated on X, “The Mafia won the battle” for the Supreme Court. Guatemalan analysts have remarked on the unsuitability of the judges, as well. Several of the elected Supreme Court magistrates reportedly have close connections to Roberto López Villatoro, a businessman known as the “Tennis King,” who was [convicted](#) for manipulating previous judicial election proceedings in Guatemala. Villatoro [influenced](#) members of the nomination commissions through bribes and favors. Other candidates have been linked with the Parallel Commissions case of 2020, a scheme set up by Gustavo Alejos Cambara to [influence](#) the nomination commissions in Guatemala's previous judicial election cycle. Furthermore, several members of the judges elected had served on one of the nomination commissions themselves, [a conflict of interest](#).

The day of the election, the Public Ministry launched an intimidating investigation against the nomination commissions. The Organization of American States (OAS) was invited by the Guatemalan government to observe the judicial selection process and, as part of that observation, had requested a meeting with senior members of the nominating commissions. The letter was never answered, and the meeting never took place. Nonetheless, the Public Ministry, under the leadership of Attorney General Consuelo Porras, sent a letter to these same senior members, asking whether they had received a request to meet with the OAS Mission. The Special Prosecutor's Office Against Impunity opened an investigation against the nominating commissions, following the request for the meeting, which had been made by OAS Ambassador Diego José Paz Bustamante. In a [press release](#) on October 3, the OAS expressed concern about efforts of the Public Ministry to “influence the process of electing authorities to the justice

system of Guatemala.” The statement reads, “[W]e condemn the letter sent by the Public Prosecutor's Office that does nothing more than get involved in a process and try to open an investigation that has no merit whatsoever, based on the pretext of a request for a meeting, and seeks once again to intimidate and criminalize certain actors.” The European Union in Guatemala [indicated](#) its support for the work of the OAS, [as did](#) Ambassador Frank O. Mora, the US Permanent Representative to the OAS.

After the election, President Bernardo Arévalo [released](#) a statement, urging the new magistrates to respect human rights, fight impunity, and allow Guatemalans to regain trust in the justice system.

A brief description of the [13 new Supreme Court judges selected by Congress](#):

- **Flor de María García Villatoro**



- *Received 158 votes*
- Judge on the Joint Regional Chamber of the Court of Appeals of Huehuetenango
- Cousin of Roberto López Villatoro, known as the “Tennis Shoe King,” convicted for corruption in 2014 Parallel Commissions case

- **Carlos Rodimiro Lucero Paz**



- *Received 159 votes*
- Judge on the Second Family Court
- He was [accused](#) by The International Commission Against Impunity in Guatemala (CICIG) of receiving bribes from Roberto López Villatoro as a member of the nomination commission in 2014

- **Carlos Ramiro Contreras Valenzuela**



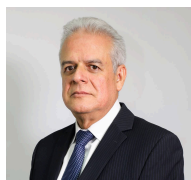
- *Received 156 votes*
- Presiding judge of the Dispute and Administrative Chambers
- He was Vice Minister of the Interior under the government of Alfonso Portillo
- In 2015, as a chamber magistrate, he [ruled](#) to protect the electoral registration of Zury Ríos despite the constitutional prohibition.
- Linked by the Public Ministry to the network of [“judges of impunity”](#)

- **Claudia Lucrecia Paredes Castañeda**



- *Received 154 votes*
- Currently serving on the Supreme Court

- [Linked](#) to Gustavo Alejos, who was [accused](#) of rigging the court election process of 2020 and sanctioned by the US for attempting to manipulate elections



- **Gustavo Morales Duarte**

- *Received 110 votes*
- Currently serving on the Supreme Court
- Was indicted in the 2020 Parallel Commissions Case
- Served on the nominating commission for the Courts of Appeal, a conflict of interest



- **Flor de María Gálvez Barrios de Porres**

- *Received 154 votes*
- Judge on the First Chamber of the Family Branch Appeals Court
- Sister of former president of San Carlos University, Estuardo Galvez, who was mentioned by the Public Ministry in the 2020 Parallel Commissions case
- The Public Ministry also [mentioned](#) her in the 2020 Parallel Commissions case, but the complaint did not result in a conviction or sentence



- **Igmaín Galicia Pimentel**

- *Received 140 votes*
- Former legal advisor to Congress under leadership of Gudy Rivera, who was convicted for corruption
- Close relationship with Leonel Soto Arango and Baudilio Hichos, who played important roles in previous nomination commissions
- The Public Ministry [accused him](#) of passive bribery and malfeasance but the complaint did not succeed



- **René Guillermo Girón Palacios**

- *Received 158 votes*
- Currently serving on the Supreme Court
- Allegations of double representation and misdemeanors



- **Jenny Noemy Alvarado Teni**

- *Received 104 votes*
- Judge on the Sixth Court of Appeals of the Criminal Branch of Cobán
- In 2019, she promoted a “single list” of representatives to integrate the nomination commission for the Supreme Court, which violates the Law of

Nomination Commissions, causing the Constitutional Court to annul the process and order the re-selection of the commission



- **Clemencia Vanessa Juárez Midence**
 - *Received 114 votes*
 - Presiding judge of the First Chamber of the Court of Appeals for Labor and Social Welfare
 - Rejected preliminary trials against political figures accused of corruption



- **Teodoro Ildelfonso Cifuentes Maldonado**
 - *Received 139 votes*
 - Presiding judge of the Fourth Chamber of Appeals of the Civil, Commercial and Family Branch
 - Accused of issuing rulings which benefit Juan Fernando López Fuentes, the mayor of Quetzaltenango
 - Repeatedly issued rulings against indigenous communities



- **Estuardo Adolfo Cárdenas**
 - *Received 156 votes*
 - Presiding judge of the Criminal Court of Appeals
 - Suspected of negotiating votes with members of the nomination commission



- **Luis Mauricio Corado Campos**
 - *Received 123 votes*
 - Presiding judge of the First Appeals Chamber and vice-president of the Association of Judges and Magistrates of the Judiciary
 - Accused of involvement in plan to select members of the nomination commission for the Supreme Court
 - Accused in the Parallel Commissions Case of 2020 of having [meetings](#) with Gustavo Alejos, to receive support for his candidacy

Congress Selects Magistrates to the Courts of Appeal

On October 9th, the Guatemalan Congress appointed 156 sitting magistrates and 104 substitute magistrates to the Courts of Appeal. A total of [54](#) magistrates were re-elected, despite [several exhortations](#) to Congress from [Indigenous Authorities](#) to refrain from re-electing current magistrates. Following the final vote, Indigenous Authorities spoke out against the process, calling it an [“express” vote](#) that lacked transparency. They also criticized members of Congress for [engaging in negotiations](#) with each other and constantly exchanging messages throughout the entire process.

[Prensa Comunitaria](#) has reported that several magistrates either have conflicts of interest or are associated with corrupt actors. What follows is a brief description of some of the elected magistrates who appear to have controversial backgrounds or concerning connections.

- [**Manuel Aldana**](#)
 - He is the chief prosecutor for the Office of the Prosecutor for Administrative Crimes. In this position, he has influenced the decision-making process for the office's investigative unit, which is known for criminalizing justice operators.
 - According to *Prensa Comunitaria*, he [supported](#) the raids on the Supreme Electoral Tribunal (TSE) offices last year and signed arrest warrants for four TSE judges. This year he presented requests for the removal of electoral authorities' immunity.
- [**Fernando Manolo Rodas de León**](#)
 - In 2019 he was appointed the fifth Deputy Minister of Anti-Narcotics of the Ministry of the Interior, during the Alejandro Giammattei administration. The US designated Giammattei as [ineligible for entry](#) due to his involvement in significant corruption.
 - He currently serves as an appeals court judge and in that capacity was one of the judges who in August of last year signed off on a [refusal](#) to review the detention conditions of journalist Ruben Zamora.
- [**Sandra Marina Ciudad Real Aguilar**](#)
 - Chair of the Association of Judges and Magistrates
 - As chair of the Association of Judges and Magistrate she provided backing/support for Fredy Orellana when he attempted to undermine the Semilla movement by ordering the suspension of Arévalo's party in 2023.
- [**Marcelo Sarti**](#)
 - Lawyer for Sammy Morales, the brother of former president Jimmy Morales, who has been accused of illegal campaign financing
 - In 2019, Sarti [filed a complaint](#) against Arévalo's Semilla party before the Supreme Electoral Tribunal, unsuccessfully [attempting to block](#) the party's national assembly.
- [**María Lisette García Stalling**](#)
 - Member of the nomination commission for the Supreme Court
 - Relative of Blanca Stalling, a former judge noted by the United States for significant corruption
- [**Karin Sorelly Gómez Giron**](#)
 - Judge with close connections to Silvia Valdés, former president of the Supreme Court, who is also included on the Engel List for corruption

[Six](#) other elected magistrates had conflicts of interest, as they also served on the nominating commission for the Supreme Court:

- Irma Arrazate

- Marco Tulio Pérez
- Jorge Cano Villatoro
- José Hernández
- Ramiro López Galindo
- Manuel Castellanos Alonzo

It is also important to note that according to [Prensa Comunitaria](#), 99 out of 260 total magistrates for the Courts of Appeal were associated with the interest groups that tried to influence the 2020 judicial selection process. These interest groups consisted of commissioners, magistrates, and deans who sought to stack the courts with a list of their allies and engaged in negotiations to ensure their nomination. Several blocs of interest groups created their own lists of candidates that they wished to install into the courts. Such events paved the way for the [Parallel Commissions](#) case of 2020 and led to the prosecution of eight commissioners. Almost 38 percent of the selected magistrates for the Courts of Appeal appeared on these lists of allies.

OAS Releases Preliminary Report on Judicial Elections in Guatemala

In April of 2024, the State of Guatemala formally invited OAS to conduct an election observation mission, to monitor the judicial elections. The mission conducted visits to Guatemala during June, August, and September of 2024, where they met with state officials, civil society organizations, Indigenous groups, entrepreneurial sectors and the Office of the United Nations High Commissioner for Human Rights. In late September the OAS released its [preliminary report](#) on the process. Below is the Guatemala Human Rights Commission/USA's [summary](#) of the OAS' findings.

The OAS mission highlighted several concerning features of the nominations process, some that are not in alignment with the applicable international standards.

Nomination Commissions Faced Delays

- The nomination commission began work fifteen days behind the initial scheduled date due to internal disputes.
- A further delay of two-and-a-half weeks occurred as a result of the dispute over where the meetings of the nomination commissions would be held.
- The amount of time available for the nomination commissions to discuss the candidates and other substantive matters was reduced.

Nomination Commissions Did Not Thoroughly Conduct Evaluations of Candidates

- The nomination commissions set a period of only five days to receive applications from judicial candidates.
- The Law of Nomination Commissions states that the point rubric used to assess candidates must contain a measure of moral/ethical behavior. The rubric used by the nomination commission did not contain such a measure.
- The rubric only received approval from two-thirds of the nomination commission, clearly not a unanimous vote.

Nomination Commissions Not Aligned with International Standards

The OAS stated in its preliminary report that the selection of high-court judges should be guided by a series of human rights principles and standards, recognized in the Inter-American system as well as the international system:

- At bare minimum, both candidates and members of the nomination commissions should not have any past involvement in cases of coercion, corruption, or other criminal activities.
 - *Eleven of those who applied are on the Engel List, created by the US Department of State to identify individuals engaged in corrupt and undemocratic acts in Central America. Several judicial candidates were direct participants in the 2020 [Parallel Commissions](#) scandal, in which corrupt individuals illegally aimed to influence the nomination commissions' selection of candidates.*
- Members of the nomination commissions should be free from external pressures that can interfere in making objective decisions.
 - *Members of the nomination commissions demonstrated conflicts of interest. Thirty-three members of the nomination commissions were also candidates themselves for the Supreme Court or Courts of Appeal. The OAS notes that when a candidate assumes the role of commissioner and candidate, that candidate has access to the network of nominating commissioners and may engage in negotiations to benefit their candidacy or their allies' candidacies. Under these circumstances, there is no guarantee of external pressures not having influenced these elections.*

- Selected candidates should demonstrate a strong dedication to democratic principles and the protection of human rights.
 - *The nomination commissions repeatedly approved candidates that had previously criminalized human rights defenders.*
- The judicial process should not discriminate against candidates from minority groups, including women and indigenous communities.
 - *Women comprised only 13.5 percent of the members of the nomination commissions. Only one member of the nomination commissions identified as an Indigenous woman.*
- Nomination commissions should guarantee transparent and objective proceedings when making decisions on candidates.
 - *The nomination commissions did not thoroughly consider objections against candidates. The Supreme Court nomination commission received thirty-three objections and only processed one. The Appeals Courts nominations commission received sixty-six objections and only processed one.*
- The criteria for assessing the honorability of candidates should be made public.
 - *The rubric used by the nomination commission did not include an assessment of moral behavior or honorability. The nomination commissions did not provide reasoning on the selection of candidates.*