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## The Long Struggle for Justice in Guatemala

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# The long struggle for justice in Guatemala

*Guatemalan prosecutor's snub shows signs of slow slide toward impunity*

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by [Lauren Carasik](#) @LCarasik

Claudia Paz y Paz, Guatemala's first woman attorney general, who oversaw the genocide trial and conviction of former dictator José Efraín Ríos Montt, has been ousted through a combination of legal maneuvering and a manipulated re-election process. Paz y Paz's removal represents the country's dangerous regression away from accountability and back toward impunity.

In March, Guatemala's Constitutional Court ruled in favor of [a technical challenge](#) brought by Guatemalan businessman Ricardo Sagastume Morales that forced Paz y Paz out of office seven months before her four-year term was to expire. Sagastume convinced the court that Paz y Paz was appointed only to complete the term of her predecessor, Conrado Arnulfo Reyes, which would have expired this month. Reyes was removed from office in June 2010 amid a corruption scandal. Paz y Paz was appointed to replace him that December.

Last week, Guatemala's Comisión de Postulación, a 14-person committee tasked with selecting six candidates from whom President Otto Pérez Molina must pick her successor, blocked Paz y Paz from reappointment without any justification. During the nomination process, she received the second-highest score from the committee. Her exclusion from the finalists rightly elicited domestic and international uproar.

Paz y Paz faced formidable challenges in her efforts to bring the rule of law to Guatemala; to curb rampant crime, corruption and endemic poverty; and to strengthen weak institutions. She is internationally acclaimed for relentlessly pursuing justice for atrocities committed during Guatemala's civil war from 1960

to 1996 that claimed more than 200,000 lives and left hundreds of thousands displaced. But she also made powerful enemies along the way.

## **Selection process**

The attorney general selection committee was made up of two members of Guatemala's bar association, the president of the Supreme Court and the deans of 11 law schools. In order to ensure a fair and democratic process, the committee's deliberations were opened to the public and televised live. But despite this ostensible transparency, political maneuvering to control the group's [composition](#) made it susceptible to undue influence.

An [audio recording](#) released last month by Guatemalan daily the Prensa Libre buttressed concerns about rigging. Two members of the selection committee and officials from Perez Molina's administration were heard allegedly discussing details of the process including references to "an orchestrated plan" to influence the vote. Asked about the integrity of the process, Supreme Court Justice José Arturo Sierra, who presides over the commission, tepidly suggested that interference was possible but that he "cannot confirm or deny it."

Prior to the vote, Milton Argueta, the dean of Universidad Francisco Marroquín Law School and a member of the commission, [reported receiving death threats](#). [Only four of the commission's 14 members](#) ultimately voted to include Paz y Paz on the short list of candidates, despite her high ranking, stellar record on reforms, experience and professional qualifications for the job. The unjustifiable outcome points to meddling by the political elite to curtail her inroads against impunity.

The selection process has always been rife with corruption and cronyism, favoring candidates aligned with Guatemalan elites. Paz y Paz was a vocal [critic of the government](#), a former law professor and human rights officer. Even her initial ascent to the nation's highest law enforcement post was improbable. Over the years, she gathered anguished testimonies from survivors of that country's brutal civil war, an experience that solidified her resolve to pursue justice for the

victims. But her commitment to justice vexed those who preferred to keep that country's grisly past buried. Former President Álvaro Colom's selection of the soft-spoken Paz y Paz from a list of six nominees stunned many observers.

**Paz y Paz has antagonized economic and business elites, who are disenchanted by her support for land tenure activists, who oppose extractive and other large-scale industrial projects.**

Over the past six years, most of it during her tenure as attorney general, impunity (the percentage of crimes that occur without being charged) [dropped 23 percent](#). In 2013 she was [nominated for the Nobel Peace Prize](#) for professionalizing the top prosecutor's office, instilling integrity and independence, and confronting pervasive crime and impunity. On April 28, the Center for Justice Studies in the Americas lauded Paz y Paz for notable progress in prosecuting serious crimes, enhancing accountability and transparency and instituting institutional reform within the prosecutor's office. She's also credited for a number of other reforms, including making the justice system more accessible to marginalized groups and targeting violence against women and children.

Paz y Paz's critics cite lack of progress on common crime and corruption and administrative inefficiencies. But the animated opposition to her reappointment has more to do with her prosecutorial agenda, which threatens the impunity of ex-military officers, organized-crime bosses, drug traffickers and gangs. In addition, she has antagonized economic and business elites, who are disenchanted by her support for [land tenure activists](#), who oppose extractive and other large-scale industrial projects.

### **Slide toward impunity**

Paz y Paz's indictment of Ríos Montt in 2012 prompted condemnation from the country's elites. In a proceeding fraught with controversy and delay, prosecutors presented harrowing evidence of Ríos Montt's guilt, securing a widely hailed conviction and an 80-year sentence for crimes against humanity and genocide. Ten days later, the country's Constitutional Court annulled the verdict. The court

is currently considering the applicability of an amnesty law, which could shield Ríos Montt from accountability. The trial is scheduled to resume early next year, but his conviction seems increasingly doubtful.

Paz y Paz's successor will be named near the first anniversary of the May 10 guilty verdict against Ríos Montt. Judge Yassmin Barrios, who presided over the trial, faced a politically motivated complaint by Moisés Galindo, a member of the former dictator's defense team. She was admonished, suspended for a year and fined for an alleged ethics violation during the trial. Later, the sanction was reduced to a reprimand after an appeal and public outcry. On May 6, Minister of the Interior Mauricio López Bonilla denied that genocide and crimes against humanity had been committed during the military rule, decrying the focus on crimes of the past as distracting.

Guatemala's bloody civil war was triggered by pervasive economic and social inequality and the marginalization of its indigenous population. There's been little improvement since the war ended. Few perpetrators of the atrocities committed by military rulers have been held to account. The polarization seen during Ríos Montt's trial and its contested aftermath was fueled by Guatemala's slow progress toward reconciliation and halting transition to democracy.

Confronting injustice in Guatemala requires endless courage, determination and resilience. Those who are challenging deeply entrenched inequality and impunity face intractable obstacles and relentless threats, and the subsequent evisceration of the gains they fought valiantly to secure. The retributive actions against Paz y Paz and Barrios are a crushing blow to democracy that sends an unmistakable message about the price of triumph and the difficulty of enduring success.

But gutsy leaders such as Paz y Paz are buoyed and propelled by the indefatigable and intrepid survivors of genocide who are fighting in the shadows of power to honor the memory of loved ones. They know the risks and the daunting odds against justice. But they will never concede defeat, and neither should their supporters.

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*The views expressed in this article are the author's own and do not necessarily reflect Al Jazeera America's editorial policy.*