



The Law Society of
Upper Canada

Barreau
du Haut-Canada

June 2, 2014

His Excellency Otto Pérez Molina
President of Guatemala
Office of the President
6 calle, Zona 1
Guatemala City, Guatemala

Office of the Treasurer

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Your Excellency:

Re: admonishment and suspension of Judge Iris Yassmin Barrios Aguilar, Tribunal President, Court for High Risk Crimes

I write on behalf of The Law Society of Upper Canada* to voice our grave concern over the public admonishment and one-year suspension of Judge Iris Yassmin Barrios Aguilar. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Recently, the Honor Tribunal of Guatemala's bar association (el Colegio de Abogados y Notrios de Guatemala) publicly admonished and suspended Judge Iris Yassmin Barrios Aguilar for one year based on a complaint by lawyer Moises Galindo. This is notwithstanding the fact that Guatemala's judicial competency authority ruled that his complaint was without merit.

The Law Society of Upper Canada understands that both the admonishment and the suspension are linked to Judge Aguilar's work as the Tribunal President of the Court for High Risk Crimes. This unprecedented ruling from the Guatemala's bar association stems from her adjudication over Efrain Rios Montt's trial for genocide.

Judge Iris Yassmin Barrios Aguilar has received international recognition for her integrity and independence. In March 2014, she was among one of the recipients of the 2014 International Women of Courage Awards bestowed by First Lady of the United States, Michelle Obama.

The Law Society is deeply concerned about situations where members of the judiciary are themselves targeted in the legitimate exercise of their duties. The Law Society believes strongly in the protection of judicial independence. Judges frequently have to rule on controversial matters and interpret the law in areas where there is legal uncertainty. Judges must be able to make controversial, and even unpopular, rulings without fear of politically motivated sanctions.

The Law Society urges the government of Guatemala to:

- a. reinstate Judge Iris Yassmin Barrios Aguilar to her position as Tribunal President, Court for High Risk Crimes;
- b. take steps to ensure that judges are not subject to politically motivated sanctions as a result of issuing decisions;

- c. publicly recognize the importance and legitimacy of the work of judges and their contributions to the strengthening of democracy and the rule of law;
- d. ensure that all judges can carry out their peaceful and legitimate duties and activities without fear of removal from office; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Thomas G. Conway
Treasurer

**The Law Society of Upper Canada is the governing body for 46,000 lawyers and 6,300 paralegals in the Province of Ontario, Canada. The Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*

cc:

Ms. Gabriela Carina Knaul de Albuquerque e Silva
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United Nations Office at Geneva
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Switzerland

