STATEMENT EXPRESSING CONCERNS OVER REPRISALS AND ATTACKS AGAINST LATIN AMERICAN JUDGES

The New York City Bar Association ("City Bar")[1] expresses its concern regarding a troubling pattern in Latin America of attacks on judicial independence, a pattern that in recent weeks has included disciplinary reprisals, criminal proceedings directed against judges for the content of their rulings, public smear campaigns based on false accusations, as well as in its most extreme manifestations, lethal physical assaults.

These manifestations, while differing in nature and severity, form part of an increasingly widespread and recurring phenomenon in the region: first, authorities resort to public reprisals against court rulings, bypassing ordinary mechanisms for judicial review. Subsequently, an institutional message is conveyed that delegitimizes those who impart justice. This delegitimization is amplified by generalized rhetoric against judges, presenting them as obstacles, adversaries, or accomplices without substantiating these accusations with evidence or through due process, thereby progressively eroding the legitimacy of those who administer justice. The result is an environment in which judges are exposed not only to adverse professional consequences, but also to concrete risks to their personal safety, as hostile public discourse normalizes the notion that judicial decisions may be responded to by means outside the scope of law.

This is exemplified by recent events in Peru, Ecuador, Bolivia, and Mexico that threaten the fundamental principle of judicial independence in these countries. In Mexico, recent weeks have begun to reveal the effects of a disciplinary system for judges created through a reform designed to capture the independence of the judiciary. This month in Peru, Judge Oswaldo Ordóñez Alcántara was removed from his post as a form of retaliation for having exercised his right to free expression and assisting the Inter-American Commission on Human Rights ("IACHR") in November of 2024 to discuss the situation of judicial independence in Peru. Simultaneously, the Bolivian and Ecuadorian judicial branches experienced the tragic killings of Judge Víctor Hugo Claure Hinojoza, a senior magistrate of the Agrarian and Environmental Court, and Judge Lady Gissela Pachar Huanga, a judge of the Criminal Judicial Unit of Santa Rosa. These assassinations,

[1] The New York City Bar Association (City Bar), founded in 1870, is an organization of 23,000 members in New York City and elsewhere throughout the United States and in more than 50 countries around the globe. Its members include judges, prosecutors, defense counsel, government lawyers, and public interest/non-governmental organization practitioners, as well as legal academics and attorneys representing nearly every major law firm and corporation in the United States. The City Bar has a long and distinguished history of promoting the rule of law and human rights, including the rights of legal professionals to fulfill their professional obligations. The Cyrus R. Vance Center for International Justice produced this Statement.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 20,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

carried out against members of the judiciary in response to the exercise of their duties, constitutes serious assaults on judicial independence, the rule of law, and democracy and obligates the States of Bolivia and Ecuador to swiftly investigate each case and take effective measures to prevent repeated offenses against jurists.

Although the aforementioned attacks differ in nature, the City Bar is concerned that this pattern may become normalized, fostering a climate of intimidation that undermines the rule of law in Latin America. In the following sections, we will elaborate in greater detail on the particularities of each context and the concerns involved.

I. THE CASE OF PERU AND THE RETALIATION AGAINST JUDGE ORDÓÑEZ

In November of 2024, Judge Ordóñez provided brief testimony regarding the "Situation of Judicial Independence in the Americas" during a public hearing before the IACHR.[2] During this session, he offered his perspective on the Peruvian judicial system. Nearly a year following this hearing, the Peruvian National Board of Justice ("JNJ") initiated a preliminary investigation regarding his involvement in the IACHR hearing.[3] This administrative action was reportedly triggered by a complaint filed by a member of Congress in September of 2025. Official notice of the investigation reached Judge Ordóñez on September 12, 2025 via Resolution No. 381-2025-JNJ, which indicated that the congresswoman's complaints alleged that his declarations at the IACHR served to "destabilize" the justice system and compromised the appearance of judicial impartiality.[4] It has been reported that Judge Ordóñez issued a statement of his own to clarify that his actions were entirely regular and are found to be protected under his constitutional rights, further emphasizing that his participation was an institutional duty performed on behalf of professional magistrate organizations across Peru and Latin America, rather than a personal choice.[5]

Shortly thereafter, reports surfaced on October 11, 2025, through news outlets falsely alleging that Judge Ordóñez had ties to a criminal organization based in Lima.[6] While these claims have been categorically denied by the National Association of Magistrates of Peru and the Superior Court of Justice of Lima, indicating that these accusations could be attempts to silence Judge Ordóñez through public defamation.[7]

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[2] Inter-American Commission on Human Rights, "Regional: Situación de la independencia judicial en las Américas" [Regional: Current status of judicial independence in the Americas], Public Hearing, 191st Period of Sessions, November 13, 2024, available at https://www.youtube.com/watch?v=a9b58Vlzyhc&list=PL5QlapyOGhXteXDI0R_pZAQ9WEYCkI5Te&index=19. (All websites last accessed on May 29, 2026)

[3] The statement of the Office of the United Nations High Commissioner for Human Rights delivered on May 1, 2026 ("May 1, 2026 Statement"). Retrieved from: https://www.ohchr.org/en/press-releases/2026/05/peru-un-experts-deplore-reprisals-against-judge-ordonez.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *Id.*

The investigation regarding the IACHR hearing did nevertheless proceed, ultimately impacting the final stage of Judge Ordóñez's evaluation and ratification process and resulted in the decision not to ratify him.[8] The International Association of Judges (IAJ) characterized Judge Ordóñez's confirmation process as a direct violation of the right to freedom of expression and the right to freedom of association, as well as a punishment for his defense of judicial independence in Peru.[9]

Unfortunately, this is not the only case involving persecution of public servants in Peru. In September of 2025 the UN also expressed concern regarding the "targeting [of] Prosecutor [Delia] Espinoza through disciplinary proceedings [and] suspensions."[10] The UN Special Rapporteur on Independence of Judges and Lawyers voiced that this affront against the acting Attorney General and Supreme Prosecutor jeopardized the integrity of legal system.[11] It is noteworthy that in September of 2023, the National Justice Council,[12] the body that targeted Mr. Espinoza, was brought under investigation by the congressional Justice Committee, resulting in a subsequent letter sent to Congress requesting that its members refrain from attempts to encroach upon judicial autonomy.[13]

II. THE CASE OF BOLIVIA

The killing of Judge Víctor Hugo Claure Hinojoza has triggered a crisis within the Bolivian judiciary. The assassination, which unfolded in Santa Cruz de la Sierra, had immediate effects; Bolivian police officers swiftly moved to intervene at public-facing events attended by members of the Supreme Court, evacuating the judges due to fears of subsequent attacks.[14] There have been calls for enhanced security measures to be implemented during this time, particularly for those within the judicial system issuing rulings regarding very sensitive crimes.[15]

The murder of Judge Claure was a public shooting carried out by assailants riding on motorcycles, a rising trend in the Santa Cruz area, which has experienced a surge in violence

[8] Federación Latinoamericana de Magistrados (FLAM), "Pronunciamiento No. 2-2026: Riesgo de Represalias contra Juez por Acudir al Sistema Interamericano Genera Alerta de Protección a la Independencia Judicial," Santo Domingo de Guzmán, April 22, 2026, signed by Magistrate Elka M. Reyes Olivo, President of FLAM. Retrieved from: https://flamasociacion.org/represaliasjuezperu/.

[9] International Association of Judges, Ibero-American Group, "Official Statement on the Situation of Judge Osvaldo Ordóñez (Peru)," April 26, 2026, available at https://www.iaj-uim.org/iuw/wp-content/uploads/2026/04/OFFICIAL-STATEMENT-IBA-UIM-OSVALDO-ORDONEZ-PERU.pdf.

[10] Peru: UN Expert Warns of Serious Attacks Against Independence of Prosecutor Delia Espinoza | OHCHR. (n.d.). Retrieved from https://www.ohchr.org/en/press-releases/2025/11/peru-un-expert-warns-serious-attacks-against-independence-prosecutor-delia.

[11] *Id.*

[12] Órgano autónomo responsable de las medidas disciplinarias y los nombramientos judiciales peruanos.

[13] 2023 Country Reports on Human Rights Practices: Peru. (n.d.). Retrieved from https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/peru/.

[14] The Murder of a Magistrate Raises Alarm and Jeopardizes the Security of the Judicial Branch in Bolivia. (2026). Retrieved from https://www.opinion.com.bo/articulo/pais/asesinato-magistrado-alarma-pone-vilo-seguridad-organo-judicial-bolivia/.

[15] *Id.*

directly linked to the expansion of transnational drug trafficking gangs.[16] The Bolivian Prosecutor's Office confirmed on May 7, 2026 that four individuals have been arrested in connection with the crime and an investigation is underway to determine motives and other relevant details.[17]

The position Judge Claure held in the Agro-Environmental Court is central to contextualizing the current judicial crisis in Bolivia. This jurisdiction was established to resolve high-stakes disputes involving land ownership, agrarian reform, and the protection of natural resources. These issues are at the core of distinctive Bolivian economic and social matters and often involve powerful interests and industries, placing the magistrates of this court on the frontlines of important conflicts in the country. Rulings in this court are sensitive, making judicial officers particularly vulnerable to potential reprisals. This necessitates security measures to protect operators of justice against individuals or entities that may want to inflict harm in retaliation.

Far from being an isolated incident, the murder of Judge Claure is part of an upward trend of violence and political persecution against Bolivian judicial and public officials. In 2025, the Bolivian Association of Magistrates (AMABOL) declared a national state of emergency in response to the escalating threats and pressures against judicial officials across multiple departments in the country.[18] According to AMABOL, at least 50 formal complaints have been registered by judges who claim to have faced threats or intimidation intended to influence legal processes, with a majority of these instances being recorded in Santa Cruz.[19] This documented history of complaints proves that there was public awareness of the danger facing magistrates for months prior to Judge Claure's murder.

III. THE CASE OF ECUADOR

On May 11, 2026, Judge Lady Gissela Pachar Huanga was on her way to a gym when two assassins on a motorcycle fired repeatedly into the windshield of her vehicle, killing her immediately. Judge Pachar already had been relying on police protection due to prior threats on her life.[20] In December 2025, her name appeared on a threatening pamphlet directed at five judges in the province of El Oro, which was found alongside an explosive device in the La Aurora sector of Machala. The message warned of reprisals against magistrates who issued preventative

[16] *Id*.

[17] Fiscalía confirma cuatro aprehendidos por asesinato de magistrado, cONEXIÓBOL, mayo 2026, disponible en: https://www.youtube.com/watch?v=MdpZooIkP8M.

[18] Duran Quiroga, C. R. (2025). Amabol Declara Estado de Emergencia y Denuncia Amenazas Contra Jueces en Santa Cruz y Cochabamba. Retrieved from https://radioamericatk.com/2025/11/11/amabol-declara-estado-de-emergencia-y-denuncia-amenazas-contra-jueces-en-santa-cruz-y-cochabamba/.

[19] *Id*.

[20] Fabricio Cruz, "Jueza fue asesinada en Machala, El Oro: ¿Quién era Lady Pachar?," Diario Extra, 11 de mayo de 2026, https://www.extra.ec/noticia/ecuador/jueza-asesinada-machala-oro-lady-pachar-153535.html.

detention orders related to inmates at the prison in Machala.[21] In a statement, the Council of the Judiciary characterized the incident as a grave attack against the justice system in Ecuador.[22]

Pachar's murder is not an isolated incident. In October 2025, judge Marcos Mendoza Pinargote of the Criminal Judicial Unit of Manta, who was overseeing organized crime investigations that incurred the ire of the criminal group Los Lobos, was killed in a targeted attack. According to Ecuadorian authorities, hitmen had followed Judge Mendoza prior to the killing and opened fire on him shortly after he dropped his children off at school, leaving four ballistic pieces of evidence at the scene.[23]

IV. THE CASE OF MEXICO AND THE TDJ

The Judicial Discipline Tribunal (TDJ) is the Mexican constitutional body responsible for investigating and sanctioning administrative misconduct by judges, as well as imposing corresponding penalties including the suspension and removal of judicial officers. It was established as part of the legislative overhaul of the Mexican judiciary enacted in September 2024 and formally commenced its operations on September 1, 2025, replacing the disciplinary powers previously held by the now-defunct Federal Judiciary Council (CJF).[24]

From the outset of its conception, the TDJ faced severe criticism for its impact on the internal independence of judges.[25] In February 2026, barely five months after the TDJ began its operations, the body suspended a federal judge for one year for committing "grave offenses" which, according to the resolution, "compromised the administration of justice" in a case involving a former governor belonging to political party that opposes the current ruling party in Mexico. The complaint that triggered these proceedings had been presented in April 2024 to the defunct CFJ and was resolved by the new TDJ with remarkable speed following its inauguration. Subsequently, in May of 2026 — three months after the administrative suspension — the judge sanctioned by the TDJ was subjected to criminal proceedings and formally indicted on charges of alleged crimes against the administration of justice in a procedural sequence characterized by unusual swiftness.[26]

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[21] Redacción Primicias, "Esto se sabe del asesinato de la jueza Lady Gissela Pachar en Machala," Primicias, 11 de mayo de 2026, https://www.extra.ec/noticia/ecuador/jueza-asesinada-machala-oro-lady-pachar-153535.html.

[22] Consejo de la Judicatura del Ecuador (@CJudicaturaEc), "Comunicado Oficial: El @CJudicaturaEc expresa su profunda consternación y total rechazo ante el asesinato de la jueza de la Unidad Judicial de Santa Rosa, Lady Gissela Pachar Huanga...," X (antes Twitter), 11 de mayo de 2026, https://x.com/CJudicaturaEc/status/2054027834260087183.

[23] Redacción Primicias, "Marcos Mendoza, juez asesinado en Manta e investigado por delincuencia organizada, estuvo en 'la mira' de Los Lobos," Primicias, consultado el 12 de mayo de 2026, https://www.primicias.ec/sucesos/juez-marcos-mendoza-asesinado-manta-investigado-delincuencia-organizada-lobos-107394/.

[24] Tribunal de Disciplina Judicial, "Bienvenido al Tribunal de Disciplina Judicial (TDJ)", consultado el 12 de mayo de 2026, https://www.tdj.gob.mx/.

[25] Mexicanos Contra la Corrupción y la Impunidad, "¿Cómo funcionará el Tribunal de Disciplina Judicial?," *Contra la Corrupción*, 2 de abril de 2025, https://contralacorrupcion.mx/como-funcionara-el-tribunal-de-disciplina-judicial/.

[26] Gustavo Castillo García, "Juez enfrenta proceso penal tras sanción del nuevo PJ; amparó indebidamente a Cabeza de Vaca", *La Jornada*, 8 de mayo de 2026, https://www.jornada.com.mx/noticia/2026/05/08/politica/procesan-a-juez-sancionado-por-otorgar-amparos-a-cabeza-de-vaca.

This episode unfolded in a broader political context in which President Claudia Sheinbaum, had publicly denounced the existence of alleged networks of judges accused of issuing controversial rulings in favor of the former governor. Taken together, these elements raise significant concerns about the risk of politicization of judicial discipline and its implications for the internal independence of judges.[27]

In May of 2026, the TDJ temporarily suspended another criminal court judge in Mexico; this was the first instance of temporary suspension of an elected judge following the 2025 judicial election in which all sitting judge positions were determined by popular election.[28]

V. THE PROTECTION OF JUDICIAL INDEPENDENCE IN ACCORDANCE WITH INTERNATIONAL STANDARDS

The authority of a judge to adjudicate based solely on the law and facts, free from the threat of professional sanction, is central to judicial independence. This is recognized in Principle 2 of the UN Basic Principles, which establishes that "[t]he judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason."[29] The City Bar observes that this principle is currently under grave threat in Latin America.

In Peru, the weaponization of administrative and disciplinary oversight against Judge Ordóñez served as a reprisal for his freedom of expression in violation of Principle 8, which states that "members of the judiciary shall enjoy freedom of expression, belief, association, and assembly, provided that, in exercising these rights, judges conduct themselves at all times in a manner that preserves the dignity of their office and the impartiality and independence of the judiciary." Similarly, in Bolivia and Ecuador, the failure to protect judges against extreme physical violence constitutes a breach of the duty of governments to neutralize the threats and interferences prohibited by Basic Principle 2.

With respect to the situations in Peru and Mexico, international standards draw a clear distinction between legitimate professional oversight and retaliatory discipline. In Report A/75/172,[30] the UN Special Rapporteur establishes that disciplinary measures must never be used as a vehicle for retaliation against a member of the judiciary for lawful decisions adopted by the

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[27] Jesús García, "Sheinbaum critica red de jueces que protege a Cabeza de Vaca: 'no se debe olvidar de dónde venimos'," El Mañana, 14 de mayo de 2025, https://elmanana.com.mx/nacional/2025/5/14/sheinbaum-critica-red-de-jueces-que-protege-cabeza-de-vaca-no-se-debe-olvidar-de-donde-venimos-149451.html

[28] Separan del cargo a jueza votada en elección judicial: ¿Quién es Amarande Riojas y cuál es la razón?, *Eje Central*, consultado el 12 de mayo de 2026, https://www.ejecentral.com.mx/nuestro-eje/separan-del-cargo-a-jueza-votada-en-eleccion-judicial-quien-es-amarande-riojas-y-cual-es-la-razon.

[29] Office of the United Nations High Commissioner for Human Rights. Basic Principles on the Independence of the Judiciary. Principle 2. https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-independence-judiciary.

[30] Diego García-Sayán, United Nations Special Rapporteur on the Independence of Judges and Lawyers, Report on Disciplinary Procedures and Judicial Independence, https://independenciajudicial.org/wp-content/uploads/2020/10/Informe-RE-Garci%CC%81a-Saya%CC%81n-procedimientos-disciplinarios.pdf.

judiciary officer, nor for their legitimate exercise of constitutional functions, except in instances of deliberate misconduct. This is further supported by Basic Principles 17, 18, 19, and 20, which stipulate that judges may be subject to suspension or removal only on the grounds of incapacity or conduct that renders them unfit to continue performing their duties, and which establish that appropriate procedure must be followed when investigating and resolving complaints filed against a judge in a manner proportionate to the identified offense.[31]

Additionally, the City Bar emphasizes that the removal of a judge in violation of these principles conflicts with Article 14, paragraph 1, of the International Covenant on Civil and Political Rights.[32] Likewise, the situation in Peru amounts to a form of reprisal that violates international law in accordance with Article 63 of the IACHR Rules of Procedure. This article establishes protections against prosecution or reprisals for those who participate in hearings and provide statements or opinions therein. The *Federación Latinoaméricana de Magistrados* (FLAM) released a public statement arguing that the eventual use of statements made by judges before the IACHR as grounds for the initiation of disciplinary proceedings or non-ratification decisions would not only directly affect the judge involved, but could also generate a chilling effect across the judiciary as a whole, discouraging participation in international forums and weakening the mechanisms for the protection of human rights.[33] The IACHR, in cases like *Cuya Lavy v. Peru* and *Urrutia Laubreaux v. Chile*, has held that states have a binding obligation to refrain from practices that can directly or indirectly constitute retaliation against individuals who partake in discussions regarding human rights, as in the case of Judge Ordóñez.[34] This is further supported by Article 19 of the International Covenant on Civil and Political Rights, which guarantees the right to express opinions freely without interference and enshrines special duties and responsibilities in exercising said right.[35]

[31] *Id.*

[32] Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32 (2007).

[33] Federación Latinoamericana de Magistrados (FLAM), "Pronunciamiento No. 2-2026: Riesgo de Represalias contra Juez por Acudir al Sistema Interamericano Genera Alerta de Protección a la Independencia Judicial," Santo Domingo de Guzmán, April 22, 2026, signed by Magistrate Elka M. Reyes Olivo, President of FLAM. Retrieved from: https://flamasociacion.org/represaliasjuezperu/.

[34] Vargas Vera, G., Valencia Quiceno, S., Morales Ramirez, G. F., & Gonzalez Carvallo, D. B. (2025). Retrieved from https://www.sitios.scjn.gob.mx/cec/sites/default/files/lineas-corte-interamericana-docs/2025-12/CUADERNO%20CORTE%20IDH_JUDICIAL%20INDEPENDENCE_FINAL%20DIGITAL.pdf.

[35] International Covenant on Civil and Political Rights | Ohchr. (n.d.). Retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights.

VI. THE CITY BAR URGES THE GOVERNMENTS OF PERU, BOLIVIA, ECUADOR, AND MEXICO TO PROTECT THE SECURITY AND INDEPENDENCE OF THEIR JUDGES

The New York City Bar urges authorities in the region, particularly in Mexico, Peru, Bolivia, and Ecuador, to reaffirm their commitment to the rule of law by ensuring the protection and autonomy of their judges.

Regarding the situation in Peru, we call for the immediate cessation all acts of retaliation against Judge Ordóñez, ensuring that he has the opportunity to challenge the decision through an effective remedy against the irregular non-ratification process, and ensuring that his legitimate participation before international human rights bodies is not taken into consideration as grounds for punishment. More broadly, we urge the immediate cessation of any actions designed to punish a judge for participating in legitimate inquiries by respected international organizations. We also stress that disciplinary proceedings must follow standard procedure and adhere to international standards and, therefore call for the establishment and implementation of safeguards to prevent the use of disciplinary actions as a form of reprisal against judges. ,.

In the cases of Bolivia and Ecuador, we urge both governments to thoroughly investigate the assassinations of Judges Claure and Huanga , as well as other forms of violent crimes against other justice operators. Additionally, we suggest the reevaluation of current protection mechanisms and security policies to prevent the recurrence of such atrocities, including the detection of patterns that might prevent similar incidents. We wish to be clear that judicial decisions, like any exercise of public authority, may and should be subject to public scrutiny, debate, and criticism. Our concern is not with criticism of rulings, which is a legitimate feature of any democracy, but with public statements by high-ranking government officials that single out individual judges by name, question their personal integrity, or characterize their decisions as criminal or treasonous, particularly when such accusations are made without evidence to substantiate the claims against the judges, without any intention of initiating a formal complaint before the competent judicial authority, without regard for due process, and, above all, without resorting to the system of legal remedies and appeals available to challenge judicial decisions with which they disagree. This is especially concerning in contexts of high social tension, where such rhetoric demonstrably increases the risk of violence against justice operators. Accordingly, we call on government authorities at the highest levels to (i) publicly affirm the legitimacy and independence of the judiciary; (ii) refrain from public statements that personally target judges on account of their rulings; and (iii) channel any disagreement with judicial decisions exclusively through the legal remedies and appeals provided for under domestic law.

Regarding the situation in Mexico, we urge the authorities of the TDJ and the Attorney General's Office to ensure that disciplinary and criminal proceedings against judges strictly adhere to international standards on judicial independence, specifically Basic Principles 2, 17, 18, 19, and 20. We request that a clear distinction be established between, on the one hand, legitimate disciplinary and criminal oversight regarding serious misconduct or intentionally unlawful acts, and on the other, the substantive review of the content of judicial rulings, which must be channeled exclusively through the remedies and appeals provided for by the legal system.

We call upon the governments of the region to uphold and fully protect the autonomy of their judiciaries, in accordance with their respective constitutional mandates and external legal standards set by bodies like IACHR and the UN.

We also respectfully invite international human rights bodies, including the Inter-American Commission on Human Rights and the UN Special Rapporteur on the Independence of Judges and Lawyers, to continue to monitor the situations in these countries.

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