



“Hot Potato”

It had been anticipated, 20 of the 21 judges from the ex-Supreme Court of Justice did not accept or conform to the National Court of Justice. The judges were favored in the raffle between 31 judicial magistrates. As of right now, there is no High Judge in Ecuador and it is unknown how long this will go on for. The consequences of this lack in a high judge are grave: inconclusive processes, the accumulation of unresolved cases, detainees awaiting sentencing, and a lack of precedence to dictate the justice system.

What occurred in the Supreme Court is a normal occurrence that has happened many times in Ecuador, in an almost systematic manner: the voluntary compromise of power by the authorities in an attempt to impose their personal point of view and downplay those of their peers. The consequence of this being the impossibility of coming to agreements and achieving a common consensus.

The judges of the ex-Supreme Court scandalized and ripped open their robes in order to know who was going to be chosen by the raffle, as opposed to being chosen by merit. They stated that they would not offer their honor, dignity, name and prestige to this raffle. Despite the methodology, controversial as it may be, one will find that these guidelines are stated in the constitution that was approved by the majority of Ecuadorians and the fundamental norms that govern the State functions, including the judicial functions. However, the ex-Judges still decided to leave on their own accord.

On their own part, the Constitutional Assembly seemed to have not maintained an open dialogue with the now ex-members of the Supreme Court to, in the minimum, know their opinions in respect to the nomination of the judges, nor was an attempt made to reach an agreement with the ex-Magistrates.

The Assembly presupposed that the ex-Magistrates would accept the results of the raffle, instead they decided not to accept the results, and that they would take possession of the replacements for the Judges. The only problem is that the replacements also did not accept to form part of the National Court of Justice, and now they seem to be playing hot potato between Congress, the National Electorate Commission, the Constitutional Court, and the ex-Magistrates. What is it going to take to stop all of this? The only thing that we know is that, following custom, the Ecuadorians will be the only ones coming out of this situation affected.