



GUATEMALA HUMAN RIGHTS COMMISSION/USA

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Presidential Elections marks highest percentage of citizen abstentionism in Guatemala since the signing of the 1996 Peace Accords

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With only 38% of eligible voters participating, the lowest since Guatemala signed the Peace Accords in 1996, Alejandro Giammattei [managed to triple his votes](#) from the first round of voting in June 2019 to become Guatemala's President. His party, VAMOS, won only 17 seats in Congress, which means he will have to rely on alliances with other parties to pass bills. He has insisted that Guatemala must use its death penalty legislation, the application of which has been effectively suspended through a series of Constitutional Court decisions, but which Congress has not officially abolished, to combat gang violence.

Giammattei, a hard-line conservative who never held a position in office but [ran for president four times](#) with several political parties, has pledged to push for the development of more extractive projects in indigenous territory and has suggested that he [renegotiate](#) the Safe Third Country Agreement [recently signed](#) between the outgoing Morales Administration and the Trump Administration. Last week, U.S. House Speaker Nancy Pelosi and a bipartisan delegation visited Guatemala, Honduras and El Salvador. To date, [nearly 35,000 Guatemalans](#) have been deported from the United States this week.

Giammattei, a medical doctor who later served as head of the prison system, was charged by the UN-backed International Commission Against Impunity in Guatemala (CICIG) with extrajudicial murder and torture of prisoners in Pavón prison during a raid in 2006. He spent 10 months in pre-trial detention before [Judge Patricia Flores](#) dismissed the case for lack of evidence. Flores is known for her decisions to keep those accused of serious human rights violations and corruption free. [The Public Prosecutor and CICIG presented a request](#) to have her political immunity removed so that she could be investigated for laundering money and other assets; illicit enrichment and not submitting an affidavit of assets. As a result, she was sanctioned and demoted from presiding over a high-risk court.

On the Monday following the elections, Giammattei [confirmed](#) that Antonio Malouf, former president of the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) will be the Minister of Economy. Malouf, part of a well-known family of textile exporters, was part of the Executive Committee of the political party UCN, headed by Mario Estrada until his arrest in Miami in April 2019. Estrada is accused of [conspiring](#) with the Sinaloa Cartel to

finance a corrupt scheme to be elected president of Guatemala and organize the assassinations of political rivals. In exchange, U.S. Attorneys allege that Estrada would facilitate the use of Guatemalan ports and airports for the cartel to export tons of cocaine to the U.S. Another key minister [is reported](#) to have links to [Morales' 2015 campaign](#), which CICIG and the Attorney General's Office accused of including illicit funds. Dr. Giammattei has repeatedly spoken out against corruption, has confirmed that he will not extend CICIG's mandate beyond September when its mandate officially ends, as stipulated by the Morales Administration.

Sandra Torres came in second to Giammattei. She is a former First Lady who ran for president for the third time with the UNE Party. In the first round of elections in June 2019, Torres won almost twice as many votes as Giammattei, but [her strength was in rural areas](#), which she failed to mobilize in the second round. Some Guatemalan analysts maintain that the elections did not result in votes in favor of Giammattei, but rather voted to "punish" Torres, the only woman who has managed to run in the runoff elections for president. The UNE party will have [52 of 160 elected representatives](#) in Congress after its swearing in in January 2020. Torres will now lose her political immunity and the charges against her for illicit campaign financing and criminal conspiracy could come any time after the Public Prosecutor [announced an investigation](#) against her in February 2019. At the time, she held political immunity and could not be arrested.

President-elect Giammattei promised to increase foreign investment and extractive projects in Guatemala, projects condemned by indigenous rights and human rights movements throughout the country. In September 2018, Guatemala's Constitutional Court suspended indefinitely the operations at two silver mining projects owned by US/Canadian company Tahoe Resources (and now owned by Canadian PanAmerican) in Santa Rosa and Jalapa, until free, prior and informed consent and consultation with the local Xinka indigenous nation is obtained. Three other injunctions have been filed against the Ministry of Energy and Mines (MEM) for illegally granting mining licenses without consultation and obtaining the free, prior and informed consent of affected indigenous communities under national laws and international treaties ratified by the State of Guatemala. These include a U.S.-owned gold mine near Guatemala City, a Swiss-Russian nickel mine in Izabal and Alta Verapaz, and an antimony mine in Chiquimula owned by Guatemalan and Mexican interests.

These cases point to the need for structural changes in the way natural resource licenses are granted in Guatemala's indigenous territories. They also point to active resistance to these projects, despite Guatemala being named the world's most dangerous place for land defenders, according to a 2018 Global Witness report released in July.

Before their term ends, the current Congress will elect new Justices to the Supreme Court of Justice and Appellate Court Judges. Analysis points to more corruption in Guatemala.