



GUATEMALA HUMAN RIGHTS COMMISSION/USA

3321 12th St NE Washington, DC 20017 | 202-998-2191 | www.ghrc-usa.org

Guatemalan Elections Update

July 20, 2023

Summary:

As Guatemala heads into the second round of its presidential election, scheduled for August 20, Guatemala's courts have sought at various points to impede the participation of Semilla, one of the two parties that won the most first-round votes.

The most recent attempt at interfering in the election is a July 12th order emanating from the Attorney General's office to suspend Semilla's registration as a political party. Acting at the behest of the Prosecutor's Office Against Impunity, Judge Fredy Orellana ordered Guatemala's Supreme Electoral Tribunal (TSE) to suspend Semilla, specifying that no member of Semilla could be seated for any political position. The order stated that the TSE had 24 hours to suspend Semilla and would face legal consequences otherwise.

The TSE resisted the order, certifying the first round results, and now the Attorney General's office has announced that it will prosecute the head of the TSE's registrar's office and possibly TSE magistrates as well, along with party members of Semilla, which it accuses of forging signatures on the party registration forms.

Details:

Judge Fredy Orellana's order to suspend the registration of Semilla was widely considered to be illegal; according to Guatemalan electoral law, no political party can be suspended while an election is in progress. The TSE magistrates certified the first-round results on the evening of July 12. Minutes before they certified, Judge Orellana delivered his order to suspend Semilla to the TSE's registrar's office. The TSE magistrates certified the results nonetheless and claimed not to have seen the judge's order. Throughout

The next morning, in what was perceived as an intimidation attempt, Public Ministry officials and armed police wearing masks that covered their faces raided the registrar's office, taking away four boxes of files related to Semilla and its [incorporation as a political party](#), an issue the Public Ministry has vowed to investigate and which formed the basis of the suspension order. Thousands of signatures are needed to register for party status, and the Public Ministry alleges that Semilla may have been formed as a political party on the bases of thousands of false signatures, a claim Semilla denies. Still the clock ticked toward the twenty-four hour deadline imposed by the judge and still the TSE magistrates resisted the order to suspend Semilla.

As the order to suspend Semilla's registration was looming, Semilla filed for an injunction with the Constitutional Court, requesting the suspension of the order. The Constitutional Court on July 13 [provisionally ruled](#) in favor of suspending the order, and Semilla has relaunched its campaign with a view to the second round.

A reformer who has said he will prioritize fighting corruption and dismiss Attorney General Consuelo Porras, Arévalo is considered a threat by the sectors that have the most to gain from the current system and the impunity it affords. These sectors include networks of organized crime. Guatemalan analysts have expressed concern for the physical safety of Arévalo and his running mate, Karin Herrera. Even if security proves to be no problem for the Semilla candidates, the party's road to August 20 is not entirely clear of obstacles on the legal front. The injunction that

stayed the order to suspend Semilla's registration was only provisional; it has yet to be confirmed.

Meanwhile, the Public Ministry is ramping up pressure on the TSE. On July 18, the news came to light that the Public Ministry will [prosecute](#) the head of the TSE registrar's office, Ramiro Muñoz, for having disobeyed the order to suspend Semilla. Muñoz reportedly has left country, on vacation, with no return date given. Because of his position heading the registrar's office, he has immunity, but the Public Ministry can request that it be removed so he can be prosecuted.

The Public Ministry has also set its sights on party members of Semillas. On July 18, Judge Fredy Orellana, at the request of the Public Ministry, [ordered the arrest](#) of Semilla party members Cinthya Alejandra Rojas Donis and Jaime Gabriel Gudiel Arias for alleged ideological falsehood and illicit association.

Engel List Includes Judge Orellana and Others Assisting in Election Interference

This year's [Engel List](#), released on July 19, includes Judge Fredy Orellana and prosecutor Cinthia Monterroso, who led the Public Ministry's raid on the TSE registrar's office and, as noted in the Engel List, has brought politically motivated charges against journalists. (These journalists [include](#) José Rubén Zamora and nine other members of the press.) A [bipartisan Senate statement](#) had called for the full use of the Engel List in response to the interference in Guatemala's elections.

Senate and House Express Concern and Ask the Biden Administration for Strong Action

Additional senators [expressing concern](#) about efforts to interfere with the democratic process in Guatemala were Tim Kaine (D-VA), Chair of the Senate Foreign Relations Subcommittee on the Western Hemisphere; Majority Whip Dick Durbin (D-IL); and Senators Ben Cardin (D-MD), Jeff Merkley (D-OR), and Peter Welch (D-VT). The five senators in a July 14 statement, said, "We are deeply disturbed by the Guatemalan government's unprecedented interference against the electoral process following the country's June 25 elections. These actions violate Guatemalan law. The government's raid on the electoral authority after election results were certified is an unacceptable attack on electoral democracy. We call on the Guatemalan government to respect the will of the voters, cease all interference, and ensure the integrity of the August 20 runoff elections."

On July 19, in a [letter](#) to Secretary of State Anthony Blinken, Congressman Raul Grijalva, Congresswoman Norma Torres, Congressman Jim McGovern, and Congresswoman Eleanor Holmes Norton expressed "profound concern with recent highly irregular actions taken by Guatemalan institutions as the country heads into the second round of its general election. The United States must emphatically support, with words and with actions, a transparent, fair, and legitimate second round of voting between the two candidates certified as the winners of the first round," the members of Congress stated. "Should efforts to interfere with the election or thwart the will of people continue, a stronger response is merited and the United States has a number of options. These include reviewing Guatemala's participation in the Central America Free Trade Agreement, restricting Development Finance Corporation funding for projects in Guatemala, using the United States' voice and vote in multilateral lending institutions to oppose loans to Guatemala, suspending assistance to Guatemala's military and security forces, and withdrawing the investment initiative announced by the Biden Administration last February. Such measures would ensure that U.S. taxpayer funds are not used, nor our alliances and accords exploited, to strengthen corrupt power structures that exacerbate poverty and injustice and drive migration."