



GUATEMALA HUMAN RIGHTS COMMISSION/USA

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

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GUATEMALAN ELECTIONS 2023

BACKGROUND AND TIMELINE OF INTERFERENCE FOLLOWING THE FIRST ROUND

Background on Election Results:

Guatemala held the first round of its general elections on June 25. Bernardo Arévalo, representing the center-left party Semillas, emerged from the first round of elections as one of two candidates for the presidency, to be decided in a run-off vote on August 20. The other candidate, Sandra Torres, represents the [National Unity of Hope](#) (UNE) party. She is reported to have strong alliances with current president Alejandro Giammattei, who, before his attorney general drove key prosecutors into exile, [was under investigation](#) in two separate cases.

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.

Since the provisional results came out the following day on June 26th, both the electoral system and Arévalo have been the subject of [intense threats, attacks, and targeted campaigns](#) to weaken the legitimacy of the democratic process in the country. These attacks have stemmed from exactly the people Arévalo hopes to oust by winning the presidency but who currently hold most of the political power in the country. The Guatemalan government has come under [scrutiny](#) from countries across the world for its dramatic backsliding on human rights protections and the undermining of judicial institutions and the rule of law. The Giammattei administration is a driving force, according to [experts](#), in the attacks democracy in Guatemala is facing.

Timeline of Election Interference Following the First Round:

July 1: Electoral results challenged

On July 1, nine political parties filed a challenge to the first-round election results, skipping the procedures established by law and taking their concerns directly to Guatemala's Constitutional Court instead of the Supreme Electoral Tribunal (TSE). In spite of calls from international bodies to respect the June 25 election results, Guatemala's Constitutional Court ruled to allow the challenge.

July 12: Responding to Public Ministry's request, judge orders TSE to suspend Semilla party

On July 12th, an order emanating from the Attorney General's office was sent to the TSE's registrar's office. Acting at the behest of the Prosecutor's Office Against Impunity, Judge Fredy Orellana ordered the TSE to suspend Semilla's registration as a political party, 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 order 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 did not comply with the order but proceeded to certify the results of the first round of voting.

July 13: Semilla files for an injunction

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 [provisionally ruled](#) in favor of suspending the order, and Semilla has relaunched its campaign with a view to the second round.

July 13: TSE office is raided

Led by Public Ministry officials, armed police investigators wearing masks that covered their faces raided the TSE's registrar's office in an apparent attempt to intimidate and pressure TSE officials to carry out the pending order to suspend Semilla. They took 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 order to suspend Semilla's registration as a political party. 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.

July 13: Public Ministry orders arrest of two Semilla members

Judge Fredy Orellana, at the request of the Public Ministry, [ordered the arrest](#) of two Semilla party founders, Cinthya Alejandra Rojas Donis, and Jaime Gabriel Gudiel Arias, for alleged ideological falsehood and illicit association.

July 16: TSE confirms run-off date

On the afternoon of Sunday, July 16th, the head of the TSE, Irma Palencia, affirmed that the second round run-off elections, scheduled for August 20th, would go ahead without interruption or rescheduling. Palencia noted that the same resources and actions that were taken to guarantee legitimate elections in the first round would continue in the second, including national and international observers and strict security programs.

July 18: Public Ministry announces plan to prosecute TSE director, who leaves the country

On July 18, the Public Ministry revealed that it would [prosecute](#) the head of the TSE registrar's office, Ramiro Muñoz, for having disobeyed a judge's order to suspend Semilla. Muñoz reportedly has left the 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. In his absence, the Public Ministry has targeted the acting director.

July 20: Police, Public Ministry raid TSE office, planning to arrest acting director

On July 20, the Public Ministry raided the Supreme Electoral Tribunal registrar's office. This raid, like the previous raid on July 13, was led by prosecutor [Cinthia Monterroso](#) but in contrast to the first raid, the 24 [heavily armed](#) police officers who carried the raid out had a warrant for the arrest of acting director of the registrar's office, Eleanor Noemi Castillo Pinzon.

Castillo was not present at the time of the raid and the police withdrew. Castillo, according to legal experts, has immunity from prosecution because of the role she is playing in leading the registrar's office in the director's absence. Arresting her, therefore, would be illegal. As they left, Public Ministry officials took with them files related to Castillo.

July 21: Public Ministry and police raid Semilla headquarters

On July 21, police [raided](#) the headquarters of the Semilla party. The officials claimed they were carrying out orders tied to the July 12th Semilla party suspension in search of proof of the alleged "irregular" member registration. Semilla and Arévalo both claimed the raid was a "flagrant demonstration of the political persecution they have denounced" and that it violated the Constitutional Court's injunction that prevented the suspension of Semilla's party registration.

July 21: TSE files for an injunction before the Constitutional Court against various officials

Following the raid on the TSE office, to prevent officials and their institutions from contravening electoral law, the TSE filed for an [injunction](#) in the face of "the certain, future, and imminent threat that the denounced authorities could violate the Democratic Rule of Law by not guaranteeing the exercise of the functions of the Supreme Electoral Tribunal, of the temporary electoral bodies, and of the citizens in general, for the development of an electoral process until its conclusion in an environment of freedom and full validity of the constitutional rights of the citizens and political organizations."

The officials named in the injunction are as follows: David Napoleón Barrientos, Minister of the Interior; Henry Reyes Chigua, Minister of National Defense; Silvia Valdés, president of the Supreme Court of Justice (CSJ) and Judicial Branch (OJ); María Consuelo Porras Argueta, Attorney General and head of the Public Prosecutor's Office; Wuelmer Gómez, Attorney General of the Nation; Edwin Ardiano, General Director of the National Civil Police; Alejandro Córdova, Human Rights Ombudsman; Edwin Martínez, Minister of Public Finances.

The Constitutional Court several days later [denied](#) the injunction.

July 26: OAS Permanent Council Addresses Election Interference; OAS Head Invited to Visit

The Permanent Council of the Organization of American States (OAS) held a [special meeting](#) on July 26 to address recent attempts by the Guatemalan government to interfere with the election process. The special meeting of the Permanent Council was convened at the initiative of several countries of the Americas, including Canada and the US, and present to

recount the Supreme Electoral Tribunal's experiences was the president of that tribunal, Irma Palencia. The Permanent Council was preparing to make a pronouncement on the repeated actions of the government to affect the second round of elections, reportedly with a possibility of invoking the OAS Democratic Charter, when the Guatemalan government issued an invitation to visit the country. Secretary General Luis Almagro accepted an invitation made by Guatemala just prior to the start of the meeting.

During the meeting, fourteen member countries endorsed the electoral process in Guatemala and denounced pressures on the Supreme Electoral Tribunal (TSE). The member countries of the OAS expressed their concern about the latest legal actions taken against the Registry of the TSE and against Semilla, one of the two parties that made it to the second round of elections scheduled for August 20.

The US ambassador to the OAS [lamented the situation in Guatemala](#) and the need to have an extraordinary meeting of the council. He pointed out the numerous ways in which the Public Ministry had already threatened the integrity of the election process, including, as he put it, "by seeking criminal penalties against the Director of the TSE's Citizen Registry for his refusal to execute an order to revoke the Semilla party's legal status. These actions are unacceptable and constitute a direct threat to Guatemala's democracy by attempting to undermine the will of the voters." The US representative reaffirmed the importance of a resolution co-sponsored by the US and circulated on July 26th that calls on the government of Guatemala to uphold its commitments under the [Democratic Charter](#).

July 27: Founding Member of Semilla Goes into Exile

A founding member of Semilla, Juan Alberto Fuentes Knight, announced that he had gone into exile because of the persecution against Semilla's group of founders. In a [statement](#) posted to Twitter, he revealed that since 2018 he has been facing an unrelated lawsuit and when it was filed against him, he resigned from Semilla in order not to affect the movement. Fuentes, who was formerly minister of finances, said that, contrary to narratives circulating, he had never been accused by the Public Ministry or by the International Commission Against Impunity of stealing or benefitting from public funds. Fuentes revealed in a further [statement](#) that he had made a payment once to a transport company before detecting anomalies and had made no further such payments.

July 27: UN Secretary-General, High Commissioner Express Concern about Elections

UN High Commissioner for Human Rights Volker Turk expressed [deep concern](#) about attempts to undermine the electoral process in Guatemala. UN Secretary-General Antonio Guterres on July 22 expressed "[great concern](#)" and called "on the Guatemalan authorities to respect the human rights of the Guatemalan population, including the right to vote at genuine periodic elections, which guarantee the free expression of the will of the electors."

July 31: Public Ministry Asks TSE for Names of People Who Entered Vote Counts into System

The Special Prosecutor's Office Against Impunity (FECI) on July 31 asked the TSE to reveal the names of the people who entered into the computerized system the handwritten vote

tallies during the first round of elections in each municipality and department. The FECl also asked for a certified copy of the results of various elections, both for local and departmental offices, as well as congressional offices, Central American Parliament positions, and the presidency. The FECl alleged that it had received reports that some of the information was falsified or altered when it was entered into the computerized system.

The TSE responded that it was concerned about the request. The majority of the people who did this work at the polls were young, TSE president Irma Palencia [said](#), and only worked at the polls for a few days. They scanned the information into the system, so it would have been impossible to alter it, she noted. The request was sent by prosecutor Leonor Eugenia Morales Lazo. The TSE was given five days to comply with the request, and on August 3 [turned over](#) certified [digital](#) and [printed](#) copies of the June 15 election results.

August 1: [OAS Head Conducts Four-Day Visit to Guatemala](#)

The Secretary General of the Organization of American States, Luis Almagro, traveled to Guatemala at the invitation of President Alejandro Giamattei. He [met](#) with various government officials, with members of the TSE, and with representatives of political parties and members of civil society.

August 10: [Almagro Reveals Three Key Commitments Made by Guatemalan Government](#)

Luis Almagro submitted his [report](#) to the Permanent Council of the OAS on August 10. His report revealed that he had secured from the Guatemalan government a commitment that elections will take place on August 20, as scheduled; the run-off on August 20 would be between the two winners of the first round, Sandra Torres and Bernardo Arévalo; and a peaceful transition of power to the winner of the run-off would occur on January 14. The OAS will continue monitoring the situation through the nearly five-month lame duck period, he said. As Almagro put it, “From August 20 to January 14, the Mission will continue to accompany, and after January 14, 2024, it will depend on the governance conditions of the country and the new government that takes office.” Almagro called for an end to the harassment of Supreme Electoral Tribunal officials, “whether it is the results transmission system, arrest warrants against officials, requests for election records, or calls to testify, among other actions. The TSE cannot be under harassment, with more than a dozen accusations, all made during the first and second electoral rounds,” he said.

Speaking of the future after the elections, Almagro said that the fight against organized crime would be “essential,” along with “ensuring the governability of the country.” He said, “We are clear that governability does not only consist of coming to agreement with the parties in Congress, but that is an unavoidable job for whoever wins... Working on these different agreements during the transition process will be essential for the governability of the country, but essentially for the stability of democracy.” He also stressed the importance of “fair, adequate, and appropriate levels of representation for the country's indigenous population, which is currently absolutely underrepresented.”

See [this excellent article](#) in *El Faro* English for further information.