



Guatemala Human Rights Commission/USA

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The Criminalization of Protest in Guatemala:

Students, Professors, Unionists Fight to Democratize the University and the State

By J. Patrice McSherry

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While the world is preoccupied by the election of Trump and the horrors in the Middle East and elsewhere, a little-noticed struggle has been unfolding in Guatemala. There, democratic forces within the National University of San Carlos (USAC) have been resisting the maneuvers of corrupt and authoritarian actors to control the university. Guatemala, which suffered a devastating counterinsurgency war from the 1960s to the 1990s, continues to be one of the poorest, most violent, and most unequal countries in Latin America. A series of autocratic presidents since 2012 has kept the vast majority of the population desperately poor and increasingly vulnerable to violent gangs, organized crime (with links to right-wing economic and political elites), and narcotraffickers.

The crisis at the university is a microcosm of a larger crisis: the alarming assault on democratic institutions and the rule of law in Guatemalan state and society. Despite the election in 2023 of an honest, anti-corruption president and vice president, determined right-wing actors lodged within the state have waged an unremitting offensive to sabotage the presidency of Bernardo Arévalo and the social movement that supports him. The powerful and hostile Attorney General and head of the Public Ministry, Consuelo Porras, has targeted judges, lawyers, professionals, indigenous campesinos, activists, and human rights advocates as well as professors, workers, and students in her vengeful campaigns to undermine democratic forces. The manipulated 2022 electoral process to elect a new USAC rector was a trial run for the presidential elections the following year.

Six members of the university—students, professors, and workers—have been speaking out internationally about their efforts to resist the takeover of USAC, which began with the fraudulent electoral process in 2022. Some students and professors have been forced into exile to avoid fabricated charges of sedition, illicit association, and other crimes, brought by Porras. Others are still teaching and working at USAC, under extremely onerous conditions. They explain in graphic detail the collapse of academic freedom and civic space at USAC and the threats to the physical integrity of those resisting the antidemocratic mafias currently in charge of the university. As Nadyezhda Van Tuylen, a psychology professor at USAC, observed, recovering democracy in Guatemala requires the recovery of USAC.

Crisis at USAC

In 2021 elections were called for choosing new authorities for the venerable National University of San Carlos. Founded in 1676, USAC is the only public university in Guatemala. Its mission is to educate the youth of Guatemala and to analyze and contribute to resolving national problems. Historically, USAC has played a central role in struggles against state violence and repression and has promoted social and democratic development in the country. It is autonomous, meaning that although it is financed by the state, it is constitutionally independent in its decisions regarding education and politics. USAC is legally mandated to nominate, or in some cases directly appoint, some 80 representatives in the most important strategic institutions of the state. USAC commands 5% of the national budget. These attributes alone make it a target of unscrupulous elites who seek to dominate national politics. Beyond that, the university has embodied democratic and socially conscious values, and fostered critical thinking. Many of its students have gone on to lead important political and social struggles. During the internal armed conflict, military forces ruthlessly attacked the university; under Cold War national security doctrine, they targeted students, professors, workers, and many more sectors as “the internal enemy” to be eliminated. Hundreds were “disappeared” and killed. The repression of USAC was the bloodiest in Latin America, said Raúl Molina Mejía, ex rector of USAC and head of USAC’s Truth Commission.

In 2022 the election of a new rector of USAC was subverted by rightist actors linked to the authoritarian government of Alejandro Giammattei, who were in control of the University Superior Council. Progressive opposition members of the electoral college in favor of candidate for rector Jordán Rodas, former human rights procurator, and two other opposition candidates

were disqualified at the last minute. A gang of threatening, masked armed men, supporting the rightist candidate Walter Mazariegos, and police forces physically blocked opposition university electors from voting. Only 71 of the 171 members of the Electoral College were allowed into the voting area, handing the election to the corrupt and unpopular Mazariegos. Mazariegos is listed in the U.S. State Department's "Engel List," which names and sanctions corrupt and antidemocratic actors who use legal instruments to persecute people, undermine democratic institutions, and obstruct justice in Central America. Jordán Rodas was forced into exile in 2022.

Resistance by Students, Professors, and Staff

After the imposition of an unelected rector through that illegal process, students and faculty launched resistance actions, including a walkout and peaceful occupation of several university buildings, and managed to hold them for more than a year. Threats and intimidation were constant, including against supportive union workers. On November 16, 2023, after the election of Bernardo Arévalo as president the previous August, and long after the students had ended the takeover, Porras issued 31 search warrants and 27 arrest warrants against students, academic personnel, and human rights defenders. The aim was clearly to criminalize pro-democracy and anticorruption forces. The charges were for the crimes of aggravated "usurpation on a continuous basis," damage to cultural property, ongoing "sedition," and illicit association. Six people were arrested and detained in Mariscal Zavala military prison, and twenty more arrested and indicted. Some were leaders or ex-leaders of the Sindicato de Trabajadores of USAC. In many cases only the social media posts of the students were used to justify the warrants. Legal actions succeeded in obtaining house arrest for those accused, but these unjust cases continue to be open.

Since 2023 teachers in opposition at USAC have received no salaries, their academic projects are blocked, and their students have not been allowed to graduate. Some 70 disciplinary sanctions have been issued. More than 90% of the university authorities currently in place are operating under expired contracts, and no new elections have been called. Plutarco de León, a student currently in exile, explained that he and other students were threatened with sentences of twenty years in prison. (Other human rights defenders such as lawyer Virginia LaParra and anti-corruption journalist José Ruben Zamora have suffered arbitrary detention and prison for years for fictitious "crimes" in Guatemala.) The mafia networks in Guatemalan state and society have openly violated numerous international covenants and laws with total impunity in their

efforts to preserve their political and economic power. The Observatory for the Protection of Human Rights Defenders in early November called on the Guatemalan government, mentioning specifically the Public Ministry, to cease abusing Interpol's red alert system for international arrests. The Observatory noted that abuse of this system in cases intended to criminalize and judicially persecute Guatemalan human rights defenders in exile was a violation of Article 3 of Interpol's statute. The organization characterized the policy of the Public Ministry as "transnational repression," specifically noting cases of the USAC academic community and of human rights lawyer Ramón Cadena.

Students Plutarco de León, Camilo García, and Cristopher Morales, part of the resistance now in exile, report that students in campuses outside of Guatemala City have faced violent attacks and threats of rape and death. They have seen their hopes for the future crumble and their struggle for a free, autonomous, and democratic university thwarted. While professors in resistance have managed to organize themselves to oppose the destruction of the university, the students face daunting challenges. Many students are afraid and reluctant to get involved (as are many professors and workers), making organizing difficult.

The Unexpected Victory of Bernardo Arévalo

In the 2023 presidential election, front-running opposition candidates were excluded in advance by antidemocratic mafias linked to then-president Giammattei, and his ally Porras, the powerful Public Minister. (The U.S. government announced sanctions against Giammattei three days after he stepped down from the presidency, prohibiting his entry into the country and accusing him of participation in significant corruption, accepting bribes in exchange for political favors.) The plan backfired, however, and the progressive Semilla party obtained second place. In the run-off election, Bernardo Arévalo and his running mate Karin Herrera of Semilla won 60.9% of the vote. Porras and her allies began a relentless campaign to nullify their victory and block the transfer of power.

The Public Ministry, in an unconstitutional act, confiscated the original ballots from the Supreme Electoral Tribunal, which had certified the election. The Constitutional Court, under orders from Porras, suspended Semilla, and tried to revoke the president-elect's constitutional immunity from prosecution, citing the occupation of USAC (with which Arévalo had no link). These *golpista* efforts were categorically rejected by the United Nations, the Organization of American States (OAS), the United States, and the European Union. Arévalo called it a coup.

UN Secretary General António Guterres urged Guatemalan authorities “to ensure that the democratic will expressed in the polls is respected.” Up until the very day of his swearing-in, Arévalo withstood determined efforts led by Porras and her allies to block him through the considerable legal powers of her office (lawfare) and an obedient and coopted judicial system. Arévalo was supported by massive demonstrations by civil society backing his presidency and calling for the resignation of Porras. An enormous contingent of indigenous people headed by ancestral authorities representing the 48 *cantones* of Totonicapán and other indigenous groups continued their pro-democracy protests in the streets for more than three months.

Since taking office in January 2024, Arévalo’s government has been systematically undermined by the so-called “pact of the corrupt,” led by the powerful and aggressive Porras—a close ally of Giammattei—and including elements of Giammattei’s party, big business, and organized crime. Appointed under the repressive government of Jimmy Morales and reappointed by Giammattei in a questionable process, Porras is aided by her allies in Congress and the Constitutional Court. Porras, her husband, her secretary, her political allies, and almost 100 other Guatemalans are named in the Engel List.

Conclusions

The rule of law barely exists in Guatemala. The country, and its flagship university, are suffering lawfare and a severe weakening of democratic institutions, due process, and human rights. This time, dictatorial rule is not a result of direct military intervention but rather domination by unethical officials and dark money linked to powerful economic groups and organized crime, seeking to plunder the country and suffocate all opposition. We are witnessing the imposition of a dictatorship by the Pact of the Corrupt, a destructive coalition of political and criminal forces acting to secure their particularistic interests. There are democratic forces trying to oppose the subordination of the country, but they are dispersed, and the population is becoming disillusioned. With the election of Trump—Porras wrote a note to congratulate him although foreign relations are decidedly outside her official function—the prospects for democratic movements and individuals look bleaker still. The people of Guatemala need international solidarity.