



An Interview with Juan Francisco Sandoval

As President Bernardo Arévalo's administration approaches a year in office, the human rights situation in Guatemala remains extremely fragile. Attorney General Consuelo Porras' lawfare campaign against Arévalo has only intensified, with prosecutor Rafael Curruchiche launching in August yet another legal case seeking to strip the president of his immunity. Meanwhile, a new Supreme Court was selected by the Guatemalan Congress in October. According to Juan Francisco Sandoval, who was the head of the Special Prosecutor's Office Against Impunity (FECI) from 2015 to 2021, this selection has made the Arévalo's position more precarious, as the majority of the judges selected have strong links to the "Corrupt Pact" of special economic and political interests that staunchly opposed his assumption to the presidency. We spoke with Juan Francisco about the lawfare campaign against Arévalo, the potential impact of the US elections, and recent setbacks in cases of transitional justice.

Since President Bernardo Arévalo took office, has the human rights situation improved in Guatemala? If so, in what way? If not, why not?

JF: The illegitimate criminalization of actors who endanger Guatemala's corrupt system originates from the elite. However, the difference now, under the Bernardo Arévalo administration, is that these attacks are no longer directed by the executive. In fact, with the human rights policy introduced by the Presidential Commission on Human Rights (COPADEH), the Guatemalan government is finally respecting the decisions and recommendations of the Inter-American human rights system and other international human rights organizations.

The greatest obstacle to full respect for human rights comes specifically from the justice system, which has maintained an attack not only against independent justice operators, press, activists, and human rights defenders, but also against the government itself. In 2023, both the Public Ministry and justice system sought to prevent Bernardo Arévalo from assuming office. We have seen how they have also tried to undermine the work of the Minister of Public Finances, of the Secretary General, of the Secretary of Social Communication, with actions proposed by the Public Prosecutor's Office so that they would be dismissed, including petitions to the Constitutional Court.



One of the founders of the party to which President Bernardo Arévalo belongs was arrested. So we would like to see more awareness and respect for human rights, but the obstacle continues to be the Public Prosecutor's Office and the justice system.

At least eleven spurious legal cases have been filed against Bernardo Arévalo since he took office in January. In some of these cases, the Public Ministry has requested that the president's immunity be removed. Is the current Supreme Court one that would recommend the removal of his immunity, in your opinion? If so, what is the risk that the Guatemalan Congress would agree to impeach him?

JF: Well, in a country like Guatemala—one of the main inspirations for the literary style of "magical realism"—anything is possible. It is a country where, according to my own analysis, 68 percent of those elected as magistrates to the Supreme Court had links to corrupt actors. These links indicate a possibility that the Supreme Court of Justice would process the various cases that have been raised against the president. Nor is Congress a guarantee of the president's survival, and he will have to make concerted political maneuvers to remain in office. We also have to take into account the geopolitical context.

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GHRC Mission

GHRC is a nonprofit, grassroots, solidarity organization dedicated to promoting human rights in Guatemala and supporting communities and activists who face threats and violence. GHRC documents and denounces abuses, educates the international community, and advocates for policies that foster peace and justice.

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Letter from the Directors

Dear Friends,

As 2024 draws to a close, the human rights situation in Guatemala remains deeply concerning. President Bernardo Arévalo's election ignited hope, but the response from entrenched corrupt forces has been swift and relentless. Twenty-five human rights defenders have been murdered this year, five times the number killed last year. The "Pact of the Corrupt" has been consolidating its power through widespread criminalization of human rights defenders and advocates for justice and accountability. In response, we at GHRC are increasing our efforts to support defenders, as they face mounting threats to their safety and well-being.

This summer, we were honored to welcome Judge Miguel Ángel Gálvez Aguilar to our team as a fellow. Judge Gálvez, who has been living in exile for the past two years due to the threats, is a renowned Guatemalan scholar and judge with over 25 years of experience, specializing in human rights, transitional justice, and parallel powers and clandestine structures. He has presided over some of Guatemala's most critical cases, including the prosecution of former military leaders for genocide and high-profile corruption trials, such as the La Línea case, which exposed a massive fraud network involving top government officials. His efforts to seek accountability for these crimes have been instrumental in the broader struggle for justice for Guatemala's Indigenous communities and victims of state-led repression. As a fellow for GHRC, Judge Gálvez provides expert analysis on key issues affecting Guatemala's judicial and human rights landscape, offering invaluable guidance in our advocacy efforts.

In Guatemala, our team is documenting abuses, providing protective accompaniment to defenders under threat, and offering emergency support to defenders in need. In key cases, such as the Ixil genocide case, we've accompanied witnesses and legal teams facing threats. We've funded transportation and accommodations so that survivors could attend hearings. We also monitored hearings in the Alaska Massacre case, and observed and advocated for justice in the cases of Claudia González, Virginia Laparra, and José Rubén Zamora. In other cases, we've resettled defenders at risk of attack. We also documented the effects of a violent eviction of the community of Buena Vista, in El Estor, as well as other evictions, and provided financial support to the families. That's only a small part of our work. For more, keep your eye on our website.

In Washington in the past few months, to provide background to our supporters on the Ixil Genocide case, we've published an article exploring the military's extermination campaign in the Ixil Triangle and Lucas García's role as Chief of Staff of the Armed Forces. While the timeline and verdict of the case remain uncertain, especially after a recent ruling that the trial must begin again from zero, we remain committed to achieving justice for the victims of this hemisphere's forgotten genocide.

We also co-hosted a [webinar](#) on land defense, titled "Democracy, Justice, and Territory," in partnership with COMUNDICH (Communities for Integrated Development of the Ch'orti Region) and Elon University, and from November 11-14, we led an advocacy delegation in Washington with four members of the Convergence for Human Rights in Guatemala. (See page 4 for details.)

As we approach 2025, we are increasingly concerned about growing instability in Guatemala, a potential "soft coup" against President Arévalo, and the danger such an event could place Indigenous leaders, human rights defenders, and others favoring justice in. Even if Arévalo remains in office, the escalating danger defenders are facing, including the rise in lethal attacks, is alarming. The coming year will undoubtedly bring difficulties. Our work to protect human rights in Guatemala is more critical than ever. Thank you for your continued support!

In solidarity,


Verónica Serrano Tama


Isabel Solís

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It is not a secret to anyone that in countries like Guatemala, the government of the United States can have significant influence on developments. We will see what happens after January 20, 2025. We all saw how the outgoing Biden administration was key to Bernardo Arévalo being allowed to take office in January 2024.

The State Department played a large role in ensuring that Bernardo Arévalo was able to assume office. Under the Trump administration, if the US is not playing the role of protecting democracy in Guatemala, what other pressure points or levers are available to ensure Arévalo could remain in office?

JF: I am no expert on American domestic politics. But, when the same government that will take office next January was in office four years ago, I was working in Guatemala and there were some aspects that are related. For example, with the departure of CICIG [International Commission Against Impunity in Guatemala] from Guatemala, which lost the support of the US government. But in general terms, I believe that regardless of the political color in the United States, the fundamental interest is to have stable partners. What I perceive is that the United States sees Guatemala as a partner in different areas, one of them is trade, and for trade relations to continue to be stable, the US needs stable governments. So in that sense, I believe that the stability of the Guatemalan government will continue to be promoted and that, although there are many concerns, . . . I believe that the strength of the institutions of the United States will allow some means of guaranteeing the stability of the government of Guatemala.



Nery Rodenas, Alejandro Rodríguez, JF Sandoval, and Veronica Serrano Tama at RFK presenting the MP report

We see a setback in ongoing cases of transitional justice. This, in addition to other recent cases, indicates that the justice system in Guatemala is reluctant to hold high-level military, economic, and political actors accountable for their alleged crimes. What is your perspective on these troubling developments?

JF: The setbacks in Guatemala's justice system are evident. I speak firstly because of what happened in the Special Prosecutor's Office against Impunity, an emblematic prosecutor's office where great work was carried out, supported by the UN-backed CICIG. However, since Attorney General Consuelo Porras took office in May of 2018, the dynamics have changed for the worse.



Nelson Rivera, Juan Francisco Sandoval, Veronica Serrano Tama, Juan Ignacio Rodríguez at GHRC office

Today, 95 percent of those of us who were part of the Special Prosecutor's Office against Impunity (FECI) at that time are facing criminalization. Twenty percent have been arrested or summoned to court, meaning they are involved in criminal proceedings. Twenty-five percent of the staff of the former FECI are in exile. Prosecutors who achieved important results for Guatemalan society have especially been targeted. One example is the Human Rights Prosecutor's Office, from which, as you pointed out, Erik de León, an emblematic prosecutor of an emblematic prosecutor's office, was dismissed just this week. In 2022, Hilda Pineda, who was in charge of these emblematic cases that were handled by the Human Rights Prosecutor's Office, was dismissed. There's the case of Elena Sut. And the common factor in these events is that the Attorney General's Office does not respect the prosecutorial career. It has dismantled very important prosecutor's offices—imagine in cases of serious human rights violations—and not only that. They have initiated the path of persecution and illegitimate criminalization against these public servants or former public servants.

“Today, 95 percent of those of us who were part of the prosecutor's office at that time are facing criminalization. 25 percent of the staff of the former FECI (Special Prosecutor's Office Against Impunity) are in exile.”

What do you recommend that concerned US citizens do to help strengthen democracy and human rights in Guatemala?

JF: Document. Document human rights abuses through engagement with the actors themselves. Many times, the media and social networks that facilitate access to information can also facilitate misinformation and obscure a real vision of what is happening in the cities and communities in the country. So, find a channel, a way to get in touch with the people who are defending human rights in their communities. I believe that this will allow us to have a better idea of the situation on the ground so that we can take the appropriate measures to strengthen these communities and the social fabric within them.

The work of defending human rights is a titanic task, one that does not end, neither with the end of the day, nor with the end of the year, nor with the end of any stage. Rather, it is one of those situations that extends to infinity. And as long as the motivation exists, we have to keep working, we have to keep moving forward, because the people and the communities deserve it.

Fall Advocacy Tour Highlights Increase in Impunity and Criminalization under Attorney General Consuelo Porras

From November 11-14, GHRC hosted a delegation from the Convergence for Human Rights in Guatemala, a coalition of nine civil society organizations defending marginalized communities. The delegation included Maudi Tzay Patal (ECAP), Attorney Nery Estuardo Rodenas Paredes (ODHAG), Luisa Fernanda Nicolau (ODHAG), and Attorney Alejandro Rodríguez Barrillas (ICCPG). Together with GHRC, these human rights defenders presented the findings of a critical new report issued by the Convergencia highlighting the corruption of the Public Ministry under acting Attorney General Consuelo Porras.



Luisa Nicolau, Verónica Serrano Tama, Nery Rodenas, Maudí Tzay, and Alejandro Rodríguez



Meeting with Maria Claudia Pulido, Executive Secretary of the Inter-American Commission on Human Rights

During their visit to Washington, the delegation presented these findings in meetings with 17 congressional offices. The delegation also met with María Claudia Pulido, Executive Secretary of the Inter-American Commission on Human Rights, and publicly presented the report at an event at the Robert F. Kennedy Center for Human Rights, with a panel discussion moderated by GHRC Director Verónica Serrano Tama. The group emphasized the need for the US government to take strong action against the Public Ministry's ongoing criminalization of Guatemalan human rights defenders, underlining the effectiveness of applying sanctions as allowed under the Magnitsky Human Rights Accountability Act.

Some of the Convergence's findings

400%

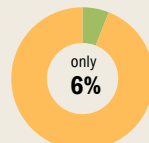
budget increase for the Public Ministry

160 200

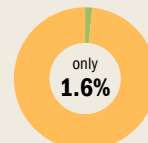
prosecutors

judicial officials

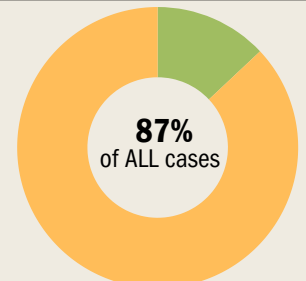
illegally removed for resisting policies that perpetuate impunity



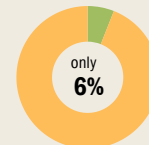
of cases involving **violence against women** result in **convictions**



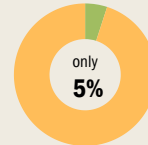
of cases involving **aggravated robbery** result in **convictions**



are **dismissed or shelved**, systematically denying victims justice



of cases involving **homicides** result in **convictions**



of cases involving **extortion** result in **convictions**

42% 52%

decrease in indictments between 2018 and 2020

decrease in sentences within the first two years of Porras' term



Presentation of the report at an event at the Robert F. Kennedy Center for Human Rights

Celebrating our Interns

by Winter Intern Samantha Wang, Georgetown University

Each year, GHRC has the pleasure of introducing nine interns to our human rights work. Some focus on advocacy and publications; others focus on organizational development, archive preparation, and events. All are essential to our work, multiplying our efforts with their commitment, talent, and solidarity.



Hannah Pillgrim

(George Washington University, Fall Intern 2023)

“

Attending the **protests in front of the Guatemalan Embassy** was really rewarding because I learned more about others in the DMV with the same goals as GHRC and heard from people who knew far more than I did about the situation in Guatemala.

It was memorable as my first large protest, and it was great to see people passionate about bringing justice and peace to Guatemala.

Liz Utley ”

(International Studies, Indiana University Bloomington, Summer 2023 Intern)

“

A favorite memory from my internship was **meeting Judge Gálvez** and joining him and Veronica for a **meeting in Congresswoman Delia Ramirez's office**; visiting the Capitol for the first time gave me a rewarding glimpse into government and international relations.

GHRC's small size and close work with human rights defenders offered a unique, hands-on experience rarely found in other internships.

Sahana Ashley ”

(Pre-Law Student, Emory University; Summer 2024 Intern)



Bridget Tost

(George Washington University, Fall Intern 2023)

“

My favorite task was **preparing GHRC's archives for Duke University**, which gave me valuable insights into Guatemala's civil war. It was satisfying to hand over these records, knowing they'll help amplify human rights voices and highlight GHRC's work.

This internship is rewarding for anyone passionate about advocacy, with a supportive team that truly cares about their mission.

Jordy Medina ”

(Bachelor of Arts, Colgate University, Intern Spring 2023)

“

The greatest lesson I've learned this summer is less of an outright lesson and more of an informed realization and that is of the real-life impact of the things we learn, read about, and see unfold in the news on real people. This to me became abundantly clear upon **meeting and speaking with Judge Galvez** who not only had witnessed and prosecuted those involved in the genocide and war crimes committed in Guatemala but then he was forced to flee his country because of the corruption and persecution he faced.

Nicolas Vallada ”

(Master's Student, Kings College London, Summer Intern 2024)



Daniela Guillen

(University of California San Diego, Spring Intern 2024)



Eppie Hughes-Jennett

(Sidwell Friends School, Summer Intern 2024)

The Criminalization of Protest in Guatemala:

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

by J. Patrice McSherry

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 unrelenting 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. 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. It 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. The military targeted USAC during the Cold War and 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.

“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.”

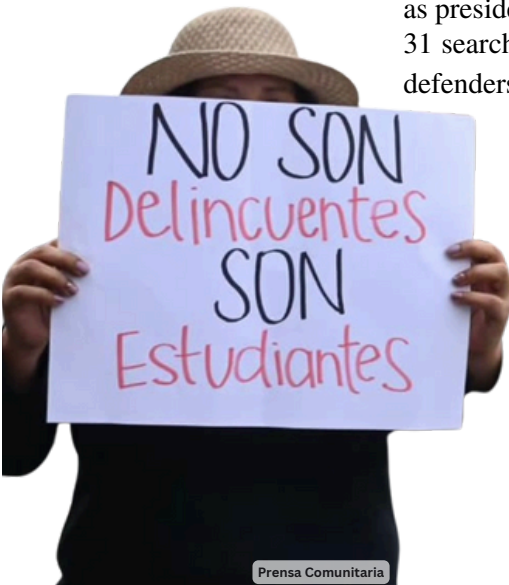
Progressive opposition members of the electoral college in favor of candidate for rector Jordán Rodas, former human rights procurator, and two other opposition candidates were disqualified at the last minute. A gang of threatening, masked armed men, supporting the rightist candidate Walter Mazariegos, 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. In November 2023, after the election of 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, using charges of aggravated "usurpation," 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.

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.

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 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.) The plan backfired, however, and the progressive Semilla party obtained second place. In the run-off election, 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 UN, the OAS, the U.S. and the European Union. Arévalo called it a coup. 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). Arévalo was supported by massive demonstrations by civil society—including an enormous contingent of indigenous people-- backing him and calling for the resignation of Porras.

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. 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 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 the Pact of the Corrupt, unethical officials and dark money linked to powerful economic groups and organized crime. 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 the prospects for democratic movements look bleaker still. The people of Guatemala need international solidarity.

J. Patrice McSherry is professor emeritus of political science at Long Island University and a researcher in collaboration with the Institute of Advanced Studies, University of Santiago in Chile. Her unabridged article can be found on our website.



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