

Congress of the United States
Washington, DC 20515

October 13, 2021

The Honorable Antony Blinken
Secretary
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Blinken,

We write to express our grave concern about the decline of human rights, democratic institutions, and rule of law in Guatemala. We believe the U.S. Government must do more to counter democratic backsliding and support the brave Guatemalans seeking to uphold the rule of law. We ask that you take additional steps to demonstrate our shared commitment to combating corruption and promoting human rights in Guatemala.

We have included below a summary of these disturbing trends and our recommendations for immediate actions that the U.S. Government can take.

Human Rights Violations and Attacks on Democratic Institutions:

On June 8, the Guatemalan Congress introduced an amnesty law that would prevent justice for crimes against humanity carried out during the internal armed conflict.

Further, on June 21, a law went into effect that will allow the Guatemalan executive branch to shut down nongovernmental organizations that “alter the public order.” In a July 1 [joint statement](#), experts of the Inter-American Commission on Human Rights and the United Nations Office of the High Commissioner on Human Rights said the changes introduced by this law “risk choking the vital work of civil society” and expressed alarm at provisions that give the government wide scope to control NGOs. During her visit to Guatemala in June, USAID Administrator Samantha Power had also [highlighted](#) how USAID partners “conveyed that this law could be used to silence or even cancel non-governmental and civil society organizations.” Unfortunately, the Guatemalan government ignored these concerns and allowed the law to take effect, despite repeated warnings that these provisions could be used to criminalize human rights defenders and civil society.

The Human Rights Ombudsman’s Office, which plays a critical role in protecting and promoting human rights, has been denied funds by the Guatemalan government and as a result is in danger of closing. In addition, the Ombudsman has suffered repeated harassment and threats of removal, which have continued after he was granted precautionary measures from the Inter-American Commission on Human Rights.

Judges and witnesses have reported being followed by armed men and by individuals in vehicles without license plates who photographed and videotaped them. Four High Risk Court judges with precautionary measures are also being [intimidated](#). Judges are being subjected to countless baseless legal complaints intended to stymie their work. Many of these complaints are brought by individuals who have been publicly named as corrupt by the U.S. government.

Mid-year figures provided by the Unit for the Protection of Human Rights Defenders in Guatemala suggest the number of attacks on human rights defenders in 2021 will be the highest since the signing of the Peace Accords. The case of indigenous defender Bernardo Caal Xol is emblematic of the persecution against indigenous and environmental defenders, which UN [experts](#) have [characterized](#) as an apparent attempt to silence and intimidate activists. Despite a 2017 Constitutional Court ruling which asserted that the indigenous communities' rights had in fact been violated, Caal continues to serve a seven-year prison sentence because of his advocacy. [According to Amnesty International](#), "it's clear there's no evidence of the crimes that he's accused of."

Efforts to Obstruct Justice and Undermine the Fight Against Corruption:

On July 23, Guatemala's Attorney General Maria Consuelo Porras arbitrarily fired Juan Francisco Sandoval as the head of the Special Prosecutor's Office Against Impunity (FECI). His firing came as FECI investigators appeared to be inching closer to exposing corruption in the current administration of President Alejandro Giammattei. It also came one day after Attorney General Porras removed Carlos Videz, a lead investigator for FECI, and reassigned him to another unit in what she deceitfully claimed at the time was a promotion. Videz's replacement has been investigated for abusing her power. Sandoval's eventual replacement as head of FECI is currently facing an internal affairs investigation for his alleged mishandling of a corruption case. Prior to Sandoval's removal, FECI had faced [numerous legal challenges](#) aimed at obstructing its work and invalidating its mandate. After firing Sandoval, the Attorney General, with the support of President Giammattei, as well as the new head of FECI, have opened investigations into Sandoval and on September 3 obtained a warrant for Sandoval's arrest.

On September 2, the Constitutional Court also ruled that certain individuals with corruption charges, including for bribery and illicit enrichment, can have their charges commuted and leave prison. This self-serving ruling came after a multi-year effort from some of Guatemala's most notoriously corrupt officials and their allies to capture the Constitutional Court, which they achieved earlier this year when they refused to seat Gloria Porras and installed their allies instead. Further, the Public Ministry has repeatedly transferred judicial officials handling high profile cases. Most recently, on October 11, the Attorney General transferred the prosecutor for Human Rights who had overseen the Rios Montt, Diario Militar, and Dos Erres cases. Sidelining these human rights cases would deprive victims of human rights abuses access to justice.

We commend the Department of State's decision to suspend assistance to the Attorney General's office, sanction María Consuelo Porras, and publicly denounce her actions. There is no longer any doubt that Attorney General Porras is unable or unwilling to perform her job impartially. However, we also believe that further steps are necessary to protect democracy and the rule of law in Guatemala. Towards that end, we urge you to take the following actions:

- Make clear that the U.S. will not resume engagement with the attorney general's office until a new attorney general has demonstrated a sincere commitment to impartial justice and the rule of law.
- Immediately ensure protection for Juan Francisco Sandoval's family, staff in the human rights ombudsman's office, at-risk judges, and for others who are at physical and legal risk due to their work at FECCI or in other prominent legal positions.
- Strongly oppose laws that endanger the work of civil society and the right to justice.
- Ensure the U.S. Embassy in Guatemala continues to engage with individuals and groups at risk, including indigenous and environmental defenders and those who are working for justice and are increasingly under threat, including lawyers, judges, and witnesses in corruption and transitional justice cases.
- Ensure that Biden administration officials highlight U.S. Government concerns about Guatemala's downward trajectory on human rights and anti-corruption and their adverse impact on bilateral relations in any future high-level visits to Guatemala.
- Leverage all our diplomatic tools, including additional visa restrictions, targeted economic sanctions, steps to ensure accountability in any international lending, and the withholding of assistance and economic support for those in the public and private sector who have committed, financed, and abetted corruption and who are undermining democracy in Guatemala.
- Demonstrate U.S. support for the office of the human rights ombudsman and the UN Office of Human Rights and our commitment to ensuring that they be allowed to continue their work without obstruction, intimidation, and interference.

The arrest of Otto Perez Molina in 2015 sent a strong message that no Guatemalan was above the law. But corrupt officials fought back and, so far, they appear to be succeeding in exacting revenge against advocates for impartial justice and in channeling state resources toward promoting corruption, impunity, and repression. This concerted effort threatens Guatemalan society to an extent not seen in decades. The United States must make clear that our partnership with Guatemala depends on protecting human rights and democracy and upholding the rule of law for the people of Guatemala. We appreciate your leadership in this challenging environment and look forward to continued engagement to advance democracy and rule of law in the region.

Sincerely,

Raúl M. Grijalva
Member of Congress

/s/

James P. McGovern
Member of Congress

/s/

Mike Quigley
Member of Congress

/s/

Mark Pocan
Member of Congress

/s/

Adriano Espaillat
Member of Congress

/s/

Eleanor Holmes Norton
Member of Congress

/s/

Albio Sires
Member of Congress

/s/

Maxine Waters
Member of Congress

/s/

Jim Himes
Member of Congress

Norma J. Torres
Member of Congress

/s/

Ilhan Omar
Member of Congress

/s/

Jesús G. “Chuy” Garcia
Member of Congress

/s/

Joaquin Castro
Member of Congress

/s/

Alan Lowenthal
Member of Congress

/s/

Rashida Tlaib
Member of Congress

/s/

Juan Vargas
Member of Congress

/s/

Lucille Roybal-Allard
Member of Congress