

# WOLA and RFK Human Rights Concerned About Pre-electoral Conditions in Guatemala

## Summary of Recent Visit to Guatemala City

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On June 25, 2023, Guatemala will hold general elections for president, legislators, and mayors in a context of deteriorating human, civil, and electoral rights. As part of our efforts to assess the pre-electoral conditions in the months leading up to election day, the Washington Office on Latin America ([WOLA](#)), Robert F. Kennedy Human Rights ([RFKHR](#)) and Human Rights Watch ([HRW](#)) visited Guatemala City from April 17 through April 21, 2023. The delegation met with civil society, public officials, independent press, diplomatic corps, and the United Nations to gather information and discuss the main issues and challenges with regards to the upcoming elections. The following document explains our main findings.

### 1. Presidential Candidates Excluded and Supreme Electoral Tribunal Lacks Credibility

Guatemala's Mission of Electoral Observation (*Misión de Observación Electoral - Guatemala*, MOE-Gt), a consortium of civil society organizations, have [condemned](#) the insistence of the Supreme Electoral Tribunal (*Tribunal Supremo Electoral*, TSE) in applying differentiated, discretionary and inconsistent criteria in the registration and blocking of candidates. [Several cases](#) exemplify this. While some actors with ties to organized crime, drug trafficking, and corruption have been able to run despite allegations of corruption or undemocratic practices, other candidates that challenge the status quo have been blocked.

In February, two presidential candidates on different ends of the political spectrum were [arbitrarily barred](#) from running for office. Although different appeals were presented before the Supreme Court and the Constitutional Court, the TSE rejected the candidacy for indigenous left-wing leader Telma Cabrera (who won 10% of the vote in the 2019 election) and her running mate, Jordán Rodas, the country's former human rights ombudsman. The reasons given for this decision were arbitrary and purely political, based on a criminal complaint by the current ombudsperson who was appointed in a process that [lacked transparency](#). The TSE also excluded Roberto Arzú from the race for violating a rule that [typically](#) carries a fine as punishment.

Presidential candidate Zury Ríos is the daughter of Efraín Ríos Montt, a former dictator who was found [guilty](#) of genocide and crimes against humanity. Despite the constitutional ban established in Article 186 prohibiting the children of former heads of state who came to power through a coup from running for president, Ríos has been allowed to participate in the election. Previously, Ríos was blocked from running based on a Constitutional Court resolution. Many people in Guatemala believe that her candidacy [undermines](#) the rule of law.

During our meeting with the magistrates of the TSE we expressed our concerns and discussed the [OAS 2019 recommendations](#), which highlight the need to audit illicit financing campaigns, the challenges to electoral technology, as well as the importance of guaranteeing the right to vote and be elected.

According to the TSE:

1. Of a population of [2.7 million](#) eligible voters between the ages of 18-25, almost 1.8 million of young people did not register before the TSE and therefore will not be able to vote. Many attribute this to a lack of effort on the part of the TSE to mobilize young voters.
2. 3.8 million Guatemalans are living abroad and only 88,000 of them have registered to vote.
3. Approximately 49,000 candidates for President, Congress, and municipalities were registered and 3,900 were blocked for not meeting the legal requirements. The delegation was not able to verify those cases and the reasons for being blocked.
4. They have plans to open 1,213 rural voting centers.
5. “Help tables” at the voting centers will be responsible for addressing any problems that arise, including with the transmission of results.

It is imperative that electoral observers monitor whether or not the rural voting centers come to fruition and the quality of troubleshooting that the voting center help tables are able to provide.

## **2. Highest Number of Aggressions Against Civil Society in 22 Years**

In meetings with civil society groups, representatives of the private sector, independent media, and the international community it became clear that there is a generalized fear of retaliation among those who dare to speak out against the status quo. This has undermined public support for local civil society groups and increased their vulnerability when denouncing corruption and human rights violations.

The Unit of Protection of Human Rights Defenders in Guatemala (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos - Guatemala*, UDEFEGUA) [stated](#) that in 2022, the strategy led by a network of powerful elites’ which seeks to coopt all public institutions has been intensified with the intent of leveraging government bodies, particularly the justice system, to criminalize any person or group in opposition to the established regime. In 2022, the group documented 3,574 aggressions against individuals, organizations, and communities that defend human rights— including criminalization, harassment, intimidation, threats, and violence against women. This is the highest number of aggressions registered in 22 years.

Likewise, burdensome administrative requirements for nongovernmental organizations (NGOs) make it difficult or impossible for them to operate and give the government the ability to close NGOs at will. In addition, the Special Inspectorate Unit (*Intendencia de Verificación Especial*, IVE) within the banking system is being used to further obstruct the work of civil society. These anti-laundering laws are being used to request excessive amounts of information from civil society organizations and their funders, who must devote significant personnel and resources

just to meet the IVE requirements. This tactic is not new, but part of a [trend](#) in authoritarian regimes.

### 3. Crackdown on Freedom of Speech and Press: Attacks and Exile

The political persecution of critical voices, coupled with a rapid decline in the rule of law in Guatemala is of grave concern. The judiciary is being weaponized in favor of political interests and [checks and balances](#) have deteriorated. The [justice system](#) has become one of the primary executive arms for the persecution and criminalization of independent justice officials, journalists and media outlets in reprisal for their work on corruption, human rights, and topics that touch upon the interest of those in power. This has led to [arbitrary criminal charges and acts of aggression](#) against government critics and also serves as a deterrent to those who oppose the status quo.

In 2022, the Guatemalan Journalists' Association (APG) [registered](#) 117 restrictions and violations of press freedom, highlighting 12 cases of judicial harassment and 36 cases of obstruction of press work. During Giammattei's presidency alone, the APG has registered 404 attacks on the press. In the Reporters Without Borders [2023 Press Freedom Index](#), Guatemala ranks 127th out of 180 countries, just ahead of Mexico.

Since January 1, 2021, 96 journalists have fled into exile after receiving threats, and on July 29, 2022, journalist José Rubén Zamora, founder and president of the newspaper El Periódico, was arrested at his home and remains arbitrarily detained. He has declared himself a "political prisoner" and [El Periódico](#) has been forced to shut down.

As has been the case with civil society organizations, laws targeting organized crime and money laundering are being used to silence dissent. In neighboring Nicaragua, the Ortega-Murillo regime has built cases against journalists using the same argument. This should serve as a clear warning to those weary of the consolidation of authoritarianism in Guatemala.

Moreover, the state's attempts to limit freedom of expression are not solely aimed at journalists, but also at [justice officials](#) who, from their diverse areas of jurisdiction, advocate for and contribute to investigations into corruption in both the public and private sectors. These arbitrary actions have been carried out by members of the justice system through [irregular judicial and administrative proceedings](#), as well as by other actors, like the Foundation Against Terrorism, a nefarious group with close ties to the military that serves as a public-facing driver of the strategy to undermine the justice sector through acts of intimidation and harassment.

In Guatemala, the persecution of critical voices and the decline of the rule of law has led to a culture of fear and self-censorship among journalists, activists, and civil society organizations. The fear of retaliation from the government through arbitrary detention, harassment, and physical violence, has led many to limit their reporting and advocacy. This self-censorship is particularly prevalent when it comes to issues such as corruption and human rights violations, which are often met with hostility from those in power.

#### **4. Criminalization and Lack of Due Process for Virginia Laparra, José Rubén Zamora and Others**

RFK Human Rights and WOLA confirmed that the criminal cases against former prosecutor Virginia Laparra and journalist José Rubén Zamora, have been marked by persistent due process violations. During [our visit](#), we had the opportunity to meet Virginia Laparra, a courageous prosecutor who has been declared a prisoner of conscience by [Amnesty International](#). She has been held in arbitrary detention for nearly a year and a half for simply doing her job. Laparra is a respected former prosecutor with a distinguished career in Guatemala's justice system whose focus in recent years was the investigation of high level corruption within the government and private sector. Her investigations into corruption linked to a judge led to criminal charges against her. She was subsequently deprived of her liberty in February 2022 and ultimately was sentenced to 4 years in Matamoros prison in a trial that lacked due process and was marred by irregularities.

Currently, she faces a [second case](#) presented by the Public Prosecutor's Office for the alleged disclosure of confidential information she obtained in the exercise of her functions, and the court has decided to handle the case under seal. Apart from being granted limited visits from her family, including her two daughters, she has been denied access to the proper medical attention of her choice, exacerbating the already extremely precarious detention conditions she has been subjected to, which have further compromised her health.

[Jose Ruben Zamora](#), the journalist and president of one of the most significant independent newspapers in Guatemala, *El Periódico*, has been arbitrarily detained due to his work investigating corruption and human rights violations in Guatemala. Zamora spearheaded the investigation of at least 200 corruption cases, which led to an investigation against him. Zamora currently faces charges of money laundering and obstruction of justice and has been subjected to pretrial detention for more than 7 months. His case has been plagued with irregularities that have violated due process, including neither him nor his lawyers being notified of the obstruction of justice charge. Additionally, he has been denied proper medical attention of his choice. Apart from the criminal process against Zamora, there have been investigations and legal actions taken against other members of the [newspaper's staff](#). On May 12, the outlet [announced](#) that it would be forced to close, citing increased harassment and persecution.

During our visit, Guatemalan authorities [arrested](#) lawyer Juan Francisco Solórzano Foppa, who previously represented José Rubén Zamora and who was [barred](#) from running for mayor under an opposition coalition for Guatemala City. The three party coalition that supported his candidacy claims that Foppa's arrest is arbitrary and that the [charges](#) against him are politically motivated and intended to silence his legal and political work.

Additionally, on May 11, 2023, the Special Prosecutor's Unit Against Impunity (*Fiscalía Especial Contra la Impunidad*, FECI) presented [legal action](#) against presidential candidate Edmond Mulet for the alleged crime of obstruction of justice. In March, the same unit [attempted](#) to remove Mulet's immunity for questioning a judge's motives in persecuting journalists. [Mulet](#) previously worked at the United Nations and was an ambassador to the U.S. and the European Union.

#### **5. Part of the Business Sector Makes efforts to Promote “Legal Certainty” and Rule of Law**

The delegation met with members of the private sector in Guatemala. Many of these actors played an important role in 2015, following [mass protests](#) against corruption. Many have recognized the need to promote the rule of law as well as anti-corruption initiatives that would allow a climate of “legal certainty” to protect their business and the country’s international reputation, particularly because it would strengthen the economy and attract investment.

It is important to note that some of these private sector actors have received attacks and pushback for speaking out against the status quo, including efforts in the form of economic seclusion. Such a climate further undermines the growth of the nontraditional private sector, and has a negative impact on the country’s economic growth.

## **6. Post-Election Scenario**

The international community should closely monitor the electoral process in Guatemala, and after the elections, must work with incoming officials to ensure their commitment **to restoring democratic values, protecting human rights, and countering corruption**. They should take coordinated, cohesive action and use the tools at their disposal to prevent a full consolidation of authoritarian practices led by illicit networks responsible for the deterioration of democracy and rule of law in Guatemala.

The future of the country’s democracy will largely depend on the commitment of elected officials in Congress, at the municipal level, and within the executive branch to respect the voices of civil society organizations, human rights defenders, and independent journalists. Lessons can be learned from similar circumstances, albeit on varying scales, in countries like Cuba, Venezuela, and Nicaragua. The elimination of the separation of powers, the closing of civic space, and the crackdown on political dissent are hallmarks of the democratic crisis and the enduring culture of impunity for abuses of power and grave human rights violations in Guatemala.