There is no way to overstate this. The Guatemalan people’s voice and vote are in grave danger. Backed by powerful, corrupt actors, President Giammattei and Attorney General Porras continue their efforts to overturn the August 20, 2023 elections and prevent Presidential-Elect Bernardo Arévalo from being inaugurated on January 14, 2024. The Movimiento Semilla won by a landslide, with 58 percent of the vote, by constituents sick and tired of the lack of social services and jobs and a corrupt, absentee government.

The tactics used by the Guatemalan government include intimidation, threats, and legal actions against election workers and members of the Semilla Party. With “legal backing” by corrupt judge Fredy Orellana, the Attorney General’s office ordered the special anti-corruption unit and the National Civilian Police to raid the Supreme Electoral Tribunal (TSE) offices four times, illegally searching and removing electoral material, jeopardizing the integrity of the electoral process.

Secretary General Almagro of the Organization of American States asserted that the permanent and baseless harassment by the Attorney General constitutes a political persecution reminiscent of that carried out by authoritarian regimes. An attack of this nature is, he said, “unprecedented in the electoral observations of recent decades and constitutes a shameful example for the hemisphere.”

Attorney General Porras’ unlawful seizure of electoral ballots on September 29 sparked peaceful protests and blockades throughout the country. The demonstrations were initiated on October 2, 2023 by Indigenous authorities of the 48 Cantons of Totonicapán and ancestral communities outraged at the theft of the ballots and the threat to democracy. Human rights activists, women’s groups, students, businesses, workers, and religious leaders heeded their call and joined the demonstrations. The protestors are demanding the resignation of Attorney General Porras, Special Prosecutor against Corruption Rafael Currichiche, and Judge Fredy Orellana as the most public faces of the corruption and the threat to democracy in Guatemala. As of this writing, demonstrations are continuing with protestors singing the national anthem, dancing to music, playing games with children, and waving the Guatemalan flag.

Nevertheless, President Giammattei, Attorney General Porras and others have accused the demonstrations of being violent and criminal, instigated by President-Elect Arévalo and supported by international NGOs. They also accused the U.S.
Agency for International Development of supporting the protests. They seek to end the protests, divide the opposition, and blame the Semilla Party for the unrest with the ultimate goal of overturning the election results.

Encouragingly, the international community has been firm in calling on all Guatemalan institutions to respect the electoral process, support a peaceful transition of power, and end the spurious attacks and use of lawfare against President-Elect Arévalo, Vice-President Herrera, founding members of the Semilla Party and peaceful protestors. The U.S. government condemned the anti-democratic actions and expressed “grave concern” over the threat to a peaceful transition. The E.U., similarly, called on the Guatemalan government to ensure a peaceful transition and hold any government official or individual accountable for obstructing a democratic transfer of power. In turn, OAS Secretary General Almagro strongly condemned the actions of the Guatemalan government to criminalize the Semilla Party, calling the actions unacceptable. In addition, the OAS General Assembly has met frequently to debate invoking the democratic charter, and the U.S. State Department, U.S. Embassy officials and OAS missions have travelled frequently to the country in attempts to resolve the crisis.

This high-level engagement by the U.S. government is due in no small part to the work of LAWG and sister organizations that have continuously briefed members of the Biden administration and U.S. Congress and have advocated for stronger actions, while keeping our supporters like YOU up-to-date and on alert. This will be even more critical leading up to the inauguration. Designed to give ample time for review of ballots, the official electoral campaign ends on October 31, 2023, and LAWG and our partners are bracing for an onslaught of spurious legal charges against elected members of the Semilla Party, elected party members and civil society organizations. There is also the threat of violent repression of peaceful protestors by security forces riled up by false criminal allegations of President Giammattei or Attorney General Porras. LAWG and our allies will continue to spur the Biden administration to maintain pressure on the Guatemalan government to cease its misuse of the judicial system (so-called “lawfare”), guarantee a peaceful transition of power and explore additional actions such as an executive order imposing temporary trade restrictions in the event that President Giammattei and his allies continue with their anti-democratic actions. Your support makes our critical work defending the voice and vote of the Guatemalan people possible.

Honduran President Xiomara Castro's presidency ended twelve years of corrupt, right-wing governments that violated citizens’ human rights and fueled extremely high levels of migration. While Castro's government and the legislature have made some positive steps to revoke laws that protect the corrupt, there are still policies in place that make it easier in Honduras to convict a human rights defender than the corrupt elite. With 14 assassinations of land and environmental defenders in 2022, Honduras has the highest number of killings per capita in the world. The Biden administration must urge the Honduran government to deliver on its promise of defending the defenders and to continue taking steps toward establishing the anti-corruption international mechanism that Castro promised to support.

Clean Up Time: Corruption in Honduras

Ana Pereyra Barón

Honduran President Xiomara Castro’s presidency ended twelve years of corrupt, right-wing governments that violated citizens’ human rights and fueled extremely high levels of migration. While Castro’s government and the legislature have made some positive steps to revoke laws that protect the corrupt, there are still policies in place that make it easier in Honduras to convict a human rights defender than the corrupt elite. With 14 assassinations of land and environmental defenders in 2022, Honduras has the highest number of killings per capita in the world. The Biden administration must urge the Honduran government to deliver on its promise of defending the defenders and to continue taking steps toward establishing the anti-corruption international mechanism that Castro promised to support.
Recent Anti-Corruption Efforts
UN-backed Anti-Corruption Mechanism
Xiomara Castro became president of a country with deep-seated corruption in government institutions, legislation, and political parties. In February 2022, she formally requested the UN’s assistance to establish an International Commission Against Corruption and Impunity in Honduras (CICIH). In mid-May 2022, a United Nations technical delegation traveled to Honduras to evaluate the current context of the country. In December 2022, Castro’s administration and the UN signed a memorandum of understanding (MOU) stating the conditions the Honduran government must meet to establish this mechanism. UN experts traveled to Honduras in July 2023, and continue to engage with various government actors to monitor if the government is meeting the conditions set out in the MOU.

Progress on Reforming Laws
In 2022, the Congress delivered one of Castro’s campaign promises by repealing the so-called Law of Secrets, which limited public access to government records and helped to cover up corruption. In 2023, the legislature, with the Castro government’s support, took steps to reverse legislation protecting corrupt actors who commit money laundering. In July 2023, the National Congress repealed Decree 57-2020, which gave corrupt actors time to destroy evidence.

In addition, Congress reformed Decree 93-2021, which had weakened the definition of money laundering and prevented the Honduran Public Ministry from obtaining information on corruption cases without a prior court order. Finally, on August 3, 2023 the Congress revoked Decree 116-2019, known as the Fondo Departmental. Decree 116-2019 allowed public officials to direct funds to third parties, such as NGOs or other projects, without transparency or oversight, which has contributed to major corruption scandals. The decree stated that the Attorney General’s office cannot take action against officials that manage public funds until the ineffectual Tribunal Superior de Cuentas (TSC) determines culpability, enabling corruption of public officials because it makes the auditing process of funds extraordinarily long and complicated.

Necessary Steps for Fighting Corruption in Honduras
Decrees Left in Question
Additional laws that should be modified or repealed include Decree 117-2019, which grants immunity to members of Congress involved in corruption if carried out as part of their official duties. The criminal code revision (130-2017) must also be reformed, as provisions within it substantially reduce penalties for acts of corruption and organized crime at the same time as other provisions increase penalties against campesinos and Afro- and Indigenous community activists for actions taken during peaceful protests.

In addition to reforming the above decrees, Congress should approve an effective Ley de Colaboración Eficaz. The law establishes a plea bargaining process with benefits such as sentence reduction or possibility of parole for individuals who cooperate in criminal investigations, allowing the Attorney General’s office to make progress in dismantling organized crime groups. Approving the Ley de Colaboración Eficaz is one of the conditions included in the MOU with the UN. The approval of this law would clearly signal the Honduran legislature and government’s political will to finalize the international mechanism.

Transparent Attorney General Elections
A vital part of the fight against impunity and corruption relies on the election of the Attorney General. The Honduran constitution requires the attorney general to be appointed by Congress on September 1st from a list of five candidates selected by a Nominating Board. However, due to partisan infighting to protect political interests and immunity, the legislators have not been able to agree on a candidate, Congress missed the deadline. It is rumored that a decision won’t be made until 2024, risking the establishment of the CICIH and deepening the polarization in the country.

What’s Needed from the United States?
Honduras has a dark legacy of human rights violations, and the U.S. government bears tremendous responsibility for supporting a series of abusive governments, culminating in the corrupt reign of Juan Orlando Hernández. Now, the U.S. government should make amends by urging the Castro administration to take more decisive actions to protect human rights defenders and fulfill all the conditions in the MOU with the UN in order to establish the commission to end corruption.
Colombia’s new government offers an opportunity to expand and consolidate peace in a country that has been at war for generations. While the 2016 peace agreement with the FARC guerrillas was successful at demobilizing 13,000 combatants and in providing a measure of truth, justice, and reparations to victims of all armed actors, it achieved only a partial peace. Successors of Colombia’s rightwing paramilitary groups, remaining guerrilla groups, and drug trafficking organizations continue to threaten and harm vulnerable communities. Now, negotiations with the largest remaining guerrilla group, the ELN, have advanced farther than in any of the six previous Colombian administrations.

The talks have gained national and international momentum. Norway, Cuba, Venezuela, Mexico, Brazil, and Chile are the “guarantor” countries for the talks. Germany, Switzerland, Sweden, and Spain are “accompanying” the negotiations. Institutions and groups that support the peace talks include Coordinación Colombia Europa Estados Unidos, a network of over 270 human rights groups, and the United Nations Security Council and the Colombian Conference of Bishops. The United Nations and the Bishops Conference are monitoring the ceasefire. Removing the ELN from the battlefield would protect communities caught in the conflict, improve respect for human rights, and achieve greater inclusion of historically excluded sectors of the Colombian population, including Afro-Colombian, Indigenous, and poor rural and urban communities.

To support peace in Colombia, LAWG organized a letter to Secretary of State Blinken calling for the United States to officially support the negotiations with the ELN and to appoint a special envoy to the talks. We will be working to encourage more congressional and public support for the peace process as it moves forward.

After the Republican chair of the State, Foreign Operations subcommittee, Rep. Mario Diaz-Balart, announced he would “defer” all aid to Colombia over vague objections to Colombia’s leftist President, Gustavo Petro, LAWG organized to defend U.S. aid to support the peace accords. Following two decades of U.S. government aid for war, LAWG is not going to let members of Congress stop aid for peace. We organized a letter from U.S. organizations, worked with WOLA to support a letter from over 215 Colombian civil society groups, and collaborated with the Colombia Human Rights Committee on a letter from Colombian Americans supporting U.S. assistance for peace.

LAWG and allies also organized support for a letter signed by 50 members of Congress urging President Biden to use his constitutional authority to designate Deferred Enforced Departure (DED) to Colombia, which would protect individuals from deportation for a specific period. In December 2022, Colombian President Petro requested the Biden Administration grant DED to Colombians already living in the US. The letter also acknowledges that a DED designation would indicate the U.S. government’s support of Colombia’s efforts toward peace and leadership in regional migration challenges. Immigration relief for Colombians in the U.S. can bring a level of security and peace to those who were forced to leave their home country due to violence during the armed conflict. Thanks to all of you who contacted your member of Congress asking them to sign. LAWG will continue to fight for the 182,000 Colombians in the United States who live in fear of deportation.
Levels of migrants and asylum seekers at the border are higher than they've ever been.

Over a million and a half migrants have been apprehended in the U.S.-Mexico border just this year. There are people of 152 different nationalities waiting to enter the country. In multiple cities in the United States there's overcrowding in hotels, shelters, and streets causing public health, safety, and mental health concerns.

We know that the Biden administration's attempt at deterring migrants and asylum seekers isn't working. In May 2023, Biden announced a harmful asylum ban policy. Migrants who cannot prove that they applied for and were denied access to asylum in a country through which they traveled will be barred from receiving asylum. The only exception is if they have made an appointment using the CBP One app. The CBP One app is supposed to enable asylum seekers to get an appointment with U.S. Customs and Border Protection (CBP) while waiting away from the border and only travel to a port of entry for their scheduled appointment. But CBP One has proven to be another barrier for people that do not have smartphones, electricity, internet access, or read English, Spanish, or Kreyol – especially given the wide range of nationalities and languages spoken. This strategy has backfired on the Biden administration, which is now dealing with a humanitarian emergency at the U.S., Mexico border, and other transit countries.

Historically, deterrence policies such as the asylum ban have not succeeded at reducing or dealing with the root causes of migration. And, as we know from reports by LAWG and other groups, expulsions by flights prevent people from requesting asylum with U.S. or Mexican authorities or seeking support from lawyers and advocates. Now, the U.S. and Mexico are teaming up again to send thousands of folks waiting at the border back to their home countries on nonstop flights.

A Resumption of Failed Strategies

In September 2023, CBP's acting commissioner met with Mexican officials of the National Migration Institute (INM), the governor of Chihuahua, and private sector representatives in Ciudad Juárez. Shortly after, the INM stated that it would institute measures to "depressurize" its borders. As of September 2023, the Mexican government has returned over 780,000 people by land and air. On average there have been six deportation flights a week to Guatemala, Honduras, and El Salvador, for example. The Mexican foreign ministry has also been meeting with officials from Brazil, Ecuador, Colombia, Cuba, and Venezuela to charter planes and carry out "assisted returns."

Processing centers at the borders are overwhelmed, but this is an inhumane measure to relieve the pressure and puts thousands of people at risk. This measure was ordered by the U.S. and is being carried out by Mexico. People who fled persecution, violence, corruption, organized crime, and climate crises will now be at square one. And we know the situation in the countries of return has not changed. In fact, conditions have worsened in those countries. Political instability, rising poverty rates, attacks against human rights defenders and journalists, and a growing trend towards authoritarianism.

Brazil, Colombia, Ecuador, Mexico, and the United States were present at the 2022 Summit of the Americas, and publicly committed to the L.A. Declaration on Migration and Protection. But their actions to either send or receive thousands of migrants and asylum seekers back to precarious situations goes against their promises. Particularly, the U.S and Mexico should focus less on deterrence strategies and redirect their efforts to expand humane pathways for migrants and asylum seekers.

LAWG, along with partner organizations, demands the Biden administration establish humane pathways for migrants and asylum seekers to enter the United States. LAWG Executive Director Vicki Gass stated in a press release by the

Graphic created by Tania Del Moral.
Welcome With Dignity campaign: “The U.S. government’s outsourcing of its protection responsibilities to Mexico goes directly against the commitments made in the L.A. Declaration from the Summit of Americas to provide humanitarian approaches to immigration.” She also stated the importance of the U.S. government restoring the legal right to asylum and addressing the root causes forcing people to flee.

Your support helps us advocate with the U.S government to create humanitarian policies that meet the needs of the thousands of women, men, and children seeking asylum. Together, we can speak out against the inhumane situation that hundreds of thousands of people are facing today.

The Long Road to Justice: Senate Resolution Acknowledges U.S. Role in the Chilean Coup

Ana Roig

It’s been 50 years since the democratically elected government of Salvador Allende was toppled in a violent U.S.-backed military coup led by Augusto Pinochet. In that time, the U.S. spent millions of dollars to prevent Allende from taking office and block his ability to govern once in office.

The installation of dictator Augusto Pinochet, who reigned from 1973 to 1990, ushered in a period of brutality and terror in Chile. During the Pinochet dictatorship, an estimated 40,000 Chileans were killed, disappeared, tortured, or exiled. Thousands of activists, students, teachers, and political opponents were targeted and imprisoned in secret detention centers throughout Chile. The fate of most of those who disappeared during the regime is still unknown. When Pinochet’s reign ended, the National Commission on Truth and Reconciliation investigated the regime and found more than 3,000 documented cases of human rights violations. The Rettig Report also found that over 2,000 people had been killed for political reasons. Relatives of those harmed by the dictatorship continue to campaign for truth and justice to this day.

Pinochet completely changed the Chilean constitution and government institutions. Following the dictatorship, Chileans had to rebuild their democracy. It was not until 2019 that they took to the streets in El Estallido Social to demand a new constitution, one free of Pinochet’s legacy, which they are still in the process of creating.

U.S. policymakers are finally beginning to admit the role the U.S. government played in supporting the coup and the dictator. This year, Senators Bernie Sanders (VT) and Tim Kaine (VA) introduced a concurrent congressional resolution (S.Con.Res.20) that recognizes the “decades-long effort of pro-democracy forces in Chile to end the dictatorship and restore civilian governance” following the coup. It expresses regret for the role of the U.S. government in destabilizing Chile’s political institutions and calls for the declassification of U.S. records pertaining to the coup. Representatives Alexandria Ocasio-Cortez (NY-14), Joaquin Castro (TX-20), Greg Casar (TX-35), and Nydia Velázquez (NY-7) will soon introduce the legislation in the House of Representatives.

This is a big step in acknowledging the depth and severity of U.S. involvement. The LAWG team supported this resolution by reaching out to congressional offices and urging the members of Congress to co-sponsor the resolution. LAWG also co-sponsored an Institute for Policy Studies’ event at Sheridan circle in Washington D.C. commemorating the 50th anniversary of the start of the coup,
Together We Marched for Temporary Protective Status

Gillian Villarroel

On September 15th, LAWG joined partner organizations such as CASA, Alianza Americas, and others at a rally in front of the White House urging the Biden-Harris to redesignate Temporary Protective Status (TPS) for Honduras, Nicaragua, and El Salvador and initial designation for Guatemala through executive advocacy. The rally included testimonies from members of the immigrant community as well as children of TPS holders. Chants such as “¿Qué queremos? ¡TPS! ¿Cuándo lo queremos? ¡Ahora!” echoed across Lafayette Park. The rally concluded with a march around the White House, with a unity of voices singing chants demanding for TPS, swapping stories and exchanging words of encouragement. Millions of individuals continue to anxiously await the extension and re-designation.

The continuation and expansion of TPS for countries in Central America has been a long process for which immigrants, along with LAWG and many other civil society organizations, have worked tirelessly. TPS is a provisional immigration status, established by Congress in 1990, that is given to individuals from nations grappling with armed conflicts, environmental catastrophes, or exceptional circumstances. It grants individuals a work permit and safeguards them against deportation if they were in the United States at the moment the U.S. government granted the designation.

Many immigrants fleeing from Central America are escaping state-sanctioned violence, limited economic opportunities, and lack of protection from human rights violations. Families left behind depend on the remittances sent from abroad to survive. Deciding to leave one’s family and life behind to migrate is a courageous decision that shouldn’t be more difficult than it already is and TPS holders’ support for their families is critical.

DHS has extended the TPS re-registration period from 60 days to 18 months for El Salvador, Honduras, and Nicaragua. Guatemala has yet to receive TPS designation, so we can't back down. We must be outspoken about the importance of TPS designation for Guatemalans in the lives of the over half a million people from there living in the United States and the families they support back home. **We can't do this alone.** The Biden administration knows that the political crisis and economic conditions in Guatemala are fueling migration, just like in the neighboring countries. **LAWG and our allies will continue to advocate for TPS designation for Guatemalans.**

We won't back down, la lucha sigue.
Make a donation at www.lawg.org

Together we can advocate for U.S. policies that advance human rights, peace, and social, environmental, and economic justice in Latin America and the Caribbean!

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