

# When the Dominoes Fall: Co-optation of the Justice System in Guatemala

*Guatemala's justice system has been co-opted by a network of corrupt political, economic, and military elites seeking to advance their own interests and to ensure that their acts of corruption and grave human rights violations from the armed conflict remain in impunity, while silencing voices from civil society organizations and independent media. Honest judges and prosecutors have been criminalized, threatened, removed, or transferred from their posts by the very institutions supposed to be advancing the rule of law and justice. Twenty-five judges and prosecutors, including the nation's lead anti-corruption prosecutor, have fled the country into exile. The impacts of the co-optation of Guatemala's justice system will set the country back decades.*

Guatemala's justice system has been hijacked by a network of corrupt actors seeking to advance their own interests and maintain political, economic, and social power. The work of the former UN-backed International Commission against Impunity (CICIG) over twelve years helped Guatemala's judiciary to successfully prosecute high-level government officials including a president and vice president, Supreme Court magistrates, and members of Congress. This threatened the interests of a corrupt network, the so-called "pacto de corruptos," a group of economic, military, and political elites. Since the CICIG's closing, the attacks against and co-optation of the justice system have only intensified. Many of the individuals the CICIG had investigated are the same individuals now attacking honest judges and prosecutors.

One by one—like a stack of dominos, the institutions making up an already weakened justice system in Guatemala have fallen to the hands of this corrupt network. Guatemala's highest courts, its Attorney General's Office (AG), and specialized prosecutors' offices—have been rigged by corrupt actors seeking to block honest judges and prosecutors from seeking reappointment or higher offices, and have instead stacked the justice system with judges

and prosecutors willing to side with corrupt members of the private sector, government, and security forces at the expense of a majority Indigenous population. Corruption and human rights cases that were making progress in the courts have been stalled as the honest judges presiding over them have been removed, transferred to other courts, or driven into exile. Aided by private lawyers from the Foundation against Terrorism (FcT), Attorney General Consuelo Porras has led the ousting and criminalization of independent justice operators. Twenty-five judges and prosecutors, including the nation's lead anti-corruption prosecutor, have fled the country, and others remain jailed or were forced to resign. The Special Prosecutor's Office Against Impunity (FECI), created with the support of the CICIG in 2008, has been fully dismantled and co-opted.

The result is that the current Guatemalan justice system fails to promote justice and address impunity and corruption. The very institutions that are supposed to ensure access to justice are no longer independent and are instead working to protect the interests of a small, corrupt minority and to silence voices from civil society organizations and independent media. This report will break down the steps taken to undermine Guatemala's justice system and



explain the longer-term implications for the rule of law, transitional justice, and protecting freedom of expression and the rights of marginalized communities.

## U.S. and International Media on Attacks on the Judicial Sector in Guatemala

“No one in Guatemala suggests journalists should be above the law, but in today’s Guatemala, there is no independent judiciary to apply the law. . . . With the support of most of Guatemala’s economic and political elite, Giammattei engineered a stunning takeover of the judiciary.” Stephen McFarland, *Guatemala’s March Toward Authoritarianism*, *Americas Quarterly*, Aug. 10, 2022

“Guatemala’s narco-kleptocracy has perfected a closed electoral system that rewards and empowers corrupt candidates and parties. Under Presidents Giammattei and Morales, Attorney General María Consuelo Porras, considered a ‘corrupt and anti-democratic actor’ by the United States, has blocked corruption investigations and weaponized the justice system against judicial officers.” Francisco Goldman, *Guatemala’s Corrupt Officials Train Their Sights on the Press*, *The New York Times*, Opinion, Guest Essay, Aug. 9, 2022

“In Guatemala, a country rife with corruption and government impunity, truth is hard to find.” The Washington Post Editorial Board, *Opinion: Guatemalan authorities fear truth. So they arrested José Rubén Zamora*, Aug. 4, 2022

“In Guatemala, officials who cross special interests have often been targeted with bogus lawsuits, arbitrary firings, or physical threats. But, in recent years, the campaign against them has intensified, owing to a wider crackdown within Guatemala’s Public Ministry. With Consuelo Porras at the Public Ministry, the government targeted lawyers and judges who were involved in the state’s own fight against corruption, in some cases arresting them outright.” Jonathan Blitzer, *The Exile of Guatemala’s Anti-Corruption Efforts*, *The New Yorker*, April 29, 2022.

## Co-optation of Guatemala’s Court System

### **Subverting Guatemala’s highest courts by weakening the selection process and stacking the courts**

To understand how Guatemala’s highest courts came to be controlled by corrupt judges, one must understand how corrupt networks infiltrated the selection processes for judges on the Supreme Court, appellate courts, and the Constitutional Court.

The Guatemalan Constitution [establishes](#) that the 13 Supreme Court and 135 Appeal Courts magistrates (distributed among 45 appellate courts) are to be elected every five years by the Congress from a pool of candidates proposed by a selection commission for each court (*Comisiones de Postulación*). The selection commission is composed of university chancellors and law school deans, appellate or Supreme Court judges, and representatives of the Guatemalan Bar Association. Since 2014, a group of corrupt politicians and legislators and organized crime organizations have infiltrated the process as members of the selection commission to manipulate which candidates are proposed for consideration and to ensure that the seats of the country’s highest courts are filled with judges that will back their interests—a situation about which the Inter-American Commission on Human Rights (IACHR) [underscored its serious concern](#). The UN Special Rapporteur on the Independence of Judges and Lawyers also issued a [statement](#) urging the transparent selection of judges in 2014, and at the time, the CICIG and FECCI investigated this [case](#). Honest judges, such as Appeals Court Judge Claudia Escobar, were forced to leave the country when they spoke out about this manipulation in 2014 and [pressed charges](#) against the head of the Congress and the Vice President’s lawyer, who were found guilty of influence peddling and bribery.

The “[Parallel Commissions](#)” case, uncovered in 2020 by the FECCI, demonstrated how a businessman, Gustavo Alejos Cámbara, contacted over forty people involved in the judicial selection process in 2019, including legislators, to illegally influence and manipulate the list of candidates for the Supreme Court and Courts of Appeal. Because of the FECCI investigation, in 2020 the Constitutional Court attempted to halt these judicial elections, but the Congress [ignored](#) its ruling. At this time, the Constitutional Court was still made up of mostly honest judges seeking fair judicial elections, a situation which is no longer the case. The majority of the judges currently seated on the Supreme Court and Appellate Courts are judges selected in 2014 and whose terms ended in 2019, but because the selection process has been [blocked](#) by the Congress without justification, they have not been replaced to date. There are at least sixteen current or former judges, prosecutors, lawyers, or

individuals designated under Section 353 of the United States Northern Triangle Enhanced Engagement Act in [July 2022](#) and [June 2021](#) because of their involvement in corruption or in undermining democratic processes related to judicial nomination and selection. At least four of these designated individuals are current Supreme Court magistrates or criminal court judges—demonstrating the infiltration of judges handpicked by a corrupt network.

► [Corruption and human rights cases that were making progress in the courts have been stalled as the honest judges presiding over them have been removed, transferred to other courts, or driven into exile.](#)

Ten Constitutional Court (CC) judges are [elected](#) for a period of five years by the President with a board made up of governmental ministers, and members of the Congress, the Supreme Court, the Guatemalan Bar Association, and the board of the San Carlos University. Each of these split up the selection process by electing two magistrates each. The 2021 elections for the CC magistrates were filled with [irregularities](#), with each group defining their own criteria for selection of magistrates. Judge Gloria Porras, who had been elected to serve by the university board and who had served as magistrate for two consecutive, earlier years issuing important [rulings](#) against corruption and protecting the rights of Indigenous communities to their lands, was [barred](#) from taking her seat by the Congress because of spurious charges against her brought by the Foundation against Terrorism (FcT). The new composition of the Constitutional Court prevented her from being elected and [ordered](#) the selection process for only her post on the court to be repeated, and not that of another judge elected under the same circumstances by the university, in a blatant example of illegal targeting and a violation of a fair and equal process. The UN Special Rapporteur on the Independence of Judges and Lawyers [expressed concern](#) about the Guatemalan Congress' refusal to reappoint her. The IACHR [urged](#) the Guatemalan government to comply with international standards in the selection process of the

new CC magistrate, a recommendation which was ultimately ignored.

### ***Undermining the Attorney General selection process***

The 2022 selection of Guatemala's Attorney General followed a similar pattern of manipulation and infiltration by the network of corrupt operators who targeted this position because of its influence over prosecution of corruption and human rights cases. The selection process for Attorney General is similar to that of judges with a selection commission [made up](#) of individuals from the academic, and judicial sectors. Together, they [establish](#) candidate requirements; a timeline for the process; and evaluate candidate qualifications. The commission then selects six final candidates for the post from which the country's president selects the Attorney General. Supreme Court President Silvia Patricia Valdés, who had been involved in the "Parallel Commission" case attempting to stack the Supreme Court, [led](#) the selection commission for attorney general in 2022. This experience demonstrated how corrupt networks exploited loopholes in an inherently biased system for selecting an attorney general. Several of the six finalists were themselves [investigated](#) for corruption by the FECl or CICIG. Other independent candidates, such as High Risk Court judge Erika Aifán, were [blocked](#) from running based on spurious allegations, including from the FcT. Attorney General Porras herself used her position to pressure honest members of the selection commission to resign from their posts so that they would not be able to influence the process, as was the case of [David Gaitán](#), dean of the Da Vinci University. In the review of Porras' record, the selection commission [considered](#) allegations that she had plagiarized her doctoral thesis and concerns about her work to undermine corruption investigations and as a result, she did not receive sufficient votes to be nominated initially. However, the Constitutional Court [ordered](#) commissioners to use additional criteria, which resulted in some commissioners [changing](#) their votes to nominate Porras even though she did not meet all of the criteria. In the end, despite outcries from civil society organizations and the [designation](#) of Consuelo Porras by the U.S. State Department on the Engel List in 2021, President Giammattei went

ahead with the selection of Porras as attorney general in May 2022 for a period of five years. The [European Union](#), [civil society organizations](#), and the [U.S. State Department](#) all condemned her reelection.

President Giammattei's choice to re-elect Consuelo Porras for another four years [consolidated](#) the capture of another important government institution by the network of corrupt economic and political elites and organized crime that, together with the co-optation of the country's highest courts, would undermine the independence of critical judicial institutions to, instead, act on the whims and interests of narrow elites.

### **Attorney General Fuels Criminalization of Independent Justice Operators**

Since 2018, Consuelo Porras has led efforts to purge the Office of the Attorney General, the FECl, and the courts of independent judges and prosecutors, fueling impunity and the dismantling of Guatemala's justice system. She is aided by the Foundation against Terrorism (FCT), which brings many of the charges against independent judges and prosecutors. FCT is led by Ricardo Rafael Mendez Ruiz Valdez along with Moisés Eduardo Galindo Ruiz and Raul Amilcar Falla Ovalle. Galindo Ruiz and Falla Ovalle are two lawyers who are listed under Section 353 of the United States Northern Triangle Enhanced Engagement Act in [July 2022](#) for their attempts to delay or obstruct criminal proceedings against former military officials accused of crimes in the armed conflict, and for intimidation against independent justice operators, including FECl prosecutors. Recently, the attacks have been so pervasive that several international organizations including the United Nations Secretary General [Antonio Guterres](#) and the [European Parliament](#) have expressed concern about the criminalization of judges and prosecutors in Guatemala.

#### ***Dismantling the Special Prosecutor's Office against Impunity (FECl)***

The FECl was [created](#) to investigate highly sensitive cases of corruption that were hand-picked by the CICIG and the Attorney General's Office for their potential to set important precedents in combating impunity in Guate-

mala. It had offices not only in the capital but also in cities like Quetzaltenango and at its height was investigating [over 200](#) cases with an estimated staff of [64 prosecutors](#). Its work resulted in the dismantling of [over 60 criminal structures](#) and investigations into cases of corruption connected to several former presidents, including the case of "La Linea" that demonstrated a corrupt network under Guatemala's customs agency, for which former President Otto Pérez Molina and Vice President Roxana Baldetti were jailed. Because of the role it played, the FECl was specifically targeted by Attorney General Porras, FCT lawyers, and the same corrupt actors co-opting Guatemala's courts.

- ▶ [Efforts to silence and remove honest FECl prosecutors are systematic—from the spurious charges brought against them, to assigning their cases to corrupt judges who delay their hearings and restrict investigations without justification, to their extended pre-trial detention and imprisonment alongside the same drug traffickers and high-ranking military officials they prosecuted in the first place.](#)

Since the beginning of her tenure as attorney general in 2018 Consuelo Porras has fired, transferred, jailed, or led charges against close to twenty prosecutors from the FECl alone (the vast majority just in the last year), including the unlawful and arbitrary removal of its head, Juan Francisco Sandoval, in July 2021. These actions represent the latest in a series of attacks and charges against [Sandoval, FECl prosecutors, and staff](#) that had been brewing [since 2018](#), even before the closing of the CICIG. Over [40 spurious charges](#) were filed against Sandoval, many of them brought by the FCT. Porras' removal of Sandoval is an example of unlawful [tactics](#) she would use moving forward to fire prosecutors—going after them arbitrarily and without evidence, and issuing disciplinary warnings without an opportunity to appeal. Shortly after he was forced to flee the country, Sandoval [said](#) that he left "because no

matter how spurious or stupid the charges are, they have become a tool to control the personnel (of the AG Office).” His replacement, Rafael Curricheche, has been [designated](#) by the United States and sanctioned by the State Department on the July 2022 Engel list. Since his inclusion on the list, he has also led efforts to criminalize FECEI prosecutors. In September 2022, he [issued](#) an arrest warrant for Juan Francisco Sandoval for allegedly having denied justice and misuse of his post.

As a prosecutor, Sandoval led investigations of major corruption cases including those related to the government’s [mismanagement of the pandemic](#) and kickbacks allegedly [paid by construction companies](#) to senior governmental authorities, including President Giammattei. Along with CICIG, FECEI worked on investigating illicit electoral financing of political parties by economic elites, which created a turning point in the fight against impunity and corruption.

Shortly after he fled the country, attacks against several remaining FECEI prosecutors and staff [intensified](#). Among those targeted by Porras, Curricheche, and FcT lawyers were the prosecutors who worked with Sandoval to investigate emblematic cases such as the bribes reportedly paid to Guatemalan companies by the Brazilian company Odebrecht, in exchange for construction contracts; the illicit electoral financing of the UNE political party; the Parallel Commissions case evidencing the undermining of the judicial selection process; as well as various cases detailing fraud and corruption by municipal authorities and elite families. Those who had leadership posts within the CICIG, such as Leily Santizo, who then served as a lawyer to many of the threatened former FECEI prosecutors, were also [targeted, arrested, and jailed](#).

Efforts to silence and remove honest FECEI prosecutors are systematic—from the spurious charges brought against

## FECEI Prosecutors, Staff, or Lawyers Removed, Arrested, or Forced to Resign since 2019

### 2019

- Andrei González (FECEI prosecutor) flees Guatemala ([investigated](#) an illegal campaign-financing scheme involving the former First Lady of Guatemala).

### July 2021

- Juan Francisco Sandoval (Chief FECEI prosecutor) is removed.
- Carlos Antonio Videz Navas, (FECEI prosecutor) is [removed and transferred](#) to a prosecutor’s office and no longer in charge of investigations.

### February 2022

- Leily Santizo (former CICIG leader and lawyer for FECEI prosecutors that had investigated Odebrecht) is [arrested](#).
- Eva Siomara Sosa Pérez (FECEI prosecutor) is issued an [arrest warrant](#) (investigated Odebrecht case). She is under [house arrest](#).
- FECEI prosecutors Rudy Manolo Herrera Lemus (involved in investigating the “Parallel Commissions” case), Darwin Zepeda, Lorenzo Alberto Bolaños Sánchez, Gilma Guerra, Joselin Masell Pérez, and Carlos Videz Navas [resigned and left](#) the country.

- Lilian Virginia Laparra Rivas (FECEI anti-corruption prosecutor in Quetzaltenango) is arrested and remains [jailed](#).

### March 2022

- Carlos Cojtí (FECEI Quetzaltenango prosecutor) and Amy Girón Rodas (FECEI assistant prosecutor) [resign](#) (investigated the Odebrecht case, Chicamán fraud case, and corruption in the Antigua municipality).
- Willy Roberto Racanac López (FECEI prosecutor), Paola Mishelle Escobar Quiñónez (FECEI prosecutor), and Aliss Noemí Morán Mejía (FECEI prosecutor) arrested on [charges against them](#) for their work investigating the Parallel Commissions case. Aliss Noemí Morán Mejía and Paola Mishelle Escobar Quiñónez face [renewed threats](#) of imprisonment.

### July 2022

- Samari Carolina Gómez Díaz (FECEI prosecutor) is [arrested](#) together with journalist José Rubén Zamora, and [remains jailed](#) in the Mariscal Zavala military.

### September 2022

- Rafael Curricheche [issues](#) an arrest warrant for Juan Francisco Sandoval.



► In what is becoming a kleptocracy, justice sector institutions now work together to target high-risk judges.

them, to assigning their cases to corrupt judges who delay their hearings and restrict investigations without justification, to their extended pre-trial detention and imprisonment alongside the same drug traffickers and high-ranking military officials they prosecuted in the first place. FECCI prosecutors such as [Xiomara Sosa](#), [Rudy Herrera](#), and [Amy Girón](#), who were involved in investigating the Odebrecht case, have been issued arrest warrants, defamed on social media, and forced to resign or leave the country. Many of the files in the cases against them are [declared](#) “confidential,” preventing their lawyers from accessing files and making legal defense difficult or impossible. Their criminalization demonstrates how corrupt judges have weaponized the criminal justice system against FECCI prosecutors. Geisler Smaille Pérez Domínguez, the judge assigned to the cases of Eva Siomara Sosa and Leily Santizo, [delayed](#) their hearing numerous times and was listed on the [2022 U.S. Engel list](#) for his role in obstructing the prosecution of those involved in the Parallel Commissions case. To date, former FECCI prosecutor Virginia Laparra Rivas remains jailed in the Mariscal Zavala military prison, a maximum security prison where FECCI prosecutors like her have been [threatened](#) by those they once prosecuted who are also jailed there. Some FECCI prosecutors, like [Carlos Antonio Vi- dez Navas](#), have been arbitrarily removed from the FECCI to other offices within the AG’s Office with less investigatory authority. Porras has also made efforts to [limit](#) the independence of the prosecutors by requiring that any investigation to be handled by the FECCI must be first [approved](#) by her. She has directly intervened in FECCI cases, allegedly [delaying the revision of evidence](#) and case files, and reportedly [obstructing justice](#). Since taking over as the head of the FECCI in August 2021, Rafael Curricheche has followed the same tactics as Porras, presenting spurious charges against FECCI prosecutors, such as ordering [the recent arrest](#) and imprisonment of Samari Carolina Gómez Díaz for the alleged leaking of classified information.

[Virginia Laparra Rivas](#) is a specialized anti-corruption prosecutor in FECCI’s Quetzaltenango office. She was arrested in February 2022 and remains in prison illegally since then even though the Public Ministry has yet to present charges and evidence against her. Her initial hearing date was delayed at least [six times](#) and her case has been plagued by irregularities. The attacks against her stem from her charges against a judge who leaked information in a corruption case—from the judge himself and the FcT. “Imagine, they accuse me of pressing charges, something which as a prosecutor I not only have a right to do, but an obligation,” she [stated](#). She has been kept in torture-like [conditions](#), in isolation with very limited opportunities to go outside, and restricted external visits. The future of her case is [uncertain](#)—there is no trial date and three judges have recused themselves from the case. As of September 2022, she had already spent seven months in pre-trial detention. Appeals were made to the Inter-American Commission for Human Rights to [grant her pre-cautionary measures](#) given her tenuous situation. A member of Laparra’s defense team, Claudia González has [stated](#), “This is a political dispute, not a legal one. It is evident that Virginia’s case is an act of political revenge against the CICIG . . . [to set an] example of what could happen to those who investigate the powerful.”

***Beyond the FECCI: Criminalization of other prosecutors***

Porras’ attacks against honest prosecutors have been relentless and have extended beyond the FECCI to other important offices within the Public Ministry in charge of investigating cases of grave human rights violations from the armed conflict. In just one month between June and July 2022, eight other prosecutors and eleven staff were [arbitrarily removed](#), including Hilda Pineda, Wendy Ordoñez, Sara Romero, Elka Huitz, and Sara Sandoval, all of whom had been investigating such cases. Anti-corruption prosecutor Stuardo Campos was [removed](#) to a prosecutor’s office focusing on migrant smuggling on the very day that he requested the lifting of former President Jimmy Morales’ immunity in April 2021. Criminalization has not been limited to current prosecutors—former Guatemalan Attorneys General [Claudia Paz y Paz](#) and [Thelma Aldana](#) have also received more threats and legal harassment.

**Hilda Pineda** Before her removal as a prosecutor, the former Special Prosecutor for Human Rights, Hilda Pineda, was unlawfully and **arbitrarily transferred** by Consuelo Porras to an office on crimes against tourists in October 2021. Before her transfer, Pineda had been openly criticized by the FcT president for her work investigating transitional justice cases. Pineda has been the lead prosecutor in the case of genocide against **former President Ríos Montt**, against military officials for the crimes of sexual and gender-based violence in the **Sepur Zarco case**, and in the **CREOMPAZ enforced disappearances case**. She was also a lead investigator in the **Diario Militar case**.

### ***Criminalization of honest judges on high-risk courts***

The judges presiding over Guatemala’s high-risk courts have also been methodically targeted because of the work of these courts to oversee cases of corruption, crime, and grave human rights violations committed by senior security forces during Guatemala’s armed conflict. The high-risk courts were **established** with the support of the CICIG to

**Erika Aifán** Judge Erika Aifán has been subject to numerous death threats and multiple instances of surveillance as a result of her work prosecuting private sector individuals, politicians, judges, and organized crime capos in Guatemala on charges of corruption, money laundering, and drug trafficking, as the former head of Guatemala’s High-Risk Tribunal D. She was **recognized** in 2021 by the U.S. Department of State with the International Women of Courage Award. Judge Aifán was pressured by President Giammettei to reveal the identity of a witness in her court who **accused** him of illegally financing his electoral campaign with bribes from construction firms. As threats mounted from multiple corners, she resigned, fled the country, and is now residing in the United States. “I need to ask another country for the protection that I should have been granted by the Guatemalan state and the judicial branch. . . in Guatemala there are criminal groups embedded in the three branches of government. The state has been co-opted by criminal networks,” she **stated**.

**Miguel Ángel Gálvez**, a judge in the High Risk Tribunal A, **ordered** nine former police and military officers to stand trial for alleged crimes in the 1999 “Military Diary” case, referring to a **secret logbook** containing

ensure that the judges overseeing these cases were specialized and free from external pressure.

The strategies used to criminalize judges are the same as those used against prosecutors—threats, intimidation, and digital and in person defamation to them and their families; arrest warrants; spurious charges; and requests to remove their immunity. Judicial immunity is **intended** to protect judges from any form of intimidation, harassment, or improper interference in the exercise of their functions. Once immunity is removed, judges are free to be investigated and arrested, even over spurious charges. The Office of the Attorney General has issued arrest warrants and requests to lift the immunity of high-risk judges **Erika Aifán**, **Pablo Xitumul**, **Miguel Ángel Gálvez**, and at least five former Constitutional Court magistrates. When high-risk tribunal judges have requested that the Attorney General’s Office **review** the charges against them or investigate threats, no action has been taken.

a collection of military intelligence and police records documenting the government’s use of illegal detention, torture, killing, and forced disappearance to target people perceived as “enemies of the State” between 1983 and 1985. He had previously **sent** former dictator Ríos Montt to trial on charges of genocide and crimes against humanity in 2012 and has a track record of issuing rulings against former government officials and the military in cases related to the armed conflict. The criminalization and removal of judges presiding over cases of grave human rights violations committed against Indigenous communities such as Judge Gálvez means that the future of these cases and whether justice will be achieved is uncertain. Following his most recent ruling, death threats against him have **increased**, including directly from the FcT, and the Guatemalan Public Ministry has issued requests to lift his immunity for prosecution. He fears that he will face the same pattern of criminalization that other judges have faced. On July 8th, the Inter-American Court of Human Rights **ordered** the Guatemalan government to implement “urgent measures” to protect the life of Judge Gálvez and his family and to allow him to carry out his work as a judge, and more recently reminded the Guatemalan government to **cease** harassment towards him.

In what is becoming a kleptocracy, justice sector institutions now work together to target high-risk judges. Corrupt judges on the Supreme Court have approved some of the requests to lift the immunity, such as that of Judge [Pablo](#)

[Xitumul](#), who had sentenced former President Ríos Montt and former Vice President Roxana Baldetti to jail for corruption and crimes against humanity. Many of these judges presided over the same cases that brave FECEI prosecutors

## Criminalization of Guatemalan Justice Operators

### 2021

#### April 2021

- Gloria Porras is [barred](#) from taking her seat on the Constitutional Court & flees the country.
- Anti-corruption prosecutor Stuardo Campos is [removed](#) to a prosecutor's office focusing on migrant smuggling.

#### June 2021

- High-risk court judges Yassmin Barrios, Erika Aifán, Miguel Ángel Gálvez and Pablo Xitumul [request](#) that AG Porras remove spurious charges against them, which she denies.

#### July 2021

- Juan Francisco Sandoval is [removed](#) from his post by AG Porras and flees the country.
- FECEI prosecutor Carlos Antonio Videz Navas is [removed and transferred](#) to a prosecutor's office that does not handle investigations.

#### October 2021

- Human Rights Prosecutor Hilda Pineda is [reassigned](#) to an office that investigates crimes against tourists.

### 2022

#### January 2022

- AG Porras and the FcT file a request to remove Judge Erika Aifán's immunity.

#### February 2022

- FECEI prosecutor Eva Siomara Sosa is [arrested](#).
- AG Porras requests to lift high-risk court Judge Pablo Xitumul's [immunity and removes him](#) from his post.

- FECEI prosecutors [Rudy Herrera Lemus](#), [Darwin Zepeda](#) resign and flee the country.
- FECEI prosecutors [Lorenzo Bolanos](#), Gilma Guerra, and Massell Perez [resign](#).
- Willy Roberto Racanac López, Paola Mishelle Escobar Quiñónez, and Aliss Noemí Morán Mejía are arrested with [charges brought against them](#).
- FECEI prosecutor Amy Girón and Carlos Cojtí [resign](#).
- FECEI Quetzaltenango prosecutor Virginia Laparra is [arrested](#).

#### March 2022

- AG Porras [files a request](#) to lift Judge Erika Aifán's immunity.

#### May 2022

- President Giammattei re-elects Consuelo Porras as attorney general.
- AG Porras announces that she will pursue an [arrest warrant](#) for former Attorney General Thelma Aldana.
- High-risk court judge Miguel Ángel Gálvez orders nine former police and military officers to stand trial for crimes in the "Military Diary" case and [receives more death threats](#). FcT [brings charges](#) against him.

#### June-July 2022

- The Public Ministry brings a [charge](#) against former Attorney General Claudia Paz y Paz.
- 8 prosecutors and 11 Public Ministry staff including prosecutors Hilda Pineda, Wendy Ordóñez, Sara Romero, Elka Huitz, Sara Sandoval, and 6 others were [removed](#) from their posts by Attorney General Porras.

#### August 2022

- FECEI Prosecutor, Samari Carolina Gómez Díaz, is arrested with journalist José Rubén Zamora.



were investigating, including the Parallel Commissions case, illegal financing of electoral campaigns, bribes paid to companies in exchange for construction projects and grave human rights violations from the armed conflict. “The democratic order has been undermined and the networks have made a major effort to obtain impunity by co-opting the judiciary. When we see that not even the highest courts uphold due process, that is an indication that the justice system has collapsed,” states former judge Erika Aifán.

The work of the CICIG began to transform Guatemala’s judicial system, reducing impunity and homicide rates and training dozens of investigators and prosecutors to handle complex cases. The impacts of the co-optation of Guatemala’s justice system will set the country back decades. The longer-term and broad impacts of the co-optation of the justice system cannot be overstated. The United States should act quickly and use all of the tools in its toolbox to

▶ The United States should act quickly and use all of the tools in its toolbox to send a strong message against this regression in Guatemala’s justice system and in anti-corruption efforts.

send a strong message against this regression in Guatemala’s justice system and in anti-corruption efforts. The U.S. Strategy to Address the Root Causes of Migration in Central America and the U.S. Strategy on Countering Corruption both reinforce the importance of taking a whole-of-government approach to prioritize these issues in Guatemala. Left unaddressed, the current situation will make it impossible to meet the goals of these two U.S. strategies in Guatemala. U.S. assistance goals as well as migration, trade, and economic initiatives will be negatively impacted.

## The Consequences of a Broken Justice System

**Reversal of the progress made on high-level anti-corruption cases** by independent prosecutors and judges.

**Increased migration due to the failure of the Guatemalan government to protect and provide access to justice for its citizens**, in particular of women, LGBTQ+ and Indigenous communities.

**Increased evictions and displacement of Indigenous communities** as previous court rulings that had set precedents reinforcing their rights are overturned and the courts side with private sector interests and companies bidding for concessions on megaprojects in rural areas.

**Widespread impunity and serious setbacks to Guatemala’s post-justice efforts and longer-term peace**, reversing the progress made since the 1996 signing of the Guatemala peace accords on high-profile cases of crimes against humanity committed by the military and political elites.

**An exiled community of justice sector professionals, human rights defenders, and journalists**, and a broken justice system that will have to be pieced back together with international support.

**A negative environment for trade and sound private sector investments** given the lack of strong justice sector institutions and an adherence to the rule of law.

**Risks to the 2023 general elections and future electoral processes.** Without a functioning justice system to stop illegal financing schemes, cases of corrupt authorities seeking to influence the next general elections, including that of Guatemala’s next President in 2023, will likely increase.

## U.S. Policy Recommendations

- ❶ Raise with the Guatemalan government the urgency of restoring international community confidence in Guatemala’s judicial sector by respecting judicial independence, immediately ending false prosecutions of honest judges and prosecutors, and ensuring transparent and merit-based selection procedures of judicial personnel. It is also crucial to emphasize the importance of free and transparent elections, guaranteeing equal political participation, and regulating campaign expenditures to prevent illicit campaign financing.
- ❷ The Departments of State and Treasury should undertake thorough investigations of Guatemalan government officials, judicial personnel, legislators, security force members, and private sector individuals who have participated in, facilitated or been implicated in significant acts of corruption or human rights abuses, and should act expeditiously to issue targeted sanctions, including under the Global Magnitsky Human Rights Accountability Act, and to thoroughly investigate and as appropriate freeze economic assets and holdings in the U.S. financial system of such individuals.
- ❸ The State Department and USAID should adequately fund and effectively carry out initiatives to protect and defend civic space in Guatemala as a part of broader efforts in Central America, such as the announced interagency Voces (Voices) initiative, and should ensure that these include the following two programs implemented by organization(s) with human rights expertise: (a) a program to provide long-term support, including financial and psychological support, for justice operators, human rights defenders, trade union leaders, and journalists forced into exile from Central America and (b) a binational legal assistance program, including U.S. and Guatemalan lawyers, to defend justice operators, human rights defenders, and journalists who have been falsely criminalized.
- ❹ Ensure all U.S. government initiatives or initiatives closely coordinating with the U.S. government, such as the Partnership for Central America (PCA), that promote U.S. investment in Guatemala have safeguards and transparency to screen out investment that violates labor rights, undermines Indigenous community rights, or benefits corrupt actors.
- ❺ Engage with the inter-governmental Financial Action Task Force (FATF) and FATF-style regional bodies to express concern regarding use of anti-money laundering and counterterrorism regulatory standards as justification for restrictions on legitimate civil society activity and encourage incorporation of robust civic space criteria in all FATF monitoring activities. The U.S. government should communicate the need for incorporating shrinking civic space considerations in FATF Plenary and Working Group meetings and with a broad range of stakeholders.
- ❻ The State Department should encourage countries that are U.S. partners to use their foreign policy tools, including targeted sanctions, with respect to Guatemalan government officials and private sector individuals who have engaged in or facilitated corruption or human rights violations.