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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

August 13, 2020

The Honorable Michael G. Kozak
Acting Assistant Secretary
Bureau of Western Hemisphere Affairs
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Ambassador Kozak:

We write to express our deep concern about recent threats against the independence of Guatemala's justice system, including troubling irregularities in the process of selecting judges and other interference attempts by illicit groups.

As you know, we have been strong supporters of the partnership between the United States and Guatemala, including our commitment to increased U.S. assistance to address the root causes of migration from the country. We believe that continued U.S. engagement can be transformative for efforts to improve security, strengthen democratic governance, increase protections for human rights, and foster inclusive economic growth. However, we fundamentally believe that these efforts would be futile without a trustworthy and independent judicial system.

In this context, we are troubled by a recent investigation conducted by Guatemala's Special Prosecutor's Office Against Impunity (FECI), which revealed that Gustavo Alejos—an influential political actor and businessman currently in detention due to his involvement in several crimes related to misuse and abuse of government funds and illicit campaign financing—has been attempting to influence the selection process of the country's judges. Mr. Alejos was designated under Section 7031(c) of the Department of State as ineligible for entry into the United States due to his involvement in criminal activities on June 8, 2020.¹

In addition, we are very concerned about recent reports detailing attacks against independent judges and prosecutors at the forefront of the fight to uphold the rule of law, as well as magistrates of Guatemala's Constitutional Court.² The Constitutional Court magistrates—who in response to the FECI's investigation sought to protect the integrity of the judicial election process—are now facing the possibility of losing their judicial immunity and/or potentially being

¹ U.S. Department of State, Public Designation of Gustavo Adolfo Alejos Cambara of Guatemala Due to Involvement in Significant Corruption, available at <https://www.state.gov/public-designation-of-gustavo-adolfo-alejos-cambara-of-guatemala-due-to-involvement-in-significant-corruption/>

² The Washington Post, Signs that Guatemala's Justice System is Under Attack, https://www.washingtonpost.com/politics/signs-that-guatemalas-justice-system-is-under-attack/2020/07/15/d4c6a22a-c6d0-11ea-a825-8722004e4150_story.html

removed from their positions. These efforts undermine the independence of Guatemala's democratic institutions.

In closing, we urge you to use all diplomatic tools at your disposal to underscore the importance of an independent and transparent judicial system, and to encourage Guatemala's President and Attorney General to prevent these acts. Likewise, the Guatemalan Congress has a duty to select judges in accordance with the law, based on professional qualifications, integrity, and commitment to justice, and free of any conflict of interest. An independent judiciary is crucial Guatemala's stability.

Sincerely,



Robert Menendez
Ranking Member



Benjamin L. Cardin
United States Senator