

# United States Senate

WASHINGTON, DC 20510

March 14, 2023

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

Dear Secretary Blinken:

The continuing deterioration of democracy and the rule of law in Guatemala is deeply concerning. Efforts by President Alejandro Giammattei and his government to harass and persecute government officials, members of the press, and civil society organizations represent an alarming pattern of targeting of individuals seeking to root out Guatemala's rampant corruption. Nearly 30 judges, magistrates and prosecutors have fled the country since the beginning of President Giammattei's term in office. Recent targets include Iván Velásquez, a respected jurist and Colombia's current Minister of Defense, who led the United Nations International Commission against Impunity in Guatemala (CICIG) from 2013 to 2019;<sup>1</sup> prominent judge Miguel Ángel Gálvez; former anticorruption prosecutor Virginia Laparra; and journalist José Rubén Zamora.

These attacks represent an intentional targeting and hollowing out of key institutions critical to a functioning democracy. Despite the unprecedented advances against impunity and corruption achieved through CICIG before its closure, the Giammattei government's attacks reflect a deliberate effort by Guatemala's leaders to erase CICIG's legacy and weaponize Guatemala's justice system against its political opponents. The Office of the United Nations High Commissioner for Human Rights in Guatemala has documented a more than 70 percent increase in the number of judicial personnel facing intimidation and criminal prosecution for their anti-corruption work,<sup>2</sup> at a time when Guatemala ranks 150 on Transparency International's Corruption Perceptions Index. Recent public opinion polling also shows 40 percent of Guatemalans viewing government corruption as the top problem in the country.<sup>3</sup> It is clear the government's unabated suppression of democratic norms continues to have profound effects in the country.

---

<sup>1</sup> *United Nations expresses 'concern' over Guatemala investigations*, Al Jazeera (Jan 19, 2023) (online at [www.aljazeera.com/news/2023/1/19/united-nations-expresses-concern-over-guatemala-investigations](http://www.aljazeera.com/news/2023/1/19/united-nations-expresses-concern-over-guatemala-investigations)).

<sup>2</sup> United Nations Office of the High Commissioner for Human Rights, *Press Release: Guatemala: UN Human Rights Chief Volker Türk Expresses Deep Concern at Persecution of Judicial Officials* (Jan. 18, 2023) (online at [www.ohchr.org/en/press-releases/2023/01/guatemala-un-human-rights-chief-volker-turk-expresses-deep-concern](http://www.ohchr.org/en/press-releases/2023/01/guatemala-un-human-rights-chief-volker-turk-expresses-deep-concern)).

<sup>3</sup> CID Gallup, Twitter post, February 23, 2023, 10:08 AM, <https://twitter.com/cidgallup/status/1582749155466022912>.

President Biden has committed to prioritizing protecting democracy and strengthening the rule of law, both at home and abroad, through his National Security Strategy and his administration's Root Causes Strategy. We also recognize the Department of State's efforts to speak against recent trends in Guatemala and advance initiatives to tackle economic insecurity in the region. We commend the Biden Administration's use of accountability measures in Guatemala, consistent with U.S. Law. Still, the Administration's overall response to these attacks against democracy and the rule of law as a whole have been insufficient in pushing back on the harm caused by the Guatemalan government's actions.

Guatemala has long partnered with the United States in security cooperation and in curbing irregular migration; the November visit of the USNS Comfort to Guatemala, for example, was a successful demonstration of our partnership. However, the United States' ability to work with the Guatemalan government on areas of mutual interest should not obscure real and longer-term concerns regarding its commitment to democracy, freedom of speech, and the rule of law. So long as top Guatemalan officials are involved in corruption and efforts to undermine the rule of law and state institutions, criminality, narcotrafficking and instability will only increase. Consequently, the United States will be unable to build a productive partnership with the Guatemalan government to effectively address the root causes of migration from the country.

We ask the Department of State to urgently review and update its approach in Guatemala in a manner that better aligns longstanding U.S. values and interests to support the people of Guatemala. Immediate measures to strengthen accountability should include continuing to:

- Deny U.S. visas to Guatemalan officials and private sector actors who have engaged directly or indirectly in significant acts of corruption, violation of human rights, or acts that undermine democratic processes or institutions, pursuant to Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2023, E.O. 13818, in accordance with the Global Magnitsky Human Rights Accountability Act, and Section 353 of the United States-Northern Triangle Enhanced Engagement Act; and
- Freeze economic assets and holdings in the U.S. of Guatemalan officials and private sector actors who have engaged directly or indirectly in significant acts of corruption or human rights abuses, in accordance with E.O. 13818, pursuant to the Global Magnitsky Human Rights Accountability Act, and Section 7031(c)(1)(B) of the Department of State, Foreign Operations, and Related Programs Appropriations Act.

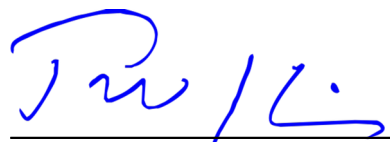
Further, as the Department engages with Guatemala's presidential candidates, government officials, and civil society organizations ahead of the country's June 2023 national elections, we urge you to make clear that the U.S.-Guatemala relationship must remain grounded in a mutual and unwavering commitment to protecting democracy and democratic institutions – without exception.

Thank you for your prompt attention to this matter.

Sincerely,



Robert Menendez  
United States Senator



Tim Kaine  
United States Senator



Peter Welch  
United States Senator



Richard J. Durbin  
United States Senator



Benjamin L. Cardin  
United States Senator



Jeanne Shaheen  
United States Senator



Jeffrey A. Merkley  
United States Senator

CC:

The Honorable Lloyd Austin III  
Secretary of Defense  
U.S. Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301

The Honorable Janet Yellen  
Secretary of the Treasury  
U.S. Department of the Treasury  
1500 Pennsylvania Avenue NW  
Washington, D.C. 20220