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Members of the Council of the EU
(PSC, COLAC, COHOM)



HRW.org

Brussels, 7 December 2023

RE: Imposing targeted sanctions in Guatemala

Dear Mr. De Schietere,

Dear colleagues,

We are writing, on behalf of Human Rights Watch, to call on the European Union to **urgently impose targeted sanctions, whether under its global human rights sanctions regime or an ad-hoc sanctions regime to address interferences with the electoral process in Guatemala.** We also urge you to take other actions, detailed below, in response to serious human rights violations and democratic backsliding in the country.

In recent years, Guatemalan authorities have undermined human rights safeguards and institutional checks on the abuse of power to prevent accountability for widespread high-level corruption.¹ Most recently, they have attacked the right to vote during the 2023 elections that anti-corruption candidate Bernardo Arévalo won.²

The Attorney General's Office has pursued spurious criminal charges against independent journalists, prosecutors, and judges, who have investigated

¹ Human Rights Watch, *World Report 2023* (New York: Human Rights Watch, 2023), Guatemala chapter, <https://www.hrw.org/world-report/2023/country-chapters/guatemala>; Human Rights Watch and Washington Office on Latin America (WOLA), "Human Rights Concerns in Guatemala's 2023 General Elections," Q&A document, January 24, 2023, <https://www.hrw.org/news/2023/01/24/human-rights-concerns-guatemalas-2023-general-elections>.

² "Guatemala: Ensure Free, Fair Run-Off Election," news release by Human Rights Watch and Washington Office on Latin America (WOLA), August 8, 2023, <https://www.hrw.org/news/2023/08/18/guatemala-ensure-free-fair-run-election>; "Guatemala: Respect Election Results," news release by Human Rights Watch and Washington Office on Latin America (WOLA), July 7, 2023, <https://www.hrw.org/news/2023/07/07/guatemala-respect-election-results>.

and exposed corruption, human rights violations, and the abuse of power.³ As the UN High Commissioner for Human Rights and the Special Rapporteur on the Independence of Judges and Lawyers have noted, many of the investigations against prosecutors and judges violate judicial independence and due process and appear to be a retaliation for their work fighting corruption.⁴

Freedom of expression has also been curtailed.⁵ Several journalists have faced seemingly politically motivated criminal investigations, including José Rubén Zamora, the editor of *El Periódico de Guatemala*, who has been in prison since July 2022.⁶

The recent elections were marked by attacks on the right to vote and efforts to make the playing field uneven. Electoral authorities banned opposition presidential candidates Thelma Cabrera, Roberto Arzú, and Carlos Pineda through politically motivated decisions and the Attorney General's Office launched an arbitrary criminal investigation against candidate Edmond Mulet.⁷

During the first round of presidential elections held on June 25, Sandra Torres of the Unidad Nacional de la Esperanza (UNE), came in first, trailed by Bernardo Arévalo, an anti-corruption candidate and leader of the progressive movement Semilla.⁸ Since then, the Attorney General's Office has led efforts to undermine the right to vote and harassed Semilla through legal maneuvers.⁹

³ "Guatemala: Attorney General Arbitrarily Fires Prosecutors," Human Rights Watch news release, July 14, 2022, <https://www.hrw.org/news/2022/07/14/guatemala-attorney-general-arbitrarily-fires-prosecutors>; "Guatemala: Attorney General's Reappointment Threatens Rights," Human Rights Watch news release, May 19, 2022, <https://www.hrw.org/news/2022/05/19/guatemala-attorney-generals-reappointment-threatens-rights>.

⁴ "Guatemala: UN Human Rights Chief Volker Türk expresses deep concern at persecution of judicial officials," OHCHR press release, January 18, 2023, <https://www.ohchr.org/es/press-releases/2023/01/guatemala-un-human-rights-chief-volker-turk-expresses-deep-concern> (accessed December 6, 2023); "Guatemala: UN expert concerned by proceedings against Judge Carlos Giovanni Ruano," United Nations Special Rapporteur on the Independence of Judges and Lawyers press release, July 14, 2023, <https://independence-judges-lawyers.org/un-press-releases/guatemala-un-expert-concerned-by-proceedings-against-judge-carlos-giovanni-ruano/> (accessed December 6, 2023).

⁵ "Guatemala: Free Press Under Attack," news release by Human Rights Watch and Committee to Protect Journalists (CPJ), February 18, 2021, <https://www.hrw.org/news/2021/02/18/guatemala-free-press-under-attack>

⁶ Jeff Abbott, "Guatemalan court convicts prominent journalist José Rubén Zamora," *Al Jazeera*, June 14, 2023, <https://www.aljazeera.com/news/2023/6/14/guatemalan-court-convicts-prominent-journalist-jose-ruben-zamora> (accessed December 6, 2023).

⁷ "WOLA, RFK Human Rights, and Human Rights Watch Concerned About Pre-Electoral Conditions in Guatemala," May 30, 2023, <https://www.hrw.org/news/2023/05/30/wola-rfk-human-rights-and-human-rights-watch-concerned-about-pre-electoral>; "Guatemala: End Arbitrary Exclusion of Candidates," news release by Human Rights Watch and Washington Office on Latin America (WOLA), March 31, 2023, <https://www.hrw.org/news/2023/03/31/guatemala-end-arbitrary-exclusion-candidates>; "Guatemala: Review Decision to Bar Presidential Candidates," news release by Human Rights Watch and Washington Office on Latin America (WOLA), February 27, 2023, <https://www.hrw.org/news/2023/02/27/guatemala-review-decision-bar-presidential-candidates>.

⁸ "Resultados Electorales Preliminares 2023," Supreme Electoral Tribunal, <https://primeraeleccion.trep.gt/#!/tc1/ENT> (accessed December 6, 2023).

⁹ "Guatemala: Respect Election Results," news release by Human Rights Watch and Washington Office on Latin America (WOLA), July 7, 2023, <https://www.hrw.org/news/2023/07/07/guatemala-respect-election-results>.

Arévalo won the second-round elections on August 20. Although the EU and the Organization of American States (OAS) electoral observation missions found no evidence of serious irregularities,¹⁰ the Attorney General's Office, some judges and Congress continue to pursue efforts that seem designed to intimidate Semilla and the Supreme Electoral Tribunal and to ultimately overturn the electoral results. These efforts include:

- Since July, the Attorney General's Office has conducted a politically motivated investigation against Semilla citing irregularities in the party's registration in 2018.¹¹ On July 12, a judge ordered the suspension of Semilla's legal registration.¹² The next day, the Constitutional Court reversed the judicial order, ruling that the judge's decision could not put the August 20 election on hold.¹³ The Supreme Electoral Tribunal eventually suspended the legal registration of the party on November 2.¹⁴ This means, among other things, that Semilla would not be able to form a political group and be represented in Congressional Commissions. The EU Electoral Observation Mission described the case as part of a pattern of "judicial persecution," "harassment," and "intimidation" against Semilla.¹⁵
- In September, the Attorney General's Office asked the Supreme Court and Congress to lift the immunity from prosecution for the magistrates of the Electoral Tribunal (TSE) so that they could be investigated for alleged "irregularities" in the acquisition of electoral results transmission software (Sistema de Transmisión de Resultados Electorales, TREP).¹⁶ On November 7, the Supreme Court referred the case to Congress. On November 30, the final day of regular sessions, a majority of 108

¹⁰ EU Election Observation Mission Guatemala, "Final report of the EU EOM Guatemala 2023," November 13, 2023, https://www.eeas.europa.eu/eom-guatemala-2023/final-report-eu-eom-guatemala-2023_en?s=410316 (accessed December 6, 2023); "Misión de la Observación Electoral de la OEA felicita al pueblo de Guatemala por su compromiso cívico en la segunda vuelta electoral," MOE preliminary report, August 22, 2023, <https://www.oas.org/fpdb/press/INFORME-PRELIMINAR--Mision-Electoral-OEA-en-Guatemala-2da-vuelta.pdf> (accessed December 6, 2023).

¹¹ Message posted on X by @MPguatemala, July 14, 2023, <https://twitter.com/MPguatemala/status/1679919883377573903> (accessed December 6, 2023).

¹² Judicial Branch of Guatemala, decision of July 12, 2023, case, 01079-2023-00231, <https://pbs.twimg.com/media/Fo7TISnWIAA3agR?format=jpg&name=medium> (accessed December 6, 2023).

¹³ Message posted on X by @CC_Guatemala, July 13, 2023, https://twitter.com/CC_Guatemala/status/1679605391749939201 (accessed December 6, 2023).

¹⁴ Message posted on X by @lahoragt, November 2, 2023, <https://twitter.com/lahoragt/status/1720139323247325295> (accessed December 6, 2023); Hugo Caro Jiménez, "Guatemala: Tribunal Supremo Electoral suspende al partido del presidente electo Bernardo Arévalo," *France 24*, <https://www.france24.com/es/am%C3%A9rica-latina/20231102-guatemala-tribunal-supremo-electoral-suspende-al-partido-del-presidente-electo-bernardo-ar%C3%A9valo> (accessed December 6, 2023).

¹⁵ EU Election Observation Mission Guatemala, "Final report of the EU EOM Guatemala 2023," p. 30.

¹⁶ Message posted on X by @MPguatemala, September 27, 2023, <https://twitter.com/MPguatemala/status/1707034494543229208> (accessed December 6, 2023).

members voted in favor of lifting the four magistrates' immunity.¹⁷ Three of them left the country.¹⁸ The president of the Congressional Investigative Committee, a body responsible for the initial analysis of the request, said that Congress was using the proceedings against TSE magistrates to “impede the inauguration of President-elect Arévalo.”¹⁹

- In November, the Attorney General's Office announced an investigation into a largely peaceful 2022 demonstration in San Carlos University, the largest in the country. Prosecutors requested 27 arrest warrants against activists, students, academics, human rights defenders, and a member of Semilla.²⁰ The office also asked the Supreme Court to lift the immunity of Arévalo and Vice President-elect Karin Herrera so they could be investigated for allegedly promoting the student protest through social media publications.²¹

We welcome the statements of concern about human rights violations in Guatemala issued by the European External Action Service²², the EU electoral observation mission²³, the European Parliament²⁴, and several EU member states.

We urge the EU and its member states to impose targeted sanctions, including asset freezes and travel bans, against senior government officials who bear responsibility for serious human rights violations, including but not limited to:

¹⁷ Congress of Guatemala, “Pleno retira inmunidad a los magistrados del TSE,” December 1, 2023, https://www.congreso.gob.gt/noticias_congreso/10557/2023/4 (accessed December 6, 2023); Congress of Guatemala, vote on immunity of TSE magistrates, November 30, 2023, <https://www.no-ficcion.com/wp-content/uploads/2023/12/Votacion-antejuicio-magistrados-del-TSE-1.pdf> (accessed December 6, 2023).

¹⁸ Bil Barreto and Jovana García, “Congreso retira la inmunidad a 4 magistrados del TSE y estos abandonan el país,” *No Ficción*, December 2, 2023; <https://www.no-ficcion.com/projects/congreso-retira-la-inmunidad-a-4-magistrados-del-tse-y-estos-abandonan-el-pais> (accessed December 6, 2023).

¹⁹ Cristobal Véliz, “Montano: pareciera que no quieren que Arévalo tome posesión,” *La Hora*, November 24, 2023, <https://lahora.gt/nacionales/cveliz/2023/11/24/montano-pareciera-no-quieren-que-arevalo-tome-posesion/> (accessed December 6, 2023).

²⁰ “Guatemala: Renewed Attacks Against Democracy,” news release by Human Rights Watch and Washington Office on Latin America (WOLA), November 21, 2023; Message posted on X by @MPguatemala, November 16, 2023, <https://twitter.com/MPguatemala/status/1725197179030020408> (accessed December 6, 2023).

²¹ Message posted on X by @MPguatemala, November 17, 2023, <https://twitter.com/MPguatemala/status/1725636855951970657> (accessed December 6, 2023).

²² See, e.g., European External Action Service (EEAS), “Guatemala: Statement by the High Representative Josep Borrell on developments after the Presidential elections,” August 29, 2023, https://www.eeas.europa.eu/eeas/guatemala-statement-high-representative-josep-borrell-developments-after-presidential-elections_en (accessed December 6, 2023); “Guatemala: Statement by the Spokesperson on continued efforts to undermine election results,” November 16, 2023, https://www.eeas.europa.eu/eeas/guatemala-statement-spokesperson-continued-efforts-undermine-election-results_en (accessed December 6, 2023).

²³ EU Election Observation Mission Guatemala, “Final report of the EU EOM Guatemala 2023,” November 13, 2023, pp. 1, 7.

²⁴ European Parliament, “EP Resolution of 14 September 2023 on the situation after the elections in Guatemala,” September 14, 2023, <https://www.europarl.europa.eu/delegations/en/ep-resolution-of-14-september-2023-on-th/product-details/20230914DPU37361> (accessed December 6, 2023).

- **María Consuelo Porras Argueta de Porras.** Since she was first appointed *Attorney General*, in 2018, the Attorney General’s Office has undermined investigations into corruption and human rights abuses, and brought arbitrary criminal proceedings against journalists, judges, prosecutors and former members of the United Nations-backed International Commission against Impunity in Guatemala (Comisión Internacional Contra la Impunidad en Guatemala, CICIG).²⁵ Her office has carried out spurious criminal investigations that appear designed to intimidate Semilla and the Supreme Electoral Tribunal and to overturn the electoral results, as described above. In addition, the U.S. government has sanctioned Porras for her “involvement in significant corruption” and for repeatedly obstructing and undermining anticorruption investigations.²⁶
- **Jose Rafael Curruchiche Cacul.** Since he was appointed *Special Prosecutor Against Impunity*, in 2021, the office he leads, the Special Prosecutor’s Office against Impunity (Fiscalía Especial contra la Impunidad, FEI), has undermined investigations into corruption and conducted spurious cases against independent prosecutors, judges and former CICIG members.²⁷ FEI also led the case against journalist José Rubén Zamora, who remains in prison under dubious charges, and requested an investigation for “obstruction of justice” against nine journalists and columnists who covered Zamora’s case²⁸ and conducted the spurious criminal investigations against members of the Supreme Electoral Tribunal and Semilla described above.²⁹ In 2022, the US government included Curruchiche in the list of

²⁵ See, e.g., “Guatemala: Attorney General Arbitrarily Fires Prosecutors,” Human Rights Watch news release, July 14, 2023, <https://www.hrw.org/news/2022/07/14/guatemala-attorney-general-arbitrarily-fires-prosecutors>; “Guatemala: Attorney General’s Reappointment Threatens Rights,” Human Rights Watch news release, May 19, 2022, <https://www.hrw.org/news/2022/05/19/guatemala-attorney-generals-reappointment-threatens-rights>; “Guatemala: High Stakes for Attorney General’s Nomination,” Human Rights Watch news release, April 13, 2022, <https://www.hrw.org/news/2022/04/13/guatemala-high-stakes-attorney-generals-nomination>.

²⁶ US State Department, “Designation of Attorney General Maria Consuelo Porras Argueta de Porres for Involvement in Significant Corruption and Consideration of Additional Designations,” May 16, 2022, <https://www.state.gov/designation-of-attorney-general-maria-consuelo-porras-argueta-de-porres-for-involvement-in-significant-corruption-and-consideration-of-additional-designations/> (accessed December 6, 2023).

²⁷ Inter-American Commission on Human Rights, *Annual Report 2022*, “Guatemala,” https://www.oas.org/es/cidh/decisiones/mc/2023/res_48-23_mc_574-23%20_gt_es.pdf (accessed December 6, 2023), paras. 10, 13, 84, 85 and 174.

²⁸ Video posted on X by @MPguatemala, June 14, 2023, <https://twitter.com/MPguatemala/status/1669070812173803520> (accessed December 6, 2023); Office of the Special Rapporteur for Freedom of Expression (SRFOE) of the Inter-American Commission on Human Rights (IACHR), “SRFOE expresses concern about the opening of a criminal investigation against journalists in Guatemala for their coverage of matters of public interest,” March 29, 2023, <https://www.oas.org/es/cidh/expresion/showarticle.asp?artID=1270&IID=1> (accessed December 6, 2023).

²⁹ Attorney General’s Office, “Caso corrupción Semilla,” July 16, 2023, <https://www.mp.gob.gt/noticia/ministerio-publico-da-a-conocer-detalles-sobre-el-caso-corrupcion-semilla/> (accessed December 6, 2023); OAS, “Statement from the Mediation

Corrupt and Undemocratic Actors for “disrupting high-profile corruption cases against government officials and raising apparently spurious claims against FECI prosecutors, private attorneys, and former International Commission Against Impunity in Guatemala (CICIG) prosecutors.”³⁰

- **Fredy Raul Orellana Letona**, a *judge*, has repeatedly greenlighted spurious criminal prosecutions led by the Attorney General’s Office. He ordered, in July, the suspension of Semilla’s legal registration³¹ and greenlighted a criminal investigation against the Supreme Electoral Tribunal Citizens’ Register director, José Ramiro Muñoz for refusing to comply with the order.³² Orellana also sent José Rubén Zamora to trial³³ and issued two arrest warrants against Juan Francisco Sandoval, the widely respected former head of FECI, who has been granted asylum in the United States.³⁴ In 2023, the United States included Orellana in the list of Corrupt and Undemocratic Actors for “authorizing unsubstantiated, politically motivated criminal charges,” undermining democratic institutions.³⁵

Mission of the OAS General Secretariat in Guatemala,” October 18, 2023,

https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-068/23 (accessed December 6, 2023).

³⁰ US State Department, “Section 353 Corrupt and Undemocratic Actors Report,” 2022,

<https://www.state.gov/reports/section-353-corrupt-and-undemocratic-actors-report-2022/> (accessed December 6, 2023).

³¹ Judicial Branch of Guatemala, decision of July 12, 2023, case, 01079-2023-00231,

<https://pbs.twimg.com/media/Fo7TISnWIAA3agR?format=jpg&name=medium> (accessed December 6, 2023); José Manuel

Patzán and Edwin Pitán, “Fredy Orellana: el juez que ordenó la suspensión del Movimiento Semilla,” *Prensa Libre*, July 12,

2023, <https://www.prensalibre.com/guatemala/fredy-orellana-el-juez-que-ordeno-la-suspension-del-movimiento-semilla/>

(accessed December 6, 2023); Inter-American Commission on Human Rights, resolution 48/2023, precautionary measures

concerning Bernardo Arévalo de León and Karin Herrera Aguilar, August 24, 2023,

https://www.oas.org/es/cidh/decisiones/mc/2023/res_48-23_mc_574-23%20_gt_es.pdf (accessed December 6, 2023),

para. 6; OAS, “Statement from the Mediation Mission of the OAS General Secretariat in Guatemala,” October 18, 2023.

³² Julio Román and Edwin Pitán, “Juez Fredy Orellana da vía libre para gestionar retiro de inmunidad al registrador de

ciudadanos por incumplir con suspender al Movimiento Semilla,” *Prensa Libre*, July 18, 2023,

<https://www.prensalibre.com/guatemala/elecciones-generales-guatemala-2023/juez-fredy-orellana-da-via-libre-para-retirar-inmunidad-al-registrador-de-ciudadanos-por-incumplir-con-suspender-al-movimiento-semilla-breaking/> (accessed December

6, 2023); Diego España, “Caso Semilla: juez Orellana ordena al MP investigar a Registrador por desobedecer resolución,” July

18, 2023, *La Hora*, <https://lahora.gt/nacionales/diego/2023/07/18/caso-semilla-juez-orellana-orden-al-mp-investigar-a-registrador-por-desobedecer-resolucion/> (accessed December 6, 2023).

³³ José David López Vicente, “Juez liga a proceso penal y envía a prisión a Zamora y Gómez,” *Agencia Ocote*, August 10, 2022,

<https://www.agenciaocote.com/blog/2022/08/10/juez-liga-proceso-penal-envia-prision-zamora-gomez/> (accessed

December 6, 2023); César Pérez Marroquín and Henry Montenegro, “Jose Rubén Zamora, presidente de elPeriódico, es

enviado a juicio por el juez Freddy Orellana,” *Prensa Libre*, December 8, 2022,

<https://www.prensalibre.com/guatemala/justicia/juez-freddy-orellana-envia-a-juicios-al-periodista-jose-ruben-zamora-senalado-de-tres-delitos-breaking/> (accessed December 6, 2023); video posted on X by @noficciong, August 9, 2022,

<https://x.com/noficciong/status/1557133392692629506?s=20> (accessed December 6, 2023).

³⁴ “Arrest warrant Ref. 01079-2021-00301,” September 3, 2021 (copy on file with Human Rights Watch); “Caso Zamora: FECI

solicita captura de Juan Francisco Sandoval,” *La Hora*, September 12, 2022, <https://lahora.gt/nacionales/la-hora/2022/09/12/caso-zamora-feci-solicita-captura-de-juan-francisco-sandoval/> (accessed December 6, 2023).

³⁵ US State Department, “Section 353 Corrupt and Undemocratic Actors Report: 2023,” 2023,

<https://www.state.gov/reports/section-353-corrupt-and-undemocratic-actors-report-2023/> (accessed December 6, 2023).

- **Cinthia Edelmira Monterroso Gómez**, a *FECI prosecutor*, has led criminal investigations that undermine freedom of expression. She participated in the seemingly arbitrary prosecution of José Rubén Zamora and requested an investigation for “obstruction of justice” against nine journalists and columnists who covered Zamora’s case.³⁶ She also participated in the abusive criminal prosecution regarding Semilla’s legal registration³⁷ and in raids of the Supreme Electoral Tribunal’s headquarters.³⁸ In 2023, the United States government included Monterroso in the list of Corrupt and Undemocratic actors 2023 for having “undermined democratic processes or institutions by bringing unsubstantiated, politically motivated criminal charges against journalists for exercising their freedom of expression as protected by Guatemalan law.”³⁹

In addition to imposing targeted sanctions against these individuals, we urge the EU and its member states to:

- **Work jointly with governments in Latin America and the United States to publicly and privately call on President Alejandro Giammattei** to condemn the Attorney General’s Office’s decisions that undermine the political rights of Guatemalans. As the EU electoral observation mission has noted, “[n]either the [g]overnment nor its supporting political parties [have] condemned” these abusive maneuvers.⁴⁰
- **Urge key actors from Guatemala’s business sector**, including leaders in the Coordinating Committee of Chambers of Commerce, Industry, and Finance (Comité

³⁶ Carlos Maldonado, “La fiscalía de Guatemala pide 40 años de cárcel para el periodista José Rubén Zamora,” *El País*, May 30, 2023, <https://elpais.com/internacional/2023-05-30/la-fiscalia-de-guatemala-pide-40-anos-de-carcel-para-el-periodista-jose-ruben-zamora.html> (accessed December 6, 2023); César Pérez Marroquín and Edwin Pitán, “Juez ordena investigar a periodistas y columnistas de elPeriódico y medios de comunicación a petición del MP,” *Prensa Libre*, <https://www.prensalibre.com/guatemala/justicia/juez-ordena-investigar-a-periodistas-y-columnistas-de-elperiodico-y-medios-de-comunicacion-a-peticion-del-mp-breaking/#:~:text=El%20juez%20D%C3%A9cimo%20Penal%2C%20limi.de%20jose%20Rub%C3%A9n%20Zamora%20Marr%C3%ADn%2C> (accessed December 6, 2023); video posted on X by @avaldez_elp, December 8, 2022, https://x.com/avaldez_elp/status/1600913840086323202?s=20 (accessed December 6, 2023).

³⁷ Audio of hearing of July 12, 2023, case 1079-2023-231 (copy on file with Human Rights Watch); OAS, “Statement from the Mediation Mission of the OAS General Secretariat in Guatemala,” October 18, 2023, https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-068/23 (accessed December 6, 2023).

³⁸ Sonia Pérez, “La Fiscalía de Guatemala allana por segunda vez la sede del tribunal electoral,” *AP News*, July 20, 2023, <https://apnews.com/world-news/general-news-e488287da36216045f28944a5a0b9fd3> (accessed December 6, 2023); Jessica Gramajo, “¿Quién es la fiscal que dirige los allanamientos en el TSE?,” *Soy 502*, July 13, 2023, *Soy 502*, <https://www.soy502.com/articulo/fiscal-llevo-caso-jose-zamora-dirige-allanamientos-tse-100931> (accessed December 6, 2023).

³⁹ US State Department, “Section 353 Corrupt and Undemocratic Actors Report: 2023,” 2023, <https://www.state.gov/reports/section-353-corrupt-and-undemocratic-actors-report-2023/> (accessed December 6, 2023).

⁴⁰ EU Election Observation Mission Guatemala, “Final report of the EU EOM Guatemala 2023,” November 13, 2023, pp. 1, 36.

Coordinador de Cámaras Comerciales, Industriales y Financieras, CACIF), **to speak up in support of democracy and the rule of law.**

- **Remind Guatemalan authorities and business sector people that “respect for democratic principles and fundamental rights” is an “essential clause” of the EU-Central America association agreement, which Belgium has yet to ratify.**⁴¹
- **Continue to monitor closely the situation in Guatemala until a smooth and peaceful transfer of power is guaranteed,** including by following decisions by the Supreme Court and the Constitutional Court, which have yet to rule, respectively, on important cases concerning the immunity of President-elect Arévalo and on lawsuits to protect the right to vote.
- **Consider imposing sanctions on other people who may bear responsibility for serious human rights violations in Guatemala,** including by examining the responsibility of magistrates, members of Congress, and businesspeople.

Given the rapid deterioration of the situation on the ground and the imminence of the date of the expected inauguration of the President-elect, we urge the European Union to use targeted measures and other tools expeditiously and with resolve.

We thank you for your attention and remain available should you have any additional questions.

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⁴¹ Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, Document 22012A1215(01), signed June 29, 2012, [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:22012A1215\(01\)](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:22012A1215(01)) (accessed December 6, 2023).