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Guatemala: the situation after the elections, the rule of law and judicial independence

European Parliament resolution of 14 September 2023 on Guatemala: the situation after the elections, the rule of law and judicial independence (2023/2831(RSP))

(C/2024/1762)

The European Parliament,

— having regard to Rules 144(5) and 132(4) of its Rules of Procedure,

A. whereas on 28 August 2023 Guatemala's Supreme Electoral Tribunal (TSE) announced the official results of peaceful, well-organised elections and declared the clear victory of the Movimiento Semilla's Bernardo Arévalo and Karin Herrera as elected President and Vice-President of Guatemala;

B. whereas President Giammattei recognised the results and publicly called for an orderly transition and power transfer on 14 January 2024;

C. whereas since 12 July 2023, the Movimiento Semilla has been subjected to selective and arbitrary legal and procedural actions by the Public Prosecutor, who, according to the EU Election Observation Mission (EOM), 'threatened the right and opportunity to participate in genuine elections and respect the will of the voters'; whereas on 28 August 2023, the Movimiento Semilla was again provisionally suspended by the TSE's Citizen's Registry, suspension temporarily revoked by the TSE on 3 September until 31 October 2023;

D. whereas some members of the judicial branch and the office of the General Prosecutor (Ministerio Público) have interfered in the electoral process; whereas several Ministerio Público prosecutors are on the US Engel List, including General Prosecutor María Consuelo Porras, José Rafael Curruchiche, chief of the Public Ministry's Office of the Special Prosecutor Against Impunity (FECI), and Judge Fredy Orellana;

1. Congratulates Bernardo Arévalo and Karin Herrera on their election; calls on all state institutions and sectors of society to support an orderly transition and power transfer as called for by President Giammattei;

2. Strongly condemns the recent raids carried out by the FECI in the TSE offices, as well as the opening of boxes containing votes cast in last June's general election and the seizure of computer materials related to the transmission of preliminary election results, violating the integrity of the electoral process and the chain of custody; condemns the fact that these events occurred against the will of the TSE, which is the supreme authority in these matters while the electoral process is ongoing; is particularly concerned about a possible breakdown in the constitutional order in Guatemala;

3. Regrets the continuous attempts to suspend the Movimiento Semilla; condemns and calls for an end to any action, especially by the Ministerio Público, to overturn the election results, the continued steps to criminalise independent judicial operators, and the instrumentalisation of judicial and prosecutorial institutions to undermine the rule of law;

4. Calls on all Guatemalan political parties, government branches and institutions to respect the electoral process's integrity and outcome, as clearly expressed by Guatemalan citizens with their votes, and guarantee their civil and political rights, including the protection of elected officials, in compliance with international and regional standards and domestic laws;

5. Expresses its concerns about the arbitrary detention of prosecutors, judges, independent journalists, human rights defenders and former officials from the International Commission against Impunity in Guatemala; urges the immediate and unconditional release of Virginia Laparra, her lawyer Claudia González and all those arbitrarily detained;

6. Recalls that respect for the judiciary's independence, political pluralism and freedom of expression are fundamental rights and essential pillars of democracy and the rule of law;

7. Calls on the EU EOM, the EEAS, the Member States and the EU Delegation to continue monitoring the situation in Guatemala until there are clear and serious guarantees that the people's will expressed through the elections is respected; encourages the authorities to implement the forthcoming EOM recommendations;

8. Instructs its President to forward this resolution to the Council, the Commission, the VP/HR, the Organization of American States, the UN, the Guatemalan authorities and the Central American Parliament (PARLACEN).