

Congress of the United States
Washington, D.C. 20515

June 10, 2024

The Honorable Antony J. Blinken
Secretary of State
2201 C Street, NW
Washington, DC 20037

Dear Secretary Blinken:

We write to thank you for your strong support of the people of Guatemala during their fight for democracy and to urge you to continue to look for ways to support Guatemaltecos in their struggle against corruption and for the rule of law. As you know, in recent years Guatemala has faced a significant erosion of its democracy and the rule of law, threatening Guatemalans' ability to thrive in their home communities. Despite January 2024 inauguration of President Bernardo Arévalo, who pledged on the campaign trail to restore the rule of law and combat corruption, persistent challenges related to access to justice and impunity remain pressing issues. We echo concerns from Guatemalans and the international community that the co-optation of the justice system in Guatemala continues to be an impediment to good governance and restoring democracy, including legitimizing unlawful actions by the Attorney General and the Constitutional Court that jeopardize the rule of law. We urge you to do all in your power to support the Guatemalan people in their fight for a truly independent and credible judiciary that provides justice for the people.

An independent judiciary is important to an effective democracy, where the powerful are held accountable for crimes against the vulnerable; however, we are concerned that Guatemala's judiciary has struggled to retain its integrity and independence. In November 2023, new Supreme Court Justices were irregularly appointed through a process that lacked independence and impartiality. These judges will remain in place until October 2024. Historically, the election of judges for each court has been a flawed process.¹ Lawyers, magistrates, former public officials and businessmen have been convicted and imprisoned for influence peddling and illegal actions as investigated by the former International Commission against Corruption in Guatemala (CICIG) and the Special Prosecutor's Office Against Impunity (FECI).² Similarly, between 2021-2023 the U.S. Government sanctioned at least 13 individuals under Section 353(b) of Public Law 116-206, including the current President of the Constitutional Court, Nester Vásquez Pimentel for undermining "democratic

¹ <https://insightcrime.org/news/analysis/political-elites-again-to-infiltrate-guatemalas-high-court/>.

² <https://www.cicig.org/casos/caso-comisiones-paralelas/>.

processes or institutions by abusing his authority to inappropriately influence and manipulate the appointment of judges to high court positions.”³

Over the next five months, the Guatemalan Congress will appoint new magistrates to the Supreme Court of Justice and Appellate Courts for the 2024-2029 period. We understand the Guatemalan Congress will convene nominating commissions – entities responsible for screening the fitness of candidates for magistrates to the Supreme Court and Appellate Court – by June 2024. Since judicial independence is an essential pillar of democracy, we support President Arévalo’s request to the Organization of American States (OAS) to establish an international observation mission to guarantee a comprehensive monitoring process.

We believe it is critical that you join Guatemala in supporting the OAS in creating an oversight mechanism made up of international independent experts to monitor the selection process of judges to prevent the Courts from being infiltrated by compromised individuals. This oversight mechanism could include important procedures to guarantee judicial independence, specifically:

1. Ensure transparency and integrity for the selection of members of the nominating commissions. The nominating commissions are made up of 37 persons representing:
a) rectors of the country's universities; b) deans of schools of law and social sciences; c) magistrates of the Supreme Court of Justice; d) members of the Institute of Magistrates of the Appellate Courts; and e) members of the Bar Association and Notaries of Guatemala (CANG).
2. Review the nominating commissions’ work by requiring nominated candidates to complete a detailed questionnaire and provide consent to contact former employers and employees, state authorities, or academic institutions. Failure to submit a completed questionnaire or provide the required consent will disqualify the candidate from future consideration.
3. Monitor the nominating commissions’ work in conducting an in-depth background check of criminal, academic, and employment records of the nominated candidates with the assistance of relevant bodies. This screening should include a review and analysis of open-source information and contacts with former employers and, where feasible, staff who may have worked with the nominated candidates. The results should be made public.
4. Establish a confidential channel for the receipt of allegations of misconduct by any of the nominated candidates. For the purposes of this process, “misconduct” refers to human rights violations, incidents of harassment (including sexual harassment), abuse of authority, discrimination, and other ethical or legal breaches of a serious nature such as fraud or corruption.

³ <https://www.state.gov/reports/section-353-corrupt-and-undemocratic-actors-report/>.

Thank you for your commitment to public service and your consideration of the above requests. We appreciate the strong support this Administration has demonstrated for democracy and look forward to working with you to see what more the United States can do to partner with the people of Guatemala during this pivotal time as they fight against corruption and for democracy and the rule of law.

Sincerely,



Norma J. Torres
Member of Congress



Delia C. Ramirez
Member of Congress

Cc: Francisco O. Mora, U.S. Ambassador to the Organization of American States