



OPEN SOCIETY
JUSTICE INITIATIVE



Statement by international organizations dedicated to the protection of Human Rights in response to the serious threat against democracy in Guatemala

January 9, 2019

Based on the latest facts and statements made by Guatemalan President Jimmy Morales, the signatory organizations declare the following:

We strongly condemn the recent series of actions undertaken by Executive Branch agencies, which have systematically violated the fundamental principles of democracy, separation of powers, independence of public institutions, and respect for international norms.

We applaud the decision of the Constitutional Court to annul the actions of the Guatemalan executive on January 7, when it unilaterally and arbitrarily decided to terminate the agreement with the United Nations and thereby put an end to the work of the International Commission against Impunity in Guatemala (CICIG), violating both international and constitutional norms since the decree of law ratified by the National Congress of Guatemala clearly sets out the proper process to end the mandate of CICIG, a process that was not observed by the authorities involved. We note that Secretary General Guterres strongly rejected the decision and thus affirmed that "The mandate of the Commission will end on September 3, 2019. Until that date, we hope that the Government of Guatemala fully complies with its legal obligations under the Agreement."

We are alarmed by the actions aimed at disabling the Constitutional Court and the expulsion of the CICIG, which could undoubtedly have an irreversible negative impact on the integrity of the upcoming electoral process, as well as on the protection of human rights and the advances made in the fight against corruption.

We call on Guatemalan institutions, civil society, and the international community to adopt the necessary measures to protect the independence of the Constitutional Court and the personal and physical integrity of its magistrates. Currently, not only have there been calls for their removal, but also calls for their imprisonment. We condemn these attacks and threats in the strongest terms.

We express deep concern about the future of Guatemala's democratic institutions in the face of a coordinated assault by sectors linked to networks of corruption and organized crime, through

unfounded accusations against the magistrates of the Constitutional Court that aim to obstruct the independence and free exercise of its function as enshrined in the Constitution of the Republic. We trust that the Supreme Court of Justice will similarly fulfill its historical role.

We note with particular concern defamation, stigmatization, malicious criminal prosecution, and physical and psychological attacks against key sectors in the fight against corruption, including judges, prosecutors, human rights defenders, whistleblowers, journalists, and the media.

We emphasize the importance of CICIG in the preservation of human rights, as expressed by the Inter-American Commission on Human Rights in its resolution of September 12, which stated: "The fight against corruption has an unequivocal relationship with the exercise and enjoyment of human rights. Impunity drives and perpetuates acts of corruption. "

We denounce that the actions of President Morales and the sectors that have built political power through criminal networks of corruption and influence peddling reflect a growing pattern of abuse and concentration of power in the executive branch; a backsliding regrettably present in other countries of the region.

Based on all of the above, we urge the international community to take the following actions:

- Publicly condemn the violations of international norms and lack of respect for the rule of law, especially any infraction committed against the integrity of the Constitutional Court or its ability to act independently;
- Encourage the Organization of American States (OAS) to send a delegation to Guatemala to evaluate compliance with Article 18 of the Inter-American Democratic;
- Ensure full compliance with the resolutions of the Constitutional Court, including, among others, those related to the functioning of the CICIG in Guatemala as it completes its mandate; and
- Finally, suspend bilateral and multilateral non-humanitarian financing to the Guatemalan Government while there is no guarantee of compliance with internationally accepted norms, including separation of powers, judicial independence, and effective measures to control corruption in the state agencies, measures that are necessary to protect the fundamental rights of all Guatemalans.

Lawyers without Borders Canada
Center for Justice and International Law (CEJIL)
Due Process of Law Foundation (DPLF)
Guatemala Human Rights Commission (GHRC)
Impunity Watch
Open Society Justice Initiative (OSJI)
Oxfam
Platform against Impunity
Robert F. Kennedy Human Rights
Washington Office on Latin America (WOLA)