

# **OPEN LETTER SUPPORTING GLOBAL MAGNITSKY ACT SANCTIONS ON INDIVIDUALS ENGAGED IN SIGNIFICANT CORRUPTION AND SERIOUS HUMAN RIGHTS ABUSES IN GUATEMALA**

July 25, 2023

Dear President Biden and Vice President Harris:

As faith-based and civic organizations and religious leaders from the U.S, Mexico and Central America, we appreciate that the U.S. State Department has responded forcefully to ongoing illegal efforts to overturn election results in Guatemala, including in recent statements at the Organization of American States (OAS) and the inclusion of additional corrupt and anti-democratic actors in Guatemala on the Engel List.

Now, with Guatemalan democracy hanging in the balance, we urge you to do more to stand with the Guatemalan people in their struggle for freedom, by moving forward with targeted financial sanctions against the network of corrupt officials, criminal enterprises, and economic elites who have systematically undermined rule of law, democracy, and human rights in Guatemala.

The individuals who lead what Guatemalans call the “Pacto de Corruptos” have engaged in a premeditated conspiracy to corrupt Guatemalan society, deny the will of the people, and capture state institutions for their private benefit. In an effort to rig the elections and sustain their corrupt practices, they have persecuted human rights activists, journalists, and dozens of anti-corruption judges and prosecutors, many of whom are now in exile in the U.S. and Mexico.

Targeted financial sanctions under the Global Magnitsky Act are needed now because they raise the costs of choices that could further undermine democracy in Guatemala. The conflicting electoral rulings demonstrate divisions within the Guatemalan elite and criminal enterprises about how far to go in overriding the will of the Guatemalan people. The world is watching Guatemala, and the elite in Guatemala are paying close attention to how the U.S. and other countries respond to election manipulation. Absent a strong international response that includes meaningful consequences for corruption, there is a high risk that the same individuals who captured state institutions to rig the election will engage in more illegal interference leading up to, during, and after the scheduled second round of voting on August 20.

At great risk, reporters, staff at non-governmental organizations, and now-exiled or imprisoned prosecutors have documented corrupt actions by hundreds of Guatemalan officials, criminal organizations, and business people. This corruption includes misappropriating state assets, bribery, corruption in government contracts and the extraction of natural resources, key criteria for imposing Global Magnitsky sanctions. In addition, public officials working for the most powerful government officials in Guatemala have persecuted, falsely imprisoned, and exiled prosecutors, judges, human rights activists, and journalists who have tried to expose illegal activity by high-level government officials.

The U.S. has now placed forty-six individuals from Guatemala on the Engel Section 353 List of Corrupt and Undemocratic Actors. However, as the Washington Office on Latin America (WOLA) has pointed out about the 2022 Engel List, “Unlike the sanctions against El Salvador, Honduras and Nicaragua, in the case of Guatemala, no person from the circle of power close to President Alejandro Giammattei is named, despite strong indications of corruption around him and his acquiescence in the criminalization and persecution of independent justice operators.”

Moreover, while placement on the Engel List sends an important public message, the practical consequences are limited to an inability to travel to the U.S. In contrast, just six Guatemalans have been financially sanctioned under the Global Magnitsky Act, which is much a stronger tool for countering corruption and serious human rights abuses.

Applying targeted financial sanctions, rather than only travel sanctions, and including the highest-level public and private sector actors responsible for corrupting the Guatemalan government is essential for supporting locally-led efforts to restore rule of law and democracy. The systematic undermining of the judicial system, which accelerated under President Giammattei, makes it especially important for the international community to consistently sanction those most responsible for corruption.

The deep ties between corrupt officials and organized crime, drug traffickers and companies dedicated to environmental destruction and displacement are one of the root causes of poverty and forced migration in Guatemala. The continued efforts of the Public Ministry to undermine the will of the voters and the reaction of Guatemalan Government rejecting attempts to rescue democratic precepts, including the presentation of the Engel List on July 19, demonstrate that the current regime is following an anti-democratic path, similar to that of Nicaragua. Further deterioration of democracy would have devastating consequences for the Guatemalan people and Guatemala's neighbors, including the United States. As Ambassador Frank Mora said, "what is happening affects all nations."

We urge the State Department and U.S. Treasury to take the following actions in support of the Guatemalan people and their struggle for democracy and rule of law:

1. Apply targeted Global Magnitsky Act financial sanctions to individuals who have been placed on the Engel list for misappropriating state assets and engaging in significant corruption related to government contracts and natural resource extraction, as well as other actors from the economic elite who have engaged in similar corrupt practices but have not yet been named.
2. Focus sanctions on high level officials in the Giammattei Administration who played key roles in capturing the executive, judicial, electoral, and legislative institutions to protect and advance systematic corruption and organized criminal activity.
3. Continue to expand targeted visa and financial sanctions on corrupt economic elites and business people who are profiting from government corruption and financing the attack on rule of law, human rights abuses, and free and fair elections in Guatemala.
4. Strengthen regional collaboration to investigate organized crime and drug trafficking, which now operate with state support and collusion from private businesses, undermining wellbeing and social peace in Central America.

Without international support for Guatemalan pro-democracy forces, the country faces a difficult future. Continued efforts to override the will of Guatemalan voters will create even more social unrest and hardship in Guatemala and across the region. The Guatemalan people are standing up for their freedom. The U.S. and other countries who support democracy must use all of the tools available to support their struggle.

Sincerely,

Faith in Action International  
Hope Border Institute  
The Root Causes Initiative  
Latin American Working Group  
Maryknoll Office for Global Concerns  
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## **CARTA ABIERTA DE APOYO A LAS SANCIONES DE LA LEY MAGNITSKY GLOBAL CONTRA LAS PERSONAS IMPLICADAS EN CORRUPCIÓN SIGNIFICATIVA Y GRAVES VIOLACIONES DE LOS DERECHOS HUMANOS EN GUATEMALA**

25 de julio 2023

Estimados presidente Biden y vicepresidenta Harris:

Como organizaciones cívicas y líderes religiosos de Estados Unidos, México y Centroamérica, apreciamos que el Departamento de Estado de Estados Unidos haya respondido enérgicamente a los continuos intentos ilegales de anular los resultados electorales en Guatemala, incluso en declaraciones recientes en la Organización de Estados Americanos (OEA) y con la reciente inclusión de otros actores corruptos y antidemocráticos en Guatemala en la Lista Engel.

Ahora, con la democracia guatemalteca pendiendo de un hilo, les instamos a que hagan un esfuerzo mayor para apoyar al pueblo guatemalteco en su lucha por la libertad, avanzando con sanciones económicas selectivas contra la red de funcionarios corruptos, empresas delictivas y élites económicas que han socavado sistemáticamente el Estado de derecho, la democracia y los derechos humanos en Guatemala.

Los individuos que dirigen lo que los guatemaltecos llaman el "Pacto de Corruptos" han participado en una conspiración premeditada para corromper a la sociedad guatemalteca, negar la voluntad de los votantes y capturar las instituciones del Estado para su beneficio privado. En un esfuerzo por manipular las elecciones nacionales y mantener sus prácticas corruptas, han perseguido a activistas de derechos humanos, periodistas y decenas de jueces y fiscales anticorrupción, muchos de los cuales se encuentran ahora exiliados en Estados Unidos y México.

Las sanciones financieras enfocadas a los individuos más responsables de la corrupción, en base a la Ley Magnitsky Global son necesarias ahora porque elevan los costes de unas decisiones que podrían perjudicar aún más a la democracia en Guatemala. Los diferentes fallos electorales y resoluciones judiciales contradictorios demuestran las divisiones dentro de la élite guatemalteca y las empresas criminales en torno hasta dónde llegar para anular la voluntad del pueblo guatemalteco. El mundo está observando a Guatemala y la élite guatemalteca está prestando mucha atención a cómo Estados Unidos y otros países responden a la manipulación electoral. A falta de una respuesta internacional contundente que incluya consecuencias significativas para la corrupción, sigue existiendo un alto riesgo de que los mismos individuos que capturaron las instituciones del Estado para controlar los resultados de las elecciones continúen interfiriendo de manera ilegal antes, durante y después de la segunda vuelta electoral programada para el 20 de agosto.

Con gran riesgo, los reporteros, el personal de organizaciones no gubernamentales y fiscales ahora exiliados o encarcelados han documentado acciones corruptas de cientos de funcionarios, organizaciones delictivas y empresarios guatemaltecos. Esta corrupción incluye la apropiación indebida de bienes del Estado, sobornos, corrupción en contratos gubernamentales y en la

extracción de recursos naturales, criterios clave para la imposición de sanciones de Magnitsky Global. Además, funcionarios públicos que trabajan para los gobernantes más poderosos de Guatemala han perseguido, encarcelado falsamente y exiliado a fiscales, jueces, activistas de derechos humanos y periodistas que han intentado sacar a la luz actividades ilegales de altos cargos del gobierno.

Estados Unidos ha incluido ya a cuarenta y seis individuos de Guatemala en la Lista Engel de la Sección 353 de Actores Corruptos y Antidemocráticos. Sin embargo, como ha señalado la Oficina en Washington para Asuntos Latinoamericanos (WOLA) sobre la Lista Engel 2022, "a diferencia de las sanciones contra El Salvador, Honduras y Nicaragua, en el caso de Guatemala no se nombra a ninguna persona del círculo de poder próximo al presidente Alejandro Giammattei, a pesar de los fuertes indicios de corrupción que le rodean y de su consentimiento en la criminalización y persecución de operadores de justicia independientes."

Además, aunque la inclusión en la Lista Engel envía un importante mensaje público, las consecuencias prácticas se limitan a la imposibilidad de viajar a Estados Unidos. En cambio, sólo seis guatemaltecos han sido sancionados económicamente en virtud de la Ley Magnitsky Global, que es una herramienta mucho más potente para contrarrestar la corrupción y los abusos graves contra los derechos humanos.

Aplicar sanciones financieras focalizadas, en lugar de sólo sanciones de viaje, e incluir a los actores del sector público y privado de más alto nivel responsables de la corrupción del gobierno guatemalteco es esencial para apoyar los esfuerzos liderados localmente para restaurar el Estado de derecho y la democracia. El desmantelamiento sistemático del sistema judicial, que se aceleró bajo la presidencia de Giammattei, hace que sea especialmente importante que la comunidad internacional sancione sistemáticamente a los máximos responsables de la corrupción.

Los profundos vínculos entre los funcionarios corruptos y el crimen organizado, los narcotraficantes y las empresas dedicadas a la destrucción del medio ambiente y al desplazamiento son una de las causas fundamentales de la pobreza y la migración forzada en Guatemala. Los continuos esfuerzos del Ministerio Público por socavar la voluntad de los votantes y la reacción del Gobierno de Guatemala rechazando cualquier intento de rescatar los preceptos democráticos incluida la presentación de la Lista Engel el 19 de julio, nos demuestra que el régimen actual sigue un camino antidemocrático, similar al de Nicaragua. Un mayor deterioro de la democracia tendría consecuencias devastadoras para el pueblo guatemalteco y los vecinos de Guatemala, incluido Estados Unidos. Como dijo el embajador Frank Mora, "lo que está ocurriendo afecta a todas las naciones."

Por todo lo expuesto, pedimos al Departamento de Estado y al Tesoro de EE.UU. que tomen las siguientes medidas en apoyo al pueblo guatemalteco y su lucha por la democracia y el Estado de derecho:

1. Aplicar sanciones financieras específicas de la Ley Magnitsky Global a las personas que han sido incluidas en la lista Engel por apropiación indebida de bienes del Estado y participación en corrupción significativa relacionada con contratos gubernamentales

- y extracción de recursos naturales, así como otros actores de la élite económica que han participado en prácticas corruptas similares pero que aún no han sido nombrados.
2. Centrar las sanciones en funcionarios de alto nivel de la Administración Giammattei que desempeñaron papeles clave en la captura de las instituciones ejecutivas, judiciales, electorales y legislativas para proteger y promover la corrupción sistemática y la actividad delictiva organizada.
  3. Seguir ampliando las sanciones financieras y de visado focalizadas contra las élites económicas y los empresarios corruptos que se benefician de la corrupción gubernamental y financian el ataque contra el Estado de derecho, los abusos contra los derechos humanos y las elecciones libres y justas en Guatemala.
  4. Fortalecer la colaboración regional para investigar el crimen organizado y el narcotráfico, que ahora operan con apoyo estatal y connivencia de empresas privadas, dañando el bienestar y la paz social en Centroamérica.

Sin el apoyo internacional a las fuerzas prodemocráticas guatemaltecas, el país se enfrenta a un futuro difícil. Los continuos esfuerzos por anular la voluntad de los votantes guatemaltecos crearán aún más malestar social y dificultades en Guatemala y en toda la región. El pueblo guatemalteco está defendiendo su libertad. Los EE.UU. y otros países que apoyan la democracia deben utilizar con premura todas las herramientas disponibles para apoyar su lucha.

Atentamente,

Faith in Action International  
Hope Border Institute  
The Root Causes Initiative  
Latin American Working Group  
Maryknoll Office for Global Concerns  
NETWORK Lobby for Catholic Social Justice  
Church World Service  
AFSC LAC  
Helen Mack, Fundación Myrna Mack  
American Jewish World Service  
Pax Christi USA  
Bishop Elias Samuel Bolaños Avelar, sdb, Zacatecoluca, El Salvador  
Rev. Dr. Cassandra Gould, Faith in Action  
Asociación Centro de Paz Barbara Ford  
Rev. Terrence Moran, Office of Peace, Justice, and Ecological Integrity/Sisters of Charity of Saint Elizabeth  
Fr. Mark Francis, CSV, Clerics of St Viator Provincial Council  
Justice Peace and Integral Human Creation, Familia Franciscana  
Sisters of Mercy of the Americas - Justice Team  
Sisters of Charity Federation  
Holy Spirit Missionary Sisters, USA-JPIC  
PICO California  
Faith in New York

Massachusetts Action for Justice  
Inland Congregations United for Change  
Comunidades de Fe Organizadas en Acción (COFOA)  
Fr. Carlos Castro, Missionaries of the Sacred Heart  
Misioneras del Inmaculado Corazón de Maria  
Sector Interreligioso Centinelas por la Dignificación del Estado  
Asociación Guatemaltecos Sin Fronteras  
Lucia Ixchiu, Festivales Solidarios  
Asociación Q'anil  
Alcaldía indígena de Palin  
Asociación Cultural, Ecológica y Recreativa de Guatemala  
Colectivo de Estudios Rurales Ixim  
Asociación Centro Internacional para Investigaciones en Derechos Humanos ONG (CiiDH)  
Hivos Guatemala  
Centro de Análisis Forense y Ciencias Aplicadas (CAFCA)  
Fr. Luis Eduardo Zavala de Alba, Casa Monarca. Ayuda Humanitaria al Migrante, A.B.P.  
Sr. Rosemarie Abate, Sisters, Home Visitors of Mary  
CONAMIREDIS, comisión de Apoyo a Migrantes Retornados con Discapacidad Física.  
Inés Pérez, Asociación B'eleleb' jtz'i  
Sister Carol De Angelo, Sisters of Charity of New York  
Boulder Valley Unitarian Universalist Fellowship  
Longmont Unitarian Universalist Presence  
La 72, Hogar-Refugio para Personas Migrantes  
Otra Guatemala Ya  
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Sociedad San Vicente de Paul de Nicaragua  
Colectivo Poder Constituyente de las Mujeres  
Brazilian Worker Center, Inc  
InnerCHANGE  
Equal Exchange  
Sisters of the Holy Names, USON Leadership Team  
Centro Comunitario de Trabajadores  
Rev. Dieufort J Fleurissant, True Alliance Center Inc.  
Justice Committee Sisters of St. Joseph of Carondelet, Albany  
Asociación de Retornados Guatemaltecos  
Red Nacional por la Defensa de la Soberanía Alimentaria en Guatemala REDSAG  
Red Jesuita con Migrantes - Latinoamérica y el Caribe  
Protection International Mesoamérica  
Servicio Jesuita a Refugiados (JRS) México  
San Diego Organizing Project  
Sisters and Brothers of Immigrants, Inc.  
Mesa Nacional para las Migraciones en Guatemala (MENAMIG)  
InterReligious Task Force on Central America  
Red Jesuita con Migrantes Centroamérica-Norteamérica (RJM CANA)  
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