

118TH CONGRESS
2D SESSION

S. RES. 518

Expressing solidarity with the people of Guatemala and urging the Government of Guatemala to permit a peaceful transfer of power to President-elect Bernardo Arévalo.

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2024

Mr. CARDIN (for himself, Mr. DURBIN, Mr. KAINE, Mr. MERKLEY, Ms. BUTLER, and Mr. WELCH) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Expressing solidarity with the people of Guatemala and urging the Government of Guatemala to permit a peaceful transfer of power to President-elect Bernardo Arévalo.

Whereas the United States and Guatemala have shared strong bilateral relations on issues of mutual interest for decades, including—

- (1) addressing the root causes of irregular migration;
- (2) a shared commitment to addressing key development challenges, such as poverty, child hunger and illiteracy, citizen security, and more transparent and accountable governance; and
- (3) supporting Taiwan and Ukraine's independence from Russia;

Whereas general elections were held in Guatemala on June 25, 2023, resulting in a runoff election between the 2 presidential candidates receiving the most votes, Congressman Bernardo Arévalo of the Movimiento Semilla party and Sandra Torres, a former first lady representing the Unidad Nacional de la Esperanza (UNE) party;

Whereas the runoff election, held on August 20, 2023, resulted in the people of Guatemala electing Congressman Arévalo as President with more than 60 percent of the popular vote;

Whereas the election observation teams from the European Union and the Organization of American States, which were present at the invitation of the Government of Guatemala, reported that both rounds of the election were run professionally and efficiently and concluded that there was no basis for claims of fraud;

Whereas Guatemala's Supreme Electoral Tribunal (TSE) certified that the presidential elections upheld national, regional and international standards for a democratic election;

Whereas immediately following the election of President-elect Arévalo on August 20, 2023, Guatemala's Public Ministry, led by Attorney General Maria Consuelo Porrás Argueta, who has been designated for visa restrictions by the United States Government for significant corrupt and undemocratic activities, initiated a series of efforts to undermine President-elect Arévalo's inauguration, which is scheduled to take place on January 14, 2024, including—

(1) a raid on the facilities of the TSE Citizen Registry and the Operations Center of the Electoral Process (COPE) on September 12, 2023, during which Public

Ministry officials opened ballot boxes in violation of Guatemala's Electoral and Political Party Law;

(2) a formal request on September 27, 2023, by the Public Ministry to the Supreme Court (CSJ) to remove the immunity of the 5 magistrates of the TSE;

(3) an order from the Public Ministry on November 15, 2023, which instructs the TSE to surrender registration documents for the Movimiento Semilla party and President-elect Arévalo, immediately followed by a press conference on November 16, 2023, at which the Public Ministry announced that it intended to seek the removal of immunity against President-elect Arévalo, Vice President-elect Herrera, and Congressman Samuel Perez, who is also a member of the Movimiento Semilla party; and

(4) a decision by the Public Ministry on December 8, 2023 to issue arrest warrants against two members of the TSE and a simultaneous announcement that the 2023 presidential elections should be annulled;

Whereas the November 30 vote of Guatemala's current governing coalition in Congress to remove the immunity of four TSE magistrates demonstrates that the Public Ministry has largely been supported by the political establishment in Guatemala;

Whereas the actions of the Public Ministry follow a trend in which the Public Ministry has intimidated, threatened, forced into exile, and in some cases imprisoned dozens of judges, prosecutors, civil society actors, and independent journalists who have worked to root out corruption in Guatemala, including anti-corruption prosecutor Virginia Laparra and journalist José Rubén Zamora, who were sentenced, respectively, to four and six years;

Whereas, since October 1, 2023, Indigenous Peoples in Guatemala, who comprise nearly 42 percent of the population of Guatemala, have led protests against the Public Ministry's actions, which demonstrates citizen organizing in support of a peaceful transfer of power;

Whereas the Organization of American States, the European Union, the United Nations, the Department of State, and the governments of many European and Latin American countries have released public statements condemning the Public Ministry's efforts to annul the 2023 presidential elections and prevent President-elect Arévalo from assuming office on January 14, 2024; and

Whereas the Constitutional Court of Guatemala ruled, on December 14, 2023, that Guatemala's Congress must take steps to ensure that every elected official in the 2023 electoral process, including President-elect Bernardo Arévalo, must be allowed to take office on January 14, 2024: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) applauds the will of the Guatemalan people
3 to participate in a free and fair presidential election
4 on August 20, 2023, as certified by the European
5 Union and Organization of American States elec-
6 toral observation missions;

7 (2) reaffirms the interest of the United States
8 to maintain mutually beneficial relations with the
9 people of Guatemala and their national government,
10 based on shared interests of security, prosperity, and
11 democratic values;

1 (3) reaffirms that the bilateral relationship be-
2 tween the United States and Guatemala is strength-
3 ened through shared policies, such as—

4 (A) efforts to prevent irregular migration;

5 (B) good governance, improved citizen se-
6 curity, and poverty reduction; and

7 (C) support for Taiwan, and for Ukraine’s
8 independence from Russia;

9 (4) looks forward to working with the incoming
10 Arévalo government to build a safer, democratic, and
11 more prosperous region;

12 (5) expresses deep concerns for the undemo-
13 cratic actions of Guatemala’s Attorney General and
14 Public Ministry, in coordination with the current
15 governing coalition, to maintain power by under-
16 mining free, fair, and democratic elections, the rule
17 of law, and basic democratic principles;

18 (6) urges the Government of Guatemala—

19 (A) to immediately repudiate the attacks of
20 the Attorney General and the Public Ministry
21 on President-elect Arévalo and members of his
22 political coalition;

23 (B) to commute the sentences of José
24 Rubén Zamora and Virginia Laparra and end

1 intimidation and threats against all other actors
2 working to reduce corruption in Guatemala; and

3 (C) to prioritize and work actively to en-
4 sure for a peaceful transfer of power and inau-
5 guration of President-elect Arévalo on January
6 14, 2024; and

7 (7) calls on the Department of State, the De-
8 partment of the Treasury, and the United States
9 Agency for International Development to prepare for
10 the possibility that a peaceful transition of power
11 does not occur on January 14, 2023, including by—

12 (A) preparing to reassess all elements of
13 United States foreign assistance and bilateral
14 cooperation with the Government of Guatemala;

15 (B) conducting an evaluation of all diplo-
16 matic and economic tools, including sanctions,
17 that can be used to hold accountable Guate-
18 malan public officials, private sector actors, and
19 others who have planned, supported, or under-
20 taken efforts to prevent the peaceful transition
21 of power in Guatemala; and

22 (C) working with the Organization of
23 American States, the European Union, and the
24 United Nations to reevaluate Guatemala's

- 1 standing in institutions that require their mem-
- 2 bers to adhere to basic democratic principles.

