



Plenary sitting

B9-0528/2023

12.12.2023

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 132(2) of the Rules of Procedure

on the attempt of coup d'Etat in Guatemala
(2023/3031(RSP))

Miguel Urbán Crespo, Idoia Villanueva Ruiz
on behalf of The Left Group

European Parliament resolution on the attempt of coup d’Etat in Guatemala (2023/3031(RSP))

The European Parliament,

- having regard to its previous resolutions on Guatemala, and in particular those of 14 September 2023 on Guatemala: the situation after the elections, the rule of law and judicial independence¹, of 14 March 2019 on the situation of human rights in Guatemala² and of 7 April 2022 on the situation of the rule of law and human rights in the Republic of Guatemala³,
 - having regard to the UN Universal Declaration of Human Rights of 1948, the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights of 1966, and the UN Declaration on Human Rights Defenders of 1998,
 - having regard to the statements by the High Representative of the Union for Foreign Affairs and Security Policy of 8 December 2023 and 21 and 28 August 2023 on the presidential elections in Guatemala,
 - having regard to the final report by the European Union Election Observation Mission to Guatemala of 13 November 2023,
 - having regard to the statements by the UN High Commissioner for Human Rights of 9 December 2023 deploring ‘persistent attempts to undermine outcome of elections’ and of 27 July 2023 expressing ‘deep concern at attempts to undermine the electoral process in Guatemala’,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas on 28 August 2023, Guatemala’s Supreme Electoral Tribunal announced the official results of peaceful and well-organised elections and declared the clear victory of Bernardo Arévalo and Karin Herrera from *Movimiento Semilla*, as elected President and Vice-President of Guatemala;
- B. whereas on 8 December, José Rafael Curruchiche, the Special Prosecutor Against Impunity, stated that the elections should be declared ‘null and void’, due to anomalies in the electoral registers; whereas the prosecutor’s accusations also singled out Arévalo for alleged money laundering, among other crimes; whereas the president of the Supreme Electoral Tribunal announced that the results were ‘validated, official and unalterable’;
- C. whereas both the elected candidate, Bernardo Arévalo, and various international institutions have issued warnings about the ongoing *coup d’état*;

¹ Texts adopted, P9_TA(2023)0322.

² OJ C 23, 21.1.2021, p. 92.

³ OJ C 434, 15.11.2022, p. 71.

- D. whereas this attempt is only the latest effort pursued by the Attorney General's Office, some judges and the Guatemalan Congress to overturn the electoral results, despite the fact that the law does not allow the public prosecutor to interfere in the outcome of elections; whereas Volker Türk, UN High Commissioner for Human Rights, accused the Guatemalan Attorney General's Office of 'trying to undermine the elections' and stated that judicial and political actions by the Guatemalan authorities had long been 'undermining the rule of law and democracy';
- E. whereas on 2 November, the legal registration of *Movimiento Semilla* was again suspended by the Supreme Electoral Tribunal; whereas this means that, among other things, *Semilla* will not be able to form a political group or be represented in congressional commissions; whereas since July 2023, *Movimiento Semilla* and its members have been subjected to political and institutional persecution, lawfare, arbitrary arrests and death threats; whereas the EU Electoral Observation Mission to Guatemala described the case as part of a pattern of 'judicial persecution', 'harassment' and 'intimidation' against *Semilla*;
- F. whereas from the beginning, the elections were marked by attacks on the right to vote and efforts to make the playing field uneven; whereas electoral authorities had previously banned opposition presidential candidates Thelma Cabrera, Roberto Arzú and Carlos Pineda through politically motivated decisions; whereas the Attorney General's Office launched an arbitrary criminal investigation into candidate Edmond Mulet;
- G. whereas in September, the Attorney General's Office asked the Supreme Court and the Congress to revoke the legal immunity of the magistrates on the Electoral Tribunal, so that they could be investigated for alleged 'irregularities' in the acquisition of software for the transmission of the electoral results; whereas on 7 November, the Supreme Court referred the case to the Congress; whereas on 30 November, the majority of the Congress voted in favour of lifting the four magistrates' immunity; whereas three of them then left the country;
- H. whereas in November, the Attorney General's Office announced an investigation into a largely peaceful 2022 demonstration at the University of San Carlos; whereas prosecutors requested arrest warrants for 27 activists, students, academics, human rights defenders (HRDs) and a member of *Semilla*; whereas the office also asked the Supreme Court to revoke the immunity of Arévalo and Herrera, so that they could be investigated for allegedly promoting the student protest through social media posts;
- I. whereas HRDs, independent journalists, prosecutors, former members of the International Commission against Impunity in Guatemala and judges investigating and exposing corruption and human rights abuses have been criminalised in Guatemala in recent years; whereas more than 50 HRDs, journalists, lawyers and judges have been forced to leave Guatemala since 2019, due to unjust criminal charges and a lack of judicial guarantees in the processes against them; whereas José Rubén Zamora, a journalist known for his investigations into corruption in the country, was sentenced to six years in prison in June 2023; whereas the Second Appeals Chamber overturned the conviction in October, but Zamora remains in prison awaiting retrial;

- J. whereas the UN High Commissioner for Human Rights and the Special Rapporteur on the independence of judges and lawyers have noted that many of the investigations into prosecutors and judges violate judicial independence and due process and appear to be retaliation for their work fighting corruption;
- K. whereas attempts to disregard the election results have provoked massive protests involving the indigenous, student and popular movements, among others; whereas protestors have demanded that the results of the polls be respected and have called for the resignation of Attorney General Consuelo Porras and the Special Prosecutor Against Impunity, who are considered responsible for the ongoing *coup d'état*;
1. Strongly condemns the ongoing *coup d'état* and demands that an end be put to any selective and arbitrary legal and procedural actions to overturn the outcome of the elections;
 2. Demands that Guatemalan political parties, branches of government and institutions, including the Supreme Court of Justice and the Constitutional Court, fully respect the separation of powers and the will of the Guatemalan people, as clearly expressed at the ballot box, and demands that they support a peaceful and lawful transfer of power and Bernardo Arévalo's inauguration on 14 January 2024;
 3. Rejects the suspension of *Movimiento Semilla*'s legal status and calls on the Guatemalan authorities to cease all arbitrary and illegal criminal prosecutions against its members immediately;
 4. Rejects the ongoing criminalisation of justice operators, former officials from the International Commission against Impunity in Guatemala, HRDs, journalists and others engaged in the defence of human rights and the fight against corruption and impunity in Guatemala; urges the authorities to refrain from any attempts to criminalise, stigmatise or otherwise obstruct their work;
 5. Calls on the authorities to immediately and unconditionally release those who have been imprisoned for exercising their right to freedom of expression or for defending their rights, such as Virginia Laparra and the journalist José Rubén Zamora; calls for the dismissal of all unfounded criminal proceedings against them;
 6. Urges the Guatemalan authorities to stop all acts of criminalisation against all those who defend the right to academic freedom and university autonomy, to dismiss all unfounded criminal proceedings against the people unjustly detained during the peaceful demonstrations at the University of San Carlos and to withdraw the arrest warrants against the remaining 21 people at risk of arrest;
 7. Calls for steps to be taken to guarantee the independence of the Guatemalan Attorney General's Office and its judicial branch; denounces the fact that the instrumentalisation of Guatemalan judicial and prosecutorial institutions and the attacks against, and criminalisation of, those who investigate or prosecute criminal organisations with ties to high-ranking state officials and business owners are not new phenomena; urges the authorities to take the necessary measures to protect those working to investigate and prosecute crime and to ensure the safe return of those forced to leave the country;

8. Calls on the authorities to ensure that the judicial system will not be used as a tool to prosecute civil society and communities and that all cases receive a fair and transparent judicial process;
9. Demands respect for the right to freedom of expression, assembly and association guaranteed by international norms and UN treaties and conventions;
10. Condemns the murders of, and attacks on, HRDs, journalists and civil society and community leaders and expresses its concern about the particular situation of those defending the right to land and territory, as they face criminalisation and constant attacks on their rights; underlines that the Guatemalan authorities must guarantee that HRDs are able to do their work and, in that sense, urges the authorities to develop a public policy for the protection of HRDs, to end impunity and to prosecute those responsible for attacks on them;
11. Is extremely concerned about the ongoing deterioration of the rule of law in Guatemala; recalls that, according to the Association Agreement between the EU and Central America, Guatemala must respect and consolidate the principles of the rule of law, democracy and human rights; calls on the Commission, in view of the current circumstances, to immediately suspend the provisional application of the trade pillar of the Association Agreement between the EU and Central America as regards Guatemala;
12. Denounces the negative effects of the activities of EU 'multinationals' in Guatemala, such as the general impoverishment and systematic violation of human rights stemming from the exploitation of the country's human and natural resources, and condemns the impunity from which these companies benefit in Guatemala; calls on the Member States to ensure that companies that fall under their national law do not disregard human rights or the social, health and environmental standards that apply to them when moving to, or doing business in, a non-EU country; calls on the Commission and the Member States to take action against EU-based companies that do not comply with those standards or that do not adequately compensate victims of human rights violations for which they are directly or indirectly responsible;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the President, Government and Congress of the Republic of Guatemala, the United Nations Human Rights Council, the Secretariat for Central American Economic Integration and the Euro-Latin American Parliamentary Assembly.