



Plenary sitting

**B9-0526/2023 }
B9-0527/2023 }
B9-0528/2023 }
B9-0529/2023 }
B9-0530/2023 }
B9-0531/2023 } RC1**

13.12.2023

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 132(2) and (4) of the Rules of Procedure

replacing the following motions:

B9-0526/2023 (Verts/ALE)

B9-0527/2023 (PPE)

B9-0528/2023 (The Left)

B9-0529/2023 (Renew)

B9-0530/2023 (S&D)

B9-0531/2023 (ECR)

on the attempt at a coup d'état in Guatemala
(2023/3031(RSP))

Leopoldo López Gil

on behalf of the PPE Group

**Pedro Marques, Javi López, Maria-Manuel Leitão-Marques, Alicia Homs
Ginel**

on behalf of the S&D Group

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Jordi Cañas, Petras Auštrevičius, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Dita Charanzová, Olivier Chastel, Ilhan Kyuchyuk, Dragoș Pîslaru, Frédérique Ries, María Soraya Rodríguez Ramos, Dragoș Tudorache, Hilde Vautmans

on behalf of the Renew Group

Tilly Metz

on behalf of the Verts/ALE Group

Anna Fotyga, Witold Jan Waszczykowski, Assita Kanko, Anna Zalewska, Elżbieta Kruk, Adam Bielan, Waldemar Tomaszewski, Joachim Stanisław Brudziński, Angel Dzhambazki

on behalf of the ECR Group

Miguel Urbán Crespo

on behalf of The Left Group

Fabio Massimo Castaldo

**Motion for a European Parliament resolution on the attempt at a coup d'état in Guatemala
(2023/3031(RSP))**

The European Parliament,

- having regard to its previous resolutions and in particular to its resolution of 14 September 2023 entitled ‘Guatemala: the situation after the elections, the rule of law and judicial independence’¹,
 - having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP / HR) on the presidential election in Guatemala of 21 and 28 August 2023 and to his statement on the latest developments in Guatemala of 8 December 2023,
 - having regard to the preliminary statements by the EU Election Observation Mission on 27 June and 22 August 2023, and to its final report presented in Guatemala City on 13 November 2023,
 - having regard to the statement of 8 December 2023 attributable to the Spokesperson for the UN Secretary-General on recent developments in Guatemala’s democratic transition,
 - having regard to the statement of 9 December 2023 by the UN High Commissioner for Human Rights, Volker Türk, deploring the persistent attempts to undermine the outcome of elections,
 - having regard to the Organization of American States General Secretariat statement of 8 December 2023 condemning the coup attempt in Guatemala,
 - having regard to the statement of 8 December 2023 by the Alliance for Development in Democracy censuring the actions that seek to annul the general elections, interfering with and ignoring the democratic electoral process,
 - having regard to the statement of 8 December 2023 by the Guatemalan Coordinating Committee of Chambers of Commerce, Industry and Finance (*Comité Coordinador de Cámaras Comerciales, Industriales y Financieras, CACIF*) in support of democracy, the rule of law, the President-elect, the Vice-President-elect and all officials elected in the 25 June 2023 elections,
 - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas on 28 August 2023, the Supreme Electoral Tribunal announced the official results of the peaceful and well organised elections and declared Bernardo Arévalo and Karin Herrera from the Movimiento Semilla as elected President and Vice-President of

¹ Texts adopted, P9_TA(2023)0322.
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Guatemala following the 20 August 2023 presidential run-off;

- B. whereas on 2 November, the legal registration of Movimiento Semilla was again suspended by the Supreme Electoral Tribunal; whereas the Movimiento Semilla has been subjected to selective and arbitrary legal and procedural actions by the Office of the Public Prosecutor (MP) since Bernardo Arévalo was certified as one of the two presidential candidates with the most votes in the first presidential round held on 25 June 2023; whereas on 24 August, the Inter-American Commission on Human Rights granted precautionary measures to protect Bernardo Arévalo and Karin Herrera;
- C. whereas on 8 December 2023, the MP of Guatemala, in particular the head of the Special Prosecutor's Office against Impunity (FECI), José Rafael Curruchiche, and prosecutor Leonor Morales Lazo, declared they would seek to annul the results of the 25 June 2023 elections, citing alleged irregularities in the polling station tally sheets (*acta 4*) of all five electoral races and in the system for the transmission and announcement of preliminary election results;
- D. whereas the prosecutors have announced the request to strip Guatemala's President-elect Bernardo Arévalo of his immunity; whereas the Supreme Court has yet to rule on this and the Constitutional Court has not yet ruled on pending lawsuits to protect the right to vote;
- E. whereas on 15 November 2023, Members of Congress appointed new Supreme Court magistrates from a short list of candidates that was allegedly the product of influence peddling, according to investigations by Guatemalan prosecutors;
- F. whereas President-elect Bernardo Arévalo rejected these false allegations and considered them an attempt by prosecutors to invalidate his election victory;
- G. whereas Blanca Alfaro, the President of the Supreme Electoral Tribunal, whose role it is to resolve such situations, immediately responded to the MP that the election results were unalterable, that they are 'valid and certified' and stated that 'the people (who won their races) are necessarily accredited and must take office on the 14 January 2024';
- H. whereas the President of the Supreme Electoral Tribunal remarked that any attempt to prevent elected officials from taking office 'would be a breakdown of the constitutional order';
- I. whereas on 1 December 2023, four Supreme Electoral Tribunal magistrates left the country hours after Congress voted to strip them of their immunity, in a clear attempt by the majority of Members of the Congress to further interfere with the results, completely disregarding the will of the voters as expressed at the polls;
- J. whereas prosecutors are continuously attempting to escalate this crisis by taking actions of their own accord, often in defiance of the will of the Guatemalan people and of the European Parliament's declarations and resolutions;

- K. whereas Parliament, the EU and other international partners have denounced the ban of candidatures, the ongoing attempts to overturn the outcome of the elections, the continued steps to criminalise independent judicial operators and the instrumentalisation of judicial and prosecutorial institutions;
- L. 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 27 arrest warrants for activists, students, academics and a member of Movimiento Semilla;
- M. whereas the EU Election Observation Mission and national observation missions observed the entire electoral process at the invitation of the Guatemalan authorities and concluded that the elections were transparent and well organised, finding no grounds whatsoever to allege fraud; whereas the VP/HR Josep Borrell and the OAS Secretary-General described the recent decisions by the Public Prosecutor's Office as an 'attempt at a coup d'état';
- N. whereas attempts to disregard the election results have provoked massive protests; whereas all candidates, political actors, state institutions and the judiciary system must accept and respect the will of the voters;
- O. whereas the General Prosecutor, Consuelo Porras, the Special Prosecutor against Impunity, José Rafael Curruchiche, the judge, Fredy Raúl Orellana Letona, and the prosecutor, Cinthia Edelmira Monterroso Gómez, are on the United States' Undemocratic and Corrupt Actors list;
- P. whereas the EU-Central America Association Agreement, which has yet to enter into force, includes 'respect for democratic principles and fundamental rights' as an 'essential clause';
1. Condemns the attempt at a coup d'état and the MP's continuous efforts to overturn the results of the general and presidential elections in Guatemala, based on unsubstantiated allegations of fraud, and calls for an immediate end to these actions;
 2. Rejects all politically motivated actions taken by some authorities, which clearly violate the Guatemalan Constitution, the rule of law, the integrity of the electoral process and the most basic principles of democracy, including the fundamental principle of separation of powers;
 3. Supports President-elect Bernardo Arévalo and calls for an orderly transition leading to his inauguration as the 52nd President of Guatemala on 14 January 2024;
 4. Call on the competent authorities, in particular the Constitutional Court, the Supreme Court of Justice, the Supreme Electoral Tribunal, Congress and President Alejandro Giammattei, to take action to preserve the constitutional order and the rule of law, to reject the unacceptable attempts to overturn the electoral results, to ensure respect of the will expressed by Guatemalan citizens with their votes and to guarantee their civil and

political rights, integrity and safety, including the right of elected officials to be duly installed in office, in compliance with international standards and the Guatemalan laws;

5. Stresses the importance of holding those obstructing democracy to account; calls on the Council, in this regard, to immediately adopt targeted restrictive measures, including asset freezes and travel bans, against (but not limited to) General Prosecutor María Consuelo Porras Argueta, the head of FECI, José Rafael Curruchiche Cacul, judge Fredy Raúl Orellana Letona, FECI prosecutor Leonor Eugenia Morales Lazo and Secretary-General of the Office of the Public Prosecutor, Angel Arnoldo Pineda Avila, who are undermining the 2023 electoral process in Guatemala and systematically instrumentalising the judiciary to weaken the rule of law and criminalise opposition figures;
6. Recalls that respect for the independence of the judiciary, political pluralism and freedom of expression for all Guatemalans are fundamental rights and essential pillars of democracy and the rule of law; is extremely concerned about the ongoing deterioration of the rule of law in Guatemala;
7. Expresses its concern about the arbitrary detention of prosecutors, judges, former International Commission against Impunity in Guatemala (CICIG) officials and independent journalists, among others José Rubén Zamora; calls for the immediate and unconditional release of all people arbitrarily detained as well as the dismissal of all unfounded criminal charges against them; reminds the Guatemalan authorities, in particular the MP, that they should refrain from any attempt to obstruct the work of human rights defenders, judicial operators and journalists who have investigated and exposed corruption, human rights violations and abuses of power;
8. Calls on the European External Action Service, the Member States and the EU Delegation to Guatemala to continue monitoring the situation in the country, including decisions by the Public Prosecutor's Office, the Constitutional Court and the Supreme Court until there are clear and credible guarantees that the will of the voters as expressed in the 25 June 2023 general elections and the 20 August 2023 presidential run-off will be respected; extends its support to the ongoing work of the OAS Special Mission to assist with the presidential transition, in accordance with the mandate of the OAS Permanent Council;
9. Encourages the competent Guatemalan authorities to implement the EU Election Observation Mission's recommendations, in particular those addressing the assessed shortcomings in the rule of law, the separation of powers and the promotion of human and political rights;
10. Instructs its President to forward this resolution to the Council, Commission, VP/HR, the governments and parliaments of the Member States, the OAS, UN, Guatemalan authorities and PARLACEN.