

The re-appointment of María Consuelo Porras as attorney general of Guatemala: a clear endorsement of impunity and corruption

Right Livelihood, RIDH, CCPR, ICJ, WOLA condemn the re-appointment of María Consuelo Porras as Attorney General of Guatemala, which constitutes a missed opportunity for Guatemala to strengthen human rights and justice. The nominating commission did not guarantee a fair process to select an individual with high integrity and ability with appropriate training and qualifications, as required by the UN Guidelines on the Role of Prosecutors. We believe the nomination of Ms. Porras is testament to the lack of transparency and conflicts of interest facing Guatemala's institutions.

While Right Livelihood Laureates Thelma Aldana and Ivan Velásquez had shown, during their respective mandates as Attorney General and Commissioner at the International Commission against Impunity in Guatemala (CICIG), that the local justice system can be effective in investigating and prosecuting high-level corruption cases and human rights violations, the progress made was in fact dismantled during the term in office of Ms. Porras. After tacitly accepting the closure of CICIG, which had been instrumental in prosecuting corruption cases involving government officials and former President Pérez Molina, she engaged in inappropriate and offensive behaviour, harassing and criminalising justice operators who played a key role in the fight against impunity and corruption. It is regrettable that, to this day, many of CICIG's former officials are also criminalised or discriminated against, unable to find other employment due to their past anti-corruption work. We also condemn that, in July 2021, Ms. Porras dismissed the head of the Special Prosecutor's Office against Impunity (FECI) Juan Francisco Sandoval, who had brought large-scale corruption cases to justice, in an attempt to weaken the Prosecutor's office.

Throughout the past four years, instead of fulfilling her professional responsibility to fairly administer justice, Consuelo Porras not only supported the dismantling of judicial institutions but also systematically blocked any corruption investigations involving President Giammattei. Supported by actors sanctioned by the U.S. State Department such as Fundación contra el Terrorismo, Porras has used her position to prosecute independent justice operators, community leaders, journalists and human rights defenders committed to the defence of human rights and the fight against corruption networks.

In 2020 and 2021, several justice operators were charged with crimes evidently in connection with their involvement in anti-corruption work. In March 2022, former judge Erika Lorena Aifán announced that she was leaving the country after facing over 20 legal complaints for allegedly "overstepping" her powers in an investigation involving potential irregularities in President Giammattei's campaign. She is one of the 24 former Guatemalan independent justice operators who have been effectively forced to flee the country due to threats of reprisals for their work. There is a high risk that this number will continue to increase in the years to come, especially for those investigating corruption cases and human rights violations. Similar situations are indeed faced today by independent judges such as Judge Yassmin Barrios, Miguel Ángel Gálvez and Pablo Xitumul. Xitumul is currently under investigation after the Supreme Court of Justice issued a decision on March 16, 2022 stripping him of his functional

immunity. Judge Miguel Angel Galvez is being attacked and threatened for his recent declarations in the “Diario Militar” case, which investigated human rights violations against at least 183 people during the 1983-1985 internal armed conflict.

Many Guatemalans still face the daily reality of violence and extortion from criminal groups, whose crimes oftentimes remain unaccounted for. The work of Ms. Porras is part of a wider, worrying trend of repression against independent journalists and human rights defenders. In 2020, Guatemala approved law 5257, which allows the authorities to close NGOs at their discretion, for not meeting administrative requirements. This law dramatically restricts civic space and poses a high risk for human rights activists and for democracy itself

The election of a new Attorney General could have been an opportunity to show the world that Guatemala is committed to justice, human rights and the Rule of Law. Instead, President Giammattei’s chose once again to disregard Guatemala’s international human rights obligations. The undersigned organisations are deeply concerned that the persecution of the justice operators, community leaders, human rights activists and journalists will continue and increase in the years to come.

We therefore call on the Government of Guatemala and President Giammattei in particular, to respect international standards to preserve the independence and impartiality of the Guatemalan judiciary and the office of the prosecution. Finally, we call on the relevant human rights bodies of the United Nations and of the Organization of American States to keep Guatemala under close scrutiny and provide monitoring and assistance as necessary.