

Guatemala Election Watch #4 – July 13, 2023

Coup d'état being attempted in Guatemala. Semilla Party "suspended" from elections

<https://mailchi.mp/rightsaction/coup-being-attempted-in-guatemala-semilla-party-suspended-from-elections>

"The Public Prosecutor's Office is an instrument of the mafia"

Hashtag #GolpeDeEstado

Below: Prensa Comunitaria article



Tension due to coup attempt in Guatemala

Photo: Prensa Comunitaria screenshot

The Guatemalan people continue to fight for democracy, against a government and State co-opted by the 'PactoDeCorruptos' regime, longtime "democratic ally" of the US, Canada and EU.

Rights Action calls on Canadians and Americans to share this information widely (including media outlets), and to contact their elected representatives. Urge them and the US and Canadian governments to make public statements and bring all pressures to bear on Guatemalan political and legal authorities to ensure that the electoral process proceeds immediately and transparently to the August 20 runoff

election and the Semilla Party is allowed to participate fully and properly, with no further attacks of any kind.

- U.S. Senate: <https://www.senate.gov/senators/contact>
- U.S. House: <https://www.house.gov/representatives/find-your-representative>
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Stay tuned. Violence and repression cannot be ruled out, given the corrupt and repressive nature of Guatemala's ruling elites who are confronting the reality that, for the first time (arguably since 1951), an actually democratic alternative -the Semilla Party- is likely to be voted into power.

Grahame Russell

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Tension over coup attempt in Guatemala

July 12, 2023, by Isela Espinoza and Shirlie Rodríguez, Prensa Comunitaria

<https://prensacomunitaria.org/2023/07/tension-por-intento-de-golpe-de-estado-en-guatemala/>

Suspending the Semilla Party, to prevent it from competing in the elections, is an attempt against the constitutional order of the country, according to civil society, lawyers, businessmen and international missions. The actions taken by the Public Prosecutor's Office (MP) and the Seventh Court are illegal, they say.

Guatemala is facing a coup d'état without the military, a coup d'état from the courts and the MP.

Half an hour before the Supreme Electoral Tribunal (TSE) made it official that the presidential candidates of the Semilla and UNE parties would face each other in a second round of elections [August 20], the head of the Special Prosecutor's Office against Corruption (FECI), Rafael Curruchiche, announced the suspension of the legal status of the Semilla Movement political party.

This action has unleashed repudiation in the population that had been waiting 17 days for the officialization of the electoral results, which had been suspended by the Constitutional Court.

The actions of the MP, accepted by Judge Fredy Orellana of the Seventh Court, against the Semilla Party -that is favored to win the presidency- have been qualified by constitutional lawyers, businessmen, civil society and the international community as illegal, in violation of the constitutional order.

The organization Mirador Electoral emphasized that Article 92 of the Electoral and Political Parties Law (LEPP) states that: "A party may not be suspended after elections have called, until after the elections have been held".

On Wednesday, magistrates of the TSE called a press conference for 16:30 hours. However, it started two hours late. This delay allowed Curruchicha, at 17:50 hours, to make the suspension announcement, confirming that there was an investigation against the Semilla Party for alleged falsification of signatures in the signing up of party members.

El Mirador Electoral described the resolution as "openly illegal, that attempts to carry out an electoral coup equivalent to a coup d'état in the country".

The U.S. State Department's Assistant Secretary for Western Hemisphere Affairs, Brian A. Nichols, emphasized that "institutions must respect the will of the voters". Even as he welcomed the officialization of the first round of voting results, he expressed his concern: "We are deeply worried about the new threats" to democracy by the MP.

The Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF) issued a communiqué in which it also quotes Article 92 of the Electoral Law and emphasizes that it "clearly establishes" that a party cannot be suspended after an election has been called.

CACIF asked to "respect the decision" of the TSE, as the highest electoral authority, and the will of Guatemalans, as expressed in the ballot box. "Given the

situation, CACIF declares itself in permanent session and convenes its members to determine actions to be taken".

Judge acts improperly

Judge Fredy Orellana of the Seventh Court of Criminal Instance allowed the suspension of the Semilla Party. With this, he gave an order which was unconstitutional, according to lawyer Oswaldo Samayoa.

"It is an absolutely illegal order. According to constitutional law, it is the LEPP that regulates the operation of political parties. Only the registry of citizens is legally charged with ordering the suspension of any party," said the constitutional lawyer.

He explained that this order [of Judge Fredy Orellana of the Seventh Court] can be challenged by the Supreme Electoral Tribunal (TSE), which represents the highest authority in electoral matters. It is up to the TSE to take the next steps, as the first round of voting is official and the UNE and Semilla parties are officially heading to the runoff vote.

The former lead prosecutor of FECl, Juan Francisco Sandoval [now living in exile], stated that this decision shows that the MP is a tool of the mafia. "It is an illegal trick, intending to render null and void the democratically expressed will of the people. The LEPP is Constitutional Law, and prevails over any other laws or legal orders", remarked Sandoval.

What does the TSE say?

Although magistrates of the TSE assure that they were not aware of the order of the judge suspending the Semilla Party, sources assure that the delay of the TSE's press conference on Wednesday gave the MP time to carry out its suspension of the Semilla Party.

Celia Luna, a Guatemalan political scientist, explained that the role of the TSE is fundamental, because they are the ones who must guarantee the rights of political organization and political participation of the citizenry. [...]

Luna said that now the TSE has made official the electoral results of the first round of voting, it is obliged to continue with the electoral process.

International pronouncements

The news not only caused tensions, after the official announcement of the results [and the illegal suspension order], but started trending in social networks with the hashtag #GolpeDeEstado.

The international community also expressed disagreement with Curruchiche's suspension order.

Brian A. Nichols (Assistant Secretary for Western Hemisphere Affairs, U.S. Department of State, @WHAAsstSecty) tweeted: We welcome the [@TSEGuatemala](#) certification of 1st round election results upholding the will of the people & look forward to the Aug. 20 vote on the announced top two presidential candidates, but we are deeply concerned by new [@MPguatemala](#) threats to Guatemala's electoral democracy. Institutions must respect the will of voters." [...]

The Electoral Observation Mission of the Organization of American States (OAS) welcomed the officialization of the results and expressed "deep concern" for the judicialization of the electoral process and "attempts to disrespect the popular will expressed in the ballot boxes on Sunday, June 25".

In relation to Curruchiche's announcement, the Mission disqualified his inappropriate tone and stated that he overstepped, that the TSE is "the highest electoral authority, with autonomy and independence to fulfill its constitutional functions".

The Mission concluded by calling on institutions to provide the necessary guarantees so that those competing in the second round of voting [August 20] can do so under equal conditions. "Only citizen expression will allow Guatemala to advance on a democratic path."

PDH must file an injunction action

Jordán Rodas, former head of the PDH, made a strong call to the current head of the Human Rights Ombudsman (PDH) Alejandro Córdova to file an injunction to

defend democracy that is being violated with the criminal actions requested by Curruchiche and endorsed by Judge Orellana.

"It is shameful, it is arbitrary, it is illegal. We cannot allow a criminal judge to cancel the Semilla Movement party. This is prohibited by the electoral and political parties law (LEPP) in article 92", added the ex-PDH who had tried to participate as vice-presidential candidate for the Movement for the Liberation of the Peoples party, whose participation was nullified before the first round of voting.

Rodas added that if the PDH Córdova does not react to these measures that undermine democracy, it would be evident that he is under the orders of the 'Covenant of the Corrupt' (Pacto de Corruptos).

"I urge him, I demand that he file an amparo action as soon as possible. Also, I urge all political parties to act. They have the legal capacity to do so because it is within the electoral process where this robbery of democracy is taking place", he said.

What will happen this Thursday, July 13?

The Semilla Movement party still has legal remedies to present against the actions committed by Judge Fredy Orellana and Rafael Curruchiche, said Semilla Congress Member Samuel Pérez. They are preparing legal actions to avoid this blockade and to comply with the will of the Guatemalans.

Semilla Party presidential candidate Bernardo Arévalo said in an interview in CNN en Español that the legal team of Semilla is working on legal actions that will be presented in the next hours. The Semilla Party also indicated that they have information that the party's offices could be raided by the MP on Thursday morning, at 6:00 am.

Meanwhile, magistrates of the TSE chose on Wednesday not to issue an opinion and indicated that any action they take would be analyzed in the next few days.

Movimiento Semilla party

www.movimientosemilla.gt

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