116TH CONGRESS
1ST SESSION

S. RES. ____

Expressing support for free, fair, and transparent elections in the Republic of Guatemala in order to increase prosperity, security, and access to justice for all Guatemalans.

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IN THE SENATE OF THE UNITED STATES

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Mr. DURBIN (for himself, Mr. LEAHY, Mr. CARDIN, Mr. BROWN, and Mr. BOOKER) submitted the following resolution; which was referred to the Committee on _____

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RESOLUTION

Expressing support for free, fair, and transparent elections in the Republic of Guatemala in order to increase prosperity, security, and access to justice for all Guatemalans.

Whereas Guatemala will hold general elections on June 16, 2019, and more than 7,600,000 Guatemalans are registered to vote for their next president, vice president, congressional representatives, and more than 300 mayors around the country;

Whereas, in the process leading up to the elections in Guatemala, there have been a series of troubling developments related to presidential candidates, with 6 of the 24 candidates facing allegations related to illicit activities, and at least 4 candidates having been excluded from the race;

Whereas, on April 17, 2019, Mario Estrada, a Guatemalan presidential candidate with the center-right National Change Union political party, was arrested in the United States and charged by the Department of Justice with conspiring to import cocaine into the United States, soliciting millions of dollars from the Sinaloa Drug Cartel, and other firearms offenses;

Whereas the case of Mario Estrada highlights the existence of linkages between certain Guatemalan political actors and transnational criminal organizations, and the manner in which such criminal organizations have sought to influence the Guatemalan political system;

Whereas, on May 15, 2019, a Guatemalan court issued a politically motivated ruling that Thelma Aldana—Guatemala's former Attorney General who led efforts to tackle corruption in Guatemala—was ineligible to run in Guatemala's presidential election;

Whereas, according to Guatemalan media, approximately 150 candidates running for a seat in Guatemala's legislature have been cited with irregularities, including having received suspicious government contracts, not meeting electoral requirements, and possible linkages to narcotics trafficking;

Whereas Guatemala has a long history of debilitating corruption due to the pervasive influence of narcotics trafficking and organized crime, with the Department of State estimating earlier this decade that as much as 80 percent of the cocaine that eventually reached the United States had passed through Guatemala;

Whereas Guatemala's endemic corruption and criminality led to the 2006 agreement that established the United Na-

tions International Commission Against Impunity in Guatemala (CICIG) as an independent body tasked with working with the Public Ministry to combat corruption, organized crime, and institutional impunity;

Whereas the United States Government provided considerable funding and political support for CICIG during both Republican and Democratic administrations, yet the Trump Administration has been notably silent on President Morales' efforts to undermine CICIG;

Whereas a May 2019 report to Congress by the Department of State report stated that Guatemala, with the support of CICIG since 2007, previously took steps "to root out clandestine networks of corrupt actors, including the uncovering of a massive corruption scheme in 2015 led by former President Perez-Molina and former Vice President Baldetti";

Whereas the May 2019 report also noted setbacks to Guatemala's fight against corruption and stated that "since announcing in 2018 it would not renew the [CICIG's] mandate, the Guatemalan Government has impeded anti-corruption efforts, attacked judicial independence, and misused U.S.-donated equipment";

Whereas setbacks to the fight against corruption weaken the rule of law and democratic governance in Guatemala;

Whereas weak rule of law, violence, corruption, human rights abuses, impunity, and failure to take effective actions to ameliorate widespread poverty in Guatemala contribute to the outflow of refugees and migrants towards the United States, including the more than 165,000 Guatemalan nationals who have been apprehended on the United States-Mexico border during the current fiscal year alone;

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Whereas it is in the strategic interest of the United States to support free, fair, and transparent elections and encourage continued efforts to strengthen the rule of law and democratic governance in Guatemala; and

Whereas the Trump Administration announced in March 2019 that it will reprogram United States assistance for Guatemala, El Salvador, and Honduras, thereby undermining the ability of the United States Government to address challenges to security, the rule of law, and economic development in the Northern Triangle of Central America: Now, therefore, be it

1 *Resolved,* That the Senate—

2 (1) supports the people of Guatemala as they

3 prepare to exercise their fundamental democratic

4 right to vote in their country's upcoming June 16,

5 2019, general elections;

6 (2) encourages all Guatemalan political actors

7 and institutions to take continued steps to uphold a

8 free, fair, and transparent electoral process;

9 (3) expresses grave concerns about—

10 (A) the involvement of certain Guatemalan

11 presidential candidates in illicit activities;

12 (B) efforts by international criminal orga-

13 nizations to influence the Guatemalan political

14 system;

15 (C) the politically motivated disqualifica-

16 tion of certain competitive, independent can-

1   didates in order to restrict the choices available

2   to the people of Guatemala; and

3   (D) ongoing evidence of corruption of offi-

4   cials that permitted an estimated 1400 metric

5   tons of cocaine to pass through Guatemala des-

6   tined for the United States last year;

7   (4) encourages Guatemalan presidential can-

8   didates to commit to taking strong and sustained ac-

9   tion following the election to strengthen the rule of

10   law, combat corruption and impunity, and address

11   human rights abuses and the underlying conditions

12   of poverty in the country;

13   (5) urges the next president of Guatemala to

14   take effective steps to strengthen the rule of law, ad-

15   dress the influence of criminal organizations and

16   drug cartels on Guatemala's political system, and

17   combat corruption and impunity, including by rees-

18   tablishing the mandate of the United Nations Inter-

19   national Commission Against Impunity in Guate-

20   mala (CICIG);

21   (6) condemns the efforts of President of Guate-

22   mala Jimmy Morales to expel and undermine

23   CICIG;

24   (7) expresses dismay about the Trump Admin-

25   istration's failure to demonstrate America's commit-

1 ment to democracy, human rights, and the rule of

2 law in Guatemala; and

3   (8) opposes the Trump Administration's deci-

4 sion to reprogram United States assistance to Gua-

5 temala, El Salvador, and Honduras.