

Guatemala Election Watch #2, July 3, 2023

**Is the electoral fraud fix in, in Guatemala?
'Covenant of the Corrupt' regime weaponizing legal system to attack
Semilla Party electoral results**

<https://mailchi.mp/rightsaction/is-the-electoral-fraud-fix-in-in-guatemala>

The corrupted Constitutional Court orders review of first round of voting, possibly leading to fraudulent annulling of first round of elections after a historic showing by the Semilla Party.

*“Not even a week after that historic election [of June 25]
and they already want to steal our [democratic] spring.
We are not going to allow it.”*

- Below: Prensa Comunitaria article

U.S.-Canadian foreign policy issue

This potential election fraud is a U.S. and Canadian foreign policy issue. For decades, the U.S., Canada, E.U., World Bank, IMF, etc., have maintained full political, economic and military relations with 'open-for-global-business' regimes in Guatemala, turning a blind eye to systemic repression and corruption, human rights violations and exploitation.

Every four years, there have been anti-democratic elections that offer no change whatsoever to this status quo.

Now, for the first time in decades, when a significant percentage of the embattled population vote for an actually democratic alternative and change, will U.S. and Canada and so-called “international community” stand by and watch their “democratic allie” Guatemalan regime undermine the Semilla Party, and commit electoral fraud?

Stay tuned.

CC suspends electoral process, calls for review of votes

July 1, 2023, Community Press

(Translation by Rights Action. All errors are ours)

<https://prensacomunitaria.org/2023/07/cc-suspende-adjudicacion-de-cargos-y-manda-a-una-nueva-revision-de-escrutinios/>

After two hours of debate, magistrates of the Constitutional Court (CC) intervened in the electoral process, granting a provisional injunction against the Supreme Electoral Tribunal (TSE). The controversial resolution of the Court establishes that the results of the General Elections held last June 25 cannot be made official until challenges and objections are resolved.

The Supreme Electoral Tribunal (TSE) will not be able to make official the results of the first round of elections of June 25, nor recognize elections of mayors or deputies until a review of the votes is carried out, according to the resolution of the Constitutional Court (CC).

The CC, in a plenary session held Saturday July 1, controversially granted a provisional injunction to nine political groups that filed a motion against the results of last Sunday's general elections.

The injunction was granted to political parties: Vamos, UNE, Valor, Cambio, Mi Familia, Podemos, Creo, Cabal and Azul. All of them requested the suspension of the recognizing of the results, because they claim there are anomalies in the counting of votes.

The CC informed that it analyzed the legal actions filed by the political parties and decided to grant the provisional injunction "on prevention", which implies that the results of the elections are suspended and a review must be carried out.

The resolution

The Court resolved that in order to guarantee "the purity of the electoral process," the Departmental and Central District Electoral Boards should carry out a review of the votes and "legitimate actors" can raise electoral process challenges they consider pertinent.

In the event that alterations in the voting results are identified, the Departmental and District Electoral Boards must make the necessary modifications.

The Supreme Electoral Tribunal (TSE) is ordered that, while the review is being carried out, it cannot make the results official.

Appeals to the CSJ

Although the CC granted a provisional injunction, the legal actions were transferred to the Supreme Court of Justice (CSJ) so that they may be definitively resolved there. "The Supreme Electoral Tribunal must suspend the officialization of results so that, by the date foreseen for the second round of the presidential election [August 20], everything will have been duly reviewed", added the CC.

What does the CC resolution imply?

The resolution of the CC orders the Departmental Electoral Boards and the Central District of the TSE to call for reviews of the votes. Then it must be established whether there are inconsistencies. If there is erroneous data, according to the CC, the vote counts must be annulled or modified.

In addition, this prevents the awarding of the positions of the people who were elected last Sunday to any public office, and prevents Sandra Torres of UNE and Bernardo Arévalo of Semilla from campaigning for the second round, since the results cannot yet be officialized.

The resolution of the CC was signed by magistrates Víctor Hugo Pérez Aguilera, Leyla Susana Lemus Arriaga, Roberto Molina Barreto, Dina Josefina Ochoa Escriba, Claudia Elizabeth Paniagua Pérez and Angelica Yolanda Vásquez Girón.

Protest in front of the CC

While the Constitutional Court (CC) was hearing the motions filed by political parties, people demonstrated in front of the CC building in defense of the results of the June 25 election.

To the shout of "we are not afraid, we are not afraid", citizens mobilized in front of the CC, given the possibility that the magistrates, who are accused of being part of the co-opted State, would rule in favor of the motions filed.

The announcement made this Saturday [July 1] by the CC comes less than a week after the June 25 election, in which the Guatemalan population went out to vote against the political parties it identifies as part of the so-called "pact of the corrupt".

Three hours before the resolution of the CC, the Organization of American States urged the three branches of the State of Guatemala to respect the results of the first round of elections. Then the CC intervened in the electoral process.

Last Sunday, June 25, against all odds, the Semilla (Seed) Movement party, headed by presidential candidate Bernardo Arévalo, achieved second place and a place in the runoff round of voting on August 20.

Days after these results, UNE candidate Sandra Torres, in a press conference, launched attacks against Arevalo, and since then attacks from conservative sectors have continued.

It was in this context that eight other parties which formed an alliance with the governing party, and filed the motion before the CC.

Constitutional Court has no standing

Constitutional lawyer Oswaldo Samayoa stated in his Twitter account that the Constitutional Court has no legal standing to hear the matter; that if legal appeals are against the Supreme Electoral Tribunal (TSE), the proper court is the Supreme Court of Justice (CSJ); if, on the contrary, they are directed against the Electoral Board, the competence would be that of an ordinary judge or appeals court.

"It cannot even hear the merits of the case. If it did, there would be no possibility of appeal and it would annul that guarantee", wrote Samayoa, and added that the CC "must wait for the resolutions of the TSE. And then any legal challenges should be sent to the corresponding courts."

Samayoa added that article 12 of the Amparo Law states that the CSJ will hear motions related to the TSE and that the CC, as guarantor, must send them to the competent court, otherwise it violates the Constitutional order.

Lawyer Rafael Maldonado, via telephone, agreed with Samayoa's arguments, and said that the general secretaries of the parties know well that there are internal procedures of the TSE, the Electoral and Political Parties Law (LEPP), but also that it corresponds to the CSJ to hear first, and that the CC cannot hear cases related to the elections.

Andrea Villagran, deputy of Semilla, affirms that with this resolution the CC obliges the departmental boards to receive as many challenges as the political parties can file, and not only those filed on Sunday, June 25.

For Villagrán, the strategy of the pact of the corrupt is that depending on the challenges filed from across the country, the elections could be declared null and void and with this strategy they could throw out the general election.

For its part, the Mirador Electoral filed an injunction with the CSJ so as to avoid a possible electoral coup against the results of the general elections held June 25, which would violate Constitutional rights to elect and to be elected.

For its part, the European Union (EU) Electoral Observation Mission called on all parties to respect the will of the citizens and comply with the results of the June 25 election and to abide by resolutions issued by the TSE.

Minutes before the CC published its resolution, citizens were demanding that the magistrates not intervene and that they respect the popular vote. "We don't want them anymore. Not even a week after that historic election [of June 25] and they already want to steal our [democratic] spring. We are not going to allow it. The

vote of the people is to be respected. The CC has no legal standing to rule on issues related to the election."

"We are not going to let them commit a coup against the TSE and the elections, because that is what they want to do", expressed a young man in front of the CC.

Movimiento Semilla party

www.moviemientosemilla.gt

Facebook: MovimientoSemilla

Twitter: @semillagt

Rights Action archives

Elections and no democracy in Guatemala

<https://rightsaction.org/election-archives>

Tax-Deductible Donations (Canada & U.S.)

To support land and environmental defenders, and human rights and justice struggles in Honduras and Guatemala, make check to "Rights Action" and mail to:

- U.S.: Box 50887, Washington DC, 20091-0887
- Canada: Box 82552 RPO Corktown, Toronto ON, M5A-1T8

Credit-Card Donations: <https://rightsaction.org/donate/>

Direct deposits, write to: info@rightsaction.org

Donations of securities, write to: info@rightsaction.org

Please share and re-post this information

More info: info@rightsaction.org, www.rightsaction.org

E-Newsblasts: <https://rightsaction.org/subscribe>

<https://www.facebook.com/RightsAction.org>

<https://twitter.com/RightsAction>

<https://www.instagram.com/rightsaction>

<https://www.youtube.com/user/rightsaction>

TESTIMONIO-Canadian Mining in the Aftermath of Genocides in Guatemala

Co-edited by Catherine Nolin & Grahame Russell

<https://www.testimoniothebook.org>

<https://btlbooks.com/book/testimonio>