



Mr Josep Borrell Fontelles

Vice-President

High Representative of the Union for Foreign Affairs and Security Policy

Brussels, 29 April 2022

Dear Vice-President of the European Commission - High Representative,

As you know and have warned on several occasions, in recent years Guatemala has suffered a process of deterioration of the rule of law that has seriously eroded institutions and the functioning of the democratic mechanisms in the country. In its resolution of 7 April 2022 on the situation of the rule of law and human rights in the Republic of Guatemala<sup>[1]</sup>, the European Parliament expresses its deep concern about the co-optation and dismantling of the institutions that guarantee fundamental rights; the systematic obstruction of the work of judges and prosecutors; the harassment and intimidation of justice operators; and the intensification and increase in aggressions and criminalisation of human rights defenders.

Central to this process has been the current Prosecutor General, María Consuelo Porras. The Prosecutor General of the Republic is a key institution for guaranteeing the rule of law, the protection and defence of human rights, the fight against corruption and impunity, and the proper functioning of democracy. According to the statements made by your Spokesperson, Ms Porras is one of the actors who "have initiated legal action against judges, lawyers and independent prosecutors"<sup>[2]</sup>. Moreover, on 8 March, the US State Department clearly identified "the ongoing and brazen attacks by Guatemala's Prosecutor General, Consuelo Porras, against Guatemala's justice system through politically motivated arrests and detentions of current and former public servants who fight corruption"<sup>[3]</sup>.

The election process of the new Prosecutor General is currently underway. However, despite multiple expressions of concern, as well as multiple evidence and international rejection of the current Prosecutor General's performance, Ms Porras has finally been included in the list of candidates along with five other candidates, some of them also with serious doubts on

their independence and suitability<sup>[4]</sup>. Among these six candidates, the President of the Republic will have to choose this week.

In our most recent resolution, we call on the Guatemalan authorities to reaffirm that the process of selection and appointment of judges must be transparent and participatory and that candidates should be selected on the basis of their merits and proven track records on respect for human rights, in compliance with international standards and the Constitution of Guatemala. We are convinced that the defence of democracy, the rule of law and human rights in Guatemala requires an independent Prosecutor General's Office with a clear commitment to the fight against corruption and the defence of the values of the rule of law.

For all the above reasons, we call on you to react in a public statement, as well as through your diplomatic channels, reiterating that the independence of the judiciary with an impartial, professional Prosecutor General's Office, free of any doubt as to its integrity, is crucial for the European Union in order to continue building political and trade relations and strengthen cooperation.

Yours sincerely,

Tilly Metz, Member of the European Parliament, Greens EFA

Bernd Lange, Member of the European Parliament, S&D

María Soraya Rodríguez Ramos, Member of the European Parliament, Renew

Miguel Urbán Crespo, Member of the European Parliament, the Left

---

[1] [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0124\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0124_EN.html)

[2] [https://www.ecas.europa.eu/ecas/guatemala-statement-spokesperson-rule-law-situation\\_en](https://www.ecas.europa.eu/ecas/guatemala-statement-spokesperson-rule-law-situation_en)

[3] <https://gt.usembassy.gov/guatemalas-public-ministrys-continued-attacks-against-independent-judges-and-prosecutors/>

[4] <https://www.lared.com.gt/nacionales/actual-pgn-postulante-a-fiscal-general-asegura-que-hay-conflicto-de-interes/>