

Guatemala Violates Foreign-Aid Agreement

US Ambassador, UN Commissioner Work against Alliance for Prosperity Objectives

by Steven Hecht



Attorney General Thelma Aldana and Cicig Commissioner Iván Velásquez interact with members of Congress during a session on changes to the Guatemalan Constitution. ([Alliance for Prosperity](#), included in the Consolidated Appropriations Act, to “address the key factors in such countries contributing to the migration of unaccompanied, undocumented minors to the United States.”)

Among the specific spending criteria, an objective is to “implement reforms, policies, and programs to improve transparency and strengthen public institutions, including *increasing the capacity and independence of the judiciary and the Office of the Attorney General*” [emphasis mine].

Guatemala is now violating this by pursuing constitutional

changes proposed and promoted illegally by the UN Commission Against Impunity in Guatemala (Cicig), the Guatemalan Attorney General Thelma Aldana, and US Ambassador Todd Robinson.

Under the current Constitution, Guatemala chooses magistrates and the attorney general through nominating commissions that include university rectors, the Bar Association, and the deans of the country's law schools. The proposed "reforms" would create a seven-person National Judiciary Board comprised of three members chosen by the country's judges – one justice of the peace, one lower-court judge, and one appeals-court magistrate – alongside one Supreme Court-appointed lawyer from outside the judicial branch and three professionals from other fields chosen by the first four members.

How can individuals from the lowest rung of the judicial branch be the best people to select magistrates for the highest courts? Constitutional-law expert José Luis González has explained to the *Impunity Observer* that "The board will be controlled by members of the judicial branch and will have the power to intimidate the other branches of government."

Former Attorney General Conrado Reyes says, "While not ideal, the current system is superior to the proposal, because it disperses power and includes independent law professionals – the Bar Association and law-school deans – from outside politics and the judicial branch."

The US Congress's stated intent of foreign policy toward Guatemala was not to concentrate power in the judiciary at the expense of the other branches of government. Such concentrated power in Venezuela saw the judiciary simply cancel the legislature. Guatemala's judiciary is, not coincidentally, now dominated by magistrates ideologically chosen and supported by Ambassador Robinson and his radical allies descended from the Castro-supported insurgents in Guatemala's internal conflict (1960-1996).



Ambassador Todd Robinson and Judge Yassmin Barrios, whose ruling in a prominent political case was overturned for having violated the defendant's constitutional rights. ([Various columnists](#) and Member of Congress Fernando Linares have [charges](#) for a stand he took in Congress while discussing pending disabled-persons legislation. The US consulate then [stated](#) that "If Guatemala's leaders support Thelma Aldana and Iván Velásquez ... we will do our part by supporting the Alliance for Prosperity, but if there are attempts to undermine [them], then [they] should look elsewhere for support."

Similarly, Representative Norma Torres (D-CA) presented a resolution to the House of Representatives to reaffirm the commitment "to fighting corruption in Central America." She [review policy](#) towards Guatemala. This country in Central America deserves particular attention, because it is where illegal persons and materials must pass on their way to the United States through Mexico.

Guatemala is an unlocked backdoor into the United States. According to US Customs and Border Protection, in 2014, Central Americans apprehended on the southern border outnumbered Mexicans for the first time. In 2016, it happened again. All pass across Guatemala's 595-mile border with Mexico.

The US ambassador, an [Impunity Observer](#)