

Engel List Names Corrupt and Antidemocratic Actors in Guatemala, Honduras, and El Salvador: What Companies and Investors Should Do Next

International Alert

07.12.2021

English Version

Versión en Español

On June 3, 2021, President Biden issued a memorandum declaring corruption as "a core United States national security interest" and directing interagency coordination to develop a presidential strategy to "significantly bolster the ability of the United States Government... to combat corruption." The memorandum states that corruption contributes to extremism and migration and provides the necessary means for authoritarian leaders to undermine democracies and to threaten the rule of law. Days later, in connection with a visit to Mexico and Guatemala, Vice President Harris announced that the U.S. Department of Justice (DOJ) would increase its efforts against transnational bribery in Guatemala, El Salvador, and Honduras.

On July 1, Secretary of State Antony J. Blinken issued the list naming several individuals, including current and former government officials, suspected of corruption and antidemocratic conduct in Guatemala, El Salvador, and Honduras. Mr. Blinken referred to this list in compliance with section 353 of the *United States-Northern Triangle Enhanced Engagement Act*.¹ This list – known as the "Engel list" for its author, former U.S. Representative Eliot L. Engel – is composed of 55 names:

- Guatemala: The list names 20 individuals, including high-ranking public officials who are currently in office or who served in previous periods. There is a former president, former ministers, current and former congressmen, magistrates of the country's high courts, various lawyers, and leaders of non-governmental organizations.
- El Salvador: The list includes 14 names among which are high-ranking public officials, including members of the current government such as ministers, members of the Legislative Assembly, government advisers, a former member of the Supreme Elector Court, a former mayor, and some businessmen.
- Honduras: There are 21 individuals listed, most notably a former first lady, current and former congressmen, and a former director of Inversión Estratégica de Honduras (INVEST-H).

The Engel list is compiled based on an analysis by the Department of State of classified and non-classified information and a subsequent determination that the named individuals have (1) knowingly participated in actions that affect democratic processes or institutions, (2) have knowingly engaged in significant acts of corruption, and (3) have knowingly engaged in obstructing investigations of such acts of corruption, including those related to government contracts, bribery and extortion, facilitation payments, as well as money laundering, violence, harassment, and intimidation of investigators of governmental and non-governmental corruption.² As a result, the individuals named may face sanctions, including (1) ineligibility to receive visas or other documentation to enter the U.S., (2) ineligibility to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and (3) revocation of current visas.³

What steps should businesses and investors take if they are associated with the people listed?

Carry out a risk assessment focused on potential points of contact between your organization and the individuals listed.

Evaluate all aspects of the relationship between your business and the relevant individual(s), including:

- Level of authority and influence toward or within your organization
- All points of contact, including involvement in transactions involving your organization
- Payments made to and received from the listed person
- Any business determinations or cases involving current or former government officials (*e.g.*, pending cases with judges or magistrates who have been enlisted)

In the event compliance risks are identified, develop a plan for remediation and evaluate the need for further internal investigation.

Do not hesitate to contact us if you require advice on this issue or need more information:

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Additional information:

- [U.S. Releases Section 353 List of Corrupt and Undemocratic Actors for Guatemala, Honduras, and El Salvador - United States Department of State](#)
- [Section 353 Corrupt and Undemocratic Actors Report - United States Department of State](#)

¹The United States-Northern Triangle Enhanced Engagement Act passed in December 2020 (included in the omnibus appropriations and COVID-19 relief package) to support the people of Central America and strengthen the national security of the United States by addressing the fundamental causes of migration from El Salvador, Guatemala, and Honduras (the Northern Triangle). In accordance with this law, strategies will be developed for economic development, to combat corruption and to deal with other problems in these countries. *See All Information (Except Text) for H.R.2615 - United States-Northern Triangle Enhanced Engagement Act* ; U.S. House of Representatives Comm. on Foreign Aff., [Engel U.S.-Northern Triangle Enhanced Engagement Act Passes Congress](#).

²*See Consolidated Appropriations Act of 2021*, Pub. L. No. 116-260, § 353(b), 134 Stat. 1182, 3130 (2020).

³*Id.* § 353(c)-(d), 134 Stat. at 3130-31.

El pasado 3 de junio de 2021 se publicó la más reciente directiva anticorrupción del presidente Biden, señalando que la corrupción es un riesgo clave para la seguridad nacional y augurando un aumento en la aplicación de medidas de control. Entre otras cosas, dicha directiva menciona que la corrupción contribuye al extremismo, la migración y proporciona medios necesarios para que líderes autoritarios socaven democracias y atenten contra el estado de derecho. Días más tarde y a propósito de la visita de la vicepresidenta Harris a México y Guatemala, la vicepresidenta anunció que el Departamento de Justicia de los Estados Unidos (DOJ) incrementaría sus esfuerzos contra el soborno transnacional en Guatemala, El Salvador y Honduras.

El pasado 1 de julio, el Secretario de Estado Antony J. Blinken anunciara en un comunicado de prensa una lista pública de individuos reportados por conducta corrupta y antidemocrática para Guatemala, El Salvador y Honduras, consistente con la sección 353 del *United States-Northern Triangle Enhanced Engagement Act*.^a Dicha lista -conocida como la “Lista Engel” -por su autor el exrepresentante de los EE.UU. Eliot L. Engel- está compuesta por 55 nombres:

- Guatemala: La lista menciona 20 nombres que incluyen funcionarios públicos de alto rango que actualmente se desempeñan en el cargo o que ejercieron sus funciones en periodos anteriores. Se encuentra un expresidente, exministros, congresistas y excongresistas, magistrados de las altas cortes del país, varios abogados y líderes de organizaciones no gubernamentales.
- El Salvador: La lista incluye 14 nombres entre los cuales se identifican también funcionarios públicos de alto rango, incluyendo miembros del actual gobierno como ministros, miembros de la Asamblea Legislativa, asesores del gobierno, un ex miembro del Tribunal Supremo Electora, un exalcalde y algunos empresarios.
- Honduras: La lista cuenta con 21 enlistados, dentro de los cuales sobresalen una ex primera dama, actuales congresistas y excongresistas, y un ex director de Inversión Estratégica de Honduras (INVEST-H).

La Lista Engel es conformada por un análisis realizado por el Departamento de Estado de los EE.UU. considerando información clasificada y no clasificada, así como la consecuente determinación que dichas personas enlistadas han: (1) participado conscientemente en acciones que afectan procesos o instituciones democráticas; (2) se han involucrado conscientemente en actos de corrupción importantes; y (3) se han involucrado conscientemente en la obstrucción de las investigaciones de tales actos de corrupción, incluyendo las relacionadas con contratos gubernamentales, soborno y extorsión, pagos de facilitación, así como también lavado de activos, violencia, acoso o intimidación a los investigadores de corrupción gubernamental y no gubernamental.^b

En consecuencia, las personas enlistadas pueden enfrentar sanciones, que incluyen (1) inelegibilidad para recibir visas u otra documentación para ingresar a los EE.UU.; (2) inelegibilidad para ser admitido o puesto en libertad condicional en los EE.UU., o para recibir cualquier otro beneficio bajo la *Immigration and Nationality Act* (8 U.S.C.1101 et seq.); y (3) revocación de visas vigentes.^c

¿Qué pasos deben tomar las empresas e inversionistas relacionados con las personas enlistadas?

Realice una evaluación de riesgos centrada en los posibles puntos de contacto entre su organización y las personas enlistadas.

Evalúe todos los aspectos de la relación entre su negocio y la(s) persona(s) enlistada(s), incluyendo:

- Nivel de autoridad e influencia hacia o en su organización.
- Todos los puntos de contacto, incluyendo la participación en transacciones que involucren a su organización.
- Pagos de y para la persona enlistada.
- Cualquier decisión de negocios o casos que involucren a un actual funcionario público o a un exfuncionario público (ej. Casos pendientes con jueces o magistrados que han sido enlistados).

En caso de encontrar riesgos de cumplimiento (*compliance*), desarrollar un plan de remediación y evaluar la necesidad de una investigación interna adicional.

No dude en contactarnos si requiere asesoría en este tema o si necesita más información.

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Consulte información adicional en:

- [U.S. Releases Section 353 List of Corrupt and Undemocratic Actors for Guatemala, Honduras, and El Salvador - United States](#)

Department of State

- [Section 353 Corrupt and Undemocratic Actors Report - United States Department of State](#)

^aLa *United States-Northern Triangle Enhanced Engagement Act* fue aprobada en diciembre del 2020 (incluida en las asignaciones generales y el paquete de ayuda COVID-19) para apoyar al pueblo de Centroamérica y fortalecer la seguridad nacional de los Estados Unidos abordando las causas fundamentales de la migración desde El Salvador, Guatemala y Honduras (Triángulo Norte). De conformidad con esta ley, se elaborarán estrategias para el desarrollo económico, combatir la corrupción y tratar otros problemas en dichos países. Ver [All Information \(Except Text\) for H.R.2615 - United States-Northern Triangle Enhanced Engagement Act](#) ; U.S. House of Representatives Comm. on Foreign Aff., [Engel U.S.-Northern Triangle Enhanced Engagement Act Passes Congress](#).

^bVer Consolidated Appropriations Act of 2021, Pub. L. No. 116-260, § 353(b), 134 Stat. 1182, 3130 (2020).

^c*Id.* § 353(c)-(d), 134 Stat. at 3130-31.

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