

Navigating the Global Magnitsky Act within U.S.–Latin America Relations

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Navegando la Ley Global Magnitsky en las Relaciones entre Estados Unidos y América Latina

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Abstract

The Global Magnitsky Act constitutes an important sanctions regime in the U.S.–Latin America relations. Together with the U.S. State Department’s section 7031(c), recent years noticed Washington truly expanding its anti-corruption efforts worldwide, especially in Latin America. When sanctions are not activated for the U.S. interests but prosecute corrupt public officials, these sanctions can also have a positive impact. This work delves into the cases of Guatemala and Paraguay, two U.S. allies with the Former Presidents Jimmy Morales and Horacio Cartes –respectively– under Global Magnitsky sanctions. In spite of sanctions’ legal and political limits, designations of Jimmy Morales and Horacio Cartes as significantly corrupted drove relevant changes in Guatemala and Paraguay. Nevertheless, these Latin American politicians may be able to perpetuate their presence in domestic politics. U.S. sanctions, initially reviewed through their legal frameworks, can partially help exclude corrupt politicians from high-ranking roles in Latin American politics.

Keywords: Global Magnitsky Act, Sanctions, United States, Latin America, Corruption

Resumen

La Ley Global Magnitsky constituye un importante régimen de sanciones en las relaciones entre Estados Unidos y América Latina. Junto con la sección 7031(c) del Departamento de Estado de Estados Unidos, en los últimos años se ha observado una verdadera expansión de los esfuerzos anticorrupción de Washington en todo el mundo, especialmente en América Latina. Cuando las sanciones no se activan en función de los intereses de Estados Unidos, sino que procesan a funcionarios públicos corruptos, estas medidas

también pueden tener un impacto positivo. Este trabajo profundiza en los casos de Guatemala y Paraguay, países tradicionalmente aliados de Washington cuyos expresidentes, Jimmy Morales y Horacio Cartes, están sancionados bajo la Ley Global Magnitsky. A pesar de los límites legales y políticos de las sanciones, las designaciones de Jimmy Morales y Horacio Cartes como significativamente corruptos impulsaron cambios relevantes en Guatemala y Paraguay. No obstante, estos políticos latinoamericanos podrían mantener su presencia en la política nacional. Las sanciones de Estados Unidos, revisadas inicialmente a través de sus marcos legales, pueden ayudar parcialmente a excluir a políticos corruptos de los altos cargos en la política latinoamericana.

Palabras clave: Ley Global Magnitsky, Sanciones, Estados Unidos, América Latina, Corrupción

1. Introducing Corruption and Human Rights in U.S.-Latin America Relations

U.S.–Latin America relations are multifaceted, covering various political, social, and economic issues. However, financial affairs have also been relevant throughout the complex history of the Western Hemisphere. Interconnection in the Americas means that most financial matters are a common denominator between North, Central, and South America. Corruption is an intrinsic deviation of finance, and Latin America has suffered from corrupt politicians and stakeholders since its inception. Even after the military *juntas*, scholars perceived that Latin American state apparatuses could have been prone to corruption despite an apparent democratization (O'Donnell, 1994; Yauri Miranda, 2016.)¹ It is worth outlining that the Cold War itself sparked financial intertwinements between the U.S. and Latin America. Booth (2020) argues that Washington's economic assistance to anti-communist dictatorships may undermine any future U.S. initiative to tackle corruption in Latin America. In general, Latin America's tendency toward corruption is as real as the U.S. use of this issue as a political tool to serve its own interests. Nevertheless, U.S. efforts to combat the longstanding malaise of Latin American corruption have a remarkable potential.

Whether for domestic or international purposes, Washington's foreign policy for Latin America almost always had fighting corruption on its agenda. In the Latin American context, intersections between corruption and crime, or the surrender of the former to the latter, received academic attention for the severe impact on human rights (Cardona et al., 2018), a negative relationship also denounced by the United Nations Human Rights Council (García Garmendia, 2018). These points might help in placing the Global Magnitsky Act in the space of a much-needed initiative, from the U.S. and Latin American

¹ Latin America's democratization is generally identified with the end of the Southern Cone dictatorships (Argentina, Brazil, Chile, Paraguay, and Uruguay), respectively in 1983, 1985, 1990, 1989, and 1985.

perspectives, to tackle corruption in its local, regional, and political dimensions. In regional terms, it is essential to acknowledge that corruption has long undermined democratic institutions and human rights across Latin America, challenging efforts toward transparency, justice, and accountable governance. Despite evident national and ideological interests lying behind this U.S. foreign policy instrument, the strategic deployment of the Global Magnitsky sanctions in Latin America reflects a partial shift in the U.S. engagement with the region, one that goes beyond traditional interventionism and includes financial and reputational pressure on key political figures.

Although President Trump's current foreign policy does not suggest a seeking of healthy U.S.–Latin America relations, this article explores the positive application and consequences of Washington's sanctions in two emblematic cases: Guatemala and Paraguay. Both countries are long-standing U.S. allies and share histories of institutional corruption and elite impunity, yet, they also illustrate different trajectories of how sanctions influence domestic political landscapes. In Guatemala, the case of the former President Jimmy Morales illustrates how sanctions and pressure, even without direct designation, can reshape political conditions and embolden reformist movements. In Paraguay, the comprehensive sanctioning of the former President Horacio Cartes demonstrates the capacity of Global Magnitsky tools to strike at the heart of powerful political and financial networks, even when such actors maintain formal political roles. By analyzing these two cases, this article evaluates the effectiveness, limitations, and unintended consequences of sanctions as a foreign policy mechanism in the Latin American context, ultimately reflecting on their potential to foster accountability and democratic renewal.

1.1. Rationale of the Global Magnitsky Human Rights Accountability Act

Merging human rights with corruption is appropriate since it encompasses the rationale of the Global Magnitsky Act. In fact, the Global Magnitsky Human Rights Accountability Act, passed by the 114th U.S. Congress in 2016, was enacted to “impose sanctions with respect to foreign persons responsible for gross violations of internationally recognized human rights, and for other purposes” (Global Magnitsky Human Rights Accountability Act, 2016, p. 1.) With specific importance for the Latin American context, the Global Magnitsky Act included a clear provision on corruption to identify the foreign individual to be sanctioned:

Is a government official, or a senior associate of such an official, that is responsible for, or complicit in, ordering, controlling, or otherwise directing, acts of significant corruption, including the expropriation of private or public assets for personal gain, corruption related to government contracts or the extraction of natural resources, bribery, or the facilitation or transfer of the proceeds of corruption to foreign jurisdictions. (Global Magnitsky Human Rights Accountability Act, 2016, § 3)

This provision follows previous attempts by Washington to codify its battle against human rights violations and corruption. The Global Magnitsky Act expanded at the world level the previous 2012 Sergei Magnitsky Rule of Law Accountability Act, initially activated for the grave human rights abuses toward dissidents by the Russian Government. Finally, President Trump's Executive Order 13818 further enlarged, through executive powers, Global Magnitsky's leverage for sanctioning government officials involved in corrupt activities and human rights crimes (Congressional Research Service, 2021). Moreover, the Global Magnitsky Act led to other sanctioning tools that could be seen as complementary. In 2019, Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, which bans U.S. visas to human rights violators and corrupt public persons, was able to target individuals jointly with the Global Magnitsky Act. Therefore, this work asserts the importance, at least for Latin America, of the Global Magnitsky Act and its sanctioning leverage toward corrupt officials. The analysis shows how the collaborative powers triggered by the Global Magnitsky Act and Section 7031(c) successfully harmed corrupt politicians in countries considered U.S. allies: Guatemala and Paraguay. In these cases, sanctions prevented high-ranking politicians from running as Presidents or attempting re-election. Furthermore, political parties suffered the weight of having a sanctioned member.

2. Global Magnitsky's Sanctioning Impact on Central America

Guatemala is a considerable U.S. ally. The Central American nation pertains to the so-called Northern Triangle, a critical area for migration movements toward North America.² It is possible to identify the Jimmy Morales presidential term (2016–2020) as the pinnacle for sanctions inputs between the U.S. and Guatemala. Despite reaching the presidency with an anti-corruption narrative, Morales almost immediately started confrontations with the UN-promoted International Commission Against Impunity in Guatemala (CICIG), embracing instead traditional corrupt politicians across the infamous Pacto de Corruptos (Lazreg, 2018). President Morales' behavior rapidly got the attention of policymakers on Capitol Hill. In 2017, Representatives Eliot L. Engel (D-NY) and Ed Royce (R-CA) asked Secretary of State Rex Tillerson to use the Global Magnitsky Act for sanctioning corrupt Guatemalan officials, and also promoted a review of U.S. aid to Guatemala (House Foreign Affairs Committee, 2017). Norma Torres (D-CA), of Guatemalan heritage, was essential in advocating for sanctions on Jimmy Morales, due not only to the President's stands against CICIG but also for his illicit electoral campaign funding (InSight Crime, 2017). The Guatemalan issue escalated, with the 116th U.S. Congress going further in introducing the Guatemala Rule of Law Accountability Act, based on the Global Magnitsky Act, where:

² The Northern Triangle comprises Guatemala, Honduras, and El Salvador.

The President shall impose the sanctions described in subsection (b) on any foreign person who is a current or former official of the Government of Guatemala, or any foreign person acting on behalf of or in cooperation with an official of such Government, who has knowingly— (1) committed or facilitated significant corruption, money laundering, narcotics trafficking, or financing political campaigns with the proceeds of narcotics trafficking. (Guatemala Rule of Law Accountability Act, 2019, § 4)

The bill was only introduced, and Jimmy Morales —after terminating CICIG— did not receive sanctions designation. However, the Trump Administration's support for CICIG has been fundamental in keeping the UN body active in the Guatemalan territory at least until 2019 despite Morales' attacks (Congressional Research Service, 2019b). At the same time, although the Global Magnitsky Act could not reach the head, it targeted the arms of Guatemala's corrupt system. Gustavo Adolfo Alejos Cambara, Felipe Alejos Lorenzana, and Delia Bac Alvarado —personalities close to President Morales or members of the Guatemalan Congress— were sanctioned under the Global Magnitsky Act and 7031(c) as well (U.S. Department of State, 2021). Guatemala's current President, Bernardo Arévalo, won the 2023 elections through a popular platform fashioned upon anti-corruption and anti-elite postures (Perelló, 2024), erasing ties with Morales and other corrupt politicians. Without sanctioning Morales' inner circle, it would have been extremely difficult, for President Arévalo, to challenge traditional Guatemalan parties. Finally, the Global Magnitsky's shadow still follows Morales. Guatemalan judges are trying to strip Morales of his immunity in order to prosecute him for corruption, electoral fraud, and the CICIG's troubles (AP News, 2021). The Global Magnitsky Act has contributed to a radical transformation in Guatemalan politics, even without directly affecting, yet, Jimmy Morales.

3. Paraguay: Global Magnitsky Against Horacio Cartes

The relationship between Paraguay and the Global Magnitsky Act is peculiar for two main reasons. The sanctioning regime circulates around a special subject: Former President Horacio Cartes, potentially the most influential individual in today's Paraguay. Moreover, as described elsewhere, the level of alliance between Asunción and Washington is remarkably high, to the point that the U.S. effectively influences Paraguayan domestic politics (Maresca & Martínez Cabrera, 2024). In this case, sanctions faced the difficulty of targeting a politician who was extremely popular, powerful, and a nationally recognized figure from a country historically aligned with the U.S. For instance, Alfredo Stroessner's dictatorship (1954–1989) depended on U.S. support and crumbled once the Reagan Administration pressured it (Mora, 1995). It can be asserted that, unlike Guatemala with Jacobo Árbenz, Paraguayan leaders never defied the U.S. throughout the

Cold War.³ The political uniqueness of Paraguay's partial democratization impacts sanctions as well. The Partido Colorado, Stroessner's party, won the first elections after the dictatorship, continuing a non-alternation political system (Rodríguez, 2004) and authoritarian tendencies (López, 2012). These structural complexities remain true for Paraguay until now. Sanctions were imposed on Paraguay in light of Horacio Cartes' presidential term (2013–2018). During this period, Cartes allegedly bribed Partido Colorado members with approximately \$10,000 to ensure his 2013 electoral victory (Stefanoni, 2023). Cartes received a comprehensive sanctioning package, composed of a visa ban under 7031(c) and sanctions under the Executive Order 13818 related to the Global Magnitsky Act. Furthermore, U.S. sanctions targeted Vice President Hugo Adalberto Velázquez Moreno and the Former President's businesses, listed as Specially Designated Nationals (SDNs): Tabacos USA Inc., Bebidas USA Inc., Dominicana Acquisition S.A., and Frigorífico Chajha S.A.E. (U.S. Department of the Treasury, 2023). Secretary of State Anthony Blinken commented on Cartes' designation, recognizing the former president's economic and political leverage in the Paraguayan State, as well as his leadership of the Partido Colorado (U.S. Department of State, 2023).

Geopolitically, the application of the Global Magnitsky Act to Paraguay could unleash perilous evolvments. Paraguay is the only South American country that recognizes Taiwan over the People's Republic of China, being a foreign policy feature welcomed by Washington (Congressional Research Service, 2017). One might claim that targeting Cartes demonstrates that U.S. sanctions can, indeed, follow ethical and criminal reasons, regardless of the national interest or international affairs. As a wealthy entrepreneur with solid ties to the U.S., the Global Magnitsky Act obliged Cartes to reduce businesses and restructure his financial organization, with the freezing of U.S. assets and bank accounts. More importantly, the initial provisions of Section 7031(c) were an essential starting point to investigate, besides public corruption, the criminal activities of Horacio Cartes that will ultimately open room for the enforcement of the Global Magnitsky Act. It is worth outlining the dimensions of Cartes' illicit practices. Paraguay's borders are marked by extreme porosity and insufficient control of activities such as trafficking and money laundering. In particular, the Triple Frontier—shared by Paraguay, Argentina, and Brazil—represents a hotspot for South America's drug movements. The economic interests in the Triple Frontier extend beyond Latin America. By way of illustration, Ciudad del Este, located on the Paraguayan border side, hosts a large Arab community that has been studied for its connections with Hezbollah (Alvino da Silva, 2018).

Logically, Hezbollah's presence or financial activism in South America is a source of concern for the U.S. The introduction of 7031(c) on Cartes fostered investigations on illicit trade in Paraguay, reaching a surprising conclusion: the U.S. found that Horacio Cartes benefited from links with Hezbollah (Soler, 2024), therefore with knowledge of the group's presence on Paraguayan soil and

³ Jacobo Árbenz was President of Guatemala between 1951 and 1954, overthrown by a CIA-backed golpe because of his nationalization projects.

eventually personal economic interests. The Hezbollah connection was a perfect push for moving toward Global Magnitsky's broader sanctions on Horacio Cartes and his Vice President. Generally, the entire story of Cartes' sanctions could serve as an example of tenacious investigative work from Washington. During his initial times, Cartes was believed to be an underdog in Paraguayan politics, whose entrepreneurial background did not represent a problem for the U.S.-Paraguay relations. Nevertheless, the Office of Foreign Assets Control (OFAC) closely followed Cartes' activities in spite of the prior trust granted, by the White House, to the Paraguayan millionaire. Paradoxically, most of the criticism came from the U.S. rather than Paraguay. Cartes' illicit trading, mainly involving tobacco, was a very well-known fact in South America. Treasury waited four years after Cartes left the presidency before activating the Global Magnitsky Act, after which sanctions escalated from State Department's visa ban to OFAC's SDN list and assets freezing (Saady, 2024). Nonetheless, despite it was forbidden by the Paraguayan Constitution, Cartes advocated for an amendment to seek re-election. Due to the Partido Colorado's hegemony, Cartes pushed for constitutional changes to extend his presidential term, causing ferocious protests and opposition by the Paraguayan people (Última Hora, 2019; El Nacional, 2024). After the Treasury's designation, Cartes resigned from high-ranking posts in Paraguay's executive branch. At the same time, the current President Santiago Peña is a Partido Colorado affiliated and a Cartes protégé. Sanctions did not prohibit Cartes from serving as the Partido Colorado chair, which is currently holding. Whether the party's leadership means a re-eligibility for Horacio Cartes or not is debatable. The reality is that Cartes cannot return to Paraguay's presidency, although his party might have re-proposed a re-election amendment, and his public appearances vastly diminished after the Global Magnitsky designation.

Political corruption did not leave Paraguay, but there are no remaining possibilities for U.S. sanctions. Paraguay's situation offers some problematic analogies with Albania. In 2018, Member of Parliament Tom Doshi was sanctioned by the State Department with 7031(c) because of corruption (U.S. Department of State, 2018). Tom Doshi presided over the Social Democratic Party of Albania and was a member of the Socialist Party of Albania previously. The latter is the party of the current Albanian Prime Minister, Edi Rama. Sanctions affected the individual, but the party and its corrupt links perpetuated. The sanctioning tool cannot solve widespread corruption in many political systems, so parties or politicians may continue their path if governments allow them to do so.

4. Conclusions and Policy Recommendations

Sanctions are tools, and as such, they have limits in jurisdiction, scope, and leverage. The Global Magnitsky Human Rights Accountability Act provides an essential framework to punish public officials involved in corruption and human rights violations. It is not unreasonable to state that if a government officer is corrupted, he or she is already acting against human rights. The collaboration

among the State Department, with Section 7031(c); the OFAC, with the Global Magnitsky Act; and the U.S. President, with Executive Order 13818 forms an extraordinary capacity to target individuals worldwide. The Latin American cases of Guatemala and Paraguay show common traits. The Global Magnitsky Act, when complemented by Section 7031(c), effectively impacts the political life of a corrupt individual or terminates the related party's dominance, as occurred with Jimmy Morales. In Paraguay, sanctions against Horacio Cartes harmed his financial and political influence, contributing to avoid his perpetuation in the presidency despite attempts to introduce re-election via constitutional amendment. Nevertheless, corrupt politicians may still find ways to occupy public roles or remain politically active through second-tier positions, such as party chair. Generally, it is safe to claim that the Global Magnitsky Human Rights Accountability Act and Section 7031(c) provide a powerful, though not all-encompassing, set of tools to confront transnational corruption and human rights abuses. The case studies of Guatemala and Paraguay demonstrate that while the application of these instruments has jurisdictional and political limits, it can substantially influence domestic political landscapes and constrain the actions of corrupt elites. In both countries, the imposition or threat of sanctions altered the above-mentioned political trajectories.

In Guatemala, although Jimmy Morales himself avoided direct designation, members of his inner circle were targeted. This weakened the broader network of corruption that had supported his administration, helping pave the way for a reformist president like Bernardo Arévalo to emerge. In Paraguay, Horacio Cartes, a dominant political and economic figure, was subjected to sanctions that significantly curtailed his financial reach and personal freedom to maneuver. These actions undermined his efforts to perpetuate control through attempts at constitutional amendments and re-election. However, these examples also reveal the resilience of entrenched political systems, as the cases of both Morales and Cartes, who retained a degree of political relevance even after sanctions. Morales continued to exert influence indirectly, while Cartes maintained formal leadership of the ruling Partido Colorado.

This underscores the structural limitations of sanctions that target individuals but leave broader institutional networks intact. Sanctions alone cannot dismantle deeply rooted systems of political patronage or eliminate corruption from party structures, particularly when domestic legal and institutional frameworks remain weak or compromised. Despite these limitations, the symbolic and strategic value of the Global Magnitsky sanctions is considerable. They signal a strong international commitment to accountability and challenge the impunity often enjoyed by high-ranking officials. The case of Cartes, in particular, illustrates that U.S. sanctions can transcend narrow strategic interests, such as Paraguay's diplomatic support for Taiwan, and instead reflect a commitment to normative principles like transparency and human rights.

To improve their efficacy, sanctions policy may aim to address entire networks rather than isolated figures, due to coordinating sanctions with regional or international partners would enhance their legitimacy and effectiveness.

Additionally, linking sanctions to positive incentives, such as support for governance reform or civil society, can generate lasting changes. Moreover, clear communication about the rationale behind sanctions and expected outcomes would further strengthen their impact, reducing the perception of politically motivated interference. If Washington, as occurred in Guatemala and Paraguay, uses sanctions regardless of its foreign policy interests and without an imperialist attitude toward Latin America, the results can be truly remarkable. In this sense, Global Magnitsky sanctions are not a cure-all for corruption, but when strategically deployed, they can be powerful tools for political accountability. Their influence extends beyond punitive measures to shaping political incentives, limiting the ambitions of corrupt actors, and opening space for reformist leadership.

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