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Guatemala: Violence by criminal gangs and cases of popular justice; protection offered by the state (March 2005 - February 2007)

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Extortion, attacks and homicides

Numerous sources indicate that members of criminal gangs, or "maras," attack and extort money primarily from buses and small businesses (*Siglo XXI* 13 Feb. 2007; *Prensa Libre* 5 Jan. 2006; *ibid.* 28 Mar. 2006).

According to the United Nations Development Programme (UNDP), these gangs extort up to 296 million quetzals (GTQ) annually [CAD 45 million (XE Currency Converter 19 Feb. 2007)] (*Siglo XXI* 13 Feb. 2007).

Criminal gangs target public transit buses in Guatemala City; in the first six months of 2006, 3,200 attacks and 24 murders were recorded (EFE News Service 12 June 2006). The gangs force drivers to pay a daily tax to avoid the attacks (*ibid.*; *Siglo XXI* 13 Feb. 2007).

The Gretexpa company, which has 5,000 buses, is the target of about 200 attacks a day on its vehicles (*Prensa Libre* 28 Mar. 2006; *ibid.* 8 May 2006) and adds that 54 of its drivers and employees were killed in 2005 (*ibid.* 28 Mar. 2006). The criminal gangs go directly to the homes of transport business owners and demand as much as GTQ 30,000 to 50,000 [CAD 4,558 to 7,595 dollars (XE Currency Converter 19 Feb. 2007)] (*ibid.*; *ibid.* 8 May 2006).

The Guatemala human rights prosecutor summarized the situation by explaining that the criminal gangs and their extortion methods have forced people to leave their homes or close their businesses, and the actions of the gangs have resulted in some school closures (Guatemala Jan. 2007, 40; *Prensa Libre* 28 Mar. 2006). Mixco and Villa Nueva are the hardest hit by this practice (*Siglo XXI* 13 Feb. 2007).

A 30 January 2006 article in the daily *Prensa Libre* also mentions the methods of the Mara 18 gang, which allegedly threatens people who live near the prisons if their daughters did not go there to have sex with gang members.

According to Central American Report, the increase in the number of murders of women coincides with increased gang violence against the population and against other gangs, and it is the young women who are paying the price (8 Dec. 2006).

Measures for protecting the population from criminal gangs

Corruption within the police force and a lack of resources complicate the battle against criminal gangs (*The Miami Herald* 30 Mar. 2006). President Berger himself has acknowledged the failure of Guatemala's 22,000 national police officers to control the criminal gangs, which reportedly have as many as to 60,000

members (EFE News Service 10 Dec. 2006).

According to the 25 July 2006 *Latin American Caribbean and Central American Report*, a law legalizing both wiretapping and the use of double agents that also criminalizes conspiracy was adopted with the support of numerous parties in an effort to fight organized crime more effectively.

A hotline for reporting extortion was set up, and the deputy director of the National Civil Police (Policia Nacional Civil, PNC) is encouraging people to use it (*Prensa Libre* 29 Oct. 2006). The PNC deputy director of public security indicated that, after a report is made, patrols are increased in [translation] "the threatened areas" (ibid.).

Prensa Libre also reports that special surveillance measures were taken in the bus stations during Holy Week in March 2006 (*Prensa Libre* 28 Mar. 2006).

In January 2006, *Prensa Libre* reported that 33 gang members had been arrested in an operation by PNC's anti-gang squad (5 Jan. 2006). The gang members were extorting money from bus drivers and business owners in the municipalities of Villa Nueva, Amatitlan, Villa Canales and San Miguel Petapa (*Prensa Libre* 5 Jan. 2006). The arrest of 500 gang members in December 2005 had forced these gangs to change locations (ibid. 14 Dec. 2005).

Some sources note criticism of the use of the armed forces to protect the population from criminal gangs (Central America Report 18 May 2006). The Guatemalan defence minister told *Siglo XXI* that the military intelligence service provides logistical support to the Guatemalan police in order to find gang members (25 Apr. 2006). In April 2006, 11,000 soldiers were deployed in the streets to re-establish security (EFE News Service 12 June 2006).

Prevention

According to a Central America Report article, a study by the United States Agency for International Development (USAID) indicates that the government is focusing on prevention, but has not yet taken concrete measures to support its prevention programs (20 Oct. 2006). Human Rights Watch (HRW) indicates that, in October 2006, the Berger government adopted a law to implement reintegration programs and to set up schools inside prisons (Jan. 2007).

In December 2006, a program called [translation] "Challenge 100" (Desafío 100) helped 53 former gang members find a job and reintegrate socially (*Siglo XXI* 14 Dec. 2006).

Extrajudicial executions and lynching

Several sources report that police may have been involved in the extrajudicial killing of gang members (*The Boston Globe* 19 Apr. 2006; Central America Report 9 Mar. 2006; EFE News Service 10 Dec. 2006). According to the NGO Mutual Support Group (Grupo de Apoyo Mutuo, GAM), death squads possibly connected to the security forces execute as many as 20 alleged criminals every week (ibid.). This type of "social cleansing" is reportedly on the rise in Guatemala (*The Boston Globe* 19 Apr. 2006). Some community members, fed up with the extortion and the ineffectiveness of the authorities, support the squads (ibid.).

The inability of the security forces to react to the violence of criminal gangs has led some cities to fight the gangs themselves (EFE News Service 12 June 2006). The human rights prosecutor in Guatemala noted that the training of local security forces has divided communities, as some of these groups demand that taxes be paid to them or that certain streets will be closed (Guatemala Jan. 2007, 40).

More generally, according to HRW, the failures of the justice system, which are responsible for the impunity enjoyed by the criminals, explain in part the 25 lynchings in 2004 and the 32 lynchings in 2005 (Jan. 2007). Most of the victims were suspected of having committed a crime (HRW Jan. 2007).

In 2001, the United Nations Verification Mission in Guatemala (Misión de Verificación de las Naciones Unidas en Guatemala, MINUGUA) recorded 421 cases of vigilante violence which killed 215 people (Central America Report 18 May 2006). The human rights prosecutor stated that he does not have the resources to provide valid statistics (ibid.). According to Central American Report, the Guatemalan media reported fifteen lynchings in 2005 and six lynching deaths between January and May 2006 (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources

consulted in researching this Information Request.

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[Top of Page](#)

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