



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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15 January 2003

**GTM40476.E**

Guatemala: A vigilante killing by a "civil protector" in Aldea de Buenavista, Chimaltenango, on 10 July 2000; whether such a protector is immune from prosecution and/or works in conjunction with the civil/state authorities (2000)

Research Directorate, Immigration and Refugee Board, Ottawa

No information about a vigilante killing by a "civil protector" in Aldea de Buenavista, Chimaltenango, on 10 July 2000 could be found among the sources consulted by the Research Directorate. However, the following information reports on the phenomenon of lynchings in Guatemala (IACHR 6 Apr. 2001; *Country Reports on Human Rights Practices 2000* Feb. 2001; HRW 2001).

According to the IACHR:

From 1996, when this practice became pronounced, to mid-2000, MINUGUA [UN Verification Mission in Guatemala] registered 310 lynchings or attempted lynchings. In a lynching, mobs of up to hundreds or thousands of local people converge on a suspected delinquent or hunt the person down in their home. The targeted individual is usually tortured prior to being killed for the purpose of forcing him or her to reveal the names of presumed accomplices. The victims -- mostly men, but including women and children -- have been beaten, hacked and stoned to death, shot, and burned alive (6 Apr. 2001).

For 2000, MINUGUA reported 52 lynchings, including 24 lynchings and 28 attempted lynchings, "which resulted in 32 deaths and 83 persons injured" (*Country Reports 2000* Feb. 2001, Sec.1 a). Moreover, the IACHR stated that lynchings or attempted lynchings were reported in "at least" 20 Departments or provinces, among them the Department of Chimaltenango (ibid.).

Human Rights Watch reported that a lack of effective law enforcement and a high occurrence of crime has resulted in the "use of lynching as a form of vigilante justice" (2001).

Although the reports noted that the lynchings took place for a wide variety of reasons by a number of different perpetrators, there was evidence that "former PAC [Patrullas de Autodefensa Civil, Civil Self-Defense Patrols] members appeared to be influencing the practice of lynchings in the west" (IACHR 6 Apr. 2001).

For more information about the PAC, please refer to GTM40160.E of 2 October 2002.

With regard to whether persons involved with committing the lynchings are immune from prosecution, the IACHR reported:

In most cases, the reaction of local authorities ranges from indifference to tacit support, and has even included participation. Further, once a lynching takes place, there is little effort to investigate or prosecute those responsible (6 Apr. 2001).

Moreover, even when those accused of carrying out lynchings are apprehended, "the justice system has been slow to convict and imprison perpetrators of lynchings" (Country Reports 2000 Feb. 2001, Sec. 1 a).

Nevertheless, Country Reports stated that the Guatemalan government, with assistance from MINUGUA, started an antilynching campaign targeting those areas where lynchings have occurred (ibid.). In addition,

CSJ [Corte Suprema de Justicia, Supreme Court of Justice] President Jose Quesada Fernandez strongly denounced lynchings in a public statement and pledged support and protection for judicial personnel who are threatened by the local populace when lynching perpetrators are brought before the courts (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 to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

#### References

Country Reports on Human Rights Practices for 2000. February 2001. "Guatemala." US Department of State. Washington, DC. <<http://www.usis.usemb.se/human/2000/west/guatemala.html>> [Accessed 13 Jan. 2003]

Human Rights Watch (HRW). 2001. Human Rights Watch World Report 2000. "Guatemala: Human Rights Developments." <<http://www.hrw.org/wr2k1/americas/guatemala.html>> [Accessed 14 Jan. 2003]

Inter-American Commission on Human Rights (IACHR). 6 April 2001. Fifth Report on the Situation of Human Rights in Guatemala. "The Right to Life." <<http://www.cidh.oas.org/countryrep/Guate01eng/chap.5.htm>> [Accessed 13 Jan. 2003]

#### Additional Sources Consulted

IRB databases

World News Connection (WNC)

#### **Internet sites:**

Amnesty International (AI)

Diario La Hora [Guatemala City]

Guatemala Hoy [Guatemala City]

Prensa Libre [Guatemala City]

Washington Office of Latin America (WOLA)

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