



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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09 January 2003

**GTM40604.E**

Guatemala: Protection available for small businessmen who are subject to extortion by criminal gangs with links to the state and/or who are witnesses of criminal activities by these gangs (2002)  
Research Directorate, Immigration and Refugee Board, Ottawa

Information regarding protection available to small businessmen who are subject to extortion by criminal gangs with links to the state and/or who are witnesses of criminal activities by these gangs could not be found among the sources consulted by the Research Directorate. However, the following provides information about state protection, links between organized crime and the government and the state's efforts to improve the judicial system.

Human Rights Watch noted, in an August 2002 report by about political violence in Guatemala, that "[t]he police have failed to provide adequate protective measures to witnesses and officials involved in sensitive cases" (18-22 Aug. 2002). A February 2002 report stated that Cesar Augusto Rodas Furlan, "a witness in a case against Guatemalan vice president Juan Francisco Reyes Lopez," was shot and killed by unknown assailants (*Weekly News Update on the Americas* 24 Feb. 2002). Although Governance Minister Eduardo Arevalo Lacs claimed that Furlan's murder was a "common crime," former legislative deputy Magda Arceo maintained that it was "political" (ibid.). Prior to his death, "Furlan had unsuccessfully requested asylum from MINUGUA [United Nations Verification Mission in Guatemala] and the Canadian embassy" (ibid.).

In an article of September 2002, the Attorney General, Carlos de Leon Argueta, stated that the Public Ministry lacks the funding to effectively meet the needs of the judicial system and that "[c]urrently only 10 % of Guatemalan territory is covered by the Ministry" (CAR 20 Sept. 2002, 1). Consequently, de Leon claimed that "[a]s it is, it can't be said that there is access to justice" (ibid.). Please refer to GTM39402.E of 17 July 2002 for information about protection available to civilians targeted by the G2 army intelligence units.

According to *Central America Report*, "[c]riminal rings and networks linked to organized crime have reached into the government and precipitate the crises that the country is currently experiencing" (9 Aug. 2002, 5). Moreover, "organized crime forms part of the hidden powers behind the government, and ... the hidden powers include members of the military, paramilitaries, some businesspeople and politicians" (CAR 9 Aug. 2002, 5). Please refer to Amnesty International's report entitled, "Guatemala: The Lethal Legacy of Impunity," for more information about "human rights violations committed in modern-day Guatemala in the context of the so-called 'corporate mafia state'" (28 Feb. 2002).

An October 2002 report stated that the Interior Minister, Adolfo Reyes Calderon, "has started to implement changes throughout the Ministry. Most prominent among these has been the dismissal of 117 agents and the ongoing investigation of crimes carried out by members of the National Civil Police (PNC)" (CAR 18 Oct. 2002, 4). Moreover, "[f]our hundred additional agents are under investigation," and "around 700 police crimes were recorded in the first half of 2002" (ibid.).

Nevertheless, citing a report published by the Centre for National Economic Investigations (CIEN), *Central*

*America Report* also noted that "there is a lack of in-depth and trustworthy information about violence in the country. The public prosecutor's office uses statistics completely different form [sic] those used by the PNC" (ibid.). Adding to the confusion is the fact that the media do not clearly distinguish the sources of information they use (ibid.).

Please refer to GTM34755.E of 18 July 2000 for background information about protection available to small businessmen who are subjected to frequent robberies and extortion by criminal gangs.

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

Amnesty International (AI). 28 February 2002. "Guatemala: The Lethal Legacy of Impunity."  
<<http://web.amnesty.org/ai.nsf/Index/AMR340092002?OpenDocument&of=COUNTRIES\GUATEMALA>>  
[Accessed 7 Jan. 2002]

*Central America Report* (CAR). 18 October 2002. Vol. XXIX, No. 40. "Security Worries Take Center Stage."

\_\_\_\_\_. 20 September 2002. Vol. XXIX, No. 36. "Public Ministry Lacks Funding, Says Attorney General."

\_\_\_\_\_. 9 August 2002. Vol. XXIX, NO. 30. "Turnover in Portillo Administration Highlights Government Fragility."

Human Rights Watch (HRW). 18-22 August 2002. "Guatemala: Political Violence Unchecked."  
<<http://hrw.org/press/2002/08/guatemission.htm>> [Accessed 7 Jan. 2003]

*Weekly News Update on the Americas* [New York]. 24 February 2002. No. 630. "Guatemala: Witness Against VEEP Murdered." (NEXIS)

#### Additional Sources Consulted

IRB databases

World News Connection (WNC)

#### **Internet sites:**

*Country Reports*

Diario La Hora [Guatemala City]

*Guatemala Hoy* [Guatemala City]

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