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13 June 2003

GTM40950.E

Guatemala: Efforts by the state and the police to deal with crime (June 2003)
Research Directorate, Immigration and Refugee Board, Ottawa

According to a 29 March 2003 press release, the Inter-American Commission on Human Rights (IACHR) stated that it could not

... hide its serious concern over the lack of progress in matters vital to the preservation and strengthening of the rule of law. To the contrary, since its previous visit in 1998, the Commission has found a significant deterioration in several respects. The rule of law and democracy in Guatemala will not become consolidated if the judiciary continues to be inefficient for addressing the very serious human rights violations of the past, as well as the violations of the present and the impunity that continues to prevail in the justice system; if armed groups act with impunity outside the law; if human rights defenders, judicial officers, journalists, trade unionists, and other representatives of social sectors are targets of assassinations, threats, and intimidation; if the indigenous peoples, women, and children suffer different forms of discrimination and social marginalization; and if the Armed Forces and intelligence agencies continue to participate in activities related to citizen security and are not subordinated to the civilian authorities.

Amnesty International, in a report of April 2003, stated that "[u]nder the present Guatemalan government there has been a demonstrable rise in political violence and an acute and increasing deterioration in measures to protect and guarantee human rights, a consequence both of the government's persistent lack of will to improve the human rights situation and ... of the policies that it has adopted" (1 Apr. 2003). In a 23 April 2003 Associated Press (AP) article, Tomas Koenigs, director of the United Nations Verification Mission to Guatemala (Mision de Naciones Unidas para la Verificacion de los Derechos Humanos en Guatemala, MINUGUA) noted, among other things, the state's "failure to curtail an alarming postwar rise in common crime." More specifically, Koenigs claimed that the main security apparatus, the National Civil Police (Policia Nacional Civil, PNC), continues to be "marred by charges of corruption and human rights violations" and that it is "declining with no end in sight" (AP 23 Apr. 2003).

Country Reports 2002 mentioned that the government's strategy of supplementing its "ill-equipped" police force with army support was criticized by MINUGUA as a "grave setback for the demilitarization of public security" (31 Mar. 2003). The UN mission added "there were no indications that joint operations reduced crime levels" (*Country Reports 2002* 31 Mar. 2003). For example, an IPS article of 9 February 2003 reported that "[m]urders reached an average of 14 a day in December" 2002 according to MINUGUA's statistics; and the UN body predicted that "the violence will only intensify" in 2003.

The *Miami Herald* of 5 March 2003 reported that a number of "corruption scandals" led to the dissolution of the anti-narcotic police unit and resulted in the U.S. government's decision to decertify Guatemala because it lacks the capacity to effectively combat drug-trafficking. Reportedly, because the country's decertification status has "raised awareness and forced the government to act," the state intends to execute a "four-year plan

in 2004 that calls for tougher drug-trafficking laws, a witness protection program, funds to pay informants and other tools to combat the increasing drug trade" (*Miami Herald* 5 March 2003). In the meantime, a new "400-plus" member counter-narcotics unit has apparently been initiated with the two-pronged objective of "seizing drugs and recovering the prestige of the force" (ibid.).

In its defence, the Guatemalan government reported to the IACHR that with its 2003 budget approved, the PNC was "reinforced finally and technically to meet the demands for protection" (29 Mar. 2003). In addition, in an article of March 2003, Human Rights Watch reported that an "historic agreement" had been reached between the government and human rights advocates "to establish a three-member commission of inquiry to investigate clandestine groups that are responsible for attacks on human rights defenders, justice officials, witnesses in key cases, and civil society leaders." Known as the Commission to Investigate of Illegal Armed Groups and Clandestine Security Apparatus (Comision para la Investigacion de Cuerpos Illegales y Aparatos Clandestinos de Seguridad, CICIACS), this agency is mandated to play an important role in "combating the prevailing impunity in Guatemala"; however, implementation and follow-up have yet to take place (AI 1 Apr. 2003).

Please see GTM40604.E of 9 January 2003 for more information about the availability of state protection in Guatemala.

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

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Additional Sources Consulted

IRB databases

NEXIS

World News Connection (WNC)

Internet sites:

Freedom House

Guatemala Hoy [Guatemala City]

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