

Guatemala



U.S. Citizenship
and Immigration
Services

RAIO Research Unit
August 2021

Civil War (1960-1996)

- Leftist guerillas vs. military government
- Massive, systematic human rights violations
 - Extrajudicial executions, forced disappearances, rape, scorched-earth tactics, forced displacement, torture, illegal detention, kidnapping, massacres, etc.
- Commission for Historical Clarification (CEH)
 - Over 200,000 killed (83% were Mayan) & 45,000 disappearances
 - Human rights violations & abuses
 - 93% = committed by state forces & paramilitary groups
 - 91% = from 1978 to 1984
 - State agents committed genocide against the Maya in Ixil, Zacualpa, Huehuetenango, & Rabinal (1981-1983)



Transitional Justice

- Impunity for human rights violations
- Amnesty Law (1996)
 - No criminal liability for political crimes
 - Excludes genocide, torture, & forced disappearances
- Some progress - arrests & convictions
- Trials & retrials = backlash against human rights defenders & those seeking justice
- Government continues to deny that genocide was committed against the Maya

Corruption

- Widespread & structural problem within institutions
- Affects all levels of the political sphere
 - Local to national politicians
- Security forces, justice sector & government officials
- *“I thought we had hit bottom with Jimmy Morales, but no, Guatemala resembles an underground parking lot where there is always a basement underneath. We haven’t reached rock bottom yet”*



Illegal Clandestine Security Apparatuses (CIACS)

- Powerful clandestine networks
 - Clandestine security & intelligence networks formed during the civil war, but not dismantled
 - “Hidden powers”
- Various types of loosely defined groups
 - May be embedded within government institutions & civil entities
 - Often reportedly include former & current high-level military officials
- Activities
 - Sophisticated criminal activities
 - Provide services to other organized crime groups

CICIG

- International Commission against Impunity in Guatemala (2007 - 2019)
 - Autonomous, international anti-corruption commission backed by the United Nations
 - Formed to help investigate & dismantle CIACS
 - Carried out investigations & worked with local prosecutors to pursue high-profile corruption cases
- “Guatemalan spring”
 - *“By 2019, the CICIG had prosecuted three presidents (two of whom were in office), filed 100 petitions to impeach corrupt officials, dismantled nearly 70 criminal structures that were entrenched in the state, and prosecuted 120 high-impact cases, in which it obtained convictions against ministers, representatives, mayors, and business owners.”*



Backlash against Anti-Corruption

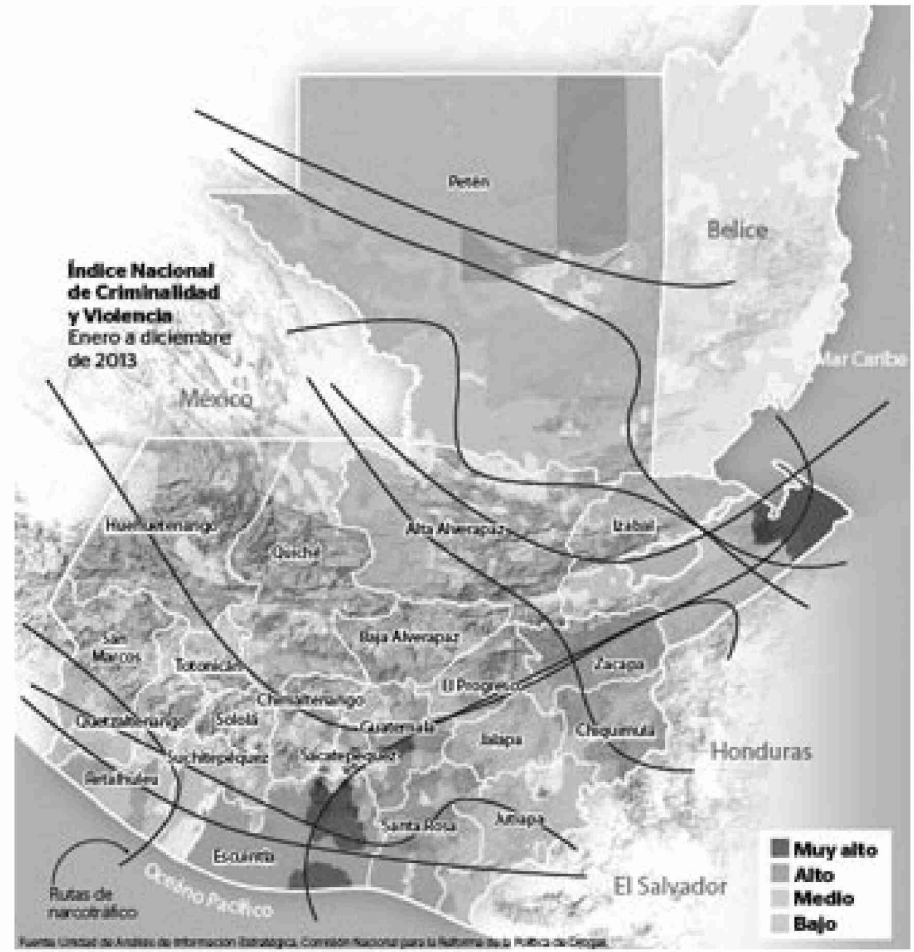
- Expulsion of CICIG in Sep. 2019
- *“Organized crime structures want to retake control of the courts”*
- Revenge against participants in the anti-corruption movement
 - Prosecutors, judges, former CICIG staff, human rights defenders, magistrates, Human Rights Prosecutor's Office, the Special Prosecutor's Office against Impunity (FECI), other government officials, family members, etc.
 - Stigmatization, smear campaigns, criminalization, congressional investigations, harassment, threats, improper/indefinite complaints, arrests, firings, etc.

Gangs

- MS-13, Barrio 18, & local gangs
- Geographic distribution
 - Urban areas & large cities (Guatemala City metro area)
 - Increasing in towns & population centers of more provincial departments
 - Indigenous areas?
- Organized crime & control of territory
- Gang problem not as severe as in El Salvador & Honduras
 - Fewer members
 - National presence – unlikely?
 - Responsibility for extortion?
 - Extent of social & territorial control?

Transportistas

- Most powerful organized crime groups
 - Drug trafficking & other illicit activities
 - Rely on corruption & bribery of national & local police, military, judicial & government officials
 - Replace the state's social & security presence in certain areas
- Violence
 - Fight for control of illicit activity
 - Armed elements for enforcement & security
 - Threats & assassinations
 - Internal disputes & punishment
 - Represent a challenge or oppose interests (i.e. refuse to sell land)



Strongholds = eastern border with Honduras, southwestern border with Mexico, southern coast, Alta Verapaz & Petén departments



Land Rights & the Environment

- Unequal land tenure
 - 8% of producers control 78% of land
 - Few ways to assert rights or question transfers
 - Communal landowning not protected by law
 - 800,000 landless families
- Social conflict over land
 - 1,293 land conflicts affect over 1 million people (81% of whom are indigenous)
 - Extractive industries & energy projects
 - Disputes between municipalities
- Activists & human rights defenders targeted & harmed
 - *“Among the most dangerous countries in the world for land and environmental activists”*

Political Violence

- Election violence
 - “*Verbal harassment and physical violence against voters are common during elections*”
 - Criminal groups have attempted to sway results of some local races
 - 2019 elections = disturbances, threats, & acts of violence
- Mayors
 - Occasional reports of threats & killings, apparently for political reasons
 - Threats & attacks which suggest an alleged link to organized crime

Women/Girls

- Violence against women
 - Widespread - social & cultural norms
 - Family members, gangs, organized crime
 - 1/3 of women living with a man suffer family violence
 - *“Overpowering and harassing women is part of the control and confrontation strategy among gangs, which leaves women particularly vulnerable to acts of extortion, threats, sexual violence, torture and murder.”*
- Femicides = two women violently killed each day
- Domestic & sexual violence
- Underreporting & impunity

Children

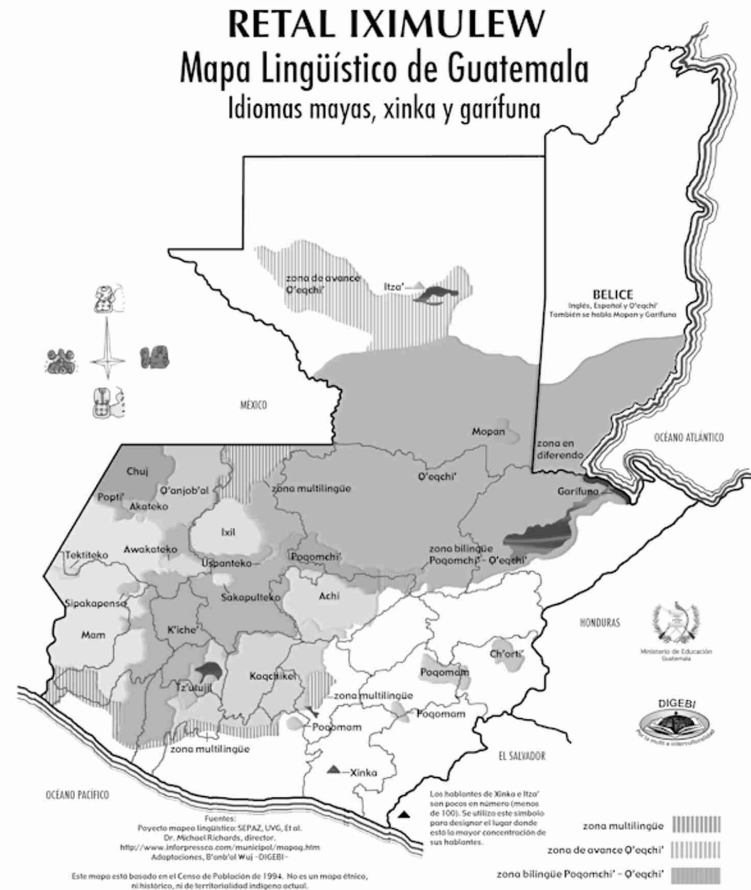
- Societal violence
 - Family members, gangs, organized crime, security forces
- Domestic & sexual violence
- Socio-economic conditions
 - 10% of kids never attend school
 - Child labor - over 25% of the labor force
- Child protection
 - Laws & policies not effectively implemented

LGBTI

- General societal discrimination
 - Access to education, health care, employment, housing
- Violence
 - Harassment, assault, abuse, murder
 - Transgender individuals
 - Second most murders per capita in the world
- Harm by gangs, police, & other public officials

Indigenous Groups

- 40% - 60% of the population
- Not homogenous
 - Maya (Western Highlands)
 - 21 different language groups
 - Intra-indigenous conflict
 - Xinca (southeast)
 - Garifuna (Caribbean)



Indigenous Groups

- Historic & structural exclusion
 - land ownership, access to services, labor conditions, formal economy, justice, representation in media, politics, etc.
- Systematic discrimination & racism
 - Normalized - “*verge on segregation*”
- Social conflict
 - Extractive industry & development projects
 - Activists & human rights defenders targeted & harmed



Family

- Extended family = forms the basis of society
 - Exerts significant influence on an individual's life & decisions
 - Extended family networks provide the main form of social welfare & economic support for many Guatemalans
- Urban families
 - Live in nuclear family settings, although grandparents are often present



Family

- Rural extended family
 - Often share a single home or live next to each other in a family compound
 - Parents, married sons & families, unmarried children, & often grandparents
- Indigenous groups
 - Communally reside in extended family units
 - Rarely intermarry with those of other language groups or villages

Policía Nacional Civil (PNC)

- Replaced the Guatemalan National Police after the 1996 Peace Accords
 - Part of the military during the civil war
 - Involvement in human rights violations
 - Many PNC officials are from the National Police
- Corruption & criminal structures exist within the police
 - Criminal activity
 - Extortion, vehicle theft, targeted killings, kidnapping, trafficking, etc.
 - Infiltration by organized crime

Policía Nacional Civil (PNC)

- Police violence & abuses
 - Reportedly have increased during the pandemic
 - Violent evictions of protesters & community members
 - Killings do occur, but are rare
 - Officers must pay to replace bullets fired
- Used for political purposes
 - Intelligence network within the police
 - Monitors union activists, human rights defenders, journalists, & even international organizations

Policía Nacional Civil (PNC)

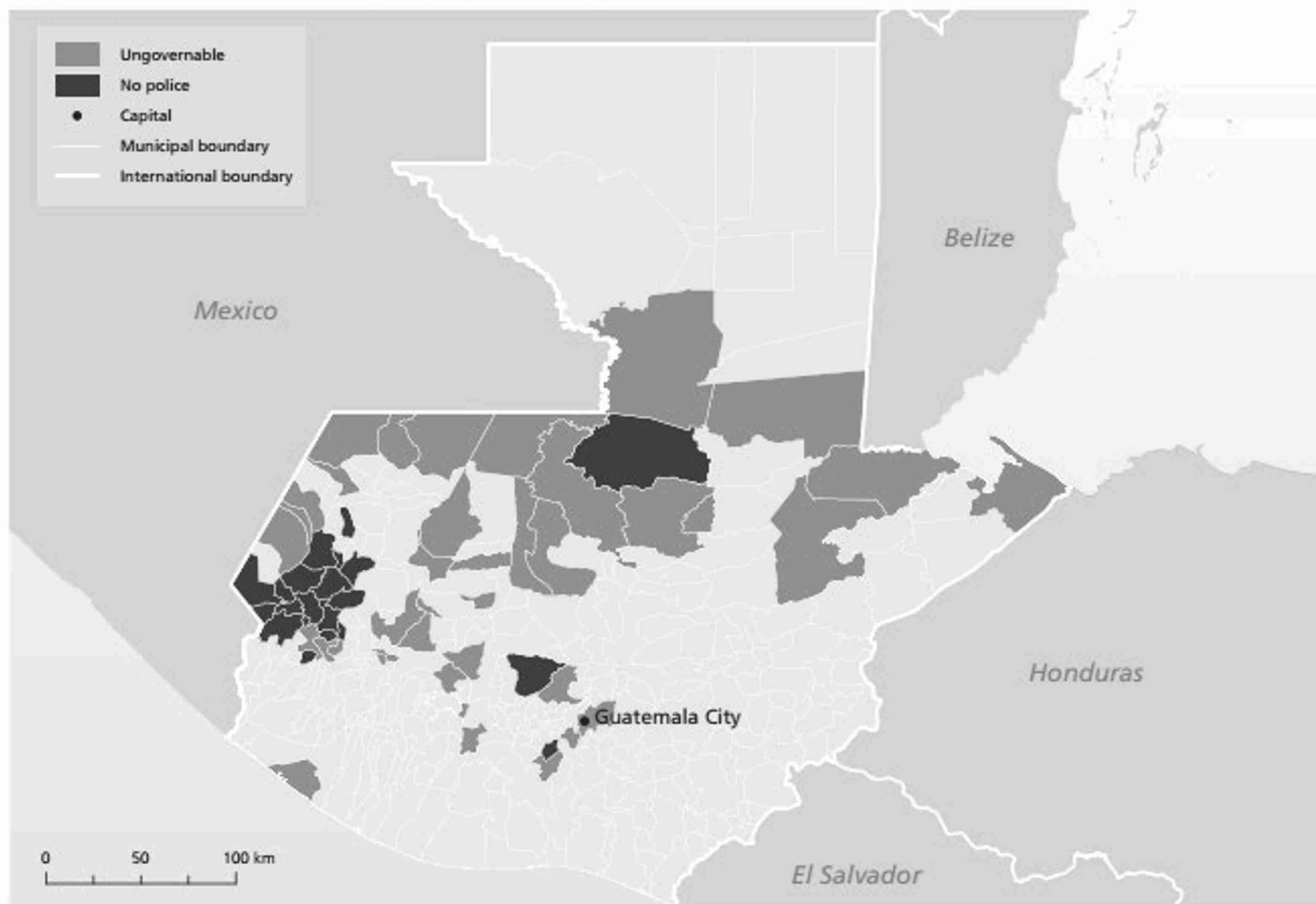
- Low pay & lack of training
 - Contributes to criminal activity
- Lack necessary funding, supplies, & personnel
 - 35,000 officers
- Sporadic presence in rural areas
- Lack necessary operational capacity
 - *“Incapable or unwilling to confront criminals”*
 - Temporary operations
 - Often fail to provide protection from gangs in urban areas

Policía Nacional Civil (PNC)

- Lack of internal controls
- Efforts to reform were abandoned by the Morales Administration
- Lack of legitimacy
 - Distrusted & feared
 - 76% = little to no trust
- *“Well-armed criminals know there is little chance they will be caught or punished”*



Map 12: Guatemala: municipal governability, 2011



Source: UNODC, elaborated from information from the Ministerio de Gobernación (Guatemala)

Witnesses & Victims

- Significant impunity for crimes
- Witness protection law & program (est. 1996)
 - Protection & support to witnesses in criminal processes
 - Financial support & temporary protection measures
- Issues
 - Information revealing the identities of protected witnesses is sometimes released by authorities
 - Limited follow-up after trials are concluded
 - Threats, attacks, & murders are not uncommon

Witnesses & Victims

- Gangs & organized crime
 - May kill witnesses & victims to ensure silence
 - Routinely pursue those who denounce crimes or cooperate with authorities as informants
 - Even if in witness protection program
 - Often along with family members
- People providing evidence against corrupt political figures & members of security forces have been killed
 - Including protected witnesses

Non-State Groups

- Local Security Boards (*Juntas Locales de Seguridad*) & Citizen Security Committees (*Comités de Seguridad Ciudadana*)
 - Local groups focused on community policing
 - Over 1,000 groups = 1/3 unregistered
 - Substantial degree of autonomy
 - Extrajudicial executions, extortion, kidnapping, curfews, illegal arrests, vigilante justice, etc.

Non-State Groups

- Vigilantism
 - Significant increase since 2004
 - Rural & indigenous communities with high levels of extortion, lack of confidence in state institutions, suspicion of outsiders, etc.
 - Mob justice, lynching, torture, etc.
- Private security guards
 - 70,000 to 150,000
 - Criminal activity, links to CIACs/organized crime, violence in land disputes

Contact Info

RAIOResearch@uscis.dhs.gov



U.S. Citizenship
and Immigration
Services