

Guatemala

Guatemala continued to make progress in prosecuting human rights and corruption cases, due in significant part to the collaboration of the Attorney General's Office with the United Nations-backed International Commission against Impunity in Guatemala (CICIG), established in 2007 to investigate organized crime and reinforce local efforts to strengthen the rule of law. At time of writing, CICIG and the Attorney General's Office were prosecuting more than a dozen current and former Congress members, as well as former President Otto Pérez Molina and former Vice-President Roxana Baldetti—who were arrested on corruption charges in 2015.

The work of CICIG produced a strong backlash from public officials in 2017. In August, President Jimmy Morales ordered the expulsion of CICIG Commissioner Iván Velásquez from the country—two days after CICIG and the Attorney General's Office sought to lift the president's immunity to investigate his alleged role in illicit campaign financing.

In September, the Guatemalan Congress voted to reduce the maximum penalty for campaign finance crimes to 10 years and to allow prison sentences of 10 years or less to be commuted to monetary fines—a change that would allow the president and many members of congress to avoid prison sentences if they are convicted of crimes for which they are being investigated. Both efforts provoked strong criticism within Guatemala and abroad and were blocked by Guatemala's Constitutional Court.

Public Security, Corruption, and Criminal Justice

Violence and extortion by powerful criminal organizations remain serious problems in Guatemala. Gang-related violence is an important factor prompting people, including unaccompanied youth, to leave the country.

Guatemala suffers from high levels of impunity, partly because criminal proceedings against powerful actors often suffer unreasonably long delays due to excessive use of motions by criminal defendants. Those delays are compounded by courts often failing to respect legally mandated timeframes and suspended hearings may take months to reschedule. Intimidation against judges and prosecutors and corruption within the justice system continue to be problems.

Despite these obstacles, investigations by CICIG and the Attorney General's Office have exposed multiple corruption schemes, implicating officials in all three branches of government, and prompting the resignation and arrest of the country's then-president and vice-president in 2015, for their alleged participation in a scheme to defraud the customs authority by collecting bribes instead of customs duties.

Prosecutors also pressed charges against scores of officials—including more than a dozen current and former members of Congress from six different political parties—for hiring people in Congress who never performed any work for the institution (or already received a salary from another employer) and pocketing the wages for those “phantom jobs.”

At time of writing, these corruption cases were still in pretrial proceedings.

Accountability for Past Human Rights Violations

In July 2017, an appellate court confirmed the conviction of two former military officers for crimes against humanity in the form of sexual violence and domestic and sexual slavery. The victims were 14 Maya Q'eqchi' women. One of the officers was also found guilty of the homicides of three females, and the other one of the enforced disappearance of the husbands of seven of the female victims. They were sentenced to 120 years and 240 years in prison respectively.

In March 2017, a judge ordered a trial for five former military officers for the enforced disappearance of Marco Antonio Molina Theissen and the rape of his sister in 1981. The suspects include Benedicto Lucas García, former top military officer and brother of former military dictator Romeo Lucas García. At time of writing, a trial date had not been set.

Former Guatemalan dictator Efraín Ríos Montt was ordered to stand trial in April 2017 for his role in the 1982 Dos Erres massacre, in which Guatemalan army special forces killed around 200 civilians. In 2011 and 2012, five former members of the military were convicted for their roles in the massacre. At time of writing, no trial date for Ríos Montt had been set.

In May 2013, Ríos Montt was found guilty of genocide and crimes against humanity for the assassination of over 1,771 Mayan Ixil civilians in 105 massacres, when he was head of state in 1982 and 1983. He was sentenced to 80 years in prison, but 10 days later the Constitutional Court overturned the verdict on procedural grounds. The retrial began in March 2016 but was suspended two months later. In May 2017, the Constitutional Court ruled that because Ríos Montt was mentally unfit for a public trial, proceedings against him would take place behind closed doors, but those against his co-defendant, José Mauricio Rodríguez Sánchez—the former intelligence director—would be public. The trial date for each defendant had yet to be scheduled at time of writing.

Human Rights Defenders and Journalists

Journalists are targets of harassment and violence. In June 2017, TV journalist Carlos Rodríguez survived a gunshot to the head. In June 2016, radio journalist Álvaro Aceituno was killed, and in March 2015, journalists Danilo López and Federico Salazar were assassinated. In January 2017, investigations by CICIG and the Attorney General's Office implicated Congressman Julio Juárez from government party FCN-Nación in the latter crime. Juárez' political immunity was lifted in November 2017.

Women's and Girls' Rights

In March 2017, 41 adolescent girls were killed in a fire in the Hogar Seguro government-run shelter. Fifty-six girls had been locked up for the night in a space that could hold only 11, without access to water or a restroom, following a protest against the poor living conditions and treatment received in the shelter—including reports of sexual violence stretching back years. The guards' failure to open the door when fire broke out meant that 41 girls burned to death and 15 were injured. In August 2017, a judge sent the former presidential secretary for social welfare and the former director of the Hogar Seguro to trial

for involuntary manslaughter and breach of duty, among other charges. At time of writing, proceedings against five other public officials were ongoing.

Guatemalan law makes it a crime to obtain abortions, except in cases in which the life of the woman might be at risk. Women and girls who terminate pregnancies in any other circumstances face prison sentences of up to three years.

Sexual Orientation and Gender Identity

In April 2017, lawmakers presented a legislative proposal, supported by over 30,000 signatures, to explicitly prohibit same-sex marriage. The bill also aimed to restrain public schools from teaching students about sexual diversity and “gender ideology”.

Key International Actors

The UN-backed CICIG plays a key role in assisting Guatemala’s justice system in prosecuting violent crime. CICIG works with the Attorney General’s Office, the police, and other government agencies to investigate, prosecute, and dismantle criminal organizations operating in the country. It is empowered to participate in criminal proceedings as a complementary prosecutor, to provide technical assistance, and to promote legislative reforms.

After President Jimmy Morales ordered the expulsion of CICIG Commissioner Iván Velásquez in August 2017, UN Secretary-General António Guterres reaffirmed the UN’s commitment to supporting CICIG and maintaining Velásquez at its helm. The attempt to remove Velásquez was also condemned by the UN High Commissioner for Human Rights, the administration of US President Donald Trump, and members of the US Congress and the European Parliament. The Constitutional Court’s annulment of Morales’ order ensured that Velásquez would continue to lead CICIG, at least until its mandate expires in September 2019.

The US Congress approved US\$655 million in assistance for 2017 for the Plan of the Alliance for Prosperity in the Northern Triangle, a five-year initiative announced in 2014 that intends to reduce incentives to migrate from Guatemala, El Salvador, and Honduras.

The aid aims to reduce violence, strengthen governance, and increase economic opportunity. Fifty percent of it is conditioned on the US Department of State annually certifying progress by the beneficiary countries in strengthening institutions, fighting corruption and impunity, and protecting human rights. In 2017, Guatemala received certification for continued full funding under the plan. The assistance for 2017 included \$7 million for CICIG.