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Guatemala: Congress must ratify UN-backed commission against impunity

The Guatemalan Congress must urgently ratify the new International Commission Against Impunity (CICIG) if the country is to tackle clandestine criminal groups, said Amnesty International today.

Once approved by Congress, the UN-sponsored CICIG will act in support of the Public Prosecutor's Office, suggesting methods of investigation and presenting evidence. The Public Prosecutor's Office will have ultimate responsibility for deciding whether or not to pursue an investigation.

"The existence and operations of clandestine groups severely undermines respect for the rule of law and human rights" said Sebastian Elgueta, Amnesty International's researcher for Guatemala. "The CICIG could become a valuable contributor in the fight against clandestine criminal groups and the impunity they enjoy."

The CICIG is an extremely important step in the fight against impunity and clandestine groups operating in Guatemala. There is grave concern that if the ratification of CICIG is not made a priority by all political parties, it will fail to advance.

"It is now over three years since initial proposals were discussed to establish an international commission to investigate clandestine criminal groups. The longer discussions and agreements are delayed, the more entrenched criminal networks become in state institutions and the more difficult it becomes to purge the system."

Amnesty International welcomes the international support that the CICIG initiative has received. The organization calls on the Congress of Guatemala to maintain the engagement of the international community and to show a real commitment to the protection of human rights by approving the CICIG without delay.

Background Information

Following years of lobbying and diplomatic efforts, the Guatemalan government and the United Nations signed the Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatus (known as CICIACS) Agreement in January 2004. However, in spite of wide-spread support among civil society groups who had been instrumental in pushing CICIACS forward, the agreement was rejected by Congress, after the Constitutional Court found that certain aspects of CICIACS were incompatible with the Guatemalan Constitution.

On 12 December 2006 the State of Guatemala and the United Nations reached agreement on the establishment of a new International Commission Against Impunity in Guatemala (CICIG). On 6 March 2007 Congress voted to send the new CICIG proposal to the Constitutional Court too, to determine whether or not the new initiative could contain any incompatibilities with the constitution. The Constitutional Court, on 8 May, found that CICIG is compatible with the Constitution.

The term clandestine groups has been used to refer to criminal networks involving the business sector, private security companies, common criminals and gang members. Preliminary investigations have also

implicated members of the police and the armed forces. Ex-military personnel, some of whom have been implicated in past human rights abuses, are also widely suspected of pertaining to such groups. Many of the increasing number of attacks against human rights defenders (for example, those detailed in Guatemala: Human Rights Defenders at risk, AI Index: AMR 34/007/2007, 4 April 2007), whilst often disguised as common crime, are believed to be carried out by members of these clandestine groups.

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