

## **Background- Guatemala<sup>1</sup>**

Guatemala is the largest and most populous country of Central American, known for its sophisticated Mayan culture and its early leadership in Central American politics. In the early 1980s, conflict between wealthy landowners and leftists spiraled into a military dictatorship and civil war that included widespread torture and disappearances of suspected guerillas and horrific massacres of entire Mayan communities. Although Guatemala returned to democracy in the late 1980s and ended the civil war in the 1990s, it has yet to fully prosecute the human rights violations committed during the civil war and continues to struggle with widespread violence, including police violence, harsh prison conditions, and violence against women.

Guatemala was the heart of ancient Mayan civilization and served as a prominent center of Spanish settlement. From 300 to 900 CE, Mayan culture flourished in Guatemala, producing elaborate pyramids and art and advanced astronomy and writing. However, an unknown combination of environmental problems and internal conflict caused Mayans to abandon their cities from 850 CE onwards. In the 1600s, the Spanish arrived and established Guatemala City as an administrative and religious center for Central America and Southern Mexico. The Spaniards did little to develop the region, instead engaging in small-scale cacao farming and dye production using enslaved Africans and indigenous peoples. In 1821, Guatemala and other Central American states joined Mexico in declaring independence from Spain. In 1823, Guatemala joined the other Central American states in declaring independence from Mexico as the United Provinces of Central America. However, the federation quickly collapsed, in part due to the dictatorial rule of Guatemalan president for life, Rafael Carrera.

Throughout the 1800s and early 1900s, Guatemala was ruled by a series of dictators, who differed in politics but shared a commitment to repressing opposition and building an economy ruled by a small elite. Carrera was staunchly conservative, supporting the Catholic Church and a traditional colonial economy. Carrera provoked intense backlash by suppressing dissent within Guatemala and meddling in neighboring Central American countries' affairs to promote his ideology. In 1871, Carrera's successor was overthrown by liberal politicians, who reduced the power of the church and transitioned to a modern capitalist economy based on exporting coffee and fruits grown by the U.S.-owned United Fruit Company. Like Carrera before them, the Liberal presidents suppressed dissent and meddled in the affairs of their neighbors. Justo Rufino Barrios died while invading El Salvador in an attempt to create a newly re-united Central America. Both Manuel Estrada Cabrera and Jorge Ubico brutally suppressed opposition and the press and Ubico introduced new laws requiring indigenous peoples to engage in forced labor.

In the 1940s and 1950s, a brief turn to democracy allowed the growth of leftist movements but prompted swift reinstatement of a military regime with the support of the U.S. In 1944, a military coup culminated in the election of Juan José Arévalo to the presidency. Arévalo and his successor, Jacobo Arbenz, supported greater democracy and labor rights, including labor organizing among indigenous peoples. Although Arévalo and Arbenz were not themselves communists, communist movements flourished and supported policies such as redistributing land from large landowners to landless peasants. These policies outraged the U.S. and the U.S.-owned

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United Fruit Company and, in June 1954, the CIA backed a military coup that overthrew Arbenz and installed Col. Carlos Castillo Armas in his place. For the next 36 years, Guatemala's government was dominated by the military and presidents cycled through via rigged elections and military coups. The new governments reversed labor reforms, cracked down on labor organizing, and displaced indigenous communities to drill for oil and build hydroelectric dams.<sup>2</sup> Labor and indigenous activists protested and communists organized into guerilla groups under the umbrella of the Guatemalan National Revolutionary Unit (Unidad Revolucionaria Nacional Guatemalteca; "URNG"). By 1960, the conflict had deteriorated into full blown civil war.

From 1960 to 1996, Guatemala's military and leftist guerillas engaged in a civil war that featured the torture, rape, disappearance, and massacre of civilians. During the course of the conflict, an estimated 200,000 people were killed or disappeared, many more were assaulted or tortured, and up to a million and a half were displaced.<sup>3</sup> Guerillas committed an estimate 3% of the human rights violations.<sup>4</sup> They forcibly recruited civilians (including minors); publically executed civilians suspected of collaborating with the military; and killed and kidnapped for ransom politicians, diplomats, and business people.<sup>5</sup> However, 93% of the violence was committed by the army and associated paramilitary groups, especially the notoriously cruel army anti-insurgency unit known as the kaibiles.<sup>6</sup> The army and paramilitaries massacred, disappeared, raped, and tortured individuals and their families suspected of supporting guerillas and leftist groups.<sup>7</sup> In one case, the army repeatedly detained, raped, and tortured a Communist Youth activist. When she escaped, the army retaliated by disappearing her fourteen year old brother.<sup>8</sup> In another case, the military tortured and beat a Guatemalan Labor Party activist to the point of unrecognizability in front of her eleven year old son and nine year old daughter. They then

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<sup>2</sup> Río Negro Massacres v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 250 (September 4, 2012), <https://iachr.ils.edu/cases/r%C3%ADo-negro-massacres-v-guatemala>.

<sup>3</sup> COMMISSION FOR HISTORICAL CLARIFICATION, GUATEMALA: MEMORY OF SILENCE 17, 30 (1999) [https://www.aas.org/sites/default/files/migrate/uploads/mos\\_en.pdf](https://www.aas.org/sites/default/files/migrate/uploads/mos_en.pdf).

<sup>4</sup> *Id.* at 42.

<sup>5</sup> *Id.* at 41-44.

<sup>6</sup> *Id.* at 20, 25-26, 42.

<sup>7</sup> Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 283 (Aug. 28, 2014), <https://iachr.ils.edu/cases/human-rights-defender-et-al-v-guatemala>; García and Family Members v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 258 (Nov. 29, 2012), [https://iachr.ils.edu/sites/iachr.ils.edu/files/iachr/Cases/Case\\_of\\_Garcia\\_and\\_Family\\_Members\\_v\\_Guatemala/rubin\\_case\\_of\\_garcia\\_and\\_family\\_members\\_v\\_guatemala.pdf](https://iachr.ils.edu/sites/iachr.ils.edu/files/iachr/Cases/Case_of_Garcia_and_Family_Members_v_Guatemala/rubin_case_of_garcia_and_family_members_v_guatemala.pdf); Gudiel Álvarez et al. ("Diario Militar") v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 253 (Nov. 20, 2012), <https://iachr.ils.edu/cases/gudiel-%C3%A1lvarez-et-al-diario-militar-v-guatemala>; Chitay Nech v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 212 (May 25, 2010), <https://iachr.ils.edu/cases/chitay-nech-et-al-v-guatemala>; Molina Theissen v. Guatemala, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 106 (May 4, 2004), <https://iachr.ils.edu/cases/molina-theissen-v-guatemala>; Maritza Urrutia v. Guatemala, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 103 (Nov. 27, 2003), <https://iachr.ils.edu/cases/maritza-urrutia-v-guatemala>; Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 101 (Nov. 25, 2003), <https://iachr.ils.edu/cases/myrna-mack-chang-v-guatemala>; Bámaca Velásquez v. Guatemala, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 91 (Nov. 5, 2000), <https://iachr.ils.edu/cases/b%C3%A1maca-vel%C3%A1squez-v-guatemala>; Blake v. Guatemala, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 36 (Jan. 24, 1998), <https://iachr.ils.edu/cases/blake-v-guatemala>.

<sup>8</sup> *Molina Theissen*, Inter-Am. Ct. H.R. (ser. C) No. 106.

subjected both children to mock executions and raped and electrocuted her daughter.<sup>9</sup> The army and paramilitaries actively suppressed any investigation into the violence. An organization devoted to searching for the disappeared was repeatedly bombed and raided and its members were threatened, shot at, and murdered.<sup>10</sup> In one case, the army threatened an activist with further torture if she did not ask a judge to grant amnesty to her torturers.<sup>11</sup> In another, one police officer was murdered and another was forced to flee the country for investigating the murder of an activist.<sup>12</sup>

The military directed its most severe violence towards Mayan communities, believing they were natural bases of support for the guerillas.<sup>13</sup> The military employed a scorched earth policy of massacring entire Mayan villages, shooting them, bombing them, launching grenades at them, beating them to death with iron bars and mallets, hacking them to death with machetes, and setting their homes on fire with men, women, and children locked inside. The massacres were notable for their gratuitous cruelty, including forcing villagers to stand on heated metal sheets until they died, smashing children's heads open against walls and trees, gang raping women and young girls, stealing or destroying the villagers' food, and returning to force the survivors to bury the dead and conceal the massacre.<sup>14</sup> To prove their loyalty to the state, the military forced Mayan civilians to join anti-guerilla paramilitary Civil Defense Patrols (Patrullas de Autodefensa Civil; "PACs"), forcing hundreds at gunpoint to rape, torture, mutilate, and kill.<sup>15</sup> Communities that refused to participate in PACs were massacred.<sup>16</sup> Over the course of the war, the military committed at least 626 massacres of Mayan communities.<sup>17</sup> In total, 83% of identified victims during the civil war were Mayans.<sup>18</sup> Ultimately, a truth commission found that the systematic campaign against Mayan civilians constituted acts of genocide.<sup>19</sup>

In the 1980s and 1990s, Guatemala successfully transitioned to peace, including overcoming a 1993 coup attempt. In 1986, the military allowed the election of Guatemala's first civilian president in fifteen years. In 1987, Guatemala joined other Central American countries in a Costa Rican lead summit to discuss peace negotiations with insurgents. In 1993, dissatisfied by their decreased power, President Jorge Serrano Elías and the military attempted a self-coup, announcing the dissolution of Congress, the Supreme Court of Justice, and the Constitutional

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<sup>9</sup> *Gudiel Álvarez et al.* ("Diario Militar"), Inter-Am. Ct. H.R. (ser. C) No. 253.

<sup>10</sup> *García and Family Members v. Guatemala*, Inter-Am Ct. H.R. (ser. C) No. 258.

<sup>11</sup> *Maritza Urrutia*, Inter-Am. Ct. H.R. (ser. C) No. 103 (Nov. 27, 2003).

<sup>12</sup> *Myrna Mack Chang*, Inter-Am. Ct. H.R. (ser. C) No. 101.

<sup>13</sup> COMMISSION FOR HISTORICAL CLARIFICATION, *supra* note 3, at 23.

<sup>14</sup> *Id.* at 34-35; *Río Negro Massacres v. Guatemala*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 250 (September 4, 2012), <https://iachr.ils.edu/cases/r%C3%ADo-negro-massacres-v-guatemala>; "Las Dos Erres" Massacre v. Guatemala, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 211, (Nov. 24, 2009), <https://iachr.ils.edu/cases/las-dos-erres-massacre-v-guatemala>; *Tiu Tojín v. Guatemala*, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 190 (Nov. 26, 2008), <https://iachr.ils.edu/cases/tiu-tojin%C3%ADn-v-guatemala>; *Plan de Sánchez Massacre v. Guatemala*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 105 (Apr. 29, 2004), <https://iachr.ils.edu/cases/plan-de-s%C3%A1nchez-massacre-v-guatemala>.

<sup>15</sup> COMMISSION FOR HISTORICAL CLARIFICATION, *supra* note 3, at 27.

<sup>16</sup> "Las Dos Erres" Massacre, Inter-Am. Ct. H.R. (ser. C) No. 211; *Tiu Tojín*, Inter-Am. Ct. H.R. (ser. C) No. 190; *Plan de Sánchez Massacre*, Inter-Am. Ct. H.R. (ser. C) No. 105.

<sup>17</sup> COMMISSION FOR HISTORICAL CLARIFICATION, *supra* note 3, at 34.

<sup>18</sup> *Id.* at 17.

<sup>19</sup> *Id.* at 38-41.

Court. Unlike in past coups, however, the international and domestic reaction was swift and negative. The Constitutional Court rejected the coup as illegal, the European countries and the U.S. threatened to cut aid, and prominent Guatemalan figures such as politician and journalist Jorge Carpio Nicolle spoke and wrote against the coup. Embarrassed, the military dropped its support for Serrano Elías and he fled the country.<sup>20</sup> Peace negotiations continued and, in 1996, Guatemala formally signed peace accords with the URNG. Impunity was not over yet, however. PAC members kidnapped and shot to death Carpio Nicolle and three of his political associates in retaliation for his opposition to both the coup and to recently proposed amnesties for human rights abuses. The government refused to adequately investigate the murders, repeatedly losing or refusing to admit evidence. Both the prosecutor and an eye witness fled the country following death threats.<sup>21</sup> This tension between active, successful reforms and violent retaliation became characteristic of Guatemala's return to democracy. Since the 1990s, Guatemala has remained at peace and a democracy but continues to struggle with violence, impunity, and corruption.

The long and brutal civil war militarized police and normalized the use of violence and torture against ordinary criminal suspects as well as insurgents.<sup>22</sup> Between June 1987 and February 1988, police seized at least eleven people off the street, accusing them of crimes such as marijuana possession, cocaine possession, and having false identity papers. Those seized were beaten, stolen from, assaulted, and even murdered. One couple reported that the police placed a plastic bag over the man's head before beating him and stole the woman's belongings and threatened to assault her. Another woman's dead body was found raped and nearly decapitated. Police successfully halted prosecution of the crimes by kidnapping the judge.<sup>23</sup> Police also directed regular violence against street children who fled abuse at home to survive on the streets through theft, drugs, and prostitution.<sup>24</sup> In one incident in 1990, a street vendor lured four homeless teenage boys to her kiosk with food so that two off duty police officers could kidnap them, cut their tongues and ears off, burn or rip out their eyes, and finally shoot them.<sup>25</sup> Police violence fell following reforms in the early 1990s but some violence continues and, as of 2016, the government was actively investigating multiple recent incidents of shootings and beatings by police against criminal suspects.<sup>26</sup>

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<sup>20</sup> Carpio Nicolle et al. v. Guatemala, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 117 (Nov. 22, 2004), <https://iachr.ils.edu/cases/carpio-nicolle-et-al-v-guatemala>; Tim Golden, *Guatemala's Counter-Coup: A Military About-Face*, N.Y. TIMES (June 3, 1993), <http://www.nytimes.com/1993/06/03/world/guatemala-s-counter-coup-a-military-about-face.html>.

<sup>21</sup> *Carpio Nicolle*, Inter-Am. Ct. H.R. (ser. C) No. 117; Larry Rohter, *Death Squads in Guatemala: Even the Elite Are Not Safe*, N.Y. TIMES (Aug. 23, 1995), <http://www.nytimes.com/1995/08/23/world/death-squads-in-guatemala-even-the-elite-are-not-safe.html>.

<sup>22</sup> COMMISSION FOR HISTORICAL CLARIFICATION, *supra* note 3, 26-28.

<sup>23</sup> "White Van" (Paniagua-Morales et al.) v. Guatemala, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 37 (Mar. 8, 1998), <https://iachr.ils.edu/cases/white-van-paniagua-morales-et-al-v-guatemala>.

<sup>24</sup> U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2016: GUATEMALA 21-23 (2016), <https://www.state.gov/documents/organization/265802.pdf>; HUMAN RIGHTS WATCH, GUATEMALA'S FORGOTTEN CHILDREN: POLICE VIOLENCE AND ABUSES IN DETENTION 15-16, 18 (1997).

<sup>25</sup> Villagrán Morales et al. v. Guatemala, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 63 (Nov. 19, 1999), <https://iachr.ils.edu/cases/street-children-villagr%C3%A1n-morales-et-al-v-guatemala>.

<sup>26</sup> U.S. DEPARTMENT OF STATE, *supra* note 24, at 2-4; GUATEMALA'S FORGOTTEN CHILDREN, *supra* note 24, at 17, 21.

In addition to extrajudicial violence, Guatemala also maintains harsh prison conditions and has progressively tightened legal penalties for crime, expanding the death penalty to include non-lethal kidnapping in 1994<sup>27</sup> and removing the ability of the executive branch to issue pardons in 2001.<sup>28</sup> A man sentenced to death for raping and murdering a twelve year old girl was denied adequate water, sanitation, and medical care and was denied adequate opportunity to prepare his defense when the charges against him were abruptly upgraded from aggravated rape to murder.<sup>29</sup> A woman imprisoned for murder was denied appropriate care for diabetes and venous insufficiency, resulting in the progressive amputation of multiple toes, then in the amputation of her feet, and ultimately in her death.<sup>30</sup> Three other men were sentenced to death for kidnapping for ransom a young boy who was later rescued unharmed.<sup>31</sup> One of the kidnappers was beaten so badly by prison guards that he could not walk or speak, fed rotten food, and confined to a small unlit, unventilated cell that he was only permitted to leave twice a week. In 2017, a fire broke out at a children's home which was already the subject of multiple human rights complaints for sexual abuse and substandard living conditions. As police and firefighters failed to respond for over forty minutes, the fire swept through and killed forty girls, many of whom had been locked in after staging a protest that was broken up by riot police. Survivors were moved to homes with conditions that were as bad or worse.<sup>32</sup> As of 2017, Guatemala has abolished the death penalty for civilians<sup>33</sup> but prisons remain overcrowded; lacking in food, water, and medical care; and beset by crime, physical abuse, sexual abuse, and killings.<sup>34</sup>

Despite the harsh treatment meted out to both actual and suspected criminals, however, Guatemalan police have often been ineffective or even indifferent to prosecuting many crimes, especially violence against women. Although the law criminalizes violence against women, many victims do not receive justice due to fear of retaliation, social stigma, inadequate funding of antiviolence initiatives, and poor training and indifference of police.<sup>35</sup> In two cases in 2001 and 2005, police ignored frantic reports from the parents of teenage girls who had gone missing and, when the girls were discovered dead, failed to investigate their rapes and murders.<sup>36</sup> In one

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<sup>27</sup> Legislative Decree No. 38/94, <http://old.congreso.gob.gt/archivos/decretos/1994/gtdcx38-1994.pdf>.

<sup>28</sup> Legislative Decree No. 32/2000, <http://old.congreso.gob.gt/archivos/decretos/2000/gtdcx32-2000.pdf>.

<sup>29</sup> Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am.

Ct. H.R. (ser. C) No. 126 (June 20, 2005), <https://iachr.ils.edu/cases/ferm%C3%ADn-ram%C3%ADrez-v-guatemala>.

<sup>30</sup> Chinchilla Sandoval v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am.

Ct. H.R. (ser. C) No. 312 (Feb. 29, 2015), <https://iachr.ils.edu/cases/chinchilla-sandoval-et-al-v-guatemala>.

<sup>31</sup> Raxcacó-Reyes v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 133 (Sept. 15, 2005), <https://iachr.ils.edu/cases/raxcac%C3%B3-reyes-v-guatemala>.

<sup>32</sup> Elisabeth Malkin, *Children Who Survived Fire in Guatemala Are Still Not Safe, Report Says*, N.Y. TIMES (March 15, 2017), <https://www.nytimes.com/2017/03/15/world/americas/guatemala-fire-home-children-disabilities-report.html>;

Nic Wirtz and Elisabeth Malkin, *35 Girls Killed in Guatemala Fire May Have Been Locked In*, N.Y. TIMES (March 9, 2017), <https://www.nytimes.com/2017/03/09/world/americas/guatemala-city-fire.html>;

Nic Wirtz and Azam Ahmed, *Before Fatal Fire, Trouble Abounded at Guatemala Children's Home*, N.Y. TIMES (March 8, 2017), <https://www.nytimes.com/2017/03/08/world/americas/guatemala-fire-childrens-shelter.html>.

<sup>33</sup> Corte de Constitucionalidad, Expediente 5986-2016 (Oct. 24, 2017),

<http://200.35.179.204/Sentencias/837220.5986-2016.pdf>.

<sup>34</sup> U.S. DEPARTMENT OF STATE, *supra* note 24, at 4-5.

<sup>35</sup> U.S. DEPARTMENT OF STATE, *supra* note 24, at 18-19.

<sup>36</sup> Velásquez Paiz et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 307 (Nov. 19, 2015), <https://iachr.ils.edu/cases/vel%C3%A1squez-paiz-et-al-v-guatemala>; Veliz Franco et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C)

case, police called a fifteen year old murder victim a “prostitute” to her grieving mother.<sup>37</sup> As of 2017, rape, domestic violence, and femicide remain serious problems and vigilante mobs have taken law enforcement into their own hands, attacking those suspected of rape, kidnapping, theft, or extortion.<sup>38</sup>

Additionally, although Guatemala has made active efforts to make amends with its Mayan communities, racial discrimination persists and it has yet to fully address the violence committed against them during the civil war. In 1999, a UN-sponsored truth commission released an official government report acknowledging the government’s massacres of defenseless Mayan civilians during the civil war.<sup>39</sup> The government took steps to reach out to the Mayan community, including placing Mayan activist and Nobel peace prize winner Rigoberta Menchu in charge of implementing the peace accords and handing over the former army headquarters to the Academy of Mayan Languages. Nevertheless, the government still failed to consult with indigenous communities regarding hydroelectric dams and mining that impacted their land or to provide them with education, healthcare, and court interpreters.<sup>40</sup> Indigenous peoples remained underrepresented in government and a governor of indigenous descent reported that members of Congress called her racial slurs.<sup>41</sup> The government moved slowly and ambivalently in prosecuting the massacres of the 1980s. In 2013, a Guatemalan court found former president and general Efraín Ríos Montt guilty of crimes against humanity for his involvement in massacres against Mayans from 1982 to 1983.<sup>42</sup> In 2014, however, Guatemala’s Constitutional Court overturned Ríos Montt’s conviction and Guatemala informed the Inter-American Court of Human Rights that it was challenging its authority to hear multiple cases involving massacres against Mayans and violence against activists.<sup>43</sup> In 2018, Ríos Montt died as his retrial was

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No. 277 (May 19, 2014),

[https://iachr.ils.edu/sites/iachr.ils.edu/files/iachr/Cases/Veliz\\_Franco\\_et\\_al\\_v\\_Guatemala/venanzi\\_veliz\\_franco\\_v.\\_guatemala.pdf](https://iachr.ils.edu/sites/iachr.ils.edu/files/iachr/Cases/Veliz_Franco_et_al_v_Guatemala/venanzi_veliz_franco_v._guatemala.pdf).

<sup>37</sup> *Velásquez Paiz*, Inter-Am. Ct. H.R. (ser. C) No. 307.

<sup>38</sup> U.S. DEPARTMENT OF STATE, *supra* note 24, at 18-19, 28; Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 126 (June 20, 2005), <https://iachr.ils.edu/cases/ferm%C3%ADn-ram%C3%ADrez-v-guatemala>.

<sup>39</sup> COMMISSION FOR HISTORICAL CLARIFICATION, *supra* note 3; Mireya Navarro, *Guatemalan Army Waged ‘Genocide,’ New Report Finds*, N.Y. TIMES (Feb. 26, 1999), <http://www.nytimes.com/1999/02/26/world/guatemalan-army-waged-genocide-new-report-finds.html>.

<sup>40</sup> U.S. DEPARTMENT OF STATE, *supra* note 24, at 26.

<sup>41</sup> *Id.*

<sup>42</sup> Elisabeth Malkin, *Former Leader of Guatemala Is Guilty of Genocide Against Mayan Group*, N.Y. TIMES (May 10, 2013), <http://www.nytimes.com/2013/05/11/world/americas/gen-efrain-rios-montt-of-guatemala-guilty-of-genocide.html>.

<sup>43</sup> 11 Cases v. Guatemala, Monitoring Compliance with Judgment, Order of the President of the Court, Inter-Am. Ct. H.R. “Considerando Que” (Aug. 21, 2014),

[https://iachr.ils.edu/sites/iachr.ils.edu/files/iachr/Cases/Blake\\_v\\_Guatemala/perez\\_11\\_cases\\_v\\_guatemala\\_addendum.pdf](https://iachr.ils.edu/sites/iachr.ils.edu/files/iachr/Cases/Blake_v_Guatemala/perez_11_cases_v_guatemala_addendum.pdf) (Discussing Guatemala’s rejection of the Court’s authority to hear *Blake*, *Villagrán Morales et al.*, *Bámaca Velásquez*, *Myrna Mack Chang*, *Maritza Urrutia*, *Plan de Sánchez Massacre*, *Molina Theissen*, *Carpio Nicolle et al.*, *Tiu Tojín*, *Las Dos Erres Massacre*, and *Chitay Nech et al.*); 12 Casos Guatemalenses, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., ¶ 28 (Nov. 24, 2015), [http://www.corteidh.or.cr/docs/supervisiones/12\\_casos\\_24\\_11\\_15.pdf](http://www.corteidh.or.cr/docs/supervisiones/12_casos_24_11_15.pdf) (Discussing Guatemala’s failure to provide appropriate remedies in the previously listed cases and in the “White Van” case); Sofia Menchu, *Genocide Trial Against Ex-Guatemalan Dictator Ríos Montt to Restart*, REUTERS (Oct. 11, 2017)

<https://www.reuters.com/article/us-guatemala-trial/genocide-trial-against-ex-guatemalan-dictator-rios-montt-to-restart-idUSKBN1CG2PR>.

ongoing.<sup>44</sup> The government continues to prosecute 14 other high ranking military officials for their role in extrajudicial executions committed from 1990 to 1996.<sup>45</sup>

Efforts at human rights reforms are hampered by corruption, which is actively combatted but widespread. In 1998, Bishop Juan José Gerardi released an unofficial report documenting human rights violations during the civil war and, in retaliation, was beaten to death with a concrete block.<sup>46</sup> In 2001, former army captain Byron Lima was convicted of the murder but, thanks to the prison system's corruption, built a criminal empire within the prison itself. He sold drugs, extorted wealthy prisoners with threats of torture by prison guards, came and went as he pleased, and even ran a prison sewing cooperative making campaign t-shirts for the successful 2011 presidential campaign of General Otto Pérez Molina, also implicated in the murder of Bishop Gerardi.<sup>47</sup> However, Pérez Molina was ultimately taken down by the first of many corruption investigations initiated by the International Commission against Impunity in Guatemala (Comisión Internacional contra la Impunidad en Guatemala; "CICIG"). CICIG was established in 2007 as an independent, UN-backed anti-corruption initiative, responding to high level corruption that included the arrest of Alfonso Portillo, president from 2000-2004, for embezzlement, accepting bribes, and money laundering.<sup>48</sup> CICIG and Guatemalan Attorney General Thelma Aldana soon gained reputations for implacable attacks on corruption, including the prosecution of multiple presidents and former presidents.<sup>49</sup> In 2015, Pérez Molina and his Vice President Roxana Baldetti were forced to resign after CICIG uncovered their involvement in "La Linea", a scheme to take bribes from importers in exchange for reduced tariffs.<sup>50</sup> The fall of Pérez Molina left Lima vulnerable and, in 2016, a rival drug gang stormed the prison and murdered him.<sup>51</sup> As of 2017, Pérez Molina is awaiting trial on corruption charges and Baldetti

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<sup>44</sup> Stephen Kinzer, *Efraín Ríos Montt, Guatemalan Dictator Convicted of Genocide, Dies at 91*, N.Y. TIMES (April 1, 2018), <https://www.nytimes.com/2018/04/01/obituaries/efrain-rios-montt-guatemala-dead.html>.

<sup>45</sup> U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 2017: GUATEMALA 2-3 (2017), <https://www.state.gov/documents/organization/277579.pdf>; Menchu, *supra* note 43.

<sup>46</sup> Francisco Goldman, *From President to Prison: Otto Pérez Molina and a Day for Hope in Guatemala*, THE NEW YORKER (Sept. 4, 2015), <https://www.newyorker.com/news/news-desk/from-president-to-prison-otto-perez-molina-and-a-day-for-hope-in-guatemala>.

<sup>47</sup> Anthony W. Fontes, *The Demise of a Prison Lord*, N.Y. TIMES (Aug. 16, 2016), <https://www.nytimes.com/2016/08/17/opinion/the-demise-of-a-guatemalan-prison-lord.html>; Elisabeth Malkin and Nic Wirtz, *Byron Lima Oliva, Bishop's Killer, Dies in Attack at Guatemala Prison*, N.Y. TIMES (July 18, 2016), <https://www.nytimes.com/2016/07/19/world/americas/guatemala-byron-lima-oliva-killed.html>; Goldman, *supra* note 46.

<sup>48</sup> Benjamin Weister, *Guatemala: Ex-President Sentenced*, N.Y. TIMES (May 22, 2014), <https://www.nytimes.com/2014/05/23/world/americas/guatemala-ex-president-sentenced.html>; Paulina Villegas, *Guatemala: Ex-President Admits Taking Taiwan Bribes*, N.Y. TIMES (March 18, 2014) <https://www.nytimes.com/2014/03/19/world/americas/guatemala-ex-president-admits-taking-taiwan-bribes.html>; Elisabeth Malkin, *Guatemalan Court Acquits Former President of Embezzling*, N.Y. TIMES (May 10, 2011), <http://www.nytimes.com/2011/05/11/world/americas/11guatemala.html>; Elisabeth Malkin, *Guatemala: Ex-President Arrested on U.S. Warrant*, N.Y. TIMES (Jan. 26, 2010), <http://www.nytimes.com/2010/01/27/world/americas/27briefs-Guatemala.html>.

<sup>49</sup> Elisabeth Malkin, *Guatemala Arrests Ex-President and His Finance Minister in Corruption Case*, N.Y. TIMES (Feb. 13, 2018), <https://www.nytimes.com/2018/02/13/world/americas/guatemala-corruption-colom-oxfam.html>; Goldman, *supra* note 46.

<sup>50</sup> Ana Guisella Arellano, *Guatemalans Finally Draw the Line as Tax Scandal Paves Way for Change*, THE GUARDIAN (Sept. 17, 2015), <https://www.theguardian.com/global-development/2015/sep/17/guatemala-la-linea-tax-scandal-otto-perez-molina-roxana-baldetti>.

<sup>51</sup> Fontes, *supra* note 47; Wirtz, *supra* note 47.

has been convicted of corruption charges in Guatemala and is now facing drug trafficking charges in the U.S.<sup>52</sup> Pérez Molina was replaced by Jimmy Morales, a comedian whose campaign promised “No more corruption, no more thieves.”<sup>53</sup> By 2017, however, President Morales was attempting to throw the chief CICG commissioner out of the country, after CICG began prosecuting Morales’ brother and son and accused Morales of failing to report \$825,000 in campaign contributions. Guatemala’s Constitutional Court blocked Morales’ efforts to remove the Commissioner and suspended legislation reducing penalties for corruption, but Morales successfully obtained a legislative vote preserving his immunity from prosecution and recruited U.S. Senator Marco Rubio to block funding to CICG.<sup>54</sup> Today, Guatemala continues to fight to address the corruption and impunity that have hindered human rights reforms.

## More information

Additional background was provided by the sources below.

For historical background, see the [Encyclopedia Britannica](#) and [BBC Country Profiles](#).

For an overview of the current human rights situation, see the [U.S. Department of State’s 2017 Human Rights Report](#).

For information about human rights, including all relevant treaties and legal documents, see [Office of the High Commissioner for Human Rights](#).

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<sup>52</sup> *Guatemala Ex-VP Baldetti Wanted by US Over Cocaine Charges*, BBC NEWS (June 8, 2017), <http://www.bbc.com/news/world-latin-america-40200688>; *U.S. Seeks Extradition of Ex-Guatemala Officials on Drug Charges*, REUTERS (Feb. 24, 2017), <https://www.reuters.com/article/us-guatemala-drugs/u-s-seeks-extradition-of-ex-guatemala-officials-on-drug-charges-idUSKBN1632BS>.

<sup>53</sup> Anita Isaacs, *Guatemala’s Democratic Crisis Point*, N.Y. TIMES (Sept. 6, 2017), <https://www.nytimes.com/2017/09/06/opinion/guatemala-democracy-organized-crime.html>.

<sup>54</sup> Elisabeth Malkin, *Guatemala Corruption Panel Has New Foe: U.S. Senator Marco Rubio*, N.Y. TIMES (May 6, 2018), <https://www.nytimes.com/2018/05/06/world/americas/guatemala-corruption-marco-rubio.html>; Elisabeth Malkin, *Protests Erupt in Guatemala Over Laws to Dilute Antigraft Campaign*, N.Y. TIMES (Sept. 15, 2017), <https://www.nytimes.com/2017/09/15/world/americas/guatemala-corruption-morales.html>; Elisabeth Malkin, *President of Guatemala Wins Vote to Preserve His Immunity*, N.Y. TIMES (Sept. 12, 2017), <https://www.nytimes.com/2017/09/12/world/americas/guatemala-morales-immunity-corruption.html>; Isaacs, *supra* note 53; Rachel A. Schwartz, *Guatemala’s President Tried to Expel the U.N. Commissioner who Announced He Was Under Investigation*, WASHINGTON POST (Sept. 6, 2017), <https://www.washingtonpost.com/news/monkey-cage/wp/2017/09/06/guatemalas-president-tried-to-shut-down-a-u-n-commission-that-announced-it-was-investigating-him/>; Elisabeth Malkin, *Guatemala’s Top Court Says President Can’t Expel Chief of Anticorruption Panel*, N.Y. TIMES (Aug. 29, 2017), <https://www.nytimes.com/2017/08/29/world/americas/guatemala-corruption-morales-constitutional-court.html>.