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Mr. Ambassador,

In my capacity as Rapporteur for Follow-up on Conclusions and Recommendations of the United Nations Committee Against Torture (CAT), I refer to the examination of the fourth periodic report of Guatemala (CAT/C/74/Add.1) at its 701st and 704th meetings, held on 4 and 5 May 2006 (CAT/C/SR.701 and CAT/C/SR.704), and adopted at its 719th meeting, held on 7 May 2006 (CAT/C/SR.719), the Conclusions and Recommendations for Guatemala (CAT/C/GTM/CO/4). At the end of this session, the Committee's Conclusions and Recommendations were transmitted to your Permanent Mission.

In paragraph 27 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedure, that Guatemala provide further information regarding areas of particular concern identified by the Committee in paragraphs 12, 15, 16, and 17. I am writing to express appreciation for your response which was received on 25 November 2007 (CAT/C/GTM/CO/4/Add.1). The Committee would be grateful for clarification on the following matters, where sufficient information is not yet provided to enable it to complete an analysis of the progress made regarding the implementation of aspects of the Convention.

In reference to the recommendations made in paragraph 12 on the harassment and persecution of human rights defenders, and impunity for these acts, the Committee welcomes the information provided on the various measures taken by the State party to develop and implement a national action plan for protection as well as a list of measures to protect vulnerable groups. Please provide the Committee with updated information on the status of the development of these measures and their implementation. While we are pleased to learn of these initiatives, we remain concerned at the reports of increased attacks against human rights defenders in the last year. According to information before the Committee, part of the problem in protecting human rights defenders lies in the Attorney General's office which often fails to properly investigate cases of attacks against defenders and the police, who are believed to sometimes be involved in the violent actions against defenders. While the national plan of action is being developed, what measures is Guatemala taking in the meantime to ensure that attacks directed against human rights defenders are properly investigated and that police corruption is being addressed?

With respect to the recommendation in paragraph 15 regarding the issue of impunity under the application of the National Reconciliation Act, the Committee reiterates its concern that many cases of human rights violations committed during the internal armed conflict have yet to be investigated, and perpetrators brought to justice. Please provide the Committee with data on the number of cases that have been investigated under the National Reconciliation Act, including information on the outcomes of the investigations: how many cases went to trial, and how many resulted in convictions and reparations for victims. Additionally, please provide the Committee with updated information on the status of the Dos Erres case.

Allow me to refer to your responses to the recommendations made in paragraph 16(a) which called on the State party to take urgent measures to ensure that no persons are subjected to torture or ill-treatment, and that when such acts carried out by private individuals are prevented and punished, and paragraph 16(b) which called on the State party to ensure prompt, impartial investigations free of discrimination based on gender. The Committee appreciates the information provided on the Commission on Femicide and the draft Framework Act on Violence against Women, the draft "Femicide Act", and the draft Act for the Protection of the Human Right of Women to a Life Free of Violence. Please provide the Committee with updated information on the status of adoption and implementation of these legislative initiatives. We would also appreciate receiving updated

information on the measures taken to ensure that the Unit to Combat Murders of Women is able to carry out its function of assisting the Public Prosecutor's Office in investigations, as well as the status of the initiative to retain eight lawyers to bring cases of domestic abuse. In order to assess the success of these initiatives in combating femicide and other forms of torture or ill-treatment faced by women, please provide the Committee with data on the number of complaints of femicide and other forms of torture or ill-treatment that have been submitted to the various bodies established for this purpose. Please disaggregate the information by age, ethnicity, and location. Please also include information on how many of these complaints were investigated, sent to trial, resulted in convictions, and the kinds of punishments meted out and reparations, if any, provided to victims or their survivors.

In reference to the recommendation made in Paragraph 16 (c) on the protection of children and adolescents, we are pleased to learn that there was a 4.1 percent increase to the 2007 budget for implementation of the Children and Young Persons Act, and would appreciate receiving updated information on its sufficiency as well as any additional increases for future budgets. We would also appreciate further information on the outcomes of the May 2007 seminar on protection of children and adolescents, mentioned in paragraph 76 of your response. We thank you for information on the State party's collaborative initiatives with UNICEF to implement the objectives contained in both the Millennium Goals and the National Plan of Action for Children and Young Persons. Please provide the Committee with updated information on the implementation of this action plan.

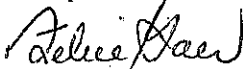
The information provided on the issue of lynchings in Guatemala was very instructive, and we thank you for outlining the measures taken to better understand this problem as well as steps taken to address it. In this regard, please provide us with information on the number of lynchings which took place in 2007 and 2008, so that we may assess whether the measures taken resulted in a continued decline, as mentioned in paragraph 80 of your response. Please also clarify for the Committee the role of the International Commission against Impunity, including information on its mandate, and its impact on the strengthening of the rule of law in Guatemala.

In regard to paragraph 16(d) on human rights training for police officers and members of the judiciary, the Committee appreciates the information provided on the various training programmes implemented by the State party, mentioned in paragraphs 85-91 of your response. We look forward to receiving further information on the impact these programmes have had on the number of complaints of torture or ill-treatment by police and other judicial officials.

In reference to the recommendation made in paragraph 17 regarding the Committee's concern about reports of sexual violence against women in police stations, thank you for information on the pilot program mentioned in paragraph 93 of your response, which requires that all persons detained are brought directly to the rota court which decides on action to be taken rather than first being taken to police stations. The Committee would appreciate receiving further information on the outcomes and implementation of this programme, and whether the State party has taken any measures to make this pilot program permanent within Guatemala's judiciary system.

Upon receipt of additional information, the Committee will be able to assess whether further information may be required. We look forward to continuing this constructive dialogue with the Government of Guatemala on the implementation of the Convention.

Accept, Mr. Ambassador, the assurances of my highest considerations.



Felice Gaer

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COMMITTEE AGAINST TORTURE  
Thirty-sixth session  
1-19 May 2006

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Conclusions and recommendations of the Committee against Torture**  
*(Extracts for follow-up)*

**GUATEMALA**

12. The Committee is concerned about reports of an increase in acts of harassment and persecution, including threats, killings and other human rights violations, experienced by human rights defenders, and about the fact that such acts remain unpunished (art. 2).

**The State party should adopt effective measures to strengthen and guarantee the independence of the unit for the protection of human rights defenders within the Presidential Human Rights Commission, as well as to prevent and protect human rights defenders from any further violence. Furthermore, the State party should ensure the prompt, thorough and effective investigation and appropriate punishment of such acts.**

(...)

15. The Committee is concerned with the impunity that persists regarding most of the human rights violations committed during the internal armed conflict, with over 600 massacres documented by the Historical Clarification Commission still to be investigated. The Committee notes with concern that in practice the 1996 National Reconciliation Act has become an obstacle to the effective investigation of the 1982 case of the Dos Erres massacre, which is making no headway due to procedural delays without any legal justification (arts. 11, 12 and 14).

**The State party should strictly apply the National Reconciliation Act, which explicitly excludes any amnesty for the perpetrators of acts of torture and other grave human rights violations, ensures the initiation of prompt, effective, independent and thorough investigations of all acts of torture and other grave human right violations committed during the internal armed conflict, and grants adequate compensation to the victims.**

16. The Committee is seriously concerned about the numerous allegations concerning:  
(a) The "social cleansing" and killings of children living in the street and in marginalized areas, which often involve acts of torture and ill-treatment, and the fact that such cases are not thoroughly investigated;  
(b) The increase in violent killings of women, which often involve sexual violence,

mutilations and torture. The fact that these acts are not investigated exacerbates the suffering of relatives seeking justice, who, in addition, complain of gender discrimination by the authorities in the course of investigatory and judicial proceedings; and  
(c) The lynchings of individuals, which casts doubt on whether the rule of law is applied in the State party (arts. 2, 12, 13, 16).

**With regard to these practices, the State party should:**

**(a) Take urgent measures to ensure that no persons within its jurisdiction are subjected to torture, or to inhuman or degrading treatment, and fully comply with its duty to prevent and punish such acts when carried out by private individuals;**

**(b) Ensure prompt, impartial and thorough investigations, free of any discrimination on gender, race, social origin or any other grounds, and bring alleged perpetrators to justice;**

**(c) Ensure the full implementation of the Law for the Integral Protection of Children and Adolescents, inter alia by providing sufficient funds to guarantee the security, well-being and development of all children;**

**(d) Carry out campaigns and training activities for police officers and members of the judiciary to make them duly aware of the existing social violence, in order to enable them to receive complaints and investigate them properly.**

17. The Committee is concerned about reports of sexual violence against women in police stations (arts. 6 and 11).

**The State party should take steps to ensure that all arrested women are brought immediately before a judge and then transferred to a detention centre for women, if so ordered by the judge.**