



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

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Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the seventh periodic report of the Guatemala, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 65th session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/GTM/CO/7, para. 44) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 15 (b), 25 (a) and (b), 27 (a) and 33 (d) and (e) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 24 December 2019 providing your Government's response on the above-mentioned paragraphs (CAT/C/GTM/CO/7/Add.1) and to make the following comments:

National mechanism for the prevention of torture (para. 15 (b) of the concluding observations)

The Committee takes note of the information provided by the State party with regard to regulations governing the monitoring visits by the National Office for the Prevention of Torture, but regrets that the follow-up replies did not indicate whether the State party has taken new specific measures to ensure, in practice, that the this national mechanism for the prevention of torture has unhindered access to all places of deprivation of liberty and is able to meet with detainees in private. In this regard, the Committee draws the attention of the State party to reports that the methodology followed by the national mechanism for the prevention of torture in conducting its monitoring activities and subsequent follow-up actions remains unclear (see submission by Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala - UDEFEGUA, Plataforma Internacional contra la Tortura and World

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Organization Against Torture - OMCT, p. 2). Furthermore, the Committee regrets that it has not received any information regarding the measures taken to ensure that the National Office for the Prevention of Torture respects and ensures the independence of the judiciary at all times, especially with regards to the *Comisión Internacional Contra la Impunidad en Guatemala (Ibid.)* (1/C).

Deaths and ill-treatment occurring in residential and detention centres for adolescents (paras. 25 (a) and (b) of the concluding observations)

The Committee notes the information provided by the State party regarding the investigation of the former public officials accused in connection with the deaths of the 41 minors who perished as a result of a fire at the *Virgen de la Asunción* orphanage on 8 March 2017, and requests the State party to keep it informed of the outcome of these judicial proceedings, as well as on the means of redress (2/B1).

Investigation of acts of torture and other serious violations committed during the internal armed conflict (para. 27 (a) of the concluding observations)

While taking note that the Public Prosecution Service established in 2019 a policy for the criminal prosecution of past human rights violations, the Committee would appreciate receiving complete and detailed statistical data on the number of investigations, prosecutions, convictions and sentences handed down in cases involving grave violations, including acts of torture, committed during the internal armed conflict since the adoption of its concluding observations. Moreover, the Committee is concerned at reports indicating that in 2019 the Guatemalan Congress passed the second of the three required approvals of Bill 5377 that would grant amnesty to persons convicted for grave human rights violations during the armed conflict (see submission by UDEFEGUA, *Plataforma Internacional contra la Tortura and OMCT*, pp. 3–4) (1/E).

Violent deaths, evictions and internal security (paras. 33 (d) and (e) of the concluding observations)

Bearing in mind the information provided by the State party on the implementation of the National Security Council's operational plan for the gradual withdrawal of the Guatemalan army from public safety operations, which was adopted in December 2016, the Committee is concerned by the fact that the armed forces continue to be involved in civil security tasks (see submission by UDEFEGUA, *Plataforma Internacional contra la Tortura and OMCT*, pp. 5–9). Regarding the information provided by the State party on the registration, monitoring and accountability of private security companies, the Committee remains concerned by reports indicating that a large number of private security firms still operate without valid licenses (*Ibid.*, pp. 9–10). Lastly, the State party's follow-up replies did not include the results of the auditing and oversight activities undertaken in this domain (1/B2).

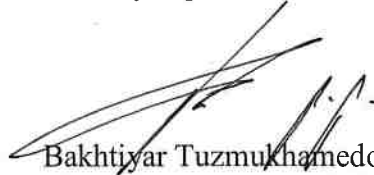
Implementation plans (para. 44 of the concluding observations)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of Guatemala is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the seventh periodic report of Guatemala.

The Committee looks forward to a continued constructive dialogue with the authorities of Guatemala on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



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Rapporteur a.i. for follow-up to concluding observations
Committee against Torture

