

Fact Sheet

Contacts

Homicide Prosecutions Rule of Law Program

Oscar Chavarría
Democracy and
Governance Office
Km 6.5 final Blvd Los
Próceres, Sta. Catarina
Pinula, Guatemala
Tel: (502) 2422-4316

Todd Sloane
Democracy and
Governance Office
Km 6.5 final Blvd Los
Próceres, Sta. Catarina
Pinula, Guatemala
Tel: (502) 2422-4340

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Background

Following years of civil war and internal migration, Guatemala registers one of the highest homicide rates in the world and retains one of the lowest rates of investigation and prosecution. In 2005 homicides reached a high of 6,500 and in 2006 the Crimes Against Life Unit in Guatemala City mustered only 57 indictments, low even accounting for the fact that many homicides result from accidents, negligence, or manslaughter. The lack of successful criminal investigation and prosecution by the police and Public Ministry create a state of impunity and contribute to a growing reputation of a "paradise for murderers."

After the Peace Accords were signed in December 1996, reformers created or re-engineered justice institutions to protect the rights of the accused, a strategy which was in part a response to the civil war abuses. Still, the institutions are unable to investigate and prosecute serious crime.



Homicides of women have received particular attention from human rights organizations, the international media, and foreign governments. Although homicides of women make up about 10-12 percent of all homicides, they have increased in both number and percentage since 2000 when they comprised about 8 percent of the total. Increased numbers of women in the *maquila* (sweat shop) industry and in gangs in part explains this increase. Beyond the percentages, the psychological and political shock of homicides of women has gripped Guatemalan society, particularly because they are sometimes accompanied by violence reminiscent of wartime atrocities.

USAID Response

Homicides of women have been documented in studies and a BBC documentary and have led to U.S. Congressional resolutions condemning the violence against women and calling for action. In response to a U.S. Congressional directive, USAID developed a strategy to strengthen the Public Ministry for the investigation and prosecution of homicides, and in particular, homicides of women. The strategy called for:

- Intensive focus on the Crimes Against Life Unit in Guatemala City
- Assistance for witness and victim protection
- Civil society monitoring
- Improved crime scene management
- Use of the new 24-hour courts in and around Guatemala City

USAID's Rule of Law Program began to work in late 2006 by advising Attorney General, Juan Florido, reorganization of the Unit. Taking advantage of a re-negotiated labor agreement that restored proper levels of management authority, the Attorney General made several important changes, including:

- Removal of non-performing prosecutors;

- 72-hour duty shifts for all prosecutors because this period is critical to successful homicide investigation;
- Case screening to classify intentional homicide cases versus non-homicide deaths;
- Women's homicide advisor to provide direct advice to the four sub-units that are responsible for prosecuting homicides of women;
- Restructure of the Public Ministry Witness Protection Unit to provide legal assistance as well as witness protection services to victims and witnesses
- Use of 24-Hour Courts in Guatemala City, Villa Nueva and Mixco that leads to significant improvements in prosecution of serious crime; and,
- Training in investigative methods for staff of the Crimes against Life Unit Guatemala City.

Results

Results in Guatemala City have been immediate and impressive: In first quarter 2008, 57 indictments were issued--the same as for the entire year of 2006. Homicide indictments increased from 57 in 2006 to 122 in 2007. As a result of the technical assistance provided to the Crime against Life Prosecutors Offices the percentage of indictments in homicide cases is likely to reach about 20%.

In one year, the USAID Rule of Law Program through its technical assistance has significantly increased homicide prosecutions, particularly in cases of homicides of women. (USAID is the only donor organization or USG agency increasing these prosecutions.) In 2006, only 6 cases of homicides of women were prosecuted, 18 cases were prosecuted in 2007, and 30 cases were prosecuted between June 2007 and June 2008.

Indictments by Crimes Against Life Unit				
Type/Year	2006	2007	1st Qtr. 2007	Projected 2008
Overall Indictments	57	122	57	200-225
Indictments in women's cases	6	18	7*	30-35
<i>*Between April and June, 9 more indictments in women's cases were presented.</i>				

Two deputy directors have been designated to monitor productivity and continue to improve the investigation and prosecution of homicide cases. The new intervention in the Crime against Life Unit has motivated the Attorney General to extend this intervention to Mixco and Villa Nueva.

Based on the proven success of the methodology used in the Crimes Against Life Unit, the Attorney General requested technical assistance from the Rule of Law Program to extend the intervention to other specialized prosecutor offices including Organized Crime Unit, Narcotics Unit and Corruption Unit.

In just over twelve months, Public Ministry leadership, with USAID Rule of Law Program technical assistance, has achieved tangible and sustainable results that will be extended to other crime-ridden cities and towns of Guatemala.

