



Advocacy for Human Rights in the Americas



AP Photo: Moises Castillo

THE ROLE OF THE ARMED FORCES IN PUBLIC SECURITY IN GUATEMALA

Assessing the Limitation of the Role of the Armed Forces in Public Security Activities

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TABLE OF CONTENTS

INTRODUCTION	4
KEY FINDINGS	6
THE ROLE OF THE ARMED FORCES IN PUBLIC SECURITY IN GUATEMALA: ASSESSING THE LIMITATION OF THE ROLE OF THE ARMED FORCES IN PUBLIC SECURITY ACTIVITIES	8
LEGAL FRAMEWORK REGULATING THE INVOLVEMENT OF THE GUATEMALAN ARMED FORCES IN POLICING	9
RULES OF ENGAGEMENT FOR THE ARMY IN PUBLIC SECURITY ACTIVITIES	12
ARMY RESOURCES	15
Human Resources	15
Financial Resources	18
PLAN TO WITHDRAW FROM PUBLIC SECURITY TASKS	23
CONDUCT OF THE ARMED FORCES	24
Accountability	25
Public Confidence in the Army	26
ACRONYMS AND ABBREVIATIONS	28
NOTES	29

INTRODUCTION

In the last decade, the problem of insecurity and impunity has deeply affected the people of Guatemala, El Salvador and Honduras, making this region (known as the Northern Triangle of Central America) one of the most violent in the world. High levels of violence, corruption, and impunity have eroded the capacity of the states to develop accessible and efficient institutions, and address the needs of their populations.

The absence of effective responses has weakened citizens' confidence in state institutions, leading to an alarming number of people who have been internally displaced or forced to migrate to other countries to escape the violence and lack of economic opportunities.

Against this backdrop, the Washington Office on Latin America (WOLA), the Myrna Mack Foundation (FMM) of Guatemala, the University Institute for Public Opinion (Iudop) of the José Simeón Cañas Central American University (UCA) of El Salvador, and the University Institute on Democracy, Peace and Security (IUDPAS) of Honduras have developed a tool for monitoring and evaluating the policies and strategies currently being implemented in Guatemala, Honduras, and El Salvador to reduce insecurity and violence, strengthen the rule of law, improve transparency and accountability, protect human rights, and fight corruption. This initiative has been made possible thanks to the support of the Latin America Division of the Swiss Agency for Development and Cooperation, the Tinker Foundation, the Seattle International Foundation (SIF), and the Moriah Fund.

THE CENTRAL AMERICA MONITOR

The Central America Monitor is based on the premise that accurate, objective, and complete data and information are necessary to reduce the high levels of violence and insecurity, and establish rule of law and governance in a democratic state. This will allow efforts to move beyond abstract discussions of reform to specific measures of change.

The Monitor is based on a series of more than 100 quantitative and qualitative indicators that allow a more profound level of analysis of the successes or setbacks made in eight key areas in each of the three countries.¹ More than a comprehensive list, the indicators seek to identify a way to examine and assess the level of progress of the three countries in strengthening the rule of law and democratic institutions. The indicators seek to identify the main challenges in each of the selected areas and examine how institutions are (or are not) being strengthened over time. The Monitor uses information from different sources, including official documents and statistics, surveys, interviews, information from emblematic cases, and analysis of existing laws and regulations.

The indicators were developed over several months in a process that included an extensive review of international standards and consultation with experts. The eight areas analyzed by the Monitor include:

1. Strengthening the capacity of the justice system;
2. Cooperation with anti-impunity commissions;
3. Combatting corruption;
4. Tackling violence and organized crime;

5. Strengthening civilian police forces;
6. Limiting the role of the armed forces in public security activities;
7. Protecting human rights;
8. Improving transparency.

The Monitor reports are published by area and by country. The first series of reports will serve as the baseline for subsequent analysis, which will be updated annually. Each annual series of reports will be analyzed in comparison with reports from the previous year. This allows researchers, civil society organizations, and other actors to assess the level of progress in strengthening the rule of law and reducing insecurity.

The first round of Monitor reports will primarily focus on data sets from an approximate 4-year time period, 2014 to 2017, in order to provide a snapshot of Central America's institutions.

The Monitor will serve as a tool for searchable, easy-to-comprehend data, delineating trends, progress, patterns, and gaps within and between the three countries of the Northern Triangle. The data, graphics, charts, and reports will be available on the Monitor's website.

This report of the Central America Monitor, produced by the Myrna Mack Foundation, aims to define a baseline for the indicators related to limiting the role of the armed forces in public security activities in Guatemala.

ABOUT THE RESEARCH FOR THIS REPORT

The quantitative data in this report was obtained via the bibliographic review of official reports, institutional annals, and relevant information available on the official transparency web pages

of the Ministry of National Defense (*Ministerio de la Defensa Nacional*). In addition, requests for statistical information were made via the Public Information Access Law (*Ley de Acceso a la Información Pública*, LAIP), which establishes a specific process by which government agencies must receive information requests and respond within a set timeframe.

We decided that the report's primary data would be obtained via public information requests, in order to evaluate the effectiveness of Guatemala's transparency laws, including the response rate to information requests and the degree of cooperation by the various government institutions that were petitioned.

Unfortunately, the Ministry of National Defense denied the majority of our information requests, stating that disclosure of the information "would compromise national security." The lack of transparency in this area is concerning, given that the request was for basic information, such as the size and number of troops in the Army, as opposed to sensitive information that could pose a risk to national security in any manner. Other information was requested regarding indicators to analyze the degree of Army participation in internal police functions during the period under analysis, such as the number of members of the Armed Forces assigned to public security tasks and the municipalities in which the Army deployed for public security activities.

The refusal to provide this information not only makes it impossible to perform a comprehensive analysis of the Armed Forces and their participation in internal police functions, but also represents an alarming tendency of opacity regarding civic oversight and accountability for possible human rights violations committed by this institution in the exercise of police functions.

KEY FINDINGS

- Guatemala ended 36 years of internal armed conflict with the signing of the 1996 Peace Accords. A key provision to the cessation of hostilities was the creation of the National Civilian Police (*Policía Nacional Civil*, PNC) in 1997 (which assumed responsibility for domestic security), reducing the number of Army troops, and withdrawing them from internal police functions. In the years following the signing of the Peace Accords, the government made progress on this front.
- Despite this progress, beginning in 2000, successive governments cited citizen insecurity as a reason for enacting decrees and laws enabling the Army to once again take part in police duties, in clear violation of the Peace Accords. These actions included removing limits to the number of troops, authorizing the military's participation in combatting organized and common crime, and allowing the military to provide security at pre-trial detention centers, prisons, and rehabilitation centers, among other sites. Over the years, the Army was also empowered to maintain order and security in jails and penitentiaries; pursue and detain fugitive prisoners; and take inmates into custody. Additionally, they established forces combining the Army and PNC and consolidated coordination mechanisms for the Ministry of National Defense (*Ministerio de la Defensa Nacional*) in all matters of internal and external security.
- In late 2016, faced with growing mainstream rejection of the militarization of policing duties, the state announced the “Operationalization Plan for the Gradual Withdrawal of the Guatemalan Army from Citizen Security Tasks.” Said plan sought to completely withdraw the Armed Forces from police functions in three distinct phases prior to the end of 2017. Despite some progress— such as the reduction of the Armed Forces (from 30 zones to 11) and the withdrawal of some 2,100 troops – the plan did not meet its initial deadline. An anticipated final withdrawal of the military from policing duties was pushed back to March 2018.
- The Ministry of National Defense denied a significant number of public information requests concerning the size of the Army and its participation in public security. This lack of transparency is worrisome, given that the requests were for basic information and did not include information that could pose a risk to national security in any manner. Not only does this lack of transparency make a comprehensive analysis of the Armed Forces and their participation in domestic police functions impossible, it also represents an alarming trend toward opacity. This is especially concerning when it comes to monitoring and pushing for accountability for possible human rights violations committed by the Armed Forces when exercising police functions.

- Between 2014 and 2017, the Ministry of National Defense was allocated, on average, an annual amount of Q70,444,267.50 (\$9.1 million) to cover the Army's participation in public security tasks. The Defense Ministry's budget steadily increased throughout the four-year period covered in this report, with an increase of 3.2 percent between 2014 and 2015, 5.6 percent between 2015 and 2016, and 4.6 percent between 2016 and 2017. Despite the implementation of the plan meant to withdraw the Army from public security duties throughout 2017, the Army's budget for public security increased during that same year as compared with the previous year. In fact, the budget allocated for 2017 was the highest of the four years under study. This number highlights the disparity between the state's supposed goal of less military participation in public security tasks, and what was actually being financed.
- In the four-year period covered by this report (2014-2017), the Human Rights Ombudsperson's Office (*Procurador de los Derechos Humanos*, PDH) received 172 legal complaints of alleged human rights violations by the Army, an average of 43 complaints per year. These figures only represent the complaints received by the Ombudsperson's Office and omit those cases that go unreported; as such, the true number of human rights violations is probably higher.
- In analyzing the level of public confidence in the Army, public surveys administered between 2015 and 2017 (no data is available for 2014) show little change between 2015 and 2016. In 2015, 42.8 percent of the population expressed great or some trust in the Armed Forces, while 54.4 percent had little or none. In 2016, 44.6 percent reported they had great or some trust, while 52.6 percent had little or none. Nonetheless, 2017 showed a notable loss of trust in comparison with previous years, with 35.4 percent reporting great or some trust in the Armed Forces and 62.7 percent having little or none. Another important trend is revealed when the data is disaggregated by sex. In the three years under analysis, men reported having greater trust in the Armed Forces than women. For example, in 2017 42.2 percent of men and 29.4 percent of women reported having great or some trust in the Armed Forces, a divide evident in each year.

THE ROLE OF THE ARMED FORCES IN PUBLIC SECURITY IN GUATEMALA

Assessing the Limitation of the Role of the Armed Forces in Public Security Activities

Democracies throughout Latin America have struggled to consolidate civilian control over their armed forces, based on the principle of a firm separation between soldiers and police. Due to their particular circumstances, countries in the region have not had to employ their armies to defend their citizens from foreign invaders. Notwithstanding, the governments have often turned to their armies to combat organized crime and other forms of crime.

There are several factors that demonstrate the difference between the armed forces and police forces. On one hand, the armed forces are trained to fight wars, while police are designed to ensure compliance with the law. In this sense, police should be trained to employ the minimum amount of force necessary to ensure compliance with the community's laws, while military personnel are trained to employ overwhelming lethal force against an enemy.

Despite this difference, successive governments in Guatemala have turned to the Army to address public security needs, which has increased the risk of human rights violations committed by the government.

Until the transition to democracy in 1985, Guatemala did not have civilian control over its Armed Forces, which were responsible for internal and external security. A few key aspects of the 1996 Peace Accords included the creation of the National Civilian Police, a reduction in the number of Army troops, and withdrawal of the Army from domestic security functions.² This demand was in large part a result of the grave human rights violations perpetrated by the Army during the internal armed conflict.

In the years following the signing of the Peace Accords, the State made progress on this agenda: the PNC was created in 1997 and assumed responsibility for domestic security; the Army's role in police and domestic functions was decreased;³ and the size of the Army was reduced from 47,000 troops in 1996 to some 18,500 in 2015.⁴

Despite this progress, and continuing to reject constitutional reforms, commencing in 2000, several governments enacted decrees and laws enabling the Army to once again take part in police duties. With an alarming state of citizen insecurity, security has also represented an important issue in elections, with several candidates gaining power by promising to impose "iron fist" tactics to combat crime.⁵

LEGAL FRAMEWORK REGULATING THE INVOLVEMENT OF THE GUATEMALAN ARMED FORCES IN POLICING

The Army is accountable to the Ministry of National Defense and is divided into three bodies: Land Forces, Air Forces, and Naval Forces. According to the Ministry of National Defense, the Guatemalan Army traces its history from the colonial era in the 16th Century, evolving pursuant to several Constitutions starting with its independence from Spain and the United Provinces of Central America (*Provincias Unidas de Centroamérica*).⁶ Currently, Chapter V of the 1985 Political Constitution of the Republic of Guatemala regulates the Army's integration, organization, and goals. Its legal system is also based on the Constitutive Law of the Army (*Ley Constitutiva del Ejército*) and other related laws described below.⁷

THE POLITICAL CONSTITUTION OF THE REPUBLIC OF GUATEMALA AND CONSTITUTIVE LAW OF THE GUATEMALAN ARMY

Article 246 of the Constitution names the President of Guatemala as the Commander-in-Chief of the Army and grants him/her authorization to issue orders, including mobilization and demobilization. Article 244 establishes that the Army "is an institution dedicated to maintaining the independence, sovereignty, and honor of Guatemala, the integrity of the territory, peace, and internal and external security."⁸ In addition, Article 249 declares that "the Army shall cooperate in emergency situations or public disasters." These three articles form the legal foundation cited in several laws for expanding the role of the Armed Forces into the country's internal police functions.

The Constitutive Law of the Guatemalan Army affirms these provisions and roles for the Armed Forces, among other organic guidelines. It should be noted that the Constitution precedes the creation of the PNC; as such, the Constitution does not mention or grant power to any police force at the national level. Nonetheless, Article 259 authorizes the creation of police forces at the municipal level for the purpose of "executing its ordinances and complying with its provisions" and "under direct orders of the mayor."⁹

Following the signing of the Peace Accords, the government convened a Popular Consultation on May 16, 1999, posing four questions to the general public regarding constitutional reforms.¹⁰ One of them proposed the recognition of the role of the PNC in the Constitution and the establishment of a clearer division between the functions of the PNC and Armed Forces. In large part due to low voter turnout (an 81.45% abstention rate) and opposition from conservative sectors, none of the proposed amendments were approved and the Constitution remains without mention of the PNC.¹¹

GOVERNMENTAL ACCORD 90-96

In March 1996, the government issued Governmental Accord 90-96, which explicitly granted authorization for collaboration between the civilian security forces and Army in the area of "combatting organized and common crime." The Accord names the Ministry of the Interior (*Ministerio de Gobernación*) as the entity responsible for drafting, executing, and supervising public security plans, though with

support and collaboration from the Ministry of National Defense and the Army.¹² It should be noted that the State ratified this Accord in the midst of peace negotiations and only nine months prior to the signing of the final and definitive Peace Accords, enabling a broad role for the Army in society and internal security during the transition from war to peace.

DECREE 40-2000 AND GOVERNMENTAL ACCORD 87-2000

In 2000, by means of Decree 40-2000, the government augmented the Army's authorization to support civilian security forces in combatting organized and common crime "when the security circumstances in the country require assistance, or the ordinary means available to civilian security forces are deemed insufficient.¹³ The Decree also authorizes the provision of military units, when requested by the Ministry of the Interior, to guard "the perimeter of pre-trial detention centers, establishments in which criminal sentences are served, rehabilitation centers, and other places of imprisonment." That same year, the government issued Governmental Accord 87-2000 permitting the Army to cooperate "to maintain order and security in the country's penitentiary system's centers and jails" when its support is requested by the Ministry of the Interior.¹⁴

GOVERNMENTAL ACCORD 264-2001

Governmental Accord 264-2001 established that, as a part of its role to prevent and combat crime, the Army can "pursue and detain fugitive prisoners, as well as guard the inmates in penitentiary centers and perimeter security."¹⁵ In order to coordinate the Army's support of and collaboration with civilian security forces in this task, the Accord also provided for the integration of "combined security forces" that

function under the direction and responsibility of the Ministry of the Interior. The Accord puts a time limit on the composition and duration of these combined forces, declaring that "they shall be of an exceptional, limited character and shall not exceed a total of 60 days."

GOVERNMENTAL ACCORDS 178-2004 AND 216-2011

As part of the Guatemalan Army's Modernization Plan, in 2004 (by means of Governmental Accord 178-2004), the government established a maximum threshold of 15,500 Army troops.¹⁶ Nonetheless, this Accord has been reformed several times; one of the most relevant reforms occurred in 2011 (through Governmental Accord 216-2011), which eliminated all restrictions on the number of troops in the Armed Forces. Authorization was given to recruit personnel "to comply with its constitutionally-assigned mission, in accordance with current national security needs" and "with the goal of supporting work to reestablish or maintain citizen security, as well as provide support to humanitarian work and in cases of public disasters or national emergencies".¹⁷

DECREE 18-2008

The Framework Law of the National Security System (Decree 18-2008) was enacted In 2008. The purpose of this law is to "establish the legal regulations of an organic and functional nature that are necessary for the State of Guatemala to perform internal and external security and intelligence activities in a coordinated manner."¹⁸ With that goal, it established the National Security System (Sistema Nacional de Seguridad) by integrating the Ministries of National Defense and Interior, among others, in order to improve coordination in security activities.¹⁹ The law divided the work of the National Security System into four principal spheres: 1) internal

security; 2) external security; 3) intelligence; and 4) risk management and civil defense. While this law did not fundamentally change the role of the Armed Forces, it formalized a mechanism for channeling all matters of security, including internal police functions.

GOVERNMENTAL ACCORDS 31-2015 AND 115-2017

In 2015, the State approved the creation of the Squadrons of the Special Reserve Corps for Citizen Security (*Escuadrones del Cuerpo Especial de Reserva para la Seguridad Ciudadana*, CERSC) through Governmental Accord 31-2015. The squadrons' mission is

to "support the civilian security forces in their duties to prevent and combat organized crime [and] common crime and reestablish or maintain citizen security when the security circumstances in the country require their assistance, or the ordinary means available to the civilian security forces are deemed insufficient."²⁰

Two years after the Accord's issuance, the squadrons' name changed to Strategic Battalions of Military Reserves (*Batallones Estratégicos de Reservas Militares*) via Governmental Accord 115-2017.²¹ It is noteworthy that by late 2015, the year in which the CERSC was created, the Army had already allocated a total of 4,500 soldiers to comprise said squadrons."²²

BOX 1 LEGAL FRAMEWORK ALLOWING THE PARTICIPATION OF THE GUATEMALAN ARMY IN POLICING FUNCTIONS

The Political Constitution of the Republic of Guatemala and Constitutive Law of the Guatemalan Army	<ul style="list-style-type: none"> Names the President of Guatemala as the Commander-in-Chief of the Army. Establishes that the Army is an institution dedicated to maintaining the independence, sovereignty, and honor of Guatemala, the integrity of the territory, peace, and internal and external security. Authorized the army's cooperation in emergency situations or public disasters
Governmental Accord 90-96	<ul style="list-style-type: none"> Grants authorization for collaboration between the civilian security forces and Army in the area of combatting organized and common crime.
Decree 40-2000	<ul style="list-style-type: none"> Expands the Army's authorization to support civilian security forces in combatting organized and common crime Permits the military to guard the perimeter of pre-trial detention centers, prisons and rehabilitation centers, among others.
Governmental Accord 87-2000	<ul style="list-style-type: none"> Authorizes the Army to cooperate in maintaining order and security in the country's penitentiary system's centers and jails.

Governmental Accord 264-2001	<ul style="list-style-type: none"> Allows the Army to pursue and detain fugitive prisoners, as well as guard the inmates in penitentiary centers and perimeter security. Establishes the integration of “combined security forces” that function under the direction and responsibility of the Ministry of the Interior.
Governmental Accords 178-2004 and 216-2011	<ul style="list-style-type: none"> Eliminates all restrictions on the number of troops in the Armed Forces.
Decree 18-2008	<ul style="list-style-type: none"> Establishes the National Security System by integrating the Ministries of National Defense and the Interior, among others, to improve the coordination of internal and external security activities as well as state intelligence.
Governmental Accords 31-2015 and 115-2017	<ul style="list-style-type: none"> Establishes the Strategic Battalions of Military Reserves (originally named the Squadrons of the Special Reserve Corps for Citizen Security)

RULES OF ENGAGEMENT FOR THE ARMY IN PUBLIC SECURITY ACTIVITIES

Deriving its legal foundation from the aforementioned laws, the Ministry of National Defense has internal procedures and rules governing the conduct of the Armed Forces when they are deployed in support of internal security forces. Among them is the Procedure for Providing Support to Civilian Security Forces, which regulates the process from the request for support to the Armed Forces through the end of the operation (see Figure 1). As a first step, the procedure requires the requesting entity to submit a verbal or written request for support to the Head of the Liaison Department of the National Defense Chief of Staff. If the request for support is authorized, a roadmap is developed for it that must include the following information:²³

- Brief **description of the type of operation** to be supported
- **Date and time** the personnel should present themselves to the civilian security

forces

- **Place** where the operation will take place
- **Number of personnel** needed for the operation
- **Necessary equipment** that will be employed by the military personnel
- **Contact information for the person in charge** of the civilian security forces designated for the operation
- **Meeting place** to establish contact with the civilian security forces
- **Date the roadmap is developed** for the request for support
- **Authorization** of the request from the National Defense Chief of Staff
- **Stamp and signature** of the Head of the Liaison Department of the National Defense Chief of Staff

Once the roadmap for the support request has been finalized and submitted, those in charge of the operation and their counterparts in the Ministry of National Defense establish contact and initiate monitoring and a checklist for the operation through to its completion. The operations checklist is produced by the Liaison Department of the National Defense Chief of Staff and must include the following information:²⁴

- Corresponding **number** for the support operation
- **Quantity and type of operation** that is carried out
- **Unit designated** to provide support to the civilian security forces
- **Name and contact information** of the person in charge of the operation
- **Number** of officials participating in the operation
- **Place** where the operation is carried out
- **Other observations**, such as the hour the operation will commence, manner in which it will be carried out, and other data viewed as important

The procedure requires constant monitoring of the operation and involvement of the Armed Forces. It also requires the official in charge of the operation to inform the Head of the Liaison Department of the National Defense Chief of Staff regarding the end of the operation, relevant developments, and the results obtained therein.

Taking into consideration the implication of the Armed Forces in grave human rights violations committed against Guatemalan civilians, procedural records and documentation are valued positively, such that in the event that excesses or abuses occur on the part of the

Army in matters of citizen security, the person(s) responsible and the degree of their responsibility may be fully established.

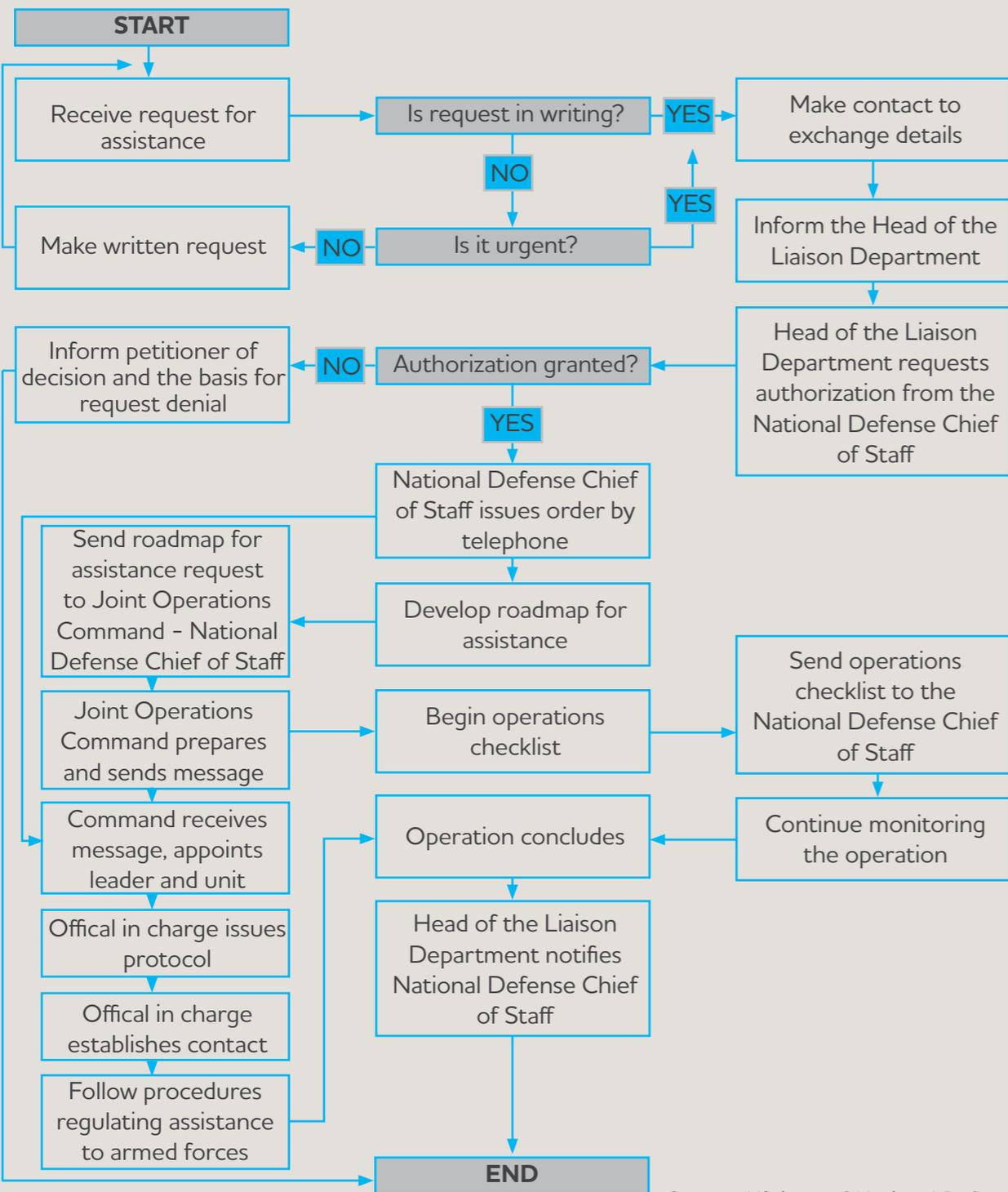
There are several national regulations regarding the Armed Forces' comportment while deployed in public security operations, such as:²⁵

- Code of conduct for the members of units participating in operations in support of public security.
- Rules of employment for units participating in operations in support of public security. Regulations regarding general rules, use of force, and the manner of operating during activities in support of public security.
- Management guide for unit commanders in support of public security that also guides behavior in various scenarios, including patrols, raids, and inspections of public jails.
- Conduct manual to follow during incidents that can occur during the employment of personnel in support of public security activities.²⁶ This document guides actions during various incidents in diverse scenarios related to the activities in support of public security.

These documents fall outside the scope of this report; however, it is worth highlighting an important element related to the use of force. In line with international human rights standards, the use of force policy dictates that the following rules must be followed, among others: 1) maintain and defend the dignity and rights of all persons, regardless of sex, race, religion, or political thinking; 2) utilize “minimum” force; 3) utilize force proportional to the threat, though avoiding as much as possible the use of arms; 4) exhaust all non-violent means to resolve the situation prior to utilizing firearms; and 5) utilize

FIGURE 1

FLOWCHART OF THE PROCEDURE TO PROVIDE ASSISTANCE TO CIVILIAN SECURITY FORCES



Source: Ministry of National Defense

lethal force “in self-defense and/or to protect a force.”²⁷

Unfortunately, these regulations leave much room for ambiguity. Despite the fact that certain sections employ international human rights instruments as their legal basis, they leave

room for arbitrary and subjective discretion of military personnel. They also fail to consider the risk of using the Armed Forces in public security activities, given that their members are trained and taught to utilize lethal force as a principle of war, contrary to the training received by members of the National Civilian Police.

ARMY RESOURCES

HUMAN RESOURCES

The Army is divided into three bodies: Land Forces, Air Forces, and Marine Forces. For the purposes of this report, only the Land Forces will be studied. Table 2 shows the military ranks in this force.

As part of the research for this report, a request was made to the Ministry of National Defense for the Army’s entire payroll, including reserve officials, disaggregated by military rank, for the 2014-2017 period. Despite the general nature of the information requested, the Ministry denied the request, declaring that, in accordance with Ministry of National Defense Resolutions 07860 of 2011 and 01-2018 of 2018, “the period for withholding the information related to the strength of force of the Guatemalan Army in each municipality, or data on troops assigned to each brigade, base, barracks, and deployment throughout national territory, was classified and expanded, due to the fact that the provision of such information would harm national security, as it would reveal information related to the mechanisms and strength of the Guatemalan Army, whose dissemination would compromise national security, as well as the execution of internal and external security plans, assessments, and programs.”

The lack of transparency in this area is concerning, given that the request was for basic

information regarding the size of the Army in terms of the number of its troops, as opposed to sensitive information that could pose a risk to national security in any manner. Other information was requested regarding indicators to analyze the degree of Army participation in internal police functions during the period under analysis, such as:

- The number of members of the Armed Forces assigned to public security tasks.
- The municipalities in which the Army deploys for public security activities.

Unfortunately, the Ministry of National Defense also rejected those requests, employing the same justification cited above.

The refusal to provide this information not only makes it impossible to perform a comprehensive analysis (qualitative and quantitative) of the Armed Forces and their participation in internal police functions, but also represents an alarming tendency of opacity regarding civic oversight and accountability for possible human rights violations committed by this institution in the exercise of police functions.

In March 2018, after nearly 18 years of participating in citizen security work, the Army withdrew from the streets the nine military squadrons (CERSC) that reportedly were

comprised of nearly 5,600 soldiers.²⁸

The IACHR, in its report on the state of human rights in Guatemala, saluted and encouraged

the efforts made and commitments assumed by the Guatemalan State in terms of withdrawing its Armed Forces from public security work.²⁹

BOX 2
ARMY RANKS WITHIN THE MILITARY³⁰

General Officers
<ul style="list-style-type: none"> • Division General • Brigade General
Superior Officers
<ul style="list-style-type: none"> • Colonel • Lieutenant Colonel • Major
Junior Officers
<ul style="list-style-type: none"> • First Captain • Second Captain • Lieutenant • Second Lieutenant
Specialists and Soldiers
<ul style="list-style-type: none"> • Sergeant Major • Technical Sergeant • First Sergeant • Second Sergeant • Corporal • Soldier First Class

Source: Ministry of National Defense

As of 2012, then-President Otto Pérez Molina established a series of interagency task forces between the Armed Forces and PNC with the purported purpose of improving the prevention of and fight against crime. The government announced the creation of Task Force Maya, comprised of 200 Army troops and 100 police officers, in September 2012 in Guatemala City and assigned it geographical responsibility for Zone 18 of the capital.³¹

In November of that same year, the government inaugurated Task Force Kaminal, comprised of 250 PNC and Army personnel, with responsibility for security in Zones 7 and 12 in Guatemala City.³² The government installed Task Force Tecún Umán, comprised of more than 200 soldiers, in December 2013 and tasked it with responsibility for border security in the department of San Marcos.³³

In March 2015, Pérez Molina and his counterpart, Juan Orlando Hernández of Honduras, established Task Force Maya-Chortí, the first binational force between the two countries. It had 600 police officers and soldiers from Guatemala and Honduras and was responsible for promoting security—including organized crime, common crime, and drug-trafficking activities—along the border between the departments of El Progreso and Chiquimula.³⁴

Task Force Xinca,³⁵ comprised of 250 agents from the PNC and Army, was launched in August 2017 and assumed responsibility for security in the departments of Jutiapa, Santa Rosa, Jalapa, Escuintla, and southern Chiquimula.³⁶

Due to the fact that these task forces were created during the period of study covered by this report, some of their functions are detailed as follows:

- Carry out interagency security operations

with the goal of preventing, combatting, dismantling, and eradicating criminal actions throughout the Republic, though with an emphasis in the departments listed above. To that end, coordination can be undertaken with the Public Prosecutor’s Office (*Ministerio Público*, MP), Superintendency of Tax Administration (*Superintendencia de Administración Tributaria*, SAT), and other government agencies, as well as with national and international entities.

- Strengthen crime prevention domestically, prioritizing border areas and areas of high incidence of crime perpetrated by common criminals or organized criminal networks.
- Perform operations to dismantle, eradicate, and combat criminal activities.
- Generate protocols for defining criteria for actions in any operations undertaken.³⁷

All of these task forces continued their operations through the end of 2017. It should be noted that the security agents received significant assistance from the United States for their operations, which included training in the use of arms, operations in urban areas, defense and arrest tactics, compiling intelligence, traffic control, and searching for vehicles and persons,³⁸ [and] donations of Jeeps, trucks, vehicle scanners, multiband radios, and tactical equipment, among others.³⁹

Although the first task forces were initially created for ensuring security in the metropolitan area, in November 2017, the Ministry of the Interior highlighted the importance of the work being performed by the Xinca, Chortí, and Tecún Umán Task Forces in protecting the borders with El Salvador, Honduras, and Mexico in the fight against organized crime, drug-trafficking, and smuggling of contraband, given that due

to their geographic location, the countries of Central America's Northern Triangle pique the interest of transnational criminal organizations as a hub to conduct illegal activities.

The work of the aforementioned task forces, carried out under the coordination of the fifth Vice Minister of Government, entailed the 2016 launch of the Jaguar Plan in Petén department, involving raids, captures, and the identification of several trafficking routes and blind spots on the border, as well as the implementation of the Fortress Plan (*Plan Fortaleza*) in 2017, executed by the task forces together with the Special Naval Forces, due to the increase in the seizure of maritime tracks along the Pacific seaboard.

In addition, by 2018 the government had announced the reinforcement of the task forces through the launch of a new strategy: the beginning of actions by the fourth Interagency Task Force Jaguar based in the Petén and an increase in PNC troops.⁴⁰

FINANCIAL RESOURCES

Despite the Ministry of National Defense's refusal to provide information regarding human resources, it did provide data on its general finances and funding for the Army's participation in public security tasks during the 2014-2017 period.

According to the information provided, the Ministry of National Defense received an average budgetary allocation equivalent to Q2,027,029,229 (\$262.4 million) between 2014 and 2017. Despite an increase between 2014 and 2015, there was an overall decrease of 6.4% in the allocations during the period under consideration. With regard to Guatemala's overall budget, the percentage of funds earmarked for the Ministry of National Defense also decreased, representing 3% of the government's total expenditures in 2014 and 2.5% in 2017.

TABLE 1
BUDGET OF THE MINISTRY OF NATIONAL DEFENSE IN COMPARISON TO THE OVERALL BUDGET OF THE GUATEMALAN GOVERNMENT, 2014-2017

Year	2014	2015	2016	2017
Overall Budget of the Guatemalan government	Q66,985,000,000	Q70,600,000,000	70,796,000,000	77,309,000,000
MINDEF Budget	Q2,037,900,000	Q2,100,253,199	Q2,061,647,718	Q1,908,316,000
Proportion of the Government's Budget Allocated to MINDEF	3.0%	3.0%	2.9%	2.5%

Source: Integrated Accounting System of Guatemala

The Ministry of National Defense's budget does not disaggregate allocations by Land, Marine, or Air Forces, making it impossible to determine the precise amount of resources earmarked for the Army. Nonetheless, the division of funding among line item categories within the budget provide a partial understanding. Between 2015 and 2017, the line item category that received the most funding was 'Defense of Territorial Sovereignty and Integrity,' with an annual average of Q766,705,913 (\$99.2 million), or 37.9% of the entire budget (for 2014, it was not possible to obtain data disaggregated by

department). Within this category, the funding is divided amongst 'Territorial Defense,' 'Airspace Defense,' and 'Defense of Jurisdictional Waters.' The majority of the funds in this category – an annual average of Q491,534,352 (\$63.6 million) – were allocated to 'Territorial Defense' for Army operations. In comparison with the overall budget, this means that an average of 24.4% of the funds allocated to the Ministry of National Defense were earmarked for the Army, not counting those funds shared by the Army and other departments.

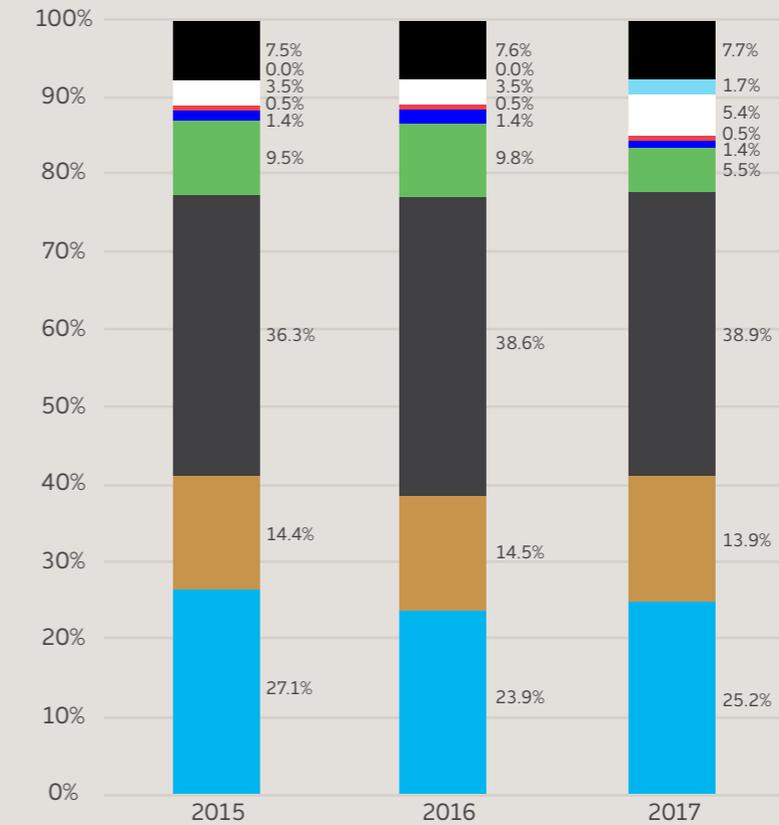
TABLE 2*
BUDGET OF THE MINISTRY OF NATIONAL DEFENSE, DISAGGREGATED BY LINE ITEM CATEGORY, 2014-2017

Line Item Category	2015		2016		2017	
	Amount	%	Amount	%	Amount	%
Central Activities	Q566,441,474	27.0%	Q492,822,902	23.9%	Q480,069,898	25.2%
Activities common to Programs 11, 12, 13 and 14, Education and Health Services	Q302,491,933	14.4%	Q298,239,460	14.5%	Q264,655,631	13.9%
Defense of Territorial Sovereignty and Integrity	Q762,105,009	36.3%	Q796,389,677	38.6%	Q741,623,053	38.9%
Prevention of Criminal Acts against Patrimony	Q198,916,098	9.5%	Q202,222,087	9.8%	Q104,349,046	5.5%
Preparation for the Mobilization of Defense, Prevention and Mitigation of Disasters	Q28,972,972	1.4%	Q29,696,735	1.4%	Q26,597,455	1.4%
Regulation of Marine Spaces	Q10,229,668	0.5%	Q10,517,859	0.5%	Q8,690,341	0.5%
Support for Peace Missions and Diplomacy	Q74,273,314	3.5%	Q74,952,267	3.6%	Q102,464,631	5.4%

Line Item Category	2015		2016		2017	
	Amount	%	Amount	%	Amount	%
Support for the Reduction of the Homicide Rate	Q0	0.0%	Q0	0.0%	Q32,559,214	1.7%
Expenses not Allocable to Programs	Q156,822,731	7.5%	Q156,806,731	7.6%	Q147,306,731	7.7%
Total	Q2,100,253,199	100.0%	Q2,061,647,718	100.0%	Q1,908,316,000	100.0%

Source: Ministry of National Defense
 *Financial data disaggregated by line item category was not available for 2014

GRAPH 1
INTERNAL ALLOCATION OF FUNDS WITHIN THE MINISTRY OF NATIONAL DEFENSE



- Expenses not allocable to programs
- Support for the reduction of the homicide rate
- Support for peace missions and diplomacy
- Regulation of marine spaces
- Preparation for the mobilization of defense, prevention and mitigation of disasters
- Prevention of criminal acts against patrimony
- Defense of territorial sovereignty and integrity
- Activities common to programs, 11, 12, 13 and 14, education and health services
- Central activities

With regard to the participation of the Army in public security, as illustrated in Table 3, the government allocated an annual average of Q70,444,267.50 (\$9.1 million USD) during the four years covered by this report. The amount allocated rose each year, increasing 3.2% between 2014 and 2015, 5.6% between 2015 and 2016, and 4.6% between 2016 and 2017. Proportionately, these amounts represented 3.2% of the Ministry of National Defense's overall budget in 2014 and 2015, 3.5% in 2016, and 3.9% in 2017.

It is important to note that, despite the implementation of the Operationalization Plan for the Gradual Withdrawal of the Guatemalan Army from Citizen Security Tasks throughout 2017, the Army's budget for public security increased during that same year as compared with the previous year. In fact, the budget allocated for 2017 was the highest of the four years under analysis, revealing an apparent gap between the government's stated goals and the financial reality at the time.

What has been described above can generate suspicion, given that it was precisely in 2017 when the plan to withdraw elements of the Army from citizen security tasks began. As such,

it is without a doubt a timely moment to analyze the quality of the execution of public funding for the Ministry of National Defense in this sense; given that while the military troops began to decrease their activities that year in public security tasks, the budgetary increase for that line item is contradictory.

On a related note, during the same year, the government publicly announced the existence of a bonus, dubbed the "extraordinary responsibility bonus," approved and charged against line item 015 (by means of Accord 10-2016), and paid on a monthly basis to some personnel who provided defense services as well as the Presidential Chiefs of Staff (*Estado Mayor Presidencial*). Through opaque means, this bonus was paid to then-President Jimmy Morales in the amount of at least Q450,000 (\$58,267.84) over a period of nine months.⁴¹ Revelation of this news caused such outrage that Morales, after a public recommendation from the General Comptroller of Accounts (*Contraloría General de Cuentas, CGC*), was ordered to "return" the controversial bonus, a situation that demonstrates the need to dig deeper into the quality of budgetary execution of this line item, and is worth future study.

withdraw military forces from public security tasks; therefore, such funds should have been allocated to strengthening the PNC.

One of the strongest criticisms leveled regarding the financial aspect at the time was that the

Ministry of National Defense's expenditures in the area of security were paid for by the Ministry of the Interior, while in any event the reasonable thing would have been to invest those funds in strengthening the PNC.⁴³

PLAN TO WITHDRAW FROM PUBLIC SECURITY TASKS

"A strong and democratic State is one that does not utilize violence to function."⁴⁴

After the signature of Peace Accords and establishment of the PNC, successive governments made commitments to strengthen and professionalize the PNC and, when it had sufficient capacity, withdraw the Armed Forces from police functions. Despite their declarations, as can be seen in the preceding sections, administrations continued expanding the role of the Armed Forces in public security for nearly the past 20 years.

The military program in support of the PNC remained in force during several administrations, including its creation under the Óscar Berger administration and continuation during the administrations of Álvaro Colom, Otto Pérez Molina, Alejandro Maldonado, and part of Jimmy Morales' administration, who became president in 2016. Notwithstanding, as one of the commitments assumed by Guatemala under the Plan of the Alliance for Prosperity in Central America's Northern Triangle promoted by the United States government, the support provided by members of the Army was finally reduced.⁴⁵

In January 2016, Francisco Rivas assumed control over the Ministry of the Interior. In his capacity as Minister, he demonstrated – for the first time since 2000 – a real commitment to

strengthening the PNC, prioritizing training of security agents, transparency from the Ministry, and improved financial administration, among other areas.⁴⁶ His administration also considered designing a plan and timeline for limiting the role of the Armed Forces in internal security, discussed and analyzed by the National Security Council, which deemed that the aforementioned plan should be classified as reserved information.

In December 2016, the National Security Council finalized and approved the Operationalization Plan for the Gradual Withdrawal of the Guatemalan Army from Citizen Security Tasks.⁴⁷ This plan entered into force in January 2017 with the goal of withdrawing the Armed Forces from police functions in three phases:⁴⁸

1. During the first four months of 2017: restructure and reorganize the CERSC, participating solely at the request and in accompaniment of the PNC in five departments and 30 municipalities of the country, identified as the 'red zone.'
2. In the second four-month period of the year: withdraw 50% of the personnel comprising the CERSC, ceasing their support duties, and remaining solely by request of the PNC only in 11 municipalities of the departments included in the 'red zone.'
3. By the end of 2017: withdraw the entirety of

TABLE 3
BUDGET ALLOCATION OF THE MINISTRY OF NATIONAL DEFENSE FOR THE PARTICIPATION OF THE ARMY IN PUBLIC SECURITY TASKS

Year	2014	2015	2016	2017
Amount	Q66,108,417.93	Q68,229,703.02	Q72,071,296.17	Q75,367,652.89

Source: Ministry of National Defense

In 2016, the Army's spokeswoman indicated that the increase in recent years was due to the addition of four units to the Citizen Security

Squadron and other units entailing an increase in personnel, an assertion that contradicts the fact that 2017 saw the beginning of the plan to

the CERSC, leaving its responsibilities to the PNC (save those duties that support tasks of border security, guarding the perimeters of jails, and humanitarian assistance during natural disasters).

During the second phase of the plan, the CERSC personnel must perform the tasks related to 1) national borders and defense against transnational threats – cooperative and national security; 2) protection of critical infrastructure and contribution to national development – national security; 3) institutional support within the sphere of internal security – public and citizen security; and 4) cooperation within the sphere of risk management, civil defense and the national system for assistance during natural disasters – public and citizen security. The support provided by the Army in 2017 in the sphere of citizen security thus depended on the requirements made by the PNC.⁴⁹

As has been noted, throughout 2017, progress was made in executing the Plan by reducing the presence of the Armed Forces from 30 zones

to 11 and withdrawing some 2,100 troops from police duties.⁵⁰ To that end, the PNC was strengthened in parallel fashion, and would go on to assign nearly 40,000 agents to citizen security activities.⁵¹

Nonetheless, in December of that same year, two weeks prior to the time planned for the completion of the entire withdrawal, the Ministry of National Defense asked the Ministry of the Interior to postpone the final withdrawal of the Armed Forces for an additional three months, until the end of March 2018. As such, by the end of the period under study, some 4,200 members of the Armed Forces remained in public security tasks in several zones in the country.⁵²

Lastly, in April 2018, then-President Jimmy Morales announced fulfillment and the end of the Plan, indicating that this would not entail a reduction of the Army but rather, its reinforcement and modernization in the face of the significant threats faced by the country.⁵³

CONDUCT OF THE ARMED FORCES

The most visible aspect of military presence in governmental management work was the joint patrols between military troops and police agents (which began in 2000, as a result of Decree 40-2000). A mechanism which began as an element of the support provided by the Ministry of National Defense to the PNC—which generated strong arguments as to its constitutionality—was later considered commonplace and was perpetuated by many successive governments.⁵⁴

Particularly in the government of the Patriot Party, the “iron fist” (*mano dura*) motto materialized through a “security policy” that was essentially based on the appointment of retired

soldiers in government positions, particularly in managing policies affecting security; the use of the Army in matters of citizen security; and the increased militarization of territories, utilizing old mechanisms of counterinsurgency military intelligence for societal control – identification, tracking, execution, and repression.⁵⁵

In this regard, the problem of violence cannot be simply reduced to gangs or ‘heavy crime,’ as more or less 60% of the population is affected by extortion, which translates into the absence of the government⁵⁶ (that is, it will not be resolved due to the mere presence of Army elements in security tasks).

Experts in this field interpreted these actions as a means of repositioning the military as the sole ‘guarantor’ of security in the country, which could open the doors to some sectors of the population accepting it as a regular political actor.⁵⁷

Against this backdrop, many experts in the field of security assert that, despite the use of the Armed Forces in police duties, visible improvements were not made in public security. Even worse, but predictable, the domestic deployment of the military led to growing tension between the Armed Forces and the general public as well as periodic incidents of violence. In fact, according to the Office of the High Commissioner for Human Rights (OHCHR) in Guatemala, in two zones where task forces operated in 2014, homicides rose from 5% to 39%, “despite a reduction in 2012 when said task forces began operations.”⁵⁸

In this vein, an analyst in the security field affirmed that, while it is true that the task forces gained control over the country, the public, and criminal groups, those achievements are not sustainable over time and, ultimately, do not prevent crime. For example, the occupation of Zone 18 led criminal groups to move to other areas, though not before first identifying individuals who may

have assisted the task forces, thereby making them vulnerable to later being threatened or suffering attacks. As such, the task forces depart and simply leave communities with no one to defend them.⁵⁹

ACCOUNTABILITY

All legal complaints regarding accountability for alleged human rights violations committed by the Armed Forces are managed by the Human Rights Ombudperson’s Office (*Procurador de los Derechos Humanos*, PDH). As part of the research for this report, the Central America Monitor requested information from the Ministry of National Defense regarding the number of investigations into human rights violations perpetrated by members of the Army. However, the Ministry declared that such figures did not exist “by virtue of the fact that the Ministry of National Defense does not perform investigations.” According to the PDH and shown in Table 3, a total of 172 complaints were received during the period under study, or an average of 43 complaints per year. It should be highlighted that these figures only represent the complaints received by the PDH and omit unreported incidents or unfiled cases; as such, the real number of human rights violations is likely much higher.

TABLE 4
NUMBER OF COMPLAINTS AGAINST MEMBERS OF THE MILITARY FOR HUMAN RIGHTS VIOLATIONS SUBMITTED TO THE PUBLIC PROSECUTOR’S OFFICE AND OFFICES OF HUMAN RIGHTS OMBUDSPERSONS

Year	2014	2015	2016	2017
Number of complaints	47	47	44	34

Source: Ministry of National Defense and Human Rights Ombudperson’s Office

Lacking data regarding the types, management, and resolution of these cases, reports from human rights organizations provide some anecdotal examples that allow analysis of these incidents.

The OHCHR recorded an incident in July 2015 when, in San Pedro Yepocapa, Chimaltenango, “five soldiers of the Marshall Zavala Military Brigade brutally beat two adolescents after the latter resisted an inspection. A video of the incident was published on social media, leading to the opening of judicial proceedings against the soldiers for abuse against minors and abuse of authority.”⁶⁰ That same year, the Inter-American Commission on Human Rights (IACHR) documented that the Army had deployed military detachments on ancestral indigenous lands and territories, representing a violation of the Peace Accords.⁶¹

In 2016, the OHCHR and PDH documented cases in which soldiers raped a girl in Retalhuleu,⁶² assaulted students in their school in San Pedro Ayampuc, and assaulted a young man in a park in Huehuetenango.⁶³

PUBLIC CONFIDENCE IN THE ARMY

Surveys administered by *Latinobarómetro* between 2015 and 2017 provide some interesting data regarding the degree of public trust in the Army, as shown in Table 4. Analyzing the responses of the general public, there were

few changes between 2015 and 2016. In 2015, 42.8% of the population declared they had a lot or some trust in the Armed Forces, while 54.4% had little or none.⁶⁴ In 2016, 44.6% said they had a lot or some trust, while 52.6% had little or none.⁶⁵ Nonetheless, in 2017 there was a marked loss of trust as compared with the previous years, with 35.4% reporting having a lot or some trust in the Armed Forces, while 62.7% had little or none.⁶⁶ A possible explanation for this change might be the disclosure of cases involving members of the Armed Forces. On one hand, criminal cases within the framework of transitional justice were publicly revealed to the public, as was seen with the Molina Theissen case.⁶⁷ The drop in trust may also be attributed, at least in part, to some independent media outlets implicating Army members in crimes committed by organized criminal networks.⁶⁸

Disaggregating the responses by sex reveals another important trend. *Latinobarómetro*'s polling between 2015 and 2017 shows that Guatemalan men expressed more trust in the Armed Forces than did the women each year. In 2015, 51.2% of men reported having a lot or some trust in the Armed Forces, while only 35.3% of the women shared that sentiment. In 2016, 48.8% of men and 41% of women reported having a lot or some trust in the Armed Forces. In 2017, although public trust dropped significantly, a clear disparity remained: 42.2% of men and 29.4% of women reported having a lot or some trust in the Armed Forces.

TABLE 5
EXTENT OF PUBLIC TRUST IN THE ARMED FORCES*

Response	2015			2016			2017		
	Overall population	Sex of respondent		Overall population	Sex of respondent		Overall population	Sex of respondent	
		Men	Women		Men	Women		Men	Women
A lot	23.8	27.7	20.3	23.1	25.1	21.4	16.5	20.5	12.9
Some	19.0	23.5	15.0	21.5	23.7	19.6	18.9	21.7	16.5
Little	32.0	28.4	35.1	30.5	29.2	31.6	36.6	34.8	38.2
None	22.4	18.4	25.9	22.1	19.9	24.1	26.1	21.9	29.9
Don't know	2.9	1.9	3.7	2.5	1.9	3.1	2.5	1.9	3.1
No response	n/d	n/d	n/d	0.2	0.2	0.2	0.2	0	0.4

Source: *Latinobarómetro*
*No data available for 2014

ACRONYMS AND ABBREVIATIONS

CERSC	Squadrons of the Special Reserve Corps for Citizen Security
IACHR	Inter-American Commission on Human Rights
IDPP	Institute of Criminal Public Defense
INACIF	National Institute of Forensic Science
FMM	Myrna Mack Foundation
MP	Public Prosecutor's Office
OHCHR	Office of the United Nations High Commissioner for Human Rights
OJ	Judiciary
PDH	Human Rights Ombudsperson's Office
PNC	National Civilian Police
WOLA	Washington Office on Latin America

NOTES

¹A detailed list of indicators is available in English at <https://www.wola.org/cam/>, and in Spanish at <https://www.wola.org/es/cam/>.

²La seguridad ciudadana y el proceso de paz en Guatemala [Citizen Security and the Peace Process in Guatemala]. René Zamora. Chapter from the book "Paz, reconciliación y justicia transicional en Colombia y América Latina" [Peace, Reconciliation, and Transitional Justice in Colombia and Latin America]. Editorial Pontificia Universidad Javeriana. 2018. Pages 50-51.

³Reforma policial en Guatemala: Obstáculos y oportunidades [Police Reform in Guatemala: Obstacles and Opportunities]. International Crisis Group. 2012. Page 5. Available at: <https://d2071andvip0wj.cloudfront.net/043-policy-reform-in-guatemala-obstacle-and-opportunities-spanish.pdf>.

⁴The Ministry of National Defense: Proyecto de Lineamientos de Política Económica, Social y de Seguridad 2011-2021 [Project on Guidelines for Economic, Social, and Security Policy, 2011-2021]. Centro de Investigaciones Económicas Nacionales [Center for National Economic Research] (CIEN). April 2015. Page 9. Available at: http://www.mejoremosguate.org/cms/content/files/biblioteca/propuesta/Ministerio_de_la_Defensa_Nacional.pdf.

⁵Balance de la participación del Ejército en la seguridad ciudadana [Assessment of the Participation of the Army in Citizen Security]. Centro de Estudios de Guatemala [Center of Studies on Guatemala]. 2007. Pages 1-2. Available at: <http://www.ceg.org.gt/images/documentos/publicaciones/Balancedeseguridad3.pdf>.

⁶<https://www.mindef.mil.gt/Quienes%20Somos/quienesomos-historia.html>.

⁷Chapter V of the Political Constitution includes Articles 244 through 250. For more information, see: https://www.oas.org/dil/esp/Constitucion_Guatemala.pdf.

⁸Political Constitution of the Republic of Guatemala. 1985 (with reforms from 1993). Available at: https://www.oas.org/dil/esp/Constitucion_Guatemala.pdf

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¹⁰Informe de la Misión de Observación Electoral a Guatemala - Consulta Popular del 16 de Mayo de 1999 - Reformas Constitucionales [Report from the Electoral Observation Mission to Guatemala – May 16, 1999 Popular Plebiscite – Constitutional Reforms]. Organization of American States. September 1, 2000. Available at: <https://www.oas.org/sap/docs/misiones/1999/CP07443S04%20Guatemala%20ESP.pdf>.

¹¹1999: Rechazo a Reformas Constitucionales [1999: Rejection of Constitutional Reforms]. Prensa Libre. Néstor Galicia. May 15, 2015. Available at: <https://www.prensalibre.com/hemeroteca/1999-rechazo-a-reformas-constitucionales/>.

¹²Acuerdo Gubernativo Número 90-96 [Governmental Accord Number 90-96]. March 7, 1996. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/images/leyes_y_reglamentos/acuerdo_gubernativo_90-96.pdf.

¹³Decreto Número 40-2000 [Decree Number 40-2000]. June 16, 2000. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/images/leyes_y_reglamentos/40_2000.pdf.

¹⁴Acuerdo Gubernativo Número 87-2000 [Governmental Accord Number 87-2000]. February 22, 2000. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/images/leyes_y_reglamentos/empenamiento/acuerdo872001.pdf.

¹⁵Acuerdo Gubernativo Número 264-2001 [Governmental Accord Number 264-2001]. June 28, 2001. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/images/leyes_y_reglamentos/empenamiento/acuerdo_gubernativo_264_2001.pdf.

¹⁶Acuerdo Gubernativo Número 178-2004 [Governmental Accord Number 178-2004]. June 17, 2004. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/images/leyes_y_reglamentos/acuerdo_gubernativo_no178-2004.pdf.

¹⁷Acuerdo Gubernativo Número 216-2011 [Governmental Accord Number 216-2011]. June 29, 2011. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/images/leyes_y_reglamentos/acuerdo_gubernativo216-2011.pdf.

¹⁸Decreto 18-2008 [Decree 18-2008]. March 11, 2008. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/images/leyes_y_reglamentos/ley_marco_d018-2008.pdf.

¹⁹The maximum authority of the National Security System is the National Security Council, comprised of the President, Vice President, Minister of Foreign Affairs, Minister of Government, Minister of National Defense, Secretary of Strategic State Intelligence, and Public Defender of the Nation.

²⁰Acuerdo Gubernativo Número 31-2015 [Governmental Accord Number 31-2015]. January 20, 2015. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/images/leyes_y_reglamentos/creacion_cersc.pdf.

²¹Acuerdo Gubernativo Número 115-2017 [Governmental Accord Number 115-2017]. June 6, 2017. Available at: <https://sgp.gob.gt/wp-content/uploads/2017/06/AG->

115-2017-1.pdf.

²²El Ministerio de la Defensa Nacional: Proyecto de Lineamientos de Política Económica, Social y de Seguridad 2011-2021 [The Ministry of National Defense: Project on Guidelines for Economic, Social, and Security Policy, 2011-2021]. Centro de Investigaciones Económicas Nacionales [Center for National Economic Research] (CIEN). April 2015. Page 9. Available at: http://www.mejoremosguate.org/cms/content/files/biblioteca/propuesta/Ministerio_de_la_Defensa_Nacional.pdf.

²³Procedimiento para Brindar Apoyo a las Fuerzas de Seguridad Civil [Procedure for Providing Support to Civilian Security Forces]. Ministry of National Defense. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/imagenes/leyes_y_reglamentos/empenamiento/procedimiento_apoyo_fuerzas_seguridad_civil.pdf.

²⁴Procedimiento para Brindar Apoyo a las Fuerzas de Seguridad Civil [Procedure for Providing Support to Civilian Security Forces]. Ministry of National Defense.

²⁵All of the rules of engagement for the Armed Forces in support of public security can be found in the Ministry of National Defense's virtual library. Available at: <https://www.mindef.mil.gt/biblioteca%20virtual/biblioteca%20virtual.html>.

²⁶These regulations incorporated guidelines from two international commitments ratified by the State of Guatemala to govern the conduct of any State actor with responsibility for enforcing the law: 1) The Código de conducta para funcionarios encargados de hacer cumplir la ley [Code of Conduct for Officials Responsible for Enforcing the Law], adopted by the United Nations General Assembly through Resolution 34/169 of December 17, 1979 and 2) Principios básicos sobre el empleo de la fuerza y de armas de fuego por los funcionarios de hacer cumplir la ley [Basic Principles Regarding the Use of Force and Firearms by Officials to Enforce the Law], adopted by the Eighth Congress of the United Nations on Crime Prevention and Treatment of Criminals, held in Havana, Cuba from August 27 through September 7, 1990.

²⁷Reglas de Empleo para Unidades que Participan en Apoyo a la Seguridad Pública [Employment Rules for Units Participating in Providing Support for Public Security]. Ministry of National Defense. Available at: https://www.mindef.mil.gt/biblioteca%20virtual/imagenes/leyes_y_reglamentos/empenamiento/comportamiento_%20individual_civil.pdf.

²⁸Tras casi 18 años de apoyo a la seguridad ciudadana, Ejército se retira de las calles de Guatemala [After Nearly 18 Years of Support to Citizen Security, Army Withdraws from Streets of Guatemala]. Relief Web. March 31, 2018. Available at: <https://reliefweb.int/report/guatemala/tras-casi-18-os-de-apoyo-la-seguridad-ciudadana-er-cito-se-retira-de-las-calles-de>.

²⁹Situación de los Derechos Humanos en Guatemala [State of Human Rights in Guatemala]. Inter-American Commission on Human Rights. Organization of American States. December 31, 2017. Available at: <http://www.oas.org/es/cidh/informes/pdfs/Guatemala2017-es.pdf>.

³⁰https://www.mindef.mil.gt/grados_militares/grados_militares.html.

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³²Pérez Molina instala fuerza de seguridad policial con participación militar [Pérez Molina Installs Police Security Force with Military Participation]. La Información. November 6, 2012. Available at: https://www.lainformacion.com/espana/perez-molina-instala-fuerza-de-seguridad-policial-con-participacion-militar_DMkQKYttJMn9vqJz0vxqE5/.

³³Presentan fuerza de tarea Tecún Umán [Tecún Umán Task Force Presented]. Soy502. December 16, 2013. Available at: <https://www.soy502.com/articulo/presentan-fuerza-de-tarea-tecun-uman>.

³⁴Honduras y Guatemala instalan Fuerza Maya-Chortí [Honduras and Guatemala Install Maya-Chortí Task Force]. El Heraldo. March 23, 2015. <https://www.elheraldo.hn/pais/824756-214/honduras-y-guatemala-instalan-fuerza-maya-chort%C3%AD>.

³⁵Created in 2016, according to Accord 32-2016. Information available at: <https://www.prensalibre.com/guatemala/justicia/publican-acuerdo-que-da-vida-a-fuerza-de-tarea-xinca/>

³⁶Fuerza de Tarea Xinca funcionará en cinco departamentos [Xinca Task Force Will Operate in Five Departments]. Geldi Muñoz. Prensa Libre. January 15, 2016. Available at: <https://www.prensalibre.com/guatemala/justicia/publican-acuerdo-que-da-vida-a-fuerza-de-tarea-xinca/>.

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The Central America Monitor is a subregional project that seeks to assess the level of progress being made by the countries of Guatemala, Honduras and El Salvador in the areas of strengthening the rule of law, reducing violence, combatting corruption and organized crime, and protecting human rights through the use of a series of indicators. The project also monitors and analyzes international cooperation programs in the aforementioned areas.

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