

## GUATEMALA

### CAT Article 20 Examinations Re: Systematic Torture

CAT, CAT/C/37/2 (2006)

### Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment

1. At the 36th in May 2006 the Committee against Torture requested that the Secretariat provide it with a note on the experience to date of article 20 inquires as well as elements for possible inquiry in several countries: Colombia, Guatemala, Nepal, Togo and Uzbekistan. The present conference room paper seeks to respond to that request.

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24. The Committee against Torture examined the fourth periodic report of Guatemala during its 36th session (1-19 May 2006). In its Concluding Observations<sup>8</sup>, the Committee did not refer to torture as a common or systematic practice in the State party. However, the Committee expressed a number of concerns, *inter alia*, "the Committee is seriously concerned about the numerous allegations concerning the "social cleansing" and killings of children living in the street and marginalized areas (...); the increase in violent killings of women (...); the lynchings of individuals (...)."

### 25. OFFICIAL SUBMISSIONS BY NON-GOVERNMENTAL ORGANIZATIONS:

No direct reference to a current practice of systematic torture.

a) NGO Coalition, Human Rights Violations in Guatemala: According to the report, although civil society organizations cannot prove that human rights violations are a State policy, the lack of action by the State party to prevent these violations is obvious. As in other non-governmental reports, reference is made to social cleansing and an increase of violent practices carried out by private individuals. Hence, it is alleged that the State is accountable for its failure to act.

b) FIDH, The Death Penalty in Guatemala

c) Amnesty International, A Summary of Concerns

d) Rehabilitation and Research Centre for Torture Victims (RCT), Statement to CAT on Guatemala

26. OTHER DOCUMENTS:

No direct reference to a current practice of systematic torture.

a) Note from OHCHR field office in Guatemala

b) Reports of the Ombudsman (Procurador de los Derechos Humanos) to CAT (in Spanish): The reports point out the findings of the Historical Clarification Commission which established that during the internal conflict (1960-1996) torture was practised systematically by State agents. Although the reports detail a number of concerns (similar to those highlighted by the non-governmental organizations), there are no references to a current practice of systematic torture.

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8/ CAT/C/GTM/CO/4, 25 July 2006