

5 things you should know about criminal detention in GUATEMALA in 2023

1 Prison system

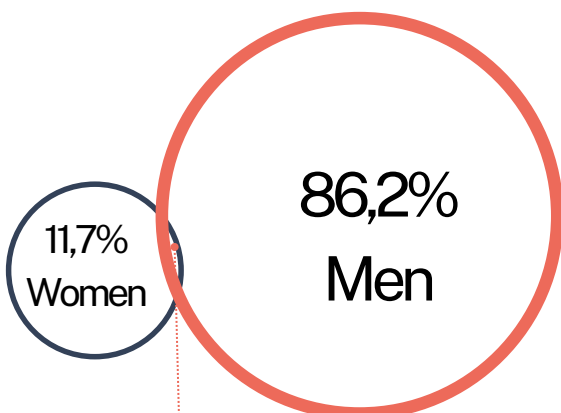
Organised by: Dirección General del Sistema Penitenciario

- The regulation of detention centers (including remand centers) is governed by the Law on the Penitentiary Regime, Legislative Decree 33-2006



2 Prison population

- Total of 24 134 detainees (including pre-trial detainees and remand prisoners) as of May 2023
- Almost half of those detained are pre-trial detainees (47%)
- Overcrowding level 293,2%
- According to World Prison Brief Data, Guatemala has some of the worst overcrowding rates in the world
- Women represent 11,7% of the total prison population



no available data about LGBTQIA+ people

3 Human Rights Bodies Perspectives on Guatemalan Prisons

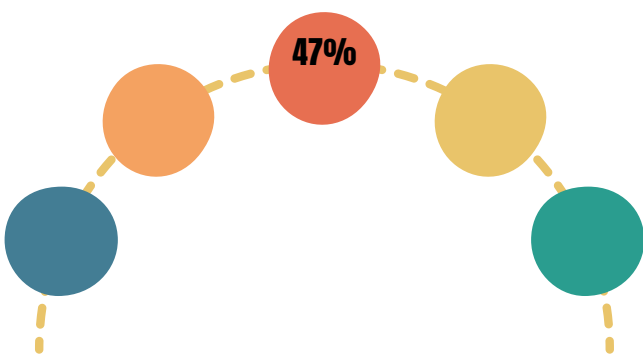
- In her 2021 report on Guatemala, the UN High Commissioner for Human Rights raised concern as to the increasing practice of 'detaining people (...) for unreasonable periods of time without formal custody orders'
- Ms. Bachelet also warned about the increase in the misuse of criminal law against human rights defenders



4 Pre-trial detention

In relation to criminal process, almost half of all detainees (47%) detainees are on pre-trial detention

Pre-trial detention



5 Gang Violence in Prison

- In May 2021, several inmates were killed, most beheaded in gang violence in Cantel Prison, Quetzaltenango
- Cantel Prison houses inmates from both the Mara, Salvatrucha and their rival Barrio 18 gang
- Built to house five hundred inmates, at that time the prison housed over 4 times that number. These extreme numbers of overcrowding continue



CRIMINALISING INDIGENOUS HUMAN RIGHTS DEFENDERS

THE CASE OF BERNARDO CAAL XÓL



FACTS

- Bernardo Caal Xól is a 50-year-old indigenous teacher, trade unionist and leader of the peaceful resistance of Cahabón, a collective of 38 Maya Q'eqchi' communities in the northern department of Alta Verapaz in northern Guatemala
- On the 30 January 2018, he was wrongfully imprisoned for his work defending the rights of the Maya Q'eqchi' communities. He was sentenced to 7 years in prison, as he waited in pre-trial detention, his appeal was suspended several times
- Mr. Caal Xól's health deteriorated in prison and UN experts warned of the prison's poor infrastructure, food and health services; urging the Guatemalan Government to take immediate and effective measures to protect his health and safety

4 years too late

- Mr Bernardo Caal Xól was released after more than 4 years of imprisonment, punished for his work defending human rights and the environment
- Amnesty International considers him a 'prisoner of conscience' and just the tip of the iceberg of Guatemala's 'common tactics' of using unfounded criminal prosecutions to obstruct the work of human rights defenders, particularly environmentalists and indigenous people



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