

Annex 7: Guatemala: Agreement to create an Analysis Institution (2008)



MINISTRY OF THE INTERIOR

Agreement to create an Institution for the Analysis of Attacks against Human Rights Defenders in Guatemala.

MINISTERIAL AGREEMENT NO. 103-2008 Guatemala, 10 January 2008

Whereas in accordance with Article 36 of the law of the Executive, the Ministry of the Interior is responsible for formulating policies, complying and ensuring compliance with the legal system in order to maintain peace and public order, the safety of individuals and their assets and to guarantee their rights; and that for this purpose it is responsible, inter alia, for drawing up and implementing plans for public safety and for all matters relating to the maintenance of public order and the safety of individuals and their assets;

Whereas in enforcing these powers for the purposes of preventing attacks against human rights defenders in Guatemala, it is advisable to establish a institution whose function shall be to analyse the patterns of these attacks, if they exist, by means of specific scientific methodology that is approved and agreed by all parties;

Therefore

In exercising the functions assigned under Article 194, subsections a) and f) of the Political Constitution of the Republic of Guatemala, and based on the provisions of Article 27, subsections c), f) and m) and Article 36, subsection m), of the Law of the Executive, Decree 114-97, of the Congress of the Republic,

It is hereby agreed

ARTICLE 1 - To create an Institution for the Analysis of Attacks against Human Rights Defenders in Guatemala, hereafter "the Institution", reporting to the First Vice-Minister of the Ministry of the Interior, whose function will be to analyse, in context, the patterns of attacks against human rights observers and defenders, if they exist, by means of specific scientific methodology approved and agreed upon by the members of this Institution.

This institution shall be set up for four years from the date this agreement comes into force.

ARTICLE 2 - The institution shall be made up of:

- a) A representative from the Ministry of the Interior, who will act as coordinator;
- b) A representative from the General Directorate for Civil Intelligence (DIGICI);
- c) The Head of the Human Rights Department of the Criminal Investigation Division (DINC) of the National Civil Police;
- d) A representative from the Public Prosecutor's Office, specifically the Public Prosecutor from the Human Rights Department;
- e) Two representatives from national human rights organisations;
- f) One representative from an international human rights organisation.

The members of the institution shall be public servants at the highest hierarchical level within the institution they represent, or be specially designated representatives for this specific purpose, who exercise sufficient power to take decisions within the institution they represent. They will offer their services to the institution without remuneration.

ARTICLE 3 - The members of the institution shall provide the necessary information, in accordance with their particular area of competence, to study the cases to be analysed in the course of their work, complying with any restrictions established by law on this issue. The governmental institutions and civil organisations involved shall facilitate and provide their full cooperation for the analysis of each case in the study, the purpose of which shall be to identify patterns of attack against human rights defenders.

ARTICLE 4 - The institution will hold an ordinary meeting once a week and an extraordinary meeting whenever necessary, subject to advance notice from the coordinator. Its reports or recommendations shall be approved by consensus.

ARTICLE 5 - The quorum for a meeting of the institution to be considered valid shall be half the number of members plus one.

ARTICLE 6 - The institution shall draft a set of rules of procedure and shall allocate tasks that are of a strictly administrative nature, within sixty days of the date this agreement comes into effect.

ARTICLE 7 - This agreement shall become effective on the day following its publication in the *Diario del Centro América*.

Let it be notified



Adela Comacho de Torreblanca
Ministra de Gobernación



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