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## **Country Profile Guatemala Preliminary Findings on Best Practices**

### Justice System Background

The criminal procedure system in Guatemala was formerly inquisitorial and carried out secretly in writing. This system has been replaced by an adversarial system, which includes an oral process, as well as public trials as the main decision-making procedure. The duties of investigation, charge filing, and judgment have been assigned, respectively, to the police (PNC), The Public Prosecutors Office (MP) and the Judiciary. The enactment of the Criminal Procedural Code, in force since 1994, intended to achieve a criminal justice system that was more agile and effective in the prosecution of crimes, in particular crimes of high social impact. The MP has an annual budget line item in the General Budget of the Nation so as not to be dependent on any other ministry.

The MP may require the cooperation of any official and administrative authority of any governmental bodies for the performance of its duties. These bodies are

to ensure that the illegal organizations and their clandestine structures, now organized crime groups, continue operating in impunity.<sup>6</sup>

Following the failure of a 1999 referendum on a legislative reform package meant to codify many of the Peace Accord agreements, Guatemalan NGO's and their international partners<sup>7</sup>, as well as UN procedures<sup>8</sup> started developing a series of reports and proposals that chronicled the substantial weaknesses

