UN Programme of Action
Reporting Tool

Guatemala

2014

SECTION 1: POINTS OF CONTACT

Sources	National Coordination Agency	
PoA II.4	1. Has your country established a National Coordination Agency or other body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects?	--- Select ---

Sources	National Point of Contact	
PoA II.5, 24	2. Does your country have a National Point of Contact designated to act as a liaison on matters relating to the implementation of the UN Programme of Action on Small Arms (PoA)?	Yes
	2.1. Details: a) Name : Ministerio de Relaciones Exteriores b) Organization or agency : Dirección de Política Multilateral c) Address : 2a. Avenida, 4-17, zona 10, ciudad. d) Telephone number(s) : (+502) 2410-0190 y (+502) 2410-0100 e) Fax number : (+502) 2410-0091 f) Email : dipom@minex.gob.gt y digrime@minex.gob.gt	
ITI 25	2.2 Is the National Point of Contact identified above also responsible for exchanging information and liaising on matters relating to the International Tracing Instrument (ITI)?	Yes
GGE Report para 63(ix)	3. Is the National Point of Contact identified above in either Q. 2 or 2.3 also responsible for exchanging information and liaising on matters relating to brokering in SALW?	Yes

SECTION 2: MANUFACTURE

Sources	Laws, regulations and administrative procedures	
PoA II.2	4. Are there any SALW manufactured in your country?	No

International assistance		
PoA III.6	5. Does your country wish to request assistance in developing laws, regulations and/or administrative procedures regarding SALW manufacture?	Yes
	5.1 What kind of assistance do you require? Capacitación en cuanto a la fabricación de armas de fuego, tráfico ilícito (e-trace, sistema IBIS), y en asistencia legal, administrativa y judicial.	
	5.2 Has your country developed a project proposal for assistance?	No

SECTION 3: INTERNATIONAL TRANSFERS

Sources	Laws, regulations and administrative procedures	
PoA II.2, 12	6. Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?	Yes
PoA II.11	6.1. List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW. 1. Ley de Armas y Municiones, Decreto 15-2009 2. Reglamento de la Ley de Armas y Municiones, Acuerdo Gubernativo 85-	

Licensing and authorisation

PoA II.11 **6.2. Does a person or an entity who transfers SALW require a licence or other form of authorisation to transfer SALW from/into your country?** Yes

PoA II.3 **6.3. Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country?** Yes

PoA II.11 **6.4. Name the relevant international commitments that your Government applies or considers when assessing an application for export authorisation.**

Guatemala no fabrica armas, por lo que no se da la exportación de éstas. Ahora bien, según el Artículo 31 de la Ley de Armas y Municiones, los fabricantes no necesitarán licencia especial de la Dirección de Control de Armas y Municiones (DIGECAM) para exportar, siempre que tal actividad se encuentre incluida en el objeto del negocio, pero tendrán que solicitar a la DIGECAM un certificado de autorización de transferencia.

6.5. What kind of documentation does your country require prior to authorising an export of SALW to another country?

PoA II.12 **a) An end-user certificate (EUC) from the importing country** Yes

i) What elements does an end-user certificate in your country contain (check relevant boxes)?

- **1) Detailed description (type, quantity, characteristics) of the SALW or technology** ☑
- **2) Contract number or order reference and date** ☐
- **3) Final destination country** ☑
- **4) Description of the end-use of the SALW** ☑
- **5) Exporter's details (name, address and business name)** ☑
- **6) End-user information (name, position, full address and original signature)** ☑
- **7) Information on other parties involved in the transaction** ☐
- **8) Certification by the relevant government authorities of the authenticity of the end-user** ☐
- **9) Date of issue** ☑
- **10) Other** ☐

b) Other types of end-user documentation

6.6. When exporting, does your country places any restriction on re-export of SALW? Yes

If so, what are the restrictions placed on re-export?

a) Re-export permitted only when there is prior notification --- Select ---

b) Re-export permitted only when there is prior approval --- Select ---

PoA II.12 **6.7. Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided?** Yes

6.7.1 Details:

Se hace de acuerdo con los requisitos establecidos en el Artículo 8 de la Ley de Armas y Municiones. Artículo 8. Exportación de armas de fuego y municiones. Las personas individuales o jurídicas autorizadas para la fabricación de armas de fuego y municiones, no necesitarán licencia especial de la DIGECAM para exportarlas, siempre que tal actividad se incluya en el objeto del negocio. Deberán previamente solicitar a la DIGECAM, por escrito, un certificado de autorización de transferencias de lotes de armas de fuego, sus piezas, componentes y municiones, que tendrá validez de un (1) año, debiendo remitir lo siguiente: a) Formulario de solicitud emitido por la DIGECAM. b) Listado de armas de fuego con su respectivo número de serie, marca, modelo, calibre. c) Listado de municiones, con su respectivo número de lote, marca y calibre. d) Licencia o certificación de importación del país de destino. e) Indicación del destinatario y la cantidad de la exportación. En toda exportación deberán utilizar certificados autenticados de usuario final. Para obtener una licencia de exportación de armas y municiones deben cumplirse con los mismos requisitos de la importación, además cumplir con lo establecido en el artículo 98 de la Ley de Armas y Municiones.

6.8. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation? Yes

6.8.1 Details:

Verificación del cumplimiento de los requisitos establecidos en el Artículo 8 del Reglamento de la Ley de Armas y Municiones y de la autenticidad de la documentación presentada en su versión original.

6.9. Does your country permit the export of SALW without a licence or under simplified procedure under certain circumstances? No

Post-delivery controls

6.10. When exporting, does your country require a Delivery Verification Certificate (DVC) to confirm that SALW have reached their intended end-user or intended importer in the importing State? No

6.11. After exporting, does your country verify or seek to authenticate DVCs provided? No

6.12. When importing, does your country grant the right to the exporting State to conduct a physical check at Yes

the point of delivery?

Sources — Marking at import

ITI 8b

6.13. Does your country require that SALW imported into your country be marked at the time of import? Yes

6.13.1. Who is required to mark the SALW?
La Dirección General de Control de Armas y Municiones (DIGECAM).

6.13.2. What information is included in the marking on import (check relevant boxes)?

- a) Country of import ☐
- b) Year of import ☐
- c) Other ☑ Marca GUA.

6.13.3. Are there exceptions to the requirement to mark imported SALW? No

6.13.4. If marked SALW imported into your country do not bear a *unique* marking when they arrive, does your country require that they be given such a marking? Yes

6.13.4.1 Details:
El Artículo 38 de la Ley de Armas y Municiones y el Artículo 49 de su Reglamento, establecen que en el caso de los componentes específicos, tales como los cañones, marcos y cajones de mecanismos que no posean su número de serie, le será estampado uno por la Dirección General de Control de Armas y Municiones (DIGECAM). En cuanto a las armas de fuego, según el Reglamento de la Ley de Armas y Municiones, en el Artículo 52 se establece que cuando un arma de fuego carezca de número de serie de fábrica, la DIGECAM realizará la evaluación técnica para determinar la legítima fabricación de la misma, y de ser así, procederá al marcaje de dicha arma, asignándole un número que la identifique. Todas las armas importadas se marcarán con la leyendo GUA.

Sources — Record Keeping

PoA II.9; ITI 12

6.14. Does your country require that exporters and importers of SALW keep records of their activities? Yes

6.14.1. What information must be recorded (check relevant boxes)?

- a) Quantity of SALW traded ☑
- b) Type or model of SALW traded ☑
- c) Markings appearing on transferred SALW ☑
- d) Transactions ☑
  - i) Identity of buyer/seller ☑
  - ii) Country SALW are to be delivered to or purchased from ☑
  - iii) Date of delivery ☐
- e) Other ☐

6.14.2. How long must records of transfers be kept? Indefinitely

Sources — Actions taken during the reporting period

PoA II.6

6.15. During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution)? No

International assistance

PoA III.6

7. Does your country wish to request assistance in developing laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW? No

SECTION 4: BROKERING

Sources — Laws, regulations and administrative procedures

PoA II.14

8. Does your country have laws, regulations and/or administrative procedures governing brokering of SALW? Yes

8.1. List laws and/or administrative procedures regulating SALW brokering in your country.
1. Ley de Armas y Municiones, Decreto 15-2009 2. Reglamento de la Ley de Armas y Municiones

8.1.1 Are those laws and procedures part of the national arms export control system? Yes

8.2. Does your country require registration of SALW brokers? Yes

8.3 Does your country require a licence, permit or other authorisation for each brokering transaction? Yes

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8.3.1 . Are such applications for a licence, permit or other authorisation considered for approval on a case-by-case basis? Yes

8.3.2. Are there exceptions to the requirement to hold a licence or authorisation for a brokering transaction? No

8.3.2.1. Details (e.g. if the transaction is on behalf of the police or armed forces or other government officials)

8.3.3 . What are the criteria for granting a licence, permit or other authorisation?

8.4 Does your country have measures to validate the authenticity of documentation submitted by the broker? Yes

8.4.1 Describe those measures.

8.5 Is it a criminal offence in your country to engage in a SALW brokering transaction without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a license or authorisation? Yes

8.6 Does your country allow for sharing with other States such information as the disbarment of brokers and revocation of registration? --- Select ---

8.7 Does your country regulate activities that are closely associated with the brokering of SALW? Yes

8.7.1. If so which of the following activities are regulated when undertaken in connection with the brokering of SALW (check relevant boxes)?

- a) Acting as dealers or agents ☑
- b) Providing technical assistance ☐
- c) Training ☐
- d) Transport ☑
- e) Freight forwarding ☐
- f) Storage ☐
- g) Finance ☐
- h) Insurance ☐
- i) Maintenance ☐
- j) Security ☐
- k) Other services ☐

8.8 What penalties or sanctions does your country impose for illegal brokering activities?

La normativa solo contiene prohibiciones, por lo que no hay una sanción establecida. Sin embargo, en el Artículo 98 de la Ley de Armas y Municiones, se establecen prohibiciones generales de transferencia e intermediación de armas de fuego, pero no se tipifican delitos, faltas o sanciones por el hecho de transgredir dicha prohibición.

Sources — Actions taken during the reporting period

8.9 During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g. prosecution)? No

International assistance

PoA III.6

9. Does your country wish to request assistance in developing laws, regulations or administrative procedures to regulate SALW brokering? No

SECTION 5: STOCKPILE MANAGEMENT

Sources — Laws, regulations and administrative procedures

PoA II.17

10. Does your country have standards and procedures relating to the management and security of SALW held by the armed forces, police or any other entity authorised to hold SALW? Yes

PoA II.17

10.1. If so, which of the following provisions are included in these standards and procedures (check relevant boxes)?

- a) Appropriate locations for stockpiles ☑
- b) Physical security measures ☑
- c) Control of access to stocks ☑
- d) Inventory management and accounting control ☑
- e) Staff training ☑
- f) Security, accounting and control of SALW held or transported by operational units or authorised personnel ☑
- g) Procedures and sanctions in the event of theft or loss ☑
- h) Other ☐

Sources Surplus

PoA II.18

10.2. Are there systems in place to conduct reviews of SALW stocks held by armed forces, police and other authorised entities to identify surplus or obsolete SALW? Yes

10.3. How often/frequently are these reviews conducted?
Cada institución del Estado ha establecido sus propios procedimientos y periodicidad de aplicación.

PoA II.18

10.4. When stocks are identified as surplus, what actions does your country take with regard to the surplus (check relevant boxes)?

- a) Officially declare as surplus ☐
- b) Take out of service ☑
- c) Record by type, lot, batch, and serial number ☑
- d) Store separately ☑
- e) Other ☐

10.5. In disposing of the surplus stocks, which of the following methods may be used (check relevant boxes)?

- a) Destruction ☑
- b) Sale to another State ☐
- c) Donation to another State ☐
- d) Transfer to another state agency ☐
- e) Sale to civilians ☐
- f) Sale or transfer to legal entities (e.g. museums, private security companies, etc.) ☐
- g) Other ☐

10.5.1. If (a) Destruction is checked for Q.10.5, which of the following methods are used (check relevant boxes)?

- i) Burning or melting ☐
- ii) Open-pit detonation ☐
- iii) Cutting/shredding ☐
- iv) Bending/crushing ☐
- v) Dumping at sea ☐
- vi) Burial on land ☐
- vii) Other ☐

Sources Actions taken during the reporting period

PoA II.19

10.6. During the reporting period, has your country destroyed surplus stocks? No

International assistance

PoA II.29; III.6 **11. Does your country wish to request assistance in developing standards and procedures on stockpile management?** No

PoA III.6; 14 **12. Does your country wish to request assistance in developing capacity for the destruction of weapons?** Yes

12.1. What kind of assistance do you require?
Apoyo técnico, logístico y financiero para destrucción de excedentes.

12.2. Has your country developed a project proposal for assistance? No

SECTION 6: CONFISCATION, SEIZURE & COLLECTION

Sources Confiscation and seizure

PoA II.23 a **13. During the reporting period, has your country found, seized or confiscated any SALW under its jurisdiction?** Yes

PoA II.23a **13.1 How many SALW were found, seized or confiscated?**
Las armas incautadas incluyen pistolas, revólver, algunas sub ametralladoras y rifles.

PoA II.16 **13.2. What action was taken with respect to the SALW found, seize or confiscated (check relevant boxes)?**

- a) Stored securely pending further action ☑
- b) Marked ☐
- c) Registered or recorded ☐
- d) Destroyed ☐
- e) Other ☑ Comiso a favor del Estado.

Sources Collection

14. During the reporting period, did your country collect any SALW? No

International assistance

PoA III.6 **16. Does your country wish to request assistance in building capacity for confiscation and seizure of the illicit SALW?** Yes

16.1. What kind of assistance do you require?
Logística, técnica y financiera. Capacitación técnica-legal, judicial, penal y administrativa.

16.2. Has your country developed a project proposal for assistance? No

SECTION 7: MARKING AND RECORD KEEPING

Sources Marking

PoA II.8 **17. Does your country enforce measures to prevent the manufacture, stockpiling, transfer and possession of any unmarked or inadequately marked SALW?** Yes

17.1. Details
Creación de la normativa legal correspondiente y su socialización. La legislación guatemalteca tipifica delitos en cuanto a la alteración del número de serie o registro de un arma de fuego que sea alterado. Las armas legales implicadas en delitos que se les ha borrado o tachado su número de serie o registro no pueden ser devueltas al propietario legal.

ITI 8d **18. Does your country take measures to ensure that all SALW in the possession of government armed and security forces for their own use are duly marked?** Yes

18.1. Describe the markings that are applied to government-held stocks.

Se incorpora la denominación "Estado-GUA".

ITI 8c — **18.2. When government stocks are transferred to civilians or private companies in your territory, are such stocks marked to indicate that your government transferred the stocks?** — --- Select ---

ITI 8e — **19. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings?** — --- Select ---

Record-keeping

PoA II.9 — **20. Does your country have standards and procedures related to keeping of records for all marked SALW in its territory?** — Yes

20.1. What records relating to SALW are kept by the State (e.g. manufacturing, brokering, import and export licences granted, sales to other States, SALW held by State agencies such as the armed forces etc)?

Intermediación, importación, venta, tenencia y portación y comercialización.

ITI 12 a,b — **20.2. How long does the government keep such records?**

Por tiempo indefinido.

ITI 13 — **20.3. In the event that they go out of business, are companies engaged in SALW activities (e.g. manufacturing, importing, exporting etc) required to submit all records held by them to the government?** — Yes

International assistance

PoA III.6, ITI 27 — **21. Does your country wish to request assistance in building capacity for record-keeping?** — Yes

21.1. What kind of assistance do you require?
Adquisición de equipo especial de marcaje.

21.2. Has your country developed a project proposal for assistance? — No

SECTION 8: INTERNATIONAL TRACING

Sources — Laws, regulations and administrative procedures

PoA II.10; ITI 14, 24 — **22. Does your country have procedures in place to trace SALW?** — Yes

Sources — Tracing requests

22.1 Has your country ever issued an international tracing request regarding SALW? — No

ITI 25; 31a — **22.2. Which government agency is responsible for making a tracing request to another country?**
Instituto Nacional de Ciencias Forenses, Policía Nacional Civil, esta última a través de la INTERPOL.

ITI 17 — **22.3. What information does the designated agency include in a tracing request? (check relevant boxes)**

- a) Circumstances under which the SALW was found — ☑
- b) Reasons why the SALW is considered to be illegal or illicit — ☐
- c) The intended use of the information being sought — ☑
- d) Any markings on the SALW — ☑
- e) Type/calibre of SALW — ☐
- f) Other — ☐

ITI 15 — **22.4. When receiving information related to SALW as a result of your country's tracing request, does your country have procedures in place to ensure that all restrictions placed on its use are respected, and the confidentiality of such information is guaranteed?** — Yes

Sources — Responses for tracing requests

22.5. Which government agency is responsible for responding to a tracing request from another country?
Ministerio Público.

22.6. During the reporting period, how many tracing requests did your country receive?

Ninguna.

ITI 22

22.7. During the reporting period, did your country delay, restrict or refuse tracing requests?

- [ ] Delayed
- [ ] Restricted
- [ ] Refused

Sources — Cooperation with INTERPOL

PoA II.37; ITI 33

23. During the reporting period, has your country cooperated on the issue of tracing SALW with the International Criminal Police Organization (INTERPOL) ? Yes

ITI 35a

ITI 35b

ITI 35c

23.1 If so, in which areas?

- a) Facilitation of tracing operations conducted within the framework of the ITI. [x]
- b) Investigations to identify and trace illicit SALW. [x]
- c) Building national capacity to initiate and respond to tracing requests. [ ]

PoA III.9

23.2. Does your country use the INTERPOL's Firearms Tracing System (formerly known as IWeTS) for tracing SALW? Yes

International assistance

PoA II.36; III.6;ITI 27

24. Does your country wish to request assistance in developing procedures to trace SALW? Yes

24.1. What kind of assistance do you require?

Capacitación técnica y cooperación financiera para implementar procedimientos de rastreo.

24.2. Has your country developed a project proposal for assistance? No

PoA III.10; ITI 28

25. Has your country considered providing assistance to examine technologies to improve the tracing and detection of illicit SALW? Yes

25.1. Details

Se ha trabajado en el establecimiento de enlaces con otros países a través del sistema de rastreo E-Trace.

SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCE

Sources — Assistance requested / received / provided

PoA III.3, 6

26. During the reporting period, in addition to the assistance requested/received mentioned in the Sections 2-8 above, has your country requested / received / provided assistance to implement the PoA and ITI? No

Any further comments on PoA and ITI, including implementation challenges and opportunities?

Aún no se cuenta con un sistema que permita el rastreo de armas pequeñas y ligeras, situación que dificulta la investigación. El tema de la implementación de medidas de seguridad física eficientes y de manejo de arsenales siguen siendo un reto importante en la esfera del combate al tráfico ilícito de armas pequeñas y ligeras. El intercambio de información en casos de rastreo de tráfico ilícito de armas pequeñas y ligeras es fundamental, por lo que es necesaria la adopción de medidas de confianza para incentivar y agilizar esta práctica. Las autoridades nacionales competentes han hecho ver que la fabricación de armas pequeñas y ligeras con nuevas tecnologías y nuevos materiales, convierten en obsoletos los equipos de marcaje y/o disminuyen su efectividad, por lo que debería promoverse el intercambio de tecnología.

Additional information may be uploaded/attached, if necessary:

SECTION 10: VIEWS AND INFORMATION TO BE SUBMITTED

Views to be submitted pursuant to the Review Conference outcome

27. In the 2012 Review Conference Outcome document on the International Instrument to Enable States to Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (International Tracing Instrument), States undertook to "provide further information in their national reports, and to request the Secretary-General to submit an initial report, drawing on views of States, on experiences on the following issues, for their consideration at relevant future meetings decided upon at this Conference" (A/CONF.192/2012/RC/4, Annex II, B. 3(g)):

a) **The implications of recent developments in small arms and light weapons manufacturing, technology and design for effective marking, record-keeping and tracing;**

El material y equipo utilizado por la Dirección General de Control de Armas y Municiones (DIGECAM), sobre la base de su experiencia hace ver que las armas de reciente importación están fabricadas con materiales más livianos, lo que genera el riesgo de que éstas puedan dañarse al momento del marcaje, pues el equipo de marcaje está diseñado para ser utilizado con armas fabricadas con materiales más consistentes.

b) **Practical steps to ensure the continued and enhanced effectiveness of national marking, record-keeping and tracing systems in the light of such developments;**

Todas las armas de fuego que se importan con destino final a Guatemala, cuyo objeto sea el comercio dentro del territorio nacional, deberán ser marcadas con las letras GUA, previo a su registro y entrega de tenencia, en virtud que dicha obligación se establece en el Artículo 48 del Reglamento de la Ley de Armas y Municiones.

c) **Relevant practices in relation to international assistance and capacity-building, including ways to support the transfer, uptake and effective utilization of relevant tools and technologies.**

Guatemala ha sido beneficiada mediante la donación de equipo por la Organización de Estados Americanos (OEA), una valiosa contribución para ampliar y mejorar las capacidades nacionales en materia de marcaje de armas de fuego.

Additional information may be uploaded/attached, if necessary:

Information on national marking practice

28. Pursuant to paragraph 31 of the International Tracing Instrument, States will provide the Secretary-General with the following information, updating it when necessary:

a) **National marking practices related to marking used to indicate country of manufacture and/or country of import as applicable.**

De conformidad con el Artículo 35 de la Ley de Armas y Municiones y el Artículo 10 del Reglamento de dicha Ley, cuando las armas ingresan al país con el propósito de ser comercializadas, deberán ser marcadas por la Dirección General de Armas y Municiones con la leyenda GUA, en un lugar visible a costo del importador. En relación con las armas de fuego que son comisadas y adjudicadas a las fuerzas de seguridad, deben ser marcadas con la leyenda "Estado GUA".

Additional information such as images and illustrations may be uploaded/attached, if necessary:

Note: Relevant information might have been provided in questions 4.2.1, 4.2.2 and 18.1 in this report.