



Foreign, Commonwealth
& Development Office

Bereavement information for Guatemala

Bereavement Information for Guatemala

Prepared by British Embassy, Guatemala City

www.gov.uk/government/world/guatemala

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The death of a relative or a friend can be a traumatic experience. When the death occurs overseas, family and friends in the UK can feel additional distress as they are unfamiliar with foreign procedures and perhaps are unable to communicate in the language of the country where the death occurred. Consular Directorate of the Foreign, Commonwealth & Development Office and/or Consulate in Guatemala City are ready to help as far as they can. You may be uncertain about what to do next or who to contact for advice. These notes are designed to help you through the practical arrangements you will need to make. You should be aware that Guatemalan procedures differ significantly to those in the United Kingdom and that, while we understand your need for arrangements to be made quickly, this is not always possible.

The information contained in this document is not meant to be a definitive statement of the law, nor is it to be taken as a substitute for independent legal advice.

Standard Procedures

In Guatemala it is not normally necessary for the deceased to be identified by the next of kin. Identification can be carried out by means of documentation such as a passport or driving license. If the death is accidental or suspicious, the Guatemalan authorities will be involved and they will usually, but not always inform the British Embassy in Guatemala.

Following the death of a British national in Guatemala, their next of kin, or a formally appointed representative must decide whether to repatriate the deceased to the UK, or carry out a local burial or cremation. If the deceased was covered by travel insurance, it is important for next of kin to contact the insurance company without delay. If there is no insurance cover, the cost of repatriation or burial will need to be met by the family. Neither the Foreign, Commonwealth & Development Office nor the British Embassy in Guatemala have a budget to meet these costs.

If the next of kin is in the UK, they will be able to liaise directly with our colleagues in Consular Directorate in London, informing them of how they wish to proceed with the cremation or repatriation and details of who is taking responsibility for the costs involved.

It is important to remember that if the deceased was travelling with a tour operator, they can be a valuable source of assistance and advice. There are Funeral companies in Guatemala who have worked with British nationals and have English speaking staff. Our consular staff can provide a list of Funeral Homes.

Autopsies (Post Mortems).

This is a requirement under Guatemalan law when there is violence and/or the death happened under suspicious circumstances. Organs are removed during this process and then replaced into the body. A copy of the post mortem report is available to the family, but will be in Spanish. A translation can be arranged with a local translator, but a fee will be payable for this service. See our List of Lawyers Guatemala:

<https://www.gov.uk/government/publications/guatemala-list-of-lawyers>

Mortuary Facilities.

There are cold storage facilities in Guatemala City for the storage of human remains. However, you should be aware that storage facilities could vary depending on the part of the country. Cold storage facilities are not available in most places outside Guatemala City. Most morgues will not be the same standard as those in the UK. Although we will do everything we possibly can do to ensure that the deceased is placed in appropriate storage we cannot guarantee the condition of the body.

It is local custom for burials to be within 24 hours. Embalming facilities are available and are commonly used by those families who wish human remains shipped to another country.

Repatriation and Burial.

If the deceased is covered by travel insurance the insurance company will normally have a standing agreement with an international Funeral Director in the UK to arrange repatriations. If the deceased is not covered by insurance, the next of kin will need to appoint a Funeral Director in Guatemala or an international Funeral Director themselves. A list of Funeral Homes in Guatemala is available on our website. Local Funeral Directors in Guatemala are equipped to carry out repatriation procedures and will provide the special caskets required for the international carriage of human remains. Documentation such as a local death certificate, a certificate of embalming and a certificate giving permission to transfer the remains to the UK may be required to ship the remains. This will be arranged by the Guatemalan Funeral Director. Local formalities

vary depending on the circumstances under which the deceased died and local bureaucracy. The Funeral Director can advise on time frames and costs. In certain circumstances immediate repatriation may not always be possible. Our consular staff will try and inform the next of kin as soon as possible if this is the case.

Local burials and cremations are possible.

An inquest will not take place in the UK if a local burial or local cremation takes place.

Local Cremation.

Local Funeral Directors can help with arranging the cremation. A local death certificate, a letter from the Next of Kin giving permission to cremate, copy of the deceased's passport and a letter from the British Embassy Guatemala are required in order to carry out the cremation. If the next of kin choose to have a local cremation and take back the ashes to the UK themselves, they can do so with less bureaucracy.

Funeral Directors can advise on the procedure. If this is not possible they can arrange the necessary paper work for the return of the ashes to the UK.

Local burial.

If next of kin do not own or buy a plot of land at a private cemetery in Guatemala where they will bury the deceased they will need to enlist the services of an undertaker who can apply to the local authorities for permission to bury in the government/local cemetery. A fee will be charged for this.

If the death was accidental, or happened under suspicious circumstances a legal post mortem report, burial permit and acknowledgement from the next of kin will be required before burial. The Funeral Director can arrange all the above.

Registration of the death.

Guatemala will issue a death certificate in Spanish. A translation can be arranged with a local translator but a fee will be payable for this service. See list of Translators and Interpreters at the website.

<https://www.gov.uk/government/publications/guatemala-list-of-lawyers>

Appointing a Funeral Director can aid the family in obtaining the death certificate more quickly.

There is no obligation for the death overseas of a British national to be registered. However, if you register the death with the UK authorities you will obtain a death registration document and a permanent copy of it will always be available in English from the General Register Office in the UK. Please note that this carries a statutory fee.

For further information please visit: <https://www.gov.uk/register-a-death>

Return of Personal Effects

The deceased's clothing is normally destroyed during the post mortem examination and on some occasions it is retained as evidence and is not returned until the court case is finished. Personal belongings found on the deceased at the time of death are either handed over to the family if they are present or taken by the police to be handed over to the court.

Depending on the circumstances at the time of death and the location of personal effects, these are usually returned to the immediate next of kin as soon as possible.

The Consular Section could store personal belongings of the deceased British nationals at the Embassy's premises only in very exceptional circumstances.

Ordinary personal belongings can be repatriated with the deceased. The Funeral Director can assist the family in this regard and provide information on costs.

Police/Judicial Inquiries/Deaths in Suspicious circumstances

If death occurred under suspicious circumstances or was the result of a road traffic accident, the National Civil Police will involve the Ministerio Público (Prosecutor's Office). It is this entity who will then carry out any investigative work.

If the police apprehend a suspect in a case of suspicious death, he/she will probably be remanded in custody whilst the police conduct an investigation. It usually takes several months (sometimes years) before a case comes to court for a full hearing. Copies of all casework or reports can be made available upon request.

If the circumstances of the death are not considered unusual by the police, registration of the death is permitted and the body will be released for local burial, repatriation or cremation within a few days. However, if the police are not satisfied after the preliminary examination of the facts, an autopsy may be required. Investigations and interviews with witnesses may also be called for. The autopsy (post-mortem report) is usually available within a month after the death has occurred but this is not always the case. There may be delays.

Legal Aid

Consular staff cannot give legal advice but they can provide you with a list of lawyers, some of whom speak English. You can hire a lawyer for yourself at any time. See List of Lawyers Guatemala.

<https://www.gov.uk/government/publications/guatemala-list-of-lawyers>

Normally, if you hire a lawyer she/he will ask for cash advance on his/her estimated legal fees (which may be very high) before she/he will take your case on. The British Embassy cannot pay legal fees or guarantee to a lawyer that you will pay them.

Compensation

Under Guatemalan law, there is a government compensation scheme in murder/manslaughter/terrorism cases which is applicable to foreign nationals or local nationals. However, the defendant has to win a case before an application can be made and it can take several years for the compensation case then to be addressed. Please check with a lawyer for more information. See List of Lawyers Guatemala.

<https://www.gov.uk/government/publications/guatemala-list-of-lawyers>

British Passport Cancellation.

In order to avoid identity fraud a deceased person's passport should be sent to the British Embassy in Guatemala for cancellation along with form D01. Next of kin can request the passport to be returned. Likewise if the passport has been lost or mislaid, relatives should contact us for instructions on reporting the loss of the passport.

Foreign, Commonwealth & Development Office.

Consular Directorate – Foreign, Commonwealth & Development Office
Tel. 02 7008 1500

Useful links:

Guatemala Funeral Directors in Guatemala

<https://www.gov.uk/government/publications/list-of-funeral-directors-in-guatemala>

Guatemala List of Lawyers

<https://www.gov.uk/government/publications/guatemala-list-of-lawyers>

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