

THE CONTRASTING COMMISSIONERS

# The “now” and “then” of CICIG

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Two commissioners, two different work styles, two communication strategies and two contrasting perceptions. This is what we can learn from the low profile of the International Commission against Impunity, which was once in the media spotlight for topics related to justice and the fight against organized crime.

## JODY GARCÍA

"He [Castresana] gave Guatemalans a wake-up-call through a series of public complaints and public appearances, and he led the population to demand appropriate justice for solving cases."

With these very words, Francisco Dall'Anese made reference to his predecessor on October 16 at the political and academic forum, organized by the Dutch Platform against Impunity, titled "Challenges to End Impunity in Central America: A Discussion Based on the Experiences of CICIG and the MP".

The period in which Castresana led the Commission was characterized by the resolution of paradigmatic cases for Guatemalan society and a constant media presence—in contrast, Dall'Anese keeps out of the spotlight and rarely appears before the press, talking to journalists about CICIG cases only on a handful of occasions.

Some experts point to a change in strategy with the new Commissioner, and others maintain that there has been a fall in the Commission's activity. CICIG, in turn, points to an effort to let Guatemalan institutions be the protagonists.

## TWO STRATEGIES

David Martínez Amador, an academic specializing in organized crime issues, prepared a report on CICIG for the Dutch Platform, and he underscored differences between the styles of the two commissioners and the contrast between the time and context in which they have conducted their work. "They are two very different styles and two contrasting personalities that have had to adapt to different *status quos*," he declared.

Martínez believes that during Castresana's reign it was important that CICIG had an elevated media presence in order to make progress with public opinion. He explains: "It was necessary to create important stimuli in public opinion to promote the fact that a new mechanism was functioning within the justice system and other sectors."

As a result, a commissioner with a constant presence in the media and in different levels of the State was required "to demonstrate that the Commission was laying down new rules regarding how to file complaints

necessary to empower justice officials in high-impact cases. In such cases, it was important to demonstrate the functionality of the project and its ability to move through the gears," adds Martínez.

According to the academic, this was part of an initial phase where it was vital to present the activities being undertaken—as seen in the investigation of the Rosenberg case. However, the expert also believes that continual media appearances led to attrition and the forming of a strong opposition comprised largely of those sectors affected by the Commission's work.

Martínez believes that Castresana's departure and the arrival of Dall'Anese demonstrated that a media presence was no longer necessary. "Commissioner Dall'Anese's approach attempts to show that it is no longer necessary to have a media presence, and now work can be conducted silently, privately, secretively and systematically," he stated.

Martínez considers this to be part of a new focus, because, in his opinion, the current head of CICIG has identified the areas where he needs to act: the 'shakedown' of judges, the strengthening of institutions through a presence in the system, and simply working to fulfill the goals provided for in the mandate.

As a result of Dall'Anese's reduced media exposure, the Commission, according to Martínez, now has fewer antibodies; it has reduced its media activity, allowing public opinion to shift its focus slightly away from the Commission's media function and appreciate its work, which in itself is complicated.

#### TRANSFER OF CAPACITIES

Carmen Rosa de León Escribano, from the Advisory Council on Security (CAS), also deems CICIG to currently be passing through a different phase to that of the Castresana era. At present, according to De León Escribano, the Commission is focusing its efforts on transferring criminal investigation capacities to justice sector institutions.

"In the first phase, CICIG was more about cases and lessons learned; there were successes and failures," stated De León, adding that due to the problems encountered by former commissioner Castresana, it was vital to keep a low media profile and focus on capacity transfer.

De León Escribano also affirmed that at present "it would seem that the Commission has less presence, but actually it has centered more on working closely with justice structures with the aim of transferring capacities".

One of CICIG's mandates concerns strengthening the institutions of the State, said De León, and "therefore, one can assume that it must train the institutions with which it works so that the presence of an international commission is no longer necessary".

#### "LITTLE TO REPORT"

In contrast to the comments made by Martínez Amador and De León Escribano, Carmen Aída Ibarra, director of Movimiento Pro Justicia, explains that the reduction in communication is not the result of differing personalities, but it could stem from the fact that the Commission "has little to report".

"Even though the Commission's work has continued, its presence has fallen and Dall'Anese is less prone to media appearances. It would also appear that its work has reduced considerably, because we have seen very few cases since August 2010."

According to Ibarra, "at the Pro Justicia movement, we believe that, in general, CICIG has not achieved the desired results. In its five-year existence, we would have hoped to have seen more results."

Ibarra's analysis suggests that "over the five-year period, the Commission has dealt blows to structures impinging upon the justice system; however, they do not constitute solid results and more closer work needs to be conducted with security and justice institutions, such as the Judiciary (OJ), judges and police".

We should not underestimate CICIG's contribution to the country, but considering the money spent on salaries, better results should have been produced, criticized Ibarra.

#### IT IS NOT A MEASURE OF SUCCESS

Marco Antonio Canteo, director of the Guatemalan Institute of Political Science Comparative Studies (IECCPG), emphasized the work undertaken by CICIG in Guatemala, and added that the media profile cannot be considered an indicator of success.

He stated: "The media profile is not necessarily an indicator of CICIG's work; on the contrary, I would say the Commission should continue to increase the support for strengthening the judicial system capacities, regardless of its media profile."

Alternatively, Cristhians Castillo, from the Institute for National Issues of the University of San Carlos, Guatemala (IPNUSAC), said that the area to underscore is the positioning role played by CICIG.

"The administration of Commissioner Dall'Anese would seem to be more concerned by investigations rather than the media. During the Castresana era, the interest in the media as a means of positioning CICIG was much clearer, as was the desire to maintain more political than technical relationships—a situation that has changed greatly under the present Commissioner," he affirmed.

"The current Commissioner has separated himself from the more controversial issues and has focused on areas related to justice, such as the efforts to vet judges of the Judiciary (OJ), which is directly linked to the nature of the CICIG," he concluded.

#### A DIFFERENT STYLE

Upon being consulted, Diego Álvarez, CICIG spokesman, commented that it is simply a different style.

"Commissioner Castresana had to publicly denounce actors so that the Guatemalan society would react and call for quality justice, where nobody is above the law. At present, we focus on cases, capacity transfer, and we have excellent relationships with justice institutions, which creates better coordination and hence benefits society. It must be clearly understood that our public profile has been lowered, but the workload remains unchanged. Some may believe having a photo published in newspapers constitutes work; they are wrong, however," he stated.

As far as information is concerned, Álvarez remarked that during 2012, 97 press releases have been published, allowing the media to inform society, and through the website [www.cicig.org](http://www.cicig.org), information can be obtained on the cases underway.

"We are satisfied with the requests made by different sectors in relation to the unfortunate events that occurred in Totonicapán a few days ago. The people, who now trust the institutions, requested the presence of the Public Prosecutor's Office (MP) and not the Commission. This is very satisfying for us. We are not the protagonists and society believes in the justice officials," he stressed.

The spokesman also commented that the strategy is not to be protagonists, but rather allow Guatemalan institutions to be the protagonists. Álvarez concluded that "we would be doing Guatemala a disservice if we were to contribute to the people not believing in their institutions".

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**David Martínez Amador**  
Academic, organized crime expert.