

More legitimate institutions

CICIG head affirms prosecutors have been open to capacity transfer.

BY BYRON ROLANDO VÁSQUEZ

Francisco Dall'Anese, head of the International Commission against Impunity in Guatemala (CICIG), explained in yesterday's *Diálogo*

Libre, a *prensalibre.com* program, some of the progress made in Guatemala in the area of justice and the changes needed to strengthen the judicial system.

What has been the most challenging time of the past two years?

Two years and three months have passed. I don't believe there to be a moment that stands out. The truth is a prosecutor's office is constantly faced by crises.

How has the transition between CICIG and the MP functioned?

When I arrived, the Public Prosecutor's Office (MP) was led by an acting attorney general who was fulfilling her duties, but she was not in a position to take medium and long-term decisions.

In December 2010, Dr. Claudia Paz y Paz was named Attorney General and she has been very receptive to the recommendations and work of CICIG.

That's not to say it wasn't the case previously, but there were some obstacles, as identified by Dr. —Carlos— Castresana. There wasn't such openness in the Public Prosecutor's Office.

Capacity transfer has been straightforward in so much as prosecutors have been very receptive.

In the case concerning the murder of San José Pinula mayor candidates, the MP acted alone and completely solved the case, without any support from CICIG.

I believe it is important to mention that one positive that came out of the Tonicapán tragedy in Guatemala is the fact that nobody called CICIG; people called the Attorney General, prosecutors, the Public Prosecutor's Office, which

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denotes that the legitimacy of institutions has grown in Guatemala.

I believe the value of the Attorney General's work, a lower CICIG profile and its support role rather than a leading role have induced positive changes for the Guatemalan people.

Would you interpret that to be a sign of greater trust in the institutions or a reduction in impunity levels?

It is hard to reduce impunity levels in such a short time, but the MP's attitude has improved, it no longer refuses to deal with the cases involving multiple structural difficulties that it has been dragging along for some time.

There is also the Government's attitude, which had to be recovered, and the President—Otto Pérez Molina—, who at the behest of the MP, in respect for the independence of powers,



Photo by Prensa Libre: ESBIN GARCÍA

FRANCISCO Dall'Anese, head of CICIG, in *Diálogo Libre*.

handed the members of the military over to the prosecutor's office and offered the physical evidence related to Tonicapán. This respect for the independence of powers strengthens republican and democratic rule.

In your opinion, are these actions good precedents for understanding a process?

They are good precedents; it is important that all these actions become the norm. This must be the beginning of something that will be construed as normal. Whenever there is an issue regarding independence of powers, the heads of the different powers must respect one another. I believe this is how to strengthen democracy.

What steps need to be taken to fight corruption?

Well...the Anticorruption Law is set to come into force—it will still take time because it is the

birth of something, the enactment of the law, and it still needs to get on its feet, create jurisprudence, which will take time.

It is yet to be seen whether the Comptroller General's Office will have the mettle to be a more efficient institution. However, it is an office that in any democracy must have bite and must function strongly.

What should the Judiciary's (OJ) priorities be?

I believe there must be a constitutional reform of the Judiciary (OJ) in order to give all judges independence, from the Supreme Court of Justice to the lowest ranking judge.

The hiring process must be modified. I feel the nominating committees have not been positive.

If we propose lifelong, irremovable judges, we must also create a professional career system in the Judiciary so that

KEY AREAS

In the interview, the head of CICIG referred to judicial topics.

- **He affirmed that** a system needs to be in place that protects judges from any threats—for example, they should have lifelong positions and be irremovable.
- **To live with decorum**, judges need a dignified salary and an appropriate pension plan.
- **For now**, the Attorney General has relative independence and can be removed from office by the President on grounds of poor performance.
- **Regarding corruption**, prevention is most important, and not the prosecution or subsequent repression of corruptive acts.
- **We need to promote** a severe discipline regime with a disciplinary tribunal, which should work fulltime to punish judges. The current system damages institutions.
- **When referring to organized crime**, Dall'Anese mentioned that they are businesses with hierarchies, providers, distributors, treasury departments and investments—as if they were a legal enterprise—but due to their clandestine nature, it is hard to uncover them at present.

judges can culminate their careers with the possibility of going to the Supreme Court.

What is the outlook for organized crime?

Any statements regarding such issues would be intuitive, because Guatemala, much like the rest of Central America, lacks a police information platform.

It must be understood that organized crime consists of illegal businesses, but they have hierarchies, providers, distributors, treasury departments and investments—just like a legal enterprise, but more efficient and with fewer controls.

Therefore, at present, it is hard to estimate how many networks exist and how deeply organized crime has penetrated Guatemala.