

Fifth Anniversary of CICIG

Speech given by Commissioner Francisco J. Dall'Anese
11/09/2012

As was the case upon the culmination of the first year of activities of the International Commission against Impunity in Guatemala (CICIG), we are met here today to submit the activities report, on this occasion for the fifth year of work. We hereby demonstrate the transparency that our mission has upheld since it set foot upon Guatemalan soil, despite the reluctance of some. I say "the reluctance of some", because at this time when high-level accused parties—economic and political powers—are being criminally prosecuted, a band of people that does not want a world of justice for Guatemala, a world of hope, social progress and personal development, has repeatedly stated that CICIG is not accountable to anybody. The goal of the group is to tarnish us and they use lies to do so.

With total conviction, I can declare that, contrary to what some bands who thrive on rumors may profess, to date the Commission that I am honored to lead has submitted 398 accountability reports to the United Nations, the Guatemalan authorities and Guatemalans, and the diplomatic corps of Guatemala. This three-figure number was part of the presentation I made on September 6 in New York before the Department of Political Affairs of the United Nations and ambassadors of CICIG donor countries. Nobody questioned the figure, because it is the truth.

Witnesses of that presentation are Roxana Baldetti, Vice-President of Guatemala; Gudy Rivera, President of Congress; Thelma Esperanza Aldana, President of the Supreme Court of Justice; Mauricio López, Minister of the Interior; Claudia Paz y Paz, Attorney General; and Carlos Raúl Morales, Vice-Minister of Foreign Affairs. They all formed part of the high-level delegation that accompanied me at the aforementioned event. Allow me to thank each one of them for the support they have shown for CICIG, both with their presence at the event and their valuable speeches. However, I would like to give special thanks to President Otto Pérez Molina for making the necessary requests to

allow such a distinguished delegation to appear before the United Nations, attest to our work and request—in the words of Vice-President Baldetti—the extension of CICIG's mandate until September 2015. I interpret this to be a vote of confidence and a bilateral agreement that commits the Government of Guatemala and the Commission to continue working to achieve security and justice for Guatemalans.

As I have said on previous occasions, CICIG is a multinational justice force, whose goal in Guatemala is to achieve a positive change in institutions to reduce impunity. Par excellence professionals from 23 countries comprise our group of staff. All of our team, excluding our Guatemalan peers, temporarily left behind our countries and homes, as well as renouncing some work benefits, with the aim of serving the Guatemalan people. Each and every one of them assumed a commitment to justice, based on the notion that justice knows no boundaries. They all think about the 14 million Guatemalans—regardless of their race, economic or political status—and their need to have hope and be happy, and their need to be equal in the eyes of the law.

We all have to face up to conspiracies, attempts to discredit us, rumors, unfounded attacks and threats. We deem these to be a sign of our success, because the fact that criminals denigrate justice officials is the best sign of a job well done. It may seem ironic, but the truth is that the highest praise that a police officer or a prosecutor can be given is the invective of a criminal. Now is the time to thank those who treat us in this manner; they honor our work. The day when a criminal congratulates us, we should start to be concerned.

We believe that the only way to serve democracy is to live and die by justice. We came to do a job for Guatemalans and we will not stop until the Secretary General of the United Nations tells us to do so. We have very little time available and when the hour of departure comes, we hope to leave behind an articulated State that is capable of dealing with criminal organizations. This goal will require the will of Guatemala, but today we can

count on the commitment of President Pérez Molina and his team. At CICIG, we hope that we can leave the country in a better situation than when we arrived.

Since August 2010, we have recommended that the State of Guatemala be structured on the following foundations:

1. Elite prosecutor's offices.
2. A foreign affairs office at the Public Prosecutor's Office (MP) to facilitate real-time information exchange.
3. A system to protect victims and witnesses.
4. Forensic police for criminal investigations.
5. A police information platform.
6. Special investigation methods, in particular telephone tapping with judicial guarantees.
7. Independent judges.

Attorney General Claudia Paz y Paz is currently working to strengthen and create elite prosecutor's offices, such as the Special Anti-impunity Prosecutor's Bureau (FECI) and the Asset Forfeiture Bureau, among others. Paz y Paz has been strengthening the International Relations Office, whose successes—at first glance—include the prompt manner in which the Government of Colombia handed over the accused party known as El Palidejo (linked to the death of Argentine singer Facundo Cabral) to Guatemalan authorities; the arrest of Juan Diego Lainfiesta in Costa Rica, who is subject to extradition to Guatemala; the pretrial detention and linking to proceedings of suspects Javier Figueroa and Edwin Sperisen, alleged to have been involved in the massacre at the Pavón prison. To the extent that this MP office specializes in information exchange, letters rogatory, judicial assistance, extraditions and direct relations with their counterparts in other countries, criminals will know that there is no escaping Guatemalan justice. CICIG has

handed over protocols to the Public Prosecutor's Office (MP) regarding risk analysis and protection of persons, as well as training agents to conduct this delicate job.

Of particular importance—and this should be written with red ink, in block capitals and underlined—is the creation of the Directorate General for Criminal Investigation (DIGICRI). We have reached the final text of the bill—thanks to the efforts of President of the Republic Otto Pérez Molina and President of Congress Gudy Rivera—and thus Minister of the Interior Mauricio López, various legislature advisors, Javier Monterroso and I are working extremely hard to finish it. I firmly believe that this forensic police force, in the medium to long term, will help to create the justice system that Guatemalans deserve.

The continual contact with Minister of the Interior Mauricio López and René Mauricio Valdés, Resident Coordinator of the United Nations, make it possible for me to affirm that work is being conducted on what has become known as an "Integrated Platform of Police Information". Progress has also been made towards designing the project, and funding for the first stage will come from the United Nations Peacekeeping Fund. With this tool, in the not so distant future, it will be possible to quickly visualize the dynamics of criminality, rationally invest the necessary resources for crime prevention, and DIGICRI will reduce reaction time in the fight against criminality.

It is clearly a positive step towards achieving security and justice.

We advocate the irremovability of judges, the introduction of permanent tenures and a disciplinary system that allows the continual 'shakedown' of corrupt officials. It is a fact that the Guatemalan judiciary is mainly comprised of honest judges who are committed to serving their country; however, it is also true that a small group of judges who tarnish the judicial branch through their unworthy sentences (whereby they meddle with organized crime, corrupt individuals and money launderers). Therefore, we are about to publish a report titled The Impunity Judges, which will be extensively circulated both nationally and internationally, and the names of those persons who commit malfeasance to aid organized

crime, corruption and impunity will be etched in stone. Each name and fact denounced in the report—which will be submitted to the Attorney General of the Republic in due course—is based on public documents used as physical evidence.

We strive to increase citizen awareness of the need to conduct a 'shakedown' of the Judiciary. I say "increase" because citizen awareness is already in place. A recent CID Gallup poll indicated that 80% of respondents are in favor of conducting a 'shakedown' of the judiciary.

We will continue with our efforts.

Now isn't the time to give an in-depth reading of the work report; however, given the nature of this event, I shall quote some figures so that you all have an idea of our day-to-day activities.

- Complaints received: 2,361
- Investigations open at present: 289
- Active investigations: 55
- Participation in criminal proceedings as a complementary prosecutor: 21
- Sentences: 17
- Accused parties that received sentences: 70
- Lifting of immunity hearings: 9
- Support for judicial premises searches: 612
- Support in arrests: 259

We have attended, along with the Public Prosecutor's Office (MP) and the Ministry of the Interior, criminal proceedings against corruption, money laundering, extra-judicial killings and drug trafficking involving former state officials, businesspeople and drug traffickers.

- Former presidents of Guatemala: 1

- Former directors of the Secretariat of Administrative and Security Affairs (SAAS):
1
- Former state ministers: 6
- Ministerial officials (vice-ministers, advisors, etc.): 12
- Former directors of the National Civil Police (PNC): 5
- Police chiefs and officers of the National Civil Police (PNC): 52
- Army officials: 12
- Former attorneys general of the Republic: 1
- Officials of public prosecutor's office (MP): 4
- Judges of the Republic: 6
- Other state officials: 52
- Municipal authorities: 3
- Businesspersons: 25
- Traffickers of illegal drugs: 47
- **TOTAL: 207**

TECHNICAL ASSISTANCE

PUBLIC PROSECUTOR'S OFFICE

Provision of forensic analysis equipment for the Special Anti-impunity Prosecutor's Bureau (FECl) to facilitate the administration of digital evidence (ENCASE, FREDL, IMIX, ADOBE CREATIVE).

Extraction of forensic information (computers, cellular telephones, storage devices).

Provision of logistics materials (vehicles, computer equipment, bulletproof vests and cameras) to the Special Anti-impunity Prosecutor's Bureau (FECl).

Launch of the development of protocols for the forensic information extraction process, analysis methods and telephone analysis.

Support the Protection Office in evaluating cases and implementing protection measures for witnesses.

Design protocols for risk analysis; identify safe properties for witnesses; and establish the comprehensive relocation plan for witnesses. Provision of logistics materials: mobile storage, payment of locations (safe properties).

Revision of the proposal to re-structure the Analysis Unit, including analysis methods and systemization of information.
Development of a draft of the bill for the Agreement to Create a new Unit of Analysis and Financial Investigation.
Audit and present suggestions regarding the organization and functioning of the Security Department and participate in the monitoring of proceedings.
NATIONAL CIVIL POLICE (PNC)
Implementation of a working group in the Division of Protection for Persons and Security.
Proposal of a legal framework and a regulatory framework for the Division of Protection of Persons and Security.
Provision of logistics materials (bulletproof vests) to the Division of Protection for Persons and Security.
Design an operational manual regarding risk assessments.
JUDICIARY (OJ)
Participate in the working group that led to the development of a draft disciplinary statute and the offering of recommendations to reengineer the disciplinary system.
Assist with the drafting of procedure manuals in relation to the separation of administrative functions from jurisdictional functions (pending approval by the plenum of the Supreme Court of Justice).
Create recommendations for legal reforms on the Judicial Service Law—due to be submitted to the Judiciary (OJ).
Participation in a working group together with judges for high-impact matters to analyze the current situation of cases.
OFFICE OF THE COMPTROLLER GENERAL
Assessment of audits through the Directorate of Municipal Audits.
Launch the development of a judicial analysis and a base proposal to discuss and reformulate the criteria for audits of NGOs that manage state funds.
NATIONAL COUNCIL FOR ADOPTION (CNA)
Participation in a working group with officials from the National Council for Adoption (CNA), the Attorney General of the Nation's Office (PGN) and the Public Prosecutor's Office (MP) with the aim of reviewing and analyzing illegal adoption cases, as well as planning and monitoring investigations.
Participation in the development of draft adoption legislation, which was later approved.
SUPERINTENDENCE OF TAX ADMINISTRATION (SAT)
Launch of the audit of the security service.

TRAINING		
PUBLIC PROSECUTOR'S OFFICE		
DESCRIPTION	BENEFICIARIES	TOTAL
-Questioning and interview techniques.	-Prosecutors	44
-Investigation and criminal prosecution of human trafficking.	-Investigators	17
-Extradition and international judicial support.		
-Investigation and criminal analysis plan.		
-Shooting techniques. -Protection of people techniques and premises security. -Risk analysis.	Security officials	499
Computer analysis and information mapping program: IBM i2, Analyst's Notebook 8.5.	Analysts	5
	Technical analysts	1
TOTAL		566
NATIONAL CIVIL POLICE (PNC)		
DESCRIPTION	BENEFICIARIES	TOTAL
Questioning and interview techniques.	Police officers	10
Investigation and criminal prosecution of human trafficking.		
Extradition and international judicial support.		
Investigation and criminal analysis plan.		
Operational techniques to protect witnesses.	Police officers	60
	Other state officials	15
Basic protection techniques in the framework of the Witness Protection Program.	Section heads	10
Shooting techniques	Shooting instructor	4
TOTAL		99

These figures do not include the cases in which CICIG does not participate as a complementary prosecutor. The Commission cooperates with the Public Prosecutor's

Office (MP) on a number of topics without being a party to proceedings, and in a few cases, it provides support in a few very specific areas.

However, a good investigation cannot be drawn to a close when, at the end of proceedings, rather than issuing a sentence, an official issues an unfair judgment. Therefore, a 'shakedown' of the Judiciary needs to be urgently conducted and judges must be given independence.

When we go after a crime, especially organized crime and corruption, it is as if the target were the Lernean Hydra, a monster from Greek mythology whose multi-headed body struck fear into all. For every head removed, two would regenerate. Every attack created a more powerful Hydra. However, in the second of The Twelve Labors, through a combination of determination and intelligence, Heracles managed to defeat the Hydra.

The strength created by the institutional unity that exists at present among Guatemalan authorities could transform the State into a Heracles that is capable of successfully fighting organized crime, a giant multi-headed monster. All heads of Government and each institution are well aware of this fact. With a strengthening of this coordination, victory will be guaranteed and CICIG longs to be part of this success.