



JUSTICE FOR ALL

CICIG NEWSLETTER



WHAT DO I DO FOR MY COUNTRY?

What kind of a country do we want? We often ask ourselves this question, and even though we envisage an ideal country, where there is equality, no discrimination, justice for all, and citizens that feel safe, we must ask ourselves: What do I do for my country?

Today in Guatemala, the words spoken by United States President John F. Kennedy in his inaugural speech of 20 January 1961 are more relevant than ever: "Ask not what your country can do for you, ask what you can do for your country."

In recent media reports, the murder rate in Guatemala was quoted to be 41.4 murders per 100,000 inhabitants, which makes it one of the most violent countries in the world.

Each day radio broadcasts, television programmes and press articles report the huge number of cases of thefts, extortions, domestic violence, white collar crimes, femicide, murders, drugs interceptions, basically a large number of illegal actions, and it would seem we have become accustomed to hearing such news. That is not the case. They constitute illegal actions and illegality is nothing to be proud of. We must all contribute to reducing the number of such acts that are committed.

We call for justice while at the same time we refuse to comply with the law and fail to respect authority; we evade paying tax; we fail to pay fair wages; we allow lynchings to take place; we think social cleansing is necessary; we attempt to bribe transport police; we believe trickery will bring us benefits; we believe the "cleverest people" twist the law for their own benefit; and we approve budgets for our own personal gains.

We buy stolen auto parts; buy cell phones and electronic devices knowing they are stolen; and allow abuse and domestic violence as well as a long list of crimes we must fight on a daily basis, including heinous crimes, lynchings, murders and massacres.

Therefore, this call is directed at the large majority of Guatemalans, who are honest, comply with the law, do not resort to trickery and report abuse and crimes. We must call upon our friends and family. We must directly discuss these issues that we so often witness.

We are all responsible for justice. Guatemala is of interest to all of us.

CICIG operates thanks to economic support provided by the following donor countries and international organizations: Argentina, Canada, Chile, Colombia, Denmark, Finland, France, Germany, Ireland, Italy, Mexico, Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, United States, Uruguay, European Union and Open Society Foundation.



7 BUILDING BLOCKS IN FIGHTING ORGANIZED CRIME

On numerous occasions, CICIG recommended that the Guatemalan State implement the following seven elements at the Public Prosecutor's Office (MP) and the National Civil Police (PNC) in order to fight organized crime in the country.



- 01 ELITE PROSECUTION BUREAUS:** Comprised of well-trained individuals who receive good salaries and benefits. These prosecution bureaus should have efficient strategies and investigation methods.
- 02 INTERNATIONAL RELATIONS OFFICE AT THE PUBLIC PROSECUTOR'S OFFICE (MP):** Able to exchange information in real time with authorities of any country in order to minimize the reaction time of organized crime and to maximize prosecution and investigation capacities.
- 03 STRENGTHENING THE WITNESS PROTECTION PROGRAMME:** There should be appropriate protocols, with risk levels analyses and comprehensive protection, so that citizens have sufficient confidence to testify in judicial proceedings.
- 04 SPECIAL CRIMINAL INVESTIGATION POLICE FORCE:** Professional officials with crime studies, good salaries and strong ethics are needed.
- 05 INFORMATION PLATFORM:** Police databases should be created as a tool to quickly identify criminals and criminal organizations.
- 06 STRENGTHEN THE SPECIAL INVESTIGATION METHODS UNIT (UME):** This section should be strengthened so as to cover the whole national territory. This type of intervention should be protected by constitutional guarantees and the appropriate oversight of judges.
- 07 INDEPENDENCE OF JUDGES:** The impartialness of the actions of judges should be guaranteed so that justice is efficiently administered in the country.

MANDATE regarding proposals

CICIG makes proposals to the State of Guatemala in accordance with its mandate (Article 2.1.c): "Recommend to the State the adoption of public policies for eradicating clandestine security organizations and illegal security groups and preventing their re-emergence, including the legal and institutional reforms necessary to achieve this goal."

CASE PROGRESS

CICIG supports the Public Prosecutor's Office (MP) in more than 50 high-impact cases that are either under investigation or before courts of justice. In a number of these cases, CICIG acts as a complementary prosecutor. Any cases that are being investigated are confidential.



Summary of main cases:

PAVÓN-INFIERNITO: High-Risk Trial Court B convicted Víctor Hugo Soto Diéguez (former PNC Chief of Criminal Investigations) to 33 years in prison for extra-judicial killing; Víctor Manuel Ramos Molina to 25 years in prison for extra-judicial killing; Axel Arnoldo Martínez Arreaza to 25 years in prison for extra-judicial killing; and Aldo Stefano Figueroa Díaz to 15 years in prison for illegal possession of firearms and illegal possession of ammunition. Four of the accused were acquitted.

They had been charged with participating in the murder of 10 inmates: 7 at El Pavón prison, 2 in Santa Rosa and 1 in Zacapa Department. CICIG acts as a complementary prosecutor in these criminal proceedings. In these cases, the former Minister of the Interior Carlos Vielmann is being prosecuted in Spain, Erwin Sperisen in Switzerland, and Javier Figueroa in Austria.

AMATITLÁN: High-Risk Trial Court B convicted Vidal Efraín Requena Mazariegos, former Deputy Director of

the Prison System, to 6 years in prison for money laundering, after demonstrating his ties to a criminal structure involved in drug trafficking and murder.

The case concerns a criminal structure involved in the murder of five police officers and linked to 370 kilos of drugs seized at the scene as well as an arsenal of weapons found in warehouses in the municipality of Amatitlán on April 24, 2009.

In this same case, High-Risk Court A recently ruled to send to trial Héctor Orlando Sierra Ramírez, member of a criminal organization, for his alleged involvement in an armed confrontation in the municipality of Amatitlán. CICIG acts as a complementary prosecutor in these criminal proceedings.

GASOFA: A chamber of the High-Risk Court of Criminal Appeals upheld the decision to convict 9 members of the National Civil Police (PNC) to 18 years in prison, among those convicted were police chiefs, inspectors and officers, all of whom are accused of smuggling gasoline. They are to stand trial with 11

other individuals, including businesspeople, individuals and former officials of the Superintendence of Tax Administration (SAT). CICIG acts as a complementary prosecutor in these criminal proceedings.

LAPOLA: Marlene Raquel Blanco Lapola (former PNC Chief and former Vice Minister of Security) and another five agents are being prosecuted on charges of allegedly participating in a parallel structure involved in contract killings within the Police and the Ministry of the Interior. The accused parties are awaiting a pre-trial hearing to open oral arguments. CICIG acts as a complementary prosecutor in these criminal proceedings.

ADOPTIONS: High-Risk Trial Court B upheld the decision to remand lawyer Raúl Ticún Urías in custody for his involvement in the illegal adoption of the child Angely Liseth Hernández Rodríguez.

Eight other individuals are set to stand trial in this case, including Judge Mario Fernando Peralta Castañeda. CICIG acts as a complementary prosecutor in these criminal proceedings.

ANTIGUA GUATEMALA: Recently, High-Risk Trial Court B ordered that Mauricio Chivichón López be prosecuted and remanded in custody for his alleged involvement in acts of corruption that took place in La Antigua Guatemala. Chivichón López holds the position of manager of a branch of Banrural in La Antigua. High-Risk Trial Court B confirmed the pre-trial detention and charges of money laundering, embezzlement, fraud, extortion and criminal association against Adolfo Vivar Marroquín, mayor of La Antigua Guatemala. Vivar Marroquín is accused of committing acts of corruption along with 11 other individuals during his tenure as mayor of the municipality. The accused parties are awaiting a pre-trial hearing to open oral arguments. CICIG acts as a complementary prosecutor in these criminal proceedings.

CONTAINER SMUGGLING: On 24 April, the National Civil Police (PNC), with the support of the Public Prosecutor's Office (MP) and the International Commission against Impunity in Guatemala (CICIG), arrested seven alleged members of a customs smuggling network, comprised of ex and current Superintendence of Tax Administration (SAT) officials who facilitated the illegal entry of containers at the Quetzal Port customs checkpoint between April and June 2009. The Public Prosecutor's Office (MP) and CICIG will file an indictment against six accused parties (the seventh arrested individual was released due to a lack of admissible evidence) so that the Trial Court of Escuintla schedules the pre-trial hearing to open oral arguments. These individuals are being prosecuted for customs smuggling, customs fraud, and use of false documents. CICIG provides technical assistance in these criminal proceedings.

POLOCHIC: The Third Chamber of the Court of Criminal Appeals recently ratified the decision to charge Pedro González Rodríguez with extrajudicial killing. González Rodríguez, former head of the Special Forces (DIFEP), is charged with killing Antonio Beb Ac, a peasant farmer, during an eviction operation on 15 March 2011 in the department of Alta Verapaz. CICIG acts as a complementary prosecutor in these criminal proceedings.

ROSENBERG CASE: On 2 August 2013, the judge of the Third Trial Court, Óscar Sagastume, ruled that the evidence filed by the Public Prosecutor's Office (MP) and CICIG was strong. As a result, the Court ordered that José Estuardo Valdés Paiz and Francisco José Ramón Valdés Paiz stand trial on the charge of complicity in the murder of lawyer Rodrigo Rosenberg Marzano on 10 May 2009.

At the pre-trial hearing to open oral arguments, the judge also ruled that Diego Moreno Botrán and Nicolaid Rodolfo Ibarra Figueredo should stand trial for collusion (an agreement between individuals to the detriment of third parties).

MANDATE regarding cases

In accordance with the mandate (Article 2.1.b): "CICIG shall collaborate with the State in the dismantling of illegal security groups and clandestine security organizations and promote the investigation, criminal prosecution and punishment of those crimes committed by their members."

LEGAL REFORMS

The CICIG mandate includes making recommendations to the State of Guatemala regarding the adoption of public policies and, therefore, has drafted and proposed a series of legislative reforms and laws. The following are the laws and reforms presented to the Congress of the Republic:

CICIG RECOMMENDATION	STATUS	LAW
PLEA PROCEDURE: Establish a streamlined procedure for all pleas that have no specific procedure.	Legislated	Reforms to Code of Criminal Procedure
AUDIO-VISUAL TESTIMONY: Regulate audio-visual testimony when there are substantial grounds for considering the individual is unable to testify in person.	Legislated	Strengthening of Criminal Prosecution Act
IDENTITY CHANGE AND RELOCATION OF WITNESSES: Change an individual's identity due to risk arising from their involvement in an investigation.	Partially legislated	Strengthening of Criminal Prosecution Act
JUSTICE COLLABORATION: Regulate benefits awarded to individuals for collaborating in a criminal proceeding to achieve the arrest of leaders of criminal organizations.	Legislated	Amendments to Anti-Organized Crime Act
ILLEGAL TRAFFICKING OF FIREARMS AND AMMUNITION: Regulate, inter alia, the ownership, carrying, importation and exportation of arms and ammunition in Guatemala.	Partially legislated	Arms and Ammunition Act
ANTI-CORRUPTION ACT (UNJUST ENRICHMENT): Define corruption crimes, such as influence peddling and unjust enrichment in Government institutions and by other individuals.	Legislated	Anti-Corruption Act

MANDATE regarding legal reforms

In accordance with the mandate (Article 2.1.c): "Recommend to the State the adoption of public policies for eradicating clandestine security organizations and illegal security groups and preventing their re-emergence, including the legal and institutional reforms necessary to achieve this goal."

SKILLS TRANSFER

CICIG implements various strategic actions through technical assistance, training programmes and the transfer of capacities to the Public Prosecutor's Office (MP), the National Civil Police (PNC), and other government institutions. The support provided to the Public Prosecutor's Office (MP) is explained below:

SPECIAL ANTI-IMPUNITY PROSECUTOR'S BUREAU (FECI): Support is offered in the form of technological resources and forensic analysis equipment to handle criminal evidence and the provision of appropriate logistics equipment for vehicles as well as computers, bullet-proof vests and cameras. Furthermore, technical assistance is provided in

the extraction of forensic information and in the launch of the development of protocols for the extraction process and telephone analysis methods. Prosecutors and assistant prosecutors have received training on questioning and interviewing, extradition and international legal assistance, criminal prosecution and investigation of human trafficking, investigation planning and criminal analysis.

INFORMATION ANALYSIS UNIT: With the aim of implementing the skills transfer needed to strengthen the Analysis Unit of the Public Prosecutor's Office (MP), on 16 February 2012, the Commission deployed international officials to the offices of the Public Prosecutor's Office (MP) to conduct joint internal coordination duties related to methodological and organizational matters. To date, this group has provided technical support in reviewing the restructuring proposal for the Analysis Unit and in training analysts and technicians to use the analysis and information mapping tools of different IT programs.

FINANCIAL INVESTIGATION SECTION:

The staff of this section continually share their forensic financial investigation knowledge and experience with officials and employees of the Public Prosecutor's Office (MP) who are assigned to the Special Anti-Impunity Prosecutor's Bureau, and those of other bureaus, when necessary. These include the bureaus of Organized Crime, Money and Other Assets Laundering, Corruption, Economic Crimes, Human Trafficking and Crimes against Life and Personal Integrity, as well as in relation to specific crimes such as extortions.

The skills transfer is achieved through investigative and technical support in relation to economy, finances and property. In addition, support and guidance is offered in relation to audit activities undertaken by oversight bodies as well as technical consultancies and the implementation of financial investigation plans. This contributes to the development of cases in which CICIG acts as a complementary prosecutor or in which the Public Prosecutor's Office (MP) requires support. Skills transfer is also achieved through the training of National Civil Police (PNC) officers.

DEPARTMENT OF SECURITY: Technical support has been provided to the Department of Security of the Public Prosecutor's Office (MP) through the drafting of an assessment

report on the security system of the district prosecution offices of Huehuetenango, Escuintla and Chiquimula. These efforts were part of an MP pilot project to enhance security of premises, officials and users.

The skills transfer project with National Civil Police (PNC) has rotated officers, reincorporating some officers into the Ministry of the Interior and selecting recently graduated officers who, after being trained, joined the Department of Security to acquire premises security and protection of persons skills. Police officers and MP guards have also completed basic security and shooting courses.

SPECIAL HUMAN TRAFFICKING PROSECUTOR'S BUREAU:

The Commission has provided technical assistance in accordance with the framework agreement on the development of activities in relation to the Anti-Organized Crime Act, the Anti-Femicide and Other Forms of Violence Against Women Act, and the Anti-Sexual Violence, Exploitation and Human Trafficking Act. This has consisted in processing and storing information and the analysis of criminal network links through the systemization of a database of open cases on illegal adoptions. Furthermore, the Commission has participated in developing a criminal prosecution methodology for the crimes of femicide, human trafficking and other forms of violence against women.

PROSECUTOR'S BUREAU OF CRIMES AGAINST THE LIFE AND INTEGRITY OF PEOPLE, ANTI-ORGANIZED CRIME PROSECUTOR'S BUREAU AND HUMAN RIGHTS BUREAU:

The Commission has contributed to strengthening the work of these bureaus over the past year by offering technical support to extract forensic information (computers, cellular telephones, storage devices) in high-impact cases on crimes related to obstruction of justice and femicide, murder, drug trafficking and money laundering, politically-motivated murders and threats against journalists.

MANDATE

In accordance with the mandate (Article 3.1.c): "Provide technical advice to relevant State institutions in the investigation and criminal prosecution of crimes committed by presumed members of illegal security groups and clandestine security organizations and advise State bodies in the implementation of such administrative proceedings as may be required against State officials allegedly involved in such organizations."



JUSTICE COLLABORATOR

The Anti-Organized Crime Act established in 2006 the figure of the justice collaborator—a judicial investigation mechanism—which makes it possible to resolve cases with the help of testimony voluntarily provided by people involved in a crime. Depending on the importance of the information, the individual may receive some benefits in the judicial proceedings.

The use of justice collaborators has enabled Guatemalan justice authorities to dismantle a number of the country's criminal groups. These are the principles behind justice collaboration:

EFFECTIVENESS

The information provided by the justice collaborator must be highly significant in order to help in dismantling criminal groups. The collaborator must provide evidence that can be presented in court to bring members of these groups to justice.

APPROPRIATENESS

The contribution of the justice collaborator must be appropriate in order to arrest members and ringleaders of criminal organizations and to confiscate any property constituting proceeds of the offence.

PROPORTIONALITY

The benefits provided to the collaborator must be proportionate to the effectiveness and importance of the information provided during proceedings.

VERIFIABILITY

The testimony of the cooperator must be verifiable by methods of scientific investigation, such as telephone tapping,

video camera analysis, and expert opinion reports.

FORMALNESS

A cooperation agreement should be signed between a prosecutor of the Public Prosecutor's Office (MP) and the accused and his or her defense counsel. The collaborator must give testimony as early evidence before a competent judge.

JUDICIAL OVERSIGHT

A competent judge is a judge with jurisdiction to authorize or modify the benefits of a justice collaborator agreement.

REVOCABILITY

The benefits awarded to a justice collaborator can be revoked if it is determined that the accused has lied or refused to fulfill the commitments made.

MANDATE

According to the agreement to establish the Commission, the CICIG mandate has three main objectives:

- 01** CICIG should investigate the existence of illicit security forces and clandestine security organizations that commit crimes that affect the fundamental human rights of the citizens of Guatemala, and identify the structures of these illegal groups (including the links between such groups and State officials) as well as their activities, operating modalities and sources of financing.
- 02** CICIG should help the State to disband clandestine security structures and illegal security groups, and promote the investigation, criminal prosecution and punishment of the crimes committed by the members of such groups.
- 03** CICIG will make recommendations to the State of Guatemala regarding public policies to be adopted—including the necessary judicial and institutional reforms.

FAQs

WHAT IS CICIG?

CICIG is the International Commission against Impunity in Guatemala. The Government of Guatemala asked that the United Nations create CICIG as part of efforts to eradicate illegal groups and clandestine security structures that operate in Guatemala.

WHEN DID THE COMMISSION BEGIN TO OPERATE?

The Agreement between the UN and the Government of Guatemala was ratified by the Congress of the Republic on August 1, 2007, and it entered into force on September 4, 2007.

IS CICIG INDEPENDENT?

Yes, politically, organizationally and financially.

WHERE DOES FUNDING COME FROM FOR CICIG?

The costs of CICIG are funded through voluntary contributions made by a number of different countries. As a result, a trust fund was created, which is administered by the United Nations Development Programme in Guatemala.

Follow us at



www.cicig.org

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