



JUSTICE FOR ALL CICIG NEWSLETTER



DIALOGUE WITH CIVIL SOCIETY

Commissioner Iván Velásquez recently met with representatives of 41 different civil society organizations to open a broad dialogue on issues related to peace, justice, security, human rights and social problems in Guatemala.

Representatives of societal groups gave their consent to working in conjunction with CICIG to create efficient and stronger justice institutions and thereby benefit all Guatemalans.

The Commissioner said justice was a common denominator—the objective that links the Commission and numerous civil society organizations, which have struggled over the years to achieve rule of law in Guatemala.

"This meeting is testament to the vitality of civil society, which is of great importance to me, because it implies that the Commission has recourse to a large number of people with mutual interests. I am certain that we are progressing together in our search for justice and stronger rule of law," he said.

He indicated that civil society organizations should be the driving force that ensures the justice system operates and legal investigations are conducted. However, they are not responsible for delivering justice or conducting judicial investigations.

The meeting addressed the issue of implementing joint efforts to ensure the nominating commissions are appropriately established and suitable officials selected. The Commissioner encouraged the organizations to jointly discuss other socially-important issues which they could influence if working towards a common strategy.

New cases

The Commissioner said CICIG would act in accordance with its mandate. "If new cases are necessary, we shall investigate them. If we are able to present thematic reports detailing our perspective, we will do so. If legislative reforms are needed, we shall make the necessary proposals."

In addition, the Commission will continue transferring skills through hands-on work rather than conferences or workshops. "I believe investigators, analysts and prosecutors learn much more by investigating and not necessarily by attending talks, which are important, but not a priority for the Commission," he said.

The meeting ended with the Commissioner expressing his commitment to holding similar meetings on a regular basis so that civil society organizations can contribute to the work of CICIG.

EDITORIAL COMMISSIONER



Iván Velásquez Gómez

OUR GOAL: HELP TO BUILD A BETTER COUNTRY

Regardless of future decisions of the Government of Guatemala and the United Nations Secretary-General in relation to prolonging the stay of CICIG beyond 3 September 2015, the agreement entered into in 2007, which was renewed without amendment for the 2013-2015 period, bestows upon the Commission the responsibility of fulfilling a mandate centered on tackling impunity. This mandate is implemented by undertaking criminal investigations, publishing thematic reports, and presenting legal reform proposals, as well as numerous other actions to strengthen the rule of law and, in particular, the justice institutions.

However, these efforts, which we will undertake until the very last day of our mandate, would not be possible without the genuine determination of authorities and the people of Guatemala to make progress. They are responsible for their destiny and we need their full cooperation in order to properly carry out our activities. CICIG is ultimately nothing more than the outcome of a common goal shared by Guatemala and the international community to strengthen the country's institutions through the provision—without acts of heroism or messianic posturing—of international experience in the fight against organized crime and corruption.

In this regard, since its inception, the Commission has shared good criminal investigation practices with the Public Prosecutor's Office (MP)—prosecutors, investigators and analysts—on the understanding that through its daily

activities CICIG can achieve better, more appropriate skills transfer, which can be complemented by academic workshops to reinforce ideas and to present necessary theoretical background.

These skills will be enhanced over the coming periods through more intensive investigative work by the Commission, which will also support other prosecution offices in tackling organized crime and develop a joint plan with the Attorney General to dismantle criminal structures, both by prosecuting their members and seizing their assets. The seizure of assets is a means of ensuring appropriate individual, collective, personal and social reparations—an activity the justice system must incorporate as one of its main priorities.

The Commission must also have a closer rapport with the community in order to strengthen institutions and the rule of law. By doing so, it would be possible to promote citizen participation mechanisms, such as civic oversight, with the aim of empowering individuals in overseeing public affairs and involving them in their reality, in the their Government and in their future.

You can be assured that during this period of its mandate the International Commission against Impunity in Guatemala will focus all of its efforts and skills on meeting national aspirations to build a better country.

Related to the article on the front page

ORGANIZATIONS THAT PARTICIPATED IN THE DIALOGUE:

Asociación para el Desarrollo Integral de las Víctimas de la Violencia en las Verapaces Maya Achí, Asociación de Investigación y Estudios Sociales, Asociación Abogados Mayas, Asociación Ceiba, Asociación Comité de Desarrollo Campesino, Centro de Análisis Forense y Ciencias Aplicadas, Centro de Acción Legal Ambiental y Social de Guatemala, Centro de Estudios de Guatemala, Comisión Internacional de Juristas, Consejo de Pueblos Quichés, ECPAT Guatemala, Familiares y Amigos contra la Delincuencia y el Secuestro, Foro de Organizaciones no gubernamentales, Fundación Myrna Mack, Fundación Rigoberta Menchú, Fundación Sobrevivientes, Grupo de Apoyo Mutuo, Grupo Guatemalteco de Mujeres, Instituto Centroamericano de Estudios Fiscales, Instituto de Estudios comparados en Ciencias Penales de Guatemala, Instituto de Enseñanza para el Desarrollo Sostenible, Instancia de Monitoreo y Apoyo a la Seguridad Pública, Madres Angustiadas, Asociación Política de Mujeres Mayas, Movimiento pro Justicia, Instituto Nacional Demócrata, Oficina de Derechos Humanos del Arzobispado, Oficina Incidencia Política de la URL, Organismo Naleb, Peace Brigades International, Plataforma Internacional contra la Impunidad Revista el Observador, Sector de Mujeres, Seguridad en Democracia, Movimiento de Mujeres Indígenas, Unidad de Protección a Defensoras y Defensores de Derechos Humanos, Unidad Nacional de Mujeres Guatemaltecas, Coordinadora Nacional de Viudas de Guatemala, Concejo Ecueménico Cristiano de Guatemala, Instituto Centroamericano de Estudios para la Democracia Social, Facultad Latinoamericana en Ciencias Sociales.

OUTREACH MEETINGS

COMMISSIONER REITERATES COMMITMENT TO INVESTIGATING NEW CASES

Commissioner Iván Velásquez reaffirmed his commitment to investigating new cases with the Public Prosecutor's Office (MP), pursuant to the mandate of the Commission. Following a protocol meeting with President Pérez Molina in October, the Commissioner said that CICIG was prepared to open new investigations against criminal groups that promote impunity.



At their first meeting, President Otto Pérez Molina expressed his support for the work of Commissioner Iván Velásquez at the head of CICIG.

AUTHORITIES AND DONORS



Attorney General Claudia Paz y Paz spoke with Commissioner Iván Velásquez regarding work planning between their two institutions in order to combat impunity.



The Commissioner told the judges of the Supreme Court of Justice that CICIG would continue its work to strengthen the Guatemalan justice system.



The President of Congress, Pedro Muadi, met at his office with the Commissioner, and they discussed necessary legal reforms.



The ambassadors of donor countries expressed their support to the Commissioner for the continued work of CICIG in Guatemala.



CASE PROGRESS

MAYOR OF ANTIGUA

On October 16, 2013, First High-Risk Court B convicted five individuals for their involvement in corrupt acts while working at the town hall of La Antigua Guatemala. Mayor Adolfo Vivar Marroquín is currently held in pre-trial detention in relation to the same facts.

By means of summary proceedings, Judge Miguel Ángel Gálvez sentenced the five accused individuals to three years in prison for extortion and two years for fraud.

The convicted individuals were Josué Renato de la Roca Sagastume, Adriana del Carmen Castillo Recinos, Aurelio Cuy Chávez, José Armando Arrecis Ramírez, and Bladimir Alejandro Nájera Caba. The judge also banned them from bidding on, tendering for or signing State contracts.

In this same case, on October 9, 2013, First High-Risk Court B ruled to prosecute another six individuals, including current and former employers of the town hall, after finding evidence of their involvement in acts of corruption committed in the city.

AMATITLÁN

On September 30, 2013, High-Risk Trial Court B sentenced former Director of the National Civil Police (PNC), Baltazar Gómez Barrios, and two of his subordinates to 16 years in prison. In addition, the other 16 accused individuals—13 of whom formed part of a criminal structure—were issued prison sentences ranging from 1 to 61 years in length. These 19 individuals were convicted of participating in the theft of drugs from a drug trafficking organization.

The three judges of the court admitted the evidence filed by the Public Prosecutor's Office (MP) and CICIG. During the trial proceedings, they presented 381 pieces

of evidence, including statements made by 48 witnesses, expert opinions, audiovisual evidence, ballistics reports, financial reports and documentation found at the houses of a number of the accused linking them to a criminal organization involved in the trafficking of arms and drugs.

On September 19, 2013, First High-Risk Court A ordered that Melvin Antonio Castillo Pineda (a former National Civil Police [PNC] inspector) be prosecuted and remanded in custody for his alleged involvement in the theft of drugs.

FRAIJANES

The alternate judges of the Second Chamber of Criminal Appeals, Ramón Francisco González Pineda, Sonia Judith Alvarado López and Frank Manuel Trujillo Aldana, accepted the recusal motion filed against Judge Anabella Esmeralda Cardona Cámbara (judge of the Seventh Trial Court) on the following grounds: "She made statements that brought her impartialness in the case into question" (Frajanes II Case) and, therefore, the recusal motion was granted.

The Commission filed the recusal motion against the judge based on doubts concerning her impartialness, because she had previously made statements to some sectors of the media in which she criticized CICIG. As a result, the Chamber ordered that she step down from hearing the Fraijanes II case, because her statements had raised doubts over her ability to impartially rule on the matter. In addition, the Chamber ordered that another judge be assigned to hear the case.

On November 22, 2013, Judges Rosa María López Yuma and Magda Elizabeth Pérez Arana, of the Seventh Trial Court, excused themselves from hearing the case, indicating that they shared the same opinions as Judge Cardona, who had spoken as President of the Association of Judges.

MIGRATION

The Rota Court ruled to prosecute and remand in custody Mirna María de Los Ángeles Rivas Gramajo, a former official of the Passport Issuing Authorities of the General Directorate of Migration. Rivas Gramajo is charged with allegedly having ties to an organization that forges passports and illegally transports persons.

At the initial appearance, the Court ruled to prosecute the accused on charges of criminal association, illegal transit of individuals and falsification of facts. The investigations of the Public Prosecutor's Office (MP) and CICIG established that Rivas Gramajo had authorized the issuance of Guatemalan passports to foreigners using fake documentation.

In this case, on August 14, 2013, the Third Court ruled to prosecute José Alberto de León Gramajo, Head of the passport delegation of the Passport Issuance Authorities of the General Directorate of Migration (DGM), and José Antonio Samayoa Cano, former representative of the Corporación Inmobiliaria La Luz, S.A (a company that was previously responsible for authorizing the manufacturing of passports). The Court also ordered that the pair be remanded in custody.

MILITARES

After the Tenth Court ruled to drop the proceedings against eight military officials in relation to the alleged misappropriation of GTQ471 million, CICIG appealed the decision of Judge Walter Villatoro before the First Chamber of Appeals. The CC is yet to rule on the matter. The accused individuals are Luis Catarino Estrada Valenzuela, Enrique Ríos Sosa, Luis Alberto Gómez Guillermo, Moisés Eduardo Galindo Ruiz, Sergio Hugo Cárdenas Sagastume, Randalfo Leonel Chacón Álvarez, Miguel Ángel Salguero Torres and Pedro Adolfo Catalán Muñoz.

PRIMAVERA

On October 31, 2013, the start of the trial of eight individuals was suspended. Among the charged persons are former public officials, lawyers and Judge Jorge Mario Peralta Castañeda (accused of participating in the illegal adoption of the child Angely Liseth Hernández Rodríguez). The defense counsel filed a recusal motion against the three judges of High-Risk Court B. The Chamber of High-Risk Matters and Asset Forfeiture is yet to rule on whether the aforementioned court will still hear the case.

MASKANA

The Third Chamber of Criminal Appeals nominated Judge Judith Secaida of the Fifth Court to hear the proceedings in which a number of former officials being prosecuted, including the former Minister of the Interior Raúl Velásquez, for allegedly misappropriating funds allocated to the purchase of fuels coupons for the National Civil Police (PNC). In relation to these facts, the former Director General of the National Civil Police (PNC), Baltazar Gómez Barrios, and two other individuals have been convicted.

The ruling of the Chamber responds to an appeal filed by CICIG against Judge Jisela Yadel Reinoso. CICIG had filed a recusal motion against the judge due to her impartialness in the criminal proceedings.

BLANCO LAPOLA

The Chamber for High-Risk Matters and Asset Forfeiture is yet to rule on the recusal motion filed by the defense counsel of the accused, Marlene Blanco Lapola (former Director of the National Civil Police [PNC] and former Vice-Minister of Security), against the judge of High-Risk Court B, Miguel Ángel Gálvez, to disqualify him from proceedings due to doubts surrounding his partiality. Along with Blanco Lapola, 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.

MANDATE 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."

INSTITUTIONAL STRENGTHENING

CICIG implements various strategic actions through technical assistance, training programs and the transfer of capacities to support the Public Prosecutor's Office (MP), the Ministry of the Interior, and other government institutions.

INTERNATIONAL ANTI-CORRUPTION CERTIFICATE PROGRAM

From September 23 to 27, 2013 an anti-corruption certificate program was held. The program was organized by the Judiciary (OJ) and also received support from the World Bank.

CICIG officials delivered two of the three work modules: "Institutional strengthening in the fight against corruption" and "Current tools to fight corruption". Among the topics covered in the modules were the importance of internal oversight mechanisms in fighting corruption; criminal analysis in fighting corruption; and financial investigations as a tool to tackle corruption.

The program was targeted at Guatemalan officials working in the internal oversight department and other offices of the Judiciary (OJ), the Ministry of the Interior,

the Institute of Public Defense, the Comptroller General's Office, the Superintendence of Banks and the Public Prosecutor's Office (MP). The course sought to share practical knowledge on tools to prevent, oversee and punish corrupt acts, and raise awareness of the need for interdisciplinary, interinstitutional, intersectoral and international cooperation in order to efficiently fight this scourge.

COORDINATION WITH THE TECHNICAL COMMITTEE OF THE PEACEBUILDING FUND

On October 1, 2013, a meeting of the PBF Technical Committee was held with the aim of re-evaluating the Joint Steering Committee. It was established that CICIG would participate in both the Executive Committee and the Technical Committee. The Commission expressed an interest in bolstering the implementation of the General Directorate of Criminal Investigation (DIGICRI) by founding a School of Police Investigation and creating a database of information platform.

SKILLS TRANSFER

Two analysts of the MP Directorate of Criminal Analysis are continuing to receive training, in accordance with the letter of understanding for the coordination and transfer of skills between the analysis units of the Public Prosecutor's Office (MP) and CICIG. The pair of analysts are studying a number of cases linked to a criminal structure. The Financial Investigation Section provides continual skills transfer to five officials: three National Civil Police (PNC) agents and two financial analysts of the MP.

DEPARTMENT OF SECURITY

On 22 October, 2013, the inauguration was held for the basic security techniques course which will be given to the third year of graduating security officers of the Public Prosecutor's Office (MP), a group of 55 individuals. This training was held from October 22 to November 29. Eight officials of the CICIG Department of Security participated as trainers on topics such as handling and firing arms, premises security, and protection of persons.

MANDATE

In accordance with the mandate (Article 3.1.c): "Provide technical advice to the 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."



TRIAL COURTS FOR HIGH-RISK MATTERS

Ensuring the independence of justice institutions is a prerequisite for ensuring the prevention of impunity. To achieve such independence, the security of judges, prosecutors and court officers must be provided for.

However, the use of physical force, threats, acts of intimidation and other forms of duress thwarts criminal investigations and prosecution, influencing the behaviour of witnesses and other parties to proceedings.

Therefore, in 2009 CICIG recommended that the State of Guatemala reform criminal jurisdiction in high-risk cases. Through this reform, CICIG sought to enable such cases to be sent to special courts where extraordinary measures would exist to safeguard the security of judges, prosecutors, court officials, witnesses and other individuals participating in proceedings. In high-risk cases the ordinary security measures would be insufficient.

CICIG believed it was necessary to concentrate the jurisdiction of proceedings requiring stronger security measures in the capital city. The Public Prosecutor's Office (MP), Supreme Court of Justice, and Institute of Public Defense should take the necessary steps to ensure access to justice.

The CICIG proposal was approved, with some amendments, by the Congress of the Republic by way of Decree 21-2009 (Criminal Jurisdiction in High-Risk Proceedings Act).

This legislation sets forth that the Supreme Court of Justice shall determine the competent courts at each procedural stage for crimes committed in Guatemala representing a high level of risk for judges, prosecutors, witnesses and other parties to proceedings.

At present high-risk trial courts A and B and lower courts A and B hear these proceedings. These courts have jurisdiction over cases of crimes against persons and property protection by international humanitarian law, genocide, forced disappearance, torture, human trafficking, abduction or kidnapping, patricide, and the murders of women, among others.

For a case to be heard by a high-risk court, the Public Prosecutor's Office (MP) is responsible for making the corresponding requests before the Criminal Chamber of the Supreme Court of Justice.

The Judiciary is planning to open two high-risk trial courts and two high-risk courts in Chiquimula and Quetzaltenango in order to streamline high-impact cases that take place outside of the capital.

MANDATE LEGAL REFORMS

In accordance with the mandate (Article 2.1.c): "CICIG shall 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.

MANDATE

According to the Agreement, CICIG's mandate is comprised of three main objectives:

- 01 | CICIG should investigate the existence of illicit security groups 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 does CICIG's role as a complementary prosecutor entail?

In accordance with the laws of Guatemala, CICIG can carry out criminal prosecutions or join prosecutions begun by the Public Prosecutor's Office (MP) in cases related to crimes allegedly committed by members of criminal structures that fall under the Commission's mandate. This makes it possible for CICIG to cooperate with the MP in such cases and support the fact-finding process. In addition, the Commission can request the performance and examination of investigative actions, pursuant to Guatemalan law.

Does the Government of Guatemala or its citizens provide any financial support to CICIG?

No. CICIG depends exclusively upon voluntary contributions made by the international community in order to operate. This guarantees the independence of the Commission.

Does CICIG conform to Guatemalan laws?

Yes. According to the Agreement signed between the United Nations and the Government of Guatemala, the Commission undertakes its activities pursuant to Guatemalan legislation and as regulated by the aforementioned Agreement.

Does CICIG have the power to rule on the cases it investigates?

The State of Guatemala is responsible for proceedings and rulings related to the cases investigated by the Commission.

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