

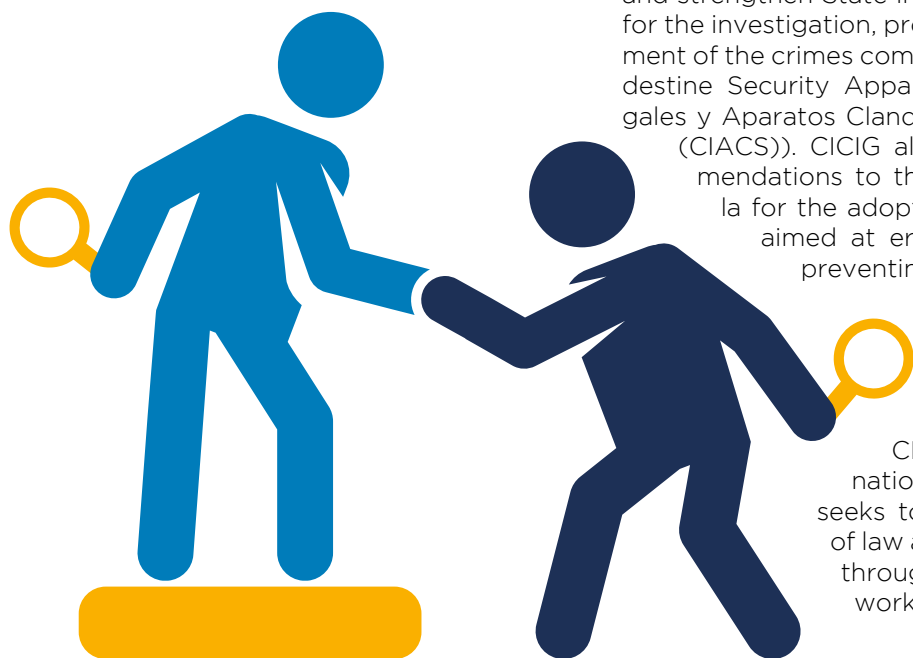


NEWSLETTER

# STRENGTHENING THE ATTORNEY GENERAL'S OFFICE

**CICIG'S CONTRIBUTION TO THE  
STRENGTHENING OF THE ATTORNEY  
GENERAL'S OFFICE CAPACITIES ADDRESSED  
TO THE INVESTIGATION AND PROSECUTION  
OF COMPLEX ORGANIZED CRIME STRUCTURES**

## CONTRIBUTION TO THE STRENGTHENING OF THE ATTORNEY GENERAL'S OFFICE CAPACITIES



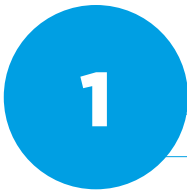
Organized crime groups and the existence of sophisticated criminal networks require a specific approach to law enforcement and prosecution tasks. Therefore, the Agreement regarding the establishment of an International Commission against Impunity in Guatemala (CICIG) empowers CICIG to support and strengthen State institutions responsible for the investigation, prosecution and punishment of the crimes committed by Illegal Clandestine Security Apparatuses (Cuerpos Illegales y Aparatos Clandestinos de Seguridad (CIACS)). CICIG also can make recommendations to the State of Guatemala for the adoption of public policies aimed at eradicating CIACS and preventing their recurrence, including the legal and institutional reforms necessary for this purpose.

CICIG is a unique international mechanism that seeks to strengthen the rule of law and the justice system through direct and joint work with its main coun-

terpart, the Attorney General's Office (MP). Unlike other mechanisms such as the international criminal tribunals, CICIG is characterized by contributing "in situ," transferring expertise through criminal investigation and prosecution in conjunction with the national authorities.

Significant outcomes achieved by the MP together with CICIG in complex cases have relied on innovative ways to respond to this criminal activity, with modern investigation methods and working on criminal prosecution strategically together with prosecutors, police officers and analysts. In the last 11 years, there has been a qualitative and quantitative leap in dealing with crimes that seriously affect Guatemalan society, specifically related to administrative corruption, drug trafficking, smuggling and tax evasion, irregular adoptions, illegal electoral financing illicit trafficking or extortion.

This bulletin reviews the main actions of the Commission that contribute to strengthening the institutional capacities of the MP from an organizational and methodological point of view.



## ORGANIZATIONAL STRENGTHENING

### KEY ACTIONS

#### ► SPECIALIZED PROSECUTOR'S OFFICES

In 2008, the MP, the Ministry of the Interior and CICIG signed an Inter-Agency Agreement to establish and implement a system to wiretap conversations on a telephone and other means of communication created in the Law against Organized Crime (Decree 21-2006 of the Congress of the Republic). The MP, through the Attorney General's Office Agreement number 26-2008, established the Special Prosecutor's Office for CICIG. The Agreement as amended in 2013 established the Special Prosecutor's Office against Impunity (Fiscalía Especial contra la Impunidad, FECI), a specialized

THE MP HAD FIVE AGENCIES IN 2008

**TODAY IT HAS 11**

INCLUDING THE ONE LOCATED IN QUETZALTENANGO.

unit that focuses on investigations that, by the decision of the Attorney General and the Commissioner, are jointly conducted by national and international prosecutors and investigators.

FECI is the main prosecutor's office with which CICIG works. However, the Commission also works specific cases with other prosecutors of the Attorney General's Office, as the Office against Trafficking in Persons, the Office against Organized Crime, the Office of Crimes against Life, the Office of Human Rights or the newly established Office of Electoral Offenses. The Commission has trained MP's staff continuously through the process of 'Learning by Doing.'

#### ► MP'S SPECIAL METHODS UNIT

In 2008, an Inter-Agency Agreement was signed among the MP, the Ministry of the Interior and CICIG to establish and implement a system to wiretap conversations on a telephone and other means of communication created in the Law against Organized Crime (Decree 21-2006 of the Congress of the Republic). As a result of the Agreement, a special commission was established, made up of representatives of the MP, the Ministry of the Interior and CICIG, which led to the creation of the MP's Special Methods Unit (Unidad de Métodos Especiales, UME).

CICIG backed this effort by supporting the Ministry of the Interior and MP in the selection and training of officials of the Special

Methods Unit, advising them in the development of the respective procedure manuals, as well as in the quest for international funds for the acquisition of the first interception equipment. In short, this support allowed the beginning of the work of the new unit.

#### ► MP'S CRIME ANALYSIS DIVISION

In 2012, CICIG and the MP, with the support of the United Nations Peacebuilding Fund prepared the regulations for the creation of MP's Criminal Analysis Division (Dirección de Análisis Criminal, DAC). By centralizing, processing and analyzing large volumes of data, DAC identifies patterns of criminal behavior that lead to unifying different cases committed by the same criminal network.

DAC CURRENTLY HAS

**165** DIGITIZERS AND ANALYSTS

INCLUDING THOSE WHO ARE DAC'S LIAISONS IN DIFFERENT PROSECUTOR'S OFFICES AND SECTIONS THROUGHOUT THE NATIONAL TERRITORY.

For the homogenization of modern criminal analysis methodologies, CICIG has participated in the development of protocols related to:

- ✍ The creation of working models in strategic and operational areas of analysis.
- ✍ The determination of functions based on action protocols.
- ✍ The creation of analytical methodologies to ensure the quality of analytical products.
- ✍ The development of databases to store and relate refined investigation information.
- ✍ The creation of an area of a strategic or operational analysis area that is responsible for the ongoing monitoring of criminal structures, including organized crime.
- ✍ Provision of personnel training.
- ✍ The development of analytical areas related to information technology, such as the geographic referencing of criminality and criminal groups, statistics, and presentation of analytical products.

### ► **THE STRENGTHENING OF THE MP THROUGH THE REFORM OF ITS ORGANIC LAW**

In 2016, CICIG participated in the discussion of the amendments to the Organic Law of the MP subsequently approved by Decree 18-2016 of the Congress of the Republic to incorporate substantive changes to its organizational structure. It is worth mentioning, among other aspects: the abolition of the Attorney General's Office Council; the creation of the National Coordination of Prosecutor's Offices and the figure of regional prosecutors; the updating of section prosecutor's office and the allocation of power vested in the Attorney General to eliminate, merge or create the necessary prosecutor's offices (a task that was previously performed by the Council); strengthening of DICRI by establishing in the law its nature and functions and the research career; the restructuring of the Office for the Protection of Procedural Subjects; the strengthening of the entire professional career system, understood as the system of selection, appointment, promotion, transfer, evaluation and discipline of the MP, in its fiscal, technical (investigation) and administrative branches



to ensure the professional excellence and equal opportunities. Also, the disciplinary system was transformed entirely through the creation of new enforcement agencies (Disciplinary Boards, Disciplinary Board of Appeals, General Supervision), the revision and adoption of a new catalog of offenses, and sanctions and the renewal of all proceedings in the matter.

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## IMPLEMENTATION OF CRIMINAL INVESTIGATION AND CRIMINAL PROSECUTION STRATEGIES

### PROMOTION OF THE STRATEGIC CRIMINAL PROSECUTION FROM THE APPROACH OF CRIMINAL PHENOMENA

In its work with FECI, CICIG has promoted the strategic analysis of the criminal phenomenon and the comparative analysis of cases through particular methods of investigation. This methodology has allowed going from the persecution of individual crimes to the connection of cases that identify criminal structures and networks. This investigative model enables the distribution of available information to facilitate the processing of large volumes of data, thus enabling the obtaining of evidence against each author in the persecuted crimes.

For the implementation of this methodology, teams composed of prosecutors, police officers and analysts specialized by criminal phenomenon -- together with CICIG's legal and police investigators-- develop joint research plans. The planning of the operational aspects of field investigation is combined with the work of crime analysis and criminal prosecution, addressing the cases as integral parts of a criminal phenomenon.

In turn, the joint work from FECI is reflected in the formulation of strategies and litigation proceedings, reinforcing aspects such as legal arguments, the principle of probation and the processing and presentation of evidence.

Besides, CICIG has coordinated different training cycles aimed at strengthening the knowledge of prosecutors, police officers and judges, with funding from international cooperation agencies, on issues such as extradition and international judicial assistance, interrogation techniques, investigation and criminal prosecution of cases of trafficking in persons, among others.



### IMPLEMENTATION OF SPECIAL INVESTIGATION TECHNIQUES AND TECHNOLOGICAL TOOLS TO FACILITATE THE FIGHT AGAINST ORGANIZED CRIME AND STRENGTHEN SCIENTIFIC PROOF

#### ► PHONE TAPPING

This method of investigation has yielded important results not only in the cases developed by CICIG and FECI, but in a large number of investigations related to extortion and murder, for instance, allowing not only dismantling criminal structures, but also anticipating and preventing the commission of crimes.

## ► FORENSIC INFORMATION EXTRACTION EQUIPMENT

About the importance of investigating communications to document the existence of criminal structures, CICIG has supported MP with the provision of forensic programs that allow the collection, preservation, and analysis of digital evidence, as well as the improvement of images and video. Thus, the information contained in computers and data storage devices such as removable hard drives, tablets or USBs can be used as electronic evidence. Extraction systems and digital forensic analysis through the use of state-of-the-art technology can significantly clarify criminal activity.

## ► COOPERATING WITNESSES

CICIG proposed reforms to the Law against Organized Crime that would operationalize the figure of 'cooperating witness' in criminal prosecution. As a result of this reform, contained in Decree 23-2009 of the Congress of the Republic, the use of this legal resource has been extended to obtain first-hand, verifiable and useful information to identify and prosecute crimes committed by criminal organizations.

## CRIMINAL RESEARCH AND ANALYSIS



In 2012, the MP and CICIG signed a Letter of Understanding aimed at transferring capacities to the analysis unit of the Attorney General's Office. The object of the Letter of Understanding was to support and improve the methods and techniques of analysis through joint work between analysis units

of both institutions. As a result, joint teams were integrated with staff from the former MP's Analysis Unit, the Criminal Investigations Division of the MP (DICRI) and CICIG.

In 2013, the MP's Analysis Unit became the Criminal Analysis Division (DAC). The joint work and the transfer of capacities to DAC has allowed not only the training of staff but also the facilitation of the necessary tools to identify and analyze criminal structures. This work included training for analysts and technicians on the management of analysis computer programs and graphic representation of information. Currently, this staff can perform complex analyzes of criminal structures independently.

An important method lies in the analysis of displays and wiretapping used as evidence in a judicial process. In this regard, in addition to making reports of telephone analysis for the MP, CICIG has continuously trained the personnel of the MP's Criminal Analysis Division in this criminal analysis tool.

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## FINANCIAL RESEARCH AND ANALYSIS

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In 2012, the MP and CICIG signed a Letter of Understanding for the coordination and transfer of capabilities in financial analysis and research. The purpose of this letter was to strengthen and optimize the organizational structure, methods, and techniques of analysis and research in financial matters. CICIG's Financial Unit strengthens MP's financial investigators with constant training on everyday tasks and updating of computer courses and forensic audit methodology. Financial investigation is a particularly valuable tool in crimes related to administrative corruption.

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## WITNESS PROTECTION PROGRAM

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At the beginning of its operation, CICIG found that a public safety crisis, together with the lack of confidence in the justice system, prevented the collaboration of citizenship as witnesses in judicial proceedings. The Witness Protection Program was an eminently administrative structure that did not have police officers dedicated exclusively to this task. CICIG then formulated a proposal for the restructuring of the said program, which was approved in 2008 by MP and the Ministry of the Interior.

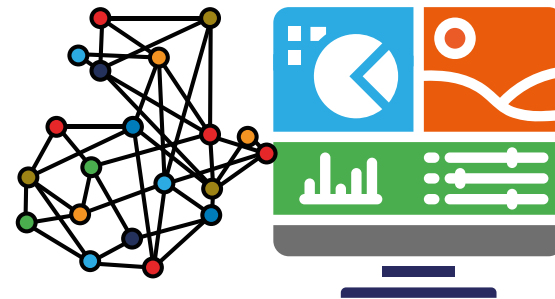
A key outcome of the project has been the creation of a specialized police group whose exclusive functions are to ensure the priority protection of witnesses designated by the MP and the confidentiality of investigations, something that did not exist in Guatemala until that moment. CICIG participated in the selection and trained 60 Program officers, and it coordinated several courses and training courses.

CICIG also developed protocols and regulations to develop best practices, establishing guidelines for risk analysis and the provision of security to witnesses. It successfully implemented procedures for the relocation of program beneficiaries, as well as for the completion of protection measures. Thanks to international aid managed through CICIG, it was also possible to contribute to the economic reactivation of witnesses and their re-socialization, thus ensuring the sustainability of the program and its long-term success.

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## ARTICULATION OF THE STATE VIS-À-VIS CRIMINALITY

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Based on the power vested by its mandate to make recommendations aimed at strengthening the justice system in the country, CICIG has supported the sector institutions in the development of the Integrated Justice System of Justice (SIJ). This project proposes a space for articulation regarding planning and allocation of resources among MP, the Judicial Branch, the Ministry of the Interior, INACIF and IDPP, in response to the need to improve coordination mechanisms between these institutions, as a preliminary step to increase the budget for justice in the country. Such measures are essential for the reduction of aggregate impunity or crime rates, which remain very high and, therefore, are worrisome concerning access to justice and compensation for the damage caused.

**CICIG** International  
Commission against  
Impunity in Guatemala



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[www.cicig.org](http://www.cicig.org)