

THE INTERNATIONAL COMMISSION AGAINST IMPUNITY IN GUATEMALA (CICIG):
A SOLUTION TO ORGANIZED CRIME?

by

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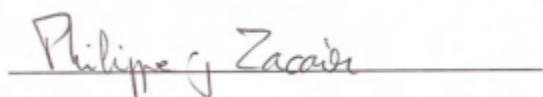
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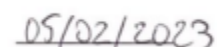
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Introduction

For many years now, the impacts of the International Commission Against Impunity in Guatemala (CICIG) have not been significantly evaluated as more studies need to be conducted to determine its influence on combating organized crime in Guatemala (Carrera, 2017).

Guatemala is a country known for its high rates of organized crime that includes corruption within government organizations and agencies (Kirby, 2020). The Commission has faced a whirlwind of criticism and significant backlash concerning its operations and functions since former President Jimmy Morales was elected to office in 2015 to serve as Guatemala's 50th president.

As an internationally appointed organization by the United Nations, it is significant to extensively research its effects in the country and how its abolishment could pose negative consequences for the future of Guatemalan politics. This research is significant in understanding what lessons can be learned from its placement in the country, how those lessons can be applied with international organizations in the future, and how this can lead to generating future changes in international politics as well as combating ongoing issues of organized crime.

Research Aims and Objectives:

The impacts of the Commission Against Impunity in Guatemala (CICIG) at a domestic and international level have merely been studied since its abolishment by former Guatemalan president Jimmy Morales in 2019. The CICIG was an internationally appointed organization in Guatemala by the United Nations (UN) in 2007. The organization was in charge of investigating and prosecuting criminal activity in the country under Guatemalan law. This research aims to

understand, analyze, and interpret the influence of the organization on combating organized crime consisting of corruption, homicides, the drug trade, and other violent crimes at the domestic level. The following are the research objectives intended for this study:

- Examine the influence of the CICIG in reducing organized crime (homicides, corruption, the drug trade, etc.)
- Investigate the approval ratings of the organization by the Guatemalan people (through testimonials)
- Compare the current crime rates of the country during the appointment of the CICIG and after its abolishment in 2019
- Determine the number of successful criminal prosecution cases by the CICIG
- Understand the political issues current Guatemalan president Alejandro Giammattei faces since the CICIG's abolishment
- Determine the influence of the CICIG on other countries incorporating similar organizations in the future to combat organized crime

Short-Term Objectives vs. Long-Term Objectives

The short-term objectives for this research project will consist of gathering and analyzing existing data, articles, and statistics that exist on the topic that will ultimately lead to the bigger picture. The long-term objective for this honors project is to evaluate how this research can lead to further analysis of international organizations in the future and the CICIG's impacts on international politics. This research will also lead to more recognition and acknowledgement of Central-American politics, specifically Guatemalan politics and its influence on a global scale.

Literature Review:

The Beginning of the CICIG:

The International Commission Against Impunity in Guatemala (CICIG) was established in 2007 with the help of the United Nations (UN) to combat all forms of corruption and crime currently impacting the country (*CICIG | Department of Political and Peacebuilding Affairs*, n.d.). The internationally appointed organization has long been under scrutiny by the Guatemalan government, yet the country's people have supported the organization's efforts and its cause. Previous studies and statistics have demonstrated the organization to have a positive impact while its operations were in effect in Guatemala from 2007 to 2019. This literature review aims to examine the effectiveness and efficiency of the organization's mission in reducing organized crime, more specifically, corruption and violent crime. Additionally, it emphasizes the approval ratings of the CICIG, not only from the Guatemalan people but also from other close countries and governments that plan to incorporate a similar model-type entity as organized crime continues to increase.

Positive Results:

Since the incorporation of the CICIG in Guatemala, the people have sided with the internationally appointed organization in its claim of decreasing existential crime, corruption, and overall organized crime in the country. Before the CICIG was appointed to Guatemala by the United Nations (UN), the country struggled to institute modern reforms to create a more developed country with more impactful policies, methods, and strategies for investigating crime and corruption. There has been a significant increase in court case filings against government officials and other parts of the population facing charges within the justice system related to

corruption and other high-profile crimes (Schneider, 2019). Specifically, 660 people have faced criminal charges, and there have been more than 400 criminal convictions, resulting in an 85 percent success rate overall of charges prosecuted by the CICIG (Schneider, 2019). With the significant work done so far by the organization, there were major reforms within the country's justice, legislative, and judicial systems. In the long term, it is proven that these reforms will continue to be positively impactful and beneficial in serving the nation's people. Aside from court filings and criminal prosecution charges, homicide rates falling within the category of violent crime drastically decreased from 46.1 percent to approximately 26.1 percent, with almost a 50 percent difference from 2009 to 2017 over the span of eight years, and overall violent crime decreased from 98 percent to approximately 87 percent with almost a 10 percent difference from 2009 to 2016 (Schneider, 2019). The trust of the people in this valuable institution was extraordinary, with approximately 70 percent of Guatemalan people demonstrating their confidence in the CICIG accomplishing its mission and 57.8 percent of confident citizens demonstrating their approval of the Attorney General's Office in cases of prosecution (Schneider, 2019). These percentages were among the highest in the country for such an institution that has been under constant scrutiny and has faced many blockages by the Guatemalan government since its entrance into the country. Overall, the CICIG was effective in strengthening the principles of democracy and upholding the rule of law as it pertains to the Guatemalan constitution (United Nations, 2019).

Weaknesses of the Literature:

The information gathered from multiple sources gives a sequential timeline of events leading up to the eradication of the CICIG in 2019. The sources identify political members involved from its beginning in 2007 to its end in 2019. There is wide use of statistics giving accurate percentages and numbers related to the organization's effectiveness in reducing corruption and crime in Guatemala in only some specific articles. In contrast, others have limited results reports about the organization's accomplishments. There is a significant emphasis on how the CICIG as an international organization affected the presidency of Jimmy Morales, but not much emphasis on how the concurring events involving the CICIG have impacted the presidency of current president Alejandro Giammattei. The addition of negative consequences regarding Guatemala's domestic and international security after the eradication of the CICIG should be considered and assessed to determine the overall effectiveness of the organization. Additionally, specific statistics should be analyzed by researchers in determining the change of rates pertaining to violent crime from the time the organization was abolished in 2019 up until the current presidency of Alejandro Giammattei.

The End of the CICIG:

In 2016, former president Jimmy Morales was elected and sworn into office as Guatemala's 50th president. One of the primary political efforts on his political agenda and campaign when running for office was abolishing the CICIG and not renewing its contract with the country. Former president Jimmy Morales claimed the CICIG allowed for undermining the country's sovereignty, interfering with Guatemala's international affairs, and devaluing the governmental system in its ability to govern itself. With the contract ending in 2019, one year

before Morales's presidential term, former president Jimmy Morales took matters into his own hands without the approval and support of the people and abolished the organization, creating civil unrest and losing the trust of many citizens. It was later investigated that former president Jimmy Morales was being held under investigation for illicit campaign financing that held negative implications for political and business institutions, the resistance of Guatemalan Congress, and the end of a solid U.S.-backed support system causing further turmoil in the country (Kirby, 2019) The eradication of the CICIG further created many issues for the next upcoming president in 2020, Alejandro Giammattei.

The Future of Model-type Entities:

Following the abolishment of the CICIG in 2019, many people and neighboring countries such as El Salvador, Honduras, Mexico, and other Central American governments have expressed interest in such a model-type entity similar to the CICIG to help combat organized crime and corruption (Justice Initiative). Before taking proactive measures to create such an entity, countries and governments must account for the implications and blockages that would impede the effectiveness and efficiency of such an organization in accomplishing its overall mission. An effective strategy, existential legalities, and understanding the nature of crime in the country are critical components in assuring any similar organization is successful.

Methodology:

Data, statistics, and interviews will be analyzed, compared, and used to measure the organization's effectiveness in reducing organized crime in Guatemala. With this research, in the field of government affairs, the lasting significance of the CICIG can be further studied to

determine whether other countries can use a similar model-type organization to reduce global crime further. This research will truly determine whether the CICIG was effective in accomplishing its mission in reducing organized crime in the country.

To further understand the effect of the CICIG in combating organized crime in Guatemala, a qualitative research method, such as personal interviews, will be used to investigate this study. Unstructured interviews without pre-determined questions for participants will be used. The participants to be interviewed are known political figures who served or still currently serve in respective political positions when the CICIG was in operation and after it was abolished in 2019. A *political figure* in this study is defined as a representative who was voted into an elected position to represent a specific municipal department in the country or was an official as part of the executive branch of government. Some interviews may be conducted virtually, while others will be in-person. There is no set time limit for how long the interviews may last, and it depends on the flow of the conversations regarding the CICIG that may eventually lead to the bigger picture. Many political figures prefer not to be recorded due to confidentiality; however, note-taking will be used to record responses and vital information in this study.

In the past, the CICIG as an organization has conducted testimonial interviews with the participants being the country's citizens. Because the CICIG was representative of the nation's people, it was valuable to gain insight into citizens' testimonies on whether the CICIG was an effective organization in combating organized crime (CICIG, 2019). This approach of using a qualitative research method for this study is unique because political figures at the frontline of politics in Guatemala will be interviewed to gain specific insight into the topic. These interviews

will further give insight into the political perspectives of those political figures who currently represent or have represented the nation.

Timeline of Events leading to the end of the CICIG:

2015:

- Jimmy Morales is elected President of Guatemala

2016:

- An investigation is conducted accusing Jimmy Morales of illegal campaign financing
- The Guatemalan Supreme Court declares violations were committed pertaining to Morales' campaign

2017:

- Morales tries to expel Ivan Velasquez (head of the CICIG) from Guatemala
- The CICIG tries to remove Morales' immunity to continue the illegal campaign financing investigation
- The Court does not allow Morales to expel Velasquez from the country
- Congress approves reforms to stop the unlawful campaign financing against Morales
- The Supreme Court denies any hearings against Morales and political legislators accused of partaking in a corruption scheme

2018:

- The CICIG begins the second phase of the corruption investigation

- Those involved in the corruption scheme take responsibility for their role
- Morales begins to promote the expulsion of the CICIG via social media and accuses them of committing illegal acts
- Funding intended for the CICIG's operations is put on hold by United States Senator Marco Rubio
- The attorney general and Velasquez open a case against those who financed Morales' presidential campaign
- Morales' government sends military personnel to the headquarters of the CICIG and the US embassy in Guatemala
- Morales prohibits Velasquez from returning to Guatemala as his Guatemalan work visa expires

2019:

- President Jimmy Morales does not renew the mandate to allow the continuance of the CICIG's operations in Guatemala
- Many Guatemalan citizens protested against Morales' decision to end the functions of the CICIG, fearing corruption and organized crime would continue to worsen in the country.

Timeline following the abolishment of the CICIG:

2020:

- President Alejandro Giammattei is sworn into office and deals with the aftermath of the abolishment of the CICIG

- Several politicians were arrested on corruption charges
- The start of the COVID-19 pandemic

2021:

- People protest and urge for the resignation of President Alejandro Giammattei due to corruption
- Political conversations are conducted between the United States and Guatemalan governments on the issue of immigration

2022:

- Corruption and organized crime continues to negatively impact Guatemala

TESTIMONIALS (CICIG's WEBSITE):

Congressman Eliot Engel (Former U.S. Representative for New York) –

- Former Congressman Eliot Engel served as a former U.S. Representative for the state of New York from 1989-2021. Engel was very involved in the appointment of the International Commission Against Impunity in Guatemala (CICIG). Engel was very invested in combating violence in Central America. Chairman Engel fully supported the CICIG's presence in Guatemala and thought of the organization as a positive mechanism to combat organized crime. Despite the organization's exit in 2016, representative Engel demonstrated his support and appreciation for their work and contribution in combating and setting an example to combat organized crime.

Stefano Gatto (Ambassador of the European Union to Guatemala) –

- Former ambassador Stefano Gatto served as a European Union diplomat to many countries including Belgium, Luxembourg, Brazil, El Salvador, India, Pakistan, and Guatemala. He precisely served as the Ambassador of the European Union to Guatemala from 2016-2020 during the presidency of Jimmy Morales and witnessed the presence of the CICIG in Guatemala. Gatto fully supported the organization and efforts against organized crime and addressed the stereotype of foreign entities invading the sovereignty of a country. Gatto explained that many Guatemalan political and judicial officials saw the CICIG as an entity overriding the sovereignty of Guatemala. The CICIG complemented the efforts of the Guatemalan justice system and did work in collaboration with the Guatemalan authorities, although it was an independent organization of the national justice system. Gatto's testimonial of the organization demonstrates the support the organization had of international political entities such as the European Union (EU) and the United Nations (UN).

CASES INVESTIGATED BY THE CICIG:



Figure 1: <https://www.cicig.org/?lang=en>

Referring to Figure 1, it can be clearly shown the total number of new cases investigated by the CICIG increased and decreased annually depending on the political climate each year and the type of cases that were being investigated.

Total number of new cases each year:

2008 (4)	2009 (10)	2010 (7)	2011 (5)
2012 (6)	2013 (4)	2014 (5)	2015 (15)
2016 (4)	2017 (13)	2018 (17)	2019 (7)



Figure 2: President Jimmy Morales standing at the presidential podium ready to give a speech to the Guatemalan people.



Figure 3: Ivan Velasquez, head commissioner of the CICIG up until its abolishment in 2019. Currently, Velasquez serves as a diplomat, jurist, and is the Minister of National Defense in Colombia.

Meeting with Former President Jimmy Morales

On March 31st, 2022, I had the privilege of meeting and interviewing former Guatemala President Jimmy Morales who served the country of Guatemala from 2016 to 2020 and represented the National Convergence Front political party. It should be considered and noted that I would not be allowed to discuss or ask questions pertaining directly to Morales' corruption scandal with the CICIG that involved his son as well. Due to these limitations, it was in part difficult to address concerns about political corruption and organized crime pertaining to the CICIG and its impact in the country due to Morales's conflicts with the organization throughout his presidential term. Although this was the case, Morales was able to address his greatest accomplishments and hardships as president as well as discuss economic and political conflicts at the domestic and international level. When asked if Morales had any advice for future presidents of Guatemala, he strongly claimed he did not have any comments to that question. In reference to the small discussion there was to the CICIG, former president Morales suggested the CICIG "se convirtió en una institución supranacional, incidiendo en la política y las decisiones judiciales de forma descarada y con total impunidad... La justicia debe ser independiente, nunca condicionada". All in all, it was clear, Morales was against the organization from the start and saw it as a direct threat to the sovereignty of Guatemala and its citizens.

Below are the complete questionnaire responses given by Morales himself (note: All responses were recorded in Spanish):

PRESIDENCIA DE GUATEMALA 2016-2020.

ÉXITOS Y LOGROS:

1. Económicos:

a. Unión aduanera con Honduras.

Se firmó el acuerdo de unir las aduanas con el país vecino Honduras. Para el efecto de homologaron las leyes y sistemas fiscales se creó la FIDUCA (Factura y documento Único Centroamericano) y el DUCA (Documentos Único Centroamericano). Según informes del Banco Mundial, el tiempo promedio que tardaba un camión con mercadería para pasar las aduanas de ambos países era de 25 horas y con la Unión aduanera se redujo a 15 minutos.

Además se logró incrementar en un 1% el PIB de cada país con el incremento comercial que se generó con este beneficio.

b. Incremento de las reservas nacionales.

De 2015 a 2019 se incrementó cerca de un 70% las reservas del Banco de Guatemala (Banco Central) De US\$ 9,200 millones a US\$ 15,700 millones.

c. Implementación de Eurobonos

Por primera vez en la historia se crearon y colocaron Bonos del Estado en Europa y se pudo hacer en línea, obteniendo las mejores tasas de interés de la historia crediticia del país.

d. Estabilidad macroeconómica

El Fondo Monetario Internacional nos dio una calificación País, superior a las anteriores, reconociendo que nuestras prácticas monetarias y financieras eran correctas y estables.

2. Sociales:

a. Estabilización del sistema hospitalario y de salud.

A principios del 2016 el sistema hospitalario estaba en crisis, el abastecimiento de medicinas y de materiales médico quirúrgicos estaban por debajo del 50%, lo que impide al personal de salud ofrecer un buen servicio. En el primer semestre del año se corrigieron los problemas, se cancelaron las deudas con la OPS y la OMS, y mantuvo entre el 92 y el 99% de abastecimiento para hospitales. Se incrementó el salario de los salubristas y se ordenó la clasificación laboral del personal médico, de enfermería, de administración y otros profesionales de la salud.

b. Implementación del programa de alimentación escolar.

En 2016 se tenía un programa de Refacción Escolar, que consistía en un vaso de atol y una galleta, con un presupuesto de Q 1.11 centavos por alumno. Para 2018 se incrementó a Q 3.00 por alumno y para 2019 a Q 4.00 por alumno. Además se generaron menús nutritivos y se hizo un cambio radical en la forma de entregar los recursos. Se dejó de hacer compras centralizadas y se le dio el dinero a las Organizaciones de Padres de Familia (OPF's) para que ellos en sus comunidades compraran los productos y se cocinara un tiempo de comida, desayuno para cada uno de los estudiantes. Todo el dinero puede dársele seguimiento por su trazabilidad bancaria y se evitaran temas de corrupción en ese programa. Adicional a mejorar considerablemente el programa de alimentación, esto permitió que el dinero llegara a comunidades en donde no había mucho desarrollo económico, elevando los parámetros comerciales de todos los sectores del país. En 2016 se invirtieron Q 600 millones, en los programas de apoyo a la educación, para 2019, se estaba invirtiendo Q 2,400 millones.

c. Incremento de la matrícula escolar

DE 2009 a 2015 fue decayendo la matrícula escolar, es decir menos niños se inscriben a la escuela cada año. A partir del esfuerzo que se hizo para los programas de apoyo a la educación no solo se detuvo la caída, sino que se logró iniciar el crecimiento de la matrícula llegando a los niveles más altos alcanzados en décadas anteriores.

d. Récord de días de clases

De un promedio de 130 días efectivos de clases que se tenía por año, se logró en 2017 llegar a 176, en 2017 a 188 y en 2019 a 193 días efectivos de clases. Este récord se alcanzó gracias al apoyo del magisterio nacional y la colaboración de los padres de familia con las OPF. Nunca antes se habían logrado estos registros.

3. Infraestructura:

a. 2,000 kilómetros de asfalto nuevo

b. Construcción de circunvalaciones a ciudades en carreteras estratégicas

4. Políticos:

a. Realización del CENSO Poblacional y Habitacional.

Desde el 2002 no se había realizado un censo, por lo que era urgente hacerlo. Se hizo el 12º. Censo Poblacional y el 7º Censo habitacional, proporcionando información crítica y vital para la toma de decisiones e implementación de políticas públicas coherentes con la realidad del país.

b. Realización de la Consulta Popular del “Caso Belice”.

Se realizó con éxito la Consulta Popular para decidir si el diferendo territorial con Belice se llevaba a una Corte Internacional de Justicia. Ganando el SI, con un 96% . Lo mismo se hizo en Belice.

c. Finalizar el mandato de la CICIG

Después de 11 años de existencia de la Comisión Internacional Contra la Impunidad en Guatemala, se finalizó el mandato al no renovarse una extensión más del mismo. Esta decisión puso fin a una comisión que era un experimento que puso en riesgo la justicia, la política y la seguridad guatemaltecas.

MAS GRANDES DESAFIOS:

1. La “Parálisis Administrativa”, por temor a ser procesado judicialmente.

Después de que en 2015 arrestaran al Presidente Pérez Molina, a la Vicepresidente Roxana Baldetti y muchos de los Ministro de Gobierno de ese período, nadie quería firmar contratos o documentos por parte del Estado, por temor a ser procesados judicialmente. Esto hizo sumamente lento el funcionar del Estado al extremo que el PIB cayó de 4.8 a menos de 2 en 2016.

Rescatar la confianza del servidor público y regresar a la dinámica correcta nos llevó dos años.

2. La injerencia Internacional.

La ONU, y el denominado G13 en Guatemala, que está formado por EEUU, los países de la UE e instituciones como el BID y el Banco Mundial, habían tomado un papel de policía en el país. La CICIG se convirtió en una institución supranacional, incidiendo en la política y las decisiones judiciales de forma descarada y con total impunidad. Hubo que hacer uso de la Convención de Viena y denominar a varios diplomáticos con “Non Gratos” en el país, para poder corregir la situación.

3. La Cooptación del Sistema de Justicia por la CICIG

Tanto la Corte Suprema de Justicia como la Corte de Constitucionalidad fueron condicionados por los distintos Comisionados de la CICIG para actuar como ellos querían que se hiciera. Esta comisión inició con “Listados de Jueces y Magistrados de la Impunidad”, incluyendo en esos listados a aquellos que no fallaran como la comisión decía o pedía, de tal forma que luego se les amenazaba con quitarles visas o perseguirlos penalmente. La justicia debe ser independiente, nunca condicionada. Hubo una “Justicia Selectiva” y “se politizó la justicia y se judicializó la política”.

CONSEJOS PARA OTROS PRESIDENTES EN EL FUTURO:

No tengo.

PROBLEMAS ECONOMICOS Y POLITICOS QUE AÚN ATRAVIESA GUATEMALA:

1. Internacionales
 - a. La cercanía de USA, se vuelve una desventaja por su injerencia en Guatemala.
 - b. La dependencia económica de la región con USA
 - c. Zona de tránsito y producción de narcotráfico, violencia.
2. Nacionales
 - a. Bajo presupuesto comparado con las necesidades existentes
 - b. Instituciones débiles.
 - c. Altos índices de corrupción.



Figure 4: Formal meeting with former Guatemalan President, Jimmy Morales.

March 31st, 2022: My personal meeting with former President Jimmy Morales

UNIVERSIDAD DE SAN CARLOS DE GUATEMALA - “Escuela de Ciencia Política:

On March 29th, 2022, I had the privilege of being invited to the Political Science Department at San Carlos University in Guatemala, internationally known as USAC. This university is recognized for being the top university in Guatemala known for its academic research and prestigiousness for its recognized alumni that has included many former presidents of the country. I was invited to join some political science courses to better understand the university's studies of politics and their overall curriculum when analyzing Guatemalan politics.



Figure 5: The Political Science school at the University of San Carlos of Guatemala (USAC)

Reflection:

Conducting this critical research was a unique learning experience for me, and I will continue researching this topic further as more information becomes available. There were no definite differences between what I thought the experience would be like compared to the experience of exploring this topic. This Senior Honors Thesis project has become an initiative to further engage in research of this discipline as a scholar interested in politics both at the domestic and international levels. Through this project, I learned more about myself as a researcher and my capabilities when I am determined to accomplish a task or goal. This project will further enhance new academic and professional opportunities, leading into the future.

Conclusion:

Despite the CICIG's abolishment in 2019, research has shown a substantial reduction in organized crime in Guatemala during the organization's operational period. Further research on its influence on bordering and neighboring countries in incorporating a model-type entity should be conducted to assess whether the same results would occur when combating the issue of organized crime and if different approaches to combat crime could be more effective than an internationally appointed commission. Expanding further on the implications created by the abolishment of the organization would further help understand current social, political, and economic changes in the country. This research will be critical to understanding the future solutions to domestic and international organized crime. The implications and effects of this study will contribute to the awareness that organized crime continues to be a prevalent problem on a global scale. Government systems at every level are to be held accountable to taking

appropriate action in addressing these issues. This research is a part of an initiative to create understanding of how government actions and decisions ultimately affect the people of a nation.

Since the establishment of the CICIG in Guatemala, there has been more accountability and major cases brought upon political and judicial officials partaking in illegal corruption schemes. The institution has demonstrated its profound impacts in strengthening the rule of law against organized crime in Guatemala.

With Central American politics being merely talked about in the United States, this research will ultimately help scholars understand the influence of Guatemalan politics on a global scale and how the CICIG has further contributed to conversations of political ties between Guatemala, the United States, and other bordering countries. The CICIG has by far influenced conversations of similar organizations being used to combat organized crime in Central and South America.

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