



# **Guatemala's Crossroads: Democratization of Violence and Second Chances**

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## **Project Description**

This paper is part of the ongoing work of the Latin American Program on citizen security and organized crime in the region and their effects on democratic governance, human rights, and economic development. This work is carried out in collaboration with the Mexico Institute, which has worked extensively on security and rule of law issues in Mexico. Our goal is to understand the sub-regional dimension of organized crime, focusing on the ways in which the countries of the Andean region, Mexico, Central America, the Caribbean, the United States, and Canada play central and inter-connected roles.

This essay represents one of three papers commissioned by the Woodrow Wilson Center on the nature and dynamics of organized crime in Central America and its connections to broader criminal networks in Mexico and the Andean region.

This paper, along with the others in this series, is a working draft. It may be cited, with permission, prior to the conclusion of final revisions. The paper will be part of a Wilson Center publication planned for early 2011. Comments are welcome. If you have questions or comments related to this paper or would like to contact the author, please email Eric Olson at [eric.olson@wilsoncenter.org](mailto:eric.olson@wilsoncenter.org) and Cynthia Arnson at [cynthia.arnson@wilsoncenter.org](mailto:cynthia.arnson@wilsoncenter.org).

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**Guatemala's Crossroads: Democratization of Violence and Second Chances**  
**Guatemala – 2010 – Julie López**

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## EXECUTIVE SUMMARY

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#### Executive Summary

The State of Guatemala is embarked in two wars. On the one hand, it's fighting organized crime; on the other, it's at war with itself. While significant portions of its resources are used to fight drug trafficking and extortions, and an explosion of other organized crime activities, the State seems to be imploding from corruption and insufficient professional personnel in the public sector.

After a 36-year internal conflict, this stage in Guatemala's history is often described as the key time to decipher the origin of the country's current maladies. But the answer is not so clear cut. Security and political analysts attribute the proliferation of organized crime to the Intelligence Structures and Clandestine Security Apparatuses (CIACS, their acronym in Spanish) that were not dismantled after the peace accords were signed. They also attribute it to scores of men left unemployed after the end of the conflict, whose main skill was knowing how to fire a gun.

The origin of organized crime and the elements contributing to its growth are broad and complex. Criminal structures can be seen as a three-legged stool, where the three legs are the local crime lords or *capos*, foreign criminal networks, and local corrupt authorities—which, throughout history, have involved civilians and the military. Some analysts trace the first signs of these structures back to the 1940s, beginning with the strengthening of local criminal networks that worked with foreign contacts on a regional level. Other origins are traced back to contraband networks dating back to colonial times and the 18<sup>th</sup> century.

One main turn of events is found in the early 60s when most State structures were under military control, including the surveillance of the entire country as part of the counterinsurgency strategy. No significant criminal activity could be conducted without the army's knowledge. This strategy enabled them to create a network of informants that was later used to cover up participation in contraband and other illegal activities. These networks included contacts in immigration, customs and police agencies. Some contacts willingly cooperated with corrupt military officials; others acted as facilitators (as in the counterinsurgency context) without knowing that the military was abusing its authority.

During the height of the armed conflict, criminal activity was camouflaged by internal warfare, and the fight against insurgency did not allow full detection of the growth of criminal structures. When the peace accords were signed, some of the CIACS—which had been operating with impunity, and perpetrating human rights abuses—had also been engaged in organized crime, and continued to do so after the conflict ended. Criminal networks kept their contacts inside the State, both military and civilian, as proved by numerous cases of infiltration in the judicial system, Congress, Executive branch, police and army.

Other significant factors also include the relaxation of quality control in the training and vetting of troops in the army during the early 1980s, police officers since 1997, and public sector personnel since the 1960s. As a result, some were more susceptible to being tainted by money from criminal sources.

Simultaneously, every electoral period carries along scores of party supporters who are placed in government positions as payment for political favors. Professional standards are not always the main criteria for the choice of personnel. This trend does not fall under the umbrella of organized crime, but contributes to it by fostering corruption and facilitating certain criminal behavior.

These conditions would have prevailed regardless of the counternarcotics strategies in Mexico and Colombia. However, the composition of criminal networks in Guatemala might have been different had the Mexican DTO's not had such a strong presence in the country since the late 1990s.

Guatemala's geographical position makes it a preferred transit point for several types of OC's networks. The country hosts structures that engage in extortion, kidnapping, car-theft, illegal immigration, trafficking in persons, trafficking arms and drugs, among others. Most kidnapers and extortionists operate at a national level, although some of the latter have money laundering structures that stretch to Panama and further. Illegal immigration and trafficking in persons networks have connections in South and Central America and continue on to Mexico and the U.S.; car theft networks have intended markets as far as Europe.

Illegal drugs transit from south to north, coming directly from Colombia, or including detours in Panama and Honduras. Guatemala is both a transit point and a warehouse. Both weapons and drug money travel from north to south, going through Mexico, continuing on to Guatemala and Honduras by land. Small quantities of money are transported by air in commercial flights by individual passengers.

Two major foreign drug trafficking organizations operate in Guatemala: the Mexican Sinaloa Cartel and the Zetas, which took over former Gulf Cartel holdings in the country. The Sinaloa group was identified with operations in the southern coast, and the Gulf Cartel (now the Zetas) operated mostly in the north and center of the country, and branched out to Guatemala's Atlantic coast, but the scenario is changing. Trafficking groups appear more concerned with guarding routes than entire territories. The two main local families negotiating with foreign traffickers are the Lorenzanas on the eastern border, and the Mendonzas, on the Atlantic coast and north of the country, as well as some small families near the high-lands.

U.S. authorities estimate that in 2010, some 250 to 300 tons of cocaine go through Guatemala en route to the United States—that is 50 to 100 tons more than their 2000 estimate. However, in 2009, Guatemalan authorities only seized 58 per cent of the amount seized in 1999. At least 10 per cent of the drugs that aren't accounted for stay in the country as payment for transportation. The rest are taken to Mexico and, eventually, the U.S.

Lack of political will and commitment that is both strong in depth and scope seem to be missing from long term endeavors in security, in part by the multiplicity of political parties and the limited life-span of each one. The strongest political parties soar for two administrations before they start disintegrating, making it difficult to lend continuity to any policies they supported while in office, or when they were strong members of the opposition. The current Congress includes representatives from 14 parties, each one with at least two political currents—including the official National Unity of Hope (UNE, its acronym in Spanish), making it challenging to pass laws aimed at fighting organized crime, or the tax reform, much needed to increase funds allocated to security.

Human rights concerns also abound at all levels, from abuse of authority against the civilian population, to extra judicial executions, to authority enforcers (such as the police) being abused by a system that denies them the right to proper working conditions.

Despite the generally accepted understanding that Guatemala's current security issues have been festering for decades, the current Álvaro Colom administration has confronted strong criticism from political opposition and the private business sector due to corruption scandals and soaring violence. However, diplomats acknowledge two positive signs: the 2007 creation of the International Commission Against Impunity in Guatemala (CICIG, its acronym in Spanish), by request of the previous government and with the support of the United Nations Organization, and the appointment of human rights activist Helen Mack as head of the Police Reform Commission. So far, CICIG has yielded concrete results in the judicial system not seen in years, or ever.

In the meantime, efforts are being made to request the extension of the Merida Initiative's scope, which comprises US\$16 million for Guatemala (mostly for programs against addiction), to also include

counternarcotics operations and development projects in areas where OC has filled the void left by the State (traffickers garner the loyalty of local communities by providing them basic services).

Today, the country is seen as standing at a crossroads where it can continue along a path of democratization of violence, of indiscriminate homicidal rates that encompass all social groups in urban and rural areas alike, or it can embark in a long term police reform that could—along with institutional strengthening in the whole justice system—help reverse the current trends and increase security. Yet, the answer as to which path it will follow, as the late 2011 elections draw closer, is not clear. The quality of the results will not be visible until a few years down the line.

## I. INTRODUCTION

September 15, 2010 began with a bang, literally. Unsuspecting shoppers enjoying a leisurely Independence Day holiday at Guatemala City's Tikal Futura Mall found themselves in the middle of a shootout. Hours later, the news: police had tried to arrest Mauro Salomón Ramírez, wanted since 2009 by a Tampa Florida court on conspiracy charges to import 3.7 tons of cocaine to the United States (US). Ramírez escaped, but he left behind a trail of death and unanswered questions. One policeman and a pastor were killed in the crossfire.<sup>1</sup>

In the hours and days that followed, Ramírez's wife, ex-wife, and brother (in possession of \$1.8 million dollars) were arrested. Two weeks after the Tikal Futura shootout, Ramírez himself was captured in Suchitepéquez, in southeast Guatemala. Authorities also seized a handful of weapons, SUVs and millions of dollars. Ramírez's was a landmark arrest.<sup>2</sup>

Twenty years had passed since Guatemalan authorities had arrested a key player from one of its local drug trafficking organizations (DTOs). In 1990, Arnoldo Vargas, then mayor of the city of Zacapa near the border with Honduras, was arrested and extradited to the US two years later on drug trafficking charges. Vargas was sentenced to 30 years in prison by a New York court. Since then, other Guatemalans wanted on the same charges have been arrested (and flown to the U.S.), but none of these arrests took place in Guatemala until Ramírez, whose extradition process is currently in progress.

After Ramírez's arrest, local press released a video showing a police officer at the Tikal Futura Mall carrying a bag of money—the apparent contents of the bag disclosed by a conversation between him and another police officer. No one, including the prosecutors at the scene, had registered the seizure of money.<sup>3</sup> The images muddied the successful arrest, highlighted the apparently perennial corruption in the

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<sup>1</sup> "Policías se balearon y dieron muerte al pastor," Prensa Libre, October 27, 2010, found at:

[http://www.prensalibre.com.gt/noticias/Policias-balearon-dieron-muerte-pastor\\_0\\_361163907.html](http://www.prensalibre.com.gt/noticias/Policias-balearon-dieron-muerte-pastor_0_361163907.html)

<sup>2</sup> "Ex esposa de presunto capo Ramírez apela prisión preventiva," Prensa Libre, September 30, 2010, found at:

[http://www.prensalibre.com.gt/noticias/justicia/Ex-esposa-Ramirez-prision-preventiva\\_0\\_344965665.html](http://www.prensalibre.com.gt/noticias/justicia/Ex-esposa-Ramirez-prision-preventiva_0_344965665.html);

"Capturan a colombiana, esposa de capo Ramírez Barrios," Prensa Libre, September 30, 2010, found at:

[http://www.prensalibre.com.gt/noticias/justicia/Capturan\\_esposa\\_capo\\_Ramirez\\_Barrios\\_0\\_344965662.html](http://www.prensalibre.com.gt/noticias/justicia/Capturan_esposa_capo_Ramirez_Barrios_0_344965662.html);

"Envían al Preventivo de la zona 18 al hermano del capo Ramírez," Prensa Libre, October 3, 2010, found at:

[http://www.prensalibre.com.gt/noticias/justicia/Capturan-Mauro-Salomon-Ramirez-](http://www.prensalibre.com.gt/noticias/justicia/Capturan-Mauro-Salomon-Ramirez-Quetzaltenango_0_346765369.html)

[Quetzaltenango\\_0\\_346765369.html](http://www.prensalibre.com.gt/noticias/justicia/Capturan-Mauro-Salomon-Ramirez-Quetzaltenango_0_346765369.html); "Capturan a Mauro Salomón Ramírez en Suchitepéquez," Agencia Guatemalteca de Noticias, October 2, 2010, found at:

[http://agn.gob.gt/agn/index.php?option=com\\_content&view=article&id=1182%3Acapturan-a-mauro-salomon-](http://agn.gob.gt/agn/index.php?option=com_content&view=article&id=1182%3Acapturan-a-mauro-salomon-ramirez&catid=86%3Aactualidad&Itemid=71)

[ramirez&catid=86%3Aactualidad&Itemid=71](http://agn.gob.gt/agn/index.php?option=com_content&view=article&id=1182%3Acapturan-a-mauro-salomon-ramirez&catid=86%3Aactualidad&Itemid=71); "Localizan dinero en auto del capo Mauro Salomón Ramírez,"

Prensa Libre, September 18, 2010, found at: [http://www.prensalibre.com.gt/noticias/justicia/Localizan-dinero-auto-capo\\_0\\_337766394.html](http://www.prensalibre.com.gt/noticias/justicia/Localizan-dinero-auto-capo_0_337766394.html).

<sup>3</sup> "Policías se apropian de dinero durante operativo en Tikal Futura," Prensa Libre, October 12, 2010, found at:

[http://www.prensalibre.com/noticias/Policias-apropian-dinero-narcos\\_0\\_352164795.html](http://www.prensalibre.com/noticias/Policias-apropian-dinero-narcos_0_352164795.html); Fernández, Dina,

police, and were reminiscent of a yet unanswered question: why was a police officer on the September 15 operation discovered carrying an undisclosed amount of U.S. dollars, Euros, and Guatemalan currency?

Press reports quoted Minister of the Interior, Carlos Menocal, dismissing the video as a fabrication and saying that the money was no cause for alarm because the amount was insignificant. However, even before the video surfaced, word about money having been unofficially seized at the Tikal Futura Mall was spreading quickly within police circles.<sup>4</sup>

Guatemala City residents were still trying to decide whether the September 15 incident was the beginning of a trend in the country's capital, or an isolated incident, when that event was overshadowed by an almost equally shocking one on October 16. On that day armed thugs walked into a Mexican restaurant and shot a man point blank. In the process, they also killed two women and injured eight others. The crime scene was in the *Zona Viva* that clusters the most expensive hotels and touristy area of the capital.<sup>5</sup>

The shootout was a grim reminder that this is an age of insecurity for everybody, of indiscriminate violence with no regard for people or places. The October 16 attack included victims such as 28-year old Jennifer Prentice, who just months earlier received her PhD at the London School of Economics; and 15-year old Patricia Velásquez, who sold candy and chewing gum in the *Zona Viva* to make a living. However, what surviving victims experienced that early morning is what residents of countless towns and villages have already lived through for years in remote—and not so remote—areas of rural Guatemala. Now violence is more visible because it has reached the doorstep of Guatemala's middle and upper classes (less than 47% of the total), whose voices are usually heard louder.

The events in the last third of 2010 bring both despair and hope. While Ramírez's arrest is significant, it also highlights that plenty remains to be done to deal with corruption amongst the country's security forces and parts of the judicial system. The problem has been endemic for many years pre-dating the end of the country's armed conflict and the December 1996 peace accords that brought a formal end to it.

Now, 14 years later, Guatemala has a second chance. With nearly three years of work and several concrete results from the International Commission Against Impunity in Guatemala (CICIG, its acronym in Spanish),<sup>6</sup> the country is also on the verge of restructuring the role of the army and launching a police reform project that will take 13 years to complete. But obstacles abound, including the lack of financial resources and political will to ensure continuity of the reforms. Surpassing both obstacles would allow Guatemala to adopt police reform as a State policy and not as a temporary reform with the life-span of the current presidential administration (which will end on January 14, 2012).

Guatemala's transition from internal armed conflict to a post-conflict period, begun in 1996, has been turbulent. The formation in 1997 of the National Civilian Police (PNC, in Spanish), to replace its predecessor National Police (with strong military links), was intended as the State's response to organized crime (OC) and common crime, which, in turn, had grown and strengthened in the shadow of the 36-year armed conflict. The challenge overwhelmed the PNC and the gap between Guatemala's security needs

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"Policías sin ton ni son," *El Periódico*, September 20, 2010, found at: <http://www.elperiodico.com.gt/es/20100920/opinion/175513>.

<sup>4</sup> Author interview with retired police detective; Guatemala City, Guatemala, September 27, 2010.

<sup>5</sup> "Indignación por ataque asesino en la Zona Viva," *Prensa Libre*, October 17, 2010, found at: [http://www.prensalibre.com/noticias/justicia/Indignacion-ataque-asesino-Zona-Viva\\_0\\_355164504.html](http://www.prensalibre.com/noticias/justicia/Indignacion-ataque-asesino-Zona-Viva_0_355164504.html).

<sup>6</sup> The CICIG was formed in 2007 at the request of the Guatemalan government. Through an accord between the United Nations Organization and the Government of Guatemala that established the International Commission Against Impunity in Guatemala, the CICIG investigates corrupt State structures linked to OC..

and the police's capabilities only widened in the last decade due to the State's failure to strengthen civilian authority and capacity.

The armed forces, once seen as the country's greatest evil by left-wing groups and part of civil society due to atrocities committed during the armed conflict, are now being utilized to support police efforts to rescue the country from the turmoil caused by organized crime. Today the international community is searching for signs of a long-term commitment from the Guatemalan authorities, one that will surpass any given administration, to cleanse State institutions of corruption and strengthen the armed forces, so the country can participate as a capable and strong partner in the regional fight against OC. Although donor countries view CICIG's presence in Guatemala as a step in the right direction, they acknowledge that it is not a magic wand, and have pressed Guatemala to invest in institutional strengthening as a key to continuing the flow of foreign assistance.

Will Guatemala make the necessary investments? Only time will tell. The next two years will be critical – the final year of the current administration and the first year of the incoming one. This is history in the making.

## II. NATURE AND ROOTS OF OC IN GUATEMALA

In examining the origins of OC structures in Guatemala, it is necessary first to determine what criminal phenomena are linked to OC. “Organized crime has become a one-size fits all explanation for what doesn't have any other apparent explanation,”<sup>7</sup> says Ricardo Stein, Special Advisor to the Resident Coordinator of the United Nations System in Guatemala, and consultant to the United Nations Development Program (UNDP).

For instance, there are highly-organized kidnapping and extortion networks with smaller infrastructure than large-scale OC, but with the ability to engage in multiple operations. They thrive on government corruption at a low or mid-management level, but do not necessarily rely on open cooperation from authorities in top positions.

OC involves money laundering that can be found in the proliferation of certain types of financial businesses.<sup>9</sup> The Banking System Superintendent, Edgar Barquín, revealed that an international OC “mega structure” for money laundering operates from Guatemala and has laundered nearly Q300 million (\$37.5 million), as well as carried out operations in China, Colombia, Ecuador, Panama and some Caribbean and African countries using financial and commercial systems of at least four countries. The money is the result of trafficking in drugs, persons, and arms and it has been invested in Guatemala as purchases of cattle, real estate, jewelry, luxury cars, and various types of businesses.<sup>10</sup> “All types of OC engage in money laundering, which permeates into several layers of society,” says the UNDP consultant.<sup>11</sup>

Government authorities have also released information about how money launderers have tried to use community cooperatives to funnel dirty money. They also recognize that the cooperatives in regions

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<sup>7</sup> Author interview with Ricardo Stein; Guatemala City, Guatemala, 6 and 29 September 2010.

<sup>9</sup> Ibid.

<sup>10</sup> “SIB revela estructura para lavado de dinero,” Prensa Libre, September 3, 2010, found at: [http://www.prensalibre.com/noticias/SIB-revela-estructurapara-lavado-dinero\\_0\\_328767160.html](http://www.prensalibre.com/noticias/SIB-revela-estructurapara-lavado-dinero_0_328767160.html)

<sup>11</sup> Ricardo Stein, 2010.



along the borders, where arms and drug trafficking proliferate, are at higher risk. At least 500 cooperatives are under surveillance and ten cases have been opened.<sup>12</sup>

Other forms of organized crime that require government corruption involve the smuggling of stolen cars, people or even stolen babies across borders for illegal adoptions<sup>13</sup>—all of which goes hand in hand with the alteration of legal documents or the production of fake ones. Even when the involvement of government officials is not needed to produce fake documents, corrupt officials handling them can recognize them as such and still process these documents as legal for a fee.

The disappearance of babies and teenagers is linked to illegal adoptions and to trafficking in persons networks. There have been three cases in which babies stolen in 2006 were given up for adoption to American families in 2007 and 2008, according to the Fundación Sobrevivientes, which has taken these cases to court, and press reports that quote the Guatemalan National Commission for Adoptions.<sup>14</sup>

The problem is so widespread that the Alba-Kenneth Alert, a tool similar to the Amber alert in the U.S., was initiated last October on behalf of 30 youngsters reported missing. Most of the children were found within three days;<sup>15</sup> some teenagers were rescued in brothels. According to minister of Interior, Carlos Menocal,<sup>16</sup> teenage and adult victims kidnapped in other Central American countries are brought illegally to Guatemala, a transit point toward Mexico and the U.S., while Guatemalan-based Fundación Sobrevivientes (Survivors Foundation) revealed that victims kidnapped in this country have been found in local towns. These cases involve corruption and negligence of judicial system officials who facilitate smuggling victims across the border, and/or overlook the use of fake or altered documents.

The cases of 30 children and teenagers reported missing between September and October have not revealed the participation of corrupt government officials. However, the cases of the three stolen babies adopted by American families have led to the prosecution of a judge and three officials from a State agency in charge of overseeing adoption processes, according to Norma Cruz, director of Fundación Sobrevivientes. The “Trafficking in Persons Report 2010,” published by the U.S. Department of State, indicates that the Guatemalan government has not complied with the minimum standards to eliminate human trafficking. The publication states that although the Guatemalan government has taken significant steps to target the problem of trafficking, local authorities have not displayed recent efforts to fight official complicity in trafficking.<sup>18</sup>

“Corruption—in the government—favors OC, and OC has used corruption for its purposes,” according to Ricardo Stein. “However, ineptitude also can pass as corruption, and doesn’t necessarily mean OC is involved. Also, pushing forward certain issues for personal gain, for a price, is not necessarily OC.” And

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<sup>12</sup> “Lavadores han intentado utilizar a las cooperativas,” Prensa Libre, September 13, 2010, found at: [http://www.prensalibre.com/noticias/Lavadores-intentado-utilizar-cooperativas\\_0\\_334766557.html](http://www.prensalibre.com/noticias/Lavadores-intentado-utilizar-cooperativas_0_334766557.html)

<sup>13</sup> “Revelan nueva forma de adopción ilegal,” Prensa Libre, October 1, 2010, found at: [http://www.prensalibre.com/noticias/justicia/Revelan-nueva-forma-adopcion-ilegal\\_0\\_344965702.html](http://www.prensalibre.com/noticias/justicia/Revelan-nueva-forma-adopcion-ilegal_0_344965702.html).

<sup>14</sup> On October 7, 2010, the US Government announced the withdrawal of its request for admission into the Guatemalan adoptions program due to the existing irregularities and corruption in the system, opting to only process cases pending since 2007. “EE.UU. se retira del plan de adopciones,” Prensa Libre, October 8, 2010. Print edition: page 8. Author interview with Norma Cruz, director of Fundación Sobrevivientes; Guatemala City, Guatemala; December 8, 2010.

<sup>15</sup> “Alertan de 30 niños perdidos en 43 días,” Prensa Libre, October 26, 2010, found at: [http://www.prensalibre.com/noticias/Alertan-ninos-perdidos-dias\\_0\\_360563965.html](http://www.prensalibre.com/noticias/Alertan-ninos-perdidos-dias_0_360563965.html).

<sup>16</sup> Author interview with minister of Interior, Carlos Menocal; Guatemala City, Guatemala, September 6, 2010.

<sup>18</sup> Annual Trafficking in Persons Report 2010; U.S. Department of State found at: <http://guatemala.usembassy.gov/tipguate2010.html>

yet, corruption facilitates the path for OC and impunity, creating a vicious cycle where corruption nurtures impunity and vice-versa.

Another powerful tool utilized by OC involves their capacity to gather intelligence about their targets and possible business partners, enabling them to operate more effectively. They know which government officials to approach and how. OC has the ability to variously recruit, extort, infiltrate, and threaten, as a last resort, their intended targets.<sup>19</sup>

Territorial control is also a factor for OC, although the strategy is shifting. While the norm is that each crime lord controls his own territory and—to a greater or lesser degree—local government structures, or a specific route, routes controlled by different organizations pass through the same territory. Sometimes the organizations reach an understanding to respect each other's routes, but in other instances the organization with claim to the territory will try to take over all business in its defined territory.

Additionally, criminal organizations that specialize in drug or arms trafficking can also profit from other trafficking activities such as human trafficking, for instance. Any other criminal organization utilizing a territory, or routes, to traffic their illegal merchandise must pay a “toll” to the controlling criminal organization, or face reprisals. For example, the 73 migrants kidnapped by persons connected to the Mexican organization the Zetas, in Tamaulipas, Mexico, in mid 2010, were being smuggled without the Zetas' permission. While the smugglers fled, the migrants were first offered to join the organization; when they refused, they were extorted and ransom was demanded from their families in Central America. When ransom wasn't paid, they were killed. In other cases, if a criminal is arrested, the clan mobilizes its influence [with local authorities] to release the detainee. This is happening at a regional level.<sup>20</sup>

#### The genesis of corrupt and criminal structures.

The origins of OC in Guatemala are multiple. Guatemalan organized crime is not a mutation of previous military regimes but rather resemble a three-legged stool. Local *capos*, or heads of homegrown criminal structures, make up the largest leg. The second leg consists of foreign OC groups that, seek alliances with a local *capo*, and negotiate with him to gain permission to operate in his territory. The third leg is comprised of corrupt local and/or foreign authorities actively working with OC.<sup>21</sup>

The origins of OC are found in homegrown criminal networks that stem from the *capo*'s engagement in local illegal activities that, then, can extend to broader national and/or transnational networks of smugglers or traffickers. OC has existed in Guatemala since at least the 1960s operating in theft, robbery, bank robbery, extortion, and kidnapping that allow local *capos* to amass a fortune and create structures of criminal power. These structures adapt to market forces and as the *capos* specialize in certain activities. In Guatemala, foreign OC also used what political analyst Héctor Rosada calls “historical operators,” who were immersed in a web of criminal power structures stemming from the army between 1942 to 1946—almost ten years after the end of prohibition in the US led to an increase in drug trafficking in Mexico. In the mid 40s, Guatemala began a transition from military dictatorships and the civil-military revolution of 1944 to a civilian government lasting until 1954. According to Rosada, the historical operators re-engaged in OC from that year until 1996.

Guatemala's first visible civilian *capo*, Arnoldo Vargas, didn't surface until the 1980s. His emergence was due, in part, to the withdrawal from civilian affairs by the military, who began to hand presidential

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<sup>19</sup> Author interview with retired Colonel Mario Mérida, former Vice minister of Defense and Director of Military Intelligence. Guatemala City, Guatemala, October 15, 2010.

<sup>20</sup> Author interview with Mauro Guzmán, president of the Migrants Commission at the Guatemalan Congress, Guatemala City, Guatemala, October 7, 2010.

<sup>21</sup> Author interview with Héctor Rosada, former peace process negotiator and expert on civic-military relations. Guatemala City, Guatemala, October 22, 2010.

power over to civilians after the 1985 elections. Unofficial reports identify Vargas as a former customs official who, after being fired, delved into politics and the cattle business. Other press reports place him as a former member of death squads around the mid 1960s and 1970s.

As the mayor of Zacapa, Vargas represented a connection between the criminal and the political worlds, and became the means by which Colombian DTOs began to transfer cocaine by land through Guatemala. He was arrested and extradited in the midst of allegations that his right, as public official, to a pre-trial hearing was violated and that he was prosecuted on false grounds and manipulated evidence.

Prior to the Vargas connection, Colombians had been trafficking by sea using go-fast boats—mostly through military connections on Guatemala’s Pacific coast. They also began stealing each other’s shipments along the Nicaraguan and Costa Rican coasts, so they moved their operations to to land and air transportation, as the next best option until the mid 1990s, when large cartels like the Medellin and Cali were dismantled.

Vargas dealt mostly with these Colombian groups and fostered good relations with military officials in his jurisdiction. “Vargas was a hero to many army officials who were assigned to Zacapa at the time,” says retired Colonel Mario Mérida, former military intelligence director. “He arrived at the Esquipulas garrison [in Chiquimula, neighboring Zacapa,] and invited officers to lunch.” Bottles of whiskey were often included with the meal. He would also insist on giving them spending money. “That’s how he bought many people,” says Mérida.<sup>22</sup> Mayor Vargas’ tactics might explain why he was able to negotiate the landing of cocaine-laden small airplanes at the Zacapa military base—flights originating in South America.<sup>23</sup>

Due to the preeminence of the State structure, Guatemala’s third leg of OC mainly involved the military, as opposed to the municipal and police authorities as observed in Mexico. Guatemala’s military controlled 100 per cent of the territory from 1954 until 1996. It held control over communications and road systems, airports and sea ports. Any engagement in criminal activity was impossible without the armed forces’ awareness.

The Colombians’ territorial advances, in the late 80s and early 90s, began along Guatemala’s southern coast. The army still had a strong presence in the area, and that’s why they discovered the narco flights.<sup>24</sup> Some time in the 80s, the army tracked down small airplanes landing in southwest and southern Guatemala. At first, they thought it was a supply route for the guerrillas. However, this initial assumption was questioned when there was no concurrent increase in the insurgency’s combat capabilities. After examining the flight routes more carefully, the army realized that the flights were reaching areas where the guerrilla was not active, and that several military officers assigned to these posts were showing signs of life-quality improvement. According to Mérida, now a researcher on security issues, such findings led to stronger internal controls in military intelligence.<sup>25</sup>

In the 80s, Guatemalan OC was largely taken over by the Colombian cartels. One decade later, Mexican criminal organizations began to appear in the region by approaching and involving low ranking

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<sup>22</sup> Mérida, 2010.

<sup>23</sup> Author interviews with retired police detective; Guatemala City, Guatemala, February-June 2009. “Justicia sin colmillo contra el narcotráfico,” *El Diario La Prensa*, Nueva York, October 15, 2009, found at: <http://www.impre.com/noticias/2009/10/15/justicia-sin-colmillo-contra-e-154273-1.html>.

<sup>24</sup> Rosada, 2010.

<sup>25</sup> Mérida, 2010. Colonel Mérida doesn’t rule out guerrilla contact with traffickers, but these approaches were smaller in scope compared to those where the army was involved.

Guatemalan authorities, while the Colombians had been going indirectly to top local authorities through local *capos*, or directly to the military.

The Colombians' surge can be traced back to 1986-1988. The Defense Chief of Staff concluded that the increased openness and flexibility in the last military government of Humberto Mejía Vítores (1983-1986), left a vacuum that drug traffickers infiltrated.<sup>26</sup>

At first the Colombians had difficulty establishing a foothold. Their planes bombarded ranches with packaged cocaine but no one picked them up except to toss them outside their property. "Once the Defense Chief of Staff showed me some pictures," recalls Rosada, also a sociologist. "Several officers were there, including the Minister of Defense, Domingo García Samayoa, and [current opposition candidate retired General] Otto Pérez Molina. I was asked if I knew what were the pictures showing? There were several packages strewn around, flanking a road. The military found them, but if they were asking a civilian what they were, it was because they did not understand what was going on."

When bombarding cocaine packages did not work, the Colombians began visiting farm owners with the intention of renting the landing strips on the farmers' land. However, they didn't contact just any farm owner; they targeted those who had losses or a bad harvest.

The Colombians were running a business and had conducted their marketing studies beforehand. "In a meeting with the military, one of these farmers—whose son in law was an army officer—said he was asked to set the price and asked them for \$50,000 per year, far more than the Q50,000 (approximately US\$33,300 according to the average exchange rate in the mid 80s) he had earned for his harvest. The farmer said they accepted. He said, 'I could tell that something was wrong, but you know what it's like to need money really badly, don't you?'"

In return, the farmer had to do nothing except tell his workers to leave the property before the renter's workers arrived. "The farmer said, 'You see? It was hassle-free because we were not involved in anything,'" Rosada recalls.

The following year, the Colombians told the farmer, "Look, we didn't do as well as we thought, so here are \$35,000 in cash and \$15,000 in product." The product was cocaine. They thought they could start an internal market, but most farmers would get rid of the "product." Others tried to market it or found someone who did it for them. According to Rosada, the army said that at least 100 landing strips were being rented back then. He says the Colombians also bought properties where they installed resorts—that doubled as contact-generating points—and began befriending military officers like Vargas did. And, thus, the spider web began to grow.

Vargas was arrested in 1990. By then, his former bodyguard and then successor, Byron Berganza had begun trafficking and was known as the most powerful figure in northeastern Guatemala. His earliest activities tracked down by the DEA date back to 1988.<sup>27</sup> Berganza dealt with both Colombians and Mexicans, and he also enjoyed protection or complicity from a branch of the military.

The profile of foreign DTOs present in the country began to change in the 90s. While the Cali Cartel from Colombia (dismantled altogether in the early 90s) was trying to establish a foothold in Guatemala between 1991 and 1992, a six-month military operation—with support from U.S. forces—curtailed the Colombians' intentions, led to the disintegration of most of their criminal structure, and significantly reduced the cartel's presence in the country—although not of all Colombian groups. The operation excluded police participation because the police were not trusted, according to Mérida, who was by then

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<sup>26</sup> Rosada, 2010.

<sup>27</sup> Case 03-CR-987. Document 147 – 8485BERA. US District Court Southern District of New York.

head of Military Intelligence.<sup>28</sup> Vargas' extradition to the U.S., whose arrest was prompted by a DEA informant (a Colombian), happened towards the end of this operation.

A year later, President Jorge Serrano Elías was ousted by popular demand by a wide array of civil society groups and a branch of the military, after he declared a coup by suppressing constitutional guarantees, and attempting to override the authority of the legislative and judicial branches. Ramiro De León Carpio replaced Serrano after his coup failed. This political transition also implied changes in the military high-command.

By the mid 90s Berganza's security detail was comprised exclusively of military officials. "At the time, not a single shipment of cocaine was moved in the country without his consent," according to a retired police investigator. There were captains and majors protecting Berganza's every move when the detective and another investigator tried to arrest him in 1997.

"The arrest warrant was for a swindling case; (Berganza) said it was no problem, called his lawyer and asked him to fix everything with the judge in Villa Nueva (a province neighboring Guatemala City), and we all drove there in a caravan, his military bodyguards leading the way and escorting us in several cars," the former detective recalls. "We had to wait for the judge. It was lunch time, so Berganza gave us money to buy lunch. I bought fried chicken for everybody. When were the police ever going to give us money to buy lunch? Never! We told him we hadn't eaten all day. He was an OK guy. After arriving, the judge declared that the arrest warrant was unjustified and released him."<sup>29</sup>

In court papers, the DEA identified Berganza as an unpaid informant. Berganza explained that he cooperated with the DEA when the DEA agents who contacted him promised to withdraw a 1996 indictment from a New York court in exchange--something the DEA denied. He was allegedly the go-between for the Colombian and Mexican organizations, and sometimes passed information and their phone numbers to the DEA. Berganza also gave them the money and drugs he collected, but continued trafficking as well. In the late 90s, he was dealing with Nicaraguan military officers and his main accomplice was a Guatemalan customs official, who became a DEA informant and was killed years later. New York prosecutor Anirudh Bansal told the court, referring to the U.S. Attorney's Office, "as far as we knew, [Berganza] was a drug trafficker."<sup>30</sup>

The decline in the Colombian presence in Guatemala left enough territory available for the Mexicans to slip through, as demonstrated by the presence of the head of the Sinaloa Cartel, Joaquín "El Chapo" Guzmán, and his arrest in Guatemalan territory in 1993.

Guzmán was later extradited and sent to jail in Mexico, where he escaped in 2000. Nevertheless, the shift from Colombian to Mexican control began in the late 90s and continued into the following decade.

Despite law enforcement operations against the Cali Cartel in Guatemala, "the time when the Colombians flourished the most was 1994, and during the Ramiro De León Carpio government [mid 1993-January 1996], until 1997," says Rosada. The Mexicans were settling at the north of San Marcos (along the southern Mexican border) and stuck to smuggling marihuana, while the Colombians dealt in cocaine. Confrontation between Colombian and Mexican cartels began after the end of Guatemala's armed conflict, when the military retreated and the Mexicans also delved into cocaine smuggling.

During this period, the Mexicans became acquainted with the younger Mendozas in the northeastern area of Guatemala (Izabal and Petén), the Lorenzanas in Zacapa, and with one of their main operatives, Juan

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<sup>28</sup> Mérida, 2010.

<sup>29</sup> Ibid.

<sup>30</sup> Case 03-CR-987. Documents 69, 147 – 567EBERH. US District Court Southern District of New York.

José “Juancho” León (killed in March 2008 in Zacapa), as well as with Jorge Mario “El Gordo” Paredes (arrested in May 2008 in Honduras) and Ottoniel Turcios Marroquín, an alleged accomplice of Paredes (arrested in Belize in October 2010). “They became the corner stone for foreign OC structures,” says Rosada. “Outsiders had an intelligent *modus operandi* because they didn’t compete with local crime; they stimulated it.” By then, Berganza had begun to fall out of the loop with two assassination attempts, allegedly by either the Colombians or Mexicans who discovered he had been talking to the DEA.

Berganza was arrested in El Salvador for not possessing a permit to cross the border, and was expelled from that country—according to court documents—in September of 2003. Salvadoran police subsequently handed him over to DEA agents stationed in that country, from where he was flown to New York and charged with conspiracy to import and distribute cocaine. He pleaded guilty and, in April 2008, was sentenced to 22 years in jail.

In the 80s, foreign organized crime networks—like the Colombians and, later on, the Mexicans—selectively and carefully cast their net over politicians like Vargas, the mayor of Zacapa. To begin operations in Guatemala, they chose an accomplice Guatemalan criminal structure that was already established. “OC cannot survive in a void, cannot work without a structure to latch on to, just like contraband requires customs officials,” says Rosada. “It’s like a vine that requires something to climb on, or it cannot grow.”

#### **Armed conflict shields organized crime.**

Three elements must be weighed when considering the army’s involvement with OC: (1) The armed conflict set forth changes in military personnel that sometimes played, indirectly and unintentionally, in favor of OC. (2) The army’s involvement in OC was not the result of institutional orders from the military high command, but resulted from the permissiveness or corruption in certain structures of the military that was reproduced from top to lower ranks. For example, there was camaraderie of a criminal nature among some graduating classes from the military academy. (3) OC is not a by-product of the military, a new state into which AWOL officials mutated into organized criminal groups, nor is it a consequence of armed conflict or its end; nevertheless, the end of the armed conflict became an indirect accelerant of the OC surge after the signing of the peace accords.

“It is ill intentioned to convey the idea that OC is a mutation from the military,” says Rosada. “My own view, when asked about the army’s complicity levels in drug trafficking, is that it was not easy to buy the military. On the contrary; they [drug traffickers] had to insert a mole within the military structure, an infiltrator. They protected him and tried to get him promoted, so when his help was needed, he was in the right place to facilitate a series of processes.”

Between 1981 and 1982, a total of 16 or 17 tactical unit commanders (second lieutenants) were killed in combat, so the military academy began to speed up the graduation process for some 200 officers—sometimes losing quality control in the process. The same applied to the massive training of troops to replace the dead and injured.<sup>31</sup>

Second lieutenants enjoyed full and direct support from the Defense minister because they were the link between the troops and the military high-command. They were crucial in war, and were viewed as authority figures by troops; they represented power at an institutional level. “Many officers began to get involved in illegal activities, on their own behalf, not at an institutional level,” Mérida says. “Some were

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<sup>31</sup> Mérida, 2010.

caught and arrested, like Lt. Colonel [Carlos] Ochoa<sup>32</sup>; others were not because they knew how to do things.” Perhaps some of them were the moles suggested by Rosada.

Moreover, in the expedited formation of troops to meet combat demands, background checks (including their financial situation) for personnel was relaxed—a sign that military intelligence influence began to diminish as well.<sup>33</sup>

However, according to Rosada, corruption went beyond troops and second lieutenants. It was part of a web of illegal activities that covered several command structures. “If there was a corrupt general, he needed several corrupt colonels, and these needed some corrupt lieutenant colonels, and they needed corrupt majors, who in turn required corrupt captains and corrupt second captains, who also needed corrupt lieutenants, and these, in turn, needed corrupt second lieutenants, and everybody from the corrupt captains to the corrupt second lieutenants needed corrupt troops,” the analyst explains. “There is no room for confusion. The military high-command knew perfectly well who was doing what: theft of gasoline tankers, contraband, kidnapping, cattle theft, etc.”

During the armed conflict, many customs and immigration check points along the border, or at the sea ports, had become information agencies—crucial in counterinsurgency and thus linked to the army. Border checkpoints like El Carmen and Tecún Umán, between Guatemala and Mexico, saw the most movement and required the most control because the guerrillas (URNG) had a strategic stronghold in that area, on the Mexican side. The Agua Caliente border with Honduras was also strategic. As a result, military intelligence was always seeking information generated in key border checkpoints, relying on police officers, immigration and customs officials assigned to the area, according to Mérida. He further explains that recruiting informants at the border was a “legitimate objective” for the Guatemalan military designed to gather first-hand information, generate intelligence, and determine the magnitude of the insurgency threat. “At some point, the whole process got perverted with the engagement of certain individuals in corruption, contraband was allowed, and those positions became strategic for drug trafficking,” said the retired Colonel.

Then, the dismantling of the military tribunals eliminated military complicity in the acquittal of guilty officers. But the protection offered by the military tribunals was replaced by civilian official corruption. For example, in a military tribunal, an officer found innocent of a misdemeanor or a crime could still be sanctioned, or receive a dishonorable discharge if the Minister of Defense decided so. “The Military Tribunal was concerned with guarding the prestige of the armed forces as if the prestige were that good,” Mérida said. In civilian courts, this didn’t happen. Military officers could defend themselves, but a number of them were still sent to jail.<sup>34</sup> And yet, according to Mérida, in the civilian tribunals “there is higher capacity to buy officials, judges, to influence the Public Ministry.”

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<sup>32</sup> Lt. Colonel Carlos Ochoa Ruiz was said to be Mayor Arnoldo Vargas’ trafficking counterpart on the Pacific coast. Despite being arrested, the U.S. Department of Justice lost the battle in the Guatemalan judicial system to extradite Ochoa to the U.S. See: Smyth, Frank; “Genocide, and drug-trafficking too;” March 5, 1999; found at:

<http://www.salon.com/news/feature/1999/03/05/news>

<sup>33</sup> Ibid. “During the armed conflict, control was more precise and demanding, particularly after the operations plan of [what was known as] Campaign 83 was found in a guerrilla hideout, during a search and raid military operation,” says Mérida. “From then on, supervision and control were tougher for the military because we thought that the guerrilla had had the ability to infiltrate us up to that level.”

<sup>34</sup> The retired colonel himself was convicted to a ten-year prison term, when he was Vice minister of Interior, for the death of a university student after a confrontation with the police in the course of a demonstration. He was acquitted, after appealing the verdict, for not having been found responsible of directly supervising the police officer who attacked the student. The elimination of the Military Tribunals played against institutional complicity.

Old links between the military and the police surfaced years later, in 2005, when the Human Rights Ombudsman's Office happened to stumble upon a treasure trove of historical records by accident: at the old National Police Archives. An investigator had been pursuing clues to an explosion at a military base when an abandoned warehouse—next to a junk yard in PNC property – was discovered containing millions of police records from years past.

The records, containing information dating from the early 1900s about hundreds of thousands of arrests, and the last traces of people who were forcibly disappeared during the armed conflict in the 70s and 80s, proved invaluable: “That archive suggests that the National Police had dozens of thousands of informants; intelligence information in Guatemala is not based on technology, but on the massive use of informants,” said Gustavo Porras, president Álvaro Arzú's private secretary (1996-2000). The army was an expert in creating a network of informants for counterinsurgency purposes and, later on, criminal ones. This capacity was also transferred to the police.

“The police executed the orders received, but the orders came from above,” said Porras.<sup>36</sup> They came from the military, in a context of counterinsurgency and State-sponsored terrorism. According to former CICIG's commissioner, Carlos Castresana, “what before was counterinsurgency now is organized crime.”<sup>37</sup>

Rosada insists that, between 1954 and 1996, the military was the main power structure in the country. He explained that “any decision made was known by them, and there was no decision taken against their will.” These decisions pertained to security in particular, whether involving the guerrilla or OC.

By 1996, the year the Peace Accords were signed, there were a growing number of military officers tainted by OC who were soon to be discharged without a proper demobilization process to integrate them into civilian society (like the guerrillas were). Some of the discharged military officers kept their “inside” contacts (civilian and/or military) in State institutions. At the same time, OC and delinquency continued spreading throughout the country, and the National Police (PN) was about to lose the support of the army's surveillance structure at a national level, and turn become the new PNC.

### **The haunting failure to dismantle clandestine State intelligence apparatuses.**

In Guatemala, clandestine intelligence and security structures (known as CIACS in Spanish) are protected by people embedded in State institutions and security forces. They generate impunity by means of their direct or indirect links to the State. According to the CICIG, the CIACS were not dismantled after the Firm and Lasting Peace Accord was signed in 1996, and continued operating both to respond to State interests and to generate profits from illegal activities until they joined OC, achieving then a “partnership with transnational groups of organized crime.”<sup>38</sup>

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<sup>36</sup> Author interview with Gustavo Porras; Guatemala City, Guatemala, October 5, 2010. The existence of the PN Archives had been consistently denied, even by president Arzú.

<sup>37</sup> Goepfert, Paul; *The International Commission Against Impunity in Guatemala, Undoing the Legacy of Violence and Corruption*, *ReVista, Harvard Review of Latin America*; David Rockefeller Center for Latin American Studies: Cambridge, 2010; Volume X, No. 1; page 43. Also see: “Lo peor fue ese silencio por años,” *Prensa Libre*, October 27, 2010, found at: [http://www.prensalibre.com/noticias/peor-silencio-anos\\_0\\_361163899.html](http://www.prensalibre.com/noticias/peor-silencio-anos_0_361163899.html).

<sup>38</sup> “Tercer Año de Labores.” Comisión Internacional Contra la Impunidad en Guatemala (CICIG): Guatemala City, 22 September 2010; pages 4-5. Also see: Peacock, Susan; Beltrán, Adriana. “Poderes Ocultos, Grupos ilegales armados en la Guatemala post conflicto y las fuerzas detrás de ellos.” *Oficina en Washington para Asuntos Latinoamericanos (WOLA)*: Washington DC, 2006; pages 1-7.



Helen Mack<sup>39</sup> (head of the federal government's Police Reform Commission) claims that many public officials in strategic positions of power, who handled large volumes of information, had corrupt and/or criminal networks already in place before the armed conflict ended. In the post-conflict era, OC contributed to widening corruption within the State, and thereby gained control of certain public offices to protect and further its interests.

To believe that the CIACS were the source of OC is a mistake, "particularly in a country that has such a lax and discretionary justice system," says Ricardo Stein.<sup>40</sup> Instead, one section in the armed forces generated the CIACS to gather intelligence for counterinsurgency purposes (some of them also engaged in criminal or delinquent activities), but they acquired a life of their own before the civil conflict ended.

"Something that greatly concerned guerrilla commanders was the existence of military commando units that lived like guerrillas and infiltrated the insurgent structures," says Stein. "At some point these infiltrated units were linked to military intelligence, but somehow their trace was lost between 1980 and 1985."

The guerrilla commanders worried that the CIACS were formed by infiltrated military units that had posed as guerrillas and disappeared with no formal demobilization process. There was concern that some extortions and kidnappings attributed to the guerrilla were perpetrated by these units,<sup>41</sup> although there was ample evidence that insurgency was engaged in extortion and kidnapping for financial gain well before 1997.<sup>42</sup> However, determining whether former guerrilla members are involved in OC today is often difficult because their activity with the insurgency cannot be traced due to the lack of records, which is not the case with OC members who served in a military force that keeps records of everyone's years in the service.<sup>43</sup>

President Álvaro Colom, who participated in the peace process as head of the National Peace Fund (Fonapaz, in Spanish) in the first two years of the Arzú government, assures that there were no detected links between the insurgency and the mafia, or mafia financing.<sup>44</sup> Meanwhile, Helen Mack says that the guerrilla were never able to occupy positions of power within the State structure, and have only attained marginal positions with no capacity of ability to influence anything.<sup>45</sup>

Demobilization should have applied to the army as it did to the guerrilla, and not only in a monetary sense. "The army never generated a policy that I call 'return to life at the base,' which should have been

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<sup>39</sup> Author interview with Helen Mack; Guatemala City, Guatemala, September 24, 2010. Mack is a lawyer specialized in human rights, whose sister, anthropologist Myrna Mack (and human rights activist) was stabbed to death by a military officer in September 1990, following orders from the Presidential Chief of Staff as proven in court. Helen Mack heads the Myrna Mack Foundation, specialized in human rights, security and democracy studies.

<sup>40</sup> Author interviews with Ricardo Stein; Guatemala City, Guatemala, September 6, 29, 2010. Also see: CICIG, 2010, footnote 1, page 4. Of a sample of 600,000 cases from 2009, only 300,000 were denounced and registered by the Judicial Organism, and there were formal indictments only in 11,000 (1.8% of the cases).

<sup>41</sup> Ricardo Stein, 2010. Stein was the Technical Secretary for Peace between 1997 and 1998, responsible for the implementation and technical coordination of compliance with the Peace Accords, and, in that capacity, Advisor to the President: member of the Political Cabinet and the Political Council for Peace, Secretary of the Accompanying Commission for the Implementation, Compliance and Verification of the Peace Accords and government representative to other peace commissions. During 1996 he acted as Chief of Staff of the Office of the Presidency.

<sup>42</sup> "La paz a pesar de todo," Guatemala: Nunca más, Tomo 3: Mecanismos del terror (capítulo 8); Oficina de Derechos Humanos del Arzobispado: Guatemala, 1998, found at: <http://www.odhag.org.gt/html/TOMO3C8.HTM>.

<sup>43</sup> Military officials have a record from the day they enter the Adolfo V. Hall military academy; then, when they attend the military Polytechnic School, when they graduate and until the day they are discharged, according to retired Colonel Mario Mérida. The Polytechnic School alone keeps records since it was founded in 1873.

<sup>44</sup> Author interview with President Álvaro Colom; Guatemala City, Guatemala, October 8, 2010.

<sup>45</sup> Mack, 2010.

oriented to readopting values, principles, and mainly to demand more academic development from officers because the conflict had ended,” says Mérida. “This would have allowed [military] reinsertion and participation within [civilian] society.”

The army didn’t generate a better quality of life for the combatants who returned home; this was not a provision included in the peace accords by State actors (Executive officials and military), or by the guerrilla commanders who participated in the peace negotiations. After the conflict ended in 1996, soldiers returning to civilian life without much formal education and few employable skills found very few opportunities. Eight years later, close to 11,663 soldiers, from generals (receiving severance payments of nearly \$56,000) to foot soldiers, were forced to retire, leaving a force strength of 15,500.<sup>46</sup> In September 1996 (four months before the final signing of the peace accords), the Arzú government broke a contraband network operating within the State-run customs agency (Dirección General de Aduanas), arresting its leader Alfredo Moreno and disclosing a large structure involving at least 20 military officers. During the course of the investigation, many of these officers were discharged but not prosecuted. Some, like several of their peers, were suspected of involvement in illegal activities before the conflict ended, and of continuing this involvement throughout the peace process and afterwards. The Vargas, Berganza and Moreno cases provide ample evidence of the military’s involvement in OC in the late 80s and 90s, and while the armed conflict still was in full swing. The absence of a military demobilization at the end of the armed conflict does not explain the military’s participation in OC. Further evidence is provided by the recruitment of Guatemalan military special forces, known as the *Kaibil*, by Mexican DTOs (particularly the Zetas) beginning in 1994,<sup>47</sup> two years before the end of the war. Yet, these cases could have arisen because some of these officers knew that their employment would end with the conflict. Others simply saw in OC a more profitable occupation in addition to belonging to the armed forces, which provided a legal façade for illegal activity.

Rosada explains that more often than not the end of conflict does not mean giving up control, but rather retreating, sometimes voluntarily, as part of a negotiation or—sometimes—in a process in which army officials managed to stay in government positions. For instance, Roberto Perussina, a counterinsurgency official who was the head of the Defense Department’s joint command (Estado Mayor de la Defensa) and minister of Defense, is today the director of airport security.<sup>48</sup>

Not all the military officers holding strategic positions within the government are involved in OC, but those involved also hold positions that enable them to connect with the origins of OC. The question of institutional consent for these cases can be viewed from two perspectives: one in which there is no institutional consent and the absence of a direct order or permission from the Minister of Defense to participate in OC; or second, institutional consent is assumed when any army personnel is involved, as each soldier represents the entire institution.

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<sup>46</sup> Hernández Pico, Juan; “Primeros seis meses: ¿Bombero más que Presidente?” Revista Envío, Número 269; Universidad Centroamericana UCA: Managua, agosto 2004; found at: <http://www.envio.org.ni/articulo/2191>.

<sup>47</sup> “Guatemala: Squeezed between Crime and Impunity;” Crisis Group Latin America Report No. 33. June 22, 2010. Page 16. The Zetas were originally formed by one of the fallen leaders of the Gulf Cartel, Osiel Cardenas Guillen (imprisoned in the US since 2007), who did not trust his own security detail and surround himself with his contacts in the military instead. Its earliest members belonged to the Mexican Special Forces Airmobile Group (GAFE) and Special Forces Amphibian Group (GANFE), among other units. Also see: Ravelo, Op. cit. page 136, 144.

<sup>48</sup> Before Perussina took office, the theft of \$8.6 million at La Aurora International Airport in 2006 highlighted the gaps in airport security. The money, from national banks, was being transported to the US Federal Reserve allegedly under a high level of concealment. Francisco Arana, a captain discharged from the army and in charge of the security in the area, was arrested in connection with this case. He implicated other top officials in the Ministry of Interior and the PNC, yet prosecutors had proof that his family had bought ten houses in the months following the theft. Two civilians indicted, who had worked as independent contractors at the airport, were acquitted in October 2010. “Capitán Arana lanza acusaciones sobre robo millonario de dólares,” El Periódico, November 5, 2009, found at: <http://www.elperiodico.com.gt/es/20091105/pais/123052>.

“Talking about the military institution is to talk about all its human resources and the structural hierarchy inside the institution,” says Rosada. “Therefore, the military’s high-command is responsible, but not the young officers, or the officers in between. Some officers within the military structure did not attain senior positions within the high-command because they knew that doing so meant stepping into the mafia. For some, reaching the position of minister involved paying dues.” There is an institutional responsibility because the law considers the institution as a whole, according to Rosada, but there are vast internal differences amongst military personnel.<sup>49</sup>

One clear example are the different classes graduating from the military academy, some with more leadership skills, some prone to involvement in OC. Rosada points out that the class of 1973 generated mafias, save for retired General Otto Pérez Molina, whom he doesn’t identify with any of these structures. However, his peers, Juan de Dios Estrada Velásquez, Rony Macloni Morán, and Eduardo Arévalo Lacs, all ministers under the Alfonso Portillo administration (2000-2004), are a different matter. Both Arévalo and Portillo are currently in jail, and the CICIG has accused the four of them of being involved in looting Q906 million (US\$113 million) in State funds while in office.<sup>50</sup>

“These structures at some point seek a marriage of political and economic structures,” says Rosada. In fact, according to the current Minister of Interior Carlos Menocal, former President Portillo was regarded as the political component in the OC networks. Also included in the political front were Portillo’s close advisors Colonel Jacobo Salán Sánchez (convicted in 2010) and Major Napoleón Rojas, who are also being investigated by the CICIG.<sup>51</sup> This type of structure began searching for contacts at a political and local level, “like a good lawyer, judge, prosecutor, to guarantee a network of minimum mobility,” Rosada explains.

Another example is the case of Juan José León, a.k.a. “Juancho,” who was killed by the Zetas in March 2008 due to a drug-related dispute. According to Mérida, León graduated from the Instituto Adolfo Hall military academy in Zacapa. “Juancho managed to make a series of contacts with several officers during his time at the academy,” he says.

Early in 2010, Castresana recognized that the CIACS was made up of several groups. He noticed “an evolution” in their composition and objectives, and that these groups—in combination with OC—had “shot up everywhere.”<sup>52</sup> Identifying the CIACS is something that the CICIG is trying to achieve. “What did the CIACS mutate into? [Are they] inside or outside the State? And how do you turn them off?” asks Ricardo Stein. “The CICIG’s task now is exposing and calling these structures by their name, and breaking them. That’s the archeological part of the process, but the CICIG will find snake skin. Then, it has to see what the snake looks like now, without the old skin.”

Identifying these structures was just as difficult between 1996 and 2000. ““Why do you think that these structures weren’t dismantled?’ I asked Helen Mack back then,” said Porras. “Then I said, ‘Introduce them to me;’ we don’t know who they are.” Porras maintains that these were clandestine structures operating at the margins of the State, not as a part of it, and that there is only testimonial evidence against them.<sup>53</sup> As an example, he says that despite the many accusations against General Francisco Ortega

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<sup>49</sup> Rosada, 2010.

<sup>50</sup> “Saqueo en la Defensa involucra a 32 militares,” Prensa Libre, August 20, 2010, found at: [http://www.prensalibre.com/noticias/Saqueo-Defensa-involucra-militares\\_0\\_320367989.html](http://www.prensalibre.com/noticias/Saqueo-Defensa-involucra-militares_0_320367989.html).

<sup>51</sup> Menocal, 2010.

<sup>52</sup> Goepfert, page 43.

<sup>53</sup> Porras, 2010.

Menaldo as head of these networks—also connected to Portillo and wanted on money laundering charges in New York as well—no hard evidence has been produced against him.

Porrás says that the commission is struggling to reach the heart of a Gordian knot. “This is a qualitative investigation,” he points out. “Their main objective is not something very vast; it’s very complex.”

### **Signing of Peace Accords changes dynamics of criminal networks.**

In preparation for the final signing of the peace accords in January 1996, president Arzú discharged 13 generals who had led the military’s counterinsurgency campaigns. Some believe this action was a political concession to secure a short-term negotiation with the guerrillas.<sup>54</sup> Other analysts believe that several of these generals retired, but they continued directing criminal networks because they kept their political and military connections—further evidence that organized crime is not a postwar product.<sup>55</sup>

Subsequent to the peace accord, the army’s presence in the country and its force size were reduced with the understanding that the soon to be created PNC would replace military surveillance. The peace accords made provisions for a new role for the police, which would strengthen civilian authority and required the approval of several constitutional reforms to help work toward this purpose. However, the approval of the reforms also required passage of a public referendum. The proposed 47 constitutional changes included in the referendum only included 13 stemming from the peace accords. One recent country report from the International Crisis Group<sup>56</sup> indicates that “voters rejected the package” during the May 1999 referendum (with only 18.5 per cent participation), and thus compliance with the Accord for Strengthening Civilian Authority (or peace accord) was slowed down.

The referendum seemed destined to fail before it began because the public information campaign about the reforms was limited in scope and depth. Ignorance about the purpose of the referendum was so widespread that in some towns in the highlands of Quiché (northwestern Guatemala), voters were puzzled when they couldn’t find party logos and faces of candidates on the ballot. They thought they were standing in line to elect candidates for something. They weren’t sure for what. Press accounts document the confusion. In addition to that, the ballot contained complex questions and legal terms that the average Guatemalan did not understand. As a result, most opted to vote “no” or to annul their vote.<sup>57</sup>

In the meantime, the police were undergoing their own reform. New recruits were being trained in six months. Officers from the old PN were recycled in three months, if they passed the required tests and checks. However, two years into the new PNC Academy training process, the Washington Office on Latin America (WOLA) issued a report whose main conclusion was that the academy was sacrificing quality for quantity to try to meet the commitment of having a police force of 20,000 by 2000, and that the new force had “limited oversight mechanisms.”<sup>58</sup>

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<sup>54</sup> Mérida, 2010. The guerrillas were identified as the URNG, the Spanish acronym for Guatemalan National Revolutionary Unit.

<sup>55</sup> Author interviews with former peace negotiator; Guatemala City, Guatemala, September-October 2010.

<sup>56</sup> “Guatemala: Squeezed between Crime and Impunity;” Op. cit. Page 5.

<sup>57</sup> Hernández Pico, Juan; “Primeros seis meses: ¿Por qué el NO en la Consulta Popular?” Revista Envío, Número 208; Universidad Centroamericana UCA: Managua, julio 1999; found at: <http://www.envio.org.ni/articulo/950>.

<sup>58</sup> Byrne Byrne, Hugh, William Stanley and Rachel Garst. “RESCUING POLICE REFORM: A challenge for the New Guatemalan Government.” A Washington Office on Latin America Report, January 2000. Found at: [http://www.wola.org/publications/pub\\_security\\_country\\_guate\\_rescuingreform\\_execsum\\_jan00.pdf](http://www.wola.org/publications/pub_security_country_guate_rescuingreform_execsum_jan00.pdf).

WOLA's conclusion still holds true today, and has been supported by failures in security policies over the last 14 years. Just two years after the creation of the PNC, several of the recycled PN agents were discovered to have been involved in illegal activities. More recently, in 2009, the current administration declared it had purged 1,700 police officers from the force for various reasons; some for minor faults, others for serious crimes, which merited their arrest and prosecution with help from the CICIG.<sup>59</sup>

In short, the successive administrations in charge of police reform were repeating the same mistake with the PNC that had occurred with the army by expanding their force size dramatically while relaxing recruiting controls and overlooking training-quality standards. "Today you see an effort to produce more bad police officers, with the risk of their potential involvement in illegal activities, than efforts to create incentives for entering a military-type academy, with a basic and well-established doctrine, an academy more prone to control," said Mérida.

While the expansion of the police force was underway, the army began in the late 90s to withdraw its troops and high-command officials from significant portions of the territory. As a result, the Colombian cartels operating in Guatemala lost the complicity of State structures in their operations. Once the military did not hold key positions of government that could facilitate the transit of illegal goods, Colombians began losing their hold in the country.<sup>60</sup> Their presence was diminished at the same time that Guatemalan groups began to thrive. Additionally, Mexican criminal networks began to exert influence in low and middle-management positions in State institutions, which is what they had been doing in Mexico for the past 60 years.

The Mexicans strategy was to begin building a strategic axis with mayors and public officials in towns along the Mexican-Guatemalan border and the Guatemalan-Honduran border. The criminal surge that followed caught the police unprepared.

"We lost a great opportunity for police reform with the Peace Accords," says Mack, 14 years later. It was a new beginning that had allowed skeptical Guatemalans to actually believe the police could improve. People's opinion regarding the PNC began to improve month after month after the first groups graduated from the police academy. This was a development that even surprised government officials who admitted to have made mistakes in the process.<sup>61</sup>

"Everybody admits that a mistake was made before [Alfonso] Portillo won [the 1999 presidential elections] with the decision to recycle old police agents into the new in order to meet the [peace accords] demands to cover the whole country," Porrás said. "The fact that these people returned to the police restored certain vices [in the police] as well." By October 1999, in a force of 17,339 police officers, 65 percent were recycled.

The major setbacks were man-made, particularly during the Portillo administration (2000-2004). Not every director of police or Minister of Interior was qualified based on the standards contained in the PNC Law, or provide the continuity to institutional strengthening reforms needed to confront challenges at a regional level, according to Mack. Besides, Porrás said that "the Portillo administration fired several

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Also see: Byrne, Hugh. 1997a. *The Guatemalan Peace Accords: Assessment and Implications for the Future*. Washington, DC: Washington Office on Latin America.

<sup>59</sup> "Justicia sin colmillo contra el narcotráfico," *El Diario La Prensa*, Nueva York, October 15, 2009, found at: <http://www.impre.com/noticias/2009/10/15/justicia-sin-colmillo-contra-e-154273-3.html>.

<sup>60</sup> Rosada, 2010.

<sup>61</sup> Porrás, 2010.

*comisarios* (police officers of the highest rank), who had a pristine record, and the decay in the PNC was immense...crime soared while all this was happening.”<sup>62</sup>

Mérida also pointed out that Portillo made changes that left 16 generals in the high-command, some of whom were corrupt and now find themselves subject of judicial prosecution.

Moreover, in June 2004 the army underwent a reduction in force of 66%, and not of 33% as established in the Peace Accords. The most affected area was Petén and the corridor bordering Mexico, in northwestern Guatemala, according to Interior Minister Menocal. As a result, says Mérida, no more than 6,000 troops were available to cover in a tactical capacity the 108,889 square kilometers of the country’s territorial extension. The rest of the troops remain in an administrative capacity.

Eduardo Stein—vice president during Oscar Berger’s administration (2004-2007)—has stated that the army’s downsizing, in line with the peace accords, was prompted by two factors: (1) Pressure from the international community; and, (2) The need to correct the number of troops, which had been inflated. “Salaries were being cashed in for soldiers and officers who only existed on paper,” Eduardo Stein says.<sup>63</sup>

The former vice president argues that the criteria for an additional military reduction should have been linked to strengthening civilian forces, along with justice system institutions, while keeping enough armed forces to protect the borders. “The argument that the army was reduced beyond what the peace accords required, thus leaving the country vulnerable to drug trafficking, rests on incorrect premises,” says Eduardo Stein.<sup>64</sup> “One, that the army must control internal territory in the fight against drug trafficking, instead of security forces and organized population, as a whole; and two, that organized crime cannot corrupt the army, as opposed to the police.”

Stein argues that the fight against OC is complex enough to have shown, after several incidents, that the army is not as efficient as it is believed to be (contrary to government assertions), but in addition to that, it should not be assigned a civilian security function. According to Mérida, the Vice Minister of Interior in 1993, and a colonel who retired in July 1998 after a 28-year military career, the Guatemalan army has not changed its doctrine since the end of the armed conflict.

“The first part of the military doctrine is that the army is prepared to take an objective by gunfire or maneuvers, or by fire and deployment, or to defend an objective by means of gunfire, or tactical operations,” says Mérida. “That is what a soldier is trained for, not for police tasks.” In the same vein, Stein contends that the army cannot be effective in something it was not trained for, despite president Colom’s assertions that an increase in military troops in the northern part of the country has reduced DTOs activity in the area.

Stein’s second assumption that the military is not corruption proof cannot be disputed, as recent history offers ample examples of it. A case in point involves the theft of military weapons—stolen from an army base—that ended up in Zeta hands. It’s not a question of who is less corrupt, the police or the army; it’s a matter of absence of proper internal controls in both institutions.

Eduardo Stein and Mérida raise a question of legality and specialization to perform a task, and the mistake of using the armed forces as a band-aid solution, as opposed to integrating them into a long-term strategy. However, the issue is whether it’s appropriate to use of the army to provide security—and for how long—when the police lack the numbers, capabilities and weaponry at the levels required to fight DTOs.

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<sup>62</sup> Ibid.

<sup>63</sup> Author interview with Eduardo Stein via email, October 26, 2010. According to Ricardo Stein, “the number of guerrillas was often exaggerated to inflate the number of troops to the point where the army’s size was large enough to finish up the guerrillas 20 times over.” Ricardo Stein, 2010.

<sup>64</sup> Ibid.

“If Colom is right about something, or whoever advised him, it is that military surveillance was displaced from key areas that had been under control for 42 years, and that is a lot,” said Rosada. The post-war formula of “scores of unoccupied men, whose only ability is to fire a gun, is what led to more violence and crime” is not a one-size-fits-all formula for all post-conflict cases. Thus, attributing the current security challenges in Guatemala to the armed conflict alone is a myth. The conflict was an influential aspect, but not the only source. “I always bring up Mexico as an example,” said Porras. “Which armed conflict developed there? Which peace process? [None,] and the situation there is just as bad, or it’s worse than here.”<sup>65</sup>

According to Porras, blaming the existence of OC on the conflict and subsequent failures of the peace process is the equivalent of playing card tricks with the heart of the issue. The lack of political will to enforce the law and develop long-term security policies that apply to the entire justice system is the central problem. Nevertheless, some in the international community, like the U.S. Ambassador Stephen McFarland, see the creation and support of CICIG as a sign of political will. “But you always want more,” McFarland says<sup>66</sup>—so do Guatemalans.

### **An atypical Peace Process**

The Guatemalan Peace Process was unusual. In other cases, the peace process leads to the end of conflict, which then leads to free elections, where the process culminates and “democracy” begins. In Guatemala, the elections preceded the peace process, mostly because in 1985, the military intelligence system was convinced that the guerrilla (URNG) had been defeated militarily.<sup>67</sup> Three democratic elections had been held by the time the conflict ended in late 1996.

The Constitution created in 1985 was the product of a pact with the business elite, a commitment to take the country out of isolation, which was accomplished ten years later. “We were pariahs, isolated from the world, due to how the local economy was run and human rights violations,” said Ricardo Stein. The new constitution, based on rights, led the way to close the chapter of the armed conflict, and it opened the doors to a broader political spectrum that included space for the guerrillas as a political organization.

The question becomes whether this inverted order—elections before the peace process—allowed for a smoother transition from military to civilian governments, or if it, in fact, facilitated the survival of military influence in spite of a civilian administration taking office before the peace accords were signed. The process bore a tendency to reduce corruption and increase transparency, but it was overseen by the military that negotiated their way out of running the government, while they kept certain quotas of power within State institutions.

The elections were free and democratic, but they were imposed. Despite a civilian-run government, some say the military kept their power hidden behind the State’s closed doors, and violence and repression continued—even if not at the worst levels displayed during the armed conflict,<sup>68</sup> when at least 90 per cent of human rights violations were attributed to government security forces.

Guatemala has had at least one generation without military regimes, from 1986 to 2010, where military influence is declining—though it hasn’t and will probably never disappear entirely. “To blame the military for everything is to avoid the responsibility that belongs to everybody, to civilians,” warns

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<sup>65</sup> Porras, 2010.

<sup>66</sup> Author interview with US Ambassador in Guatemala, Stephen McFarland; Guatemala City, Guatemala, October 22, 2010.

<sup>67</sup> Ricardo Stein, 2010.

<sup>68</sup> Torres-Rivas, Edelberto. “Guatemala, Guatebuena, Guatemaya.” *ReVista*, Harvard Review of Latin America, volume X, No. 1. David Rockefeller Center for Latin American Studies: Cambridge, 2010. Pages 4, 5.

Ricardo Stein. “The traffic in influence, [using a position of authority for illegal gain], is as old as the wheel, and smuggling dates back to colonial times.”

“The military are not the only corrupt or corruptible ones; they are not the only corruptors,” says Stein. “And corruption is like sticky caramel sauce. For someone to get a hand stuck in it, you have to have the sauce and someone willing to stick their hand in it. Two people are needed.” During the armed conflict, and in the following 14 years, **local** and foreign OC networks have been the corruptors and both civilian and military authorities have stuck their hand in the sticky, caramel sauce. Other factors like the lack of a larger professional workforce in State institutions, low salaries, and a degree of impunity that makes corruption appear as punishment free, turn corruptible employees in easy targets.

### **Infiltration of the judicial system, the Congress, the Executive branch, and the military.**

Examples of infiltration of the judicial system by organized crime abound between September and October 2010 alone. One judge in Quetzaltenango released three Mexicans and four Guatemalans (alleged members of the Mexican Sinaloa Cartel) despite having been arrested in possession of 124 kilos of cocaine, weapons and a burnt small plane that—according to prosecutors—presumably transported the drugs, on June 11 in Suchitepéquez, southwestern Guatemala.”<sup>69</sup>

In another case, assistant prosecutor Gloria Hernández was cooperating with alleged members of an OC network, the Véliz Palomo organization, prosecutors found. She had been working for nine years in the Public Ministry, and her tasks as an accomplice involved modifying official indictment documents to help band members in case they were arrested.

However, 32 of 45 members of the network were captured, including Hernández. The prosecution also discovered that the son of Judge Irma Valenzuela, who was in charge of a case against former president Portillo, was also involved in the organization.<sup>70</sup> The Véliz Palomo case encompasses a money laundering investigation involving the Baseball Federation, whose president José Luis Véliz Domínguez is being charged as the leader of the same organization.<sup>71</sup>

On October 28, interim Attorney General, María Encarnación Mejía, made headlines when news was released that six charges against her were dismissed just before her June 11 appointment, and prior to her request to be confirmed in office for the 2010-2014 term. The internal affairs office at the Public Ministry, which did not disclose the nature of the charges, assured the public that Mejía had nothing to do with the cases being closed.<sup>72</sup>

Nearly six weeks earlier, two police officers were secretly filmed stealing money from the September 15 Tikal Futura crime scene. This case was preceded by the arrest of two Police directors within the last two years (for stealing seized drugs and money, in one case, and in connection with the murder of five counternarcotics investigators). These are just two examples of the scope of institutional weakness within the police.

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<sup>69</sup> “Juzgado deja libres a presuntos narcos,” Prensa Libre, Octubre 16, 2010; found at:

[http://www.prensalibre.com/noticias/Juzgado-deja-libres-presuntos-narcos\\_0\\_354564563.html](http://www.prensalibre.com/noticias/Juzgado-deja-libres-presuntos-narcos_0_354564563.html).

<sup>70</sup> “Ministerio Público desarticula banda dedicada a narcotráfico,” Prensa Libre, September 24, 2010; found at:

[http://www.prensalibre.com/noticias/MP-desarticula-banda-dedicada-narcotrafico\\_0\\_341369767.html](http://www.prensalibre.com/noticias/MP-desarticula-banda-dedicada-narcotrafico_0_341369767.html).

<sup>71</sup> “MP investigará por lavado a Federación,” Prensa Libre, October 28, 2010; found at:

[http://www.prensalibre.com/noticias/MP-investigara-lavado-Federacion\\_0\\_361763856.html](http://www.prensalibre.com/noticias/MP-investigara-lavado-Federacion_0_361763856.html).

<sup>72</sup> “Fiscal Mejía limpió quejas antes de postularse,” Siglo Veintiuno, October 28, 2010; found at:

<http://www.sigloxxi.com/nacional.php?id=22265>.



Institutional weakness shows up in the poorly defined responsibilities of an authority, and as a consequence of absent yet much needed reforms to the Civil Service Law, which would help establish a much more professional civil service. “When lack of clarity exists, borders are transgressed, and rules are broken,” said Ricardo Stein. The stage is set for this outcome when a non-professional bureaucracy is installed in office as payment for political favors, or financial support during the elections, which has been a trend in several administrations.<sup>73</sup>

After 1996, the guarantees that criminals needed to operate were already in place inside the State. “If you want information, you don’t have to infiltrate, you have to be a part of it,” says Porras. The case of assistant prosecutor Hernández is such an example.

When ruling party congressman Mauro Guzmán was governor of Huehuetenango, a state bordering Mexico, from 2004 to 2006, he knew of police cooperation in many kinds of trafficking. “We understood that the chief of police of Huehuetenango received Q250,000 monthly (some \$31,250) and, in return, his obligations included letting anyone and anything through the border,” recalls Guzmán. According to him, the chief of police would lead the way in his police car; following close behind was a bus or two loaded with undocumented migrants heading to the border with Mexico.<sup>74</sup>

Guzmán, president of the Migrants Commission in the Congress, doesn’t have any recollection of a single corruption trial in this and similar cases. “Despite the tens of thousands of migrants who pass through Guatemala to reach Mexico and the US, I cannot recall a single case of anyone convicted of trafficking migrants,” he says. “This is part of the traffickers’ success.”

The Colom administration has also suffered its share of infiltrators, or questionable public officials. The second of five ministers of the interior in his term, Salvador Gándara, was accused of misleading the CICIG’s investigation in the Rodrigo Rosenberg case,<sup>75</sup> among other irregularities. Gándara, who was Arzú’s vice minister of Interior, was also responsible for appointing a director of police—Porfirio Pérez—who was arrested for having allegedly stealing seized drugs and money (some \$300,000 dollars and an estimated 350 kilos of cocaine) in 2009.

Gándara left the cabinet and returned to the mayor’s office in Villa Nueva, a province neighboring Guatemala City, where he was elected in 2007. He had lent significant political support to the Colom electoral campaign, and the judicial investigations into Gándara’s dealings have not led to his formal indictment. However, “Gándara couldn’t stay [in the government],” says Colom. “Obviously, the political cost [of removing him] was tremendous, but he couldn’t stay because he appointed [Paniagua]. Then, the next minister [Raúl Velásquez] stuck his hands in the money, and I couldn’t allow that either.”<sup>76</sup>

Almost six months after his July 2009 appointment as Minister of Interior, Velásquez was accused by the government of pocketing \$5 million that were destined to buy fuel for police cars. Instead, the money allegedly went to buy property in Velásquez’s name. He is still at large.

Now, Colom says that in the last seven months minister Menocal has given him good results, even though a lot remains to be done.

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<sup>73</sup> Ricardo Stein, 2010.

<sup>74</sup> Guzmán, 2010.

<sup>75</sup> Attorney Rodrigo Rosenberg was slain on May 10, 2009, and in a video recorded prior to his death he had warned that should he be killed, President Colom, the First Lady Sandra Torres, and Private Secretary Gustavo Alejos, were to blame. Rosenberg said they would have wanted to stop him from revealing a corruption scandal. The CICIG proved that he had planned his own death and that several retired police officers were involved.

<sup>76</sup> Colom, 2010.

The high turnover of Interior Ministers began in July 2008, six months into the Colom administration, when the appointed minister, Vinicio Gómez, died in a helicopter accident. That same year the president's security detail discovered that his offices, as well as those of the First Lady, had been wire-tapped. The head of the Executive's security, Carlos Quintanilla,<sup>77</sup> was held responsible. Quintanilla remained at large for months until he agreed to turn himself in at the court that issued his arrest warrant. He was subsequently released on bail. In 2010, he was acquitted due to lack of evidence that he had installed the wire-tapping and microphone devices.

Since then, the Colom government has had a hard time trying to explain what became of his party's campaign slogan that claimed they would "fight against violence with intelligence," a response to its strongest contender, retired General Otto Pérez Molina, whose slogan was "Iron fist against violence" (interpreted as the use of sheer force).

"We had a security team, but our party is not the exception when it comes to infiltrations," Colom said. "The preparation stages of the national security plan underestimated the real problems in the Ministry of Interior. Maybe our evaluation indicated a level 10 of problems, when the reality was that the level was 120, or 80. There was a misconception of reality because [before the elections] we were the opposition, and we didn't have 'inside' information."<sup>78</sup>

Inside information became available the first semester of 2008, when former vice minister of Interior Gómez in the Berger administration accepted the appointment as minister in the Colom administration. That brief effort in continuity only lasted until Gomez's death. He had been exercising stronger controls within the police, particularly in the counternarcotics unit, while working since March 2007 with Adela de Torrebiarte, then Minister of Interior.

"Putting things in order, and cleansing security forces has not been easy," Colom said. "My principle is that if the head is healthy, the body will heal." So far, the cleansing strategy has led him to dismiss three army high-commands.<sup>79</sup>

The army has not escaped infiltration either. Weapons belonging to the army, mostly machine guns, ammunition and grenades, were found at a training camp believed to be operated by the Mexican DTO Zetas in Quiché, northern Guatemala, in March 2009. The weapons had been stolen from a warehouse at a military base in the Guatemalan capital, according to the Public Ministry and Colom.

Other weapons from the same lot were found in a warehouse rented by the Zetas in Amatitlán (close to Guatemala City) in late April of 2009, where drugs were also stolen—allegedly by the police—and five counternarcotics detectives were killed. One source from the Public Ministry revealed that the police declared that the victims went to the warehouse on an official raid operation, but that their real intention was to steal drugs and money. The police seized at least 500 grenades and 5,000 rounds of ammunition for machine guns.<sup>80</sup> Among the seized weaponry was "one machine gun that belonged to a lot purchased during the Berger administration," said minister Menocal.<sup>81</sup> The five detectives were allegedly killed by Zetas, according to authorities.

The ammunition was packed in boxes with a logo that read "Guatemalan Military Industry," and was found next to land mines of military manufacture, along with a black vest with white letters that read "Narcotics Officer." This case led ten months later to the arrest of Baltazar Gómez, who was then the

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<sup>77</sup> Quintanilla is owner of SERPRO, one of the largest private security companies in the country.

<sup>78</sup> Colom, 2010.

<sup>79</sup> Ibid.

<sup>80</sup> Author interviews with Public Ministry investigators; Guatemala City, Guatemala, April-June 2010.

<sup>81</sup> Menocal, 2010.

director of the PNC, and Nelly Bonilla, the head of the counternarcotics unit (DAIA, its acronym in Spanish).

In a context of police scandals and rising violence (nearly one death every 81 minutes on average), in July 2010, Obdulio Solórzano, former head of the National Fund for Peace (Fonapaz) was gunned down—his brand new SUV sprayed with bullets—in a wealthy neighborhood in Guatemala City. Solórzano was identified as one of Colom’s campaign financiers, and the president described him as a “great executive.” Yet, he was dismissed in April 2009 amid corruption rumors. Several accusations had been filed for his mishandling of Q1.4 billion (\$175 million).<sup>82</sup>

An adviser for the administration said that Solórzano was using Fonapaz to launder drug trafficking money by hiring construction companies with links to DTOs, to build infrastructure projects for municipalities in the north-eastern part of the country. According to the adviser, Solórzano was fired after the U.S. Embassy warned the government about his alleged links with DTOs from the Alta Verapaz area, in northern Guatemala.<sup>83</sup> On another front, he was also accused of processing contracts for Q440 million (\$55 million) that were not honored, and the contracts had to be rescinded and reassigned to other vendors.

Colom says that Solórzano had admitted to being friends with people “who had been linked to drug trafficking,” although no proof could be found of that link. The president explained that Solórzano, a former Member of Congress or the governing party, was fired “due to a strong suspicion that he could be involved in something of that nature (in reference to drug trafficking). There was an investigation that was inconclusive, but—like the popular Guatemalan phrase says—‘when the river is noisy, it’s because it’s carrying stones,’ and so a decision to separate him [from Fonapaz] was made.”

Colom says that the way in which Solórzano was murdered—50 casings for AK-47 and 9 mm ammunition were found at the crime scene—indicates that the motive was “thick.” “It was a narco style murder, although we don’t have evidence of that; but the circumstances appear to indicate there was a relation there,” the president said. Colom denied having received any suggestions from the U.S. Embassy regarding Solórzano. “Normally there are communication exchanges between intelligence offices, and that information is considered, but in Obdulio’s case there was none of that as far as I can remember.”

The Congress has not been free either of accusations regarding links to OC. In October 2010, former representative Manuel Castillo stood trial for the murder of the three Salvadoran Central American Parliament (Parlacen) representatives and their driver in January 2007. Castillo was accused of being the mastermind of the murders, a vengeance killing requested by a Salvadoran congressman. Castillo, who has also been linked to the robbery and redistribution of drugs in Jutiapa, a province neighboring El Salvador, was sentenced in early December 2010 to 203 years in prison. His accomplices received similarly harsh jail sentences.

Sometimes the accusations against the Congress come from within, when laws that target OC and DTOs are often blocked or stymied by lengthy debates. Two examples include the Law for Private Security Companies, still pending approval, and the Seized Assets Law, designed to combat organized crime, that was approved in early December after months of deliberation. “Maybe some people in the Congress have a glass ceiling and that’s why the approval processes for certain laws are being stalled,” says Héctor

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<sup>82</sup> “Matan a Obdulio Solórzano y a un guardaespaldas,” *El Periódico*, July 9, 2010; found at: <http://www.elperiodico.com.gt/es/20100709/pais/163103>.

<sup>83</sup> Author interview with adviser for the Executive; Guatemala City, Guatemala, August 26, 2010.

Nuila, representative for the Guatemalan National Revolutionary Unity (URNG, its acronym in Spanish).<sup>84</sup>

Nuila, who recognizes that the left-wing party has minimal influence in the Congress because of its reduced ranks, had critical words for how the Arms and Munitions Law was reformed. “Unfortunately it took ten years to draft the law and people say it hasn’t served the purpose of disarming the population because it was not designed for that,” he says. “How is it possible that [the law] allows each person to carry a maximum of three weapons, and as much ammunition as a soldier uses for shooting practice in three months? The law seems to have been designed to aid the dirty business of arms trafficking.” arms’ Several congressional representatives are believed to be associated with owners of armories, or private security companies, which could benefit from this law. However, no accusations have been accompanied with formal evidence.

A May 2010 article from the Strategic Studies Institute warns that “the influence of non-state criminal actors rivals or exceeds that of the government in up to 40 percent of the country.” The report also indicates that the trend “is apparent in institutional terms, as criminal groups have colonized sectors of the government and turned the state to their own purposes.”<sup>85</sup>

In contrast, President Colom says there is not a single area in the country where the army or the police cannot enter. Yet, he admits “there is definitely infiltration (by criminal groups) in all kinds of structures, not only in the government.” These criminal infiltrations lead to the exercise of a more subdued control than physical occupation of a territory. They are more difficult to fight and have allowed OC to— figuratively speaking—legitimately win “hearts and minds,” just as occupying armed forces try to do in populated areas near combat zones. This type of infiltration only requires violence as a last resort because subjects recognize the dominant group’s power. When such recognition is absent, it is imposed by instilling fear through violence.

“One example involves a mayor in Alta Verapaz [a strong hold for the Zetas],” said president Colom. “He cannot open his mouth because he is surrounded by violence, threats, and terror. Even though the mayor is clean, his behavior is controlled by these criminals.”<sup>86</sup>

In contrast, the response of the population in some rural areas is quite hostile towards the police. On October 10, 2010, local Chichicastenango, Quiché, residents destroyed the police station and a police car after authorities arrested a man accused of mugging motorcycle taxis at gunpoint. The mob unsuccessfully tried to lynch the presumed criminal on the assumption that he would be set free shortly after his arrest. Unfortunately, impunity numbers support this perception. In a sample of 600,000 cases that CICIG studied, there were indictments in only 1.8 percent of the cases.<sup>87</sup> In the meantime, at least 47 police officers have been killed between January and October 2010.<sup>88</sup>

In Guatemala, OC occupies the voids of power and authority in several regions of the country. In some cases it sponsors public electricity installations to illuminate public urban areas, paves streets, and employs locals in their businesses, etc. Local *capos*, like Vargas, used these methods more than twenty years ago in Zacapa. Now, OC and DTOs have followed suit all over the country.

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<sup>84</sup> Author interview with URNG Congress representative Héctor Nuila; Guatemala City, Guatemala, October 7, 2010.

<sup>85</sup> Brands, Hal. “Crime, Violence, and the Crisis in Guatemala: A case study in the erosion of the State.” Strategic Studies Institute. May 2010, pages 2-3.

<sup>86</sup> Colom, 2010.

<sup>87</sup> CICIG, 2010, footnote 1, page 4.

<sup>88</sup> “Más de 40 policías han sido ultimados,” Prensa Libre, November 2, 2010; found at: [http://www.prensalibre.com/noticias/policias-ultimados\\_0\\_364763552.html](http://www.prensalibre.com/noticias/policias-ultimados_0_364763552.html).

“Generating a better quality of life gives them (OC structures) the power to influence large groups of people,” says Mérida, and turn them into willing informants and a surveillance structure. This type of control has led to failure in arresting other major DTO players such as four members of the Lorenzana family, in Zacapa, wanted by a court in Washington, DC, for conspiring to transport and import cocaine into the United States. At least three operations with combined Guatemalan and U.S. forces since July 2009 have failed. In one case, the whole family was found in their house, save for the four defendants. The attempted arrests were followed by demonstrations in the family’s hometown, organized and led by the younger members of the Lorenzana family.

The Lorenzanas case is in stark contrast to that of Mauro Salomón Ramírez, which despite police infiltration and questionable surveillance procedures that led to the death of a civilian and one police officer—in days preceding his arrest, was successful in locating him and his family. In the case of the Lorenzanas, the degree of control they have over their territory has become their safety net.

The Colom govern is the first one to openly pursue the Lorenzanas, some say, propelled by the U.S.—and an indictment in the Washington, DC court. In fact, before 2009, no public official formally and openly had accused them of drug trafficking. They were talked about often but only in an off-the-record fashion.

Colom believes that an infiltration sabotaged the Lorenzanas arrest, perhaps through a police chief in Zacapa, the officers expelled from the force last year and in 2010, or an alert originated by the community where the Lorenzanas live. According to a retired detective, the police in Zacapa keep the Lorenzanas informed of any attempt to arrest them.

The behavior of authorities—coaxed, threatened, or bought—at a municipal (county) level is one of the greatest obstacles to assess the scope of the organized crime problem. For instance, municipalities or Development Councils in Izabal, Zacapa and Petén have hired construction companies belonging to the Lorenzanas—to build a number of different projects, or extract sand from river banks—pressured by the mayors.<sup>89</sup>

There is much silence in the face of these irregularities, according to Ambassador McFarland. “I was struck, [while attending] a Security Cabinet meeting down in Izabal a couple of years ago, [when] person after person was talking to the president (Colom) regarding their concerns about security, and [they] all revolved around, ‘we’ve seen people with weapons, machine guns, out-of-towners looking like this or that,’” the Ambassador recalled last October. “Finally, one guy got up and said, ‘let’s not be cowards; we are talking about narco traffickers,’ but he was the exception.”<sup>90</sup>

### III. ROLE OF GUATEMALA IN OC NETWORKS FROM SOUTH TO NORTH AMERICA

The general consensus is that Guatemala occupies a strategic position in the Latin American continent, next to Mexico, Belize, Honduras and El Salvador, and with coasts on two oceans. This characteristic makes the country very attractive to OC.

Mexican ambassador to Guatemala, Eduardo Ibarrola, describes Guatemala’s geopolitical position as a liability. “Mexico and Central America’s geographic position makes them awfully vulnerable because we are located between the drug producers—in this case, of cocaine—in the Andean countries, and the great consumers market, [the U.S.],” said the ambassador.<sup>91</sup> Ibarrola indicated that the area has turned into a

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<sup>89</sup> Author interviews with Ministry of Interior officials; Guatemala City, Guatemala, October 2010.

<sup>90</sup> McFarland, 2010.

<sup>91</sup> Author interview with Ambassador of México in Guatemala, Eduardo Ibarrola; Guatemala City, Guatemala; October 18, 2010.

consumers market because DTOs have been paying transportation and protection costs in Central America with drugs that they have been unable to bring into the U.S.—where 43 per cent of the global market value (the largest one) is concentrated.<sup>92</sup>

Increased consumption has stimulated small-scale sales in the region, which has been accompanied by the violence that usually results as DTOs attempt to protect their market and territories.

Central America and Mexico are also an important migrants' route. "The great labor market for undocumented migrants is, at the end of the day, the United States, and we are also in the route for trafficked arms—which runs in the opposite direction, from north to south," explained Ibarrola, who has been almost three years in Guatemala.

The region is also capable of producing drugs like marijuana and poppy (found in the northern border zone that Guatemala and Mexico share), for heroin production, or synthetic drugs—like meth—in an undetermined number of clandestine labs, for its consumption in Mexico, the U.S., and Europe. Guatemala and Mexico share a border that is 1,000 linear kilometers long with eight immigration crossing points, which cover less than 25 percent of the border, along with countless illegal or blind-crossing points that congressman Guzmán assures are not so blind. The department he represents, Huehuetenango, shares a border with Mexico that is 200 linear kilometers long and has only two official border crossing points: La Mesilla and Gracias a Dios. "There is no control," says Guzmán. "You can see the flows of [undocumented] migrants passing through next to La Mesilla (legal crossing point), with no control."<sup>93</sup>

The border's porous qualities are both good and bad. On the one hand, it allows for the nearly 100,000 Guatemalan legal workers employed in Mexico to cross the border to reach their jobs in the coffee plantations, service and construction industries. Ibarrola says that, "As long as the border allows these Guatemalans to travel to Mexico and return to Guatemala, it also allows them to stay in their country over the long term, or visit their relatives in Guatemala, and not what has happened at the [Mexican] northern border, where difficulties in crossing has led migrants to opt for a permanent stay."

In certain cases, lack of infrastructure to legally process the volumes of people and merchandise going through the border prompts illegal border crossings, according to Ibarrola. Sometimes it's as simple as street vendors blocking the facilities, or certain customs areas only equipped to deal with one truck at a time.

When illegal border crossings are used by people simply returning to their jobs, or taking merchandise legally purchased, etc., the flow is also joined by smugglers with products illegally produced, purchased—perhaps even stolen—and transported. The former groups makes the detection of the latter more difficult.

According to minister Menocal, outsourcing allows OC's different ramifications to intersect when trafficking in humans, drugs, arms, money, stolen vehicles, and contraband. Some don't branch out to other areas but, for instance, extortionists and kidnappers may buy vehicles from the same network engaged exclusively in car theft, or bank robbers and drug traffickers may buy weapons from the same arms trafficker. They all network in Central America and are ultimately tied—directly or indirectly—to larger organizations in other regions.

Another example are the Mexican DTOs recruitment of former members of the Guatemalan military special forces *Kaibil*, both by the Sinaloa Cartel and the Zetas—because it gives them an edge over

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<sup>92</sup> "Crime and Instability, case study of transnational threats," United Nations Office on Drugs and Crime (UNODC), February 2010; page 5.

<sup>93</sup> Guzmán, 2010.

Guatemalan civilian security forces that are so reduced in numbers and capabilities. In addition, Mérida explains that the Mexican groups have also capitalized on the clout they gained among local authorities—for years—at a municipal level along the country’s borders.

Between mid-September and mid-October alone, nearly US\$3 million were seized from DTOs, which suggests that a significant amount of drug money is moving along and across the country, and if put together with the more than \$8 million found in El Salvador, it’s possible to grasp how the system is being corrupted, Mérida points out.

### **Types of criminal activity in Guatemala and links between them.**

Some OC structures are multidisciplinary. Certain structures are more specialized and lend outsourcing services to structures with a specific specialty.<sup>94</sup> “For instance, car theft is a big, multi-national and trans-continental business,” says Menocal. “Car robbers cater to *maras* (gangs) and to *narcos* (DTOs), and *maras* account for 48 percent of criminal activity in Guatemala City, whose total represents 41 percent of crime on a national level.” The *maras* use stolen cars, sometimes hidden for up to six months until they “cool” down, to engage in extortion and several other crimes. Public Ministry statistics indicate that, on average, 37 vehicles were stolen per day in the country between January 2008 and mid April 2010, and that 63% of the cases occurred in the central district, where Guatemala City is located.<sup>95</sup>

DTOs provide *maras* with drugs to sell on a small-scale basis, which prompt fights for territorial control (mostly in the northern part of the capital, zones 6 and 18), as well as for the extortion market, run mostly by these gangs, according to the police and Menocal. The minister says that gangs are also getting their arms supplies through the Zetas. “Two and a half years ago, we could tell that the *maras* were using mostly make-shift rifles,” he recalls. “Now they use AK-47s, Galils, AR-15s, machine-guns with laser visors, plus 9 mm and .40 brand new guns.”

Arms trafficking is high on the list of concerns for Mexico, according to ambassador Ibarrola, who says Mexico is between two countries that have a very permissive arms policy, referring to the US (particularly Texas) and Guatemala. According to the UNODC, in 2008 it was a \$20 million dollar business just counting Mexico and the US alone.<sup>96</sup>

Colom claims that because most of the arms in the illegal market are purchased at the US border, the matter requires a double effort to control given the mutual responsibility in the matter. “Drugs go through us to the north, but we get weapons and dirty money in return,” the President says. Until mid-October 2010, the police had seized Q23.3 million or \$2.9 million (79 percent of it caught in a single weekend), which almost doubles the Q12.7 million seized in 2009.<sup>97</sup>

Arms trafficking trails are just as difficult to identify and trace. The amount of grenades seized from the Zetas, no less than 500 in two different occasions in 2009, as well as thousands of ammunition rounds for automatic rifles and machine guns, led counternarcotics prosecutor Leonel Ruiz to think that perhaps the

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<sup>94</sup> Menocal, 2010.

<sup>95</sup> Reporte detallado de casos registrados por robo de vehículo a nivel nacional durante el periodo del 01/01/2008 al 13/04/2010. Página 1 de 1. SICOMP. Ministerio Público.

<sup>96</sup> “Crime and Instability, case study of transnational threats,” Op. cit.; page 4.

<sup>97</sup> “PNC incauta más de US\$600,000 en efectivo,” El Diario de Centro América, October 8, 2010; found at: [http://dca.gob.gt:85/archivo/20101008/nacional\\_principal.html](http://dca.gob.gt:85/archivo/20101008/nacional_principal.html). Also see: DAIA official statistics for 2009-2010, PNC.

Zetas are also engaged in arms trafficking.<sup>98</sup> However, no other large illegal weapons caches have been found in Guatemala since then.

Ambassador McFarland accepts that there are American weapons that are reaching Guatemala, but that “a lot of Guatemalan weapons from military stocks have been stolen and sold over the years.” Many of these were seized from the Zetas. It remains unclear whether all the weapons or ammunition were stolen from the army or whether some were purchased from the Guatemalan Military Industry by a third party. The availability of fire arms in the country is undiminished as the result of a lenient gun ownership law. The CICIG has requested further modifications that would prevent criminals from registering offensive weapons as sport weapons, a provision allowed by the current law.

Estimates indicate that between 1.2 million and 1.8 million weapons are in use in Guatemala, an approximate ratio of one weapon for every eight inhabitants. Of these, less than one million weapons are registered. Until 2007, 89 percent of homicides involved the use of firearms, a percentage higher than that of El Salvador and Colombia. Besides the U.S., the origin of some of these weapons was traced back to Colombia and Argentina up to three years ago, according to official importation estimates.<sup>99</sup>

The amount of guns in the streets can account for the rising number of homicides. On the weekend of October 23 and 24, 2010, 61 people were shot and killed in different attacks—that is at least one death per hour. On October 27, 2010 alone, the police seized 14 guns in a number of search and arrest operations. The availability of weapons in the country, and the ease with which they can be smuggled into the country, bought or stolen, has benefited criminal organizations, particularly in rural areas where police presence is scarcer.

Links between extortion and drug trafficking have only appeared in one case in 2010 involving a DTO that laundered money, trafficked drugs and whose chief was associated with the female leader of an extortion ring.<sup>100</sup>

Menocal has not seen any links between drug trafficking and local kidnapping rings, as has happened in Mexico. Moreover, while there has been ongoing DTO activity, the current administration has seen a reduction in kidnapping cases from 213 in 2008 to 66 in 2010 (until September). Yet nearly Q15 million in ransom payments has been made in the last two years, and at least 183 people have been arrested. “These groups maintain minimum but steady activity,” purports the minister.

Their main area of operation is in southwestern Guatemala (Totonicapán, Quetzaltenango, San Marcos, and Escuintla), and although the area is similar to the territory where the Sinaloa Cartel operates, there are no known links between the cartels and the kidnapers, except in the case of reprisals for drug theft. In mid-June, the Public Ministry (PM) tracked down and found a small airplane in Retalhuleu (southern coast). “Apparently the pilot got lost and the plane was found in the middle of a sugar cane plantation,” says an investigator for the PM. Authorities estimated that the plane had contained originally at least 300 kilos given its size; yet only 128 packages of cocaine were found, each one weighing approximately 1.5 kilo (for a total of 192 kilos). Three Mexican men were arrested, along with four Guatemalans. Four months later a judge released them despite the evidence seized.<sup>101</sup>

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<sup>98</sup> “Guatemala: Otro territorio Zeta,” BBC Mundo, June 17, 2009; found at:

[http://www.bbc.co.uk/mundo/america\\_latina/2009/06/090615\\_especial\\_zacatecas\\_guatemala\\_mr.shtml](http://www.bbc.co.uk/mundo/america_latina/2009/06/090615_especial_zacatecas_guatemala_mr.shtml).

<sup>99</sup> Coalición Latinoamericana para la Prevención de la Violencia Armada, IEPADES/CIID-Guatemala; July 4, 2010; found at: <http://www.clave-lat.com/verdocumento.php?iddocumento=8LW616J705MA7HZ9>.

<sup>100</sup> “Ministerio Público desarticula banda dedicada a narcotráfico,” Op. cit.

<sup>101</sup> “Juzgado deja libres a presuntos narcos,” Op. cit.



The MP learned that several days after the seizure and arrests, an undetermined number of relatives of the people from neighborhoods nearby, where the plane landed, were being killed or kidnapped. Now, the investigator suspects that the victims were targeted by drug traffickers for having taken the missing packages from the plane before authorities arrived.<sup>102</sup>

Multi-tasking criminal activities has led OC to combine drug-trafficking, even if on a small-scale basis, with human trafficking in Guatemala, although no statistics prove that this has become a trend. Congressman Guzmán says that when he was governor of Huehuetenango (2004-2006), one of his workers traveled to the U.S. as an undocumented migrant, and later on told him that “he was hand-picked, along with a Honduran woman, separated from a large group of migrants, and given a back pack.” Today he says, “Obviously there was a certain amount of drugs inside, and the men who chose them kept a close eye on them throughout the journey.” Guzmán believes this still happens today.

Even transportation in small amounts proves profitable when combined with humans trafficking. The numbers are self-explanatory. One kilo of cocaine costs about \$11,000 in Guatemala, and it can be sold in up to \$16,000 or more in major US cities. “This means that any possibility of transporting even one kilo is good business,” says Guzmán, who believes that some of the routes followed by undocumented migrants, DTOs, and arms traffickers are exactly the same because they go through OC-controlled territories.<sup>103</sup>

### **Links between criminal activity in Guatemala (gangs, OC), other Central American countries, Mexico and Colombia. Role of Guatemala.**

Youth gangs, or *maras*, are ever-present in the Central America north triangle of Guatemala, El Salvador, and Honduras. The main groups identified in Guatemala are the Mara-18 and the Salvatruchas. Although they have become a growing problem in the U.S., particularly in large cities with significant percentages of Hispanic population, they seem to have by-passed most of Mexico. According to ambassador Ibarrola, they only tend to concentrate in southern Mexico, in Chiapas, close to the border with Guatemala.

The mobility of gang members between neighboring countries seems limited except for the occasional arrest of a Honduran and Nicaraguan suspect. These groups operate basically at a local level but have communication corridors—between countries—permanently open, unless they have wider participation in car theft, or other illegal activities at a transnational level.

Stolen cars are sold as parts, or as a whole (with modifications ordered by catalogue), throughout Mexico, El Salvador, Honduras, Nicaragua and Costa Rica, with Guatemala as a departure point, according to minister Menocal. Some cars, he says, even end up in Europe (Holland or Denmark).

In contrast, kidnapers have downsized their operations to Guatemala, a departure from their operating patterns in the late 90s, when some organizations would kidnap a victim in one country and demand the payment of ransom in another, operating basically between Guatemala, El Salvador, and Nicaragua.

Extortionists, when operating on a small scale basis, keep their movements and funds local. Yet, larger organizations are also merged with money laundering structures, and sometimes DTOs, and tend to operate in several Central American countries and send their money to banking systems where it can't be traced easily. One example is the extortion ring linked to the Véliz Palomo group in Guatemala.<sup>104</sup>

Human trafficking networks operate with an organizational infrastructure that is almost as wide as that of DTOs, and with a different set of complexities than international car theft, but sharing the same principles: strategy, unlimited resources and ability to recruit corrupt public officials. According to the ministry of Interior, local leaders of undocumented migrant trafficking networks have strong links to South America, primarily with Ecuador, Brazil, and Bolivia. Some belong to structures that kidnap

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<sup>102</sup> Author interview with Public Ministry investigator; Guatemala City, Guatemala; August 30, 2010.

<sup>103</sup> Guzmán, 2010.

<sup>104</sup> “Ministerio Público desarticula banda dedicada a narcotráfico,” Op. cit.

women for forced labor or sexual slavery. “Some of the people being trafficked had another intended destination, but ended up staying in Guatemala,” says Menocal. “People from El Salvador, Honduras, and Nicaragua, and South Americans passing through those countries, come to Guatemala.”

As CICIG’s commissioner Francisco Dall’Anese once put it, OC structures “globalized before anyone else.”<sup>105</sup> The branch operating in Guatemala was no exception.

Geography, organization and structure of local and foreign of DTOs in Guatemala.

In March 2009, when Dall’Anese was still the attorney general of Costa Rica (yet to be appointed head of the CICIG), he was asked in an interview about the evolution of drug trafficking in Central America. His response was candid and blunt: “While criminals are traveling by elevator, the rest of us are climbing the stairs.”<sup>106</sup>

According to the 2010 International Narcotics Control Strategy Report (INCSR), “Guatemala is at the epicenter of the drug threat.”<sup>107</sup> In fact, in this country the growth of DTOs can be measured in different dimensions. For instance, in 2009, a record year for seizures of illegal drugs, money, vehicles and property, the total value of the seized items equaled 5.4 percent of the country’s GDP—a stark contrast to the 1.2 percent of the GDP that the State invests in security. Moreover, while the US Narcotics Affairs Service (NAS) estimated in 2000 that nearly 200 tons of cocaine was trafficked through Guatemala, local authorities were able to seize in the last ten years only 16 percent of the estimated amount of cocaine smuggled through the country in one year.

In 2010, US authorities estimate that the yearly amount of cocaine trafficked through Guatemalan territory en route to Mexico and the US is of 250 to 300 tons,<sup>108</sup> an increase of 50 to 100 tons per year in the last decade. Nevertheless, the amount of cocaine seized in 2009—5.8 tons (5,860 kilos)—is only 58.6 percent of what was seized ten years earlier, in 1999. In other words, more cocaine is passing through Guatemala but smaller amounts are being seized. For every ten kilos seized in 1999, only six were seized last year. Where are the other four going?

An explanation for increased cocaine traffic, as well as other drugs, and the effects these changes are having lies in the changes of DTOs’ composition, as well as their alliances and new enemies, and the counter narcotics policies and security forces that confront OC.

Of the 6,451 violent deaths reported in 2009 by CICIG—comparable to a yearly average of 5,500 during the armed conflict—41 percent are linked to drug trafficking, either large-scale distribution or small-scale sales, according to president Colom. The increase in violence is the result, in part, of DTOs using drugs as currency to pay for transportation and protection. These drugs are subsequently sold in local markets. Colom says that 27 percent of criminality is associated with *narcomenudeo*, or retail sale for consumption, not distribution.

According to minister Menocal, 90 percent of cocaine being trafficked through Guatemala continues along to Mexico and the US, and the rest remains in the country.<sup>109</sup> The *narcomenudeo* cases consume most of the human resources at the counternarcotics police, even though they involve smaller shipments.

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<sup>105</sup> “La propuesta de Costa Rica: que el Estado distribuya droga,” El Periódico, March 21, 2010; found at: <http://www.elperiodico.com.gt/es/20100321/pais/143114>.

<sup>106</sup> Ibid.

<sup>107</sup> “2010 International Narcotics Control Strategy Report (INCSR),” US Department of State, March 1, 2010; found at: <http://www.state.gov/p/inl/rls/nrcrpt/2010/vol1/137196.htm>.

<sup>108</sup> These amounts do not include cocaine trafficked through Honduras before arriving in Guatemala, according to the “2010 International Narcotics Control Strategy Report (INCSR),” Op. cit.

<sup>109</sup> Menocal, 2010.

Nearly two-thirds of the investigations carried out by this unit are related to small-scale distribution.<sup>110</sup> The number of staff members in this unit was close to 600 last August, but a much smaller number carried out the investigations, even though Public Ministry investigators have admitted to have limited human resources to gather intelligence and rely, in part, on the police and military intelligence for key information, in addition to its own investigators. It does so even when trust issues arise. The fear of possible infiltrations is permanent.<sup>111</sup>

### **Mapping out the DTOs**

The first requirement to map DTOs in Guatemala is to throw away the map. The players and their modus operandi changed dramatically in the last ten years, and even since 2009. These changes are intricately related to the changes in the Mexican cartels, which pocket at least \$6 billion a year for moving drugs through their territory alone.<sup>112</sup> In Guatemala, few alliances are clear-cut and some distribution and smuggling routes cut across the same territory, which can be shared by two or more groups as long as they don't interfere with each other's routes.

In October 2010, Interior Minister Carlos Menocal said that seven DTOs operate in Guatemala, but did not identify them publicly.<sup>113</sup> However, two stand out as historical anchors: the Lorenzana family in the Zacapa area, and the Mendozas in Izabal and Petén.<sup>114</sup> Both have remained fixtures of the business despite changes in other networks around them. For instance, on their turf they had delegated operations to Jorge Mario Paredes Córdova, who—according to the DEA—in the 90s received drugs from Colombians, the remnants of the Norte del Valle Cartel (which rose to power after the Cali and Medellín cartels were dismantled).

Paredes had taken over after Otto Herrera—also linked to the Lorenzanas between 1990 and 2003<sup>115</sup>—fled Guatemala to Mexico, where he was arrested in 2004. Herrera escaped from jail one year later, and then was recaptured in Colombia in 2007 and extradited the following year to Washington, DC. In 2005, Paredes was said to have changed modus operandi and was trafficking along the Pacific coast with other accomplices, from Panamá directly to Mexico. According to his case file in the US, he made frequent trips to Panamá and Mexico. However, two years later, he established himself in San Pedro Sula where, according to his own account, he delved into real estate.

Like the Lorenzanas, Paredes was privately regarded as a drug trafficker by public officials, but was never officially charged. No arrest warrant was issued for him until the US began to request his apprehension in response to his indictment in September 2003 in the Southern District Court of New York, and subsequent arrest warrant. A Guatemalan local court also issued an arrest warrant in 2006. On May 1<sup>st</sup>, 2008, Paredes was arrested in Honduras, expelled by Honduran authorities—into DEA's hands—and flown to the US, where he was tried and sentenced to 31 years in prison. Other defendants in the same case had been arrested in Illinois and New York, as well as in Mexico and Colombia.

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<sup>110</sup> Author interview with investigator from the División Antinarcótica de Análisis e Información (DAIA); Guatemala City, Guatemala; August 4, 2010.

<sup>111</sup> Author interviews with Public Ministry investigators; Guatemala City, Guatemala, April-June 2010.

<sup>112</sup> "Crime and Instability, case study of transnational threats," *Op. cit.*; page 19.

<sup>113</sup> "Tribunal solicita pruebas a EE.UU." *Prensa Libre* (print edition), October 5, 2010; page 12.

<sup>114</sup> Dudley, Steven S., "Drug Trafficking Organizations in Central America: Transportistas, Mexican Cartels and Maras," Woodrow Wilson International Center for Scholars, Mexico Institute; May 10, 2010; page 8.

<sup>115</sup> "DEA: Familia Lorenzana operó junto a la banda de Otto Herrera," *El Periódico*, July 31, 2009; found at: <http://www.elperiodico.com.gt/es/20090731/portada/108928/>

One of Paredes associates, Otoniel “Otto” Turcios Marroquín,<sup>116</sup> remained a defendant in the New York court, but did not have an arrest warrant in Guatemala, and not even the Counternarcotics Prosecution Office was investigating him despite their acknowledgement that there was a “small Turcios group” in Alta Verapaz. His brother, Isaías “Lico” Turcios had been arrested in Chicago and given a 9-year jail sentence on drug trafficking charges. In May 2008, after his arrest, Paredes admitted to a DEA agent that he had contact with Juan José “Juancho” León (gunned down by the Zetas almost two months earlier), and said that both “Juancho” and “Otto” gave him large amounts of dollars to buy property in Antigua Guatemala and Alta Verapaz, respectively. He “suspected” the money might have been from drug trafficking but didn’t ask any questions.<sup>117</sup>

Until at least mid 2007, clear distinctions between the Gulf Cartel and the Sinaloa Cartel in Mexico were still possible. Not anymore. Three years ago, the Gulf Cartel still counted on its squad of hit men and bodyguards the Zetas for protection, so much so that Zetas were trusted to guard Gulf Cartel positions in Mexico and Guatemala. On Guatemalan soil these positions were established as a corridor between the northern area of Huehuetenango (border with Mexico), going from west to east through Quiché (where a Zeta training camp was discovered in March 2009), Alta Verapaz, and Izabal, and heading southeast to Zacapa. This corridor allowed them access to drugs transported by air to Honduras, or by boat from the Honduran coast,<sup>118</sup> and to take them directly to Mexico.

The Guatemalan Counternarcotics Prosecution Office has information (including flight records) that indicate that the Zetas began entering Huehuetenango by land sometime in 2007, flying from there to Alta Verapaz, and proceeding by land to other parts of the country. Military intelligence from Honduras and Mexico determined that the Zetas had established a cell or a “plaza” (a post) in Alta Verapaz, and that had moved down to Zacapa—with the Lorenzanas consent—to kill “Juancho” in revenge for having ambushed and killed two Zetas in Honduras, and stolen drugs from them. Juancho was known for his “*tumbes*,” stealing shipments from other DTOs and reselling them. The Zetas were also said to have the logistics advise of a former Guatemalan military high-command officer and of “Otto” Turcios.

One counternarcotics detective said that the Zetas seemed to have made a working pact only with one family: the Overdicks (a small but influential group operating in Alta Verapaz), led by Hearst Walter Overdick,<sup>119</sup> and had managed to keep an amicable distance with both the Lorenzanas and the Mendozas. “It appears they have an understanding to let each other work in peace and not sabotage each other’s routes,” the detective said.

In the meantime, the Sinaloa Cartel established itself in the southwestern coast, from San Marcos (at the border with Mexico) and Retalhuleu along the Pacific coast, according to a BBC Mundo report that published a map credited to Stratfor intelligence.<sup>120</sup> Two men from the area who were significant cocaine traffickers and poppy cultivators, used in heroin manufacturing, were José Ortiz Chamalé and Mauro Salomón Ramírez.<sup>121</sup>

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<sup>116</sup> “El soplón que hundió traficantes desde NY hasta Colombia;” El Diario La Prensa NY, October 14, 2009; found at: <http://www.impre.com/noticias/2009/10/14/el-soplón-que-hundió-a-trafficantes-154136-1.html>.

<sup>117</sup> Case 03-CR-987. Paredes post-arrest statements / interview. May 2, 2008. US District Court Southern District of New York.

<sup>118</sup> Author interviews with Public Ministry investigators; Guatemala City, Guatemala, April-June 2010.

<sup>119</sup> Dudley, Steven S., Op. cit.

<sup>120</sup> “México: detienen a ‘La Barbie,’ uno de los narcos más buscados,” BBC Mundo, August 31, 2010; found at:

[http://www.bbc.co.uk/mundo/america\\_latina/2010/08/100830\\_0043\\_mexico\\_captura\\_narco\\_barbie\\_jg.shtml](http://www.bbc.co.uk/mundo/america_latina/2010/08/100830_0043_mexico_captura_narco_barbie_jg.shtml)

<sup>121</sup> Ibid. Also see: “Localizan dinero en auto del capo Mauro Salomón Ramírez,” Prensa Libre, September 18, 2010, found at: [http://www.prensalibre.com.gt/noticias/justicia/Localizan-dinero-auto-capo\\_0\\_337766394.html](http://www.prensalibre.com.gt/noticias/justicia/Localizan-dinero-auto-capo_0_337766394.html).

Ortiz Chamalé worked with the Sinaloa cartel, and organized a group of canoe fishermen along the San Marcos coast to pick up the drug packages unloaded from Colombian boats. Ramírez, who had been working with him, began to compete for the leadership in the zone. He then began trafficking on the side. Guatemalan authorities believe that his nickname, “León del Mar” (Sea Lion), was earned when he saved two Colombians in high seas and, as compensation, they made him their business partner, which allowed him to stand up to Ortiz.

Ramírez is considered by the US to be an important piece in the DTO puzzle in Guatemala, according to Ambassador McFarland. “The amount of money and vehicles that were seized when he was arrested give some indication that he was an important figure,” the diplomat said. The nearly \$2.3 million seized from Ramírez in a single weekend surpass the amount of drug money seized in all of 2009 (\$1.5 million).<sup>122</sup>

Interior Minister Menocal says that until September 2010, a total of 545 million poppy plants valued at Q13.6 billion were seized mostly in San Marcos, from Sinaloa territory. The estimates of poppy production are significantly below Mexico’s, but Guatemala has surpassed Colombia as the “second highest producer in the region.”<sup>123</sup> However, the 2010 INCSR reveals that Guatemala is identified as a “minor producer of poppy and opium derivatives for export” and that Mexican cartels provide seed and guarantee purchase of opium latex and morphine base from Guatemalan smallholders.<sup>124</sup>

The minister claims local growers work with both the Zetas and Sinaloa cartels in Huehuetenango, an information backed up by the US Embassy. “My understanding is that his group [Ramírez’s], as well as the others, had dealings with everybody,” said McFarland.

Rosada explains that someone with Ramírez’s profile is convenient in the local DTO structure because he can work as a hinge with others, to pass on information, or even to provide drugs when a group’s supply runs dry. “That’s why you can’t take maps at a face value,” he warns. “More than territories, one must think in terms of route protection.”

This would explain the apparent ambivalence in Ramírez’s choices to traffic on the Pacific and the Atlantic. The Pacific had been traditional Sinaloa territory, but Ramírez was indicted in a Tampa (Florida) federal court, indicating that he had to take drugs to that jurisdiction through Atlantic waters, and delve into the Mexican Gulf which is a natural Gulf Cartel area. Another consideration is that from 2008 to 2010, there was a drastic reduction in the number of flights arriving for the Sinaloa route on the Guatemala’s southern coast in part due to an increased military presence.

Most narco-flights originally headed to Guatemala south coast were landing in Honduras in 2009, the year Ramírez’s arrest warrant was issued, and in Haiti after the 2010 earthquake, according to DEA gathered intelligence by radar, which was shared with Guatemalan government authorities. The change in the flights’ destination could have forced possible trafficking routes from Honduras to Tampa by boat, or by land from Honduras to Guatemala’s Atlantic coast, and from there to Florida by boat.

At least one airplane landing in Suchitepéquez (southern Guatemala), in June 2010, suggests that the Sinaloa Cartel is still active there. Three Mexicans and four Guatemalans operating in the region at the time were identified as members of that cartel by Guatemalan authorities.

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<sup>122</sup> “PNC incauta más de US\$600,000 en efectivo,” Op. cit. Also see: DAIA official statistics for 2009, PNC.

<sup>123</sup> Dudley, Steven S., page 7.

<sup>124</sup> “2010 International Narcotics Control Strategy Report (INCSR),” Op. cit.

Until the June case, the Counternarcotics Special Prosecution Office spoke mostly of the Zetas, which have garnered much of the press attention as opposed to the Sinaloa Cartel. “I think that part of the explanation is that some people, when they see a Mexican group, or read about it, assume it’s the Zetas,” said Ambassador McFarland. According to the diplomat, both groups are active in Guatemala, and their presence has grown over the past several years.

In 2007, the Zetas began to operate in a more independent fashion from the Gulf Cartel, but still within the same organization. During this time the Zetas entered Guatemala and killed Juancho; as a result, 14 of their people (Mexican and Guatemalan) were arrested subsequent months. The arrested were convicted in 2010 and given jail sentences that ranged from 8 to 313 years. The Mexican detainees possessed illegal Guatemalan identification cards allegedly provided by municipalities in southern Guatemala. One of those convicted is a Mexican citizen, Daniel “El Cachetes” (Cheeks) Pérez Rojas, whom the authorities regarded as the leader of the Zetas in Guatemala. However, another possibly superior member of the Zetas had kept a low profile, operating with complete anonymity.

In November 2008, the Zetas were spreading rapidly throughout the country and attempted to ambush a local Sinaloa drug lord in Huehuetenango. The result was 17 dead, six more than in Juancho’s killing in Zacapa. Several arrests were made as well. Witnesses’ accounts of the attack reported heavily armed Mexican men fleeing the scene in helicopters. According to congressman Mauro Guzmán from that department, and to a Crisis Group report,<sup>125</sup> the Sinaloa Cartel dominates the area, although the Counternarcotics Prosecution office contends that the Zetas dominate the northern part of Huehuetenango, enough to make it their main entry point into Guatemala.

By mid 2009, Special Counternarcotics Prosecutor Leonel Ruiz said that the Zetas were mobile in 75 percent of the country, although their stronghold remained Alta Verapaz. Today president Colom recognizes that there is a “strong presence of Zetas” in that jurisdiction.

Authorities traced back the steps of the Zetas arrested after Juancho’s murder, between December 2007 and March 2008, and discovered that one of them had stayed in the Hotel Panamerican in Zone 1 of the Capital City, two blocks away from the National Palace and the Presidential Residence, while another one had stayed in the Intercontinental Hotel in Zone 10, just across the street from where three people were killed and eight others were injured on October 16, 2010. Tracing their movements allowed prosecutors to discover that the Zetas move with ease in most of the country, and can keep a low profile.

In 2009, the prosecutor’s office estimated there were between 300 and 500 Zetas in the country, one third of them being Mexican. By 2010, military intelligence and police intelligence sources estimated the total number at 800, while keeping the same ratio between Guatemalan and Mexican members. One contributing factor in the growth of the Zetas presence could have been the final severing of the link between the Zetas and the Gulf Cartel. By then, Heriberto “El Lazca” Lazcano Lazcano had become the Zeta leader in Mexico, and his second in command was Miguel Treviño Morales, a.k.a. Zeta 40, or *Comandante Forty*.

The separation of both groups, according to the Mexican press, was prompted by the January 10, 2010, assassination of one of Treviño’s close associates, Víctor Peña Mendoza (a.k.a. El Concord 3), which had been ordered by Eduardo “El Coss” Costilla. El Coss was the security chief of the Gulf Cartel, led until

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<sup>125</sup> “Guatemala: Squeezed Between Crime and Impunity,” International Crisis Group, Latin America Report No. 33; page 15. Also see: Dudley, Steven S., pages 11, 12.

November 5, 2010, by Antonio Ezequiel Cárdenas Guillén (a.k.a. Tony Tormenta),<sup>126</sup> although his leadership was being disputed by other groups. Treviño had demanded to have his associate's killer turned in; when El Coss refused, he and "El Lazca" declared war on the Gulf Cartel,<sup>127</sup> and took control of their *plazas*, including Guatemala.

Treviño, who is a deserter from the Mexican armed forces and belonged to a counternarcotics unit, had been in charge of the Gulf Cartel *plazas* in Nuevo Laredo and Veracruz, Mexico, but established himself—according to a retired US Federal agent—as head of the Zeta organization in Guatemala, settling in Alta Verapaz. This location is known as his headquarters and where one of his main local contacts was "Otto" Turcios. Treviño's presence in the country was also confirmed by a top Executive official who claimed that the Zeta 40 "was the number one Zeta in Guatemala" and that he was "almost arrested" in a February 2010 police and military operation. The Mexican press reported that Treviño was also "almost caught" after a shootout with the police in Veracruz in April 2010.

The US Department of Treasury's Office of Foreign Assets Control (OFAC) has linked the Lorenzana family to the Sinaloa Cartel's leader, Joaquín "El Chapo" Guzmán.<sup>128</sup> Their operations included the transportation of drugs from El Salvador to Guatemala by go-fast boats, according to local press reports that quote an indictment describing operations from 1990 to 2003. However, the OFAC traced operations between Colombians and Mexicans, (the Sinaloa Cartel) with the Lorenzanas operating as a vital link transporting cocaine to Guatemala's north coast in more recent years.<sup>129</sup>

Mexican press accounts, citing the DEA, indicate that the Zetas's consolidation as an independent group has led to alliances between the Sinaloa and Gulf Cartel's structures. Guatemalan authorities still don't have a clear reading of the Lorenzanas' position: (a) loyalty to the traditional Gulf Cartel structure via their new Sinaloa partners, given that the Gulf Cartel used to operate on the Lorenzanas' turf, and then Sinaloa Cartel moved in, or (b) loyalty to the Zetas, the Gulf and Sinaloa cartels' rivals. If they are working in distant, yet amicable terms, according to the Public Ministry, there is still little evidence to indicate whether the Zetas will demand 100 percent loyalty from the Lorenzanas, or will see them as a liability due to their partnership (according to OFAC) with Sinaloa. The question is whether the equilibrium between the Lorenzanas and Mexican cartels will last in the Petén, Izabal, Zacapa area; what role the Mendozas will play; and whether there will be a large scale dispute for control of the area between the Zetas and the Sinaloa-Gulf alliance. The key element here is how strong the Gulf Cartel remains after the death of his leader, Ezequiel Cárdenas, last November.

The actions of security forces could tip the balance in favor of either group, depending on who is targeted, and whether local authorities try to apprehend Treviño again. So far, the prosecutor's office does not acknowledge his presence in the country despite the Executive's official assertion of his failed arrest—which indicates it might have been carried out with military forces alone. Treviño does not have an arrest warrant in Guatemala, but has an international one and has at least four indictments for homicide in Texas and one for drug trafficking in a New York court. If arrested in Guatemala, there could be enough legal

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<sup>126</sup> Ezequiel Cárdenas Guillén was killed in Matamoros, México. "Abatido 'Tony Tormenta', líder del Cartel del Golfo, en balacera en México;" BBC Mundo, November 5, 2010; found at:

[http://www.bbc.co.uk/mundo/ultimas\\_noticias/2010/11/101105\\_ultnot\\_matamoros\\_balacera\\_mexico.shtml](http://www.bbc.co.uk/mundo/ultimas_noticias/2010/11/101105_ultnot_matamoros_balacera_mexico.shtml)

<sup>127</sup> "El Cartel del Golfo se alía a 'El Chapo'," Durango Al Día, February 4, 2010; found at:

<http://www.durangoadia.com/el-cartel-del-golfo-se-alia-a-el-chapo/2010/02/>

<sup>128</sup> "Guatemala, ¿primer narco-Estado de América?" Revista Milenio; August 22, 2010; found at:

<http://www.milenio.com/node/512996>. Also see: "DEA: Familia Lorenzana operó junto a la banda de Otto Herrera,"

Op. cit.

<sup>129</sup> U.S. Department of Treasury Press Release. Guatemalan drug traffickers and the Sinaloa Cartel named Specially Designated Narcotics Traffickers. April 27, 2010. Found at:

<http://spanish.guatemala.usembassy.gov/dotpbs20100427.html>

clout to extradite him to the US. Both Treviño and Lazcano, along with other Zeta members, are wanted by the US Justice, State and Treasury Departments.<sup>130</sup>

“Otto” Turcios was arrested on October 27, 2010, in Belmopan, Belize, and was expelled to the US to be tried in a New York court.<sup>131</sup> In the meantime, in Guatemala an extradition process for Ramírez has begun. His lawyers have rejected the Tampa court charges and claim he is only a plantain grower.

Although Juancho’s killing was believed to be an attempt by the Zetas to take over his drug-transportation route, information released by local authorities indicate that he was allegedly succeeded by an individual named Yovani España, who was gunned down and killed in late June 2010. According to intelligence sources, Juancho had been given permission by the Lorenzanas to operate in Zacapa, and España had inherited the concession.

Press accounts indicate that España was replaced by Esduin Javier, legal representative of a construction company that was owned by España and had \$7 million worth of contracts with the government. Javier was ambushed in September 2010, but survived the attack, and the police has investigated him in connection with España’s death and possible links with DTOs and money laundering. Javier was arrested after the murder, but was promptly released days later.<sup>132</sup>

Other press reports indicate that España was killed over a drug shipment he allegedly stole from the Zetas. However, they did not recover the drugs until several months later when a caravan of some 20 vehicles loaded with an estimated 60 people entered the Petén in search of the shipment. The caravan arrived at a property belonging to the widow of España at El Naranjo, where the drugs were allegedly recovered. During the course of the operation, the caravan lost its way, accidentally detoured to the Mayan Tikal Park, and engaged in gunfire with the police and the army, after having identified themselves as “Zetas” and firing warning shots. Authorities seized 11 vehicles, one of which contained two male corpses yet to be identified, and arrested two men. The rest of the convoy was presumed to have continued its way to the west, heading to Mexico.<sup>133</sup>

One top administration official in Guatemala has said that the caravan entered Petén in early October through Belize, to reach the Naranjo property from east to west. Some three weeks later, “Otto” Turcios was arrested in Belmopan, and his purported links to the Zetas could indicate that he facilitated part of the operation. Turcios owns a couple of transportation companies, and is familiar with the Belize-Guatemala area.

An intelligence report suggests that a new *capo* from Mexico is coming to Guatemala to establish order, and that the Lorenzanas are being harassed to force them to lower their profile, and enthrone this yet unknown drug baron and lift him to the surface—someone who has been profiled as the main coordinator of all the Mexican cartels in Guatemala. Then, the Mendozas will be allegedly be targeted next, to announce that there is a Mexican high-command in the country.

Arrest warrants are still pending against four members of the Lorenzana family: Waldemar Lorenzana, the patron, and his sons Haroldo, Eliú and Waldemar Lorenzana Cerdón, as well as against Carlos Andrés

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<sup>130</sup> DEA Press release; July 20, 2009; found at: <http://www.justice.gov/dea/pubs/pressrel/pr072009.html>.

<sup>131</sup> “Turcios ya está en Nueva York,” Prensa Libre, October 30, 2010; found at: [http://www.prensalibre.com/noticias/Turcios-Nueva-York\\_0\\_362963717.html](http://www.prensalibre.com/noticias/Turcios-Nueva-York_0_362963717.html).

<sup>132</sup> “Capturado por presuntos vínculos a narcotráfico, tiene contratos estatales por Q58 millones,” El Periódico, September 27, 2010; found at: [http://www.elperiodico.com.gt/es/20100927/pais/176714/?poll\\_ident=613](http://www.elperiodico.com.gt/es/20100927/pais/176714/?poll_ident=613).

<sup>133</sup> “Mexican drug gangs gain foothold in Guatemalan jungle,” McClatchy Newspapers; October 27, 2010; found at: <http://www.mcclatchydc.com/2010/10/27/102726/mexican-narcos-gain-foothold-in.html>.



Alvarenga Mejía (husband to one of the Lorenzana sisters) and Gonzalo López Cabrera, who were in charge of local operations and drug transportation from El Salvador to Guatemala ten years ago.<sup>134</sup>

Analyst Héctor Rosada explains that the premise that a cartel occupies a specific zone is no longer applicable. “These are zones of transshipment and mobilization that can be used by several actors linked with the same cartel,” he says. “The traffickers’ job is to protect the transshipment, their warehouses, and generate secure conditions to move the drugs toward the US border.”

Rosada warns that maps that include areas dominated by certain cartels are tricky because they only allow a broad, general view, blurring the details within. For instance, the patron of a territory can grant permission or right of way, as long as a division of routes has been previously established and is respected. Rosada explains that the zone traditionally used by the Gulf Cartel doesn’t exclude transshipment by other groups. “This doesn’t mean that the main hegemonic presence isn’t the Sinaloa or the Gulf Cartel, but moving drugs is complicated, so a number of situations arise in a territory that seemed rock-solid and then becomes porous, and other people get through.”

### **The Cocaine Flights**

The number of narco-flights from different areas in Colombia to Guatemala had declined considerably between 2008 and May 2010, as shown in maps that display the routes from South to Central America, according to intelligence gathered by DEA via radars, and an administration official working with the Ministry of Interior.<sup>135</sup>

In 2008, between 30 and 40 planes landed in Guatemala, each one carrying from 300 to 500 kilos of drugs, according to president Colom (a conservative estimate would indicate that nearly 9 tons of cocaine were transported to the country by air alone).

Until 2008, the small planes landed mostly on the northwestern border of Guatemalan with Mexico (Laguna del Tigre area), close to the central-western border with Mexico (Franja Transversal del Norte, FTN), and along the south-western coast. The maps displaying information gathered by radars show clusters of planes landing in Petén and the southern coast of Guatemala. Few landed on Honduras’ north-eastern coast bordering with Nicaragua, and along the Nicaraguan northern coast.

The 2009 map shows that 61 clandestine flights landed in Central America, most of them on Honduras’ Atlantic coast, a few in Nicaragua, and 12 in Guatemala (4 on the southern coast and 8 in Petén). President Colom explains that after the army was sent back to patrol the Petén area the problem shifted to Honduras. “Now the planes land (in Honduras) and the drugs are transported to Guatemala by land,” he says.

Between January and May 2010, a total of 77 flights were tracked down between Colombia and Central America. The map shows 21 landing in Haiti, which may have been the result of the January earthquake and the effect of political changes in Honduras’s security systems. Only 3 flights were traced to Guatemala (2 in Petén, 1 in the south coast), the remaining 53 were traced mostly to Honduras and fewer to Nicaragua.

According to a Ministry of Interior official, both the Zetas and the Sinaloa Cartel transport drugs by plane to Honduras, while Nicaragua is mostly used as a warehouse for money.

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<sup>134</sup> “DEA: Familia Lorenzana operó junto a la banda de Otto Herrera,” *El Periódico*, July 31, 2009; found at: <http://www.elperiodico.com.gt/es/20090731/portada/108928/>.

<sup>135</sup> Author interviews with Ministry of Interior officials; Guatemala City, Guatemala; October 2010.

One prosecutor at the Counternarcotics Special Prosecution Office says that the traces of the narco-flights disappear in Honduras. “They don’t have too many controls over there,” he says. “The entry points are under less surveillance.”

Press reports disclosed information on another landing in June along Guatemala’s southern coast, while another crashed in Costa Rica after taking off from San José, on October 10, with 173 kilos of cocaine and two Guatemalan passengers on board.

The Strategic Studies Institute report from May 2010 indicates that Guatemala has 490 clandestine landing strips.<sup>136</sup> The number is dubbed an “exaggeration” by Interior Minister Menocal, who claims that the number of flights tracked down is not consistent with the reported number of landing strips—which doesn’t rule out that they might exist and just haven’t been used. Special Counternarcotics Prosecutor Esteban García says that surveillance flights made between May and June 2010 led to the location of 15 clandestine landing strips mostly in Petén, and 13 were destroyed.<sup>137</sup> Others were spotted in Izabal, where in early August, in the village El Cejá, a man was arrested in possession of \$45,000 whose origin he couldn’t explain. His property had a landing strip believed to have been used for narco-flights.

Other counternarcotics detectives believe that the reported number of landing strips, and their destruction, could be irrelevant because some DTOs have been using paved roads to land from as early as 2004. Additionally, an alternative to air transportation was detected twice in 2010 when two submarine-type vessels were seized on the Pacific coast, and four Colombians and one Costa Rican were arrested as a result of these operations. The Public Ministry estimates that each of these vessels can carry at least 5 tons.

Also, “go-fast” boats are used to transport large amounts of drugs to both the Atlantic and Pacific coasts, and according to the 2010 INCSR, “land transit of cocaine and heroin from Colombia is typically along the Pan-American Highway,” and “most land transit consists of drugs carried in the luggage of a commercial bus, or in hidden compartments of commercial tractor-trailers traveling to Guatemala.”<sup>138</sup> Small amounts of heroin are seized. Official police statistics show that only 5 kilos were seized between 2008 and 2009, compared to none between January and August of 2010.

#### The case of meth

One former director of the counternarcotics police said that the investigations into pseudoephedrine traffic and methamphetamine production, usually go nowhere because there are no trails to follow.<sup>139</sup> The detective says the police only register the seized shipments, which always have fake senders and recipients names and addresses. No one claims the shipments, which are usually located in the cargo area of La Aurora International Airport.

For instance, no suspects have been apprehended for 26 cases registered between October 2007 and May 2010. In 12 cases, the sending address is in Bangladesh, and the rest of the cargo comes from Singapore, India, Paraguay, Colombia, Ecuador, Panama, Honduras, Belize and Sweden. According to a Public Ministry investigator, the other countries are usually detours (from Bangladesh) for the shipments on their way to Guatemala. The detective says that the difficulty in establishing working links with the Bangladeshi authorities has been a major roadblock in following the trail of the drugs.

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<sup>136</sup> Brands, page 15.

<sup>137</sup> Author interview with prosecutor Esteban García; Guatemala City, Guatemala; August 30, 2010.

<sup>138</sup> “2010 International Narcotics Control Strategy Report (INCSR),” Op. cit.

<sup>139</sup> Author interview; Guatemala City, Guatemala; August 3, 2010.

“So far, there has only been one case in which we identified the suspects of running a lab, designed to isolate the (pseudoephedrine) component from other ingredients in imported medicines,” says a Public Ministry official. “The case dates back from February 2009. One Guatemalan and one Mexican, with an arrest warrant in Mexico on drug charges, remain at large.”<sup>140</sup>

The Counternarcotics Special Prosecution Office revealed that there were more cases registered before July 2009. After that, the new law regulating the contents of medicine, which established that pseudoephedrine was an illegal component, helped reduce the number of cases.

In 2009, authorities seized 22.6 million tablets of pseudoephedrine valued at Q340 million (\$42.5 million). Between January and August 2010, they had seized 1.3 million tablets valued at Q19.8 million (\$2.4 million). According to these statistics, each tablet would cost Q15 (\$1.8 dollars). However, according to the Public Ministry, once the drug is processed and the methamphetamine is produced, each tablet can cost up to Q200 (\$25). The cost alone, the investigators say, indicates that the local market is not the target, and that most of the drugs are intended for Mexico, the US and Europe.

Mexican ambassador Eduardo Ibarrola says that the fact that Guatemala strengthened its legislation is good news. “We have a very intense working relationship with Guatemala in terms of cooperation,” Ibarrola says. “There is information exchange, but we must double efforts.”

Despite the police’s assertions that the shipments’ trails are hard to follow, Interior Minister Menocal has said that one of the Zetas arrested is the brother of a leader in the meth business, but he could not identify him with any cartel in particular.

In December 2008, the DEA released a report indicating that the Gulf Cartel was responsible for transporting multiple tons of methamphetamine, among other drugs, from Colombia, Guatemala, Panama, and Mexico to the US, as well as for the narcotics’ distribution in US soil.<sup>141</sup> However, given the January 2010 division between the Gulf Cartel and the Zetas, and the Zetas’ control over old Gulf positions in Guatemala, it’s possible that—as minister Menocal noted—the Zetas have taken over at least part of the pseudoephedrine transportation business in the country. Other reports indicate that the Sinaloa cartel dominates the business in Central America.

The extent of their cooperation with the Gulf Cartel will determine whether or not it supports the Gulf Cartel operations in Guatemala. Nevertheless, the 94 percent reduction in pseudoephedrine seizure numbers from 2009 to August 2010 could be a sign of important changes within the DTOs that transport these narcotics.

#### IV. CAUSE AND EFFECT OF NEIGHBORING OC ACTIVITY

Guatemala’s serious problems with crime is sometimes blamed on its proximity to Mexico. Such a conclusion, ignores the basic nature of OC in Guatemala and places blame only on foreign criminal structures. As discussed earlier, OC cannot exist in a void and, like a vine, needs a structure to develop. It needs a base.

In Mexico, as in Guatemala and Colombia, the local *capos* emerged from local crime, and forged alliances with local authorities. Both parties also served the interests of foreign OC, or the local components expanded their reach via foreign OC. In Mexico, since the mid 30s, local criminal groups found a natural business alliance with municipal police and politicians. In Guatemala, during the armed

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<sup>140</sup> Author interview; Guatemala City, Guatemala; August 30, 2010.

<sup>141</sup> DEA press release from December 30, 2008 found at:

<http://www.justice.gov/dea/pubs/states/newsrel/2008/atlanta123008.html>.

conflict, criminal structures allied with the army, and in the postwar period they have sought to expand their contacts to the police while maintaining relations with the military.

Even if the reach of Mexican OC were not so extensive, Guatemalan OC would have continued to evolve on its own until the mid 90s, when Colombian cartels were more present in the country. The nature and extent of illegal activities in Guatemala would have remained unchanged because most of the main criminal groups were local and home grown. The conflict and post-conflict dynamics, as well as the rhythm of civic-military relations, would remain unchanged by the absence of Mexican DTOs in the country. The conditions were already set, with or without, Mexico's drug war. If anything, perhaps the Colombian presence might have strengthened and the role of local trafficking structures would have had a higher profile. In this context, it's difficult to determine if the level of violence would be the same as today's.

### **Fight against OC and human rights concerns**

Guatemala is caught in a relentless fight against OC with security forces that still keep, to some extent, old vices from the armed conflict—not only in terms of human rights violations but by engaging in other types of criminal conduct believing it will go unpunished. Fourteen years after the signing of the peace accords these old habits have not been broken. Moreover, there is a strong sense amongst some in Guatemala that human rights violations are an unfortunate but necessary element of fighting crime and, especially organized crime.

One of the high-profile cases handled by the CICIG involves the 2006 extrajudicial execution of seven prison inmates. Accused of the crime are former Interior Minister, Carlos Vielman (briefly jailed in Spain, and already released); former director of police, Erwin Sperissen (who lives in Switzerland and is being investigated by local prosecutors for this case); former director of Guatemala's prison system, Alejandro Giamattei (jailed in Guatemala), plus two other former security officials, one of whom is at large, and the other in jail in Guatemala.<sup>142</sup>

In this case, former vice president Eduardo Stein (2004-2007) has stepped in to defend Vielman and Giamattei, who served during the Berger-Stein administration. While Stein reportedly does not question CICIG's mission, he believes the accusations against Vielman and others appear to have a political slant that goes beyond judicial considerations.<sup>143</sup>

Regardless of the current proceedings involving Berger administration public officials, the charges highlighted a valid concern: the violation of human rights in the name of fighting crime, a highly-questionable route even in the face of rising violence levels. A 2006-2007 report from the Human Rights Ombudsman's Office revealed strong indications of extrajudicial execution in the case of the killed inmates, but the report had no consequences. Several months later, Vielman and his team stepped down after the February 2007 Parlacen case, in which three Salvadoran parliamentarians and their driver were killed in Guatemala, supposedly on their way to the Central American Parliament meeting.

The four police officers accused of the killings, supposedly ordered by higher authorities, were shot in jail a few days after their arrest. Part of the allegations indicated that the policemen were looking for drugs and money to steal from the parliamentarians and, when they couldn't find any, they killed their victims. In the trial, the CICIG proved the Parlacen killings were linked to a case of revenge, and the

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<sup>142</sup> "Tercer Año de Labores." CICIG; Op. cit. Also see: "Juez Santiago Pedraz conocerá trámite de extradición de Vielman," Prensa Libre, October 13, 2010; found at: [http://www.prensalibre.com/noticias/politica/Ex-Interior-Vielman-disposicion-Pedraz\\_0\\_352764976.html](http://www.prensalibre.com/noticias/politica/Ex-Interior-Vielman-disposicion-Pedraz_0_352764976.html).

<sup>143</sup> Eduardo Stein, 2010.

judicial proceedings led to the conviction of seven people in December 2010 and 17 to 210-year jail sentences.

The Parlacen case and that of the inmates' extrajudicial execution in 2006 have centered discussions in public opinion more around the validity of the allegations against Vielman and the CICIG's work, and not on human rights concerns in the fight against crime.

On another front, the Human Rights Ombudsman's Office has opened 29 cases against 19 police officers who are unit chiefs, deputy chiefs or hold a command position. Most of the cases involve accusations of violation of labor rights, theft, extortion, and aggressions against women, among others.<sup>144</sup> In this case, it's Helen Mack, head of the Commission for Police Reform, who has said that rights of some of these policemen to defend themselves have been violated because they have not had access to the case file.

On the one hand, Mack says that, for certain sectors of the security forces, the most practical and pragmatic reaction is to engage in violence, but she maintains that the ends don't justify the means. "It's been proven all over the world that laws like the 'anti-gang policies' or social cleansing (limpieza social) don't eliminate violence, they only increase it," said Mack.<sup>145</sup>

As an internationally recognized human rights activist, Mack stresses that Guatemala must understand that it's not isolated, that it is a signing party of several international agreements and conventions, and it must respect that. One case in point: the San José Pact, that prohibits the death penalty.

"Guatemala has agreed to respect 'fundamental rights,'" she says. However, she warns that, "the fact that a country is respectful of fundamental or human rights doesn't mean it doesn't have the strength to fight OC."

Mack addresses the issue of fighting violence while still respecting people's fundamental rights, those of the defendants and the victims'. She also highlights the effect of violence on the general population. The constant news of homicides, or the fact that in the most violent neighborhoods children's witnessing of one or more gruesome crimes has had the unwanted effect of making violence seem normal.

"In Guatemala, violence is a matter of public health, and authorities have refused to acknowledge it," Mack charges. "They are not paying attention to it." According to the Pan American Health Organization, violence becomes an epidemic when the homicide rate surpasses 8 deaths per every 100,000 inhabitants. In Guatemala the rate is 44 per every 100,000 inhabitants, and even though in the last five years El Salvador had a homicide rate that doubled that of Guatemala, its impunity levels reached 50 percent. In Guatemala they reach 98 percent. Justice is done in only 2 percent of the cases.<sup>146</sup>

The intention of the peace accords was to create a cultural transformation that required changing the militarized profile of the police from a repressive force to a preventive one. "(The police) should be launching preventive programs, which is never done," Mack complains. "They think that what they have to do is hit the streets and start grabbing criminals [to throw them in jail], and the preventive part—which should be 70% of their work—was never taught to them."

The current police reform is intended to change this over the next thirteen years if adequate resources are made available. The reform will need to rescue the national Police Academy, to instill changes in new

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<sup>144</sup> "Hay siete comisarios bajo investigación por delitos," Prensa Libre, August 2, 2010; found at: [http://www.prensalibre.com/noticias/comisarios-investigacion-delitos\\_0\\_309569067.html](http://www.prensalibre.com/noticias/comisarios-investigacion-delitos_0_309569067.html).

<sup>145</sup> Mack, 2010.

<sup>146</sup> "La inercia de la impunidad guatemalteca," BBC Mundo, July 10, 2010; found at: [http://www.bbc.co.uk/mundo/america\\_latina/2009/07/090710\\_1629\\_guatemala\\_castresana\\_gm.shtml](http://www.bbc.co.uk/mundo/america_latina/2009/07/090710_1629_guatemala_castresana_gm.shtml).

agents early into their training. “All the police doctrine and philosophy was lost,” says Mack, who blames corruption for the loss of values. “It is easy to say, ‘cops are dumb, cops are corrupt,’ and to stigmatize them, but the authorities bare some of the responsibility for this.”

Standing in the way of launching the police reform is the budget, which only contains operating funds but no resources to invest in infrastructure, technology, and professionalization. Such limitations have prevented the police force from keeping pace with population growth. With six months of training for new recruits, and with few resources available, it becomes a real challenge to provide security, curb corruption, and ensure respect and protection of human rights.

One of the pressure points for the Colom administration has been the installation of the UN High Commissioner’s Office for Human Rights, which has been pushing for legal reforms that will reduce impunity and strengthening the justice system, while protecting human rights. Its latest battle has been to persuade the government not to reactivate the death penalty. Although it hasn’t been abolished, many judges opt to rule it out based on the San José Pact. In other cases where a defendant has been sentenced to death, defense lawyers have been able to stop it by proving the existence of mistakes in the legal proceedings.

### **Strategies to confront challenges posed by OC and DTOs**

One of the strategies in place to fight OC is a collective approach through the Central American Integration System (SICA, its Spanish acronym). “It’s a coherent response, for the first time, in terms of security,” says minister Menocal. One of the benefits of this approach is greater continuity in policy because each country team will remain the same, except for the minister, whenever there is a presidential transition. SICA will also be a place to share intelligence resources, cross check information, and map out the main OC networks that must be targeted in the Central American region. “The idea of using the SICA is that it’s not necessary to create something new; it already exists, and by November 2010 we should already have a work proposal,” the minister says.

The other component of Guatemala’s strategy is recovering significant portions of the territory by installing army patrols and garrisons, particularly in the areas prone to drug trafficking, contraband, and environmental reserves where precious woods and protected animal species are preyed upon by traffickers. Seven mobile military patrols have already been sent to the Petén area, and the FTN (a trucking route along the northwestern area of the country), according to minister Menocal. “We are in the process of sending more troops, but we still only have two thirds of the number of soldiers that used to guard the area in 2004,” he warns.

Eduardo Stein has noted that president Colom’s efforts to build up the number of troops has not led to a reduction in violence—by 2011, the government expects to have 21,000 troops. In fact, the number of drug seizures is not consistent with the estimated number of tons being transported through the country en route to Mexico and the US, and the homicide rate has not declined significantly. However, Colom says that armed forces have recovered control of the FTN area, and that by the end of the year they should have gained complete control of northeast Petén and the Laguna del Tigre area, a frequent site of planes abandoned by DTOs. The government, though, is counting on long-term results, which will only be possible if the current plans are given continuity.

In the meantime, October events in Petén have led the area to be seen abroad as having turned into no man’s land, as portrayed in “Guatemala’s latest calamity” a McClatchy newspapers story published before the month was over. One Guatemalan counternarcotics prosecutor agrees; however, according to Rosada, Petén has always been a no man’s land, even since the 60s. “First the smugglers were there, then the looters looking for precious woods and archeological treasures, and now it’s the drug traffickers,” he

says. In fact, in 2009 it reached the highest homicide rate in the country—98 per every 100,000 inhabitants<sup>147</sup> (the national average is 44). These numbers did not escalate overnight.

For the Colom administration, there are major obstacles to ensuring continuity. One factor is the limited budget, which has been difficult to improve due to the reluctance in different sectors of Guatemalan society to accept tax reform to improve on tax receipts. Second, the government's self-sabotage via corruption scandals.

In the meantime, the recovery of national territory from organized crime by the police has had a financial impact. While the Portillo administration produced 1,250 new police officers, the Berger administration produced 2,500, and the Colom administration produced 6,700. "It's taking Q240 million (US\$30 million) to arm, clothe and pay them, and it has taken a toll on the budget," says Menocal. "We have reached a limit financially speaking." The police force has now reached 20,000, the estimated number of police intended for 10 years ago.

To increase the force to 50,000, which is called for in the Police Reform, the government would need a minimum annual budget of Q500 million (some US\$62.5 million). "And yet, the tendency is to reduce, instead of to increase the budget, and punish the police," says Mack. "What we had was a high production of police force without providing the minimum conditions they need to carry out their mission."

Nevertheless,, some changes have been prompted regardless of funding problems due to the presence of the CICIG in Guatemala. In April 2010, when asked if he saw Guatemala as a glass half full or half empty, former CICIG commissioner said that the glass was almost empty, but that a small corner of the problem had been fixed. "Of 20,000 police officers, the commission works with 100; of 2,300 prosecutors, it's working with 16; of nearly 1,500 judges, it's been working with six," said Castresana. "If we demonstrate that this corner can work at its finest, that is the sample experience that must be reproduced in the rest of the country."<sup>148</sup>

Mack regards the State's effort as insufficient, suggesting that the number of local officials in training by CICIG should have been larger. "The State has not done its part in learning as these programs progress. The prosecution system in particular has not benefited as it should because institutional strengthening has not been a priority," she said. Yet, the reduced number of local officials in training with the CICIG has produced significant results—whether they will become a trend will be up to the following administrations to decide.

For instance, Mauro Salomón Ramírez's case led to a landmark arrest in terms of the level of coordination between the ministries of Interior and Defense, and the Public Ministry, despite the initial failed arrest attempt that led to the 15 of September shootout at a shopping center. "The result was important," says Colom. "It was the first operation of this type that had this degree of success without the accompaniment of CICIG. We couldn't give up; we kept arresting Mauro's people until we cornered him. This hadn't happened before. We either arrested a guy for good, or he was gone for good. Now there is more follow up capacity."

In the case of Ramírez, the fact that he had a pending arrest warrant in a US federal court weighed heavily on the efforts to arrest him. This has been a qualitative change in a country where its major drug traffickers tend to be arrested in other countries. "Extradition is very important, and we've seen it work

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<sup>147</sup> "Crime and Instability, case study of transnational threats," Op. cit.; page 20.

<sup>148</sup> "Castresana envía mensaje de optimismo," El Diario La Prensa NY, April 22, 2010; found at: <http://www.impre.com/eldiariony/noticias/2010/4/22/castresana-envia-mensaje-de-op-184678-1.html#commentsBlock>

that way in other countries,” says Ambassador McFarland. “We think it could work here, but for it to work you have to have a judicial system that is fairly effective, efficient, as well as honest, and we’ll see, but we certainly notice there [is] change since the CICIG came [to Guatemala].”

Other good results have sprung up at the Model Precinct in Villa Nueva, a province neighboring Guatemala City, where the US Government has employed financial and technical resources to train police. Arresting entire gangs, and dismantling their operations, are among the outcomes that had remained unseen until now. But the resistance to change in the rest of the police has not been banished completely, and even the US ambassador recognizes that there are no guarantees that these results will multiply over time.

“I think that the model precinct has shown results in Villa Nueva,” says McFarland. “We have encouraged Guatemalans to do the same in Mixco. It’s a very good program, and it should be copied in the rest of the country [and] in other districts here in the capital. [Yet] there is a certain resistance to it. The other problem is that it requires vetted and trained people in those precincts, and they are in very short supply. We are really pressing the ministry of Interior and the Police to assign promising new officers to the model precincts, but there are other people in the police who would prefer to send them elsewhere; so it’s a constant back and forth.” In early December, press reports revealed that the ambassador managed to persuade Guatemalan authorities to assign new police recruits to the Mixco precinct, and to remove officers accused of corruption, by conditioning help to that precinct in the form of US\$1 million.

Despite the differences in criteria on how to reorganize the police, US authorities believe that having named Mack as head of the Police Reform Commission was a good decision, because it has brought credibility to the project. Mack herself has said that she is not interested in working for any political party, but on behalf of the State, and hopes that any governing party can adopt the same perspective and continue the project over the long term. The reform project covers eight months of immediate actions, and 13 years to complete, which would cover almost three administrations.

Significant portions of the current administration’s strategy has involved training and producing more police officers, but also cleansing the police force as a whole, from top to bottom. “Expelling two top commanders of the police force and arresting them was a strong blow for the government, but it had to be done,” says Colom. “The Public Ministry is also working with the accompaniment of CICIG, [and without it]. It’s doing its job.”

One case in point is the penetration of the Veliz Palomo group, where tools like wire-taps—a resource whose legalization was pushed forward by the CICIG—allowed the Public Ministry to uncover the assistant prosecutor who was an accomplice to the suspects. What had begun as an investigation of a local extortion ring led to the dismantling of a money laundering organization that stretched from Guatemala to Panama.<sup>149</sup>

In the meantime, as in previous governments, the most immediate option to strengthen the police has been to send army patrols to the streets, along with the police, while more new police officers are trained and funds are made available—local or foreign—to finance these efforts. This strategy has been both hailed and criticized.

On the one hand, the army is thought to convey more respect or fear, which might apply to common crime but not to individuals with well-honed criminal careers like the Zetas—whose training, military background and available weaponry make them a lethal force. On the other hand, areas of the country

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<sup>149</sup> “Ministerio Público desarticula banda dedicada a narcotráfico,” Op. cit.



hard-hit by the conflict and human rights violations perpetrated by the army do not welcome back military patrols—although Colom has said that in some of these areas, crime has increased to the point that communities have asked for the army to return.

In some areas, where the police presence is insignificant, some families have been forced to migrate. One example is Zacapa, where eight families have left their homes due to the increasing number of homicides in the area, and others are trying to find another place to live. Although the deaths are registered, local police say no requests have been made regarding the need for more security in the area, while people say they are afraid to voice their complaints.<sup>150</sup> There are no official numbers on how many families have been internally displaced due to the violence, a phenomenon that mirrors internal population displacements during the armed conflict.

Former vice president Eduardo Stein has said that the army has not been as effective as expected in helping to reduce violence. Retired Colonel Merida points out that sending soldiers to “walk the streets along with the police” is to misuse a valuable resource. According to Merida, the army should be withdrawn from the streets, retrained, and given missions like securing the border that would have prevented the Zetas from carrying out the early October attack in Petén. What happened instead was that some of the soldiers faced with having to respond to Zeta gunfire were allegedly asking to be discharged after the shootout, because they were so shaken up.<sup>151</sup>

Merida would rather see a larger force in the FTN area, at least 1,000 soldiers, strategically distributed so that patrolling areas can intersect, and the whole area is covered—as it was done during the armed conflict, which allowed the detection of the first narco-flights.

According to Colom, “the problem, as always, is the financial limitations,” referring to the money that would be needed to better train and equip the army and the police, as well as to increase their numbers. Lack of resources has limited efforts to expand the investigative capabilities of the police and the justice system. “I would like to have 40 or 50 special prosecutors, but right now we don’t have the kind of money we need for that,” he says.

In the meantime, the government has fostered the creation of a Special Counternarcotics Office on the Pacific coast to monitor and control, and try to curtail drug trafficking in that area—with a planned team of 80 people. In April 2010, at Colom’s petition, the UN Office on Drugs and Crime (UNODC) signed a memorandum of understanding with the CICIG to strengthen the fight against OC in Guatemala.

There is also a joint effort between the Ministry of Interior, the US and Colombian governments to form a Counter Narcotics Agency that would surpass the duties of the current counternarcotics police, and would have three branches: one to gather intelligence on a regional level, one for operations, and one to execute preventive policies.

Colom explains that a more comprehensive strategy is needed to go beyond law enforcement, drug seizures and eradication of poppy plantations. These crops are eradicated early in the year, but by September new crops have been produced that have to be destroyed. “The problem is lack of development [employment and income sources] in the area where eradications take place,” Colom says.

This is where the Social Cohesion program, run by First Lady Sandra Torres, comes in. The program has generated strong criticism because it is seen as a political tool to help the party win reelection in 2011.

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<sup>150</sup> “Se van de comunidad por temor a violencia,” *Prensa Libre*, October 15, 2010; found at: [http://www.prensalibre.com.gt/noticias/van-comunidad-temor-violencia\\_0\\_353964649.html](http://www.prensalibre.com.gt/noticias/van-comunidad-temor-violencia_0_353964649.html).

<sup>151</sup> “Mexican drug gangs gain foothold in Guatemalan jungle,” *Op. cit.*

The program basically consists of distributing remittances to low income families in exchange for their commitment to send their children to school—as opposed to having them work—and take them to the state local clinic, for regular medical checkups. The program also includes distribution of grocery bags in poverty-stricken communities and creating weekend public school programs (with extra-curricular activities like English, dancing, and computer courses) in violence-prone areas. Critics are not in favor of child labor, but they question the government’s allocation of public funds to activities that can be seen as having a political ulterior motive, given the proximity of the late 2011 elections. Press reports have documented accounts of beneficiaries having been asked for their UNE (the governing party) membership ID card to receive help.

The programs were launched as aiming to prevent violence by keeping children and teenagers from joining gangs, creating a host of educational opportunities, and stimulating the local economy with the added flow of cash from remittances into poor communities. However, critics have also targeted the presumed lack of preparedness in the educational and health care systems to absorb the increase in the population that has been prompted to use them; to poor monitoring of cases where money is not reaching the families in most need; to the government’s refusal to disclose the names of the beneficiaries as means to ensure that public funds are not being misused. The government argues that the release of this information could lend itself to political manipulation by the opposition, but its attitude has left public opinion wishing the Executive were more forthcoming.

Money, or the lack of it, is a sensitive subject for this administration. Some sectors of the population agree that a more comprehensive anti-poverty strategy is needed—giving educational and employment opportunities to people who would otherwise opt for joining criminal ranks—but they, particularly the opposition and civil society, question the Executive’s methods. Some even believe that the money going into the Social Cohesion program should be destined to the police instead. And the conflict only broadens as the electoral year approaches.

### **CICIG’s Role**

The establishment of the CICIG is the cornerstone in the State anti OC policy. Its progress has been significant, according to the US Embassy, which has been an important vocal and financial supporter of the UN commission.

“Cases have been investigated much better than they ever were before; cases have advanced much further in the court system than they ever before, including very sensitive cases—which are the kind of cases CICIG takes on involving official corruption in past administrations. So that’s good,” said ambassador McFarland. “I think there has been significant progress. It’s not irreversible progress, but it’s certainly progress.”

On October 18 the US government gave \$4 million to the CICIG to continue its work. However, \$15 million more are needed for the mission to continue working into 2011. Most of its funding has come from the international community and there is concern about whether the government will fund the justice system with the same enthusiasm when the CICIG’s mandate expires in August of next year—although Colom has assured that his request to the UN for a two-year extension will be granted. However, even the current head of the commission, Francisco Dall’Anese, has warned that the CICIG is not “the fairy godmother with its magic wand,” and has pushed for local institutions to regain preeminence over CICIG.

The profile of the CICIG was difficult to dismiss in cases that garnered a high degree of interest in public opinion, like the Rodrigo Rosenberg case and the indictment against former minister or Interior Carlos Vielman.

Rosenberg was killed on May 10, 2009. After his death, a video—that he had recorded days prior to his death—surfaced in which he accused president Colom and First Lady Sandra Torres of ordering his assassination in connection with a corruption case Rosenberg allegedly knew about. The commission proved that the attorney had planned his own death, but is investigating the corruption case alluded to by the slain attorney.

After the case went to trial, the court handling the case said on March 25, 2010, that, “never in the history of Guatemala has an investigation developed to such a point as to clarify a criminal act, utilizing scientific and technical investigative tools, with positive results to find the truth, which was possible thanks to the work done by the CICIG.” Nine people were convicted and two more are awaiting trial as the intellectual authors of the crime.

The investigation allowed the dismantling of two OC networks, one operating in Escuintla (southern Guatemala), and another one in the department of Guatemala (where the capital is located). The networks were comprised of active and retired police officers, assassins for hire, and retired military officers.

The Vielman case, as well as that of Giamattei, has also brought unwanted attention to the CICIG, mostly in the form of criticism from former vice president Eduardo Stein, who has pointed to a lack of due process guarantees or presumption of innocence. Stein questions CICIG’s public handling of the information before the press, and has called for a tighter supervision from the UN, specifically in terms of periodic evaluations. Much of the actions criticized by the former vice president were taken by the commission when it was led by Castresana. The former commissioner quit the commission arguing that the growing criticism against him was having a negative impact on the cases the CICIG was handling. However, in late October he told Spanish newspaper *El País* that discovering a plot to kill him prompted him to leave Guatemala.<sup>152</sup>

Other key cases, amongst the 27 the commission is investigating, include the murder of Victor Rivera, a Venezuelan security advisor for the government who was shot on April 7, 2008, after his contract was rescinded by Colom’s administration. Rivera’s case is linked to that of former minister of Vielman. The CICIG is also working on the case against former President Portillo and his former cabinet members who are also imprisoned.

### **Striking a Balance Between Political Alliances and Political Will**

Mack has said that the Police Reform can become a new opportunity for Guatemala, but has warned that the pre-electoral period is polluting the importance of the topic by framing it in “electoral” terms. “Political and corrupt consideration trump technical ones at a time when reform should be viewed as the State’s responsibility to provide security,” she says. “The [political] immediacy from all the active political forces in the country, and I am referring to the economic sector, the government, organized civil society, has prevented us from embarking together on a policy that could allow us to fight for the same goal. There could be differences in format, but not of substance, and that is what we have never ever had in Guatemala.”

The new plan’s success depends not only on a question of resources, but of political will to carry it out over a long term. It remains unclear whether or not the reforms will be fully implemented.

“Will all this come together and be long-lasting? Don’t know,” Ambassador McFarland admits. “I think that with police reform there is a qualitative change between what previous governments did and what

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<sup>152</sup> “Castresana: ‘Había una trama para matarme en Guatemala;’” *El Periodico*, October 24, 2010; found at: <http://www.elperiodico.com.gt/es/20101024/pais/180153/>

this government has begun to do, and would like to do, which is to thoroughly vet senior officers for senior positions in the police.”

From Mack’s perspective, there are many good policemen who want to change things but remain skeptical because most programs lack continuity. Also, their wages are so low—some earn as little as \$500 a month—in comparison to that of prosecutors and judges, that police officers tend to be seen as a lesser authority. “In light of this situation, you cannot expect (the police) to increase their morale by just telling them ‘Chin up! Increase your self-esteem’ if they don’t see concrete changes. That’s why we are pushing for improvements in police officers’ well-being through the police reform,” Mack charges.

The financial support from the international community to the current Commission for Police Reform had been minimal until late August 2010. The commission had only received a donation of 40,000 Euros and had been working with resources the State provided.

From September 2010 until 18 months down the road, just the first phase, an estimated minimum of US\$2 million will be needed to cover just basic needs. Aside from this, improvements to police welfare could take up to Q40 million (\$5 million), which still need to be raised (this is the same amount allegedly embezzled by the previous minister of Interior, Raúl Velásquez).

“I believe that both the President and the Minister of Interior have the needed will, but it cannot shine through due to the different pressure points out there, and I am referring directly to the budget,” Mack says. “A police reform without an additional budgetary investment is impossible.”

President Colom understands that foreign aid will strengthen to the extent the Guatemalan State assumes and exercises more responsibility for financing its own security. He understands that donor countries will not want to use their tax money to help another country when its citizens do not want to pay taxes—some arguing government corruption, some stressing that a tighter control on tax evasion could increase the resources available. However, according to Ambassador McFarland, for the US to continue to invest in Guatemala’s security and judicial system, it needs to have the confidence that Guatemala is making an effort to select the right people to lead reform efforts in the judiciary, the public ministry, and the police.

The financial problems for this administration, aside from those stemming from being the country with the second lowest tax burden in Latin America,<sup>153</sup> were heightened by three crises since 2008: the step increase in international oil prices, the global food crisis, and the world economic crisis. While other countries in the region endured the same situation, UNDP adviser Ricardo Stein suggests that Guatemala experienced heightened vulnerability due to the increase in OC activity, and that this is a scenario that the previous Berger administration barely escaped.

“The fiscal weakness of the country affects the whole security system,” says Ricardo Stein. “The police has no capacity to process information that it has no means of acquiring because it cannot pay a large body of detectives.” The lack of funds also impairs investigations when the Public Ministry cannot fund its own witness protection program. In October, the CICIG had to cover the expenses of two families who had to be flown out of the country after testifying in two high-impact cases.

### **The Role of Political Alliances**

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<sup>153</sup> In some charts, Guatemala appears as the third country with lowest tax burden after Haiti and Mexico, but these don’t include the income from oil production in Mexico, according to data from the Economic Commission for Latin America and the Caribbean (CEPAL, its acronym in Spanish) provided by each country’s official sources.

The difficulty in securing passage of crucial laws for the advancement of justice and security can be explained by the complexity of the Guatemalan Congress. Although the government is seen abroad as unable to approve key legislation, the number of political forces that the Executive must negotiate with can explain why the legislative process is full of roadblocks.

The country has had a democratic system since 1986 that has been stretched to the limit, for good and for bad. With few restrictions on the creation of political parties, and few parties lasting for more than two or three administrations, Guatemala now finds itself with 23 political parties, 14 of which have representation in the Congress. “The members of each party in the Congress follow at least two different tendencies,” explains Colom. “This gives the Congress a healthy independence because it’s very difficult for someone from the outside to control it.”

Furthermore, representatives can change parties at will, or remain independent, within the same term of service. This has become a trend that makes it very hard to control the Congress inside or outside.

“Some time ago, it was said that the President could control the political parties in the Congress. Now I can assure you as president that it’s impossible to control them,” says Colom. “When I say ‘control’ I refer specifically to the fact that at least once a week we tell them, ‘these are the laws that are a priority.’” The same applies even to the official party, whose main leader in the Congress at the beginning of the administration—Manuel Baldizon—branched out to form his own political party.

For these reasons, the Seized Assets Law was subject to much discussion and friction between the Executive and the Congress. While the Executive pressed for passage of this law because it would allow government to use more seized assets to fund security measures, the Legislative branch was also hearing voices from the private sector that argue instead for toughening existing laws like the Arms and Munitions Law and the Law on Organized Crime. The Illicit Enrichment Law also experienced major road blocks.

The Seized Assets Law was finally approved after undergoing thorough discussion, as Colom expected, to help weaken OC financially and strengthen the fight against crime. For instance, if the law were approved, the Q23.3 million (\$2.9 million) seized the last two weeks in October could have covered one year’s salary of 325 police officers, the purchase of 125 police cars, and would have allowed to triple wire-tapping operations.<sup>154</sup>

Ambassador McFarland contends that it’s important to engage all political parties in the process due to the shifting composition of the legislative branch. “For policies to have continuity and political strength, they need to have support from a number of different parties and broader sectors of society,” says the ambassador. “They have to believe it’s worth it. I think that political will happens when people reach the point when they realize they have to transcend some pretty big differences in order to survive.” And some decision makers, apparently, haven’t reached this point yet.

One year before Castresana resigned as head of the CICIG, he regarded the National Accord for the Advancement of Security and Justice (signed in April 2009) as the road map to follow to ensure continuity. This accord was signed by the Executive, Legislative and Judicial branches, and was supported by the Catholic Church, Protestant Church, the Human Rights’ Ombudsman’s Office and the San Carlos University (run with State funds but with an autonomous administration). This agenda provided a framework for the Executive, Congress and court system to walk toward the same objectives. However, of 101 points in the agenda, progress has been made only in ten areas.

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<sup>154</sup> “Lo incautado a capo es su ‘caja chica;” Prensa Libre, October 10, 2010; found at: [http://www.prensalibre.com/noticias/incautado-capo-caja-chica\\_0\\_362363804.html](http://www.prensalibre.com/noticias/incautado-capo-caja-chica_0_362363804.html)

In an effort to rescue the accord, the CICIG has worked with president Colom and the resident coordinator of the UN System Office in Guatemala, and has proposed a series of actions that include re-launching the accord to include all political parties, prioritize certain actions (particularly those related to the peace accords), and establish a long-term criminal policy agenda.<sup>155</sup>

There are precedents for consensus on sensitive political matters like the creation of the CICIG itself that received support from all parties, the setting up of the wire-tap unit within the police, and legislation creating high-impact courts (that process highly sensitive cases) and the Plea-Bargaining Law, which has helped solve important cases such as Rosenberg's. Ambassador McFarland acknowledges that a national plan that "cuts across sectors" is difficult to achieve but "essential for doing something about impunity and insecurity."

The private sector is very critical of government corruption. It has also been hard hit by violence, so it has tended to rely on private companies to provide security rather than relying on government institutions. For example, some business owners must pay close to US\$5,000 a month for private security—or much more—basically annulling their competitiveness. Also, the demand for tax reform and increased collections is heard with skepticism by the private sector as government corruption scandals undermine the government's credibility.

"There might be an exception here and there, but all the major accusations of corruption surfaced during this administration have been announced by the government," says Colom. The President believes that more than conditioning financing based on results, the country needs more financing to produce results to avoid having to send police officers equipped with small guns to confront criminals brandishing AK-47 machine guns.

Ambassador McFarland believes that what really affects the ability to make best use of a system's resources is the depth of commitment, the kind that goes beyond a single official's appointment and lasts through several administrations. In this respect, complicating Guatemala's situation further are the changes within a given government, such as the current one, in which Menocal is the fifth Minister of Interior in three years.

At this point, however, Colom acknowledges that resources will continue to be a challenge not only to provide security and justice, but also to ensure health and education for Guatemalans. "We are going to launch a projection on Guatemala's resource needs for 2011 onwards," the President says. "I am still keeping up the struggle to promote tax reform. I would hope to leave for the next government a load that is not as heavy as the one we received, although I see it like swimming upstream in an electoral year."

The President fears that Congressional representatives will not want to touch the issue of taxes due to the political cost, but says that the next government will not have a choice. "This is a decision that cannot be delayed for too long," he says.

### **Merida Initiative and Role and Relevance of Foreign Assistance**

The current government views the Merida Initiative (which allocates US\$16 million to Guatemala, mostly for preventive programs, \$65 million to Central America altogether) as an apt one, and has agreed with the Department of State that it must be more comprehensive in terms of prevention and persecution.

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<sup>155</sup> "Tercer Año de Labores." CICIG; Op. cit. page 11.

Other kinds of help are available in terms of four helicopters on loan by the NAS for counternarcotics operations. In this respect, president Colom says that the coordination efforts must be tightened to cut the time between requesting a helicopter and the helicopter actually being delivered, especially when an unforeseen situation arises like the detection of a large illicit transaction, or an armed attack in a remote area of the country that is not easily accessible by land.

“This is a fight that is not going to last one or two years—but several,” admits Colom. “There is good coordination with US agencies, but sometimes events develop and it’s not possible to respond in a timely manner, and we need to have better coordination on the Guatemalan side.” explains Colom.

However, the 2010 INCSR indicates that the increase in seizures (mostly of cocaine, doubling from 2008 to 2009) resulted from better trained police, and “improved Guatemalan interagency cooperation” by means of support from the Aviation Support Program (ASP) to the Guatemalan Air Interdiction Joint Task Force (FIAAT), and the wire interception program. In 2009, a total of 41 intercepts were conducted.<sup>156</sup>

On another front, Minister Menocal acknowledged that help from the US in setting up a finger printing lab, honing investigative techniques, improving the penitentiary system, the Counternarcotics Unit in the Pacific, as well as assistance in building a new armored drug warehouse have been extremely valuable. Useful assistance has also come in the form of sharing intelligence information to identify the main leaders in DTOs and other OC structures, to facilitate investigations.

Guatemala also received significant help from Mexico in polygraph use to fully vet police officers to be assigned to high-command positions, like the Director of the Police the Deputy Director and those held by chiefs of key precincts. This assistance proved crucial in choosing the current director of police, Jaime Leonel Otzin, the only one who passed a battery of tests, including the polygraph. “The result was painful but hopeful,” says Colom. Six other officers produced acceptable results, but with certain qualms.

The next steps in terms of foreign assistance for the judicial and security sectors should be directed towards institutional strengthening, to increase their capabilities, help them make significant arrests in certain cases, and continue to support the CICIG. “From our perspective, the counternarcotics and the anti-organized crime struggles fall under a broader effort to try to reduce impunity and to improve rule of law institutions,” assures Ambassador McFarland. “If you don’t have a functioning court system, if you don’t have good prosecutors for that matter, if you don’t have decent prisons, then it doesn’t matter who you arrest, and what you seize, it’s just going to be replaced.” From this diplomat’s perspective, the ability to dismantle OC networks and DTOs creates the necessary impact to resist the efforts of these organizations to have political influence.

Mexican ambassador Eduardo Ibarrola stresses that elevated rates of impunity are the great trigger for crime in the region, including in Mexico and Central America. Crime represents a triple challenge for the governments which must respond to organized crime, youth gangs or *maras*, and common crime.

“Central America cannot remain isolated from the international support that the US, Mexico and Colombia must lend,” said Ibarrola. “It’s absurd that, if Colombia, Mexico, the US, and even Canada are having a strong response to organized and transnational crime, that Central American countries should be left alone—it’s an invitation to leave them in the hands of criminals.”

Ibarrola is convinced that greater cooperation with Central America is needed to fight criminal organizations. One strategy that his country has begun has a direct impact on Guatemala, and pertains to

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<sup>156</sup> “2010 International Narcotics Control Strategy Report (INCSR),” Op. cit.

modernizing and broadening the border's capacity to process a larger number of travelers and merchants through legal border crossings. "The point is to facilitate compliance with the law for border residents, or users," the ambassador says.

Closing or legalizing the blind crossing points would be out of the question given the complexity of the process, and because 100 percent surveillance at the border is difficult due to the nature of the territory (which includes jungle, forests, and rivers). However, a tighter control of the main roads on Mexican soil is already in place because they cover some of the converging points for those who cross the border illegally.

According to Samuel Logan, regional manager for the Americas at iJet Intelligent Risk Systems, a risk management consulting firm in Maryland, "if Guatemala goes down the drain, then Mexico is dealing with its northern and its southern borders. A major failure of democracy in Guatemala is going to directly impact Mexico City — resources, political capital, time, energy, human resources, everything — and that negatively affects the United States."<sup>157</sup>

The US ambassador says that the relationship with Guatemala is not about trying to tell Guatemalans what to do in order to help the US, but about trying to encourage Guatemala to do the things that both countries consider necessary to address common problems. These common problems also have common consequences for the whole region, and the failure of one country has a direct bearing on its neighbors.

Retired colonel Merida says that Guatemala should be pushing for the establishment of a trilateral office with Mexico and the US, where first hand information is available, and where that information can be processed and used by any of the three countries. However, for this to happen, Guatemala must have a strong base in terms of a solid justice system.

"What's critical right now is strengthening current efforts to reform the courts and to strengthen the public ministry, as well as police reform," said McFarland. "If they are successful, there would be a surge behind them that will give them a good chance to continue. But these things take time, and the full results of any reforms enacted now won't be evident for a few years."

At this point, Guatemalans' expectations are high in terms of the time it could take to correct what has been wrong for decades. McFarland says, "it's human nature to expect things more quickly than they can be delivered, or to hope that there is some kind of magical solution out there that can help you." There is none. But it's difficult not to hope for one when news radio programs on October 29 quote Minister Menocal saying that there have been 430 less violent deaths in between January and September 2010, than in the same 2009 time period; and that this year 16 violent deaths are reported daily, as opposed to 18 in 2009, and 20 in 2008.

The hard numbers almost obliterate the names of 15-year old Patricia Velásquez, street vendor, and 28-year old Jennifer Prentice, recent recipient of a PhD, innocent by-standers killed in the first hours of October 16. They bring to mind an Edelberto Torres-Rivas article<sup>158</sup> where he refers to the dead during the armed conflict, and brings up Stalin's "cynical remark": The murder of one person is a crime, but the murder of many is just a statistic. If, like McFarland says, political will is achievable when people realize that they need to overcome differences to survive, hopefully Guatemala is close to reaching the point where survival means that one more victim is too many.

## V. CONCLUSIONS

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<sup>157</sup> "Mexican drug gangs gain foothold in Guatemalan jungle," Op. cit.

<sup>158</sup> Torres-Rivas, Edelberto. Op. cit. Torres-Rivas is an UNDP consultant and social sciences professor.



Guatemala is indeed at the doorstep of a second opportunity with the recent police reform. It might not be the solution to all its problems, but it could be the beginning of a solution, a fresh start after the country lost its way following the peace accords.

Standing in its way are old habits such as the lack and depth of continuity. While efforts to include all political parties in building consensus around long-term security plans could be the appropriate antidote to the lack of continuity, such efforts are also complicated by the upcoming 2011 elections.

Security will be the main topic from candidates, but solutions offered and plans drafted run the risk of following the path of a political campaign that is not based on “inside” information, as the Colom government experienced over the past three years. Although the heart of the problem remains lack of continuity and insufficient resources, several factors have contributed to the current insecurity.

On the one hand, political party strengthening has had consequences for security. First, simplified rules for the formation of political parties has led to the rise of a plethora of political organizations. While this can be viewed as positive, it becomes a liability when most parties are not strong enough to survive beyond the span of three presidential administrations, or less. As a result, any decisions or crucial political participation that the party had on a national level disappears when the party disappears, and whatever initiative it was participating in crumbles, or its supporters must look for a new partner. In addition to that, the fact that Congressional representatives can switch political parties easily complicates the situation further, not only for the governing party but for different initiatives whose life-span might depend on the mobility of the representatives supporting it. On the other hand, most parties are formed when consensus is not reached and a party leader decides to leave the party and form his or her own to launch his or her own political project.

If political parties had more permanence, and party loyalty was greater inside or outside the Congress, bringing political party participation into important State policy decisions could become an advantage. It would potentially guarantee that whoever is elected head of the Congress or the Executive branch—still has connections with the party that was included in the policy reform discussions.

The National Agenda for the Advancement of Security and Justice can benefit from including members of political parties into the initiative if, and only if, the party members remain stable and loyal members of their party, and their party is strong enough to survive during several administrations.

Improving the Law of Civil Service would also permit the creation of a more professional workforce and prevent the appointment of public servants as payment for political favors, therefore running the risk of selecting personnel that is not qualified for the position they occupy.

Such innovation could contribute to creating more permanent State policies on security, as opposed to the current practice of quickly wiping away policies when a new official is appointed, whether at a presidential level, or in the cabinet. Perhaps, then, any efforts at continuity—that finally lead to long-term results—will be possible, and Guatemala can pick up where it left off after signing the peace accords 14 years ago.

### **About the Author**

**Julie López** is a freelance journalist based in Guatemala, where she reports on politics and security issues. Her work has been published widely, including in *ReVista: The Harvard Review of Latin America*, and *The Miami Herald*. In May 2010, López won the Félix Varela National Award for Excellence in American Journalism on Latino Issues—in the print category—for her series "The Narco Empire," published in *El Diario/La Prensa* in 2009. She has an M.A. in International Relations and an M.A. in Journalism, and has taught journalism and coverage of international issues at graduate and undergraduate levels in the United States.

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