IPS

LATIN AMERICA 17.01.2019 | Sandra Weiss

The mafia fights back

The UN-backed International Commission against Impunity in Guatemala is becoming a victim of its own success

Read this article in German.

The fight against the mafia is not a military one. It rather begins by recapturing the judicial system and establishing rule of law. There are a few examples of this in recent history, such as Mani pulite, a nationwide judicial investigation into political corruption in Italy in the 1990s. The UN Commission against Impunity in Guatemala (CICIG) is another — a highly topical one.

The CICIG has been an original experiment since it was brought into the country in 2007 by the social democratic president Alvaro Colom through an agreement with the UN. Its mandate: to build an independent, professional judiciary; to modernise investigative methods; to reform legislation (for example, by introducing a leniency policy). Crucially, it should also assist the local prosecutor's office in breaking up that which makes Guatemala a classic kleptocracy: informal networks, used by former military officials, business leaders, politicians and mafiosi in order to plunder the country's resources.

The CICIG took its mandate seriously: three ex-presidents (including Colom), numerous businessmen, members of the military, corrupt judges, police chiefs, ministers, mayors and politicians of all parties were brought behind bars. The murder rate dropped from 48 homicides per 100,000 inhabitants in 2009 to 24 in 2018. According to international studies, impunity has fallen by 30 per cent. For the first time, courts began to revoke dubious concessions for major projects. Guatemala became a role model, and not only for the region: even some African were interested in its example.

The CICIG's chief investigator, Iván Velásquez, then began to examine opaque party political financing. He soon found something – and not a single party was spared: from Colom's Social Democrats (UNE) to the right-wing National Convergence Front (FCN) of President Jimmy

Morales, whose brother and son he had previously brought to court for tax evasion and money laundering. The commission found that Morales — a former evangelical preacher and TV comedian — had accepted campaign donations of around €700,000 for his party but couldn't prove the origin of the money. The FCN was threatened with exclusion from the next elections. In August, the judiciary proposed the removal of Morales's immunity. Most likely, this was the final straw.

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At the beginning of September, the government decided against renewing the visas of around fifty international CICIG staff, including Velásquez, and to allow the commission's mandate to expire by September 2019. Morales announced this decision in a TV address surrounded by uniformed officers. The scene was probably intentionally evoking the image of a coup. Military vehicles patrolled the city in order to intimidate potential demonstrators, while an entire squad surrounded the villa where the CICIG has its office.

The beginning of the story

The operation to dismantle the CICIG had actually begun much earlier, in Washington in fact, as the media outlet Nomada discovered. According to them, the government of Guatemala began to test the new political climate in Washington shortly after Donald Trump took office, launching a campaign against the CICIG and the closely affiliated US Ambassador Todd Robinson in order to weaken their international support.

Conservative members of Congress with decision-making powers regarding the funding of the CICIG were told that the Commission had been infiltrated by communists, was antisemitic, acting beyond its powers and manipulating lawsuits and key witnesses. This propaganda had the desired effect on one conservative Senator from Florida, Marco Rubio, who blocked the release of funding for weeks, thereby setting the first crisis in motion. Morales skilfully stoked the dispute by flattering Trump's foreign policy and moving Guatemala's Israeli embassy to Jerusalem.

Morales has good reason for his actions: he's afraid that he will fare the same as his predecessor, Otto Perez. Perez wanted to throw the CICIG out of the country already in 2015, after the Commission had begun to unravel a corrupt customs network shared between him and his vice-

president. It was the beginning of the Guatemalan Spring: tens of thousands spontaneously took to the streets, showing their support for the CICIG and demanding that Perez resign. This massive, days-long pressure forced members of congress to lift Perez's immunity. The head of state and almost his entire cabinet ended up behind bars. At the forefront of the protests was US Ambassador Robinson, as the US Government, at that time still under Barack Obama, was the big financial and political supporter of the CICIG.

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The calculation that prompted Obama here was self-serving: the persistent flow of migrants from Central America and the infiltration of these states by organised crime could only be stopped successfully if the corrupt elite of these countries was forced to change to a reasonably transparent, democratic, constitutional and socially responsible form of government. Such lines of thought are alien to Trump, who counts on building walls and deterrence campaigns instead of independent investigators.

An uncertain future for Guatemala

Encouraged by US government silence, on 7 January 2019 the government of Guatemala finally called upon the UN to stop the CICIG's work within 24 hours and to withdraw its staff.

Foreign Minister Sandra Jovel said that the CICIG had exceeded its powers and posed a threat to sovereignty and public safety. Although the Constitutional Court has ruled that all unilateral government decisions regarding the CICIG from recent months have been unlawful, Morales seems unfazed — even in the face of protests by the 13 donor countries (including Germany) demanding respect for the UN agreement and the constitution.

Morales' apparent indifference and the rush to get rid of the inconvenient investigators before the upcoming elections this summer are causing alarm bells to ring on all sides. 'Morales has chosen to destroy the rule of law in order to save himself,' tweeted Norma Torres, a Democratic Congresswoman with Guatemalan roots. For former Minister of Foreign Affairs Edgar Gutierrez, democracy itself is at stake. 'Now the few independent institutions left are in for it, independent judges and prosecutors, the Constitutional Court and human rights agencies,' he fears.

All eyes are now on the upcoming election. Whether this will bring any improvement is unclear though: the mood is tense, the atmosphere polarised. Among the candidates already declared are the daughter of ex-dictator Efraín Ríos Montt, Zury Ríos, the former wife of ex-president Álvaro Colom, Sandra Torres, and the perennial candidate and entrepreneur Alejandro Giammatei. The citizens' movement 'Semilla' also wants to field a candidate: under consideration is the former Attorney General Thelma Aldana, one of the leading anti-corruption investigators. However, it's unclear whether she can capitalise on the 70 per cent approval rate that, according to polls, the CICIG enjoys among the population.



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