



## U.N.-backed investigators shake up Guatemala

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GUATEMALA CITY — In this nation whose murder rate more than triples that of Mexico, judges and prosecutors are underpaid, underprotected and under attack by organized crime. Guatemala teeters on the edge of failed-state status.

Yet a U.N.-backed investigative team that has by all counts been highly effective in prosecuting criminals is suddenly meeting stiff resistance from the very people who should stand to gain from a stronger rule of law: Guatemala's political and business elite.

The pushback comes as nearly half the territory in a country of 14 million is controlled by drug gangs and other criminals, with violence even at the capital's swankiest addresses. More than 96 percent of murders go unsolved, and just last month stray bullets killed three bystanders at a crowded restaurant in the capital's hotel district.

"We live in a terrifying anarchy," psychologist Oscar Quintero said on a TV show where mental health experts discussed coping strategies.

The International Commission Against Impunity in Guatemala, or CICIG in Spanish, was launched three years ago at Guatemala's request to dismantle illegal security groups, many of them tied to the military and a legacy of the 1960-1996 civil war, and to end criminal impunity. It has also taken on rampant vigilante justice, which includes contract killings of criminals.

The work by a team of cops and prosecutors from 25 nations has landed a raft of senior officials in jail — a remarkable feat for a country whose elite has long made sure that law enforcement was selective and the penal code lax.

Eduardo Stein, a well-respected vice president from 2004 to 2008 who helped bring the commission into Guatemala, has now accused it of "going out of control" for filing extra-judicial execution charges against top officials from his government over the allegedly pre-meditated killing of prison inmates. Stein and other businessmen have suggested the commission be put under local political control, arguing that it has overstepped its mandate and even operated outside the law.

Its director, former Costa Rican attorney general Francisco Dall'Anese, rejects the campaign for local control as sabotage, part of "a dark campaign by powerful groups" seeking to dissolve the commission, although he declined to name names.

"It is touching people we never expected it to touch," said Pedro Pablo Marroquin, editor of the La Hora newspaper. "And the problem is, we live in a society where some people are untouchable."

Facing trial on criminal charges dominated by embezzlement are former President Alfonso Portillo, a

son of ex-dictator Efraim Rios Montt, an ex-defense minister, two former interior ministers, a prisons director, three national police chiefs and two anti-narcotics police commanders.

Then there are the convictions, all surprisingly swift, for murderers, drug cartel enforcers and kidnapers, including members of Mexico's notoriously violent Zeta narco gang.

"All the cases we've brought to justice have so far ended in prison sentences for the accused," said Carlos Castresana, the Spanish magistrate who led the commission until August, told The Associated Press. "It's an earthquake for a country like Guatemala."

On Castresana's anti-corruption recommendations, 1,700 police officers were purged, a handful of senior prosecutors forced to resign and six judges dropped from the Supreme Court. Human Rights First has praised the commission for pushing the criminal justice system to arrest "hitherto untouchable ex-military leaders."

In the most celebrated of its 38 cases to date, the commission saved President Alvaro Colom's political skin. In a videotape divulged the day after his May 10, 2009 shooting death, prominent lawyer Rodrigo Rosenberg told a stunned nation that were he killed, it would be because Colom had ordered it. The opposition nearly had Colom impeached.

As it turned out, Rosenberg was despondent for personal reasons and arranged his own murder, the commission determined. It put 16 investigators on the case, using court-approved wiretapping in Guatemala for the first time. The commission has pioneered, as well, the use in Guatemala of what are common investigative tools elsewhere: plea-bargaining and testimony via videoconferences to protect witnesses.

The independent commission, whose head is named by the U.N. secretary-general, works within Guatemala's justice system in hopes it can one day stand on its own. Its annual budget of \$20 million is provided by donor nations, including the United States, Spain, the Netherlands, Italy and the Nordic countries. Colom told the AP he is asking that the commission's mandate, which expires in September, be extended for at least two more years.

At the heart of the dispute over the commission is a case it began investigating two years ago.

On Sept. 25, 2006, more than 3,000 police and soldiers retook the Pavon prison farm — the country's biggest — from inmates who ran a crack cocaine lab inside and rented out plush homes on the grounds to fellow prisoners.

Then-Interior Minister Carlos Vielmann, a former head of Guatemala's two main business associations, was arrested in Spain last month on charges of ordering the deaths of seven inmates — as well as three others in a separate case. Vielmann has said the prisoners died in putting up a fight. An extradition request by Guatemala is pending.

Also under arrest in the case is Alejandro Giammattei, who was director and security boss for the prisons. Giammattei is a onetime presidential candidate who had also run Guatemala City's transit and water utilities. Arrest warrants have been issued for two other men who are now fugitives: the then-head of the national police, Erwin Sperisen, and the deputy chief of its criminal division, Javier Figueroa.

Vielmann and Giammattei were seen at Pavon after the inmates were captured, stripped naked and escorted to where they would be killed, prosecutors told the AP, speaking on condition of anonymity due to the case's political sensitivity. After they were executed, said one prosecutor, the killers dressed the

men in clothes lacking bullet holes and planted inoperable weapons on them.

Photos from the court case provided to the AP by prosecutors, and which the commission showed to foreign ambassadors this week, support those allegations.

One shows Sperisen and Viemann inside the prison during the raid, prosecutors say, while others show inmate Luis Alfonso Zepeda before he was killed, wearing a tan shirt and carrying a shoe, and afterward, wearing both shoes and a blue shirt.

Another shows inmate Jorge Eduardo Batres lying dead in a bedroom with objects strewn beneath the corpse, indicating his body was placed in the room after it was searched. Prosecutors say that's inconsistent with Viemann's claim the day of the raid that Batres died in a gunfight while resisting capture.

Asked about the photos, Viemann's lawyer, Francisco Palomo, doubted their validity as evidence, saying it's not clear exactly when they were taken.

"What you have is photos that can't be legally fixed in a day or hour," he told the AP.

Colom has suggested Viemann be tried in Spain.

"It's a paradigmatic case, complicated, politically complicated," he told the AP.

It is also a case bound to test the many vulnerabilities of Guatemala's fragile justice system, such as the protection of witnesses, judges and prosecutors.

More than five prosecutors have been killed in the past year, according to Ronny Lopez, chief of organized crime prosecutions. Lopez and his wife survived separate attempts on their lives, he said, but one of his wife's bodyguards was killed.

The annual budget of Guatemala's witness-protection program is just \$700,000. The government has also stopped funding special homes for witnesses.

"It took us two years to get a witness protection program going and the moment we stopped pushing," said Castresana, the government sends them "to the same old lousy hotels in a district where the mafias hunt them like rabbits."

Two witnesses in major cases were recently murdered, said Dall'Anese, refusing to identify the cases or offer any other details "because I don't want to jeopardize other witnesses."

Attracting honest, capable prosecutors is also a challenge. There are no in-house detectives, and the police aren't trusted. The ones who do the investigative heavy-lifting earn less than \$1,000 a month.

Another obstacle for the commission: Some of the very politicians who invited its creation became its quarry. One is Francisco Jimenez, a former interior minister accused of bid-rigging a contract for Guatemala's national ID card.

"We are like the emergency room doctor who intervenes in extreme cases, but that can't solve the deep-seated problems," said Castresana.

Director Dall'Anese is less aggressive than his predecessor. But he put two former Costa Rican presidents in prison for corruption, and he promises to be no less tenacious in Guatemala.

Anyone who tries to halt the commission's work, he said during a public forum in Panama on Oct. 26, is apt to regret it. "We're like a tractor that plows up whomever gets in its way."

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