

POLICE REFORM IN GUATEMALA: OBSTACLES AND OPPORTUNITIES

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POLICE REFORM IN GUATEMALA: OBSTACLES AND OPPORTUNITIES

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The 25,000 members of the National Civil Police (PNC) are on the front lines of Guatemala's battle against crime. But all too often citizens distrust and fear the police – widely dismissed as inefficient, corrupt and abusive – as much as the criminals. Underfunded, poorly trained and often out-gunned, they are frequently incapable or unwilling to confront criminals and gain the public trust needed to build a state based on rule of law. Drug traffickers, including Mexican cartels, move at will across porous borders, while criminal gangs dominate many urban areas. The government of President Otto Pérez Molina must reboot and revitalise police reform, as part of an overall effort to strengthen justice and law enforcement, with financial support from the U.S. and other countries interested in preventing Guatemala from becoming a haven for organised crime. Progress has been made, but achievements are fragile and easily reversed.

Since the 1996 peace accords that ended 36 years of armed conflict, donors have poured tens of millions of dollars into police and justice sector reform. But despite these efforts, Guatemala, with its neighbours in the Northern Triangle of Central America, remains one of the most violent countries in the world. Governments have repeatedly promised reform, including the Pérez administration that took office in January 2012. The new president, a retired general, campaigned on the promise that his government would combat crime with an “iron fist”. Since then, he has deployed troops to help patrol high-crime areas, reinforced the military in border regions to fight drug trafficking and declared a state of siege to quell a local protest. He has also promised to strengthen the police by adding thousands of recruits, while restarting stalled efforts to overhaul the institution. The question is whether his government will be able to muster the resources and will to bolster institutional reform or will rely primarily on militarised crime-fighting operations that provide short-term gains without solving long-term problems.

Some projects may provide templates for broader institutional change. Certain investigative units have demonstrated that the police can – given the proper resources, training and supervision – solve complex crimes. The UN-sponsored Commission Against Impunity in Guatemala (CICIG) is

providing training to both police and prosecutors. There are also encouraging developments within the area of preventive or community-oriented policing. In two municipalities outside Guatemala City, Villa Nueva and Mixco, activist mayors are trying to combat gangs and create stronger ties between the local communities and law enforcement. Those cities are also the location of two “model precincts”, supported by the U.S. government, which finances the vetting and training of police and supports programs designed to strengthen police-community collaboration.

But these efforts are dependent on the financial aid and political backing of donors. The initiatives in Villa Nueva and Mixco rely on local politicians whose successors may not share their commitment. It is unclear whether reform efforts have enough support within the PNC hierarchy to survive over the long term. Without strong and consistent backing from the national government, business, civil society and the international community, the lessons learned from these pilot projects may be lost before they can be perfected and replicated.

Compounding the difficulties reformers face is that change must take place following a decade of rising violence, much of it fuelled by organised crime, including Mexican drug cartels. High crime rates tend to overwhelm incremental progress, making it harder to resist calls for tough solutions that rely on the superior strength and discipline of the army. Using the army to fight crime, however, further demoralises and weakens the police, especially when the military's role is poorly defined. This makes it harder in the long run to build the competent civilian forces needed to enforce the law under stable, democratic regimes.

There is no single, fail-safe formula for reshaping an institution as complex as the police. Nor do police exist in a vacuum; permanent change can only take place within broader efforts to battle corruption and favouritism within the justice system as a whole. Nonetheless, there are steps that the government, with international backing, should undertake to ensure that the PNC becomes a professional force capable of investigating and preventing the crime that threatens Guatemalan democracy.

RECOMMENDATIONS

To make service to the community, protection of human rights, honesty and professionalism the foundation of police doctrine

To the Government of Guatemala:

1. Design a police reform strategy with clear priorities and timetables that builds on progress already made by:
 - a) replicating initiatives that have been proven to work, such as the methodologies employed by investigative units that are getting results in homicide and extortion cases;
 - b) supporting community-oriented policing that includes local oversight and participation;
 - c) strengthening the new police reform commission and encouraging it to build on the work of its predecessor; and
 - d) working with the UN-sponsored International Commission against Impunity in Guatemala (CICIG) to transfer investigative and analytic know-how.
2. Improve oversight and combat corruption by:
 - a) training and deploying more supervising officers;
 - b) working with CICIG and the U.S. embassy to institutionalise periodic background checks, especially for officials and investigators;
 - c) reviewing disciplinary procedures to assure they are transparent and fair to both the public and the police;
 - d) furnishing the police academy with resources and top instructors;
 - e) providing ongoing capacity building and specialised training that matches institutional needs;
 - f) reviewing pay scales and benefits to provide adequate incentives and rewards;
 - g) renovating or building police stations and living facilities that meet minimum standards; and
 - h) allowing the PNC to administer the budget assigned to it by Congress and preventing the transfer of funds designated for law enforcement to other programs.
3. Define the role of the armed forces as primarily to protect the borders and only secondarily to provide temporary emergency support to law enforcement under strict and effective civilian surveillance; and avoid overreliance on the military by:

- a) phasing out joint police/military task forces and assigning their crime-fighting responsibilities to specially trained and vetted police units; and
- b) strengthening police in border regions and rural areas and training them to cope with both criminal violence and social unrest, so that the temporary deployment of the army under state of siege declarations is no longer demanded or necessary.

To the Congress:

4. Pass a statutory police law that includes clear rules for recruitment and merit-based promotions.
5. Consider constitutional and legal reforms establishing that the police, not the military, are responsible for citizen security and placing strict limitations on the use of the military in emergency situations.
6. Continue to pursue and monitor fiscal reform, including strong measures against tax evasion, to assure that the government has the resources necessary to strengthen civilian law enforcement.
7. Approve legislation – such as the pending illicit enrichment law – to give prosecutors the tools they need to prosecute corrupt public officials.

To Donors:

8. Work with the government to give police financial and technological aid within a strategy for long-term, sustainable reform.
9. Avoid duplication of efforts and prioritise projects to:
 - a) perfect and replicate ongoing programs that are proven to be effective;
 - b) strengthen the police academy and proposed officers school;
 - c) create transparent mechanisms for monitoring and evaluating projects; and
 - d) assure that implementing institutions are held accountable for results.

Guatemala City/Bogotá/Brussels, 20 July 2012

POLICE REFORM IN GUATEMALA: OBSTACLES AND OPPORTUNITIES

I. INTRODUCTION

President Otto Pérez Molina took office in January 2012 vowing to fulfil his campaign commitment to use a “*mano dura*” (iron fist) against crime. He promised to launch a broad effort to “confront, with the law in our hands, all the crimes of greatest social impact that are today punishing the people of Guatemala”.¹ He announced the creation of multi-disciplinary task forces, including police, soldiers, civilian and military intelligence officers, prosecutors and human rights officials, to go after the criminals responsible for crimes such as extortion, kidnapping, car theft, drug trafficking and violence against women. Moreover, he said he would give the army the resources necessary to “interdict and neutralise” organised crime, such as fighter planes and speed boats.² And he vowed – as had his predecessor and his predecessor’s predecessor – to bolster and reform the police.³

Judging by the headlines, the president is moving vigorously to fulfil his campaign promises. Task forces have made headlines by arresting the alleged leaders of extortion and car-theft syndicates, capturing members of a gang linked to at least 26 murders, raiding establishments suspected of selling stolen cell phones or car parts and disbanding a kidnapping ring, allegedly run out of a prison, accused of grabbing an eight-year-old boy and sending his amputated little finger to his parents.⁴ In addition, Pé-

rez has created two new army brigades to combat “drug trafficking and crime”: one in the northern department of Petén, a sparsely populated border region where traffickers are said to operate freely; another in San Juan Sacatepéquez, one of the municipalities on the outskirts of Guatemala City beset by criminal gangs.⁵

The government has also proposed constitutional reforms designed to modernise and fortify the justice and security systems. Its package, which must be approved by Congress and put to a referendum, would designate the National Civil Police (PNC) as the institution charged with protecting individual rights, preventing and investigating crime and maintaining public order.⁶

But Pérez’s most difficult task may be reviving long-stalled efforts to reform the police. Using the army to fight crime cannot substitute for – and is likely to undermine – efforts to strengthen civilian law enforcement. Building a professional police force has been on the government’s agenda since the 1996 peace accords that ended the decades-long armed conflict. It has also been a priority for donors, who have financed security and justice sector reform since the 1990s.

There has been progress. Some investigative teams – such as a homicide unit funded by Spain and anti-gang units supported by the U.S. – are demonstrating that the police, with proper training and equipment, can build cases that result in arrests and convictions. Community-oriented police programs, such as model precincts created with the help of the U.S., hold potential, if backed by strong local support. The question is whether such efforts can be replicated or will remain what a Guatemalan official called “archipelagos of competence in a sea of corruption”.⁷

¹ Inauguration speech of Otto Pérez Molina, *Siglo 21*, 14 January 2012.

² Speech by President Pérez to the Mariscal Zavala Brigade, defence ministry (www.mindef.mil.gt/noticias), 15 January 2012.

³ President Álvaro Colom (2008-2011) named Helen Mack to head the police reform commission in 2010. Claudia Palma, “Helen Mack a cargo de la Comisión de Reforma Policial”, 28 January 2010. President Oscar Berger (2004-2007) named Adela de Torrebiarte as government minister to purge and reorganise the police. “Guatemala comienza a reestructurar su policía”, *Nacion.com*, 15 April 2007.

⁴ Maco Avendaño, “Desarticulan banda que cobró al menos Q9 millones de extorsión”, *Siglo 21*, 13 June 2012; “Detienen a cinco presuntos extorsionadores”, *Siglo21*, 10 April 2012; Evelyn Boche, “Capturan a 18 miembros de clica ‘Solo Raperos’”, *elPeriódico*, 12 May 2012; “Decomisan 109 celulares en dos allanamientos en la Colonia Landívar”, *elPeriódico*, 11 April 2012; “Comenzarán operativos para decomisar vehículos con repuestos

y accesorios robados”, *Prensa Libre* 14 April 2012; “Banda de plagiarios cercena dedo a niño”, *Prensa Libre*, 13 April 2012.

⁵ “Anuncian dos nuevas brigadas contra el narcotráfico y la delincuencia”, *elPeriódico*, 30 January 2012.

⁶ “Proyecto de reforma de la Constitución Política de la República de Guatemala: Fortalecimiento del sistema de justicia y seguridad”, Presidencia de la República. See Section III.D below; also, Areli Alonzo, “Gobierno socializa cambios a 51 artículos de la Constitución”, *Diario de Centro América*, 25 June 2012.

⁷ Crisis Group interview, Guatemala City, 25 January 2012.

The history of police reform does not offer much basis for optimism. “I see little evolution” within the PNC, said Edgar Gutierrez, a political and security analyst. “There is still no strategy. The task forces have had some results, but these are tactical responses: as always the urgent consumes the important”.⁸ Helen Mack, a veteran human rights activist who served as police reform commissioner under the previous government, says that change must overcome not only political and financial hurdles, but also “obstacles that are deeper and more complex because they are rooted in ideology, politics and culture”.

But Mack also highlights the support for change from “numerous police officials and agents . . . They have convinced me that there are people who want to dignify their institution and their profession”.⁹ Other activists echo these sentiments. “There are police with all the vocation in the world”, said Carmen Rosa de León-Escribano, head of an NGO that has worked on security issues for more than a decade. “But it breaks your heart to see how the institution wears them down”.¹⁰

The next two sections of this report examine the status of police reform. Section II discusses the difficult context in Guatemala, where violence – much of it fuelled by drug traffickers – has risen to levels in some regions that exceed those seen during the armed conflict. Section III reviews the history of reform and analyses some of the obstacles to creating a professional police force, including the temptation to use the military to combat domestic crime.

The final sections look at the two fundamental functions of the police – investigation and prevention – and at several projects that may provide a template for broader, institutional change. Section IV describes the scandal-ridden history of the investigative police, but also a homicide unit that shows how well-trained, properly equipped and highly motivated detectives can solve complex crimes. Section V examines crime prevention and community-oriented policing. Pilot projects have so far had limited success because of deficits and disinterest within the institution. A police academy starved of resources has failed to give recruits basic skills or values. Nonetheless, two municipalities outside the capital are experimenting with community-oriented programs that may provide lessons for other urban areas.

II. RISING VIOLENCE, PERSISTENT POVERTY

The urgency of building competent, professional police has only grown over the past decade. More than 57,000 people were murdered from 2001 through 2011; the homicide rate climbed from 28 per 100,000 persons in 2001 to a peak of 46 per 100,000 in 2009.¹¹ There is hope that this trend may be reversing: the rate fell to 41 in 2010 and to 39 in 2011. But that is still higher than Colombia (32 per 100,000), where guerrillas and other armed groups continue to operate, and more than double the average in the Americas overall (sixteen), about eight times the rate in the U.S. (five) and ten times the average in Europe (3.5).¹²

The decline over the past two years has been especially significant in the department of Guatemala, which includes the capital and surrounding municipalities, where homicides fell by 20 per cent between 2010 and 2011. Although it is too early to tell whether this is a true turnaround, it may indicate that improvements in preventive and investigative policing are having an impact in some neighbourhoods. Homicides dropped by 21 per cent in the northern department of Petén, where the government declared a state of siege in 2011 to fight Mexican drug cartels, but their rate increased in the departments of Zacapa (up 23 per cent), Jutiapa (up 20 per cent) and Santa Rosa (up 14 per cent). That suggests traffickers and other organised criminals continue to stoke violence outside the capital, where police are especially outgunned and undermanned.¹³ All three departments are entry points for illegal drugs. Zacapa and Jutiapa are on the eastern border with Honduras and El Salvador; Santa Rosa lies along the southern, Pacific coast.

The increasing importance of Central America as the gateway for drugs en route to Mexico and the U.S. explains much of the violence.¹⁴ In Central America as a whole, homicide rates climbed after 2007, while in the rest of the hemisphere they have generally fallen or remained fairly stable.¹⁵ Over the same period, the region became the principal conduit for cocaine shipped north from South Ameri-

⁸ Crisis Group email correspondence, 1 June 2012. Gutierrez, now director of the Foundation for Economic, Social and Cultural Rights in Latin America (DESC), served as foreign minister and secretary for strategic analysis under President Portillo.

⁹ Helen Mack, “Estado de situación de la reforma policial”, speech on the police reform commission’s work, 18 August 2011. She leads the Fundación Myrna Mack, named after her sister, an anthropologist killed by the military in September 1990.

¹⁰ Crisis Group interview, Guatemala City, 3 March 2012. She is executive director of the Teaching Institute for Sustainable Development (IEPADES).

¹¹ Carlos A. Mendoza, “Central American Business Intelligence” (CABI), 14 March 2012. Mendoza analyzes security for CABI’s “Black Box” blog, <http://ca-bi.com/blackbox/>. His statistics are from the PNC.

¹² “Global Study on Homicide, 2011”, United Nations Office on Drugs and Crime (UNODC), p. 21. The rate for the U.S. States and other countries is from the UNODC database, at www.unodc.org/unodc/en/data-and-analysis/homicide.html.

¹³ Carlos Mendoza, “Geografía de la violencia homicida”, Plaza Pública (plazapublica.com.gt), 17 February 2012. Mendoza uses figures from the PNC to calculate homicide rates.

¹⁴ See Crisis Group Latin America Report N°39, *Guatemala: Drug Trafficking and Violence*, 11 October 2011.

¹⁵ “Global Study on Homicide”, op. cit., p. 25.

ca, as traffickers, under increasing pressure from Mexican authorities, sought new routes. According to U.S. government estimates, about 28 per cent of the cocaine headed for U.S. markets in 2007 came through Central America; by 2010, it was more than 80 per cent.¹⁶

A World Bank study concluded trafficking was a principal driver of Central American violence, noting that homicide rates have risen especially sharply in areas with relatively high volumes of narcotics seizures.¹⁷ Violence has also had an impact on economic growth. The same study, based on 2008 findings, estimated that security-related expenses and losses cost Guatemalan businesses about 3.9 per cent of sales each year and that the total economic cost of crime in the country was some \$2.3 billion annually, about 7.7 per cent of GDP. Much of this represented harm to individuals: health costs, including medical care, lost production and emotional damage came to an estimated 4.3 percent of GDP.¹⁸

Guatemala suffers from risk factors closely associated with violence throughout the world. A UN Office on Drugs and Crime (UNODC) study found homicides to be more common in countries with low levels of human development and high levels of income inequality.¹⁹ Though considered a lower-middle-income country, Guatemala ranks below all in the Americas except Haiti on the human development index of the UN Development Programme (UNDP), including next to last status for infant mortality, life expectancy and percentage of national income spent on education and health.²⁰ The areas most affected are indigenous communities in the highlands.²¹

Key to turning crime rates around is improving rule of law; UNODC found that “virtually all countries where there has been a strengthening of the rule of law ... have also experienced a decline in the homicide rate”.²² However, rule of law in Guatemala, according to a World Bank index, has improved little over the sixteen years since the armed

conflict ended. The country consistently ranks among the lowest in Latin America on the index.²³

These findings suggest that police reform is only sustainable within broader reforms aimed at addressing the institutional and cultural factors that undermine rule of law. The police operate not in a vacuum but within a criminal justice system that has never functioned under transparent rules that apply to rich and poor, white, mixed and indigenous, alike. The authors of the World Bank’s World Development Report (WDR) 2011 found that societies able to control violence over the long run have strong political and social institutions – defined as the rules and norms that govern behaviour. These function as a kind of “immune system” allowing them to withstand pressures and stresses that can generate conflict, whether internal, such as poverty, youth unemployment and corruption, or external, such as international criminal networks.²⁴

The WDR 2011 argues for a multifaceted approach that includes building coalitions for change, generating confidence by delivering early, tangible results and focusing on establishing the basic institutional functions that can provide citizen security, justice and jobs before tackling more controversial political or economic reforms.²⁵ Perhaps most importantly, it counsels patience: “Creating the legitimate institutions that can prevent repeated violence is, in plain language, slow. It takes a generation. Even the fastest-transforming countries have taken between 15 and 30 years to raise their institutional performance ...”²⁶

Guatemala, sixteen years after the peace accords that ended its armed conflict, is in the middle of this transition, still coping with a legacy of twentieth century violence and repression as it struggles to confront the new challenges posed by 21st century organised crime.

¹⁶ See Crisis Group Report, *Guatemala: Drug Trafficking and Violence*, op. cit., Appendix C, p. 24.

¹⁷ “Crime and Violence in Central America”, World Bank, September 2010, p. 22; also Crisis Group Report, *Guatemala: Drug Trafficking and Violence*, op. cit., pp. 6-8; and “Global Study on Homicide”, op. cit., pp. 51-52.

¹⁸ “Crime and Violence”, op. cit., p. 6.

¹⁹ “Global Study on Homicide”, op. cit., p. 10.

²⁰ “International Human Development Indicators”, UNDP database at <http://hdrstats.undp.org>.

²¹ According to UNICEF, chronic malnutrition affects 49 per cent of the population under the age of five overall. However, 52 per cent of young children in rural, largely indigenous areas are malnourished compared to 29 per cent in urban areas. See “Latin America and the Caribbean”, UNICEF Humanitarian Action for Children, 2011.

²² “Global Study on Homicide”, op. cit., p. 33.

²³ Worldwide Governance Indicators at <http://info.worldbank.org>. The World Bank rule of law index uses surveys and economic data to measure “perceptions of the extent to which agents have confidence in and abide by the rules of society, and in particular the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence”. Among the seven countries of Central America, Guatemala ranked last on this index.

²⁴ See in particular the “Overview”, p. 7.

²⁵ Ibid, Chapter 8: “Practical Country directions and options”, p. 248

²⁶ Ibid, “Overview”, p. 10.

III. CREATING A CIVILIAN POLICE FORCE

Guatemala has never had strong political and judicial institutions. The military governments that controlled the country for much of the twentieth century ruled by force, not elections and laws. Though the election of a civilian president in 1986 ended sixteen years of direct military rule, the armed forces kept control over security forces. The counter-insurgency campaign against leftist guerrillas and their perceived supporters continued for another ten years.²⁷ The most atrocious violations, such as massacres of indigenous villagers in the northern highlands, occurred before the advent of civilian rule, but elected presidents lacked the power either to investigate them or prevent continued assassinations, abductions and forced disappearances.²⁸

Only recently has the justice system, which was converted from an inquisitorial to an accusatory system in 1994, begun to hold the armed forces accountable for atrocities committed during the armed conflict. In 2011, five former soldiers were convicted and given life sentences for the 1982 massacre of about 200 people in the indigenous village of Dos Erres. The courts have also upheld genocide charges against former President Efraín Ríos Montt and two other members of the high command. The vast majority of the killings have never been investigated, however, and the perpetrators remain unpunished.²⁹

Consolidating civilian control over the state was the central goal of the 1996 agreements that ended the long armed conflict. That meant democratising military doctrine, reducing the size of the armed forces, dismantling units implicated in human rights abuse and creating robust, professional civilian security forces able to “protect and guarantee the exercise of the rights and freedom of the individual, pre-

vent, investigate and combat crime, and maintain public order and internal security”.³⁰

A. BUILDING THE PNC

The peace accords mandated drastic cuts in the armed forces accompanied by rapid expansion of the police. This is one of the few areas in which the government has more than complied with its obligations under the agreement. Over the past decade and a half, democratically-elected presidents have expanded the police from 12,000 to 25,000 while shrinking the military from 47,000 to about 17,000.³¹ In the rush to expand the police, however, many former members of the old National Police were incorporated into the new PNC with little additional training or background checks.³² Human rights investigators are only now scrutinising the role of police death squads during the armed conflict. A vast archive of police documents, found by chance in a dilapidated munitions dump, may reveal the fate of thousands who disappeared from the 1960s through the early 1990s.³³

Although the PNC is far from the brutal, unaccountable force that helped the military eliminate dissident union leaders, students, journalists and intellectuals, it is a long way from becoming a professional institution of law enforcement with self-respect, *esprit de corps* and citizen trust. In its ninth and final report, published in 2009, the UN Verification Mission (MINUGUA) issued a diagnosis that remains true: “Lacking the minimal resources and infrastructure to do their jobs, many honest and hardworking members of the police are demoralised”. It called on the government to implement key elements of the “identified” reform strategy, including “strengthening of the po-

²⁷ “Guatemala: Memory of Silence”, a report issued in 1999 by the UN-sponsored Commission for Historical Clarification (CEH), available at <http://shr.aaas.org/guatemala/ceh/report/english/toc.html>. The CEH registered 42,275 victims. By combining these numbers with the results of other studies, it estimated that total deaths and disappearances exceeded 200,000. It concluded that more than 90 per cent were attributable to the army.

²⁸ See special sections on Guatemala, in the annual reports from 1986 to 1996 of the Inter-American Commission on Human Rights, www.cidh.org.

²⁹ On the convictions for the Dos Erres massacre, see “Guatemala: Fifth former soldier convicted over role in Dos Erres massacre”, Amnesty International, 14 March 2012. On Efraín Ríos Montt, see “Guatemala: Former head of state’s trial for genocide one more step against impunity”, Amnesty International, 27 January 2012. Ríos Montt also faces a second trial for ordering the Dos Erres massacre, “Former Guatemala dictator to face massacre charges”, Reuters, 21 May 2012.

³⁰ “Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society”, Mexico City, 19 September 1996, section 23.

³¹ J. Mark Ruhl, “The Guatemalan Military Since the Peace Accords”, *Latin American Politics and Society*, vol. 47, no. 1 (spring 2005), p. 60; Hugh Byrne, et al., “Rescuing Police Reform: A Challenge for the New Guatemalan Government”, WOLA, January 2005, p. 16; Stephen Johnson, et al., “Police Reform in Latin America: Implications for U.S. Policy”, Center for Strategic and International Studies, February 2012, p. 9. Crisis Group telephone interview, defence ministry spokesman, 19 July 2012.

³² “Protect and Serve? The Status of Police Reform in Central America”, WOLA, June 2009, p. 12.

³³ Investigators discovered rooms piled to the ceiling with files while inspecting an old police building for undetonated, explosives. More than ten million documents have been scanned and posted online by the University of Texas: <http://ahpn.lib.utexas.edu>. Guatemalan National Police Archive Project, Human Rights Data Analysis Group: A Benetech Initiative. www.hrdag.org, and Julian Smith, “A Human Rights Breakthrough in Guatemala”, *Smithsonian* magazine, October 2009.

lice academy ... purging of corrupt and abusive elements ... [and] a large increase in the PNC budget".³⁴

Instead, even incremental change has been hampered by turmoil in the government ministry, which oversees the PNC. During President Álvaro Colom's four years (2008-2012), it had five ministers, three of whom left office in disgrace. Raúl Velásquez faces money laundering and extortion charges; Salvador Gándara is awaiting trial on conspiracy and fraud charges; and Francisco Jiménez resigned in a scandal over irregularities in a contract for ID documents.³⁵ Of the five PNC directors during Colom's term, two subsequently went to jail (one of whom was later acquitted); another was recently arrested on charges related to extra-judicial killing of suspects during her tenure.³⁶

Given the barrage of headlines involving high-level officials accused of corruption and abuse, the dismal image of police is hardly surprising. In Latin America as a whole, only one third of the public feel some or much confidence in the police, according to 2011 polls, but in Guatemala a mere 15 per cent do.³⁷ Only 27 per cent believe the government can solve the crime problem, and only 22 per cent think it can effectively combat drug trafficking, the lowest levels in the region. These polls also suggest that the problem is wider than concerns about crime or dissatisfaction with law enforcement. Guatemalans are the least likely in the region to believe that the state can solve the problems of poverty (17 per cent) and corruption (18 per cent).³⁸ Less than one third express satisfaction with democracy (23 per cent, tied for last with Mexico). They also regard each

other with suspicion: less than one fifth say their fellow citizens obey the law.³⁹

B. FISCAL OBSTACLES

Scepticism regarding the state's ability to solve problems and enforce the law, coupled with the general belief that laws are not obeyed, helps explain the resistance among the upper and middle classes to paying the taxes necessary to strengthen state infrastructure and enhance government capacity. Tax reform has been the third rail of politics, with fiscal revenues as a percentage of national income about 10 per cent, well below the average among other lower-middle-income countries globally (13 per cent), including neighbouring El Salvador (13 per cent) and Honduras (15 per cent).⁴⁰ The last major effort to overhaul the system came in 2001, when Alfonso Portillo attempted to pass a fiscal package, including increases in value-added taxes and measures to curb tax evasion. Most failed in the face of street protests organised by an alliance of business groups and labour unions, including a general strike that practically shut down the capital.⁴¹

Colom also attempted a fiscal reform, which failed in a fractured Congress. But his government, largely through the efforts of first lady Sandra Torres, enacted social welfare programs credited with alleviating severe poverty. Mi Familia Progresiva (My Family Progresses), launched in 2008, was the first conditional cash transfer program, providing subsidies to pregnant women and families with children under sixteen. Beneficiaries agreed to visit health care centres and keep children in school. A UNDP analysis of the first two years credited it with helping 23 per cent of the population, including roughly 45 per cent of the poor.⁴² However, the social programs were funded by increasing public debt and, some critics say, siphoning away money from public security, including the police.⁴³

³⁴ Report of the Secretary-General, 30 August 2004, at http://en.wikisource.org/wiki/MINUGUA_-_Ninth_report.

³⁵ Claudia Palma, "Escándalos en casa, luego de tres años de gobierno", *elPeriódico*, 14 January 2011; "Ordenan juicio al ex ministro de Gobernación, Raúl Velásquez", *elPeriódico*, 15 February 2012; Byron Rolando Vásquez, "Sala fija fianza de Q15 millones a Salvador Gándara", *Prensa Libre*, 29 June 2012.

³⁶ Baltazar Gómez, PNC director from August 2009 to March 2010, is serving five years for corruption. Gladys Galeano, "Condenan a ex funcionarios policíacos", *elPeriódico*, 26 August 2010. He has also been linked to the ongoing CICIG investigation into the Amatitlán drug heist. R. Gonzalez, "Segunda Cúpula de la PNC capturada por supuestos nexos con el narco", *elPeriódico*, 3 March 2010. His predecessor, Porfirio Pérez Paniagua, served seventeen months for drugs theft, but his conviction was overturned in January 2011 on appeal. Gladys Galeano, "Admiten imposibilidad para demostrar culpa de Pérez", *elPeriódico*, 9 February 2011. Marlene Blanco, director from September 2008 to June 2009, was arrested in connection with the police killing of suspected extortionists. "Los hombres de Marlene Blanco Lapola", *elPeriódico*, 20 April 2012.

³⁷ Marta Lagos and Lucía Dammert, "La seguridad ciudadana: El problema principal de América Latina", *Latinobarómetro*, 9 May 2012, p. 56.

³⁸ "Informe 2011", *Latinobarómetro*, pp. 90-91.

³⁹ On satisfaction with democracy, see "Informe 2011", op. cit., p. 98; on citizens obeying the law, see Lagos and Dammert, op. cit., p. 48.

⁴⁰ World Bank data base, 2009 figures for tax revenue as a percentage of GDP, <http://data.worldbank.org>.

⁴¹ Rachel Sieder, et al., "Who Governs? Guatemala Five Years after the Peace Accords", Hemisphere Initiatives, January 2002, p. 17. On tax resistance, see Archana Sridhar, "Tax Reform and Promoting a Culture of Philanthropy: Guatemala's 'Third Sector' in an Era of Peace", *Fordham International Law Journal* 31, issue 1, 2007, pp. 188-189.

⁴² "Mi familia progresiva: ejercicio de apreciación sustantiva", Programa de las Naciones Unidas para el Desarrollo (PNUD), July 2011, p. 8.

⁴³ The Grupo de Apoyo Mutuo (GAM) said the government in 2010 transferred about 1.6 million quetzals (\$200,000) from security, including PNC, programs. "PNC ha sufrido debilitamiento durante la administración de Menocal", 14 January 2011.

Pérez has advantages over his predecessors when it comes to securing the funding necessary for reform. Guatemala has recovered from the global financial crisis that hit just after Colom took office in 2008. The governing Patriot Party is stronger than Colom's National Unity of Hope (UNE), which was torn by infighting in Congress and the cabinet.⁴⁴

Within a month of taking office, the Pérez government managed to break the logjam over tax policy in Congress, a prerequisite for any significant upgrade of security forces. The "fiscal update" law passed in February 2012 should raise an additional \$585 million over the next four years.⁴⁵ It offers tax relief to the poor by raising the income tax threshold, helps the middle class by reducing rates paid by salaried workers and abolishes concessions favouring high earners, such as the ability to offset income tax by the amount paid in sales tax. Though it favours business by lowering corporate taxes, it also introduces a capital gains tax on investments.⁴⁶ Another law (first proposed by Colom) increases fines and penalties for tax evasion.⁴⁷ A draft law against "illicit enrichment" and other measures designed to prevent public officials from soliciting bribes are pending before Congress.⁴⁸

The key to securing the new revenues, however, is enforcement of the provisions against tax evasion. Economists estimate that 40 to 50 per cent of economic activity is in the informal sector, where it is easier to evade taxation.⁴⁹ "The law may be very good", said Ricardo Barrientos, senior economist with the Central American Institute for Fiscal Studies (ICEFI), "but if tax impunity prevails, it won't do much good".⁵⁰

Even if his government can collect the new taxes, Pérez may be hard-pressed to fulfil his campaign promises. Shortly after taking office, he said he hoped to add 10,000 police over four years, a 40 per cent increase. That implies an additional cost of \$337 million in salaries plus \$45 million to train the recruits, all together about 65 per cent of the added revenues projected under the reform.⁵¹ In addition, the president has promised to build a \$2 million police officers school within his first months.⁵² These expenses must be added to the costs of funding 1,000 troops for the two new army brigades and of modernising army equipment, as promised in the president's first address to the armed forces.⁵³ Nor has Pérez ignored the most urgent social concern: he has vowed to reduce the malnutrition that affects nearly half of all children under five by 10 per cent during his term, through a program providing food and vitamins to pregnant women and these young children in high-risk municipalities.⁵⁴

Foreign aid may help. The U.S. is the largest individual donor behind the Central American Regional Security Initiative (CARSI), which provides equipment, training and technical assistance to justice and security institutions. Funding increased from \$102 million in 2011 to \$135 million in 2012, though the budget request for 2013 fell back to \$108 million. About 17 per cent of these funds are destined for Guatemala.⁵⁵ Donors interviewed in recent months agree, however, that Guatemala should not expect funding indefinitely. If anything, the European and U.S. donors who have bankrolled peacekeeping forces and security training since the 1990s are likely to decrease their

⁴⁴ Crisis Group Briefing, *Guatemala's Elections*, op. cit., p. 4.

⁴⁵ "Congreso aprueba con urgencia reforma fiscal", Agence France-Press, 16 February 2012.

⁴⁶ See "Análisis del 'Pacto Fiscal para el Cambio'", Instituto Centroamericano de Estudios Fiscales, February 2012. Critics say the law should have also done more to increase royalties paid by foreign investors. Instead, the government negotiated a "voluntary" increase in royalty payments from 1 per cent to 5 per cent, which critics call low compared to what other hemisphere governments collect. See Liezel Hill, "More Mining Tax, Royalty Hikes 'Inevitable'", *Mining Weekly* (online), 10 June 2011.

⁴⁷ Karen Cardona, "Diputados aprueban ley anti-evasion fiscal", *Prensa Libre*, 12 January 2012.

⁴⁸ "Guatemalan President proposes reforms to combat corruption", Agence France-Press, 14 March 2012. The president failed to get enough votes to pass the "illicit enrichment" bill as a matter of national urgency in June, putting it on hold. See Enrique García, "Votan a favor, pero están en contra de ley de enriquecimiento ilícito", *el Periódico*, 21 June 2012.

⁴⁹ See, for example, Guillermo Vuletin, "Measuring the Informal Economy in Latin America and the Caribbean", International Monetary Fund (IMF) working paper, April 2008, p. 25.

⁵⁰ Crisis Group interview, Guatemala City, 19 March 2012.

⁵¹ Ana Gonzalez, "Gobernación buscará sumar 10,000 agentes de policía en cuatro años", *Diario de Centro América*, 19 January 2012. According to this story in the official government newspaper, each police agent costs about 65,000 quetzals (\$8,442) in salary and equipment each year, while police academy training costs 35,000 quetzals (\$4,545) for each student.

⁵² Óscar F. Herrera, "Priorizarán apoyo a la reforma policial", *el Periódico*, 15 November 2011; Areli Alonzo, "Invertirán Q15 millones en Escuela para Oficiales de la PNC", *Diario de Centro América*, 25 April 2012.

⁵³ Pérez speech to the Mariscal Zavala Brigade, op. cit. The additional troops will bring the size of the army to 21,000. Crisis Group telephone interview, Rony Urizar, spokesman, defence ministry, 5 June 2012.

⁵⁴ See UNICEF, op. cit. Willverth Girón, "Hambre Cero arranca con la meta de reducir la desnutrición en 10%", *Siglo 21*, 17 February 2012; Claudia Palma, "Programa Hambre Cero costará Q2 millones", *el Periódico*, 7 February 2012.

⁵⁵ See Peter J. Meyer, Clare Ribando Seelke, "Central America Regional Security Initiative: Background and Policy Issues for Congress", Congressional Research Service (CRS), 21 February 2012. Other non-CARSI funding in the police, rule of law, justice and security area was estimated to boost total security spending in Central America to \$290 million in FY2011, *ibid*, p. 21. Guatemala's share, Crisis Group email correspondence, State Department official, 1 June 2012.

outlays, especially if the Pérez government proves unable to shoulder a larger share of the costs. “Donors are losing patience”, said a diplomat. Guatemala’s “golden opportunity is ending”.⁵⁶

Guatemala lags behind its Central American neighbours in spending on public security. While such regional spending as a percentage of national income increased from 2.28 per cent in 2006 to 2.66 per cent in 2010, it fell from 2.31 per cent to 2.16 per cent in Guatemala.⁵⁷ The fiscal reform, which goes into effect in 2013, may raise revenues to 12 per cent of GDP, if well administered. But that would still be well below the Latin American average of 20 per cent and far below the 35 per cent average in developed countries.⁵⁸

Guatemala also trails its neighbours in terms of police relative to population. It has 174 police per 100,000 inhabitants. Honduras has 180 per 100,000 and El Salvador 334 per 100,000. According to the government minister, Guatemala should have between 350 and 370 police per 100,000.⁵⁹ Private security guards far outnumber the 25,000 PNC. At the end of 2011, the government ministry had registered 149 security companies with 41,000 agents. An additional 80,000 are estimated to work without authorisation.⁶⁰

C. REFORM REDUX

There is little or no controversy over the type of reform needed to create competent police forces. Interviews with actors from government, civil society and donors revealed broad agreement about fundamental changes: a well-equipped and staffed academy; motivated investigators versed in the rules of evidence and able to utilise modern techniques; and training to prevent crime in collaboration with community leaders. Nor do Guatemalans lack policy tool kits and expert analysis. “You could fill a warehouse with manuals written by the international community”, said

security expert de León-Escribano. The problems with our police have been “hyper diagnosed”, added Mario Mérida, a former director of military intelligence.⁶¹

What experts and practitioners of police reform lament is the failure to follow a coherent strategy. “The government has never committed itself to an agenda for security reform”, said a Guatemalan police expert working for a foreign government. “They have never been able to set priorities and stick with them”. “There is still no clear model”, said de León -Escribano. “It’s a jumble, a salad of initiatives”. A foreign expert with years of experience in police reform commented that Guatemala’s leadership has simply lacked commitment: “The government needs to do everything it can to make these models work. They never have”.⁶²

Pérez has named a new police reform commissioner, Adela de Torrebiarte, to oversee institutional change within the PNC. She promises to build on the strategic reform plan outlining specific measures to be implemented from 2012 to 2020 that was drawn up by Helen Mack. “The model [for reform] should not change with each new minister”, she said. “Our challenge is to give the institution enough strength to withstand the tendency of each government to undo everything achieved by its predecessor”.⁶³

But some are sceptical of the president’s commitment to reform. His military background – Pérez is a former member of the Special Forces (Kaibiles), commanded troops during the internal conflict and served as head of military intelligence – remains a source of concern for human rights defenders and activists.⁶⁴ Their fears were heightened with his decision to send the army to Santa Cruz Barrillas, a small, largely indigenous town in Huehuetenango, after residents, angry at the death of a local activist, briefly took over a small army post. Although the state of siege was quickly lifted, it raised the question of whether Pérez, like

⁵⁶ Crisis Group interview, Guatemala City, 5 March 2012.

⁵⁷ “Información sobre el gasto público de seguridad y justicia en Centroamérica”, UNDP, June 2011. For averages in Latin America and among OECD members, see “Latin America Economic Outlook 2012: Transforming the State for Development”, UN Economic Commission for Latin America and the Caribbean and Development Centre of the Organisation for Economic Co-operation and Development, p. 11.

⁵⁸ Crisis Group interview, government official, Guatemala City, 16 May 2012. “Latin American Economic Outlook 2012”, op. cit., p. 11.

⁵⁹ “Índice de Seguridad Pública y Ciudadana en América Latina: El Salvador, Guatemala y Honduras”, Red de Seguridad y Defensa de América Latina (RESDAL), October 2011, pp. 25, 47, 69. Remarks by Mauricio López Bonilla, government minister, at the Universidad del Valle de Guatemala, 5 July 2011.

⁶⁰ “Gobernación registra 149 empresas de seguridad privada”, *Prensa Libre*, 30 December 2011.

⁶¹ Crisis Group interviews, Guatemala City, 8 March 2012; 22 August 2011.

⁶² Crisis Group interviews, Guatemala City, 20 December 2011; 8 March 2012; 17 January 2012.

⁶³ Crisis Group interview, Guatemala City, 11 April 2012. Like Mack (see fn. 9 above), de Torrebiarte became involved in security issues due to personal trauma, starting with Madres Angustias, an association that tracks crimes and supports victims, after her son was kidnapped in 1996. Marta Sandoval, “Adela de Torrebiarte de la A a la Z”, *el Periódico*, 21 August 2011.

⁶⁴ Crisis Group interview, Idivina Hernández, executive director, Association for the Study and Promotion of Security in Democracy (SEDEM), Guatemala City, 18 January 2012. The Kaibiles have been implicated in human rights abuses during the internal conflict, such as the Dos Erres massacre. See “Guatemala: Memory of Silence”, op. cit., annex 1, vol. 1, case no. 31.

military presidents in the past, was using force to quell social protest.⁶⁵

D. MILITARY VERSUS POLICE

While no one doubts that the Pérez government controls the armed forces, not vice versa, it relies heavily on them for key security functions. The problem is not new. An analysis of politics five years after the peace accords pointed out: “There is no clear or coherent agreement among civilian government officials about what role the armed forces should play. Instead, there is [a tendency to] resort to employing the armed forces on an ad hoc basis to assist with critical tasks that civilian institutions are incapable of performing”.⁶⁶ Adding to some analysts’ concern is the prominent role of former officers in the new government. The government ministry, which oversees police, immigration and the prison system, is run by a retired lieutenant colonel, Mauricio López Bonilla, whose vice minister for security, Julio Rivera, is also a retired lieutenant colonel. The head of the National Security Council is retired General Ricardo Bustamante, like Pérez a former Kaibil. The president’s private secretary and the secretary for administrative and security affairs are also ex-military officers.⁶⁷

The decision to use the army for fighting crime makes human rights defenders even more concerned. Soldiers accompany police on patrols in high-crime areas, man checkpoints and provide logistical and intelligence support to the new anti-crime task forces. Activist Iduvina Hernández says that such a prominent role in domestic law enforcement amounts to applying “a counter-insurgency strategy to public security policy”.⁶⁸

Deploying the military to supplement civilian law enforcement is far from unusual in Latin America. All three presidents in Central America’s violent Northern Triangle have turned to active or retired officers for leadership in the fight against crime. In Honduras, Porfirio Lobo has given the army emergency authority to search and arrest and proposed amending the constitution to make such powers

permanent.⁶⁹ In El Salvador, Mauricio Funes has named ex-generals to head the national police and the justice and security ministry, angering members of his own left-wing Farabundo Martí National Liberation Front (FMLN), founded by Marxist guerrillas in the 1980s. He also increased the armed forces from about 11,000 when he took office in 2009 to more than 17,000 by the end of 2011.⁷⁰ Felipe Calderón has deployed tens of thousands of troops throughout Mexico to battle drug cartels. Though he justified this as a stop-gap measure to counter police corruption, critics say militarising counter-narcotics operations contributes to increased human rights violations and unnecessarily escalates violence.⁷¹

The Pérez government is “strengthening the military at expense of the police”, said Marco Antonio Canteo, director of the Guatemalan Institute for Comparative Studies in Penal Sciences. “The army should not be the principal actor on security matters”. Others worry that even joint task forces debilitate civilian law enforcement. Helen Mack emphasised that these “should function within the PNC. Otherwise they further weaken the institution”.⁷²

Constitutional reforms proposed by the Pérez government in July 2012 would establish the police as the security force responsible for preventing and investigating crime and maintaining public order, a change that has been advocated by human rights groups. The president could still deploy the military to support police in maintaining internal security, but only in exceptional circumstances and for limited periods.⁷³

Putting soldiers on the streets is popular in a country where the military enjoys more confidence than other institutions.⁷⁴ President Colom declared states of siege twice in 2011, dispatching the army to two northern departments after police could or would not confront the Mexican-led Zetas cartel. Troops were sent to take Alta Verapaz De-

⁶⁵ Human rights groups and the UN High Commissioner for Human Rights’ representative said many of seventeen detentions during the state of siege were illegal for lack of a court order. Carolina Gamazo, “Levantado Estado de Sitio en Santa Cruz Barillas”, *el Periódico*, 19 May 2012; “UDEFEQUA exige cese de medida en Santa Cruz Barillas”, *Prensa Libre*, 27 May 2012.
⁶⁶ “Who Governs?”, op. cit., p. 13.

⁶⁷ “Quien es quien en el gabinete de Otto Pérez”, *Revista Análisis de la Realidad Nacional*, Instituto de Problemas Nacionales, Universidad de San Carlos (no date available). López Bonilla, according to his official CV, trained with the Kaibiles.

⁶⁸ Crisis Group interview, Guatemala City, 18 January 2012.

⁶⁹ Tatiana Faramarzi, “Desperate Measures? Honduras Considers Blurring Military-Police Role”, In Sight: Organized Crime in the Americas, 27 March 2012.

⁷⁰ Salvadoran President Funes criticised for police choice”, BBC News, 24 January 2012. Ronan Graham, “El Salvador’s Military has Grown 50 Per Cent under Funes”, “In Sight: Organized Crime in the Americas”, 8 December 2011.

⁷¹ See Luis Astorga and David A. Shirk, “Drug Trafficking Organizations and Counter-drug Strategies in the U.S. Mexican Context”, Center for U.S.-Mexican Studies, University of California, San Diego.

⁷² Crisis Group interviews, Guatemala City, 19 January 2012; 13 June 2012.

⁷³ Proyecto de reforma a la Constitución Política”, op. cit., pp. 15-16.

⁷⁴ Guatemalans tend to distrust most government institutions. Two of three feel little or no confidence in the military, according to Latinobarómetro 2010. But four of five distrust the police and judiciary, database, www.latinobarometro.org.

partment back from traffickers who extorted local businesses and drove through the city of Cobán in heavily-armed caravans. They were deployed to Petén after Zetas claimed responsibility for the massacre of 27 farm labourers in an apparent attempt to exact revenge against their employer.⁷⁵

Some analysts say Pérez had little choice but to use the military to fight crime, given police inefficiency and corruption. “The capacity of the police is very limited”, said Miguel Castillo, a political scientist at Francisco Marroquín University. “Pérez decided that to have an immediate impact on crime he had no choice but to bring in the army”.⁷⁶ The government insists the use of soldiers to supplement patrols and man roadblocks is temporary, until new police come online. According to Government Minister López Bonilla, by the end of Pérez’s term, “there will be no citizen security squads from the army ... public security will be completely in the hands of the National Civil Police”. He denied the armed forces were “militarising” the police: “Those in command of police are police” not military, he said, and his goal is to leave office having built “a strong police institution ... not a military one”.⁷⁷

Investigative task forces, including prosecutors, police and military officers, are temporary teams to help solve high-impact crimes, the government says. Their high profile facilitates collaboration with other institutions that can help produce evidence, such as the tax authority and prisons. The army provides reconnaissance and security, said Juan Pablo Rios, an ex-prosecutor heading a task force on *sicariato* (contract killings), whose members work on a backlog of 2011 cases and have identified suspects in 700 murders linked to two criminal groups. They collaborate with a homicide unit formed and trained with the help of Spanish aid that has solved killings by connecting individual crimes to organisations. “Until 2009, it was thought one person was responsible for each homicide, but that is not so. We have frequent clients: many killings in the hands of a few people. These aren’t psychopaths working alone but hit men at the service of organised crime”, Rios said.⁷⁸

IV. INVESTIGATIVE POLICING

The hit took place shortly before dawn on Liberation Boulevard, a major artery running through Guatemala City. A car pulled up beside a white Range Rover, spraying it with automatic weapons fire before armed bodyguards, following in another vehicle, could respond. The assassins sped away after killing a passenger and injuring the driver.⁷⁹

The odds were against authorities ever capturing the authors of that murder-for-hire on 9 July 2011. Nearly 97 per cent of murders in Guatemala go unpunished.⁸⁰ But this was not just another case of score-settling among criminals. According to the police, the hit men had apparently targeted the right car but the wrong man: the victim was 74-year-old Facundo Cabral, the internationally known Argentine singer/songwriter and passionate voice against dictatorship and violence since the 1970s. He died on his way to the airport after accepting a lift from Henry Fariña, the Nicaraguan entrepreneur who had organised his Central American concert tour.⁸¹

Stung by a story that made global headlines, investigators quickly gathered information on the scene and from security cameras at the luxury hotel where Cabral had stayed. Within hours, they had found the car used in the crime, a blue Hyundai stolen days before and abandoned on a road leading toward wealthy suburbs south east of the city. Spent AK47 casings were inside, a bulletproof vest and a Glock semi-automatic pistol in a ditch nearby.⁸² Within 72 hours, police had arrested two men accused of taking part and were on the trail of the two shooters. They had also identified the man suspected of ordering the hit: a Costa Rican entrepreneur, Fernando Alejandro Jiménez, a.k.a “Palidejo” (Paleface), said to be a major money launderer for the Mexican Sinaloa cartel. Eight months later, Colombian au-

⁷⁵ See Crisis Group Report, *Guatemala: Drug Trafficking and Violence*, op. cit.

⁷⁶ Crisis Group interview, Guatemala City, 20 January 2012.

⁷⁷ José Luis Sanz, Carlos Martínez, “Interview with Mauricio López Bonilla”, *El Faro* (online, El Salvador), 11 June 2012.

⁷⁸ Crisis Group interview, 3 July 2012. See also Beatriz Colmenares, interview with Juan Pablo Rios and Mirna Carrera, *elPeriódico*, 15 April 2012.

⁷⁹ Crisis Group interview, homicide detective, Guatemala City, 15 March 2012. See also Juan M. Castillo and Mardín del Cid Caso, “Facundo Cabral: Cámaras de tránsito, la clave para detención de dos sospechosos”, *elPeriódico*, 13 July 2011.

⁸⁰ The impunity rate is 96.5 per cent, according to the “International Narcotics Strategy Report 2012”, vol I: Drug and Chemical Control, country reports: Guatemala, U.S. Department of State. The annual report of the government’s human rights ombudsman, recorded 5,681 murders in Guatemala in 2011 but only 187 arrests for murder. “Informe Anual Circunstanciado 2011”, Anexo I, Procurador de los Derechos Humanos, pp. 357, 375.

⁸¹ Tim Padgett, “The murder of Facundo Cabral: Death squads still roam Latin America”, *Time* magazine, 11 July 2011.

⁸² Crisis Group interview, homicide detective, Guatemala City, 15 March 2012.

thorities captured him on a boat from Panama as he tried to enter the country under false identity.⁸³

The Cabral case was far from routine. The singer's fame spurred Guatemalan authorities to clear the bureaucratic hurdles that often impede more effective investigations and galvanised international action. CICIG analysts worked with Guatemalan investigators to collect and review evidence.⁸⁴ But the case shows what the investigative police – most of whom still suffer from a chronic lack of resources and institutional support – can accomplish when given the training, legal instruments, technology and inter-institutional cooperation to do their jobs.

The investigation fell to the metropolitan Crimes Against Life Unit, 142 investigators who handle about 1,000 homicides in and around the capital annually. With the help of the Spanish government, which has provided training, renovated facilities and technical aid, a section once regarded as a professional dead end has been transformed into a motivated team. It also benefits from technical and legal instruments still relatively new to the police, such as wiretaps and plea-bargaining rules that give them and prosecutors the ability to monitor suspects and more leeway to cultivate informants.⁸⁵

The homicide unit is just one of the special teams (many receiving foreign assistance) credited with successful investigations into complex, high-impact crimes, such as extortion, trafficking and gang violence. The U.S. Drug Enforcement Administration (DEA) works closely with vetted units to investigate trafficking. The U.S. embassy Narcotics Affairs Section helps train and fund the National Action Unit against the Criminal Development of Gangs (PANDA). Since 2011, it has also funded the Transnational Anti-gang Centre (CAT), which began in El Salvador and works with the FBI to collect, analyse and share information on gangs operating in Central America and the U.S.⁸⁶

These initiatives have their critics, however. It is not clear whether they inspire by example or create isolated, privileged islands of competence within an institution that remains overwhelmed and underfunded. Ex-police reform commissioner Helen Mack argues that narrowly-targeted programs, such as special units and model precincts, will disappear for lack of institutional support when foreign interest fades: “The PNC as an institution needs to take ownership of these programs, and that will only happen with a cultural transformation. You cannot create a model police force by decree”.⁸⁷

A. TURBULENT HISTORY

No PNC division has had more upheaval than the investigative police. Since the 1996 peace accords, they have been reorganised three times, each time receiving a new acronym.⁸⁸ The old DIC (Division of Criminal Investigations in Spanish) was changed to the SIC (Service of Criminal Investigations) in an attempt to shed associations with the police death squads of the armed conflict. Then in 2005 President Álvaro Arzú purged the SIC of police linked to torture and killings and elevated investigations into the General Subdirectorate of Criminal Investigation, which was sub-divided into three units, including the National Criminal Investigation Division, DINC.

DINC officers were the protagonists of killings in 2007 that shook the government, revealing how deeply criminal groups had penetrated law enforcement. The incinerated bodies of three Salvadoran politicians and their driver, kidnapped on their way to a meeting of the Central American parliament, were found on a dirt road outside Guatemala City. Within three days, authorities arrested the head of the DINC's organised crime unit and three other investigators after a GPS in their vehicle put them at the scene of the crime. Three days after that, the four were dead, killed by assailants who entered their cells in a maximum security prison, slashed their throats and shot them.⁸⁹

⁸³ “Presunto asesino de Facundo Cabral es llevado rumbo a Guatemala”, *El Tiempo*, 12 March 2012; “La cacería a ‘Palidejo’, verdugo del cantante argentino Facundo Cabral”, *El Tiempo*, 17 March 2012.

⁸⁴ Crisis Group interview, Aníbal Gutierrez, CICIG political advisor, 15 May 2012. For more on the case, see Section IV.C.

⁸⁵ Plea bargaining with criminal or confidential informants was made available to prosecutors under a 2006 organised crime law but rarely used. CICIG, which proposed modifications to the law that were adopted in 2009, has been training prosecutors to use the tool in organised crime cases. See “La colaboración eficaz”, CICIG, 4 October 2010.

⁸⁶ “Abrirán Centro Antipandillas Transnacional”, *La Hora*, 11 October 2011. CAT has existed in El Salvador since 2007. See “Going Global on Gangs”, Federal Bureau of Investigation (FBI) (fbi.gov/news/stories/2007), 10 October 2007. The Narcotics Affairs Section of the U.S. embassy also provides training and

equipment for investigative units in two model precincts. See Section V below.

⁸⁷ Crisis Group interview, Guatemala City, 13 June 2012.

⁸⁸ The Judicial Police investigated crime under military governments before 1986. See “La Policía Nacional y sus Estructuras”, Archivo Histórico de la Policía Nacional, Colección de Informes, vol. 2, pp. 108-188. On restructuring since the peace accords, see “Protect and Serve?”, op. cit., pp. 32-33.

⁸⁹ See Manuel Roig-Franzia, “Linked killings undercut trust in Guatemala: Culture of corruption, impunity exposed”, *The Washington Post*, 23 March 2007; also the press release by the Inter-American Commission on Human Rights, 21 March 2007, www.cidh.org. In February 2010, a Guatemalan court convicted Manuel de Jesús Castillo Medrano, an ex-congressman and mayor, of contracting the killers on behalf of a Salvadoran congressman seeking revenge because one of the lawmakers had

The killings forced the resignations of the government minister, the PNC director and the criminal investigations sub-director.⁹⁰ Adela de Torrebiarte (now the police reform commissioner) took over the ministry, purged nearly 1,000 police and promised, once again, to restructure the institution.⁹¹ The DINC was laid to rest, then resurrected as the DEIC (Specialised Division of Criminal Investigations). But the scandals did not end. In August 2009, top PNC officials were implicated in a drug heist. After only two months in office, the director general was arrested on charges of covering up the theft of more than 100 kilos of confiscated cocaine.⁹² Again DEIC officers were accused of the crime, and the division chief lost his job.⁹³ Less than seven months later, the new PNC chief was dismissed, when hundreds of kilos of cocaine went missing after a shoot-out with traffickers that left five police dead.⁹⁴

Over the past decade, the police investigative division has had ten chiefs, only two of whom lasted more than a year. The division's problems are not limited to chaos at the top; the rank and file must deal with a crushing workload. According to a report by the police reform commission in 2011, there are only 900 investigative police – about 4 per cent of the total force – in all Guatemala. Though an increase over 2008, when there were about 400, the detectives are swamped by the sheer volume of work: 23,000 serious crimes in 2010, not counting unsolved cases from previous

years. A minimum of 2,500 investigators is needed to handle the work load, the commission said.⁹⁵

In some units the situation is especially critical: the 38 detectives assigned to investigate sexual crimes could handle only about half the complaints received in the first eight months of 2011, according to the reform commission. During the same period, about 40 detectives were assigned to investigate 1,468 car theft cases of which only 48 resulted in convictions. Motivated investigators who struggle to complete their cases feel overwhelmed: "It's like working in a sweat shop", said an officer based in a high-crime area near Guatemala City.⁹⁶

A shortage of experienced personnel compounds the problem. Those who have received special training, often donor-financed, can find private sector jobs with higher pay, better benefits and a manageable workload. "My family tells me to stop being foolish and leave the police", said the detective specialising in gang-related crimes. The officer, who has trained with police from the U.S., Europe and Israel, said he left the PNC for several years to work for a private company – "that is how I paid for my house" – but came back because he prefers police work. An international consultant said that of the hundreds of detectives trained in recent years, only a fraction are still in investigations. The others have either left the force or been assigned to other jobs.⁹⁷

Contributing to the loss of experienced personnel is the sense among detectives that their accomplishments are rarely rewarded or even acknowledged by the PNC hierarchy. "There are no incentives for good work", an investigator said. A member of a vetted unit said they received little or no recognition from police leadership and little material support. "When we need something we go to the embassy", he said, pointing to boxes of newly arrived U.S.-issue bulletproof vests.⁹⁸

Although capacity building is a major component of foreign aid, consultants said that neither the government nor donors had developed plans to match training with institutional needs. Selection often failed to take into account aptitude or interest. "They don't send their best officers to be trained", remarked a consultant, who added that the PNC

accused him of links to drug traffickers. See Hugo Alvarado, "Tribunal impone penas de 17 a 210 años en el caso Parlacen", *Prensa Libre*, 12 February 2010.

⁹⁰ CICIG later investigated these officials on separate charges related to the killing of prisoners, 2005-2007. All three have dual citizenship and are in Europe. See "Guatemalan former officials must be brought to justice over killings", Amnesty International, 8 June 2011 and fn. 133 below.

⁹¹ Luis Ángel Sas, "Cerca de mil policías son despedidos de la PNC", *elPeriódico*, 25 August 2007.

⁹² PNC Director General Porfirio Pérez Paniagua served seventeen months in prison before a court absolved him of the charges. Gladys Galeano, "Tribunal de Alto Riesgo absuelve a Porfirio Pérez", *elPeriódico*, 29 January 2011.

⁹³ Kenia Reyes, "Escuchas y testimonios relatan cómo se planificó tumbé de droga", *elPeriódico*, 7 March 2010.

⁹⁴ These cases, again, are among those investigated by CICIG. Ex-police chief Baltazar Gómez was subsequently tried on separate charges involving the diversion of government-purchased gasoline worth millions of dollars to a private company. He is serving five years in prison. See "Caso Maksana", at cicig.org. Investigations into the Amatitlán drug heist are ongoing. The case came to light after five police died in a shoot-out at a warehouse outside Guatemala City in an alleged attempt to steal a cocaine shipment from the Zetas drug cartel. "La CICIG desarticula una estructura criminal incrustada en la PNC", EFE (noticias.com.gt), 2 March 2010. Authorities discovered the traffickers killed the police with weapons from an army arsenal. Luis Ángel Sas, "¿Quién arma a los Zetas en Guatemala?", *elPeriódico*, 3 June 2009.

⁹⁵ "La policía que queremos: Plan de continuidad reforma policial", Comisión de la Reforma Policial, pp. 29, 30. Although not dated, the findings were released in October 2011. According to the report, the Subdirección General de Investigación Criminal has 1,500 employees, but 600 are administrative; only 900 are assigned to investigative work.

⁹⁶ Ibid, p. 30; Crisis Group interview, 31 January 2012.

⁹⁷ Ibid; Crisis Group interview, Guatemala City, 22 March 2012.

⁹⁸ Crisis Group interviews, Guatemala City, 9 March 2012; Mixco, 7 February 2012.

sometimes seemed to select “expendable” officers for training, meaning those who held unimportant or dead-end jobs.⁹⁹

B. THE HOMICIDE UNIT

Until a few years ago, another place to send undervalued officers was the homicide unit. As violence increased in the last decade, the capital’s Crimes Against Life Unit became one of the least desirable places to work within the investigative division. “Being transferred [there] was seen as denigrating”, said a former detective. “All you did there was retrieve corpses”. The workload was heavy, and only a tiny fraction of the perpetrators were ever apprehended. Witnesses and relatives, often fearful of suffering the same fate as the victim, rarely cooperated. “With all the headlines about police involved in crimes, no one trusted us”, said a detective.¹⁰⁰

These misgivings were not limited to the general public. Police investigators work under the guidance of the prosecutors, who oversee the collection of evidence and petition the court for arrest or search warrants and wiretaps. But many prosecutors distrust the police, including the detectives assigned to their cases. “We simply did not collaborate on investigations”, said a prosecutor. “There was no sharing of information or coordination. If we had to execute a search warrant, we would just tell them to go to a certain sector at a certain time without telling them why”.¹⁰¹

The creation of special units has begun to dissolve this distrust. Anti-narcotics teams from the PNC and the prosecutors’ ministry (the public ministry) work closely with the U.S. DEA.¹⁰² Prosecutors and police collaborated on the arrests of top suspected traffickers, including Juan Ortiz López and Waldemar Lorenzana, both of whom await extradition to the U.S. “I know that they are honest and professional”, said a prosecutor who has worked counter-narcotics cases. “They are dedicated body and soul to their unit”.¹⁰³

The metropolitan homicide team has undergone a similar transformation. In 2009, with Spanish Agency for Interna-

tional Development Cooperation (AECID) funds, it opened refurbished offices in downtown Guatemala City. AECID also gave detectives basic in-country training and supervisors an extra course in Spain. The training taught detectives to look at cases in context, seeking commonalities linking crimes to one perpetrator or gang. “Before police treated every case as an isolated incident”, said Fredy Robledo, an ex-prosecutor and consultant to the unit. “They have learned how to connect different homicides and also to connect different crimes, such as homicide and illegal association”. The new unit also initiated a 7am to 3pm workday (except for those on 72-hour shifts, who get an extra day off), allowing detectives to live at home, unlike most police, who live in barracks, and to take university criminology courses at night.¹⁰⁴ The unit manages to prevent transfers to units where detectives would be unable to use their expertise and stop requisitions for temporary patrol or politician-guarding duty.¹⁰⁵

Small changes can make a big difference, said David Montesinos of AECID, such as allowing the unit to have a petty cash fund: “That may seem like a silly thing, but before if they needed to buy gas, they had to send in a request. They couldn’t get to crime scenes because they didn’t even have money for taxis”.¹⁰⁶ The new offices, though Spartan, also help; unlike the warren of dimly-lit rooms in many stations, the unit’s open floor plan, with glass cubicles for supervisors, facilitates communication. Absent are the signs of neglect – peeling paint, mould, malfunctioning toilets – common in other police facilities around the country.

The unit meets regularly with the prosecutors who supervise their cases, a practice previously required but often avoided. Mutual respect now makes these meetings more productive, detectives said. “Police generally never dare make suggestions or contradict a [prosecutor]”, said an officer with the unit, “but in these meetings we are treated as professionals”.¹⁰⁷

The change in its relations with prosecutors is one of the homicide unit’s most important achievements. University-educated lawyers – addressed as “*licenciados*” – expect to be treated with deference by police, many of whom are from rural communities and have a rudimentary education. The experience and education of the homicide detectives has helped to bridge that gap. “We can speak to them ‘*tu a tu*’”, said a detective, using the informal Spanish pro-

⁹⁹ Crisis Group interview, Guatemala City, 20 December 2011.

¹⁰⁰ Crisis Group interviews, Guatemala City, 20 January 2012; 9 March 2012.

¹⁰¹ Crisis Group interview, Guatemala City, 25 January 2012.

¹⁰² Counter-narcotics, like criminal investigations, has known scandals followed by purges and reorganisations, most dramatically in 2006, when U.S. drug agents arrested Guatemala’s top anti-narcotics officer, Adán Castillo, after he came for a training exercise. With an informant’s help, DEA agents had taped him arranging two shipments of cocaine to a Guatemalan port. N.C. Aizenman, “Endurance of corruption shakes Guatemala anew”, *The Washington Post*, 11 March 2006.

¹⁰³ Crisis Group interview, Guatemala City, 25 January 2012.

¹⁰⁴ Crisis Group interviews, Robledo, Guatemala City, 9 March, 15 May 2012.

¹⁰⁵ Crisis Group interviews, police, 9 March 2012. Spanish help has aided in resisting pressure from higher-ups.

¹⁰⁶ Crisis Group interview, Guatemala City, 7 March 2012.

¹⁰⁷ Crisis Group interview, Guatemala City, 9 March 2012. Similar views were expressed at an interview with a top prosecutor in the public ministry, 25 January 2012.

noun. “We treat them as experts in law, and they treat us as experts in criminal investigation”.¹⁰⁸

Members of the unit said that previously the staff in the public ministry prevented detectives from working at the crime scene, although police are supposed to carry out investigations under their guidance and supervision. These problems were complicated by duplication of functions: prosecutors have their own Specialised Division for Criminal Investigation (DICRI). According to members of the homicide unit, DICRI would do almost the entire investigation, using police only for security during court-ordered searches. But the new unit now investigates all murders in Guatemala City, while DICRI is responsible for manslaughter cases and technical analysis, such as blood work and ballistics.¹⁰⁹

Although these changes have helped make the unit more effective, detectives acknowledge that much remains to be done. The unit makes arrests in only 22 per cent of its cases, which means that more than three quarters of the capital’s approximately 1,000 murders in 2011 (plus the backlog from earlier years) remained unsolved.¹¹⁰ This is an improvement, however. In 2009, before the unit started, police made arrests in only 2 per cent of reported murder cases.¹¹¹

The changes in working conditions and the improved success rate have not gone unnoticed within the PNC. The unit’s first job announcement, in 2009, received only fifteen responses. Today there are more applicants than openings. A homicide officer said better facilities and working hours were only part of the reason: “We are glad to be far away from all the corruption. Here everybody knows that if you get caught there will be consequences”.¹¹²

What officials say the unit has created – and experts and consultants on police reform say is sadly lacking in most of the PNC – is “*mística*”, a sense of comradeship and devotion to the work. This cohesion has been fortified by

tragedy: in March 2010, gunmen killed three agents in two attacks in the capital.¹¹³ Detectives believe they were from a criminal gang retaliating for investigations into an extortion ring accused of killing bus drivers.¹¹⁴

C. THE CABRAL CASE

The murder of Facundo Cabral in July 2011 tested the unit’s ability to work with prosecutors under tremendous pressure. Detectives said that they felt their careers depended on quick arrest of the killers. Prosecutors shared the sense of urgency: “We knew that if we solved this case our careers were secure”, said one. “If not, we were out”.¹¹⁵ Key to their success was collaboration with CICIG to obtain and analyse security camera video.¹¹⁶ Guatemalan and foreign experts from CICIG worked around the clock to place the Hyundai at both the hotel and the scene of the crime and to identify a second car that also followed Cabral’s vehicle toward the airport.¹¹⁷

Investigators got lucky, when an informant contacted the human rights ombudsmen. Using the 2009 criminal informant law, prosecutors offered a deal and protection, which allowed them to identify the suspected killers and their alleged target, Henry Fariña, the Nicaraguan businessman. This was enough to obtain wiretaps and search warrants.¹¹⁸ Within 72 hours of the murder, police had arrested Elgin Vargas, a businessman linked to an auto theft ring, who allegedly organised the hit, and Alan Stokes, suspected of driving the stolen Hyundai. Still at large were the two shooters. Detectives combed public records, including car and gun licenses, and secured court permission for further phone intercepts and searches of more than a dozen residences in Escuintla Department. A month after the killing, they arrested Juan Hernández Sánchez, an ex-Kaibil, as he played soccer and two months later Audelino García Lima. Finally, in March 2012, Colombia arrested the alleged Costa Rican mastermind, Alejandro Jiménez (“Paldejo”). Jiménez and Fariña (arrested later at the Ma-

¹⁰⁸ Crisis Group interview, Guatemala City, 16 March 2012.

¹⁰⁹ Crisis Group interviews, police and prosecutors, Guatemala City, 25 January, 9 March, 15 May 2012. See also J. Castillo and O. Herrera, “Policías reemplazan a miembros de la DICRI para investigar”, *elPeriódico*, 14 November 2009.

¹¹⁰ There were 1,035 murders in Guatemala City in 2011, according to the annual report of the Procuraduría de los Derechos Humanos, “Informe Annual Circunstanciado 2011”, p. 365. The backlog is being tackled by the new government’s task forces.

¹¹¹ Crisis Group interview, Unidad de Delitos contra la Vida, Guatemala City, 9 March 2012. The national murder clearance rate (arrests in 7 per cent of cases) is Central America’s worst. The best is Costa Rica’s (82 per cent); Nicaragua’s is 81 per cent, El Salvador’s 44 per cent. “Caught in the Crossfire: Crime and Development in Central America”, UNODC, May 2007, p. 31.

¹¹² Crisis Group interview, Guatemala City, 9 March 2012.

¹¹³ Rosmery Gonzalez, “Agentes llevaban casos de pilotos y mujeres”, *elPeriódico*, 12 March 2010.

¹¹⁴ *Ibid.*, and Crisis Group interviews, Guatemala City, 9 March 2012.

¹¹⁵ Crisis Group interviews, police, ex-police, 9, 16 March 2012; public ministry official, Guatemala City, 25 January 2012.

¹¹⁶ See Crisis Group Latin America Report N°36, *Learning to Walk without a Crutch: An Assessment of the International Commission Against Impunity in Guatemala*, 31 May 2011.

¹¹⁷ Crisis Group interview, Aníbal Gutiérrez, CICIG, 15 May 2012.

¹¹⁸ Crisis Group interview, former homicide detective, Guatemala City, 16 March 2012.

nagua airport) have been linked to money laundering.¹¹⁹ To date, none of the suspects has been convicted.

Homicide unit members acknowledge the Cabral case was exceptional. Normally, detectives say, accessing security camera tapes and finding the personnel to review them would take days or weeks. Judges reject many wiretap requests, and police have to wait for access to the lines. Few prosecutors and judges understand how to bargain with criminal informants to secure the conviction of organised crime figures.¹²⁰ Perhaps most importantly, ordinary citizens often refuse to collaborate with investigations. “The public accuses the police of doing nothing”, said a former detective, “but they don’t help us. I ask them, ‘what if the victim had been a member of their family?’ We ought to be able to do the same work whether the victim is someone famous or just an ordinary person”.¹²¹

V. PREVENTIVE POLICING

The Mario Alioto López Sánchez settlement is a community of about 1,600 mainly poor or working class families within the municipality of Villa Nueva, a sprawling industrial area south west of Guatemala City. The neighbourhood dates to the mid-1990s, when poor families took over government-owned land, creating what is said to be Central America’s largest *asentamiento*, an “invasion” neighbourhood that over time has acquired basic services, paved roads, a market, schools and more than a dozen evangelical churches.¹²² Named after a law student police shot dead during a 1994 protest, it is also what Guatemalans call a “red zone”, a territory where gangs operate with impunity, selling drugs, shaking down shopkeepers, threatening commuter-bus drivers and recruiting teens and pre-teens as look-outs, bagmen and even hired guns. At least two criminal groups compete for control of the area: Mara Salvatrucha is dominant in most of the settlement, while Mara 18 controls some of the poorest areas, where precarious homes line the dirt pathways climbing the hillsides.¹²³

Residents say there has been some improvement since January 2012, when newly-elected Mayor Edwin Escobar of Villa Nueva installed lighting, assigned more police to circulate on motorcycles and set up fifteen security cameras that are monitored through city hall computers staffed by municipal and PNC police, fire and rescue personnel and a contingent of soldiers. According to Juan Alberto Estrada, the city’s security director, there were previously about two murders a week in Mario Alioto. From mid-January, when the new security program started, through June, city officials say there were only two killings in the settlement.¹²⁴

The cameras – including some that photograph licence plates – are the most high-tech aspect of an initiative that depends on dissolving the distrust between citizens and police. Patrols are encouraged to speak with residents. Community input is sought through regular meetings. Citizens can call an anonymous number to denounce crimes or corruption and access a webpage that allows them to see where crimes have occurred over the past three months. A

¹¹⁹ Crisis Group interview, former detective, 15 March 2012; Sandra Valdez, “Policía Nacional Civil aprehende a victimario de Facundo Cabral”, *Prensa Libre*, 1 August 2011; “Fariña a juicio por narcotráfico y lavado”, EFE, 3 May 2012.

¹²⁰ Crisis Group interviews, consultant and detectives with homicide unit, Guatemala City, 9 March 2012.

¹²¹ Crisis Group interview, homicide detective, 15 March 2012.

¹²² Crisis Group interviews, residents, Villa Nueva, 28 March 2012. Mario Alioto is one of several neighbourhoods that emerged from the invasion of government-owned land. See Paola Hurtado, “La realidad y la ficción se confunden en el barrio”, *elPeriódico*, 30 November 2008.

¹²³ Crisis Group interviews, residents, Villa Nueva, 28 March 2012. In Guatemala, the term *mara* describes two transnational gangs: Mara Salvatrucha (MS); Mara 18 (the Eighteenth Street gang). Smaller, local groups are known as *clicas*.

¹²⁴ Crisis Group interviews, Juan Alberto Estrada, citizen security director, Villa Nueva, 19 March; and Luzvin Jérez (telephone), 19 March 2012.

local municipal employee organises community meetings and serves as liaison with the police. The city is sprucing up public spaces such as roadways and parks to foster a sense of civic pride and ownership.¹²⁵

Successfully fighting crime in poor urban areas like Mario Alioto is crucial to bringing down the homicide rate. More than a third of the approximately 5,600 murders in 2011 occurred in Guatemala Department (the capital and its suburbs). Authorities estimate that some 50 to 60 per cent were committed by criminal groups.¹²⁶ Though intra-gang violence accounts for many casualties, police say that most victims are ordinary citizens.¹²⁷ Gang-run extortion rings depend on violence. The bus drivers who ferry commuters around the city are forced to pay protection, as are shopkeepers who are sometimes forced to abandon their businesses to criminals who then collect information, such as prepaid cell phone numbers and addresses, from customers who can be threatened themselves.¹²⁸

Although tattooed youths are the most notorious, they are not the only violent criminals plaguing urban areas. Local mafias operate kidnapping and car-theft rings, some of which have infiltrated banks and insurance companies.¹²⁹ These groups are more threatening to city residents than the drug traffickers who operate along the border, according to the government minister: “What hits the population hardest is not ... drug trafficking”, said López Bonilla. “If you ask the people, they do not link the narcos to kidnappings, extortions, to contract killings ...”¹³⁰

In recent interviews, the minister has stressed that preventive policing is crucial for combating the gangs and other organised criminals responsible for much of the crime in the cities. According to the minister, the government is responding on three levels: by strengthening the PNC, supporting neighbourhood groups that can serve as “early warning systems” and helping municipal governments install cameras and lighting and better utilise municipal police patrols.¹³¹

This emphasis on prevention is a sign of change. Less than ten years ago, the PNC, under the Portillo government, decided that the best way to handle gang violence was to

round up gang members. From 2003 to 2004, under Plan Escoba (the Broom Plan), police swept up thousands of suspected members, often on drug possession charges. But this had “little effect other than to overburden an already dysfunctional penitentiary system”, according to a report by the Georgetown University Law Center.¹³² In a study of about 5,000 drug arrests, a Guatemalan research centre found that only 1.1 per cent resulted in formal charges that could be sustained in court.¹³³

Police anti-gang activity has taken a more sinister turn in the recent past. A UN report published in 2007 found “strong evidence that some acts of social cleansing – executions of gang members, criminal suspects, and other ‘undesirables’ – are committed by police personnel”.¹³⁴ A former government minister and an ex-director and sub-director of the PNC are under investigation in Spain, Switzerland and Austria, respectively, for extrajudicial killings of prisoners in 2005 and 2006.¹³⁵ In March 2012, Guatemalan authorities arrested the first woman to head the PNC, Marlene Blanco, for allegedly helping to orchestrate the murder of suspected gang members in 2009.¹³⁶

The problem of extrajudicial killings extends beyond the security forces: the human rights ombudsman has recorded an increase in lynching over the past five years, with 737 people injured and 176 killed. “Over the last decade the phenomenon has tended to get worse, involving in some cases mayors and community authorities”.¹³⁷ The persisting

¹³² “Between the Border and the Street: A Comparative Look at Gang Reduction Policies and Migration in the United States and Guatemala”, 2007, p. 9.

¹³³ This 2005 study by Kristin Svendsen for the Instituto de Estudios Comparados de Ciencias Penales de Guatemala is cited by Elin Cecilie Ranum in “Street Gangs of Guatemala”, in Thomas Bruneau, Lucía Dammert and Elizabeth Skinner (eds.), *Maras: Gang Violence and Security in Central America* (Austin, 2011), p. 79.

¹³⁴ Report of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, Mission to Guatemala, 21–25 August 2006, HRC/4/20/Add.2, 19 February 2007, p. 2.

¹³⁵ Carlos Viemann is under house arrest while awaiting trial in Spain. The Public Ministry announced it would not seek extradition because it could not guarantee the ex-government minister’s security. See “Carlos Viemann será juzgado en España”, *elPeriódico*, 23 November 2011. Swiss authorities are examining the case of ex-PNC director Erwin Sperisen. “Fiscal de Ginebra abre investigación contra Sperisen”, *Prensa Libre*, 3 September 2010. Austria rejected the extradition of Javier Figueroa because Guatemala could not guarantee his safety but placed him under arrest while it investigates the charges. “Austria juzgará a Javier Figueroa y niega extradición a Guatemala”, EFE, 12 June 2011.

¹³⁶ On the arrest of Marlene Blanco Lapola, see fn. 36 above. The Blanco investigation, like those of Viemann and Sperisen, was supported by CICIG.

¹³⁷ “Informe Anual Circunstanciado 2011”, vol. I, op. cit., pp. 21, 91.

¹²⁵ Ibid. The website that registers crimes in the municipality is: <http://seguridad.paranuestracomunidad.com/>.

¹²⁶ López Bonilla interview, *El Faro*, op. cit.

¹²⁷ Crisis Group interview, homicide unit, Guatemala City, 2 July 2012.

¹²⁸ Crisis Group interviews, residents, Villa Nueva, 28 March 2012, Mixco, 17 May 2012; Veronica Godoy, director, IMASP (Instancia de Monitoreo y Apoyo a la Seguridad Pública), an NGO that monitors public security, 27 July 2012.

¹²⁹ Crisis Group interview, Veronica Godoy, 27 July 2012.

¹³⁰ López Bonilla interview, *El Faro*, op. cit.

¹³¹ Ibid.

tence of vigilante justice underscores the need for what Helen Mack calls a “cultural transformation” of the police.¹³⁸ Recruits need to learn to respect the human rights of suspects, including those accused of crimes considered particularly heinous, such as kidnapping or sexual assault. To become the community-focused police reformers envision, moreover, recruits must be taught that prevention of crime is their core responsibility. The principal agent of this transformation should be the police academy. But providing adequate training – much less training that incorporates a doctrine based on service to the community – remains one of the most neglected aspects of reform.

A. THE POLICE ACADEMY

The peace accords mandated creation of a national police academy to prepare the force professionally, while inculcating a “culture of peace, respect for human rights and democracy and obedience to the law”.¹³⁹ But those goals were undermined from the PNC’s inception, when authorities decided to recycle members of the old police rather than train recruits. The new academy was established in 1999 at the offices of the dissolved Mobile Military Police, a counter-insurgency force whose headquarters was a notorious torture centre during the armed conflict.¹⁴⁰ Of the 19,000 recruits trained during its first three years, about 11,000 were recycled members of the old National Police, who were allowed to graduate after three months, rather than the normal six.¹⁴¹ The primary donor was the Spanish Civil Guard, whose allegedly militarised approach to policing was criticised by human rights activists and other civil society groups.¹⁴² Like the rest of the PNC, the academy was chronically underfunded, almost closing in 2002 when its budget was slashed by 80 per cent.¹⁴³

Standards have improved over the past ten years; recruits must now have high school degrees, and basic training has been extended to ten months. But many criticisms levelled a decade ago still hold: “low general level of scholarship of police recruits, the short and excessively theoretical nature of the courses, the lack of qualified instructors, and

the difficulty of changing the attitudes and institutional values of the past in such a short period”.¹⁴⁴

Ceferino Salquil, director since 2011, says the academy was in “disorder” when he took over. He hopes to attract better qualified instructors to teach more rigorous and relevant courses, though funding remains limited. “There has been very little interest in investing in police formation”, he said. Recruits even lack the supplies needed for weapons training: a cadet gets only ten bullets for target practice, though Salquil has requested at least 400.¹⁴⁵

Another problem faced by the academy is the poor quality of recruits. Salquil said it has been difficult to find applicants with the minimum academic qualifications necessary to pass basic training. Only about 15 per cent of those who take the entrance exams pass, and many cadets need remedial classes, adding another strain to the budget.¹⁴⁶ Most cadets come from small towns or rural areas where schools are especially deficient in math and science, according to Salquil and consultants who have worked with the academy. Many have difficulty writing and reading Spanish. Better-educated students have little interest in joining a force with a bad reputation, relatively poor pay and miserable working conditions. Most police live in barracks without kitchens or laundry facilities and often must buy their uniforms, which are theoretically issued twice a year but in reality are replaced only sporadically.

Many instructors are also ill-prepared. Consultants and sources within the police said the academy had become a repository for the least motivated and qualified. “They send officers to the academy as punishment”, said a senior police official. Instructors are often either older officers waiting out retirement or young ones with university studies but little street experience, said a consultant, who also cited cases of officers transferred to the academy after being removed from their precincts for corruption or abuse. “They don’t teach their students how to become good police; they teach them how to make money on the street”.¹⁴⁷

Guatemala also lacks a school for officers; those promoted normally receive only a few months of additional training. The official charged with setting up the new school is a retired army colonel, Guido Abdalla, who plans to create a four- or five-year degree program giving would-be officers academic, technical and managerial training. Graduates would get a university degree in criminology and enter the police force as officers. Plans are to find qualified instructors by partnering with a university. But Abdalla recognises that to attract qualified applicants the police

¹³⁸ Crisis Group interview, Helen Mack, 13 June 2012.

¹³⁹ “Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements”, Section 33, 29 December 1996, at www.guatemalaun.org.

¹⁴⁰ “Guatemala: Information on the Policía Militar Ambulante (PMA)”, U.S. Bureau of Citizenship and Immigration Services, 4 February 2002. Marie Louise Glebbeek, “Police Reform and the Peace Process in Guatemala: the Fifth Promotion of the National Civilian Police”, *Bulletin of Latin American Research*, 20 October 2001, pp. 431-453.

¹⁴¹ Rachel Sieder et al., “Who Governs?”, op. cit., p. 39.

¹⁴² See Hugh Byrne, et al., “Rescuing Police Reform”, op. cit., pp. 53-55.

¹⁴³ “Protect and Serve?”, op. cit., p. 12.

¹⁴⁴ Hugh Byrne, et al., “Rescuing Police Reform”, op. cit., p. 32.

¹⁴⁵ Crisis Group interview, Guatemala City, 29 February 2012.

¹⁴⁶ Ibid.

¹⁴⁷ Crisis Group interviews, Guatemala City, February 2012.

will have to start paying professional salaries. University graduates can earn double what police officers earn, he said. A career law governing selection and promotions is also essential to limit favouritism and corruption.¹⁴⁸

Abdalla and Salquil both emphasise that prevention should be a key part of police education. Consultants who have worked on police reform, however, say that the PNC still disparages the concept. “Prevention is a priority for donors”, said a Guatemalan consultant who has worked for bilateral and multilateral projects. “It has yet to become a priority for the police”.¹⁴⁹

The Division for Prevention of Crime has about 500 staff, some 2 per cent of the total force, who are responsible for monitoring and promoting police-community relations – including oversight of more than 600 neighbourhood security groups – youth programs and victims’ services.¹⁵⁰ The division is overwhelmed, said Viviana Yax, the government vice minister for citizen security. An engineer by training who worked six years in community development, Yax is frank about the difficulties her division faces in convincing police that prevention should be integral to their work. “To them preventive police are just police who don’t go out on operations”, she said, adding that it could “take years” to change attitudes.¹⁵¹

B. PILOT PROJECTS

Community policing came into vogue in Latin America in the mid to late 1990s, when countries that had recently emerged from army rule faced the challenge of demilitarising the force as they struggled with rising crime.¹⁵² It offered an alternative to past repressive tactics, while closing the gap between citizens and law enforcement. Moreover, the idea was popular among donors, whose governments had embraced community policing – in theory if not always in fact – since the 1960s and 1970s. As an expert on the topic wrote, “every proclamation for police reform in

Latin America leads to the launching of a community policing program”.¹⁵³

In Guatemala, one of the first initiatives was in Villa Nueva, two years after the peace accords. In 1998, the Inter-American Institute for Human Rights (IIDH) launched a project in that Guatemala City suburb as part of a regional citizen security initiative. IIDH surveyed Villa Nueva residents to determine perceptions of crime and insecurity, victimisation and attitudes toward police. An action plan assigned parts of the project to different institutions: the PNC added 80 more police to the 117 already at the participating sub-station; police, prosecutors and municipal officials cooperated to close businesses selling illegal alcohol and promoting prostitution; the municipality provided public lighting in high-crime areas; the education ministry helped with seminars and training. Police, prosecutors, defence attorneys and judges were required to hold periodic meetings and a Municipal Council for Citizen Security, including community representatives, was created to monitor the project.¹⁵⁴

Police also received 65 new motorcycles and eighteen radios for patrols, new phone lines and computers to record crime statistics and some IT training. Shifts were changed from eight to twelve hours to make the most of limited personnel. Weekly capacity building classes covered everything from self-esteem and values to police techniques and criminal law. Foreign experts offered sessions on human rights, conflict prevention and community relations.¹⁵⁵

The project lasted from September 1998 to August 2001, with mixed results. Although it failed to change generally negative views of the police, those interviewed reported feeling safer. Relations between police, prosecutors and judges improved, according to interviews, but the PNC, despite having expressed its “firm intention” of continuing the program, did not do so. Fewer police were assigned to the community patrols, which had forced them to work longer hours without higher pay. Officials who had helped design and implement the program were rotated out of the city. A case study concluded that its designers had failed to win high-level institutional support, give local leaders the training needed to sustain the community council or design strategies for financial sustainability.¹⁵⁶

¹⁴⁸ The initial class, scheduled to begin in August 2012, will consist of current PNC agents who will receive one year of training to become officers. Crisis Group telephone interview, Guido Abdalla, 2 July 2012.

¹⁴⁹ Crisis Group interview, Guatemala City, 20 December 2011.

¹⁵⁰ Crisis Group interview, Viviana Dinora Yax Tay, vice minister for citizen security, government ministry, Guatemala City, 19 March 2012. See also, “La Policía que queremos”, op. cit., p. 39.

¹⁵¹ Crisis Group interview, Guatemala City, 19 March 2012.

¹⁵² Hugo Frühling, “La policía comunitaria en América Latina: Un análisis basado en cuatro estudios de caso”, in Frühling (ed.), *Calles más seguras: Estudios de policía comunitaria en América Latina*, IADB (2004), pp. 1-37.

¹⁵³ Hugo Frühling, “A realistic look at Latin American community policing programs”, *Policing & Society*, vol. 22, no. 1 (March 2012), p. 76.

¹⁵⁴ See Laura Chinchilla, “El caso del municipio de Villa Nueva, Guatemala”, in Hugo Frühling (ed.), *Calles más seguras*, op. cit., pp. 39-64. Chinchilla is now president of Costa Rica. The initiative also included Belize, Costa Rica, El Salvador, Honduras and Nicaragua.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid, pp. 52-54, 56, 62.

In 2004 another pilot program was launched in Villa Nueva, with U.S. funding from the embassy Narcotics Affairs Section, the State Department Bureau of International Narcotics and Law Enforcement Affairs and the Agency for International Development (USAID). The model precinct “aims to reduce crime and improve citizen relations ... through a complete overhaul of the local police station to guarantee acceptable levels of police efficiency and improved citizen perception of and trust in policing”. Five years later, a second model precinct was set up in Mixco, another largely poor, populous suburb of the capital. Both programs were to include background checks and training, modernisation of infrastructure and communications, victim support, outreach to youth and saturation of high-crime or sensitive areas (such as schools) with police and community-oriented patrols.¹⁵⁷

The model precinct approach, like the IIDH project, includes community-oriented patrols plus capacity and attitude training, but it also emphasises aggressive anti-corruption steps, such as the random vetting of police.¹⁵⁸ An anonymous tip-line, “Tell it to Waldemar”, allows citizens to denounce extortion, gang activity or police abuse. The model precincts also offer victim-support offices, with special attention to crimes against women, and join in the government’s Safe Schools program. Police Athletic Leagues work with several hundred students in cities and some outlying areas.¹⁵⁹

USAID called the model precinct approach a “clear, hold, build and sustain” strategy that “in essence dismantles the existing structure of a precinct (or sub-precinct) and rebuilds it with new or improved parts”.¹⁶⁰ But the precincts must operate within the unreformed PNC structure. A core principle is not fully implemented in Villa Nueva: only a few top police are vetted.¹⁶¹ Moreover, frequent rotation at all levels of the PNC has made it difficult to build capable management teams at the precinct, say police and advisers with the program. As changes at the top of the PNC ripple down, the *comisarios* and *subcomisarios* who run precincts are replaced as frequently as every few months.¹⁶² The high turnover of supervisors makes it dif-

ficult to establish relations with community leaders and undermines oversight of police on the street. Without adequate supervision, patrols do not circulate where most needed, wasting already thin resources.¹⁶³

Another flaw is the program’s failure to win support within the PNC. The 2007 Georgetown study cited “lack of buy-in by the Guatemalan government” as a factor that could limit sustainability.¹⁶⁴ Local non-profit groups voice the same scepticism today, noting the precincts seem to respond to the U.S. embassy rather than the police. “The model precincts do not strengthen the institution, because they operate outside the PNC hierarchy”, said Helen Mack. “Without U.S. support they cannot continue”.¹⁶⁵

Both precincts have had more success with their investigative units, which are smaller, so easier to vet, train, equip and oversee. The one in Villa Nueva, for example, has worked closely with prosecutors on extortion cases, using techniques new to Guatemala, such as marked bills, to bring down rings that plagued small businesses and transport companies. Villa Nueva detectives formed the first PANDA unit to investigate criminal gangs. It now has offices in Guatemala, Quetzaltenango, Jalapa and Petén departments.

C. MIXED RESULTS

Villa Nueva’s results have been disappointing if measured by crime rates. Homicides more than doubled from 2000 to 2006. Since then, the rate has fluctuated, declining in 2007 and 2008 but rising again to 69 per 100,000 in 2009. It stood at 61 in 2011, well above the national rate of 39.¹⁶⁶ Municipal leaders say their efforts in Mario Alioto are just the beginning. They hope to extend the cameras and the added patrols to the entire municipality of some 114 sq km and more than 525,000 people. “We are taking territory away from the criminals and cleaning up the government”, said the security director. “This is going to be a city with zero corruption, where people will be proud to live”.¹⁶⁷

The changes in Mario Alioto are most obvious at its entrance, just off the roads that take commuters into Guate-

¹⁵⁷ “Community Policing in Central America: The Way Forward”, USAID, June 2011, p. 8.

¹⁵⁸ Crisis Group interviews, 27 January and 22 March 2012.

¹⁵⁹ Crisis Group interviews, January, March 2012. See also “Community Policing in Central America”, op. cit., pp. 10, 39.

¹⁶⁰ “Community Policing in Central America”, op. cit., p. 8.

¹⁶¹ Crisis Group interview, consultant, Guatemala City, 22 March 2012.

¹⁶² Crisis Group interviews, Guatemala City, 17, 27 January, 22 March 2012. A 2005 evaluation of community-based policing programs by a USAID contractor called PNC management capabilities “minimal” and supervision of police on the street “largely absent”. “There is a belief that the managerial volatility of the past eight years may have been intended to degrade the

capabilities of the PNC and further the self-interests of corrupt elements”. “Reflections on Community-Based Policing Programming in Guatemala”, Management Systems International.

¹⁶³ Crisis Group interviews, Guatemala City, 22 March 2012.

¹⁶⁴ “Between the Border and the Street”, op. cit., p. 14.

¹⁶⁵ Crisis Group interview, Guatemala City, 13 June 2012.

¹⁶⁶ See the graph on homicide rates in Appendix B below.

¹⁶⁷ The National Institute of Statistics estimates the 2012 population at 527,175. The municipality claims 800,000 to 1,000,000. “Monografía” at www.villanueva.gob.gt. Crisis Group interview, Juan Alberto Estrada, Villa Nueva, 19 March 2012.

mala City. Cameras monitor a new athletic field with bright green artificial turf, surrounded by flower beds tended by municipal employees and community volunteers. The old field used to attract gangs who came to recruit youngsters with the promise of “easy money”, said Cristian López, a local businessman and volunteer coach. López pointed to a street corner where several youths were gunned down in 2011, explaining that previously the field was too dangerous to be used after dark but that “now on Saturdays people are playing football until ten or 10:30 at night”.¹⁶⁸

Residents noted that police were more visible, more willing to interact with the community and less likely to engage in “anomalies”, such as soliciting bribes. A 64-year-old woman with a market food stall said gangs had stopped harassing merchants now that police motorcycles, cars and foot patrols were circulating regularly. “Before no one trusted the police”, she said, “but you can’t blame all the police for the actions of a few”.¹⁶⁹

Attitudes seem less optimistic in the poorer areas, farther from the market and police station. A woman outside her home on an unpaved street accused police of harassing and beating street vendors who could not pay bribes. Nor were police interested when her grandson was murdered in December, she said, telling her he was a gang member (which she denied). “No one investigated”, she said, adding that when she tried to file a complaint, the public ministry treated her like a “cockroach”. “Here there is no law, at least not for us”.¹⁷⁰

The mayor’s plans call for some 200 cameras (150 promised by the government ministry) in the municipality, more lights and additional motorcycle patrols. Once cameras and patrols are ready, city officials intend to tear down the security gates on many streets. Though allegedly meant to keep out criminals, local officials said, they are sometimes used to shield illegal activity.¹⁷¹ The project also calls for more accountability. According to the security coordinator in Mario Alioto, the local precinct recently agreed to transfer police accused of abuses. “Now the municipality and its citizens are going to monitor the police”, he said, “not a bureaucrat from the government ministry”.¹⁷²

VI. CONCLUSION

Can reform initiatives such as those in Villa Nueva and Mixco achieve more than the fleeting successes of similar projects in the past? Long-term progress depends on more than modern equipment, more officers and new methodologies. It requires changing both citizen and police attitudes, which will happen only if there are results that make citizens feel more secure and give police a sense of professional pride and accomplishment. The success of the special investigative units also hinges on changing police culture, from one that accepts corruption and incompetence to one that demands accountability and achievements. That requires the PNC – not just a few members of the high command – to embrace reform as a matter of institutional self-interest and prestige.

So far progress is the exception, not the rule, but the new government’s recognition that institutional reform is essential is grounds for hope. Local community policing initiatives could break the vicious circle in which crime and corruption fuel distrust that makes it harder for police to prevent crimes, fuelling more distrust. The accomplishments of investigative units may inspire others to work with the honour and professional pride that breed further success. But this will not happen if the institution fails to embrace change by rewarding progress and condemning corruption and incompetence.

The PNC does not exist in a vacuum: its problems and deficiencies reflect those of a country where the law has never applied to rich and poor, white, mixed or indigenous, alike. Sixteen years after the end of the brutal internal conflict, Guatemala still lacks a government capable of providing security and impartial justice. Even strong institutions might be challenged to fight rampant street crime, much less traffickers and gangs with deep pockets and international ties.

The enormity of what remains to be done should not obscure the progress made. Advances seem most obvious in the public ministry, led by Attorney General Claudia Paz y Paz, which is prosecuting cases involving corrupt officials, drug cartels and some of those responsible for past military atrocities. International programs to strengthen the justice system by training prosecutors, forensics experts and analysts have helped prepare the cases making their way through the courts. Also crucial is the role of CICIG, which has spearheaded sensitive investigations into criminal conspiracies within state institutions.

Overhauling the police is a daunting task for any country, but especially one facing Guatemala’s legacy of conflict, poverty and exclusion. Reform will require a substantial investment of time and resources. The government should lead that effort – but it will need international help. Alt-

¹⁶⁸ Crisis Group interview, Villa Nueva, 19 March 2012.

¹⁶⁹ Crisis Group interviews, Cristian López, Villa Nueva, 19 March 2012; María del Carmen Aragón, Villa Nueva, 28 March 2012.

¹⁷⁰ Crisis Group interview, Villa Nueva, 19 March 2012.

¹⁷¹ Crisis Group interviews, Villa Nueva, 19 and 28 March 2012.

¹⁷² Crisis Group interview, Luzvin Jérez, Villa Nueva, 28 March 2012.

hough donors in the U.S. and Europe face their own economic and budgetary woes, they should continue to provide the training, technological know-how and financial support needed to turn limited initiatives into sustainable change. The stakes are high not only for Guatemalans but also for those affected by organised crime throughout the region. With consistent and concerted effort by international, national and local leaders – backed by business and civil society – Guatemala can provide its citizens with the professional police forces they need to curb crime and break their country’s recurring cycles of violence.

Guatemala City/Bogotá/Brussels, 20 July 2012

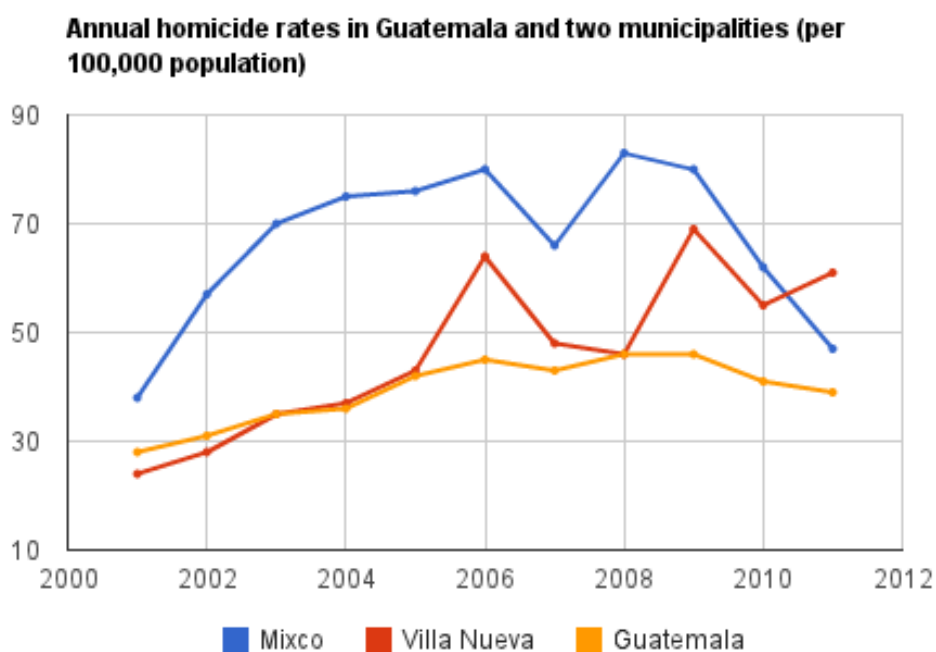
APPENDIX A

MAP OF GUATEMALA



APPENDIX B

ANNUAL HOMICIDE RATES IN GUATEMALA AND TWO MUNICIPALITIES



Sources: National Civil Police (PNC) for homicides, National Institute of Statistics (INE) for population
Author: Carlos A. Mendoza, Central American Business Intelligence (<http://ca-bi.com/blackbox/>)

APPENDIX C

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