

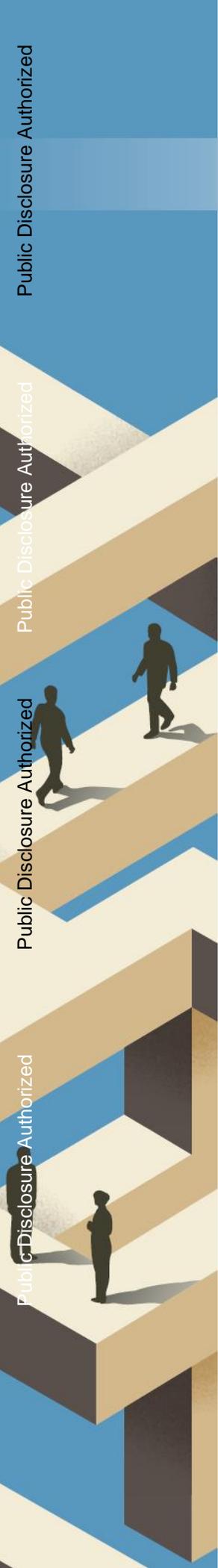
BACKGROUND PAPER

GOVERNANCE *and* THE LAW

GUATEMALA'S INTERNATIONAL COMMISSION AGAINST IMPUNITY:

A Case Study on Institutions and Rule of Law

Fernando Carrera



Disclaimer

This background paper was prepared for the World Development Report 2017 *Governance and the Law*. It is made available here to communicate the results of the Bank's work to the development community with the least possible delay. The manuscript of this paper therefore has not been prepared in accordance with the procedures appropriate to formally-edited texts. The findings, interpretations, and conclusions expressed in this paper do not necessarily reflect the views of The World Bank, its Board of Executive Directors, or the governments they represent.

The World Bank does not guarantee the accuracy of the data included in this work. The boundaries, colors, denominations, and other information shown on any map in this work do not imply any judgment on the part of The World Bank concerning the legal status of any territory or the endorsement or acceptance of such boundaries.

GUATEMALA'S INTERNATIONAL COMMISSION AGAINST IMPUNITY A Case Study on Institutions and Rule of Law

Fernando Carrera

1. Introduction:

In 2007 the National Congress of Guatemala approved an international agreement with the United Nations that created the International Commission to Fight Impunity, better known for its Spanish Acronym – CICIG. The legally binding agreement was ratified later by the United Nations General Assembly and with this CICIG came to life.

The creation of CICIG was the result of a complex political negotiation that lasted more than five years, and that expanded over two different governments in Guatemala. Complex as the internal political negotiation in Guatemala was, it also entailed a delicate international dialogue since the CICIG does not fit any traditional format for UN operations in the world.

CICIG was basically mandated to help Guatemala's judiciary authorities (particularly the Attorney General's Office) in their fight against criminal networks that have infiltrated the security and justice institutions in order to ensure impunity for their illegal activities. In this context, fighting impunity meant to dismantle those criminal organizations and eradicate their corrupting power within state institutions.

Many criminal networks had their origins in the clandestine security operations that were used in counter guerrilla fighting over the three decades that the armed conflict lasted in Guatemala. Those clandestine operations were used for broad political repression also, and they were responsible for many human rights violations. The various murders of social and political leaders, the kidnapping and forced disappearance of civil and guerrilla people, and the large scale brutal repression in rural indigenous communities needed impunity as a means to ensure that none of those crimes were prosecuted. Impunity became a system of power, used and abused by clandestine operations.

In the last years of the armed conflict, some of the actors that have participated in those clandestine operations re-adapted their modus operandi to fit other types of criminal activities such as customs corruption, large scale smuggling of goods, extortion and kidnapping for economic purposes, and drug trafficking. Control of borders and logistical corridors became also an important feature for their operations, which in turn led to political control of territories and linkages with politicians. The politics of impunity became an issue since then, linking mayors, members of Congress, active and former members of the security forces (Army and Police), prosecutors and judges. I will call this sort of criminal networks as Type 1.

In a different vein, some powerful political and economic actors sought actively to influence the selection of justices and judges, as well as criminal prosecutors and tax/customs authorities, in order to ensure impunity for their own type of illegal activities (from tax fraud and illegal concession of public contracts, to money laundering and selective murders of competitors). I will call these “white collar” criminal activities as Type 2.

Sometimes Type 1 and Type 2 illegal activities became intertwined. And the impunity system ended up serving both, as it was meant to allow for the illegal networks to operate in a ruthless environment without being subject to scrutiny by the law enforcement authorities. Contrary to what should be expected, law enforcement agencies were a guarantee that only those not linked to the impunity system were held accountable, while the well-connected enjoyed absolute freedom to operate.

That was the reality in which CICIG started operations at the end of 2007. This short essay will help better understand how CICIG was created, what its mandate and functions are, in which paradigmatic cases CICIG proved to be an useful mechanism to strengthen the rule of law in Guatemala, and so far what have been the most important contributions and limitations of CICIG. Those elements will be organized in four sections accordingly, and an overall assessment will be presented in the final conclusions.

2. Historical Background:

In the late 1980s, a guerrilla group in Colombia called the M-19 decided to negotiate a peace process with the government that ended their military operations and allowed them to participate in the democratic process as a political party. After their incorporation into the political system, many M-19 leaders were murdered by paramilitary groups, who felt dissatisfied with former guerrilla fighters’ involvement in electoral processes.

The Colombian M-19 experience was very much in the mind of the Salvadorian guerrilla leaders of FMNL (the former guerrilla group and current political party in power in El Salvador) when they signed their own peace accord in 1992. Soon after the peace agreement, some social leaders and human rights defenders were murdered, presumably by right wing death squads. The immediate reaction of the FMLN leaders was to demand the creation of a UN backed commission to investigate and identify members of those death squads, particularly those who held positions within the government’s security forces.

The UN sponsored Commission produced a report that provided names of members of the police, army and justice institutions presumably linked to death squads. Those identified by the Commission were not legally accused or prosecuted, but they were separated from their official duties and banned from holding positions in public office. The killings of human rights defenders and social leaders stopped.

The Salvadorian successful experience in dealing with clandestine death squads with links to officers in the government's security forces inspired a similar initiative in Guatemala after the Peace Accords final signature in December 1996. After the killings of several important human rights defenders (most remarkably, the assassination of Catholic Bishop Juan Gerardi in 1998, and the brutal murdering of the anthropologist and human rights defender Myrna Mack even before the Peace Accords in 1990), civil society leaders started a conversation about the need to establish an international commission with the mandate to identify members of clandestine paramilitary groups with former or current links with security forces and judiciary officers. These groups were identified as "Clandestine Security Structures", and their existence became clear in various instances, but particularly during the trial of the murderers of Myrna Mack, a judiciary process that lasted several years and provided evidence of the collusion among police and army officers, lawyers' firms, prosecutors and judges, meant to ensure impunity even for the most horrendous crimes.

By 2002 the idea of a United Nations backed international commission has grown into a project called International Commission to Fight the Clandestine Security Structures' Impunity (identified by the acronym CICIACS). Human rights organizations helped give shape to this initiative, and the Government of President Alfonso Portillo asked the United Nations to analyze it and suggest ways to make it a reality.

Based on the Guatemala government's request, a UN backed report was elaborated. This report recommended the creation of a Commission with independent prosecutorial capacity (even independent from Guatemala's Attorney General Office). The way forward suggested by the UN followed similar models of international intervention whenever there is a request by a government for crimes to be investigated. Nevertheless, the independence of such Commission raised eyebrows in conservative political circles in Guatemala, and the idea received a cool public reception.

The Guatemalan government elaborated a project of legislation along the lines suggested by the UN. However, the National Congress asked the Constitutional Court (CC) to provide a legal opinion on the project since there were articles that could violate the Constitution. The CC responded Congress with a legal ruling establishing that indeed several articles violated constitutional provisions, and therefore there was a need to reform the project.

While the Portillo government still pushed for a revised draft to be voted by Congress, by the time a new government took power in January 2004 the CICIACS initiative had not received legislative approval. The project was filed and lost political momentum.

In 2005, the government of President Oscar Berger decided to establish a negotiation process aimed at creating the necessary political consensus and legal support for fighting impunity in Guatemala. Bearing in mind the lessons from the failed CICIACS initiative, this time the dialogue process took almost two years. And by 2007, a new

piece of legislation for Congress consideration was produced. The initiative was called the International Commission for Fighting Impunity in Guatemala (CICIG).

The new initiative responded to civil society concerns regarding the need to fight Clandestine Security Structures responsible for attacks on human rights defenders, but it also provided a clear mandate to fight large criminal organizations that infiltrated government institutions (mayors, police, armed forces, judges, prosecutors, etc.). Fighting impunity was defined as a broad task, and at the end of the day this gave CICIG a very ample mandate.

CICIG was also entitled with autonomous capacity to investigate criminal networks (using its own resources to collect evidence and build cases), but judiciary prosecution was defined as task of the Attorney General office with the technical and forensic investigative support of CICIG, and CICIG's capacity to associate with the AG as prosecutor. In order to facilitate coordination between CICIG and the Attorney General, it was agreed to create a specific prosecutor's office (the special prosecutor for fighting impunity –FECI) responsible for preparing and presenting cases in courts derived from CICIG's investigations.

The more carefully legal language in the project (aimed at avoiding potential contradiction with constitutional provisions) helped foster support for the draft law of CICIG. But its final Congress approval in 2007 was fueled by three additional considerations. First, the broader mandate for investigating and prosecuting organized criminal networks galvanized support from different social and political actors. The dramatic rise in social violence and homicides from 2000 through 2007 (which continued until 2009) helped generate widespread public opinion pressure in favor of the CICIG draft law.

Second, Congress only approved the project after a wave of homicides in the capital city that infuriated citizens' organizations and mass media. The foregone conclusion was that national authorities have lost the capacity to effectively prosecute large powerful criminal networks (and even the highest ranking public authorities recognized this situation).

And third, the government and civil society organizations created a broad political alliance that included both conservative and progressive actors interested in fighting impunity. Only extremely conservative groups remained suspicious about the investigative and prosecutorial capacities given to an international, supra-national Commission.

3. CICIG's mandates, legal framework and functions:

The complex negotiation for the establishment of CICIG led to a carefully written mandate with three distinctive features. First, it is a mandate within the National Constitution of Guatemala. After the Constitutional Court struck down the CICIACS

draft law for violating constitutional provisions, the promoters of CICIG took note that this was a sensitive issue that needed to be addressed seriously.

Second, the mandate ensured that there was clear independence from state actors potentially co-opted by criminal networks. Indeed, one of the greatest strengths of CICIG is its independent capacity for criminal investigation, using its own personnel and resources. This capacity has proven to be critical for technical, security and political reasons.

The independent prosecutorial capacity (in coordination with the Attorney General's FECl) meant also that cases could be prosecuted even if there was opposition from corrupted officers within the ranks of the AG. As it will be seen in the next section, most paradigmatic cases led by CICIG would not have existed without its independence capacity for prosecution.

The mandate also allows for an independent voice in relation to mass media. In these times of social networks (barely developed in 2007) the independent media voice of CICIG also allowed for gathering wide citizens support to the fight against impunity and corruption in Guatemala, and the need to strengthen the rule of law.

The mandate of CICIG has the legal backing of an official international agreement between the United Nations and the Government of Guatemala, an agreement that, as it was indicated before, was approved by the UN General Assembly and Guatemala's National Congress. The agreement has limited time validity, but it can be renovated through a simple exchange of letters between the President of Guatemala and the UN Secretary General. This exchange of letters has happened two times since the creation of CICIG, which means that there have been two renovations of CICIG mandate over the last 8 years (current mandate ends in 2019).

CICIG is a UN-backed operation not a UN agency, programme or fund. The UN Department of Political Affairs oversees its work and also provides administrative support (finances, logistics, contracts, supplies). The Guatemalan government recognizes CICIG as an International Mission protected by the Basic Agreement signed with the United Nations. This implies that CICIG personnel have the diplomatic immunities and privileges of UN experts in mission. CICIG has also its own security personnel and operation to protect those working for the Commission, and to manage classified and sensitive information.

CICIG has played a critical role in using and promoting a legislative framework that enhances criminal prosecution in Guatemala. In this regard, some national laws have been critical for its work. First, the Law Against Organized Crime (LCCO) approved in 2006, before CICIG's creation. However, CICIG requested the Guatemalan Congress to consider some reforms in 2009 to allow for more prosecutorial power, using instruments widely known in criminal law but inexistent in Guatemalan legal framework at that time. The reforms were approved, and since then CICIG and the Attorney General Office have used extensively their enhanced capacity.

The reforms to the LCCO involved three critical features. On the one hand, the reform of the criminal law figure of “effective collaborator” (*colaborador eficaz*) that allows it to be applied to senior members of criminal networks. With this reform, the prosecution can use senior members of criminal rings as informers and legal witnesses in a trial against their bosses.

Another important reform was the creation of a specific judiciary jurisdiction for high relevant cases (“*juzgados de alto impacto*”), which allows the prosecution to trial very senior members of criminal networks without the traditional delays in the regular judiciary system. In practical terms, this reform created a “fast track” for high-level cases, without affecting the procedural guarantees of those accused.

A critical third reform was the legal authorization for enhanced investigative techniques. Of all these new techniques the most important one was phone tapping, since in Guatemala that investigative tool was prohibited until 2009. Without this particular tool, the investigation about the murder of David Rosenberg (one of CICIG’s paradigmatic cases) would not have been possible.

A second important law for CICIG’s work was the Law against Corruption (LCC) approved by the National Congress of Guatemala in 2012. The LCC created new categories of criminal offences that have helped prosecute corruption since then. These new categories include illicit enrichment, traffic of influences and active bribery (*cohecho activo*), which have provided legal grounds for paradigmatic cases, as it will be observed in the next section.

Criminal prosecution has been enhanced also with other institutional reforms not necessarily linked to CICIG’s presence in Guatemala. Maybe the most important one to be considered is the creation in 2007 of the National Institute on Forensic Sciences (INACIF), an institution that has helped in providing more scientific grounds to criminal prosecution. INACIF teams and labs have grown in relevance to help collect evidence for accusations, raising cases that are less depending on witnesses who may be subject to pressures, threats and violent personal attacks.

4. Paradigmatic Cases:

CICIG started full operations in 2008 and since then it has had a significant impact in fighting impunity and corruption in Guatemala. Along those years, some paradigmatic cases may help understand better CICIG’s role in strengthening the rule of law. In this section, three of those paradigmatic cases will be briefly presented.

The Rosenberg Case (2009): CICIG’s role in preventing political mayhem

In May 10th 2009, the lawyer Rodrigo Rosenberg was murdered in Guatemala City. Two days later, after his funeral, a video was released in which Mr. Rosenberg accused President Alvaro Colom, the First Lady, Private Secretary Gustavo Alejos, and business

leaders from the cooperative movement and one of three most important banks as the masterminds behind his assassination, meaning that it was a politically motivated crime.

The video went viral in Guatemala and worldwide. Consequently, a public uproar grew over the following days, particularly in conservative circles, as Mr. Rosenberg was a well-known and respected member of the urban economic elite of Guatemala City. The public reaction threatened to overthrow President Alvaro Colom, calling for his immediate resignation or impeachment by Congress.

Carlos Castresana, the first Commissioner of CICIG, saw an opportunity to prove that fighting impunity could deliver concrete results by solving the Rosenberg case. Mr. Castresana visited the Rosenberg family and told them that justice would be done regardless of who the culprits were. This was the first time Guatemalan public opinion understood that CICIG was in the country to ensure that nobody, no matter how powerful, was above the Law.

CICIG's involvement allowed for a credible criminal investigation in the middle of a highly polarized political climate. Only CICIG's swift and effective intervention prevented an escalation of social instability that could have sent the country into political mayhem, starting with the resignation of President Alvaro Colom. In the following days and months after Rosenberg's assassination, CICIG was seen as the only credible institution on which Guatemalan society could rely.

The approval of the reforms to the Law Against Organized Crime (LCCO) allowed CICIG the use of enhanced investigative techniques. Particularly, the use of phone tapping and effective witnesses allowed for the building of a solid criminal case, which in turn brought both legal certainty and political stability in Guatemala.

After 8 months of collecting and analyzing evidence, Commissioner Castresana and the Attorney General of Guatemala presented publicly their investigation results. Their findings came as a big surprise to most citizens in Guatemala and worldwide. They showed that Mr. Rosenberg had secretly arranged for his own murder, asking friends to contact *sicarios* to kill a person in a place and hour he provided information. Both his friends and the *sicarios* did not know the information Mr. Rosenberg gave them was meant to be his own assassination. The video Mr. Rosenberg recorded was part of his own plot to blame people he disliked politically, and that he considered being involved in the murdering of his lover (and the father of his lover) in April 2009.

Although the findings were presented as a working hypothesis of CICIG and the Attorney General, the public reaction was to fully trust the revelations as the actual truth. Consequently, the Rosenberg case created a high level of credibility for CICIG and its mandate to fight impunity. And from this case onwards, CICIG was given a political status in public opinion well above any other national institution or public authority.

Commissioner Castresana used CICIG's political clout to influence the appointment of a new Supreme Court, and most notably, the appointment of a new Attorney General in 2010. When President Alvaro Colom asked the Guatemalan lawyer Claudia Paz y Paz to assume as new Attorney General in December 2010, the Rule of Law and the fight against impunity started a whole new era in Guatemala. And Paz y Paz was one of the most recommended candidates by the second CICIG Commissioner, the Costa Rican lawyer and former Attorney General Francisco Dall'Anese.

The Pavón Case (2011): stretching the political limits of CICIG

In September 25th 2006, during the Government led by President Oscar Berger, violence erupted in Pavón, the largest prison facility in Guatemala. By the end of that day, several prison inmates were reported dead by national authorities. The Minister of Gobernación (*Homeland Security*), the Director of the National Police, and the Director of the Prison System received wide public opinion praise for their tough stance against the inmates' riots. The Director of the Prison System even became an instant celebrity, which in turn propelled him to pursue a political career.

In 2011, CICIG revealed an independent investigation about those events. Their findings indicated that national authorities have conspired to murder prison inmates after the riots have been controlled. And according to evidence collected, most people that were reported dead have been subject to extra-judicial killings.

CICIG and the Attorney General accused several former authorities for ordering the extra-judicial killings, most notably the former Minister of Gobernación, and the former Directors of the Police and the Prison System. The three of them were, like the lawyer Rodrigo Rosenberg, members of the urban economic elite, with their families being considered as very respected in the business community.

Given the political and economic influence of those accused, the Pavón case did not create the general public opinion consensus that characterized the Rosenberg case. Moreover, three of the most prominent people accused were not living in Guatemala, and the accusations led to trials in three European countries (Austria, Switzerland and Spain) beyond the reach of Guatemala's judiciary, while one of the former political authorities got exonerated from criminal charges of which he was accused.

Nevertheless, the Pavón case tested CICIG's capacity to put on trial even prominent members of the powerful economic elite of Guatemala. The Rosenberg case revealed that impunity had become a standard practice for powerful people, and that this power could involve the hiring of former and active security officers (policemen and soldiers) to commit cold blood murder. The Pavón case showed that powerful people occupying senior governmental posts had continued the armed conflict regular practice of extrajudicial killings, even in the context of presumably democratic governance.

CICIG's investigation and prosecution made clear once again that no one was above the law, not even members of the economic elite. And even with the loss of public consensus about CICIG's work, the Pavón case revealed how embedded impunity was in the modus operandi of Guatemala's powerful elites.

"La Linea" Case (2015): CICIG's power to overthrow a President

In 2015, CICIG and the Attorney General made their most important accusation so far. A criminal network (so called "La Linea") was discovered in Guatemala's customs system, which allowed for a massive tax fraud on imported goods. Originally, it was said that the leader of the network was the Private Secretary (Chief of Staff) of Vice-president Roxana Baldetti. However, later criminal investigations stated that the real leaders of the tax fraud scheme were President Otto Perez and Vice-president Baldetti.

The tax fraud and corruption system allowed companies not to pay VAT for their imports, and in exchange customs authorities received payments (bribery, and to a certain extent payments for not paying taxes). The wide scale criminal network channeled the collected illegal funds to the top leaders, who then proceeded to launder their financial assets through international off shore banks.

The politics of the accusation were as complex as the technicalities. Accusing the Chief of Staff of the Vice-president as the leader of a criminal network in the customs system was hard enough. Accusing then the President and the Vice-president as the actual heads of such criminal ring was a very convoluted political matter, to say the least. But it was even more complex than that, because the accusation was made public a few weeks before the general election of 2015. And it is clear that this last move in such political timing certainly affected the results of the presidential election.

After the accusation of the Private Secretary of the Vice-president, increasingly large numbers of citizens started to gather on Saturdays around the Central Plaza of Guatemala City (right in front of the Presidential Palace) to demand the resignation of the government. The political pressure was such that the Vice-president resigned in May 2015, three months before she was formally charged for being a leader of "La Linea". In spite of this, large citizens' demonstrations continued, demanding President Otto Perez to resign. After the public charges against the President and Vice-president were revealed in August 2015, the demonstrations were massive. They did not stop until President Perez Molina submitted his resignation to the National Congress (four days before the general election).

The citizens' spontaneous demonstrations were in tandem with CICIG and the Attorney General prosecution. Politically speaking, the citizens' movement provided the backing the accusations needed to be taken very seriously by leaders in Congress and public opinion. Social networks and traditional mass media amplified the political clout of CICIG and the AG prosecution.

Most notably, such political upheaval happened with no violence or bloodshed. No casualties were lamented in four months of massive demonstrations, and both citizens and governmental authorities restrained from using violent means to solve the confrontation. In a country that experienced 36 years of armed conflict with a horrendous human rights record, with one of the highest rates of homicides in the world, and where many people carry guns in the streets, the lack of political violence is highly remarkable.

The accusations against former President Perez, former Vice-president Baldetti, and many members of his government have increased since 2015. In mid-2016, they were facing charges that link them to several crimes, and if found guilty they could serve many years in prison.

CICIG and the Attorney General are on the opposite side of history. They are highly popular among Guatemalan citizens, as they have delivered what people have demanded for years: stop corruption rings in government and make accountable those who commit crimes. In short, fight corruption and impunity.

5. CICIG's contributions and limits:

While nobody can deny the political success of CICIG as a citizens' champion for honest government and justice, it is important to assess objectively its actual contribution to strengthening national institutions, reducing social violence through enhancing the rule of law, and providing a business climate that fosters sustainable economic growth. Unfortunately, such assessment cannot be done using hard statistics, and therefore the ideas that will be presented in this section are subject to debate. They are offered as a tool to guide future more in depth studies.

CICIG's impact on national institutions:

The most noticeable impact of CICIG on the justice system has been the enhanced capacity and credibility of the Attorney General office. The AG has become the most respected public institution in Guatemala, with far greater investigative and prosecutorial capacities than what it used to have before the presence of CICIG.

Over the last eight years, the AG has seen its technical capacity improved notoriously, both from a forensic point of view and from a legal perspective. The use of enhanced investigative techniques, the collection and custody of evidence, the selection and preparation of witnesses, and the prosecutorial strategy are areas where the accompaniment of CICIG has demonstrated to be critical.

Besides, the political presence of CICIG has also served to enhance the credibility of the AG. Public opinion and mass media have helped build an aura of ethical respect for the AG, based on its close collaboration with CICIG in fighting corruption and impunity. Prosecutors are interviewed and their arguments disseminated widely, so

that citizens understand and give support to the AG in its complex role of eliminating the political system illegal practices.

Beyond the AG office, CICIG has also put pressure on a more professional and non-corrupted national police. This in turn has led to greater collaboration and trust between the Police and prosecutors, indicated by the increase in joint complex operations that require confidentiality and rapid operational response.

Professional and honest judges have also received the backing by CICIG. Although relations between CICIG and Justices and judges have not been always positive, nonetheless those judges who have taken significant risks to perform their role in a responsible and professional manner have received wide praise from the Commission. In broad general terms, although the personal security of judges has not increased significantly and they continue to risk their lives for delivering justice, the strong public backing from CICIG has meant that judges feel there is more recognition for their role as critical actors in ensuring the rule of law.

Another important institutional impact from CICIG's presence has been felt in the National Congress. Members of Congress are more aware of their accountability to the justice system and to public scrutiny for their actions. This implies that their political behavior has become more transparent and they know that illegal activities can put them in trouble. On the other hand, congressmen who are willing to cooperate with eliminating corruption and fighting impunity have become more outspoken in their positions, helping foster the approval of legislation that enhances the rule of law in Guatemala.

CICIG's impact on social violence:

Since 2010, the homicide rate of Guatemala has been declining consistently. There is no consensus among analysts about the reasons for this positive trend, but it is expectable that the enhanced investigative and prosecutorial capacity of the AG office, in coordination with the National Police, is partially responsible. In this regard, CICIG's role in strengthening the Police and the AG may have made a contribution to such positive outcome.

CICIG's investigations have not yet fully delivered a strong case against corruption in the prison system. This is a critical factor in order to reduce social violence, since extortions and murders continue to be controlled by large organized crime groups that manage their activities from within the prisons. Those criminal organizations act in total impunity and the prison authorities are powerless, to say the least. This is indeed a subject that will require further attention from CICIG in the future.

Additionally, the homicide rate in Guatemala continues to be one of the highest in the world and the western hemisphere (close to 30 homicides per 100,000 inhabitants, annually). Even with the positive declining trend since 2010, there are still too many

murders and impunity continues to be an issue. This again is a challenge for the future that CICIG's cooperation will have to deal with.

CICIG's impact on business climate and economic growth:

There is no question that CICIG has had a positive impact in strengthening the rule of law in Guatemala. And it is clear that one of the most important drivers of sustained economic growth is the legal certainty derived from an effectively working justice system. Therefore, CICIG's impact on business climate and economic growth will most likely to be positive in the long run.

However, the expected positive impact has failed to materialize so far. In fact, although the economy continues to grow at rates above 3%, there are some indications of economic paralysis particularly after the assumption of a new government in January 2016. This has led to two possible interpretations.

On the one hand, some analysts consider that CICIG has been so disruptive in Guatemala's traditional political and economic power system, that some investors do not feel confident about the rules of the game anymore. Corruption and illegal activities were so widespread, that investors knew how to navigate in those waters, whereas the new situation is more unpredictable and therefore riskier. Is the rule of law here to stay? Will it be applied uniformly across the board to all economic agents, or will new authorities use it in a discrete and discretionary manner?

On the other hand, there are other analysts who believe that CICIG's impact is none so far, and that any short-term economic trends only reflect other variables impact. For example, some sort of economic paralysis has existed at the beginning of each democratically elected government, reflecting a cautious approach by investors willing to have clear signs from the new authorities on their fiscal and economic priorities.

Economic data suggests very little support for any one line of argumentation or the other. Growth has been moving basically in response to the world economy's behavior, something expectable in a small open economy like Guatemala. Most long-term international forecasts are positive (economic growth above 3% for the next years), with financial markets attention focused on the growing in-flow of remittances, and future energy and infrastructure projects. Actually, Guatemala qualifies for one of the most dynamic economies of Latin America, in a regional context where economic news are not particularly positive.

Finally, CICIG's promotion of the rule of law and greater public accountability has given tax collection a boost. Many companies that relied on a loose tax enforcement system have been forced to pay fines and overdue fiscal obligations since the tax administration has been taken away from the hands of corruption rings. Since March 2016, the new head of Guatemala's tax administration has become the major driver for an effective rule of law regarding tax collection. Projections from the Ministry of

Finance consider that a less corrupted and more effective tax administration may contribute to tax revenue with more than 0.5% of GDP annually, from 2016 through 2019.

6. Conclusion:

The story of CICIG is no doubt a successful one. It has delivered what it promised regarding greater enforcement of the law, strengthening of the justice system (particularly public prosecution), and weakening of powerful criminal rings that preyed on state institutions. Above all, it has helped Guatemala in its fighting against corruption and impunity.

Since its inception, it was clear that CICIG was a hard choice between sovereignty on the one hand, and greater rule of law on the other. Guatemala's authorities called upon the international community to help the country in its fight against illegal activities because the same national authorities felt they didn't have enough power to destroy existing criminal organizations. Moreover, national authorities rightly perceived that organized crime had penetrated state institutions, and they were embedded in the justice system in order to ensure impunity for their corrupting illegal practices.

From the outset, most people believed that CICIG's role was going to be critical in fighting drug trafficking and other transnational criminal organizations that have grown into controlling state institutions. However, what was not expected is that illegality has become a regular practice for very important political and business leaders, and that corruption and lack of accountability to the law was so widespread among well known (and even respected) public figures.

The principle that no one is above the law has become a revolutionary concept for Guatemala's society. Before CICIG, it was accepted that those with enough political and economic power could act in absolute disregard of the law, and they could get away with it. Impunity showed how those elites were above ordinary citizens, and how the system was rigged to serve their interests.

The fact that even the most important governmental authorities could device a large scale corruption scheme in the customs system, that even well established companies considered paying taxes a discretionary option that they could skip, or that extra-judicial killings and hiring of hit men was a regular practice for powerful governmental and business leaders, show the little respect for the rule of law from traditional political and economic actors.

How could such corrupted and criminal behavior become so common in Guatemala? Apparently the roots lie on the 36 years long armed conflict and the lack of accountability from powerful elites. Human rights violations were just the tip of the iceberg in a long list of unaccountable and illegal practices. Customs fraud has deep roots in those years, and extra-judicial and contract killings as well. Prosecution was

non-existent when the “right people” committed crimes. And judges and Justices were in charge of stopping or allowing trials, depending on powerful interests.

The Peace Accords did not make any provisions on how to eradicate the culture of illegality that prevailed during the armed conflict. In this regard, CICIG’s work can also be seen as part of the unfinished post-conflict agenda that was not considered by the peace process.

At the end, the most grateful with CICIG are regular Guatemalan citizens who feel that it is time to stop corruption and impunity, and that justice and the rule of law should prevail. CICIG has given them hope that power can be held accountable, and that no one will be above the law in the future.