

Guatemalan President's Dispute with the U.N. Commission Against Impunity (CICIG)

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Congress has supported successive Guatemalan governments' efforts to strengthen democratic institutions; address crime, drugs, and rule of law; and root out corruption and impunity. The current situation in Guatemala involves a January 2019 decision by President Jimmy Morales to terminate unilaterally the mandate of the U.N.-sponsored International Commission Against Impunity in Guatemala (CICIG), which has been investigating crime and corruption since 2007. Morales accused CICIG of violating Guatemala's sovereignty, a claim U.N. Secretary-General Antonio [Guterres rejected](#). Guatemala's Constitutional Court [overruled](#) Morales's decision. CICIG [resumed its judicial activities](#) in late February.

Despite some differences of opinion over CICIG's efforts, many in Congress are concerned that Morales's efforts could undermine ongoing investigations by the Guatemalan attorney general's office and judicial proceedings, make political reform more difficult, and heighten instability in Guatemala. Such consequences could undermine objectives of the U.S. Strategy for Engagement in Central America. Some Members of Congress are calling for punitive measures against the Morales administration, including [suspending foreign aid](#) and [imposing Global Magnitsky sanctions](#) on corrupt individuals. Other Members support Morales's claims that CICIG has violated Guatemala's sovereignty and maintain that the United States should end its financial support of CICIG.

CICIG's Creation and Purpose

Following Guatemala's civil war (1960-1996), crime and corruption became widespread. The Guatemalan government asked the U.N. to establish CICIG to help it combat a "parallel state" of criminal gangs, business elite, politicians, and security services that was undermining the elected government. In 2007, Guatemala and the U.N. signed an accord defining CICIG's functions, renewable every two years. An independent, international entity, CICIG's mandate is to support, strengthen, and assist Guatemalan

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state institutions in investigating, prosecuting, and dismantling illegal groups and clandestine structures responsible for organized crime and human rights violations, as well as to propose effective legal reforms.

CICIG works directly with the Guatemalan Public Ministry to strengthen rule of law. The ministry, headed by the attorney general (AG), is responsible for public prosecution and law enforcement. CICIG does not prosecute cases, but it works with local prosecutors and seeks to transfer international best practices. External donors provide CICIG's funding; the United States has contributed \$49.5 million since 2007.

CICIG's Accomplishments

A [2018 U.S. State Department report](#) highlights these accomplishments:

CICIG's hundreds of investigations have resulted in charges against more than 200 current and former government officials—including two recent presidents and several ministers, police chiefs, military officers, and judges. CICIG Commissioner Ivan Velasquez and [then-] AG [Thelma] Aldana forged a strong cooperative alliance to pursue many high-profile corruption cases. CICIG also builds the capacity of prosecutors, judges, and investigators working on high-profile and corruption-related cases.

A [January 2019 CICIG statement reports](#) the commission has supported the Public Ministry in more than 100 cases, promoted more than 34 legal reforms to strengthen transparency and judicial independence, helped identify over 60 criminal structures, and secured over 300 convictions. A recent [International Crisis Group study](#) estimated that CICIG-backed justice reforms contributed to a 5% average annual decrease in murder rates in Guatemala from 2007 to 2017.

As anti-corruption efforts have progressed, the circle of those feeling threatened by investigations has broadened to include powerful businesspeople, former military officers, and associates of President Morales. Likewise, criticism and attacks against CICIG and judicial officials have intensified, including death threats and public and anonymous attempts to discredit the head of CICIG and other officials, activists, and their organizations. Morales has fired reformist Cabinet members, police, and other officials who worked closely with CICIG. Nevertheless, [public opinion polls](#) show that [CICIG and the Public Ministry](#) are Guatemala's most trusted institutions.

Morales's Dispute with CICIG

Morales ran on a platform of transparent governance and made zero tolerance for corruption a primary pillar of his government's policy. In 2016, he [praised CICIG's](#) work and formally requested—and the U.N. granted—CICIG's extension through September 3, 2019. Morales said he would extend CICIG's term again, until 2021, before he left office. In the second half of his four-year term (2016-2019), however, Morales has faced allegations of illegal campaign financing, and his attitude toward CICIG has shifted from support to opposition.

In August 2018, newly appointed AG María Consuelo Porras and CICIG called for Morales to be stripped of his immunity so corruption charges against him could be pursued. Although Guatemala's Supreme Court approved the request, the Guatemalan Congress, where almost half the deputies are under investigation or in legal proceedings for corruption or other crimes, blocked the request. Morales subsequently said he would not renew CICIG's mandate and barred CICIG Commissioner Iván Velásquez from reentering the country, in defiance of two Constitutional Court rulings that he lacks the authority to do so.

When the [Morales administration announced](#) Guatemala was withdrawing from the CICIG agreement, it gave CICIG staff 24 hours to leave the country. The U.N. removed foreign staff because the government would not guarantee their safety. Guatemala's Constitutional Court suspended Morales's decision. The

U.N., European Union, advocates for government transparency and human rights, and others expressed concerns over Morales's decision, and thousands of Guatemalan citizens [protested](#) the decision and called on Morales to resign. The Morales administration is trying to impeach members of the Constitutional Court who have ruled in favor of CICIG. CICIG continued its work in compliance with the judicial finding from abroad, and in February most staff returned to Guatemala under contingency safety plans. Velásquez and 11 investigators whose visas were revoked have not returned.

Outlook

Many [observers are concerned](#) that Morales's moves against CICIG are part of a wider effort to protect himself and others from prosecution and that his actions threaten [Guatemala's fragile democracy](#). Guatemalan Human Rights [Ombudsman Jordan Rodas said](#) if the government did not comply with the court ruling, it would represent a failure to obey the rule of law. Although some Guatemalan institutions have built greater capacity since working with CICIG, many institutions remain vulnerable, and some fear a return to impunity for organized crime and government corruption. Some also fear hampering CICIG before the June 2019 national elections could facilitate continued financing of politicians by drug cartels and other criminal organizations.

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