



How Mexico's Drug War Is Killing Guatemala

Overrun with Mexican drug gangs, troubled by a staggering murder rate, and plagued with endemic corruption, Guatemala is in serious trouble. And now the nation's "Supercop" has called it quits. Can anyone stop the country from going down the tubes?

BY STEVEN S. DUDLEY | JULY 20, 2010



Before he resigned in exasperation from his job as the top prosecutor of the international anti-corruption commission in Guatemala **last month**, Carlos Castresana liked to compare the country to an obstinate hospital patient. "The patient refuses to take the medicine that is recommended," he recently **told** a reporter. "And a patient who does not take the medicine dies."

Guatemala definitely needs to take its pills. But now that the good doctor is on his way out, the country's condition looks more dire than ever. Castresana, the internationally appointed Spanish magistrate who presided over the U.N.-backed International Commission Against Impunity in Guatemala (CICIG), was perhaps the country's lone hope amid the wave of organized crime and corruption that is quickly inundating Central America's latest nascent narco-state. As he steps down and hands the reins to his newly appointed successor, the Costa Rican **Francisco Dall'Anese**, Guatemala's halting progress at combating those ills risks disappearing with him. Indeed, his sudden departure must feel like a victory for those who want Guatemala to remain "a paradise for criminals," as the International Crisis Group **recently called** the country.

Just how bad is it? Last month, Guatemala's president, Alvaro Colom Caballeros, welcomed the courts' **removal** of the newly elected attorney general for his alleged ties to criminal groups that, among other nefarious activities, sold adopted babies on the black market. Days earlier, four severed heads were placed in strategic locations in Guatemala City with **messages** pinned to them warning of a similar fate for the minister of the interior and director of prisons. This was the drug gangs' way of firing back against a recent tightening of regulations in Guatemala's jails. And, in the midst of the chaos, the Constitutional Court **approved** the extradition to the United States of a former president accused of embezzling millions in public funds. Just another day in Guatemala.

The country's descent has been a long spiral, but the pace has accelerated in recent years. The government signed a peace accord with leftist rebels in 1996, ending a 36-year old civil war. But as Mexico and Colombia cracked down on their own drug trafficking problems, the criminals sought new refuge, and Guatemala fit the bill: a weak government, a strategic location, and a bureaucracy whose allegiance came cheap.

Today, Guatemala is overrun with Mexican *narcotraficantes* and increasingly brazen street gangs. Other organized criminal networks traffic in not only babies, but also weapons, passports, timber, and immigrants. Close to 96 percent of those crimes go unpunished, in part because there's no long arm of the law -- criminal influence reaches the highest levels. The country's small security forces, meanwhile, are poorly trained and paid, especially when matched against drug traffickers bristling with sophisticated weapons and tactics.

Into this abyss stepped CICIG, which was proposed by the United Nations in 2006. With the approval of Guatemalan officials, the investigators got to work in 2007. (The international community foots the bill, about half of which is paid by the United States.) For the last three years, local prosecutors worked side-by-side with international prosecutors, all of whom have subpoena powers, the ability to order an arrest, and the authority to try cases.

At the top of the commission was Castresana, the so-called doctor -- a moniker he gave himself, preferring it to other nicknames given to him in the press such as the "modern-day Elliot Ness" and "Supercop." Among his many bona fides, Castresana was a **co-author** of the 1998 indictment against Augusto Pinochet, the late Chilean dictator. When he arrived in 2007, Guatemalans could dare to hope that their new savior could end the drug lords' reign of impunity. "The horizon is open, with its promises, challenges, and threats," wrote the Guatemalan paper *El Periodico* at the time. "Among the many demands, ideological concerns, and real enemies, the CICIG looks for light to move forward."

Castresana's mandate required that he attack, if not completely dismantle, Guatemala's shadow state -- the criminal networks that have undermined the government's authority. CICIG started by revising the country's antiquated judicial system. It helped push through legislation for wiretaps, reduced sentences for collaborating witnesses, and created special courts to try sensitive

cases. It also helped to establish a witness protection program and began training a specialized police unit akin to the U.S. marshalls to see to their security. It secured the removal of an allegedly corrupt and ineffective attorney general and 2,000 suspect police officers and called for a transparent process to replace them. The progress was significant -- so much so that President Colom called on the United Nations to **extend** CICIG's **mandate**, and other countries in the region began clamoring for their own independent corruption investigators.

The big breakthrough came this past January, when CICIG cracked the mysterious murder case of Rodrigo Rosenberg, a prominent lawyer who was killed as he rode his bicycle through Guatemala City on Mother's Day, 2009. He had recorded an ominous **video** five days before his death that began, "If you're watching this video, it's because I was assassinated by the president's private secretary." Opposition politicians began to call for Colom's resignation; street protests followed. But CICIG turned up a stunning result: Rosenberg, for personal and political reasons, had planned his own murder. Some questioned CICIG's results, but few questioned the professionalism and thoroughness of the **investigation**, which included triangulating telephone calls to prove that Rosenberg had set in motion his own assassination.

Just a few weeks later, CICIG arrested former Guatemalan President Alfonso Portillo on charges of embezzlement as he tried to escape to Belize; his defense minister and former aides have also been indicted. Then, in March, the commission arrested Guatemala's chief of police, Baltazar Gomez, and his top anti-narcotics intelligence official, Nelly Bonilla, both accused of being operatives for the powerful Mexican drug gang the Zetas.

Of course, none of CICIG's successes has come easily. The commission has struggled to build trust between the international prosecutors and their Guatemalan counterparts. Once welcomed by Guatemala's upper crest, the commission is now seen as intrusive; indeed, CICIG has been vilified in op-eds

and elite conversation for encroaching on Guatemala's sovereignty. What's behind this is an elite -- businessmen and political figures -- who didn't expect the body's investigations to lead to them. But hardly anyone is left untouched by the pervasive infiltration of illicit interests.

Gradually, the frustration of these daily struggles became too much for Castresana to bear. In announcing his resignation, he said that he could "not do more for Guatemala than what I've done." But he also attacked the government for not supporting its judicial and security institutions. Large sums of allocated money had never been disbursed to certain special investigative units, for example, and a witness protection program was rendered useless because the government had not paid the rent for the necessary safe houses. Only five of 16 proposed legislative changes to the country's criminal legal code have been passed by Congress; the rest, Castresana said, were "frozen" -- stopped by opposition members who simultaneously sought to discredit CICIG and him personally via the media. Then, rumors began circulating about Castresana's supposed dalliance with an employee.

But it was the selection of Attorney General Conrado Reyes that seemed to push Castresana from frustration to resignation. The newly appointed top lawyer arrived on the job with a notorious right-hand man: former presidential security director Carlos Quintanilla, who was **accused in 2008** of spying on the president for the Zetas. (The attorney general is not appointed directly by the president in Guatemala, but through a convoluted process involving the lawyers' guild, university presidents, and the Supreme Court; Reyes made it through that vetting despite CICIG's protests.) Once in office, one of the new attorney general's first actions was to put his own people in charge of the wiretapping program. Other prosecutors assigned to sensitive cases, including the one against ex-President Portillo, were removed from their positions. As a goodbye gift, Castresana took down Reyes, **presenting the president** with evidence of the attorney general's shady ties. Perhaps he knew it was the only way that the attorney general would leave -- if he left, too.

Of course, some will argue that CICIG may in fact be better off without Castresana, who was a polarizing figure. The image of Castresana as "Supercop" undermined the commission's ultimate goal of building up domestic institutions to the point that they could tackle these sorts of cases alone. Dall'Anese inherits an unenviable position, but he will at least have a clearer notion of exactly what resources Guatemala has to work with and who his enemies are. And Dall'Anese is no stranger to the terrain: Though he hails from relatively placid Costa Rica, as that nation's attorney general since 2003, he has witnessed the rise of organized crime throughout the region.

Dall'Anese may face an impossible task, however. Most observers agree that real, lasting gains are unlikely until either Guatemala's government or the international community sufficiently funds domestic judicial institutions -- and security forces to protect them. The commission regularly puts dozens of investigators and resources toward a case, something local authorities cannot afford to do. Most foreign CICIG investigators get round-the-clock protection from highly trained bodyguards -- a luxury (or arguably a necessity) that local investigators simply don't have.

"This is going to take years," Castresana **said** during a press conference a few days after he announced his resignation. "It's a fight for Guatemala, for the legal authority, for the institutions, but it's a house by house type of fight. The institutions are infiltrated . . . and we have to remove the bad public servants from these institutions one by one." And step by step is how they will have to go -- but Castresana's departure is certainly a step in the wrong direction.

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