

Down to the Wire: JES' Contribution to the Guatemalan Attorney General's Office is Helping to Changing the Face of the Country's Justice System

In Guatemala it is not uncommon to hear about the *fuerzas oscuras y poderes paralelos* or dark forces and parallel powers that still run public institutions almost 20 years after the country's long and violent civil war ended. Corrupt politicians and people connected

goods entering the country, led to 29 arrests as well as the resignation of Vice President Roxana Baldetti. As described by Guatemala's Attorney General, Thelma Aldana, "The case woke Guatemala up."



Figure 1. Thelma Aldana, the Attorney General of Guatemala lead a landmark corruption case against the country's Tax Authority that changed the face of justice in Guatemala. (Photo/Stephen Herman)

to Guatemala's vast organized crime network are deeply seated within the government, and until recently this structure seemed untouchable.

All of this transformed in April 2015, when the Public Prosecutor's Office exposed a massive corruption scandal within the Guatemalan Tax Authority (SAT).

High-ranking customs officials had designed a scheme to inflate the taxes on goods entering the country and share the excess funds with importers. The case, which affected more than 40 percent of

This break with the past was the result of years of hard work and coordination between Guatemalan justice institutions, and the Justice Education Society (JES). In 2008 JES, who had been working in the region since 1999, conducted an assessment of criminal

intelligence analysis (CIA) capabilities in Guatemala. JES found that although the Prosecutor's Office and National Police had adequate organizational structures, justice officials had limited capacity to conduct sophisticated criminal analyses on complex cases. JES also recognized the importance of the United Nations-backed International Commission Against Impunity in Guatemala (CICIG), which had been created in 2007 to weed out *fuerzas oscuras*.

JES wasted no time seizing this as an opportunity for capacity building. With funding from DFTAD's Anti-Crime

Capacity Building Program JES held three courses from 2009 to 2013 on criminal intelligence analysis for 72 prosecutors, including a representative of CICIG's investigative unit and analysts from the prosecutor's unit for specialized investigations. Through the trainings, conducted by Canadian intelligence analysts from both the RCMP and the Vancouver Police Department, participants learned how to collect and assess criminal data, and identify relationships or connections in complex criminal activity. Lindsey Heard, Vancouver Police Department analyst, said her students were initially taken aback by her seemingly painstaking approach to CIA. "The trainees were confused at the beginning because they were used to jumping right in. We taught them to take a step back."

Once JES has built up CIA strength in the Prosecutor's Office it shifted its focus to the Special Investigations Unit (DMEI) of the National Civil Police, who work hand-in-hand with prosecutors on investigations. In the spring of 2014 JES continued to train 24 police officers and civil monitors from the Unit on how to monitor telephone conversations using wiretap technology.

JES' extensive capacity building did not go to waste thanks to the timely entry of Thelma Aldana as Attorney General of Guatemala in May 2014. Aldana was a favourite of President Otto Perez Molina, and rumour has it that she was appointed with the idea that she would turn a blind eye to corruption within the government. In a May 2014 article the Economist said that her appointment was "likely to take the crime-ridden justice system in

Guatemala in a new -- potentially backward -- direction."¹ Boy were they wrong.



Figure 2. Lead Prosecutor Juan Francisco Sandoval discusses key details of the corruption case with members of JES' International Team. (Photo/Stephen Herman)

Immediately after her appointment, Aldana and her team launched head-on into the investigation, which originated from information caught on a telephone line monitored by DMEI. The line soon revealed the intricate workings of the customs scandal, as those participating had to call it each time they received a shipment. Over the course of a year police from DMEI used their wiretap monitoring skills to pour through 66,000 conversations, determining which ones were relevant and passing them along to their colleagues in the Prosecutor's Office. Using the skills gained in JES training the prosecutors then took these documents and began to make correlations with other activities surrounding the case.

"They listened to the tape and compared it with items entering the country and discovered that money was missing," said Juan Francisco Sandoval, the lead prosecutor in CICIG's specialized investigative unit, "With this information they realized that people higher up in the

¹ The Economist: "[Justice for All?](#)", May 22, 2014.

SAT must have been connected to the case.”

Attorney General Aldana made a point of mentioning the technological advances her team made working on this case. “Before, these cases were investigated using witness testimony, but we have arrived at scientific proof,” she said, “ This is a huge advance for justice in this country... cases are much more solid with scientific evidence.” She recalled that when they first went to court with the wiretap evidence the judge overseeing the case politely asked where the witnesses were. “At this moment we realized that the prosecutors were more advanced than the judges,” said Aldana, a former judge, hardly attempting to hide her sense of pride. Besides lauding the hard work of her team, Aldana makes it clear that this was a joint effort. “We couldn’t have done this without the assistance of JES,” she said.

JES recognizes the fundamental role of a visionary such as Attorney General Aldana. JES has provided support through needs assessments, training, equipment, and monitoring. These are the pieces of the puzzle, but a local leader needed to put the pieces together to create a functional prosecution system. That is what Attorney General Aldana had done. JES’ Director, Rick Craig recognizes this: “This is a landmark case and we are all very proud of how it addresses impunity in Guatemala.”

The case, referred to as *La Linea* or “The Wire” is a source of pride in the Public Prosecutor’s Office. It stands as proof that Guatemala can shed its image as a country plagued by networks of corrupt bureaucrats. The story has swept the international media, with reports in the Guardian, the New York Times and CNN, to name a few. In its wake, a movement of

long-frustrated Guatemalan citizens have risen up to protest for the fair and transparent government they rightly deserve.

Attorney General Aldana is confident that this is a force that cannot be stopped. “From here on we will see changes in laws, senators, public officials... No one can be sure of anything anymore and the citizenship is empowered all thanks to this work.”