THE MOST VIOLENT PLACE ON EARTH
EL LUGAR MÁS VIOLENTO DEL MUNDO
A DOCUMENTARY BY STEPHEN HERMAN
www.themostviolentplaceonearth.com

A film discussion guide
Produced by the Justice Education Society
Acknowledgements

This film discussion guide was produced by the Justice Education Society of BC, and was designed to be used before and/or after watching the movie, The Most Violent Place on Earth. This film documents the current state of justice in Guatemala, El Salvador and Honduras, which are considered to be the three of the most violent areas of the world. It explores the extent of the violence in the region, shares firsthand accounts of its impact, and offers behind the scenes look at the justice reform work the Justice Education Society has been undertaking for the past decade. Perhaps most importantly, the film poses the question: is there hope for an end to impunity?

This film can be viewed online in English and Spanish at www.themostviolenceplaceonearth.com.

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Justice Education Society of BC

The Justice Education Society’s mission is to build stronger communities by promoting understanding of, access to, and confidence in justice systems, at home and abroad.

With the support of our funders, partners and volunteers, we strive to maintain an accessible justice system for everyone.

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THE PERFECT STORM

The Most Violent Place on Earth describes a “perfect storm” of factors that create a climate of uncontrolled violence and impunity in Guatemala, El Salvador and Honduras. Each factor will be explored to contextualize the region’s justice crisis.
I. Civil War Chaos and Cold War Upheaval

El Salvador

El Salvador’s civil war spanned from 1980 to 1992. The Farabundo Marti Liberation Front (FMLN), a left-wing guerrilla force, demanded land reform and criticized the disparity between wealthy elites and the peasant majority. The FMLN led an insurgent campaign against the right-wing military government. This vicious conflict killed 75,000 people and drove 1 million more to flee the country.¹

El Salvador’s civil war became a Cold War theatre. The ideological divide between the FMLN and the government prompted the United States (US) to intervene. To contain the FMLN’s communist threat, the US provided the right-wing government with military and financial support. Both the government and guerrillas used scorched earth strategies and child soldiers². However, the United Nations Truth Commission for El Salvador states that government forces committed a disproportionate number of war crimes and human rights abuses.³

Throughout the civil war, the government employed brutal measures to root out guerrillas. Death squads swept through the countryside and murdered thousands of campesinos – peasant farmers believed to sympathize with the FMLN. The war’s most horrifying episode transpired at the El Mozote massacre. On December 11, 1981, a government battalion killed 1,000 innocent civilians, half of whom were children, in the village of El Mozote.⁴

Current Issues

In 1992, the United Nations facilitated a truce between the FMLN and the government.⁵ However, El Salvador faces significant obstacles to lasting peace and security. The government

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³ Allison, “El Salvador’s brutal civil war”; “El Salvador: 12 Years of Civil War.”


passed an ‘Amnesty Law’ in 1993 that protects war criminals from prosecution⁶. Despite opposition from the international community, this law remains in force and perpetuates impunity. Public confidence in the justice system is low and violent crime rages in urban centres⁷.

**Recent Progress**

Recent developments indicate that the Salvadoran government may become more transparent and accountable to the public. This could improve popular perceptions of the justice system. On December 10, 2012, the Inter-American Court of Human Rights ordered the Salvadoran government to investigate the El Mozote Massacre and prosecute perpetrators. This ruling binds El Salvador and could catalyze legislative reform to revoke the Amnesty Law.⁸ Furthermore, 2009 marked a political paradigm shift. The FMLN ascended to power as the first leftist government in 20 years. The president, Mauricio Funes, visits El Mozote annually to publically apologize for the state’s atrocities.⁹

**Guatemala**

Civil war consumed Guatemala from 1960 to 1996. Left-wing insurgents – including intellectuals, students, and Mayan farmers – battled the right-wing military government.¹⁰ This conflict claimed 200,000 lives and devastated Guatemala’s infrastructure.¹¹

Like El Salvador, Guatemala became a ‘proxy war’ battleground in the American fight against communism. The US provided financial and military support to the right-wing government.¹²

Violence peaked between 1978 and 1984, when the government sent death squads into the countryside and massacred indigenous Mayan villagers. The United Nations Truth Commission

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for Guatemala defines this targeted killing as **genocide**.¹³

**Current Issues**

The rebels signed peace accords in 1996, yet violence persists in everyday life.¹⁴ Murders are rampant and victims are frequently women. More than 2700 Guatemalan women were killed between 2001 and 2008.¹⁵ This outbreak of gendered violence, described as a ‘femicide’, continues today.¹⁶

The government’s wartime atrocities shattered public confidence in state institutions. Many Guatemalans perceive the justice system as an instrument of state terror and a tool for serving corrupt elites’ interests.¹⁷ This inspires citizens to take matters into their own hands and practice vigilante justice. Rural communities lynch petty criminals when authorities fail to intervene.¹⁸

**Recent Progress**

In 2006, Guatemala partnered with the United Nations to establish the International Commission against Impunity in Guatemala (CICIG). The CICIG tracks down and disbands clandestine security groups that brutalize civilians and threaten human rights.¹⁹ Claudia Paz y Paz, Guatemala’s first female Attorney General (AG), also combats impunity. She is the first AG to prosecute wartime perpetrators of crimes against humanity.²⁰ Under her leadership, five government soldiers have been convicted for their involvement in the Dos Erres massacre – the murder of

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an entire village in 1982.\textsuperscript{21}

In 2013, General Rios Montt, who led government forces from 1982 to 1983, faced charges for crimes against humanity in the civil war. Although lower courts convicted Montt, the Guatemalan Supreme Court set aside the ruling and ordered a retrial on the basis of a procedural error.\textsuperscript{22} As of October 2013, the outcome is pending. Convicting Montt would represent a seminal symbolic victory in Guatemala’s efforts to end impunity.

\begin{itemize}
\item \textbf{Honduras}
\end{itemize}

Honduras did not experience civil war. The country transitioned incrementally from dictatorship to democracy without an explosion of nationwide violence. Nevertheless, Honduras played a pivotal role in American Cold War strategy.\textsuperscript{23}

In the 1980s, the US used Honduras as a springboard to launch military interventions into Nicaragua and El Salvador.\textsuperscript{24} The US also provided millions of dollars to the Honduran armed forces. This hampered democratic reform by exacerbating an existing power imbalance between civil institutions and the military. Although Honduras proceeded through a series of seemingly democratic elections, the military quietly consolidated power in the background.\textsuperscript{25}

Throughout the 1990s, financial hardship crippled Honduras. American-lead, neo-liberal reforms failed to resuscitate the struggling economy. In 1998, Hurricane Mitch wreaked 3 billion dollars in damage, killed 5000 people and displaced thousands more.\textsuperscript{26} This worsened economic conditions and forced many Hondurans to seek refugee status in the US.\textsuperscript{27}

\textbf{Current Issues}

In 2009, the Honduran Supreme Court ordered the military to depose the democratically elected president, Manuel Zelaya. On the morning of June 28, soldiers forced Zelaya onto a

\begin{itemize}
\item \textsuperscript{24} Mateo, “Street Gangs of Honduras,” 101.
\item \textsuperscript{25} Mateo, “Street Gangs of Honduras,” 102.
\item \textsuperscript{26} Mateo, “Street Gangs of Honduras,” 103.
\item \textsuperscript{27} Wolf, “Street Gangs of El Salvador,” 54.
\end{itemize}
plane and exiled him to Costa Rica. Zelaya had intended to poll the public and gauge interest in constitutional reform. The Supreme Court denounced this action as illegal. In the coup’s aftermath, protesters stormed into the streets. Authorities suppressed this revolt with machine gun fire and tear gas.\textsuperscript{28}

Overall, the 2009 coup exposed the fragility of Honduran democracy and the military’s enduring influence over civil society. The coup represented a disturbing reminder of the Northern Triangle’s history of dictatorship. This weakened public confidence in the rule of law.\textsuperscript{29} Furthermore, the coup exacerbated Honduras’ cocaine trafficking problem. With Honduran civil society in disarray and local law enforcement preoccupied, Venezuelan and Colombian traffickers seized the opportunity to increase transit through the region. Honduras quickly became a major drug artery to North America.\textsuperscript{30}

Since the 2009 coup, democracy continues to erode. Enfeebled and impoverished state institutions are unable to contain skyrocketing violent crime.\textsuperscript{31} Honduras’ murder rate has more than doubled in the past 5 years, making it the highest in the world.\textsuperscript{32}


\textsuperscript{31} Mateo, “Street Gangs of Honduras,” 99 & 113.

II. Street Gang Domination: The Rise of the Maras

Street gangs, or ‘maras’, terrorize the Northern Triangle. The World Bank estimates that there are more than 900 gangs in Central America with approximately 70,000 members. Gangsters are heavily armed. Civil wars and the expanding international arms trade have flooded Central America with weapons. In 2007, there were 4.5 million small arms in the region – the vast majority of them illegal.33

Two gangs, ‘Mara Salvatrucha’ (MS) and ‘Calle Dieciocho’ (18th Street), dominate the Northern Triangle and escalate violent crime rates. They commit extortion, murder, contract killing, and human trafficking.34 Alarmingly, they often outnumber and outgun state police forces.35

MS and 18th Street originate in the US. Throughout the 1980s, civil wars, economic crises and natural disasters forced thousands of Central Americans to flee their homelands.36 Many settled in Los Angeles, usually in low-income neighbourhoods rife with street gangs. Immigrants joined these gangs for varying reasons – often as a means to support their families. In 1996, the US passed the Illegal Immigration Reform and Immigrant Responsibility Act, which targeted noncitizens with criminal records for deportation. Consequently, Central American gangsters were expelled en masse. They brought their gang affiliations to their home countries and founded new organizations. Over time, MS and 18th Street consolidated power and integrated local maras into their ranks.37

Since the early 2000s, governments have invoked heavy-handed policies to curb gang violence in the Northern Triangle. For example, El Salvador’s ‘Ley Antimaras’ law and Honduras’ mano dura program enabled authorities to prosecute suspected gang members for the crime of ‘illicit

association. All three countries empower police to detain suspects with thin evidence. Having tattoos, wearing suspicious clothing, and socializing with gang members are grounds for arrest. Consequently, thousands of youths face convictions without due process.

**Current Issues**

Unfortunately, hardline approaches to the Northern Triangle’s gang problem are often counterproductive. Maras adapt to harsh policies and evade capture. Mass incarcerations create new gang hierarchies within prisons. Leaders issue orders and recruit members from jail. In March 2012, imprisoned Salvadoran leaders of MS and 18th Street forged a truce to end inter-gang warfare. The government facilitated negotiations and established ‘peace zones’ in urban centres where gang members cannot carry weapons. Although this agreement initially reduced murder rates, violence increased in recent weeks. In June 2013, Honduran factions of MS and 18th Street made a similar peace proposal. They offered the government a ceasefire in return for release from prison, training in skilled trades, and job placements. Negotiations are in process.

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40 Cruz, “The Dark Side of Gang Suppression,” 166.
III. Expansion of the Transnational Drug Trade

The Northern Triangle provides a corridor for trafficking drugs between producers in South America and consumers in North America. Approximately 88% of cocaine arriving in the United States is funnelled through Central America and Mexico.44

In 2006, the Mexican government implemented a new security strategy to disrupt cocaine trafficking. From 2007 to 2011, Mexican authorities made some of the largest cocaine seizures in history. This crackdown influenced drug cartels, including los Zetas, to reroute their operations and increase activity in Central America.45

Power struggles between transnational drug traffickers and territorially based gangs, including MS and 18th Street, exacerbate violence throughout the Northern Triangle. Maras assert control over certain territories and demand payment from traffickers moving product through them. If traffickers fail to pay, maras retaliate brutally. Drug cartels in the Northern Triangle also increase other types crime by participating in human trafficking and firearms smuggling.46

IV. Weaknesses in the Inquisitorial Criminal Justice System

Comparing the Adversarial and Inquisitorial Systems

El Salvador, Guatemala, and Honduras have ‘inquisitorial’ criminal justice systems that resemble those used throughout Continental Europe.47 In contrast, the United States, Canada and other Common Law countries employ ‘adversarial’ systems. Inquisitorial and adversarial systems share common features, including concepts of a standard of proof and the presumption

44 “Crime and Development in Central America.”
45 “Transnational Organized Crime in Central America and the Caribbean.”
46 “Transnational Organized Crime in Central America and the Caribbean.”
of innocence. Their principal difference lies in the role of judges.

In the adversarial system, opposing parties, represented by legal counsel, argue their cases before a judge and, often, a jury. Simply put, judges serve as ‘referees’ overseeing a ‘competition’ between rival teams. They ensure that each counsel adheres to procedural rules and due process. Lawyers play a central role by cross-examining witnesses and presenting arguments through oral advocacy. Each side asserts their interpretation of the true facts. In Canada, for the most serious offences, juries, composed of laypersons, consider this evidence and determine the accused’s guilt or innocence.

Under the inquisitorial model, judges act as “examiners-in-chief”. Evidence is often ‘paper-based’, comprising transcriptions of witnesses’ testimonies or records of physical evidence from crime scenes. Prosecution and defense counsel submit their evidence directly to the judge, who reviews the information to determine the truth. When necessary, judges also question witnesses. This minimizes the role of lawyers and deemphasizes oral advocacy. Juries are not used and judges make rulings independently.

Problems with the Inquisitorial Model in the Northern Triangle

The adversarial system relies on opposing counsels’ arguments to present the truth, while the inquisitorial system trusts judges to determine the truth. Both models have weaknesses. However, the inquisitorial system is especially problematic given the Northern Triangle’s history of

49 Van Koppen and Penrod, “Adversarial or Inquisitorial,” 11.
50 Walpin, “America’s Adversarial and Jury Systems,” 176.
51 Van Koppen and Penrod, “Adversarial or Inquisitorial,” 11.
52 Van Koppen and Penrod, “Adversarial or Inquisitorial,” 11.
53 Van Koppen and Penrod, “Adversarial or Inquisitorial,” 11.
corruption in public institutions.

In short, inquisitorial systems concentrate power in judges’ hands and exclude the public from court proceedings. Judges investigate documentary evidence ‘behind closed doors’. Citizens cannot watch opposing counsels’ arguments or participate in the trial process as jurors. This lack of transparency enables corrupt officials to influence rulings without accountability to the public.

Moreover, the inquisitorial system relies on documentary evidence that can be biased and inaccurate. For example, transcriptions of witnesses’ testimonies may be paraphrased to create a more persuasive argument. Nevertheless, they are given the same probative weight as oral testimonies at trial, despite the fact that there is little or no opportunity for cross-examination.54

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54 Van Koppen and Penrod, “Adversarial or Inquisitorial,” 8.
SYSTEMIC REFORM:
The Role of the Justice Education Society
What is the Justice Education Society?

The Justice Education Society (JES) is an apolitical and secular non-governmental organization based in Vancouver, British Columbia. The JES has local and international offices. The local office spearheads initiatives to increase access to justice in BC, including a court information program for immigrants and legal workshops for northern First Nations communities. The Most Violent Place on Earth details the international program’s activities in Central America. This will be discussed further below.

The International Program

An effective justice system is critical to ensure good governance and maintain functioning democratic institutions. With this in mind, the JES’s international office collaborates with governments in developing countries to strengthen the capacities of their justice systems.

The JES empowers local governments with the tools to build and maintain effective justice systems. This is accomplished through systemic reform. Specifically, the JES educates police, prosecutors, and judges to encourage teamwork and cooperation between each branch of the criminal justice system. Canadian legal professionals share knowledge and technology with their peers in other countries. Both groups work together to adapt the best international practices to local needs and social contexts.
Work in Central America

The JES has led projects in Central America since 2001. Currently, the JES is completing a four-year program to strengthen criminal justice systems in El Salvador, Guatemala, and Honduras (the Northern Triangle). Ultimately, the JES intends to help Central American governments restore the Rule of Law, end impunity, and contain violent crime.

To respond to the Northern Triangle’s justice crisis, the JES assists with training and procedural reorganization in crime scene investigation, major case management, and oral trial techniques. This is a Canadian International Development Agency (CIDA) funded project and represents the ‘backbone’ of the region’s justice reform.

In addition to the ‘backbone’, the JES provides Special Methods of Investigation (SMI) training. The JES donates cutting edge technology and educates Central American justice system partners. This enhances the capacity of law enforcement agencies in criminal intelligence analysis, forensic video analysis, wiretap, and other SMI techniques. The goal is to integrate specialized units into Central American criminal justice systems by training personnel who can, in turn, educate others. This is a Department of Foreign Affairs, Trade and Development (DFATD) funded project.

For more information: http://www.justiceeducation.ca/international
ONLINE RESOURCES
FOR FURTHER INFORMATION
El Salvador

“El Salvador’s brutal civil war: What we still don't know” – Al Jazeera Online http://www.aljazeera.com/indepth/opinion/2012/02/2012228123122975116.html


Guatemala

“Top Guatemalan prosecutor pulls no punches” – Al Jazeera Online http://www.aljazeera.com/indepth/features/2013/01/20131318381732633.html


Honduras


Maras and Street Gang Violence

“Rival Honduras gangs declare truce” – Al Jazeera Online http://www.aljazeera.com/news/americas/2013/05/201352822569919850.html

“El Salvador gang truce leads to plummeting murder rates” – The Guardian Online http://www.guardian.co.uk/world/2013/may/15/el-salvador-gang-truce

“El Salvador gang truce crumbling, 103 murders in last week alone” – Huffington Post Online http://www.huffingtonpost.com/2013/07/06/el-salvador-gang-truce-murders_n_3553095.html

Expansion of the International Drug Cartel


International Organizations


The International Commission Against Impunity in Guatemala (CICIG) http://cicig.org/index.php?page=about
QUESTIONS

The following are thematically organized questions intended to stimulate discussion after viewing the film.
THE MOST VIOLENT PLACE ON EARTH | A film discussion guide

1. Can There Be An End To Impunity?

“I don’t know at what point we can say that it is irreversible, that the damage is done for a whole generation...you go to the corner store to buy eggs and you’re putting your life on the line”

— Pierre Marion, The Most Violent Place on Earth

1. What parts of the film affected you the most? What did you find the most shocking? Upsetting? Positive? Hopeful? Inspiring?

2. A central focus of the film is the concept of impunity, or impunidad. Describe what this means in your own words. Do you see this as a problem in your home country’s justice system?

3. The film discusses obstacles to justice reform in the Northern Triangle. Identify the obstacles. Which do you see as the most significant and why?

4. After watching this film, do you feel hopeful that justice reform is possible in the Northern Triangle, or do you think impunity and high violent crime are intractable problems? Why?

Activity

One of the film’s central themes is the Central American public’s lack of trust and confidence in their justice system. This activity encourages participants to reflect on their trust and confidence in their home countries’ justice systems. Separate the class into small groups for focused discussion. Encourage group members, if they feel comfortable, to answer the following questions:

1. What country are you from?

2. What is your perception of your home country’s justice system? Are you confident in it? Do you question its legitimacy?

3. How do you think that people in your home country perceive the justice system? What about the international community?

4. How does your home country’s justice system compare to Central American systems?

5. Did watching the film affect your view of your home country’s justice system?

6. Can you relate to the experiences of anyone in the film?
2. Crime Scene Investigation

“You can be the best advocate in the world, but if you don’t have the raw material to work with, you’re not going to be able to put together a successful case”

—Cal Deedman, The Most Violent Place on Earth

1. The JES trains Central American police, prosecutors, and judges through a “holistic” and “systemic” approach. Describe what this means in your own words. Why is this approach necessary in the Northern Triangle?

2. Why is gathering physical evidence particularly important to conducting successful criminal investigations in the Northern Triangle?

3. Police relied on cellphone tracking and forensic video analysis to solve the murders of Allyson Randeros and Allan Strowlinsky. Advances in technology allow empower police with unprecedented access to suspects’ private lives during investigations. How do you feel about this happening in the Northern Triangle? What about in your home country? Is the trade off of increased safety and security worth compromising privacy?

Activity

Choose one method of crime scene investigation technology mentioned in the film. For example, forensic video analysis, IBIS, major case management, or wiretap. Research how it has been used in cases in your home country. Share what you learn.
3. Uncontrolled Violence and Constant Fear of Crime

“Working with Central American partners has been quite shocking. The degree to which people live in fear is something I had never seen”

– Anne Catherine Bajard, The Most Violent Place on Earth

1. Many people in the Northern Triangle live in constant fear of violent crime. Do you experience extreme fear of crime in your home country? Have you travelled or lived in an environment where you felt a heightened fear of violent crime?

2. The film discusses how violent crime affects people of all sectors of society in Central America. What parts of the film do you think exemplify the Northern Triangle’s uncontrolled violence? Can you relate to the experiences of any of the individuals in the film?

3. Alison Renderos’ classmates handed her over to a street gang. How did this make you feel? Do you think her classmates are to blame for their actions? Do you see their behaviour as a product of growing up in culture of violence?

Activity

Look up the murder and conviction rates in your home country. Research the general public’s fear of crime. How do these statistics compare to the Northern Triangle?
4. Increasing Transparency in the Justice System: The Role of the Public and the Media

“We went from an inquisitorial system to an adversarial system and from a secret one to one which is public...now, I see a troop of journalists who are [at the court building] every day”

– Marco Antonio Villeda (translation), Judge, The Most Violent Place on Earth

1. The film indicates that the Central American media has a growing presence at trials. This may increase transparency in court proceedings, draw attention to successful convictions, and boost public confidence in the justice system. Do you agree? Do you think media presence will improve public morale and curb corruption, or do you think it is more likely to perpetuate fear of crime by sensationalizing murders and violence?

2. How does the media portray crime and the justice system in your home country? Do you think that these representations affect public opinion? Do you trust these representations?

3. Public confidence in the justice system is low in the Northern Triangle. However, this film indicates that attitudes are shifting because of increased public access to trial proceedings, media reports about cases, and greater transparency in the justice system. How do these developments compare to the state of affairs in your home country? Do you think that people pay attention to developments in your country’s criminal justice system, or are they more apathetic?

Activity

1. Choose a recent criminal case described in your home country’s media. Locate at least 3 different sources that cover the case. For example, newspaper or magazine articles, radio broadcasts, and televised news. Identify similarities and differences between how each source tells the story. What facts are emphasized? Are there any discrepancies between sources? Which source do you trust the most? Why?

2. Research the differences between an adversarial justice system and an inquisitorial justice system. Focus your research on one of the following topics and share your findings with the class:

3. Locate a country, other than El Salvador, Guatemala, or Honduras, which uses an inquisitorial system. Assess that system’s level of functionality. Does it suffer from corruption? How
is it different from the inquisitorial systems operating in the Northern Triangle?

4. Investigate some weaknesses in the adversarial model of criminal justice. Do you think they will be an issue in the Northern Triangle? If your home country’s justice system follows an adversarial model, do you see those weaknesses playing out?

5. NGOs and International Diplomacy

“The first thing I could say about the JES’s training, is that it has been very useful to understand that we all work in the justice sector – that we are a team...if someone doesn’t do their job as they should, their errors are reflected in the next part of the process, and then in the next (translation)”

– Félix Maldonado Jiménez, Police Commissioner, The Most Violent Place on Earth

1. Before watching this film, how did you perceive the Northern Triangle? Generally speaking, how do you think people in your country perceive the region? How do you feel about the way the region is portrayed in this film?

2. Providing aid and intervening in other countries is always a delicate issue. How do you feel about the JES’s approach in the Northern Triangle? Do you think the JES’s program could be improved, refined, or expanded? How?

3. Canada is a democratic society with a functional justice system founded on the rule of law. Do you think this creates a responsibility for Canada to help other countries strengthen their justice systems? What do you see as the extent of Canada’s responsibility to help?

Activity

1. Research other NGOs that are intervening to strengthen Central America’s justice systems. What needs are they responding to? Which organization do you feel has a particularly effective program? Which organization would you like to work or volunteer with? Why?

2. Imagine that you work for the JES and you have been given funding to expand the organization’s programs in the Northern Triangle. What kind of programs would you create? Which parts of the justice system would you target?
**Attorney General (AG)** – A nation or state’s chief law officer. The AG represents the government in litigation and serves as its head legal adviser.

**Cold War** – The period of hostility between the communist, Russian-led, Soviet Bloc (USSR) and the capitalist, American-led, Western powers from 1945 to 1990. It is described as a ‘cold’ war because there was no direct, or ‘hot’, conflict between the USSR and the US. Instead, the two sides fought indirectly for global dominance. They stockpiled nuclear arms and supported forces in other countries, such as Guatemala, El Salvador, and Nicaragua, with weapons, money, and military training.

**Contract killing** – Committing murder based on an agreement with another person for paid compensation.

**Conviction** – The process of finding a person guilty of a crime in a court of law.

**Counsel** – Lawyer or legal representation.

**Coup, or ‘coup d’état’** – The sudden and violent overthrow of an existing government by a small group.

**Crimes against Humanity** – The Rome Statute of the International Criminal Court, article 7(1), defines ‘crimes against humanity’ as follows: Any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules in international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. (http://untreaty.un.org/cod/icc/statute/rome-fra.htm)

**Criminal Intelligence Analysis (CIA)** – Police record information about crime and criminal behaviour in an electronic database to predict trends and assist future investigators in solving crimes. CIA entails reviewing this data and applying it to a current crime scene investigation. (http://www.unodc.org/documents/organized-crime/Law-Enforce-
Cross-examination – Interrogating a witness or a party during a trial, hearing, or deposition by that party. A technique often used to evaluate the truth of the party’s testimony, develop the testimony further.

Defense counsel – The attorney(s) representing an accused person in a criminal trial.

Drug Cartel – An illegal organization that oversees the production and distribution of narcotic drugs.

Due Process – Formal legal proceedings carried out in accordance with established rules and principles. In Canada, a person’s right to due process is constitutionally protected in the Charter of Rights and Freedoms. Note that the Charter does not use the term ‘due process’ explicitly, but refers more broadly to ‘principles of fundamental justice’ in section 7. (http://laws-lois.justice.gc.ca/eng/Const/page-15.html)

Extortion – The crime of getting money or other interests from someone by use of force or threats. (http://laws-lois.justice.gc.ca/eng/acts/C-46/page-165.html#docCont)

Forensic Video Analysis – Using expertise to review video footage and locate evidence that assists the Court in determining an accused’s guilt or innocence. (http://www.rcmp-grc.gc.ca/ns/prog_services/specialized-services-services-specialises/forensic-ident-identite-judiciaire/index-eng.htm)

Genocide – ‘The International Convention of the Prevention and Punishment of the Crime of Genocide’, as set out by the United Nations on December 9, 1948, defines genocide as follows: Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group (http://www.teachgenocide.org/files/UN%20Definition%20of%20Genocide.pdf)

Human Trafficking – The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Article 3, paragraph (a), defines human trafficking as follows: The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the
exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html#What_is_Human_Trafficking)

Integrated Ballistics Identification System (IBIS) – An electronic database of bullets, cartridge cases, and firearms recovered from crime scenes. IBIS assists police in generating investigative leads. Specifically, police gather firearms-related evidence from crime scenes and compare their findings to the IBIS record for potential matches. This helps identify commonalities between crimes committed in different jurisdictions and increases chances of convicting serial criminals. (http://www.rcmp-grc.gc.ca/fsis-ssji/cibin-rciib-eng.htm)

Inter-American Commission of Human Rights (‘the Commission’) - An institution from the Organization of American States (OAS) that promotes and protects human rights in the American hemisphere. The Commission receives human rights complaints and proactively combats violations throughout the American hemisphere. (for more information, see: http://www.oas.org/en/iachr/mandate/functions.asp)

Inter-American Court of Human Rights (IACHR) – An adjudicatory body affiliated with the Inter-American Commission of Human Rights (see above). The IACHR was created through the American Convention on Human Rights (ACHR) in 1978. The IACHR is based in San José, Costa Rica. Its rulings bind states that have ratified the ACHR. Currently, ratifying states comprise: Argentina, Barbados, Brazil, Bolivia, Chile, Colombia, Costa Rica, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Suriname, Trinidad and Tobago, Uruguay and Venezuela. (for more information, see: http://www.oas.org/en/iachr/mandate/functions.asp)

Los Zetas – A transnational organized crime syndicate, based in Mexico, which draws most of its revenue from drug trafficking.

Lynch – Putting a person to death through mob action without legal sanction

Major Case Management (MCM) – Using computer software to create an electronic record of information gathered in the investigations of serious crimes, such as homicides, sexual assaults, and abductions. Police access this record to identify connections and common theme between cases. This reduces risks that serial offenders will evade capture. (http://www.mcscs.jus.gov.on.ca/english/police_serv/MajorCaseManagement/mcm)
Oral Advocacy, or oral argument – A lawyer’s spoken statements before the court in defense of their client’s case, or in rebuttal of the opposing party’s spoken or written statements. – (http://www.businessdictionary.com/definition/oral-argument.html)

Physical evidence – Objects found at the scene of a crime that can be used to identify the perpetrator(s). For example, footprints, fingerprints, and bullet casings.

Presumption of Innocence – A legal principle where the accused in a criminal trial is presumed to innocent until proven guilty based on the required standard of proof (see below). (see the Canadian Charter of Rights and Freedoms, section 11: http://laws-lois.justice.gc.ca/eng/Const/page-15.html)

Prosecute – Bring legal action against a person for committing a crime or violating the law.

Prosecution, or prosecutor – A government attorney bringing the case against a person accused of a crime.

Proxy War – A war that a major power instigates or influences, but does not directly participate in.

Rule of Law – The concept that everyone in society, including the government, is equal before the law and subject to the law. (http://www.parl.gc.ca/about/parliament/senatoreugeneforsey/book/chapter_5-e.html)

Scorched earth – The military strategy of intentionally destroying property and resources, such as farmland and factories, so that opposing forces cannot use them.

Small arms – Portable weapons designed for personal use, including revolvers, sub-machine guns, and assault rifles. (UN definition: http://www.un.org/Depts/ddar/Firstcom/SGreport52/a52298.html)

Standard of Proof – The level, or ‘burden’, of proof required for a ruling on a specific case, established by assessing the associated evidence. In Canada, for civil cases, the burden of proof is ‘on the balance of probabilities’. To succeed in court, a party must demonstrate that their argument is likely to be true, or more probable than not. For criminal cases, the burden of proof is ‘beyond a reasonable doubt’. This is a much higher standard. Before judges or juries will convict, prosecutors must prove that the accused
person is virtually certain to be guilty.

**Transnational** – Extending or operating across national boundaries.

**War Crimes** – Serious violations of the laws and norms that govern armed conflict. Some examples include intentionally attacking civilians, committing sexual violence, enlisting child soldiers, or torturing prisoners. (http://www.icc-cpi.int/en_menus/icc/about%20the%20court/frequently%20asked%20questions/Pages/13.aspx)

**Wiretap** – Monitoring electronic communication, including telephone conversations, emails, and telegram exchanges.

**Witness testimony** – A solemn declaration made under oath and used as evidence in a court of law.
WORK SHEET
ANSWER KEY
• Introduction

1) Define “impunity”, or impunidad, in the context of violent crime in Central America

Answer: The justice system is not strong enough to deter people from committing violent crime. People can commit violent crime without getting caught or suffering consequences.

• A Brief History

2) This section of the film identifies various factors that create a “perfect storm” of uncontrolled violence and impunity in the Northern Triangle. Identify them.

Answer:
• Civil wars in Guatemala and El Salvador
  - Violence has been normalized.
  - Soldiers were conditioned to believe that women gave birth to “future guerrilla soldiers”. Consequently, women and children were frequently targeted.
  - It is challenging to peacefully integrate former combatants – i.e. government soldiers and guerrillas – into a peaceful society.

• Rise of street gangs
  - They are ruthless and violent
  - They extort people, particularly bus drivers, and demand payment of “war tax”

3) Why do many cars in the Northern Triangle have tinted windows?

Answer: To protect passengers – usually women and children – from violence.

4) How did Alisson Renderos end up in the hands of a Salvadoran street gang?

Answer: Her classmates brought her to a gang safe house.

5) About the Justice Education Society:
a) What was the Justice Education Society’s (JES) first project in Guatemala?

   **Answer:** The Oral Trials Project – a series of seminars for prosecutors about oral trial techniques and advocacy.

b) Why was this project problematic?

   **Answer:** Reform at earlier stages in the criminal investigative process was necessary before oral advocacy training would make a positive difference. Prosecutors often had no evidence to work with and cases seldom made it to trial.

c) How does the role of prosecutors in Guatemala differ from the role of prosecutors in Canada?

   **Answer:** In Guatemala, prosecutors run all aspects of a criminal investigation from the outset. They direct crime scene investigations as well as present the case in court.

- **Crime Scene Investigation**

6) Why is gathering physical evidence particularly critical to criminal investigations in Guatemala?

   **Answer:** People don’t want to testify as witnesses, since they are often threatened or killed for doing so. Other sources of evidence are crucial to build a successful case.

7) What distinguishes the JES’s projects from the work of other NGOs in the Northern Triangle?

   **Answer:** The JES practices a ‘holistic’ approach to justice reform. The JES educates people at all levels of the justice system about crime scene investigation techniques, including police, prosecutors, and judges. The JES encourages the different branches of the justice system to work together.

- **Major Case Management**

8) Historically, why have prosecutors been reluctant to cooperate with police in the Northern Triangle?

   **Answer:** Police forces have a well-documented history of corruption. They have
been involved in homicide, drug trafficking, kidnapping, extortion, robbery, and other crimes.

• Oral Trial Techniques

9) Marco Antonio Villeda, a Guatemalan judge, explains some problems with the inquisitorial justice system in Central America. What are they?

   Answer:
   • There is no transparency or accountability to the public, as the system empowers judges to make decisions “behind closed doors”
   • Judges are often corrupt
   • There is no public confidence in the justice system

10) Why was witness cross-examination virtually non-existent in Guatemala until recently?

   Answer: A section in the Code of Criminal Procedure forbade asking witnesses leading, ‘tricky’, or irrelevant questions – all of which are central parts of effective cross-examination.

• Special Methods of Investigation

11) This section of the film mentions several special methods of investigation that the JES introduced to the Northern Triangle. List them.

   Answer: Video forensics, ballistics, criminal intelligence analysis, cellphone tracking, and wiretapping.

12) Why is ballistics analysis particularly important to crime scene investigations in Honduras?

   Answer: The country has the highest homicide rate in the world and 90% of the killings are committed with firearms. There are usually bullet casings and other remnants of gunshots left at crime scenes.

13) How did Salvadoran police and prosecutors identify the perpetrators of Allison Randeros’ murder?
Answer: They used ArcGIS, geographic information systems software that tracks and plots cellphone transmissions. They tracked communications between Alisson’s classmates, Alisson’s cellphone, and gang members to identify the perpetrators. They also corroborated this information with witness testimony regarding when Alisson was last seen.

• Reflections

14) Why did the Zetas kill Allan Stowlinky?

Answer: They retaliated against him for helping to seize massive amounts of their cocaine and convict one of their leaders.

15) Why was it particularly imperative for the Guatemalan Attorney General’s (AG) office to apprehend Allan Strowlinsky’s killers?

Answer: Catching the perpetrators was critical to preserve office morale. Fear spread throughout the AG’s office after Strowlinsky’s death. Prosecutors needed to be reassured that the justice system would hold the Zetas accountable. In addition, it was symbolically important to send the Zetas a message that the AG’s office would not be intimidated by violence and threats.

16) What crime scene investigation technology did the Guatemalan AG’s office use to capture Allan Strowlinsky’s murderers?

Answer: Wiretapping and video forensics analysis. They apprehended a BlackBerry cellular phone and reviewed its photos and videos to identify Strowlinsky’s killer.