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U.S. Threatens Guatemala With Decertification

by LADB Staff

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With key anti-crime legislation stalled in the Guatemalan legislature, it looks like the country may once again face the consequences of decertification by the US. The wrath of the superpower could be tempered somewhat by Guatemala's ratification of the Central America Free Trade Agreement (CAFTA), say analysts. The stalled legislative package does not, however, mean the country is doing nothing about crime.

An innovative approach to crime prevention with a human face began operation in the municipality of Villa Nueva with the support of some 300 evangelical churches, the business community, the Consejo de Desarrollo Urbano y Rural (CODEDUR), and the Comision Presidencial de Derechos Humanos (COPREDEH). Villa Nueva is notorious as one of the most seriously dangerous and crime ridden sectors in the vast metropolitan area that makes up Guatemala City, but it is also one of the best organized and was for that reason chosen by COPREDEH for the pilot program. Villa Nueva mayor Salvador Gandara has worked to promote the formation of local security counsels, which have given their support to the project.

The idea is to provide educational, recreational, and employment opportunity as an alternative for young people, many of whom have taken to common crime as a way of supporting themselves. The churches support the venture not only to deter the avalanche of criminality that has buried the community but also as a means of proselytizing youthful offenders. The evangelicals have had some success in turning gangs toward religion, taking advantage of the observed fact that many gang members identified strongly as Christians.

In June, more than 40 members of Salvatrucha and M18 left the gangs to join evangelical communities. They did this despite threats from their gangs. The churches did more than just hook them up with Jesus. Said Marlon Alvarado of Santidad y Poder, "We have organized a plan to follow up and coordinate efforts to reinsert them into society." COPREDEH took an interest in this work and got the government mobilized behind it (see NotiCen, 2005-06-30). "Now the Public and Government Ministries and human rights institutions must give protection to the boys," said Estuardo Meneses of COPREDEH. Cooperation between the evangelicals, government, and other civil-society organizations began to increase.

Emilio Goubaud of the Asociacion para la Prevencion del Delito (APREDE) said in June that it was necessary to seek integrated mechanisms, involving all sectors, to get the pandilleros (gang members) into mainstream society. Goubaud's concern was societal acceptance. They needed more than divine absolution. "They must have treatment to deal with life in a different way and not return to the gang. It is very important that society forgive them," he said.

The Alianza Evangelica de Guatemala (AEG) is hoping to build on the reclaimed 40, calling upon evangelical pastors to reach out to the gangs and to go into the most marginal communities to

contact their members. At around the same time in June, the government, with COPREDEH in the lead, had begun to think along the same lines.

President Oscar Berger said, "We know the problems of violence are structural. Therefore, integrated plans will be promoted for these youths." From there, a plan was developed that would attack the problem of crime and violence among young Guatemalans from three points of view, dissuasion and prosecution, rehabilitation, and prevention. What the government was after, according to COPREDEH president Frank La Rue, was not a big-budget program, but rather "better coordination of all the ministries and a clear line of action." The clear line of action eventually became the Villa Nueva pilot program. If the program is successful and expanded, the country might at long last get some relief from the relentless insecurity that haunts city streets and rural paths alike.

Guatemala must accept US security burdens too

But Guatemala's burden is larger than that. The country has also been made responsible for US insecurities and must now pass legislation that responds to the US anti-drug, anti-terror, and anti-gang agenda. And according to the superpower, it is not fulfilling its responsibility. Guatemala remains on the "majors list," the blacklist of countries that do not meet their quota of drug interdictions and other tasks. As such, it is in danger of again failing certification, as it did in 2003 (see NotiCen, 2003-02-06).

Even if the country does not lose all US aid, the penalty for decertification, it still becomes branded an international pariah, to the extent that the US still has the moral authority to apply that stigma. The US can decide not to withhold aid for humanitarian reasons. US Embassy spokesperson Ryan Rowlands has said that, to gain certification, the country must show not only hefty drug captures but also improved judicial performances and extraditions, all of which depend on the passage of new laws, which the legislature has repeatedly failed to do.

This year, drug hauls have been less than hoped for. So far this year, only 2,500 kg of cocaine have been captured. In a good year, police have brought in 10,000 kg. The US wants traffic through the country reduced and to achieve that has called upon Guatemala to pass a law against "conspiracy to commit crime." Such a law would let security forces act pre-emptively.

The US also wants legislation to allow any judge in any jurisdiction to order wiretaps and permit police to deal in drugs and money transfers as part of undercover work. The report upon which certification depends is scheduled to be presented to US President George W. Bush in mid-September, leaving little time for legislative action. Failing the legislation, one hope Guatemala has to preserve the flow of aid from the north is that it has ratified CAFTA.

Adriana Beltran of the Washington Office on Latin America (WOLA) has said it is improbable that the Bush administration would punish Guatemala after having extolled its progress during the intense battle to get the trade deal through the US Congress. Beltran said, "It would be a strange message to say this is our ally for trade, in July, and then in September say this is not our ally in one of the most important priorities."

While the US contemplates whether it wants to send that strange message, Guatemala is sending messages of its own, however whispered, that it is doing what it can with the resources it has to bring some degree of lawful order to its troubled streets. The Fiscalía de Delitos contra la Vida of the Public Ministry, for instance, has ordered opening additional offices to complement the 10 that now strain under the weight of the more than 700 cases each office now has in Guatemala City.

Renato Duran, head of the Fiscalía, explained, "The idea of the Public Ministry is that by the end of the year the Fiscalía will have 20 offices, distributing the total cases of violent deaths that occurred in the Department of Guatemala." The Fiscalía does the work of crime-scene investigation and is so overburdened that it ties up traffic in the congested capital for hours as police cordon off streets and highways while awaiting investigators. The 10 offices are working a total of 2,251 cases in addition to hundreds still open since September 2004 when the agency was created.

A recent violent death tied up the Atlantic Highway for eight hours causing a line of frozen traffic 30 km long. Prosecutors say that most violent crime resulting in death happens in the streets; tie-ups like this are not exceptional. These crimes are increasing, said Duran. "When we started in September of last year, there were 10 a day, but now they reach between 15 and 17 per shift," he said. Duran said that, of the 2,251 cases this year, 1,853 men died in acts of violence, 750 by gunfire, 51 by stab wound, and the rest from other causes. Of 398 women killed, 70 died by gunshot, the rest by other means.

A measurably deficient legislature

There is no handy way to measure whether the steps taken by these state agencies means doing the best they can to improve the security of Guatemala, but there is a way to measure the performance of the legislature upon which much depends in this area. By the simplest measure, they have utterly failed.

This year, the majority of legislative sessions have been suspended for lack of quorum. Especially at times when a vote or important decision is to be taken, deputies do not show up, and, because the Ley Organica del Congreso is ambiguous about absence, there is nothing the Junta Directiva can do about it. Recently, Prensa Libre, the largest national newspaper, has taken to publishing the names of the worst offenders, but they appear impervious even to public shame.

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