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Guatemala: Francisco Dall’Anese Ruiz is New Head of Anti-Impunity Commission

by Louisa Reynolds
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Costa Rican Attorney General Francisco Dall’Anese Ruiz was appointed head of the UN-sponsored Comisión Internacional Contra la Impunidad en Guatemala (CICIG) a fortnight ago, replacing Spanish Judge Carlos Castresana.

Castresana resigned on June 6, claiming that he had received little support from the Guatemalan government and that he had received death threats and was subjected to a vicious smear campaign in the local press that sought to discredit CICIG (NotiCen, July 1, 2010).

On July 9, Carolina Rodríguez, spokesperson for Costa Rica’s Ministerio Público, said that Dall’Anese had decided to accept the appointment. However, the date for his arrival in Guatemala has not been decided as he has yet to submit his resignation to the Costa Rican Corte Suprema de Justicia (CSJ).

Dall’Anese is a well-respected Costa Rican prosecutor who rose to fame for leading investigations in key cases related to corruption and organized crime that led to the arrest and trial of former Presidents Miguel Ángel Rodríguez (1998-2002) and Rafael Ángel Calderón (1990-1994). He was twice appointed attorney general, and his second term in office ends in November 2011.

Ex-President Rodríguez is accused of accepting a US$800,000 bribe from the Alcatel telecommunications company in exchange for his administration’s support for a multimillion-dollar contract awarded to the corporation in 2001, as well as a US$500,000 bribe from a company with ties to the Taiwanese government (NotiCen, 2004-10-14).

Calderón was charged with corruption and given a five-year prison sentence in October 2009 (NotiCen, Oct. 22, 2009). He is accused of receiving bribes from Finnish corporation Mediko Medikal in exchange for authorizing the purchase by the Caja Costarricense del Seguro Social (CCSS) of medical equipment worth US$40 million.

Dall’Anese’s proven track record in fighting corruption has generated high expectations. "Throughout his career, Dall’Anese has proven to be highly professional and has been responsible for unprecedented events such as the trials of two former presidents. He has a great talent as a political operator," says former Guatemalan foreign minister Edgar Gutiérrez.

Analysts consulted said the fact that CICIG’s new director is Costa Rican could be both an advantage and a disadvantage.

"Without seeking to underestimate Castresana’s achievements, I think his [Dall’Anese’s] being a Central American will give him a clearer understanding of Guatemalan idiosyncrasy and will enable him to communicate with us more effectively," says Partido Patriota (PP) Congressman Alejandro Sinibaldi.
However, human rights activist Helen Mack of the Myrna Mack Foundation points out that "Costa Rica has often been regarded as an adversary, despite our being part of the same region."

**Challenges Dall’Anese will face**

Gutiérrez said Dall’Anese will face three major obstacles: first, CICIG’s mandate will end in September 2011 and all prosecutions must be concluded by April; second, possible budgetary restrictions as many foreign donors have been affected by the global financial crisis and might be unable to continue sponsoring CICIG; and third, the loss of many highly qualified prosecutors who left CICIG because of disagreements with the way Castresana was conducting the investigations.

Gutiérrez adds that Dall’Anese will lead CICIG "during turbulent times when the election of the attorney general is still up in the air."

Guatemala’s last attorney general, Conrado Reyes, was forced to step down days after Castresana’s resignation when the former head of CICIG accused him of involvement in organized crime.

On June 10, the day after Reyes left office, four severed heads were found in different locations in Guatemala City: one on the front steps of the Congress building, one in front of a shopping mall, a third near a fire station, and a fourth in a residential area in the city’s Zone 18.

Two headless bodies were later found in abandoned vehicles in different locations of Guatemala City. The victims have yet to be identified by the police. Next to the severed heads a note was found blaming the government for the slayings and claiming that the gruesome crime had been committed as a protest of human rights violations against prisoners after the Ministerio de Gobernación (MINGOB) decided to restrict inmates’ rights to visits in an attempt to crack down on extortions orchestrated by gang members from within the prisons.

However, the timing of the incident and the manner in which it occurred—severed heads and mutilated bodies are often found in the states of Mexico (SourceMex, 2010-02-03) that have taken the brunt of President Felipe Calderón’s war on drugs—has led MINGOB to believe that this is more than a gang incident and that it could have been orchestrated by organized-crime groups that felt threatened by the government’s decision to remove Reyes from office.

Sandino Asturias, director of the Centro de Estudios de Guatemala (CEG), says that choosing a new attorney general is "the great challenge that Castresana left us with his resignation." In his opinion, Dall’Anese’s experience as attorney general could prove to be a key element in the nomination of a fresh list of candidates "with no ties to criminal structures."

Asturias said that Costa Rica’s attorney general "has visited Guatemala on many occasions and has built a close relationship with Guatemala." Nevertheless, he points out that Dall’Anese will find a crucial difference between the two countries—"Costa Rican institutions are far stronger."

Human rights activist Iduvina Hernández, director of Seguridad en Democracia (SEDEM), warns that it is likely that Dall’Anese will face the same harassment that Castresana was subjected to and that prompted his resignation.

However, Carlos Sojo, former director of the Costa Rican chapter of the Facultad Latinoamericana de Ciencias Sociales (FLACSO), says that, as attorney general, Dall’Anese was no stranger to such pressure. "During his time in office he often had a tense relationship with the political establishment," Sojo said.
What will determine Dall’Anese’s success or failure? Gutiérrez emphasizes that Dall’Anese should avoid some of his predecessor’s mistakes. "Castresana ended up losing CICIG’s focal point, which ought to have been the investigation of criminal networks, and ended up embroiled in Guatemalan politics," he said.

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