

When Impunity Fights Back: The Legacies and Lessons of Guatemala's CICIG

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Over roughly a decade, Guatemala was home to a unique innovation in international rule of law support: the United Nations International Commission against Impunity in Guatemala (CICIG) (2008-2019). Through the CICIG model, Guatemalan prosecutors worked hand-in-hand with international experts to strengthen domestic capacities to fight corruption and impunity. The Commission's mandate outlined three core tasks: (1) to investigate the operation of illicit, clandestine security organizations and their co-optation of state institutions, (2) to prosecute and dismantle these groups, and (3) to recommend institutional reforms to strengthen law enforcement and judicial entities.

By the late 2010s, the CICIG had achieved remarkable results. According to the Washington Office on Latin America (2019), it partnered with Guatemala's Public Prosecutor's Office (MP) to file more than 120 cases implicating over 1,500 individuals. The conviction rate in CICIG-backed cases was roughly 85 percent. The CICIG's most notable wins came starting in 2015 when authorities uncovered an array of high-level corruption schemes within the Patriot Party (PP) government of President Otto Pérez Molina and Vice President Roxana Baldetti (2012-2015). Following revelations that they were the masterminds behind the *La Línea* customs fraud network, both were ousted from office, indicted, and eventually convicted (Schwartz 2021a).

The CICIG's accomplishments went beyond dismantling state-based criminal networks. It helped create specialized high-impact courts, build up the capabilities of its key MP partner, the Special Prosecutor's Office against Impunity (FECI), and establish new modern investigative and legal tools. The CICIG's tenure is associated with a drastic reduction in Guatemala's homicide rate (Trejo and Nieto-Matiz 2022; International Crisis Group 2018). And despite its international roots, the CICIG enjoyed tremendous domestic legitimacy, with some 70 percent of Guatemalans expressing trust in the Commission in 2017 (Zechmeister and Azpuru 2017).

In its heyday, the CICIG also served as a beacon for other countries across Latin America and the Caribbean. Opinion leaders and civil society organizations urged the creation of similar commissions in countries like Mexico, Panama, Haiti, and Ecuador (see Fonseca 2019, Berrios 2017, Cardamone and Joseph 2021).¹ Following its own high-profile corruption scandal within the ruling National Party (PN), the Honduran government created the Support Mission against Corruption and Impunity in Honduras (MACCIH), which was sponsored by the Organization of American States (OAS), in 2016 (Call 2020). Meanwhile, outsider presidential contender Nayib Bukele made the introduction of the International Commission against Impunity in El Salvador

¹ Ecuador came close to implementing the International Experts Commission against Corruption in Ecuador (CEICCE), which was to be backed by the United Nations Office on Drugs and Crime (UNODC). For more on the CEICCE proposal and the failures of implementation, see Escobar Mejía (2021).

(CICIES) a central campaign promise—one he delivered on with the OAS' help during his first 100 days in office in 2019 (Romero 2019).²

Despite its success and the regional aspirations it ignited, the CICIG is now a thing of the past, having been ousted from Guatemala in 2019. Even its most ardent proponents recognize that the chances of reviving an international anti-impunity commission in the country are slim. In its wake, corruption has only deepened. According to Transparency International, Guatemala's perceived levels of corruption have steadily climbed since 2019, reaching an all-time high in 2023 and placing it amongst the top 15 percent of most corrupt countries worldwide.³

The end of the CICIG also marked the beginning of a systematic campaign to dismantle democracy by criminalizing regime opposition and further co-opting state institutions. In recent years, the MP, under the leadership of Attorney General Consuelo Porras, has targeted former CICIG allies and anti-corruption crusaders on spurious criminal charges. According to a 2022 investigation by *Agencia Ocote*, some 86 former prosecutors, judges, journalists, student activists, and human rights leaders went into exile during the previous seven years. This figure only increased in the aftermath of the 2023 election of longshot, anti-corruption candidate Bernardo Arévalo, which was met with a concerted MP-led effort to prevent the constitutional transfer of power. These developments have made Guatemala one of the fastest backsliding countries in the world, according to the Varieties of Democracy project (V-Dem), which now labels the country an “electoral autocracy” (see Papada et al. 2023).

This essay aims to make sense of this precipitous reversal in the rule of law and take stock of the CICIG's legacies—the good and the bad. In so doing, it chronicles the rise and fall of the CICIG, as well as its aftermath and consequences.

Specifically, I focus on three primary legacies: (1) the vicious elite backlash and rejuvenation of the pro-impunity coalition that has long controlled Guatemalan politics; (2) the new legal instruments that have been appropriated by prosecutors and judicial authorities to criminalize regime opposition; and (3) the emergence of a new political consciousness, solidarities, and forms of mobilization, which have been critical to resisting authoritarian deepening in key moments. Analyzing these aftereffects illustrates how future anti-impunity initiatives regionwide must better anticipate inevitable elite counteroffensives, as well as embed such efforts in broader reforms to strengthen democratic contestation and accountability.

The CICIG's Rise and Fall

The CICIG's roots can be found within the peace settlement that ended the Guatemalan armed conflict (1960-1996), specifically the 1994 Agreement on Human Rights. Among other provisions, the human rights accord committed the government to investigating and dismantling “*cuerpos ilegales y aparatos clandestinos de seguridad*” [“illegal and clandestine security apparatuses”] referred to by their initials, CIACS—the military-linked organized criminal groups that continued to engage in violence and corruption well after the 1986 return to civilian rule (Peacock and Beltrán 2004). As the UN mission overseeing peace implementation (MINUGUA) continued to monitor CIACS abuses, human rights organizations increased pressure for government action to dismantle the criminal networks, which thrived under the protection of state agencies.

Under President Alfonso Portillo (2000-2004), civil society groups proposed an internationally-backed investigative body that would relay findings about the criminal structures to state agencies for prosecution. However, because the *modus operandi* of the CIACS was to penetrate institutions and secure impunity, this initial

² It is important to note that in Honduras, MACCIH enjoyed a more limited prosecutorial role than the CICIG, a point of significant criticism. And in El Salvador, the CICIES had no prosecutorial function, but instead was envisioned as an auditing body for the offices within the executive branch.

³ See the 2023 Corruption Perceptions Index at <https://www.transparency.org/en/cpi/2023>.

blueprint contained a fundamental flaw—it assumed law enforcement and judicial entities would, in essence, prosecute their own. Human rights leaders and their allies in government thus reworked their plan for the so-called CICIACS (International Commission Against ‘CIACS’), giving international experts broad prosecutorial powers. But this version of the Commission never got off the ground. After Portillo officials and the UN signed the agreement in 2004, it was declared unconstitutional on sovereignty grounds by the country’s highest court.

Under the subsequent administration of Óscar Berger (2004-2008), Guatemalan authorities went back to the drawing board, reworking the plan into the CICIG which was ratified by Congress in mid-2007 and became operational in mid-2008 (“Against the Odds” 2016). Under this iteration, the activities of international experts had to be carried out alongside their domestic counterparts. Yet the Commission still possessed significant authority, as CICIG officials were permitted to argue cases in national courts with the MP.

The CICIG’s start under its first two commissioners, Spanish jurist Carlos Castresana (2007-2010) and Costa Rican prosecutor Francisco Dall’Anese (2010-2013), was slow and, at times, plagued by controversy. Lawmakers passed key CICIG-backed institutional reforms during this period; however, the Commission’s investigations focused on high-profile individuals mostly in an isolated fashion and under some allegations of politicization (Ibid.).

This approach, however, changed under the CICIG’s third and final commissioner, Colombian jurist Ivan Velásquez (2013-2019), who, in partnership with two successive Guatemalan Attorneys General, Claudia Paz y Paz (2010-2014) and Thelma Aldana (2014-2018), refocused its work on uncovering the fluid and interconnected illicit political-economic networks that co-opted state institutions (Schwartz 2021b). This strategy bore fruit when beginning in 2015, the CICIG-MP team unveiled a slew of corruption schemes that were orchestrated by the Pérez Molina government and embedded in state agencies like

the Guatemalan Social Security Institute (IGSS), the National Civilian Police, the Superintendent of Tax Administration (SAT), the Ministry of Communications, and the Ministry of Energy and Mines, among others (Ibid.).

Not only did the anti-corruption crusade indict political and economic power brokers long considered “untouchable,” but it also spurred an extraordinary wave of social mobilization. After Baldetti and Pérez Molina were identified as the leaders of *La Línea*, protestors of all political stripes took to Guatemala’s central square demanding their resignations. Urban professionals took to the streets in a way that they hadn’t since the 1980s democratic opening. Long-divided public and private university students marched under one banner. Historically marginalized Mayan communities streamed into the capital from rural areas, or staged demonstrations in local municipal squares. Business associations and private sector leaders even supported a national strike.

International backing of the CICIG also reached an apex. Foreign governments had shouldered the financial burden for the CICIG since its inception, with the United States providing roughly half of the \$12-15-million-dollar annual budget (Dudley 2016). The investigations and indictments signaled that these investments were paying off.

But the CICIG’s momentum would soon dwindle in the face of elite resistance and a changing international landscape. Initially, the government of Jimmy Morales (2016-2020), who took office amid the anti-corruption fervor, vowed to continue cooperating with the CICIG and appointed many cabinet ministers also committed to tackling impunity. Yet, at the beginning of 2017, the CICIG and MP unveiled a case against Morales’ son and brother, who were indicted for defrauding the national property registry—a moment that marked the beginning of Morales’ campaign to oust the Commission altogether (Schwartz 2019). The government’s anti-CICIG efforts only escalated when Morales’ political party came under investigation for accepting illicit campaign funds.

Rather than consider the CICIG as a critical partner, it was increasingly framed as a gross violation of Guatemalan sovereignty (Fuentes 2022). Authorities openly confronted CICIG personnel, with Morales declaring Commissioner Velásquez persona non grata and (unsuccessfully) ordering his expulsion from the country in late 2017 (Schwartz 2017). In one dramatic incident in 2019, police swarmed the Guatemala City airport to block a CICIG prosecutor from re-entering the country (Schwartz 2019).

The Commission's opponents, which came to include much of the organized private sector, also benefited from changing international tailwinds, especially with the United States' isolationist turn following the 2016 election of Donald Trump. Guatemalan political and economic elites mounted a lobbying campaign to convince US lawmakers of the CICIG's political motives. The attacks came to a head in April 2018 when Congressional Republicans temporarily froze US assistance to the Commission after its antagonists invented claims it had become a weapon of dictator Vladimir Putin to persecute a Russian family in Guatemala (Schwartz 2018). Though funding resumed, the CICIG's image had been sufficiently tarnished. Morales' refusal to renew its mandate in late 2019 drew limited international outcry.

Beyond putting an end to the CICIG, the powerful pro-impunity coalition—often referred to in Guatemala as the "*Pacto de Corruptos*" ["Pact of the Corrupt"]—also had a new champion in Attorney General Consuelo Porras (2018-present). Porras' MP unleashed a fierce lawfare campaign to ensure that another CICIG never again became thinkable.

The Legacies of the CICIG

After its roughly decadelong run, what has the CICIG left behind? Considering its meteoric rise and precipitous fall, the answer to this question is, no doubt, complicated and fraught. On the one hand, the CICIG's demise might be the ultimate indicator of its success. Had the Commission and its allies not so effectively exposed and prosecuted the criminal networks holding the

Guatemalan state hostage, it may not have faced the intense backlash that drove its collapse. In other words, impunity fought back precisely because the CICIG and MP had brought it to its knees.

Yet, on the other hand, given the post-2019 patterns of deepening corruption and democratic backsliding, it is hard to paint the CICIG experience as an unmitigated triumph. And there are certainly questions about whether greater political savvy in the kinds of cases it pursued could have prevented the loss of government support and extended the CICIG's lifespan.

In the remainder of this essay, I grapple with the question of what the CICIG has left behind and the lessons we might draw as a result. Here, I elaborate on three key legacies: (1) elite backlash which reinvigorated the *Pacto de Corruptos*; (2) new investigative and legal instruments that have been appropriated by the current MP to persecute previous anti-corruption officials and civil society leaders; and (3) new possibilities for collective mobilization due to an emergent political consciousness and cross-cutting solidarities.

Reconsolidation of the Pacto de Corruptos

A first legacy of the CICIG's tenure in Guatemala is the rejuvenation of the pro-impunity coalition that has long controlled the levers of power in the country. In contrast to the patterns of personalism and executive aggrandizement that have characterized Latin America's other non-democracies (or weak democracies), the predominant post-1986 regime in Guatemala has been "coalitional" in nature (Sánchez-Sibony 2023). Rather than the extreme concentration of authority in one figure or party, in Guatemala, power is exercised by a loose confederation of allied interests, including the traditional political class, compromised judicial and administrative institutions, factions of the economic elite, organized criminal groups, and ex-military leaders, who amassed significant power during the 36-year civil war. Elsewhere, Anita Isaacs and I have labeled this regime form as a

“criminal oligarchy” to illustrate how the interests underlying it are fueled by licit and illicit modes of wealth accumulation (Schwartz and Isaacs 2023).

Importantly, this coalition is not immutable. It does not always walk in lockstep and is often plagued by internal divisions and power struggles. However, it coalesces in defense of certain shared interests—chief among them, the preservation of impunity for crimes, past and present. In this respect, the CICIG emerged as an existential threat that prompted the tentative pro-impunity alliance to close ranks, especially as the anti-corruption crusade ensnared a widening group of political, economic, and criminal elites.

The reinvigorated *Pacto de Corruptos* not only ushered in the CICIG’s demise but empowered Attorney General Porras and Morales’ successor, President Alejandro Giammattei (2020-2024), to take all actions to prevent a similar anti-corruption campaign in the future. Porras dismantled the CICIG-allied FECL, forcing its leader Juan Francisco Sandoval into exile before rebuilding the office in the regime’s own pro-impunity image (Martínez 2021). Working alongside the far-right legal organization *Fundación contra el Terrorismo* (FCT) and several criminal court judges, the MP brought charges against other leading anti-corruption figures, prompting dozens more to flee abroad, while imprisoning others, including investigative journalist and *el Periódico* founder José Rubén Zamora, ex-CICIG prosecutor Virginia Laparra, and Laparra’s lawyer and former CICIG official Claudia González (Rodríguez Mega and García 2023, García 2023). It shelved countless corruption probes previously investigated by the CICIG and FECL, including some against Giammattei and his cabinet. Loyalist judges also overturned earlier verdicts, acquitting the ringleaders of the PP-era corruption schemes, as well as ex-military leaders convicted for conflict-era human rights abuses (Pérez Marroquín 2023, *Al Jazeera* 2023).

In mid-2021, Porras received awards from private sector organizations, including the Coordinating Committee of Agricultural, Industrial, and Financial Associations (CACIF) and the Industrial Chamber (CIG), as well as the main association

of municipal mayors (ANAM)—a sign of political and economic elite support of the MP under her leadership (España, 2021). And as a reward for Porras’ service to the *Pacto*, Giammattei—with the help of the Constitutional Court’s intervention in the Attorney General selection process—reappointed Porras to another four-year term in 2022 (Mistler-Ferguson 2022).

In sum, the CICIG’s unprecedented anti-corruption campaign drew equally zealous backlash, which ultimately reconsolidated the criminal oligarchic coalition bent on securing impunity as the rule in Guatemala. Today this alliance is not without its cracks. Notably, the 2023 election and MP-led campaign to reverse its results sowed renewed divisions, as key public institutions and private sector groups broke away to defend the popular will (See Schwartz and Isaacs 2023). Yet the specter of the CICIG looms large, and the anti-impunity agenda of President Arévalo is likely to unify the same forces that came together to curtail previous advances against corruption.

Lawfare Campaign Using New Legal Instruments

Paradoxically, CICIG-backed efforts to modernize rule of law institutions generated new investigative and legal instruments that the current MP has weaponized to persecute regime opponents. This is a second, if unintended, legacy of the CICIG. Perversely, the very reforms that are among the CICIG’s major accomplishments have been turned against their chief proponents, providing a cautionary tale of what happens when the fruits of institutional strengthening fall into the wrong hands.

The CICIG was instrumental in the passage of critical reforms that furnished MP personnel with new tools in the fight against corruption. Among the modern instruments at their disposal was the authority to engage in wiretapping, plea bargaining, and the creation of witness protection services (“Against the Odds” 2016). These reforms gave greater teeth to the 2006 Law against Organized Crime implemented to combat criminal groups involved in drug and

arms trafficking, money laundering, and political corruption. In addition, the MP utilized a key legal technique to permit the CICIG's participation in criminal cases—that of the *querellante adhesivo*, which allows a third party to engage in proceedings as the accuser.

These instruments, which were critical to the CICIG and MP's joint success in the mid-2010s, were appropriated by Porras and her henchman in their subsequent persecution of dissident voices. For example, far-right, pro-impunity groups like the FCT have served as *querellante adhesivo*, allowing them “to play an active role in the prosecution with full access to the investigation” (Dudley et al. 2024). By mid-2021, dozens of FCT denunciations of former prosecutors, judges, human rights activists, and journalists were at the top of the MP's docket, fueling the stream of exiles fleeing the country (Agencia Ocote and Guatemala Leaks 2022).

Another example of how the ruling coalition weaponized legal tools created to combat corruption is the Law on Organized Crime. Under Porras' tenure in the MP, this statute has become the key mechanism to persecute critics and political rivals (Sas 2023). For instance, José Rubén Zamora was convicted under the law when the MP charged that he had laundered money from an ex-banker. A similar distorted rationale under the Law against Organized Crime was used in the bid to disband Arévalo's political party, Movimiento Semilla. According to MP officials, Semilla organizers had allegedly paid for the signatures needed to establish the party using funds of unknown origin. As a result, authorities claimed that this money was laundered and that Semilla was a criminal organization—leading to the temporary suspension of its legal status, which remains in force as of this writing (Ibid.).

CICIG-era legal changes have also stymied efforts by the Arévalo government to roll back the co-optation of the MP. A 2016 legal reform, for example, stipulated that the executive could dismiss the Attorney General only when the latter had been convicted of a criminal offense—an exceedingly high bar intended to insulate then-Attorney General and CICIG ally Thelma Aldana

from political attacks. The reform, however, now stands as a barrier to removing Porras, who has wielded the MP to consolidate impunity for the traditional political class and target its most vocal opponents.

In short, the CICIG's institutional legacies, particularly the modern tools, legal reforms, and prosecutorial strategies introduced within the MP, have furthered the *Pacto de Corruptos'* counteroffensive. The hard-won reforms to strengthen the rule of law have become the primary instruments used to undermine it in a way few anticipated.

Broad-Based Mobilization in Defense of the Rule of Law and Democracy

The above-mentioned consequences of the CICIG point to perhaps its most perverse legacies. But this analysis would be incomplete without examining its critical impact beyond the elite circles that fought back. Within Guatemalan society broadly, the CICIG had a transformative effect, breeding a new political consciousness, unifying disparate sectoral interests, and demonstrating the efficacy of collective mobilization in defense of the rule of law and democracy.

Beginning in 2015, the CICIG-MP team laid bare the extent of the criminal capture of the state and its devastating consequences in a way that no one had before. In so doing, it prompted the eruption of protests that drew together long-divided social and political sectors. Between the April 2015 *La Línea* revelations and Pérez Molina's September 2015 resignation, mass demonstrations in Guatemala City's historic center became a weekly routine (“Against the Odds,” 2016). Even after the president's ouster, this same script was re-enacted in subsequent years when demanding President Morales' resignation for corruption, defending the CICIG and its commissioner amid political attacks, and, most recently, fighting regime attempts to overturn the 2023 elections (Amaya Porras 2019, Abbott 2023). Without the mobilizational foundations

established during the mid-2010s, it is hard to imagine such an active and organized pro-democratic resistance taking shape in 2023.

Importantly, the broad coalition forged through these moments in the central plaza overcame the political, class, and ethnic divisions that have long plagued Guatemalan society, at least temporarily. The cross-cutting appeal of the anti-corruption message allowed new solidarities to emerge, bringing together young urban professionals, students, peasants, indigenous communities, women's organizations, and business leaders, among others. In a concrete sense, the mobilization fueled by the CICIG-MP campaign crystallized into new political movements. The most notable is Arévalo's Movimiento Semilla, which was forged amid the demonstrations in the mid-2010s, transformed into a political party and a small Congressional opposition bloc thereafter, and won the presidency in 2023 (Pradilla 2018).

Though Guatemalan society remains highly fragmented, the CICIG and its work provided a rallying point for otherwise disparate social, economic, and political actors, allowing them to realize the promises of collective action. The Commission's activities may have enlivened Guatemala's pro-impunity alliance, but they also marshaled an unprecedented counter-coalition capable of resisting it.

Lessons Learned

Now approaching five years since the CICIG's end, what lessons can we draw from this unique institutional innovation? A first has to do with the need to better anticipate backlash and its consequences, especially for the domestic anti-corruption allies most vulnerable. Even when investigations are conducted strategically with attention to the balance of political forces, anti-impunity campaigns will almost inevitably find themselves in the crosshairs of an elite counteroffensive reacting to the loss of power and privilege. But in the Guatemalan case, the costs of this backlash overwhelmingly fell to the CICIG's domestic partners, who faced severe criminal sanctions and were forced to choose between

abandoning their country and livelihood and landing behind bars. Safeguarding the welfare of these investigators, prosecutors, judges, and civil society allies and their families, as well as ensuring their access to protection, should be central policy concerns.

But beyond preparing for this inevitable blowback, the CICIG experience also leaves us with important takeaways related to the limits of internationally-backed institutional strengthening efforts. Ultimately, progress in bolstering rule of law institutions will remain tenuous absent broader efforts to strengthen democracy. Remarkably, by the time it was pushed out of Guatemala, the CICIG had, in many ways, achieved its overarching objective: to allow Guatemala's prosecutorial institutions to stand on their own. From 2019 to 2021, the MP's impunity-fighting unit, the FECI, continued the activities initiated with the CICIG alone. The much-touted "transfer of capacities" from international experts to domestic partners largely came to fruition in the Guatemalan case. The CICIG succeeded in turning the MP into an island of excellence.

But even the most well-equipped islands of excellence can be inundated in hostile political waters. This is exactly what happened in Guatemala. By most accounts, the MP could have sustained the rule of law advances made during the CICIG era, but Guatemala's political system—characterized by fragile democratic norms, legislative horse-trading, weak and fleeting parties, and a compromised judiciary—could not. Though policy prescriptions often hold that strengthening state institutions should precede enhancing democracy in fragile, conflict-affected settings, the two tasks are inextricably linked. Absent parallel reforms to deepen democratic contestation, participation, and accountability, the broader political coalitions needed to keep anti-corruption progress afloat will face long odds of achieving and maintaining institutional power.

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