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I am the Program Director of the Washington Office on Latin America (WOLA). I oversee all of our programs related to Central America, and I direct our program on youth gangs, citizen security, and human rights in Central America. I have been at WOLA for over a dozen years, and I have worked professionally on issues of human rights, democracy, and development in Central America for more than twenty years. I appreciate this opportunity to testify before the Western Hemisphere subcommittee about crime and violence in the region, what U.S. interests are at stake, and how we should work with governments and civil society to respond to these serious problems.

The Washington Office on Latin America is a non-profit, non-governmental organization that monitors human rights and social justice issues in Latin America, and that advocates for U.S. policies that support human rights, democratization, and social justice in the region. For almost thirty-five years, WOLA has monitored issues of human rights and democracy in Latin America, and has provided information and analysis to Congressional offices, the Administration, and the general public about conditions in the region and the impact of U.S. policy.

WOLA has followed issues of crime, violence and citizen security in Central America since the early 1990s. As the civil wars that racked the region in the 1980s came to an end, WOLA believed that establishing the rule of law and supporting the creation of professional, apolitical police forces that provided security to citizens while respecting due process and human rights was one of the most crucial challenges that the nascent democratic governments of the region faced. The public security forces that had been in place in El Salvador, Honduras, and Guatemala since at least the 1950s had been under the control of the armed forces, rather than of civilian governments, had enforced order without respect for the rule of law or due process, and were deeply implicated in human rights abuses. These forces needed to be reformed, if not replaced.

Peace agreements in Central America called for the reform and re-establishment of the police, as part of the re-founding of a democratic state. The United States, concerned for human rights and democracy, and eager to see stability in Central America after the war

and violence of the 1980s, made a major commitment to support police reform. WOLA, working with civil society partners in the region, monitored the reform process, and advocated with Central American governments, the U.S. government, and the international community for policies that would help consolidate effective and rights-respecting police forces in the Central American countries.

Out of our work on citizen security and police reform, WOLA has developed experience and expertise in the problems of crime, violence, and citizen security in Central America. Today, I would like to speak briefly about the broad spectrum of violence that Central America faces, and then to talk briefly about two major issues: youth gang violence in the Central American region, and organized crime in Central America, particularly in Guatemala, where a unique proposal has been developed to combat organized criminal groups that have penetrated and corrupted the state.

I. The Spectrum of Violence

Discussions of violence in Central America often begins and ends with youth gangs and drug dealers, as if these were the only forms of violence that citizens in Central America experience. But in fact, citizens confront a broad spectrum of violence, and it is important to locate both youth gangs and organized criminal groups within that spectrum. Governments, international donors, and civil society groups need to understand the different forms of violence that citizens experience, and know something about the size and impact of the different forms in order to set priorities and design effective responses.

The spectrum of violence begins with intra-familial violence. Violence between partners, particularly violence by men against their wives or girlfriends, is widespread in Central America. While reliable data isn't regularly collected, the trend is clear. In Guatemala, according to studies, 36 percent of women who live with a male partner suffer domestic abuse, including physical, sexual, or psychological abuse. And one survey, the International Violence Against Women Survey, compared selected countries in Africa, Latin America, Europe, and Asia; it found that 60% of women in Costa Rica – often

considered the least violent country in Central America – reported having experienced domestic violence during their lives**.**

Violence by parents against children is also widespread. These kinds of domestic violence are for many people their first and most powerful introduction to violent behavior. There is extensive evidence both from the United States and from Central America that those who experience violence in the home are more likely to act violently on the street. Support for community and school based programs that reduce family violence can have a tremendous long-term impact on overall levels of crime and violence.

"Common" street crime – robberies and assaults carried out by individuals or small groups against citizens in public spaces – is a second form of crime. Victimization surveys suggest that many Central Americans have experienced, and fear, common street crime.

Youth gang violence is the most widely discussed form of violence in Central America. As this review suggests, it is only one part of the broader spectrum. Youth gang violence – threats, intimidation, or acts of violence carried out by members of teenage or young adult gangs – is widely feared, and widespread. Youth gangs are ongoing groups, and provide their members with a sense of identity and belonging. Criminal activity is part of what they do, but not their entire reason for being. I will return below to the question of the percentage of violent crime which youth gangs are responsible for. Here I simply want to underscore that youth gang violence is only one part of the broader spectrum.

In addition to youth gangs, there are other groups of individuals who commit crimes. Crimes committed by groups of adults **–** groups that come together to engage in highway robbery or banditry, bank robbery, etc – are a fourth source of violence. These groups come together entirely for criminal purposes, and generally are relatively short-lived criminal operations.

Politically motivated crimes – threats, intimidation, even assassinations – though far less common than they were twenty years ago, continue to be a source of violence in Central America. In many countries in the region, and most visibly in Guatemala, there are threats and attacks on human rights activists and defenders and, in many countries, electoral contests generate politically motivated violence.

Another important source of violence is the drug trade which can be subdivided into two categories. The first has to do with retail drug sales in Central America itself, where local drug dealers protect and expand their sales and markets through violence. But the retail drug market in Central America is relatively small. A 2006 OAS survey in El Salvador, for example, found that, among the population between the ages of 15 and 64, only 0.24% had used cocaine. Because the number of users is relatively small, demand for drugs is relatively limited. By contrast, comparable studies in the United States show that cocaine use here is about 10 times what it is in Central America. Thus the domestic drug market in Central America is relatively limited, and the violence associated with it relatively constrained.

A far more serious source of violence is wholesale drug trafficking. Central America is located between the largest producer and the largest consumer market for cocaine in the world, and the profit from the illegal trafficking of cocaine and its derivatives is enormous. Drug trafficking routes have shifted in recent years, from the Caribbean to Central America. Every country in Central America seized at least a ton of cocaine in 2004. Violence almost inevitably accompanies such profitable illegal transactions. Most cocaine in the Central American region transits by boat, according to the United Nations Office on Crime (UNODC). A UNODC analysis of Central America shows that port cities and the provinces they are part of have far higher homicide rates than do other areas, including major inland urban centers, suggesting that drug trafficking networks produce a significant share of violent crimes and homicides. Drug trafficking is highly organized, and trafficking networks are sophisticated criminal structures that depend on the corruption of state officials (customs officials, police, and others) to carry out their

operations. The corruption associated with drug trafficking makes it a serious threat to the fragile democracies of Central America.

Finally, "traditional" organized crime – enduring criminal enterprises whose sole purpose is crime and profit, and who engage in smuggling, contraband operations, car theft, fraud, kidnapping, etc – are a form of violent behavior. This kind of organized crime is widespread in Central America. It is often carried out by individuals and groups that emerged from the police and security forces of the war time era, with their connections to intelligence, relationship with customs and border officials, influence over police, and political connections with prosecutors, and judges. Evidence suggests that there is some overlap between these contraband and smuggling groups and drug trafficking networks, although they are not identical. Like drug trafficking, smuggling and other traditional forms of organized crime depend on state corruption and thus constitute threats to the consolidation of democracy in Central America.

All of these forms of violence plague the Central America region. Youth gangs are among the most visible form of this violence (because gang members often stand out by their dress and style), but they are not the only and not the most egregious forms of violence and criminality. Violence related to drug trafficking may account for a greater percentage of violent crime (including homicides) in the region, and traditional organized crime and drug trafficking are perhaps a bigger threat to democracy in Central America because they are intimately linked to the corruption of state officials, undermining already fragile states.

II. Youth Gang Violence: The Problem, Government Responses, and the U.S. Role.

Four years ago, WOLA began to monitor the problem of youth gangs in Central America and the nature of government and civil society responses to the problem. As noted above, we believe that gang violence is a serious problem in the region, though only one of many forms of violence. It is a problem that Central American governments need to better understand and respond to effectively. The United States ought to play a role as

well in responding to Central American youth gang violence, because of our long term interest in citizen security and political stability in the region.

The Problem of Youth Gang Violence

I will first review the dimensions of the problem of youth gang violence in Central America, including a little bit about the size and structure of youth gangs, the kinds of crime they commit, and their transnational connections. While I want to emphasize the serious threat that youth gangs pose to citizen security, I also want to highlight some of the exaggerations and misimpressions that exist about youth gangs. I will base my remarks on WOLA's research, and work with colleagues in the region, and on our participation in a six-country comparative study of Central American youth gangs. WOLA participated in a research project, led by the Center for Inter-American Studies at the Autonomous Technological Institute of Mexico (one of Mexico's most prestigious universities) that included researchers from universities in El Salvador and Nicaragua. The study looked at youth gangs in El Salvador, Honduras, Guatemala, and Nicaragua, and at ethnic Central American gangs in Mexico and in the Washington DC area.

The study came to a number of conclusions:

1) First, Central American youth gangs vary significantly from country to country and even from city to city. While youth gangs in much of Central America and in the United States are "cliques" or local groups of the 18th Street Gang, or of the Mara Salvatrucha (MS-13), local manifestations or cliques vary significantly in size, level of organization, and involvement in criminal activity. They often share names, rituals, codes of conduct, and other traits, but can act very differently. Police and public security officials should not assume that all youth gangs are the same, or behave in the same fashion everywhere.

2) Estimates of how many gang members there are vary widely, and are based on different definitions of what it means to be a gang member. Police officials in

Guatemala report about 8,500 gang members, or about 111 gang members for every 100,000 citizens, according to calculations done by the United Nations Office on Crime and Drugs. Police officials in El Salvador say there are about 10,500 gang members, or about 152 gang members per 100,000 citizens, and police officials in Honduras estimate there are 35,000 there, an astonishing 500 gang members per 100,000 citizens. (For comparison, the FBI estimates that there are about 800,000 gang members of all kinds in the United States, for a rate of 244 per 100,000.) There are probably more than 50,000 and less than 100,000 gangs members in the region.

3) Despite the uncertainty about numbers, there is no doubt that youth gangs are a serious threat to public security in El Salvador, Honduras, and Guatemala. Gang members engage frequently in inter- and intra-gang fights and resort to murder in response to gang rivalries. (Statistics vary about what percentage of homicides in Central America are caused by gang members. In El Salvador, the Institute of Forensic Medicine attributes only about 8% of killings to gang members; police often cite a 25% figure, and politicians sometimes claim that gang members are responsible for 60% of all murders.) Gangs are involved in assaults and robberies in the neighborhoods in which they are present, and gang members can be hired to commit crimes, including murder for hire. Gangs are involved in local level drug sales. Gangs are involved in extortion, beginning with collecting "rents" from pedestrians or small business people, or bus drivers, and becoming increasingly organized. In some neighborhoods, gang cliques are organized enough to effectively control the neighborhood through extortion and violence.

4) Gangs are increasingly organized, in El Salvador, Honduras, and Guatemala. . Ten years ago, MS-13 and 18th Street cliques in Central America were primarily identity based neighborhood gangs that defended their turf and engaged in petty crime. The police crackdown on gang involved youth in Central America that began in 2003 did not succeed in breaking up gangs; instead, gang cliques sought to protect themselves from the police by reducing their visibility, and

increasing their organization and communication. At the same time, higher arrest rates and longer sentences increased the number of gang members in prison, gang members from cliques around the country got to know each other and create rudimentary national structures for coordination between different cliques. Today, the different cliques of MS-13 and the 18th Street Gang are more organized and more nationally coordinated than they used to be and are a greater threat to public security. This is at least partly in reaction to *mano dura* policies which have had effects contrary to their goal of reducing gang violence.

5) Cliques of MS-13 and the 18th Street Gang exist in cities across the United States; they are especially strong in Los Angeles, Washington, Houston, and other cities with large ethnic Central American populations. In fact, MS-13 and the 18th Street gang are originally a U.S. phenomenon. They did not emerge in Central America and spread to the United States. Both gangs were founded in the United States, among Central American immigrant communities in Los Angeles in the 1980s, and spread from there back to Central America through reverse migration and deportation in the 1990s. In the U.S., MS-13 and 18th Street cliques are often involved in inter- and intra-gang violence. In Los Angeles, they are involved in local drug markets in neighborhoods of Central American immigrants; that is less true in Washington.

6) Central American youth gangs are only marginally present in Mexico, and not spreading from Central America to Mexico, despite some sensationalist media accounts. Our study found Central American gangs preying on migrants at the border between Mexico and Guatemala, and some presence of Central American gangs on the Mexican side of the border. But it found no established presence of Central American gangs in the interior of Mexico or on the Mexican-U.S. border, and no evidence that these gangs were spreading or infiltrating from Central America to the north.

7) Nicaragua presents still another story. Despite poverty rates as high as those of Guatemala and Honduras, despite a bitter civil war that left the country divided, despite the availability of guns, Nicaragua does not have the youth gang problems that El Salvador, Guatemala, and Honduras face. Neighborhood gangs exist, and some local drug dealing takes place, but cliques of MS-13 and the 18th Street Gang are not present, and Nicaraguan gangs are less violent and engaged in less criminal activity than gangs in neighboring countries.

Overall, our research suggests that the problem of gang violence, while serious, should not be exaggerated. Youth gangs, like MS-13 and the 18th Street gang are a serious threat to public security in El Salvador, Honduras, and Guatemala, though not in the rest of Central America. But they do not have transnational hierarchical criminal structures spreading from country to country and threatening Mexico or the United States.

Youth join gangs for a variety of reasons having to do with social, economic and family conditions. Most gang cliques do not define themselves primarily as criminal enterprises. Most gang members do not have transnational ties. A survey of imprisoned gang members in El Salvador found that 86% had no regular contacts outside the country, and 91% had never traveled to either Mexico or the United States.

Because of extensive migration from the countries of Central America to the United States, there are close connections between families and communities in the region and in the U.S. Family members and friends are in contact and travel back and forth, sometimes illegally. This contact and movement between countries extends to and includes youth gang members, so it is easy to point to gang members who have moved from Central America to the U.S., or deportees in Central America who stay in touch with their "homies" in the United States. But there is no evidence of systematic, structured relations between gang cliques or networks in Central America and gangs in the U.S.

There have been several high profile cases in which gang members fleeing criminal prosecution in the United States have returned to Central America, and at least one in

which someone wanted for a violent gang crime in Honduras fled to the United States and was caught by U.S. immigration authorities. And there is a well-known case in which a deportee from the United States was imprisoned in El Salvador, and while in prison there, contacted his former associates in a gang in the U.S. to urge them to commit a murder. But these cases, while dramatic, are few and far between; they are not the norm. Most of the criminal activities that Central American gangs engage in are local – such as violent gang rivalries, neighborhood drug sales, or extortion of local merchants – rather than transnational.

In fact, Central American youth gangs are not significantly involved in the major forms of transnational crime in the region. Wholesale drug trafficking is controlled by sophisticated criminal organizations; while some gang members may serve as "mules" or carriers, or as guards, youth gangs do not organize or control the cross-border drug trade. To quote the UNODC, "it is highly unlikely that gang members, who are generally young street kids, are the masterminds behind the movement of cocaine to the United States." Similarly, youth gangs do not control human smuggling or human trafficking networks, though they may prey on or extort vulnerable migrants. Most forms of cross-border smuggling of goods are controlled by more traditional organized crime groups, not by MS-13 or 18th Street.

None of this is to say that youth gangs are not a serious threat to public security in Central America. They are one serious part of the problem of violence and crime in Central America, and governments need to take them seriously. **But they are primarily a local and national threat, rather than a transnational one.**

The Failure of *Mano Dura* Responses

Unfortunately, government responses in Central America have tended to focus predominantly on repressive measures which have placed thousands of youth in prison and which have aggravated the problem rather than ameliorated it. Since 2003, legislation in El Salvador and Honduras, and police practice in Guatemala, has led police

to conduct arrests of young people based on the suspicion that they are members of a gang. Gang membership by itself, without any evidence of specific criminal activity, became a crime, and police began to detain young men based on their appearance, their style of dress, the presence of tattoos, or the fact that three or more young men were gathered together in a public place. Governments in El Salvador, Honduras, and Guatemala have also repeatedly deployed military forces in "gang-infested" neighborhoods, in an effort to clear out gangs through a show of military force. Collectively, these policies are known as *mano dura* or "iron fist" approaches.

While judges dismissed many of these cases, these broadly punitive approaches did significantly increase the number of young people charged with criminal conduct, and led to substantial increases in prison populations throughout the region.

It is understandable that police and political leaders would turn to these strategies. They are relatively easy to implement, highly visible, and show the government responding to the real problems of citizen insecurity caused by gang violence.

Unfortunately, these approaches have not reduced gang violence or criminal activity in Central America. Since governments began to implement these *mano dura* strategies, homicide rates have risen in Central America, and citizen security has not improved.

Meanwhile, these approaches have had negative impacts on the rule of law and respect for human rights. They have increased the arbitrary authority of police officers to arrest young people, in a region that has struggled to regulate police behavior to ensure respect for due process and human rights. And they have reduced evidentiary standards, in a region that has been working to reform and strengthen its judiciary. The repeated deployment of troops has the unfortunate effect of drawing the military into public security matters, undermining the region's movement over the last decade to keep the military out of internal affairs.

These approaches have increased prison populations (in El Salvador, jails are at 167% of capacity), and led predictably to increases in prison riots, and prison murders, making more difficult the prison reform processes which Central American penitentiary officials have begun.

And finally, as noted above, *mano* dura strategies have had the sadly ironic effect of increasing the level of youth gang organization, as gangs have gotten more organized and more clandestine in response to police pressure, and jailed gang members have begun to develop prison gang network that extend across cliques and across cities.

The Need for Comprehensive Responses

Central American governments need new, civilian based and more effective strategies to combat the serious problem of youth gang violence. Privately, many government officials (particularly police), agree with this assessment; however, what is required is a political decision to seek a new approach.

Our work with various research institutions, community service providers and government officials both in the United States and in Central America has lead to the conclusion that youth gangs must be understood as a social and community problem, not simply as a police and public security issue. The response to gangs and gang violence must be comprehensive, including effective policing, community-based prevention and intervention programs and rehabilitation and re-insertion programs for those who leave gangs.

Effective responses begin with the planning of comprehensive responses by task forces that include not only police, but service providers, schools and community groups. This helps ensure that the response to youth violence is not only a police response, but includes the other components as well. This comprehensive approach is what the Office of Juvenile Justice of the U.S. Department of Justice recommends, and it is what has

happened in the “best practice” cases we have studied in both the United States and in Central America.

Effective responses include much more targeted police approaches that seek not to arrest all possible gang members, but that are directed at crimes being committed and at dangerous and violent individuals. Police anti-gang units, though they need to be carefully monitored, can gather information to help identify and arrest particularly violent or dangerous individuals. Specialized task forces can respond to particular patterns of crime, such as extortion of bus owners. These well-thought out and carefully targeted approaches can make the policing component of a comprehensive program more effective.

Violence prevention programs start with efforts to reduce domestic violence, and to increase school attendance rates, both of which can significantly reduce youth violence.

Community based violence prevention programs, such as those that have been developed by groups like the Washington DC Gang Intervention Program, or Homeboy Industries in Los Angeles, or groups like the Association for the Prevention of Violence in Guatemala, can have a tremendous and positive impact by offering young people alternatives and reducing the level of gang violence. Too often, these programs are applauded and cited as successes, but governments make no effort to reproduce, as part of a national policy to prevent youth violence. A serious national strategy to reduce gang violence in Central America will include violence prevention policies, and a budgetary commitment to support them.

<u>The U.S. Role.</u>

Central American youth gangs are not an immediate threat to U.S. security, nor are they a transnational criminal network threatening to extend their tentacles throughout the United States. Nonetheless, the U.S. has an interest in assisting Central American governments in developing and implementing effective, comprehensive responses to youth gang

violence. Citizen security is key to political stability and support for democratic governance. The U.S. government has invested heavily in the rule of law and in police and justice reform in the region, and dealing effectively with the problem of youth violence is key to maintaining and consolidating those reforms.

In the initial U.S. response to the problem of gang violence in Central America, the U.S. military's Southern Command took the lead in examining the problem, and studying possible U.S. assistance. The FBI has coordinated several conferences on gang violence, and set up a liaison office in Central America. There have been other important efforts -- U.S. AID has funded some important prevention programs in the region, and conducted a very useful study of the extent of the gang violence problem, and the International Narcotics and Law Enforcement Bureau has done some training – but there has been too little coordination of these efforts, and the most high visibility efforts have been those led by military and FBI officials.

The U.S. should go beyond assisting our Central American neighbors in dealing with specific aspects of the problems of youth violence, through police or FBI cooperation. The U.S. goal ought to be to encourage Central American governments and civil society to adopt comprehensive civilian-led youth violence programs, that include effective policing, community based violence prevention and re-insertion and rehabilitation programs. We ought to advance that goal by using all aspects of our foreign policy – diplomacy through the State Department and our Embassies, training and technical assistance through USAID, police training through transparent civilian programs at the International Law Enforcement Academy, training and technical assistance from the Department of Justice, including both prosecutorial support through the Overseas Prosecutorial Development and Training Program (OPDAT) and support for community based prevention programs through the Office of Juvenile Justice, and exchange programs between successful community based prevention programs in the U.S. and programs in Central America.

The ad-hoc Inter-Agency Working Group that meets to look at gang violence issues should be formalized and strengthened, and tasked with coordinating U.S. efforts to develop and support comprehensive and balanced approaches to the problems of youth gang violence in Central America.

We should seek to coordinate all these efforts to send a message that we believe that comprehensive civilian approaches can and will work, and that they are vital to dealing with youth violence while strengthening the rule of law.

III. Organized Crime in Central America, and the CICIG Initiative in Guatemala

As noted in the discussion of the spectrum of violence in Central America, organized crime – both the "traditional" forms of contraband, smuggling, and associated crimes and the newer forms connected to drug trafficking – are serious problems in Central America.

There has been relatively little study of the forms of traditional organized crime. In 1994, the "Joint Group to Investigate Clandestine Security Structures" in El Salvador, a body formed by the United Nations at the request of the Salvadoran government, after several apparently politically motivated killings, noted that some security and intelligence groups which had participated in "death squad" activities during the civil war of the 1980s, were "mutating" into organized crime groups. It is clear that cross-border smuggling, car theft rings, and kidnappings are all activities that have been carried out in Central America since at least the late 1980s by organized criminal groups. Historically, many of these groups, given their origins in security and paramilitary forces of the 1980s, have been associated with human rights abuses.

The "traditional" forms of organized crime – smuggling, kidnapping, and related crimes – require relatively high levels of organization and control, and the groups involved generally depend on the collaboration of state officials – whether customs officers, or police, or tax officials, or others – to successfully carry out their criminal activities.

Bribery and corruption of state officials, or direct involvement of state officials, is part and parcel of this kind of criminal activity. In any country, this kind of relationship between state officials and criminal groups would be unacceptable and dangerous. In the new and fragile democracies of Central America, this is especially true. The corruption and penetration of the state by organized criminal groups undermines the rule of law, reduces the credibility of the state, and weakens the quality of democracy.

This is true as well of drug trafficking, which similarly requires high levels of state corruption to carry out its criminal activities.

Nowhere in Central America are the problems of organized crime and drug trafficking more evident than in Guatemala.

In 2002, our colleagues at Amnesty International published a report that described Guatemala as a "Corporate Mafia state," where a network of former military and security officials, linked to others still in government service, "collude to control drugs and arms trafficking, money laundering, car theft rings, the adoption racket, kidnapping for ransom, illegal logging and other proscribed uses of state land" and "conspire to assure monopoly control of legal industries, such as the oil industry."

There is evidence from the 2004 elections that these illegal armed groups are seeking to insert themselves in the political process, through links to candidates and campaign financing,

These illegal armed groups are illicit structures that emerged out of the counterinsurgency strategy during the internal armed conflict, that use intimidation and violence to protect their political and illicit financial interests. They are believed to be responsible for the wave of threats, attacks and other acts of political violence directed against human rights defenders, judges, prosecutors, witnesses, political leaders and others, over the last several years.

Through their activities, these groups have been able to undermine the justice system and perpetuate a climate of citizen insecurity, which in turns creates a fertile ground for the further spread of violence, corruption and criminal activities. The result is a self-perpetuating downward spiral of violence that jeopardizes the Rule of Law and functioning of democracy in Guatemala. The considerable influence of the clandestine groups on state actors and their ability to infiltrate state institutions have impaired the Guatemalan authorities' ability to effectively investigate them.

In response to the deteriorating situation, the Berger administration sought the collaboration of the international community in order to mount a serious investigation of clandestine groups. As a result, in mid-December 2006, an agreement was signed with the United Nations to establish the International Commission against Impunity in Guatemala (*Comisión Internacional Contra la Impunidad en Guatemala – CICIG)*, to assist local authorities in investigating and dismantling the clandestine groups.

The CICIG is the second attempt made at establishing a mechanism to investigate and dismantle these groups. A first effort was made in 2003, which resulted in an agreement signed between the United Nations and the Portillo administration to establish the Commission for the Investigation of Illegal Armed Groups and Clandestine Organizations (CICIACS). The CICIACS proposal stirred much debate in Guatemala, and in August 2004, Guatemala's Constitutional Court rendered that several aspects of the agreement violated the Guatemalan Constitution, grinding the process to a halt.

The CICIG will seek to determine the nature, structure, sources of financing, and modus operandi of the clandestine groups as well as their links to State actors and other sectors that threaten civil and political rights in Guatemala. It will be headed by a UN-appointed Commissioner, and will include a team of prosecutors, forensic experts, and investigators familiar with human rights, criminal and international law. With an initial life-span of two years, the commission will work with the relevant local institutions in the prosecution and punishment of the clandestine groups, as well as in the implementation of much needed police and judicial reforms.

The agreement must first be ratified by the Guatemalan Congress in order for the Commission to be up and running. In February, the Executive officially submitted the agreement to Congress for ratification. The agreement was passed to the International Relations committee for review, which in turn sent it to the Guatemala Constitutional Court. The Constitutional Court issued a favorable ruling, and the proposal has been returned to Congress for ratification.

The next two months will be crucial in determining whether the CICIG moves forward. Presidential elections take place in September, and the Congress must ratify the CICIG before those elections or the proposal will die. As of this writing, the International Relations Committee of the Congress has been unable to muster a quorum to consider the CICIG, and no other concrete actions have been taken by the legislature to advance approval of the proposal.

Several of the political parties, and several of the Presidential candidates, have expressed their support for the CICIG. In fact, Presidential candidate Otto Pérez Molina assured WOLA, in a recent meeting, that he will purse the CICIG agreement in the next Congress, if this Congress does not approve it.

But rebuilding the domestic political support for the CICIG will be extremely difficult if it is not approved by this Congress. Thus, the United States and the international community should judge Guatemalan political parties and politicians' commitment to ending impunity and uprooting the power of organized crime and clandestine groups by what they do to see that the CICIG is approved in the next couple of months.

While one agreement cannot be expected to act as a panacea for Guatemala's deeply rooted social, economic, and political problems, the CICIG is an innovative mechanism that can help lay the groundwork for long-term progress in overcoming the culture of impunity and establishing rule of law and due process in Guatemala. The United States should do what it can to support the CICIG and those in Guatemala, including both

government officials and civil society groups that have developed and advanced this innovative proposal.