

Containing Large-Scale Criminal Violence through Internationalized Prosecution
How the CICIG Contributed to the Reduction of Guatemala's Murder Rate

08/30/2019

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We presented preliminary versions of this paper at the Kroc-Kellogg Peace, Conflict, Crime and Violence Workshop and at the Latin American Politics Workshop, University of Notre Dame. We are grateful to workshop participants for their important feedback and thank Abby Córdova, Gary Goertz, Aníbal Pérez-Liñán, Fabián Sánchez Matus, Jazmín Sierra, Sara Sievers, Ligia del Valle, and Verónica Zubillaga for invaluable suggestions. We are grateful to Naomi Roht-Arriaza, Anabella Sibrián and Ligia del Valle for invaluable advice on the field and to the Kellogg Institute at the University of Notre Dame for financial assistance. Errors and omissions remain our own.

Abstract

This article explores whether and how internationalized prosecution contributes to the reduction of large-scale criminal violence. Internationalized prosecution is a strategy of cooperation between international organizations and domestic judicial institutions to investigate and prosecute rogue state security agents and members of organized criminal groups who collude to create criminal structures through which they dominate illicit markets by force. Here we focus on the International Commission Against Impunity in Guatemala (CICIG), a hybrid institution operated by the United Nations in which international investigators worked hand in hand with Guatemala's public prosecutors and the police to dismantle criminal structures that emerged during the country's civil war, survived the 1996 peace agreement, and turned Guatemala into one of the world's deadliest countries in the 2000s. We assess the likely causal impact of internationalized prosecution on the significant reduction in Guatemala's homicide rate, 2008–2016. Results from a counterfactual analysis using the Synthetic Control Method show that had Guatemala not adopted the CICIG in 2008, the country's homicide rate would have doubled in 2016. Substantively, we estimate that the CICIG contributed to prevent over 18,000 murders. Drawing on extensive in-depth interviews, we argue that the training, insulation, and protection the CICIG provided to Guatemalan investigators and prosecutors empowered them to dismantle criminal structures and helped to reduce the murder rate by 1) preventing murder-for-hire operations, 2) reducing criminal competition, 3) deterring state-criminal collusion, 4) restricting the use of iron-fist policies, and 5) discouraging the widespread use of violence to settle private disputes. Our findings show that internationalized prosecution – based on the use of intelligence and judicial action – can be highly effective in containing large-scale criminal violence.

International experience shows that when countries enter into spirals of large-scale criminal violence and experience homicide rates above 10 murders per 100,000 population, developing peaceful societies becomes a monumental challenge (UNDP 2013). Countries transitioning from authoritarian rule to democracy and those ending prolonged civil wars are at greater risk of falling into criminal violence traps, particularly when authoritarian specialists in violence – the military, the police, or pro-government militias – morph into the criminal underworld and become major players in the production of criminal violence (Cruz 2011). Scholars have suggested that when leaders in emerging democracies and in post-conflict societies engage in ambitious transitional justice processes to expose, punish, and remove authoritarian specialists in violence (Trejo, Albarracín, and Tiscornia 2018) or when they adopt extensive security-sector reforms (Yashar 2018; Tiscornia 2019), limiting defections to the criminal underworld and deterring the state’s continued use of repressive policies to confront crime, the outbreak of large-scale criminal violence becomes less likely. But when governments fail to adopt extensive anti-impunity policies or when they only partially implement them, countries fall into criminal violence traps that can last for decades.

Focusing on Guatemala, a country that experienced a major outbreak of large-scale criminal violence after signing a United Nations–sponsored peace agreement that put an end to a 36-year civil war in 1996 (Lehoucq 2012), in this article we assess a remarkable reduction in the homicide rate from 46 murders per 100,000 population in 2008 to 23 ten years later. Despite the adoption of an ambitious peace agreement and two truth commissions that revealed atrocities committed by the armed forces in conjunction with death squads during the civil war, by 2006 Guatemala had one of the highest murder rates in the world (Yashar 2018). In the midst of this spiral of criminal violence, Guatemalan human rights organizations reached out to the UN to request an international agreement to help the country overcome this acute human rights crisis, giving rise to the International Commission Against Impunity in Guatemala (Comisión Internacional contra la Impunidad en Guatemala, CICIG).

Sponsored by the UN, the United States, and the European Union and operated by UN-appointed international personnel and domestic experts, the CICIG is a hybrid model of *internationalized prosecution* in which international investigators have worked hand in hand with Guatemala’s Public Prosecutor’s office (Ministerio Público, MP) and the national police to dismantle the networks of corruption, criminality, and human rights violations that emerged under military rule

and during the country's civil war and survived the peace agreement. Known as Illegal Security Groups and Clandestine Security Organizations (Cuerpos Ilegales y Aparatos Clandestinos de Seguridad, CIACS), these networks were created by former elite members of the military secret services and by members of death squads, who used their unique access to the highest levels of government to develop a wide variety of criminal structures that were responsible for the outbreak of a major spiral of large-scale criminal violence and gross human rights violations in the 2000s (Peacock and Beltrán 2003). Following the implementation of the CICIG in 2008, over the course of the next decade Guatemala experienced a dramatic and sustained decline in the murder rate.

In this article we explore whether the implementation of the CICIG and the development of a new model of internationalized prosecution had a causal impact on Guatemala's striking reduction in the homicide rate between 2008 and 2016. Internationalized prosecution is a strategy of joint cooperation between international organizations and domestic judicial institutions to investigate and prosecute cases in which state security forces have colluded with organized criminal groups (OCGs) to create powerful criminal structures and have established tight controls over criminal markets through force and widespread human rights violations. It is a strategy in which domestic actors are ultimately responsible for the investigation, prosecution and sentencing of criminals, but they have the direct support and collaboration of international actors who play a key advisory role and in some cases act as co-prosecutors. Resulting from voluntary contractual agreements between an international organization and a host country (Krasner and Weinstein 2014), internationalized prosecution is most prevalent in countries in which corrupt and repressive state agents have the power to derail investigations and operate with blatant impunity. These are cases in which *ordinary judicial institutions* are ineffective and victims and anti-impunity forces seek to develop *extraordinary mechanisms* of domestic prosecution with direct international support.

In assessing the likely causal impact of the CICIG and of internationalized prosecution on the evolution of Guatemala's murder rate, we rely on the Synthetic Control Method (SCM), a quasi-experimental technique developed to assess the causal impact of a well-defined intervention on a particular outcome (Abadie, Diamond, and Hainmueller 2015). The SCM allows us to evaluate the net impact of the UN intervention on Guatemala's homicide rate against a counterfactual scenario in which the country would have had no access to a mechanism of internationalized prosecution.

Results from the SCM unambiguously show that the CICIG had a large and meaningful effect on Guatemala's trajectory of criminal violence, slowing down the murder rate in significant ways. Our analysis shows that had Guatemala not adopted the CICIG in 2008, the country's murder rate would have doubled in 2016, reaching 61.8 murders per 100,000 population instead of the actual 29.5 rate. Without the CICIG, in 2016 Guatemala would have experienced the murder rates of Honduras and El Salvador, the world's most violent countries. In fact, the gap between the murder rate of Guatemala (with the CICIG) and the counterfactual scenario of Guatemala without the CICIG shows that over the course of eight years the CICIG helped prevent over 18,000 murders.

Based on over 20 in-depth interviews with CICIG personnel, public and special prosecutors, former ministers of the interior, judges, police special commissioners, security and judicial experts, and human rights defenders we explain how the CICIG contributed to the reduction of criminal violence and unravel the causal mechanisms that connect internationalized prosecution with the sustained decline of Guatemala's murder rate.

The qualitative evidence suggests that the CICIG contributed in fundamental ways to the adoption of a new paradigm of citizen security by which authorities investigated, prosecuted and punished members of criminal structures, rather than isolated individuals, through the use of new methods of investigation – including wiretapping interventions, the systematic use of surveillance cameras, the scientific analysis of forensic evidence, and the development of protected witness programs. CICIG personnel and international consultants trained members of the MP and the police in these methods, created mechanisms of inter-institutional coordination between the MP and the police, and developed mechanisms of external and internal controls to empower good cops and prosecutors. These multinational teams operating under Guatemalan law investigated, prosecuted, and exposed over 70 criminal networks, ranging from white-collar corruption, drug trafficking and human smuggling, to murder for hire. They took these cases to newly created high-risk courts – promoted by the CICIG – in which judges sentenced hundreds of high-ranking government officials and members of criminal structures to prison. The mere presence of the CICIG provided protection and insulated investigators, prosecutors, witnesses, and judges.

The struggle against impunity based on this new paradigm of citizen security contributed to reducing the homicide rate through three mechanisms. First, through wiretapping interventions, CICIG and state investigators dismantled over 500 murder-for-hire criminal operations, arrested hit men hours before they executed their victims, and *prevented* hundreds of murders from happening. Second, by sentencing leading members of criminal networks, CICIG and state investigators and judges dismantled multiple criminal structures, contributing to the *reduction of criminal competition* and thus to the reduction of the murder rate. And third, prosecuting and sentencing high-profile individuals for corruption, criminality, or gross human rights violations – including incumbent and former presidents, ministers, judges, mayors, members of the military and the police, businessmen, prominent members of local families of traffickers, members of transnational drug cartels, and influential gang members – became a powerful signaling device that showed that impunity was no longer acceptable. This had a powerful *deterrent effect* on state-criminal collusion, on the police use of iron-fist policies, and on the widespread use of violence by gangs and Guatemalan citizens to settle territorial and personal disputes, bringing homicide rates down.

The article is structured in six sections. Using the case of the CICIG in Guatemala, we first explain what internationalized prosecution is, what it does, and why domestic citizen coalitions request it from their governments and international organizations. We subsequently explore the drivers of criminal violence and then discuss why internationalized prosecution may contribute to reducing criminal violence. In the fourth section we present the results from the synthetic control model assessing the impact of the CICIG on Guatemala’s long-term trajectory of criminal violence and in the fifth section we use the actors’ voices to explain how the CICIG contributed to a systematic and steady reduction of Guatemala’s homicide rate. In the conclusion we discuss why extraordinary mechanisms of justice, including internationalized prosecution, can help countries escape criminal violence traps.

INTERNATIONALIZED PROSECUTION: THE CASE OF THE CICIG

The CICIG’s Justification and Mandate

Approved by a voluntary contractual agreement between the UN and the Guatemalan government in December 2006 and ratified by Guatemala’s Congress in August 2007, the CICIG was created as

an independent international entity that operates under Guatemalan law and whose mandate is to assist the state of Guatemala in dismantling the CIACS – the illegal bodies and clandestine security groups that emerged during the civil war, survived the peace agreement, and morphed into the criminal underworld in the post-conflict era – and in combating the impunity that allowed the CIACS to thrive in criminal markets through corruption and gross human rights violations.

The CICIG agreement explicitly pointed at the structural complicity of state agents with the CIACS as the reason that justified the UN intervention. Referring to Guatemala as a country with a “corrupt” and “broken government system,” in which the CIACS were able to use their comparative advantage in violence and their access to the highest echelons of government to engage in criminal activities and eliminate their criminal rivals and all civilians who opposed them, the UN spoke about networks of “complicit state officials” who provided the CIACS with the impunity to prosper in the criminal underworld and who rendered a purely domestic strategy to contain large-scale violence ineffective. The parties to the agreement defined impunity as “the de facto and de jure absence of criminal, administrative, disciplinary or civil responsibility for [the CIACSs] criminal activities...and their ability to avoid investigations and punishment” (United Nations 2006).

The agreement clearly stipulated the joint nature of the UN intervention. The CICIG mandate was to “support,” “assist,” and “cooperate” with the “institutions of the State of Guatemala responsible for investigating and prosecuting crimes allegedly committed in connection with the activities of illegal security forces and clandestine security organizations...that threaten citizens’ fundamental human rights.” In collaboration with state institutions, “the CICIG will seek to dismantle these [illegal and clandestine security networks]...and promote the investigation, prosecution, and sanction of its members” and will provide recommendations to the Guatemalan state to adopt “the necessary judicial and institutional reforms” to combat the impunity that enabled the CIACSs’ criminal activities and to prevent their re-emergence (United Nations 2006).

Situating the CICIG in the Broad Landscape of Prosecution: International, Domestic, and Hybrid Prosecution Models

The CICIG was created as a *hybrid model* of internationalized prosecution in which international actors empower domestic actors to jointly investigate, prosecute and sanction members of criminal structures for the pursuit of criminal activities and major human rights violations. A major

innovation in this model is that Guatemalan domestic actors did not fully delegate judicial powers to CICIG personnel but rather entered into a “partial governance delegation agreement” (Matanock 2014) – an international agreement by which international actors are legally empowered to co-partner with domestic institutions from a host country to jointly engage in state-building actions, such as the development of the rule of law. A second innovation is that the CICIG shifted the subject of prosecution from individuals to criminal structures (Peacock and Beltrán 2003), in which networks of government corruption, organized criminal groups, and security forces overlapped. To appreciate the novelty of the CICIG model we need to place it within the broader landscape of prosecution.

Table 1 identifies the dominant models of penal prosecution. Following Sikkink (2011), we distinguish three types of prosecution depending on who prosecutes: exogenous (international actors), endogenous (domestic actors), and hybrid (joint international and domestic actors or *internationalized*). And following Peacock and Beltrán (2003), we distinguish four mandates depending on the charges for prosecution: corruption, criminality, and gross human rights violations as separate phenomena, plus the intersection of these. Let us first focus on international and domestic prosecution to explain what the CICIG is not and then explain why the CICIG is a hybrid case of internationalized prosecution.

Exogenous (international) prosecution

Exogenous international interventions generally focus on prosecution for international crimes (e.g., crimes against humanity, war crimes, and genocide) in countries where state leaders fail to recognize the atrocities and to bring the perpetrators to justice. For example, the International Criminal Court (ICC) only intervenes when sovereign states fail to prosecute perpetrators for atrocities (Roht-Arriaza 2005). Before the ICC, following the influential Nuremberg Trials, a number of ad-hoc international tribunals were set up by the UN and/or international coalitions of nation states to prosecute and sentence state leaders responsible for genocide or war crimes (e.g., Slobodan Milošević) (Sikkink 2011). Other forms of exogenous international prosecution involve extraditions from a home country to a foreign country, as has been the case in extraditions of dictators for gross human rights violations (e.g., Spain’s request to extradite Chilean dictator General Augusto Pinochet, see Roht-Arriaza 2005) or for organized criminal activities (e.g., the extradition of drug

lords from Colombia to the United States, see Lessing 2017). International interventions happen with very limited or no involvement by domestic prosecutors and courts and judicial investigations and sanctions are primarily in the hands of foreign actors. Since the CICIG was created as a hybrid model of joint cooperation between the UN and Guatemala’s judicial authorities, it would be misleading to characterize it as a case of exogenous international intervention.

Table 1. Different Models of Prosecution by Source of Intervention and Mandate

	Corruption (Co)	Criminality (Cr)	Gross Human Rights Viol. (HRV)	Co/Cr/HRV
<i>Exogenous</i>				
International prosecution (e.g. UN)			*ICC *Ad-hoc international tribunals	
Foreign prosecution (e.g. US; Spain)		*Extradition of narcos from Colombia to US (Carlos Lehder)	*Extradition of dictators or military officials (General Pinochet)	
<i>Endogenous</i>				
Domestic Prosecution	*Brazil (Lava Jato)	*Mexico (Narcos)	*Peru (President Fujimori)	
<i>Hybrid</i>				
Internationalized prosecution (Joint internat. org., e.g. UN, and domestic prosecutor)	*MACCIH (OAS with domestic prosecutor in Honduras)			*CICIG (UN with domestic prosecutor and national police in Guatemala)

Note: ICC = International Criminal Court; MACCIH = International Mission against Corruption in Honduras; OAS = Organization of American States. We exclude foreign imposed regime change because we focus on interventions guided by international norms and regulations and not by imposition.

Endogenous (domestic) prosecution

Prosecution for corruption (e.g., white-collar corruption in Brazil), criminality (e.g., drug trafficking in Mexico), and human rights violations (e.g., crimes against humanity in Peru) have been mainly subjects of domestic law. These are cases in which public prosecutors conduct investigations and prosecute the cases and the local justice system sanctions individual perpetrators. While prosecutors

may rely on international rulings that enable prosecution – as was the case with the Inter-American Human Rights Court’s ruling that Peru’s 1996 amnesty law violated the country’s commitments to international norms (González-Ocantos 2016) – the investigation, prosecution and punishment are exclusively domestic processes in which international actors play no direct role. Although the CICIG personnel act within Guatemala’s laws and state structures, due to the commission’s active involvement in the investigation and co-prosecution of members of criminal structures, it would be misleading to characterize the CICIG as a case of domestic prosecution.

Hybrid (internationalized) prosecution

Internationalized prosecution entails the joint cooperation of international organizations (e.g., the UN or the OAS) and a country’s law enforcement authorities (e.g., the Public Prosecutors’ Office, the police, and the courts) to investigate, prosecute and punish members of criminal structures (CICIG) or members of networks of white-collar corruption (MACCIH in Honduras).

Unlike cases of international intervention, in which domestic institutions play a marginal role and international actors operate under international norms or under the law of a foreign country, in cases of internationalized prosecution the leading actors are national public prosecutors and members of the national police force and judges from domestic tribunals. International actors can train, protect, insulate, and empower domestic law enforcement agents, but domestic actors operating under national laws remain the leading legal actors. In the case of the CICIG, the UN-appointed personnel have played an advisory role, accompanied domestic prosecutors, and sometimes taken on co-prosecutorial roles, but they cannot substitute for domestic actors; Guatemalan prosecutors and judges make the final calls.

Unlike in cases of domestic prosecution, in which international actors play no direct role in the investigation and prosecution of criminals or perpetrators of human rights violations, a defining feature of internationalized prosecution is that international actors are allowed to participate in investigations and in crucial cases become co-prosecutors (*querellantes adhesivos*), as in Guatemala under the CICIG.¹

¹ Examples of other hybrid models include the cases of Sierra Leone, where the government and the UN established the Special Court for Sierra Leone (SCSL) to prosecute war crimes committed since 1996, and East Timor, where the United

Unlike in the hybrid case of Honduras, in which the MACCIH focuses solely on white-collar corruption, the CICIG in Guatemala seeks to dismantle criminal structures in which networks of corruption overlap with criminal and security networks – that is, it focuses on cases in which bribery, criminality, and gross human rights violations are intimately connected.

*Overlapping network structures:
Corruption, criminality and human rights violations*

A key innovation in the CICIG model is that the Commission’s work does not exclusively focus on individual criminals but on criminal structures. Instead of thinking about perpetrators of state violence or corrupt state officials or criminal lords as independent actors, CICIG officials consider them as individuals connected through network structures of overlapping spheres, in which corruption, criminality, and human rights violations often intersect.

The concept of clandestine and illegal network structures in Guatemala was first discussed in the Catholic-sponsored truth commission – Guatemala’s Historical Memory Project, or REMHI – which focused on atrocities committed during the civil war. In accounting for the anti-insurgency methods used in thousands of massacres in which entire Mayan villages were wiped out, the REMHI report identified the work of clandestine forces – the CIACS – working under the command of the highest echelons of the armed forces (Beristain 1998). The investigation and prosecution of the assassins of two leading figures of the human rights movement – Bishop Juan Gerardi, who spearheaded the REMHI and was murdered a few hours after the public release of the report in 1998, and anthropologist Myrna Mack, a staunch indigenous rights’ defender, who was murdered in 1990 – confirmed the existence of these network structures that connected death squads with the military, the Office of the President, and the criminal underworld. As Helen Mack, Myrna’s sister and Guatemala’s leading human rights defender, put it: “There was genocide *and* corruption in Guatemala.”² As the CIACS morphed into the criminal underworld in the 2000s, they entered into intense battles for the control over criminal markets (Yashar 2008) and eliminated anyone who opposed or denounced them. As Nery Rodenas, director of the Human Rights Office of the

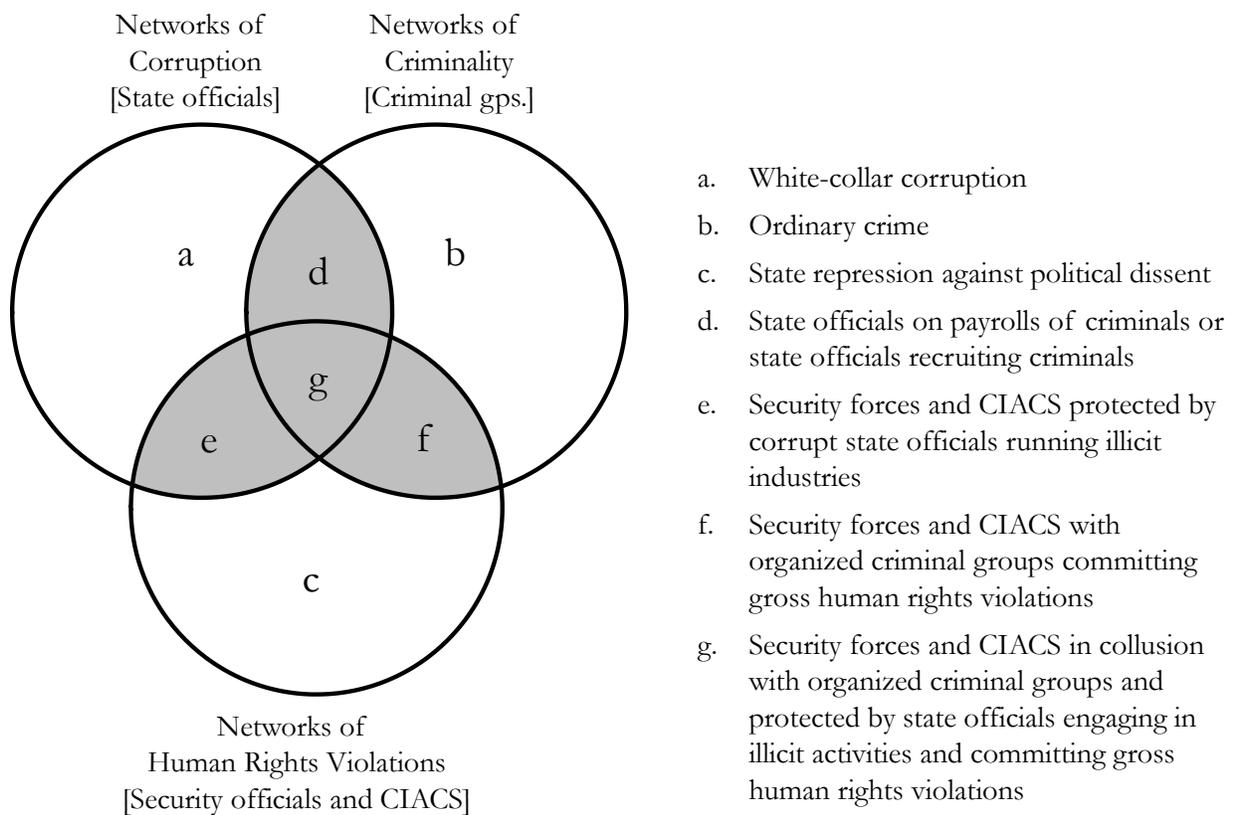
Nations Transitional Administration created the Special Panels for Serious Crimes – a series of courts at the District, Appeals, and Superior levels – led by domestic and international judges. The UN in East Timor also created the Serious Crimes Unit, a specialized unit comprised of mostly international prosecutors, investigators, and forensic specialists. For a critical assessment of these cases, see Open Society (2018).

² Interview with Helen Mack, Guatemala City, June 1, 2019.

Archdiocese of Guatemala (ODHAG) and a private prosecutor in Gerardi’s case, reported to us: “The CIACS were murdering leaders of civil society [with complete impunity].”³

Figure 1 provides a stylized illustration of the criminal structures that were responsible for Guatemala’s rising murder rates and gross human rights violations in the postwar years. These were overlapping network structures that connected death squads and members of the army and the police with corrupt government officials and organized criminal groups.

Figure 1. The Overlapping Network Structures of Corruption, Criminology, and Human Rights Violations in Guatemala



³ Interview with Nery Rodenas, Guatemala City, May 31, 2019.

While Guatemala's human rights organizations recognized the separate existences of white-collar corruption (see area **a**), ordinary crime (**b**), and state human rights violations (**c**), their focus was on the actors, associations, and violations that took place at the intersections. They were concerned with the space where the spheres intersected, giving rise to powerful state-criminal structures: zone **d** where state officials and mayors were on the payrolls of families of traffickers and transnational drug cartels or where state officials directly led criminal industries; zone **e** where the military and the police and the CIACS colluded with state officials in running corruption rings; zone **f** where security officials and the CIACS in collusion with organized criminal groups committed gross human rights violations; and **g** where the military and the police and the CIACS colluded with criminal groups and under the protection of state officials engaged in major illicit activities and killed anyone who opposed them. The networks in the intersections not only generated more violent contexts but created powerful shadow structures that were difficult to dismantle because they were led or protected by the very state agents who were in charge of investigation and prosecution – the public prosecutors, the police, and the judges.

The concern of Guatemalan human rights movement with these overlapping structures was eloquently captured in the UN-Guatemala agreement, which mandated the CICIG to assist and support Guatemala's MP, the police, and the judicial system in dismantling the criminal structures in zones **d**, **e**, **f**, and **g**.

How Did the CICIG Operate?

To fulfill its mandate, the CICIG operated on a *two-level game*: it assisted and cooperated with Guatemala's law enforcement institutions to investigate and prosecute members of criminal structures and at the same time promoted the legal changes that equipped the Guatemalan judicial system with the institutional means to dismantle these criminal networks. This two-level game defined the activities of the CICIG personnel and its internal organization.

Led by a commissioner appointed by the UN Secretary General, the CICIG had three commissioners: Carlos Castresana (Spain, 2007–2010), Francisco Dall'Anese (Costa Rica, 2010–

2013), and Iván Velásquez (Colombia, 2013–2019). As the CICIG personnel shared with us,⁴ Castresana established the CICIG physically in Guatemala City; promoted major legal changes to provide members of the MP and the police with new investigative and prosecutorial capacities; fought fierce political battles to force Guatemala’s president to remove two heads of the MP with histories of corruption; and promoted the creation of high-risk courts, where a new generation of judges with greater protection began judging high-profile cases of former heads of state, ministers, criminal bosses, and gang leaders who were at the center of a wide variety of criminal structures. Dall’Anese focused on extensive training of Guatemalan prosecutors and members of the police in investigative capacities and established the foundations of a close cooperation among the MP, the police, and the CICIG. Under Castresana and Dall’Anese the CICIG focused mostly on investigating, exposing, and dismantling network structures from zones **d**, **e**, **f**, and **g** and Velásquez expanded the Commission’s work into high-level business corruption and illicit campaign finance.

The commissioners had at the peak of the CICIG a team of over 200 officials who were divided into four areas: 1) A legal office, where a multinational team of prosecutors, paralegals, and professional witnesses (*peritos*) worked on ten different thematic areas. They trained personnel from the MP and the police and worked closely with public prosecutors and investigative police members in criminal investigations and in exposing and prosecuting members of criminal structures. In several cases CICIG attorneys operated as co-prosecutors (*querellantes adhesivos*). 2) A political office, where a team of researchers monitored the activities of prosecutors, the police, judges, legislators, and mayors and documented the actions of the CICIG. They also prepared administrative complaints to the Guatemalan government against public officials who obstructed investigations in which the CICIG was involved. 3) A communications team that managed the engagement with the public and informed about the CICIG’s operations, which became increasingly visible and scrutinized. 4) An administration and security team. Note that in the UN-Guatemala agreement CICIG officials were granted diplomatic status, immunity, state protection, and unlimited access to government information in the cases they were investigating.

After twelve years of operation, the CICIG had noticeable achievements.

⁴ This section draws on interviews with María Eloísa Quintero, CICIG’s chief of investigation and litigation; Osvaldo La Puente, CICIG senior official; Gabriela Contreras, special adviser to the CICIG commissioner; Astrid Escobedo, CICIG legal officer; and Luis Pineda, CICIG political officer, Guatemala City, May 28–29, 2019.

On the prosecutorial front, the CICIG, the MP, and the police identified and investigated over 70 criminal networks and led over 120 investigations, which resulted in the accusation of more than 1,540 individuals and 400 sentences, including current and former high-ranking government and military officials and mayors, and in the removal of 1,700 police officers and over 50 public prosecutors, who played a key role in the every-day operations of criminal networks (CICIG 2019; Open Society 2016). Central to these results was the use of strategic litigation, that is, the prosecution of emblematic cases aimed at exposing general patterns of illegality and promoting the protection of the victims (CICIG 2019). Two former presidents – Álvaro Colom and Alfonso Portillo – were convicted on corruption charges and another one, Otto Pérez Molina, was impeached and imprisoned and is awaiting the resolution of an appeal he made for his sentence for leading a major corruption ring. Pérez Molina was head of the country’s military secret service during the final years of the civil war and has long been suspected of being one of the leaders of an influential faction of the CIACS.⁵ The case against Pérez Molina and his collaborators, the “La Línea” case, has been described by CICIG investigators as an emblematic case for the way in which CIACS, embedded in the state apparatus, leveraged their access to resources and information to create a parallel structure to take over the country’s tax administration and perpetrate bribery, embezzlement, and tax fraud (CICIG 2015). While most of the media attention has been directed to such high-profile cases, the CICIG in coordination with the MP advanced the investigation of cases of drug trafficking, human trafficking, rural conflicts, mass murders, and extrajudicial executions.

On the institutional front, the CICIG actively promoted major legal changes to enable investigation and prosecution. A first generation of legislative reforms included changes in pre-trial hearings, arms regulation, and the existing Law against Organized Crime as it pertains to witness protection, legal protection, and plea bargain agreements to obtain criminals’ cooperation in exchange for reduced sentences (CICIG 2019). Another key change introduced by the CICIG was the creation of the Wiretapping Unit within the Attorney General’s Office, which gave prosecutors the technical and legal capacity to intercept audio and text communications made for criminal purposes. A second wave of reforms included changes in laws against human trafficking, illegal smuggling of migrants, and administrative corruption. Most importantly, the CICIG actively promoted the creation of “high-risk” courts to try high-profile cases of corruption, criminality, and

⁵ Anonymous interview.

gross human rights violations in which the physical integrity of judges and prosecutors as well as defendants and witnesses could be compromised. Since their creation in 2009, high-risk courts have played a crucial role in sentencing members of criminal structures without outside pressure or political interference.

DRIVERS OF CRIMINAL VIOLENCE

Although our goal in this article is to test and explain the likely causal impact of the CICIG on Guatemala's evolution of criminal violence, we assess the most commonly accepted drivers of the increase in Guatemala's murder rate and show that socioeconomic factors cannot account for the significant decline in the murder rate in the 2008–2016 period, because they remained mostly stable during that time. And factors associated with changes in law enforcement and criminal markets only become key explanatory factors of the reduction of criminal violence *after* the CICIG activated new law enforcement practices which impacted criminal markets.

Social Cohesion

Following Durkheim's (1893/1997) classic work on social alienation, social scientists have argued that in broken communities with large numbers of mono-parental households from impoverished urban neighborhoods, where social cohesion is weak and social capital low, young men are more likely to join criminal gangs and organized criminal groups (OCGs) and engage in violent criminal behavior (Sampson 1993). This happens in countries undergoing rapid urbanization, where inequalities often rise.

Focusing on the 1990s and 2000s, research in Guatemala has shown that (rural) municipalities with a greater proportion of indigenous population, where social bonds are tighter, experience lower homicide rates than (urban) municipalities with less indigenous presence (Romero and Mendoza 2015). Studies have also shown that urban municipalities with a higher proportion of young males and mono-parental households, where social ties are weak, tend to experience higher levels of violence (World Bank 2011).

While we recognize the potential impact of social cohesion as an important driver of subnational variation in homicide rates, its impact in accounting for the steady decline of

Guatemala's homicide rate between 2008 and 2016 is limited. During this time period there was no significant shift in the size of the indigenous population (it remained at 66 percent), the country did not experience a youth bulge, and a rapid process of urbanization took place in the 1980s and 1990s.⁶

Economic Opportunities

Following Becker's (1968) seminal work on the economics of crime, in which he claims that individuals with low economic opportunity costs are more likely to engage in criminal behavior, social scientists have suggested that poverty, low educational attainment, and lack of labor opportunities, which are often associated with low economic growth, can be important drivers of violent crime (Neumayer 2003; Rivera 2016).

Focusing on the 2000s, different subnational studies have shown that low educational attainment and poor labor opportunities are associated with higher murder rates, particularly in urban areas where gang violence is more prevalent, such as Guatemala City and the greater metropolitan area (World Bank 2011).

While we acknowledge the potential impact of economic drivers in explaining subnational variation in criminal violence in Guatemala, economic factors have a limited capacity to explain change over time because they remained relatively stable during the 2008–2016 period: the Guatemalan economy grew in this period at an average rate of 3 percent with little variance, poverty remained relatively stable at 56–59 percent, and most educational indicators experienced only marginal changes.⁷

Law Enforcement Institutions and Criminal Competition

In line with Becker's (1968), which suggests that effective law enforcement and a high probability of punishment, focusing on the 1990s and 2000s scholars and practitioners in Guatemala have argued that weak state judicial capacities and the development of state-criminal collusion contributed to

⁶ <https://data.worldbank.org/country/guatemala>.

⁷ *Ibid.*

higher murder rates. Guatemala's dramatic increase in homicide rates a few years after the 1996 peace accords and up to 2008 took place in a context in which 1) the MP cut the number of investigators by half, reducing the state's investigative capacities; 2) public prosecutors and members of the police did not cooperate in criminal investigations; and 3) the military, the police, and the prosecutors became complicit with domestic and transnational crime.⁸ Although the government introduced important new laws that empowered the MP to engage in more effective law enforcement actions, including a path-breaking law of organized crime in 2006, the de facto prevalence of impunity continued to stimulate the murder rate.

Contrary to Becker's (1968) prediction that higher penalties against crime would deter criminal behavior, scholars and practitioners have argued that the re-militarization of the police after 2000, and the adoption of iron-fist policies to fight transnational gangs in Guatemala City, including mass killings in state prisons, contributed to swelling murder rates. In this generalized context of impunity, in which state crimes remained unpunished, Guatemala experienced the proliferation of CIACS and other criminal structures and the widespread use of murder to settle disputes by state agents, OCGs, and private actors. While there were some reforms in the police in 2006, murder rates continued to rise.

Consistent with Schelling's (1971) claim that competition in criminal markets breeds violent conflict, in her influential book about criminal violence in Central America Yashar (2018) suggests that while a weak and complicit state provided the institutional context for the rise of OCGs in Guatemala in the 2000s, subnational variation in homicide rates depended heavily on local patterns of criminal competition for the control of drug trafficking routes and other criminal markets. It is puzzling that at the height of criminal competition in Guatemala in 2008 – when Mexican drug cartels, including the Zetas and the Sinaloa Cartel,⁹ made a decisive move into Guatemala, following the Mexican government's unconditional crackdown on the cartels (Dudley 2011; Lessing 2017) – Guatemala's homicide rate began a dramatic decline from 46 murders per 100,000 population to 23 within the next decade.

⁸ For a systematic assessment of these arguments, see Yashar (2018). We also draw on interviews with security experts Sandino Asturias, Oswaldo Samayoa, and Francisco Jiménez, Guatemala City, May 27 –June 1, 2019.

⁹ Interview with former minister of the interior, Carlos Menocal.

CAN INTERNATIONALIZED PROSECUTION REDUCE THE MURDER RATE?

We suggest that the coming into effect of the CICIG in 2008 and the CICIG's two-level game – dismantling criminal networks while at the same time changing the laws that empowered the MP, the police and the courts to investigate, prosecute and punish members of criminal structures – contributed to the reduction of Guatemala's homicide rate through three mechanisms: 1) the reduction of criminal competition, 2) the deterrence of state-criminal collusion and 3) the deterrence of the state's widespread use of iron-fist policies to confront crime.

Reducing criminal competition

By dismantling numerous criminal structures, the CICIG significantly reduced the number of players fighting for drug trafficking routes. Inter-cartel competition leads to war because, as Calderón et. al. (2015) and Lessing (2017) suggest, following Fearon (1993), drug trafficking routes are indivisible goods – that is, two rivals cannot be joint proprietors of the same corridor. Moreover, in the absence of a third-party to enforce contracts, power-sharing agreements are unstable because cartels have few incentives to honor agreements. Disputes over drug trafficking routes are often settled through war. A reduction in competition constrained the incentives for war.

Deterrence of state-criminal collusion

By contributing to reforming the country's law-enforcement institutions and developing the investigative and prosecutorial capacities to expose and dismantle a wide variety of criminal structures, the CICIG and the anti-impunity forces in the MP and the police and the justice system substantially increased the costs to the country's security force for colluding with criminal organizations. To the extent that the CICIG and the MP succeeded in identifying and prosecuting state agents who colluded with OCGs, it very likely motivated state security forces – authoritarian specialists in violence who survived the end of the civil war – to update their beliefs about the probability of getting caught and provided them with powerful incentives to stay away from organized crime. As scholars of transitional justice have shown, effective prosecution of perpetrators of gross human rights violations that results in the imprisonment of high-ranking officials (Dancy et al. 2019; Sikkink 2011) or simply in long sentences regardless of rank (Trejo, Albarracín, and

Tiscornia 2018) can be a powerful deterrent that dissuades authoritarian specialists in violence from committing future human rights violations or from establishing new connections with organized crime.

Detering state security agents from using iron-fist methods

By reforming the country's judicial institutions, the CICIG may also have succeeded in dissuading security forces from using iron-fist methods to fight crime. The use of iron-fist policies often stimulates, rather than deter, criminal wars and contributes to the swelling of murder rates (Neumayer 2003; Rivera 2016) because cartels respond unconditional violence with more violence (Lessing 2018) and engage into an arms' race with the state (Tiscornia 2019). To the extent that the CICIG shifted law enforcement onto a path in which criminal networks are dismantled through intelligence work, rather than through brute force, it may have contributed to diminishing the murder rate.

ASSESSING THE CICIG'S CAUSAL EFFECT ON CRIMINAL VIOLENCE

Empirical Strategy: A Counterfactual Analysis

In this section we assess the effect of the CICIG on Guatemala's long-term trajectory of criminal violence. We use the Synthetic Control Method (SCM), a technique that seeks to estimate the effect of a particular treatment on an outcome variable (Abadie, Diamond, and Hainmueller 2015). The SCM is a quasi-experimental technique that compares a treated unit against a weighted average of other untreated units that resemble the treated unit. It operates under the assumption that the pre-intervention characteristics of any treated unit can be more accurately approximated by multiple untreated units than by a single untreated unit. Hence, a synthetic control is defined as "a weighted average of the units in the donor pool" (Abadie, Diamond, and Hainmueller 2015).

The SCM operates as follows. Given a sample of units (e.g., countries), there is one "treated unit" that has been exposed to an intervention of interest (e.g., a new government program or an international intervention), whereas the remaining units constitute the "donor pool," or a set of potential comparison units. More formally, X_1 is a matrix of the pre-intervention characteristics of

the treated unit (e.g., Guatemala) and X_0 is a vector with values for the units in the donor pool (e.g., Latin American countries that did not adopt a system of internationalized prosecution). The difference between the pre-treatment characteristics of the treated unit and the synthetic control is given by $X_1 - X_0W$, where W is a vector of weights. The objective is to select the synthetic control W^* that minimizes the size of this difference. Once this is accomplished, the causal effect of the intervention is estimated by $Y_1 - Y_0W^*$, that is, the difference between the post-treatment outcomes of the treated unit and those of the synthetic control.

Since we are interested in understanding whether the implementation of the CICIG in Guatemala had any causal effect on the evolution of criminal violence, we compare the long-term trajectory of criminal violence in Guatemala against a weighted combination of other countries with characteristics that resemble Guatemala's before the CICIG's intervention. We will refer to this case as *Synthetic Guatemala*. Once we have constructed *Synthetic Guatemala*, the net causal effect of the CICIG's intervention will be the difference in the post-intervention period between the homicide rate of Guatemala and that of *Synthetic Guatemala*.

Data and Sample

We construct a panel of Latin American countries between 2002 and 2016. The CICIG was created by an agreement between the UN and the Guatemalan government in December 2006, which was ratified by Guatemala's Congress in May 2007, and went into effect in 2008, when it began operations. Therefore, we set the treatment period to be 2008, which leaves us with six pre-treatment years and eight post-treatment years.

To construct a synthetic control that resembles Guatemala as closely as possible, we must define (1) the donor pool and (2) a set of predictors of homicide rates.

We construct a donor pool of 11 Latin American countries – Brazil, Colombia, the Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, and Venezuela.¹⁰ We exclude Argentina, Costa Rica, Peru, and Uruguay from the analysis because their

¹⁰ We exclude Chile, Bolivia, and Cuba for lack of homicide data over the entire period.

trajectories of violence contrast with that of Guatemala. Their inclusion in the donor pool, however, would not change the results substantively. Lastly, while other countries outside Latin America could be included in the donor pool, we restrict our sample to these countries because they share more similarities with Guatemala's historical development than others outside the region.

Following the cross-national literature, we select a series of important predictors of criminal violence (Neumayer 2003; Rivera 2016), including GDP per capita measured in current US dollars (logged); the annual percentage growth rate of GDP; the natural logarithm of the country's total population; and the proportion of the population enrolled in primary education. Because current levels of criminal violence are dependent on previous patterns of violence, we include the lagged average homicide rate for the 2002–2007 period. We do not explore a more extensive number of correlates, because the SCM does not seek to predict criminal violence but to use the donor pool and a few predictors of violence to construct *Synthetic Guatemala*. We retrieved our predictors from the World Bank¹¹ and averaged them over the pre-intervention period (2002–2007).

Our central outcome of interest is the rate of homicides per 100,000 population. While we could have tested for the impact of the CICIG on corruption perception or state repression, we used the homicide rate because it is better suited for assessing the CICIG's impact on the dismantlement of networks of corruption, criminality, and human rights violations. The international experience shows that in countries experiencing homicide rates well above the threshold of 10 murders per 100,000 population, a large share of these homicides are associated with conflicts between states and OCGs and among criminal organizations themselves (Trejo, Albarracín, and Tiscornia 2018). In Guatemala swelling murder rates in the 2000s were associated with turf wars between different coalitions of CIACS with Mexican cartels, corrupt state officials, and local families of traffickers and with brutal state repression against street gangs (Yashar 2018). Because the CICIG was tasked with supporting Guatemalan institutions in dismantling these criminal networks, the use of homicide rates closely matches the CICIG's mandate. Data on homicide rates come from the Igarapé Institute Homicide Monitor.¹²

¹¹ <https://data.worldbank.org>.

¹² <https://homicide.igarape.org.br>.

Table 2 shows the weights of each country in the construction of *Synthetic Guatemala*. As the results of the synthetic weights reveal, the 11 countries in the donor pool contribute in some way to the construction of the synthetic control, but Venezuela and El Salvador play a leading role, contributing to 75 percent of the total weight. To corroborate that *Synthetic Guatemala* is a valid comparison unit, Table 3 compares the pre-treatment characteristics of actual Guatemala (Treated) with those of *Synthetic Guatemala* (Synthetic). A comparison of the homicide rate reveals that Guatemala (Treated) and *Synthetic Guatemala* more closely resemble each other than the sample mean in the donor pool. The results show that before the CICIG began operations in 2008, the average homicide rate in the 11 selected countries (22.246) was substantially lower than in Guatemala (38.867). But the average homicide rate of *Synthetic Guatemala* (38.814) is almost identical to Guatemala's (38.867) actual rate. The same can be said about the averages of the other predictors in the synthetic control, all of which are a close approximation to those of Guatemala. A good counterfactual must resemble the treated unit in its main characteristics as well as in its temporal trajectory, and Table 3 shows that this is indeed the case.

Table 2. Synthetic Weights for Guatemala

Country	Synthetic Control Weight	Country	Synthetic Control Weight
Brazil	0.005	Mexico	0.022
Colombia	0.001	Nicaragua	0.035
Dominican Republic	0.041	Panama	0.037
Ecuador	0.034	Paraguay	0.047
El Salvador	0.303	Venezuela	0.450
Honduras	0.024		

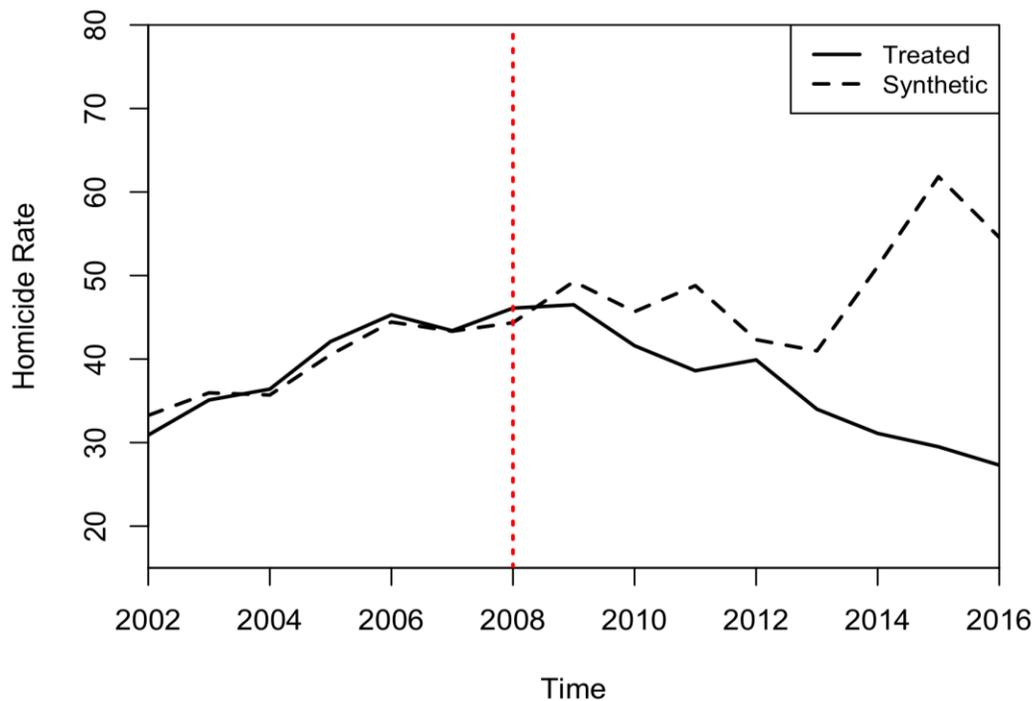
Table 3. Predictor Means Prior to the CICIG

Variable	Treated	Synthetic	Sample Mean
Homicide rates, 2002–2007	38.867	38.866	28.156
Population (ln)	16.376	16.376	16.555
GDP per capita (ln)	8.752	8.140	7.999
Growth	4.082	4.084	4.361
School enrollment (%)	108.813	110.004	114.689

Results

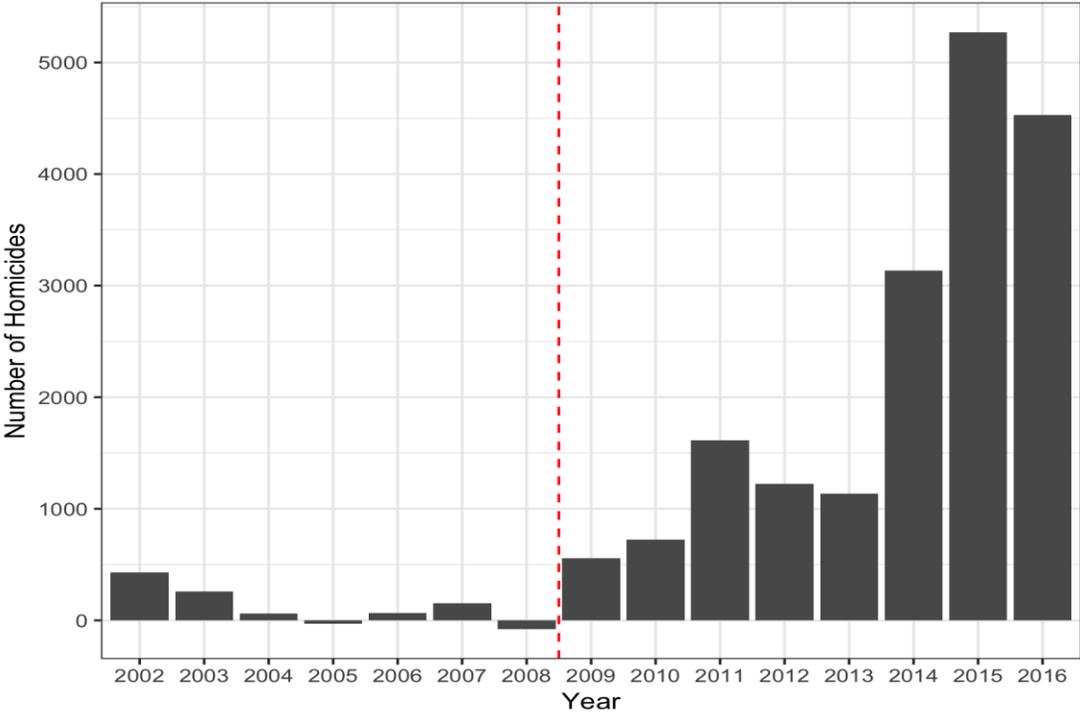
Figure 2 presents the main graphical results of the synthetic control analysis. It depicts the evolution of the homicide rate in Guatemala (the solid line) and *Synthetic Guatemala* (the dashed line) for the 2002–2016 period. From 2002 until 2008 Guatemala and its counterfactual experienced a fairly similar homicide rate trajectory, reaching a high point at around 40 homicides per 100,000 population. However, after the CICIG went into effect in 2008 the two cases diverge. The homicide rate in Guatemala (the treated case) begins to decline from a peak of 46.1 homicides per 100,000 population to 27.3 by 2016. In contrast, in *Synthetic Guatemala*, which depicts what Guatemala would have looked like in the absence of the CICIG, the murder rate increases from 44.35 to 54.6 per 100,000 population by 2016. While the raw data show a decline of nearly 20 points in the homicide rate, from 46.1 to 27.3, the CICIG’s net causal effect is significantly greater – the gap between the actual homicide rate and the rate the country would have reached in the absence of the CICIG. This means that in the absence of the CICIG, the homicide rate in 2016 it would have been 54.6 instead of the actual 27.3.

Figure 2. Homicide Rates for Guatemala (Treated) and *Synthetic Guatemala*, 2002–2016



Based on our results, we estimate the rough number of deaths that the implementation of CICIG has avoided by calculating the difference between the number of homicides in Guatemala and *Synthetic Guatemala*. As Figure 3 shows, the CICIG has prevented an average of 2,012 deaths per year and 18,110 deaths between 2008 and 2016. To be sure, this is a hypothetical exercise. However, the exercise does provide a more concrete notion of the extent to which the CICIG equipped Guatemala to contain a major wave of large-scale criminal violence, preventing a major escalation of the homicide rate. Most importantly, the results reveal that the CICIG is saving lives. To put the number of lives the CICIG has saved into context, if this mechanism of internationalized prosecution were in place for 36 years – the duration of the civil war – ceteris paribus Guatemala would be able to save at least 72, 432 lives, that is, 36.2 percent of the lives lost during the civil war.

Figure 3. Estimated Number of Lives Saved by the CICIG



Assessing the Counterfactual’s Validity: Placebo and Permutation Tests

While the empirical results provide robust evidence in favor of a causal effect of the CICIG’s operations on the long-term trajectories of criminal violence in Guatemala, it is important to rule out potential problems that could undermine our confidence in the results.

A key assumption in our analysis is that the outcomes of the untreated units are not affected by the intervention. In our case, the violation of this important assumption, known as the non-interference assumption, would mean that homicide rates in countries of our donor pool are affected by the treatment effect, namely, the CICIG's operation. This violation is unlikely for two reasons: 1) the CICIG targets primarily local criminal structures, and 2) the UN did not sign a similar agreement with any country from the donor pool.

Another potential problem is that there may be confounding factors driving the causal association between the CICIG and the homicide rate or that the association between the CICIG and the murder rate could be a random accident. To address these challenges, we run a series of placebo and permutation tests.

First, we show in Figure 4 the ratio between the post-CICIG and pre-CICIG Root Mean Square Prediction Error (RMSPE) for Guatemala and all the countries in the donor pool. The RMSPE measures the lack of fit between a particular country and its synthetic version and is estimated for the pre- and the post-intervention periods. Because the RMSPE is a measure of error and noise, one should expect (a) the post-treatment RMSPE to be large (showing a growing gap between unit x and its synthetic control caused by the intervention) and (b) the pre-treatment RMSPE to be small (showing a better fit between unit x and its synthetic control). Thus, the larger the ratio between (a) and (b), the larger the causal effect. Figure 5 shows that Guatemala has the largest RMSPE among all countries and suggests that the post-CICIG gap is about 11 times larger than the pre-CICIG gap. Moreover, the figure suggests that the probability of randomly picking a country with a ratio as high as Guatemala's would only be about $1/11 \approx 0.09$. This evidence suggests that the effect found in Guatemala is strong and not produced by chance.

Second, we conduct an *in-time placebo* by assigning a different point in time as the treatment year. If our inferences about the CICIG's effect are valid, a different year should not have a sizeable and systematic impact on the outcome variable. Panel A in Figure 5 shows the graphic result of the in-time placebo, which assigns 2005 as the year of intervention. It may very well be that the decline of violence in Guatemala was not a result of CICIG's intervention, but began a little earlier. Since a series of important legal changes took place prior to 2008, including the Law on Organized Crime, security analysts in Guatemala tend to think that the reduction in criminal violence preceded the

CICIG.¹³ However, as the figure clearly shows, the placebo year does not have the expected effect on the homicide rate, giving us confidence that the reduction in the murder rate (and the prevention of more homicides) was not due to different events at a different time but to the CICIG’s implementation in 2008.

Figure 4. Ratio of post-CICIG RMSPE to pre-CICIG RMSPE

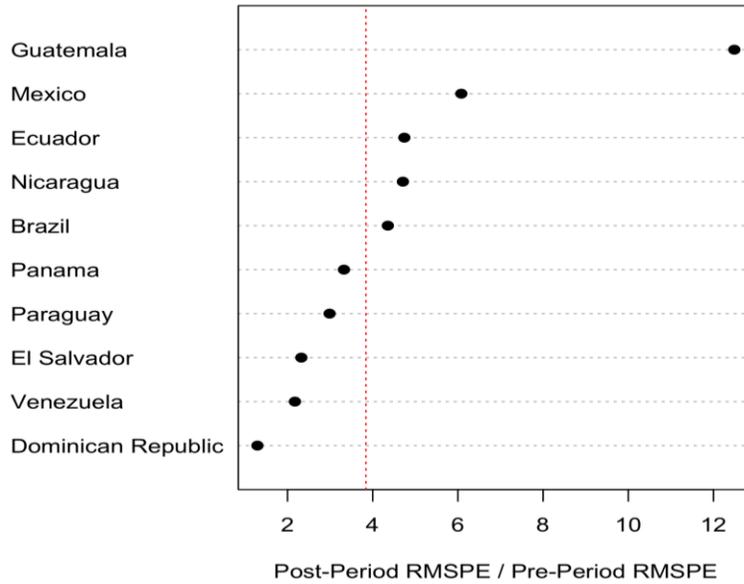
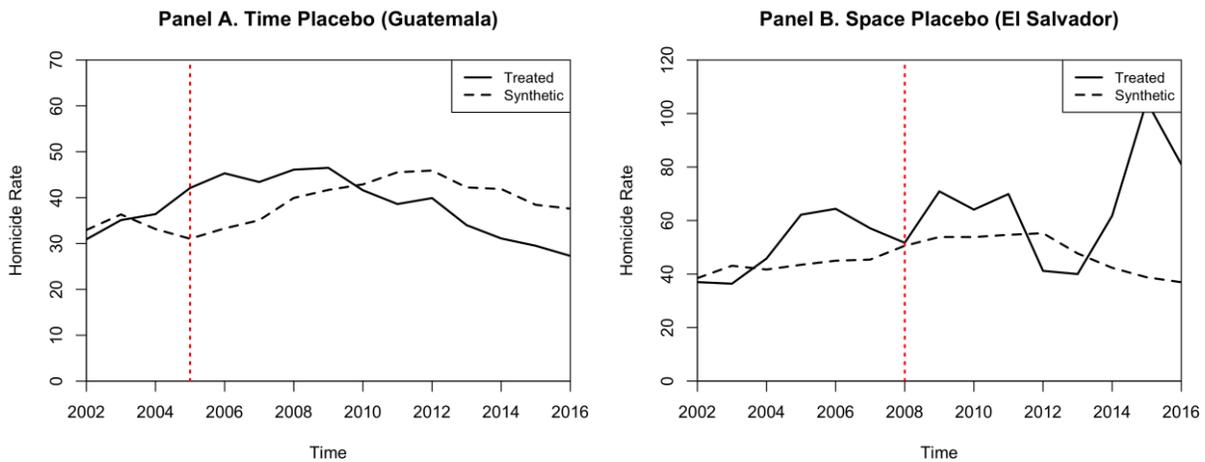


Figure 5. In-Space and In-Time Placebo Tests

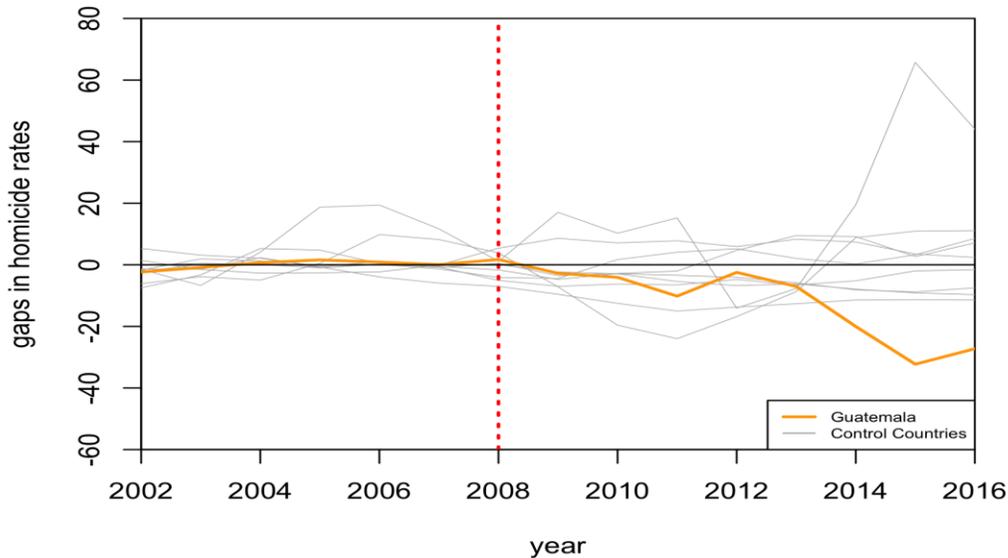


¹³ Interviews with security expert Carlos Mendoza and with Francisco Jiménez, former minister of the interior.

Third, we conduct an *in-space placebo* by assigning the intervention to a different country of the donor pool. As shown in Panel B, we hypothetically assign El Salvador as the treated unit instead of Guatemala. Both countries share similar histories of civil war that ended through UN-sponsored peace agreements and have comparable levels of economic development and growth, and neither of them adopted major security-sector reforms to demilitarize the police and develop mechanisms of police accountability. Unlike Guatemala, however, El Salvador did not have a mechanism of internationalized prosecution like the CICIG with a specific mandate to dismantle criminal structures formed by illegal clandestine security forces that emerged during the civil war. The results of the placebo test, shown in Panel B, reinforce our results: not only is the fit between El Salvador and its synthetic case poor and noisy prior to the intervention, but the counterfactual's trend during the post-treatment period runs *contrary* to both our theoretical expectations and main empirical finding for Guatemala.

Lastly, we conduct a permutation test, whereby we construct a synthetic control for every possible unit in the donor pool including Guatemala. Figure 6 plots the homicide gaps between a country and its synthetic version over time: lines closer to zero indicate a small treatment effect, while lines farther away from zero indicate larger effects of the intervention on the outcome variable. As the dashed line in the plot illustrates, the largest and most consistent effect of the CICIG intervention in 2008 took place in Guatemala. As should be expected, homicide gaps in Guatemala before the intervention were close to zero. In the post-treatment period, however, homicide gaps for Guatemala experienced a drastic downward trend away from zero, whereas other countries experienced a much more modest negative effect and some even experienced a positive causal effect.

Figure 6. Permutation Test: Homicide Gaps in Guatemala vs. All Countries



HOW THE CICIG CONTRIBUTED TO A REDUCTION OF THE MURDER RATE

While the results from the synthetic control model show that the CICIG did have a causal impact on the reduction of Guatemala’s homicide rate, they do not explain how this happened. Using the theoretical expectations that we previously laid out, in this section we draw on 20 in-depth interviews to explore the mechanisms that create the pathway from the CICIG to Guatemala’s steady reduction of the murder rate.¹⁴ The interviews suggest a more complex causal path than the one we had theoretically envisioned, confirming three hypothesized mechanisms and adding two new mechanisms.

The CICIG and the Reduction of Criminal Violence in Guatemala

Figure 7 summarizes the causal pathway that connects the process of internationalized prosecution unleashed by the CICIG intervention and the long-term reduction of Guatemala’s murder rate. It identifies the building blocks that allowed the CICIG to strengthen law enforcement institutions,

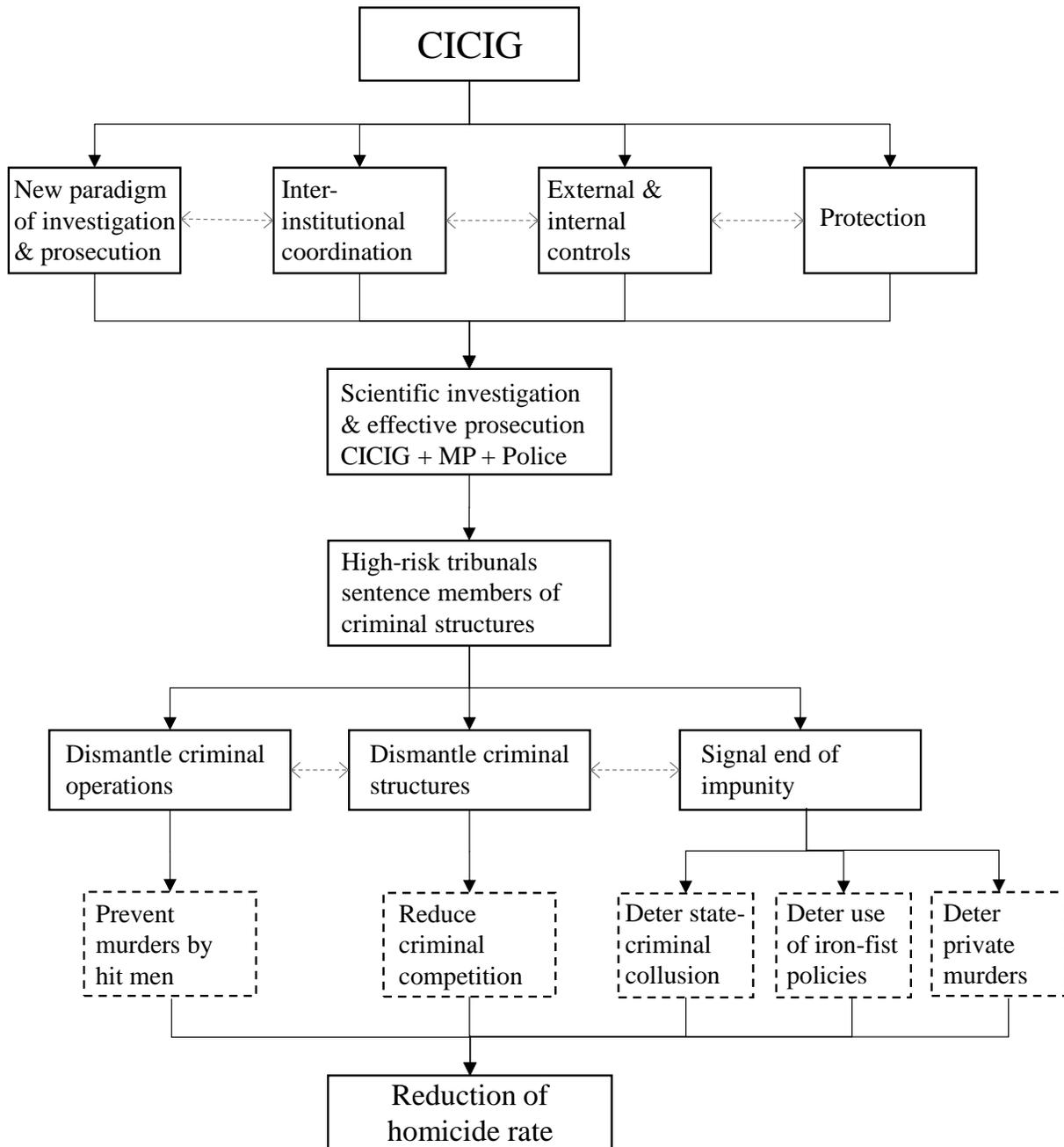
¹⁴ All interviews were conducted in Guatemala City, May 27-June 1, 2019.

practices, and processes in Guatemala, which resulted in effective investigations and prosecution based on scientific evidence in which the CICIG worked together with the MP and the police. These investigations served a new generation of judges in newly created high-risk courts to dismantle criminal operations and structures and sentence their members to prison. By dismantling criminal operations and structures the CICIG contributed to prevent murders by hit men, drove competition and the homicide rate down, and signaled all state and private actors that impunity could no longer be taken for granted. This increased the costs of state-criminal collusion and the widespread use of violence by state agents and private actors, driving the murder rate down. Here is a description of this process:

A new paradigm of investigation and prosecution. Drawing on the UN-sponsored peace accords, which called for the creation of a new paradigm of citizen security for Guatemala, and on the work by human rights NGOs who had identified the CIACS as the leading producers of violence, the CICIG became a powerful proponent of a new model of investigation and prosecution that emphasized 1) a holistic approach that analyzed criminal structures, rather than isolated individual criminals; 2) the active use of state-of-the-art scientific methods of investigation, rather than circumstantial evidence; and 3) the collaborative work of multiple prosecutors, rather than a single prosecutor.

Building on the two waves of legal changes the CICIG promoted to equip the MP and the police with new methods of investigation, CICIG personnel trained public prosecutors and the police in the use of undercover agents, witness protection programs, wiretapping interventions, antennae and surveillance cameras, GPS, mapping, financial analysis of money laundering, and data analysis to identify the network connections of members of criminal structures and their criminal activities. They also trained public prosecutors on strategic litigation and members of the National Forensic Institute on ballistic techniques, fingerprint technology, and the handling of forensic evidence.

Figure 7. How the CICIG Contributed to the Reduction of Guatemala's Homicide Rate



As Sandino Asturias, a leading security analyst and human rights defender, summarized it: “CICIG’s most valuable contribution was the development of new investigative capacities. This had a very specific impact on the Special Criminal Investigation Unit at the MP.” Helen Mack, the influential human rights activist appointed by President Colom in 2009 to head an ad-hoc commission to reform the police, confirmed that the CICIG offered them crucial guidance in developing a new policing approach that emphasized intelligence, scientific investigation, and a focus on dismantling criminal structures. As Carlos Menocal, minister of the interior under Colom and the person in charge of overseeing the national police, recognized: “this new approach and these new methods were key to strengthening the police’s Unit of Criminal Investigations and the Department of Strategic Planning.” Astrid Escobedo, legal officer of the CICIG, captured the importance of these changes in the MP and the police when she observed that “the CICIG legacy will not be the hundreds of individual convictions but the development of a new paradigm of investigation and prosecution.”

Inter-institutional coordination. The CICIG played a crucial role in establishing bridges of inter-institutional coordination between the MP and the police. Former minister Menocal recalled that, prior to the CICIG, “the MP and the police would clash on the crime scene all the time.” Human rights defender Anabella Sibrián described “a process in which the police conducted poor investigations and handed the cases to the public prosecutors who, in turn, mechanically handed them to the judges.” For María Eloísa Quintero, the CICIG’s chief of investigation and litigation, “inter-institutional coordination and information sharing made easier the identification and dismantling of criminal structures.” Judges quickly became aware of the benefits of the CICIG-mediated inter-institutional cooperation. As Judge Yassmin Barrios, who sentenced Gen. Ríos Montt to prison, put it: “Public prosecutors started bringing to my courtroom strong cases based on sound scientific evidence. The forensic investigations were of very high quality and the MP’s investigations relied on strong evidence obtained through wiretapping interventions and video cameras.”

External and internal controls and empowerment of anti-impunity agents through peer pressure. The CICIG operated as a powerful external check that shaped the behavior of all law enforcement agents, triggered changes in the internal systems of control, and tilted the balance of power within the MP, the police, and the courts. As Sibrián put it: “From the early years of Commissioner Castresana’s term the CICIG developed a strong image as a watchdog. It changed expectations:

prosecutors and other law enforcement agents began to perceive that ‘someone was watching them.’” A US state department official anonymously confided to us that this external oversight combined with the increasing professionalization of the MP and the police “empowered the good elements, weakened bad ones, and motivated uncommitted agents to move to the anti-impunity camp.”

The CICIG’s oversight and pressure forced important internal changes in the MP. Castresana’s public denunciations of three general public prosecutors under President Colom led to their resignation and to the eventual appointment of Claudia Paz y Paz, an anti-impunity crusader. And although Thelma Aldana, Paz y Paz’s successor, initially appeared not to be fully committed to an anti-impunity agenda, she developed a close collaboration with Velásquez and became Guatemala’s leading state official in the struggle against impunity. At lower ranks, as Menocal recalled, “the CICIG had mapped out who were the good and bad prosecutors within the MP.” And this oversight had positive effects, as Judge Miguel Ángel Gálvez observed: “The CICIG personnel were permanently monitoring the prosecutors’ work. This forced the Special Investigations Unit in the MP to become highly professionalized.”

The CICIG’s external pressure also benefited the police. As Francisco Jiménez, former minister of the interior under Colom, reflected, “external controls opened up the police [to major reforms].” “Since 2008,” he continued, “all ministers of the interior accepted that high- and mid-level officials became part of a civil service career and that policing practices would no longer be influenced by military practices.” Jordán Rodas, Guatemala’s Ombudsperson, underscored specific behavioral changes: “The CICIG’s external control became evident to police members who quickly began to internalize that they were under external surveillance.” These exogenous pressures also affected the courts. Judge Gálvez, who sentenced President Otto Pérez Molina to prison, is clear about this: “The CICIG monitors the judges.” This became evident in 2010 when the CICIG released an influential report, “The Impunity Judges,” which exposed corrupt judges who protected high-ranking officials who were part of criminal structures.

Protection. The presence of the UN via the CICIG protected and insulated Guatemalan law-enforcement agents involved in the dismantling of CIACS and other criminal structures. Judge Barrios, who suffered an assassination attempt during the trial against Colonel Byron Lima for the

assassination of Bishop Gerardi in 2001 and who judged high-profile cases in the post-CICIG era, effectively summarized it: “The CICIG is a protection shield [for us].” The trials of the top leadership of the Zetas – the powerful Mexican transnational cartel – revealed how CICIG’s presence emboldened judicial authorities to dismantle criminal structures. The day when “El Cachetes,” the Zetas’ leader in Guatemala, was in court to be sentenced there was a power outage in the building. Despite rumors that the Zetas were in the building to rescue their leader, the trial was not suspended and electricity was restored “El Cachetes” and his comrades were sentenced for 313 years in prison. As a member of Guatemala’s judicial system anonymously suggested to us, “In high-profile cases prosecutors and judges feel they have CICIG’s protection to prosecute and sentence members of criminal structures; prosecutors feel safer when they physically take the cases to the court and they travel in a car with international license plates.”

Investigating, prosecuting, and sentencing members of criminal structures. Over the course of ten years the CICIG and their allies in the MP and the police investigated and exposed a wide variety of criminal structures, including 1) groups of hit men structures who served high-ranking government authorities in repressing political dissidents and youth gangs or who worked with mayors to protect drug trafficking operations; 2) drug cartels; 3) human trafficking structures; and 4) extortion rings often led by state officials and members of security forces. The use of state-of-the-art scientific methods to conduct these investigations lent social legitimacy and credibility to high-profile cases. As Judge Barrios recognized: “For us, scientific evidence is crucial to attribute criminal responsibility [in high-profile cases].”

According to CICIG personnel, the commission first proved the value of intelligence and scientific evidence to investigate and expose criminal structures with the ground-breaking Rosenberg case – the alleged assassination of a prominent businessman by President Colom and his key advisers. Displaying a wide variety of scientific evidence, the CICIG was able to demonstrate that Rosenberg committed suicide assisted by a clandestine structure of hit men who sought to discredit Colom, a center-left president and the first top political leader ever elected in Guatemala with no links to the military establishment. After this case, the CICIG was able to expose the widespread use of hit men structures by past political authorities, including major cases of “social cleansing” in the prison system (e.g., the massacre in the Pavón penitentiary center).

But the long arc that connects the formal and clandestine military structures forged during the civil war with corruption became evident with two emblematic cases: the guilty verdict of General Ríos Montt for genocide and the impeachment and trial of President Otto Pérez Molina for corruption and criminality. While the CICIG had no legal capacity to participate in cases involving the civil war, the law enforcement infrastructure it contributed to create, particularly the high-risk courts, enabled the victims and their lawyers to prosecute perpetrators of past atrocities. Moreover, many of the criminal structures dismantled in the early years of the CICIG were directly related to political and military elites associated with Ríos Montt. The case of Otto Pérez Molina, formerly director of the powerful military secret service at the end of the civil war, also revealed that the CIACS had mutated into white-collar corruption rings. These cases revealed that the military was at the center of some of the most powerful networks of corruption in Guatemala.

Dismantling criminal operations and preventing murders. The use of new scientific methods of investigation in the MP and the police contributed to dismantling some of the deadliest criminal operations, particularly those conducted by hit men groups whose services were widely used in the 2000s by top political leaders, security officials, directors of penitentiary systems, mayors, and local and transnational drug traffickers. As former Minister Menocal attested: “through wiretapping interventions, we [arrested professional hit men before they assassinated their victims and] prevented at least 500 hundred executions.” Judge Barrios independently shared: “The wiretapping interventions have saved hundreds of lives.” Timely access to information about deadly criminal operations empowered the MP and the police to overcome asymmetries of information that prevail state-criminal interactions and allowed them to prevent murders.

Dismantling criminal networks and reducing competition and the murder rate. The collaborative work of the CICIG, the MP, and the police in dismantling criminal structures through intelligence rather than force had a large impact on the criminal underworld, reducing the number of players and the intensity of competition for turf, thus driving murder rates down. While they investigated and prosecuted some of Guatemala’s leading drug trafficking families, many of whom were extradited to the United States, their most notable victory was driving the Zetas – Mexico’s most lethal drug cartel – out of Guatemala.

The Zetas had been attempting to gain control over Guatemala's northern and northeastern drug trafficking routes since the early 2000s, and they made a decisive move in 2007 (Dudley 2011). Allied with local landowners and traffickers, they built a strong criminal structure that brought together mayors, army colonels, police members, former elite members of the Guatemalan military (*Kaibiles*), and local hit men from the departments of Alta Verapaz and Petén. They sought to subdue rival family clans of traffickers and judicial authorities. In 2008 they assassinated Juan José León, the head of one of the three Guatemalan drug trafficking family clans, in a brutal massacre in Zacapa; in 2011 they engaged in a turf war against their former bosses from Mexico's Gulf Cartel during which they massacred 27 rural dwellers in Petén and assassinated a local prosecutor from Alta Verapaz in another massacre.

Judge Barrios is clear about how the Zetas were driven out of Guatemala: "We contained the Zetas through judicial action." Barrios presided over the trial of 16 members of the Zetas for the "Zacapa massacre," a second trial of 17 Zetas for the "Petén massacre," and subsequently 37 Zetas for multiple murders and the assassination of the local prosecutor from Alta Verapaz. The work of the MP, the police, and the CICIG, with the cooperation from the US Drug Enforcement Agency (DEA), was crucial in the arrest of "El Cachetes," the Zeta boss in Guatemala. Reflecting on this case, former Minister Francisco Jiménez, concluded: "The conviction of 'El Cachetes' and his colleagues allowed the State to dismantle the network structure developed by the Zetas and their local allies." Oswaldo Samayoa, a security analyst, remarked on the consequences: "Dismantling these networks...reduced competition and conflict, driving violence down."

Fighting impunity and deterring the widespread use of violence. The joint struggle against impunity led by the CICIG reached every corner of the state and society. As human rights activist Anabella Sibrián put it: "People think the CICIG is a panoptic from where they are observed or where they can be caught doing something illegal." Ombudsperson Jordán Rodas concurred: "The public audiences of President Otto Pérez Molina's trial had a powerful deterrent effect showing *everyone* that there were external controls."

The struggle against impunity through internationalized prosecution had three particular effects:

First, internationalized prosecution deterred corruption, particularly among law enforcement agents who might have considered developing informal protection networks for drug cartels or other criminal structures. As Guatemala's highest authority on human rights, and someone who observes security agents in charge of coercion closely, Rodas stated: "The CICIG's actions sent a clear message to all law enforcement agents that there were external controls. And this became a powerful deterrent for the police, the investigators, and the prosecutors."

Second, internationalized prosecution restrained the use of state coercion and prevented the use of militarized iron-fist policies. Rather than fight drug cartels and street gangs through brute force, which stimulates spirals of violence – as the Mexican and Salvadoran cases demonstrate (Lessing 2017) – Guatemalan authorities confronted drug and gang violence through intelligence, judicial action, and preventive actions. Former Minister Jiménez is emphatic: "We were able to drive the Zetas out of Guatemala *without military action*." This strategic decision possibly saved thousands of lives.

Third, internationalized prosecution dissuaded the population at large from the widespread use of violence to settle personal disputes, as had become the norm in the 2000s. As ombudsperson Jordán Rodas put it in the case of the youth gangs: "The Maras think: if the president is in prison, what would be the fate of this 'little gang member' if I were to commit a criminal action?" Human rights activist, Sandino Asturias, reflected that, prior to the CICIG, "People used to think: if [it was possible to kill 200,000 people and disappear 50,000, as happened in the civil war, without consequences], then why not just kill my unfaithful spouse or a neighbor who owes me money." After 2009 this was no longer the case. As impunity levels went down, violence was no longer the go-to mechanism to settle personal disputes, driving homicide rates down.

The Evolution of Criminal Violence in *Synthetic Guatemala*: A World without the CICIG

We conducted fieldwork in a context of elite backlash against the CICIG and the fight against impunity. Under CICIG investigation, President Jimmy Morales (2016–2020) led a major attack to get the Commission out of Guatemala before the end of its term in September 2019. He did not succeed, but he was able to bar Commissioner Velásquez from the country and he announced that his government would not ask for the renewal of CICIG's two-year term. While in the 2000s

Guatemala's government and the military and economic establishment consented to an accord with the UN to create the CICIG under the assumption that they could manipulate the actions of the MP, the police, and the courts, ten years later they had witnessed first-hand that that was no longer possible and that they were under heavy scrutiny from a successful mechanism of internationalized prosecution that they felt they had to undermine. Under this scenario of the imminent end of the CICIG, our interviewees spontaneously volunteered their own opinions of the expected changes in Guatemala's law enforcement and criminal violence in the absence of the CICIG. When they spoke about *Synthetic Guatemala*, they took both a retrospective and a prospective view.

Reflecting about the past, Tomás Pallás, former Chief of Cooperation at the European Union Embassy, concluded with no hesitation: "Without the CICIG none of the legal reforms [that enabled the anti-impunity struggle] would have been possible." Former Minister Menocal offers a stark image: "Without the CICIG Guatemala would be another plaza of the Zetas [the powerful Mexican cartel]." Using the past to reflect about *Synthetic Guatemala* in the present tense, a human rights defender anonymously confided to us: "With the CICIG presence, police members were careful with their actions; now [that the CICIG is on its way out] they are arrogant and delinquent. They start behaving like the [militarized] police of the 1970s and 1980s." Thinking prospectively about the future, a judicial expert anonymously warned: "Without the CICIG, the prosecutors and the judges are left without outside support; at the high-risk courts the judges will be left unprotected. Without the CICIG, many cases currently under investigation or awaiting sentence will be jeopardized."

CONCLUSION

In this article we have presented an in-depth evaluation of the likely impact of the CICIG on the large and sustained reduction of Guatemala's homicide rate since 2008. Our counterfactual analysis based on the Synthetic Control Method unambiguously showed that the CICIG had a large causal impact on the long-term trajectory of Guatemala's murder rate: in the absence of the CICIG Guatemala would have experienced in 2016 a homicide rate of 54.6 murders per 100,000 population instead of 27.3. A series of robustness checks confirmed that this reduction should be attributed to the CICIG and the process of internationalized prosecution and not to random chance or other factors. Building on theories of criminal violence and on fine-grained qualitative evidence, we

showed that the CICIG spearheaded a decade of investigations, prosecutions, and judicial actions, in which CICIG personnel in cooperation with Guatemala's prosecutors and the police dismantled many of the illicit clandestine networks that survived the civil war, morphed into criminal structures in collusion with state agents, and became leading actors in the production of criminal violence. By dismantling these networks and reducing the space for impunity, internationalized prosecution became a powerful deterrent of the widespread use of violence by state, criminal, and private actors.

Guatemala's experience of internationalized prosecution under the CICIG offers four lessons.

First, dismantling criminal structures, in which state security agents collude with government officials and criminal organizations can be more effectively done through internationalized prosecution than through endogenous (domestic) or exogenous (international/foreign) mechanisms. Whereas repressive state agents who are at the center of these networks often have the power to derail and punish those who investigate them, international actors acting in cooperation with domestic institutions can train, protect, and insulate teams of prosecutors and police forces to fight impunity. As the case of the CICIG demonstrates, this does not mean that international actors should replace domestic actors but that through internationalized prosecution local investigators, prosecutors, and judges can become empowered to effectively do their work.

Second, internationalized prosecution can have long-lasting material effects that go beyond symbolic shocks (e.g., the sentencing of a head of state) or important procedural changes (e.g., the adoption of scientific methods of investigation). As our analysis unambiguously revealed, the CICIG triggered a judicial process that empowered Guatemalan investigators, prosecutors, and judges to dismantle over 60 criminal structures and sentence hundreds of corrupt public officials to prison, contributing in fundamental ways to containing large-scale criminal violence and to saving nearly 17,000 lives.

Third, internationalized prosecution can be an effective alternative to the widely used iron-fist policies to fight violent criminal organizations. Unlike Mexican authorities, who confronted the Zetas through unconditional violence, causing a bloodbath, in coordination with the CICIG Guatemalan authorities used intelligence and judicial processes to dismantle the extensive networks

the Zetas had built in northern Guatemala, driving Mexico's most lethal cartel out of Guatemalan territory with minimum violence.

Finally, the Guatemalan experience reveals that extraordinary mechanisms of justice – such as the CICIG – are more effective when they create synergies with ordinary institutions – such as the cooperation agreements between the CICIG, the MP, and the police. The question remains whether the inter-institutional coordination and the changes in institutional practices and behavior that have contributed in fundamental ways to the sustained reduction of Guatemala's homicide rate will become institutionalized and survive the CICIG's sudden departure. In a country with weak political institutions, the prospects for the post-CICIG survival of the major changes introduced in the judicial process remain uncertain. This is where the new frontiers of scholarly research and policy practice meet: in exploring the conditions under which international and domestic actors can more effectively cooperate in using extraordinary and ordinary mechanisms of justice to develop the rule of law and construct peaceful democracies.

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