

# *MESOAMERICA*

*Volume 25, Number 1, January 2006*

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## **Erasing an Invisible Line: Guatemalan Sets Out to Restructure its Anti-Drug Agency, Again**

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On 31 Dec, 15 men dressed as police officers, wearing ski masks and armed with AK-47s, broke into the storage facility of Guatemala's Anti-Drug Agency (SAIA) and stole 475 kg of cocaine. The plan went off without a hitch. The masked men ordered the entrance guards to open the front gate at gunpoint proceeded directly to the storage trailer that contained the drugs, beat up the four police officers standing guard, cut the padlock and loaded the drugs into a Suburban, a pickup truck and a white station wagon before exiting out the front gate. All three vehicles were later reported stolen.

The stolen cocaine was nearly half of the 997 kg confiscated in Port Santo Tomás de Castilla on 15 Nov; the same day, SAIA head Adán Castilla and two other SAIA leaders were arrested at a US Drug Enforcement Agency (DEA) conference in Virginia for suspected links with drug traffickers (Vol. 24, No. 12).

On 24 Nov, Interior Minister Carlos Vielmann set out to begin the desperately needed purification process in Guatemala's law enforcement agencies. He sauntered into SAIA headquarters to inform its 200 agents that they had two options: submit to polygraph, psychoanalytical and drug tests, as well as declare an oath of good faith, or hand in their resignations. Some chose the latter. In fact, exactly 15 SAIA officers chose to resign rather than submit to the minister's examinations.

Investigators have yet to locate the ex-agents-now-suspects and, while the investigation stumbles on, the government has focused its attention on how to purify a law enforcement agency tainted by corruption. The initial results of polygraph tests, administered to 400 SAIA and National Civil Police (PNC) officers in Dec by the Interior Minister's office, found only 35% of respondents to be trustworthy (Seijo and Cereser '06). Following the woeful results, legislator Eduardo Meyer said, "The security forces are full of delinquents who take advantage of the uniform."

Since the cocaine robbery, accusations, denouncements and proposals have been hurled around the Guatemalan government. Legislators have called for implementing more secure storage facilities than padlocked trailers and decreasing the holding period before confiscated drugs are incinerated. Vice President Eduardo Stein identified the problem in more general terms, however, describing the Guatemalan justice system as one "infiltrated at every conceivable level by organized crime."

This is not the first time that Guatemala has had to deal with a drug-enforcement agency laden with corrupt officials linked to drug-trafficking operations. In '02, 16 Department of Anti-Narcotics (DOAN) agents raided the small village of Chocón and held residents hostage for three days, killing two, and capturing and reportedly torturing another, who remains a *desaparecido*. The officers said that the town was a suspected drop-off point for narcotics en route to the US. Most critics maintained afterwards, however, that the agents were more likely trying to steal the two tons of cocaine reportedly in the town, as well as acting to intimidate and dispel rival drug smuggling

operations. That same year 1,600 kg of cocaine was stolen from DOAN storage facilities by officers within the agency. The DOAN was dissolved that year, and the DEA specially trained 200 members of the PNC to form a new anti-drug agency: the SAIA.

Currently, valid case-specific questions regarding this most recent incident continue to swirl. Why, nearly 50 days after the seizure, were the drugs still in storage facilities when the Law Against Drug Activity mandates that seized drugs be incinerated within 20 days; or how, more than a month after their resignation, did the 15 SAIA officers still have their uniforms?

Still, a response to Vice President Stein's exasperated description of the justice system seems the most pressing issue. As the line between cop and criminal continues to blur, especially in lucrative matters regarding the drug trade, and officials from the nation's legislative and judicial branches persist in neglecting their responsibilities, how does a government, celebrating only its 20<sup>th</sup> anniversary of consecutive democratic elections, restructure a corrupt law enforcement agency?

### **The Takeover**

The Reagan administration's success at shutting down drug smuggling routes in the Caribbean during the '80s forced Colombian drug cartels to blaze new routes into the lucrative US drug market. Coincidentally, in '86 Vinicio Cerezo Arévalo became president of Guatemala and appointed two corrupt military leaders to top spots in the executive branch of government: Gen. Manuel Antonio Callejas y Callejas as Chief of Staff and Gen. Francisco Ortega Menaldo as Chief of Military Intelligence. Both were US School of the Americas graduates with suspected ties to the drug trade.

During the presidencies of Vinicio Cerezo ('86-'90) and Jorge Serrano Elías ('91-'93), Callejas and Ortega offered Guatemala to drug-traffickers as an advantageous alternative to the risky Caribbean waters. Callejas utilized his position to install key security personnel willing to cooperate with (and benefit from) the developing drug trade. Likewise, Ortega took advantage of his post to implement his DEA-provided intelligence resources to identify and weed out suspected rivals in the Guatemalan cocaine transit business. Together, the two generals also initiated a covert intelligence unit called *la cofradía* or "the brotherhood" (Smyth '05), which strengthened business relations between Colombian drug cartels and the Guatemalan military. As various presidential administrations have come and gone, *la cofradía* has maintained relations between current governmental agencies and drug traffickers.

On 25 May '93, President Serrano illegally dissolved Congress and the Supreme Court citing a need to cleanse the government of corruption. The Constitutional Chamber of the Supreme Court, however, backed by the military, opposed Serrano's attempt and, in the face of overwhelming resistance, Serrano fled Guatemala. Ironically, Serrano's exodus became the catalyst that achieved a governmental dissolution.

In compliance with the '85 constitution, Human Rights Ombudsman Ramiro De Leon Carpio was elected president to complete Serrano's term. Free of party affiliation, De Leon Carpio razed the Supreme Court and Congress in hopes of exorcising the two bodies of corruption. Elections were held to refill the vacant seats on 30 Jan '94. As part of the restructuring that took place in '94, the DEA helped train and implement a new anti-drug agency, the DOAN.

De Leon Carpio's drastic maneuvers laid the groundwork for more successful anti-drug and anti-corruption measures to be taken under the presidency of Alvaro Arzú ('96-'00). By the time Arzú assumed the presidency, Callejas had already retired, though he still maintained some influence over

governmental staffing. More importantly, however, was the Sep '96 arrest of Alfredo Moreno Molina, the alleged ringleader of a drug shipment operation that stretched across Guatemalan borders and government. The subsequent investigation of Moreno revealed incriminating pictures of him and Ortega together. Ortega was forced to turn in his resignation, though no investigation was opened to explore the nature of his relationship with Moreno. Also present in some of the seized photographs was Alfonso Portillo, who at the time was working as a political analyst and liaison between the drug cartel and the government; and who, four years later, would become the president of Guatemala (Rubén Zamora '02).

With Moreno behind bars, and with Callejas and Ortega somewhat off the political scene, customs revenues nearly doubled (The Center for Public Integrity '06). DOAN, working under intense DEA supervision, increased the amount of confiscated drugs from 956 kg in '95 to 9,959 kg in '99 (Ballet '03). The Attorney General was able to convict Moreno for evading nearly \$15 million annually in taxes. The Arzú administration also succeeded in extraditing Gen. Roberto Letona, the military attaché in Washington, DC, for allegedly skimming \$2.7 billion in tax revenue over a 15 year period. The progress of the Arzú administration in curbing drug-trafficking and governmental corruption was muted, however, after the '00 presidential election left Portillo at the helm.

Portillo's presidency allowed Ortega back on the scene to reinvigorate the drug network he had previously been forced to leave by the wayside. Indicative of Ortega's re-established presence were comparisons of drug seizures between Arzú's and Portillo's administrations. From '96 to '99 under the Arzú administration, drug enforcement officials seized 30,157 kg of cocaine. From '00 to '02—Portillo's first two years in office—just 6,878 kg of cocaine were confiscated. Assistant Secretary of State for Western Hemisphere Affairs Otto J. Reich, in an Oct '02 statement before the House International Relations Subcommittee on the Western Hemisphere, expressed US displeasure with the decrease of seizures. He noted that figures were down, "even though the amount of illicit drugs transiting through Guatemala [had] not decreased."

The '02 events within the DOAN along with the consistent decline of drug seizures signified that governmental corruption and connections to the drug trade had reasserted itself in Guatemala, and the US government half-heartedly retaliated. The US first revoked the visas of Ortega and Callejas, and in Oct threatened to de-certify the nation.

According to the unilateral drug certification process enacted in '86, the US president annually passes to Congress a list of all countries that fail "to take legal measures to outlaw and punish all forms of illicit drug production, trafficking and drug money laundering, to control chemicals that can be used to process illicit drugs, and to cooperate in international efforts to this end" (Christy '99). Countries not in compliance are deemed "de-certified" and all US economic aid is withheld pending the following year's evaluation.

In the final months of '02 Guatemalan officials scrambled to prevent the country's impending de-certification. It was at this point that the DOAN was dissolved and the SAIA was created. From Oct to Dec, the SAIA seized 1,855 kg of cocaine, which amounted to 66% of the drugs seizures for all of '02. More significantly, the Attorney General, Carlos De León Argueta, announced that he would assign five special prosecutors to investigate the five ex-military leaders that the press and US officials had accused of being linked to drug-trafficking. Among the five were, of course, Ortega and Callejas.

The last-minute improvements were not enough. The Bush administration de-certified Guatemala at the beginning of '03, but failed to impose any tangible consequences for the de-certification. The

Bush administration declined to withhold the \$53 million in annual aid that it provides to Guatemala—\$3.5 million of which is supposed to be allocated for anti-drug operations. US Secretary of State Colin Powell said that withholding humanitarian aid would only exacerbate the already desperate situation in the country.

Critics of the certification program charged that allowing Guatemala to retain economic aid after de-certification confirmed the program's spuriousness. Jason Ballet wrote in a report for the Council on Hemispheric Affairs that "by de-certifying Guatemala but not suspending its \$53 million in US aid, the Bush administration essentially debauched its alleged war on drugs and utterly failed to address the serious issue of corruption bedeviling that country," (Ballet '03).

Today, two years later, Guatemala is a certified nation and its anti-narcotic efforts are again in complete disarray. The investigations of Ortega and Callejas failed to bring up charges against the two suspected ringleaders, and today their brainchild, *la cofradía*, reportedly maintains its strong hold over military and law enforcement personnel.

The arrest of the SAIA chief has forced the nation to restructure its anti-narcotics agency only three years removed from the last restructuring. The 31 Dec drug heist at the SAIA storage facility, suspected to have been committed by former SAIA agents, only further confirms the urgent need for a major change in anti-narcotics strategy and personnel. The need, though, is not the issue; it's the how that poses a problem.

### **Fighting the Source**

Interior Minister Vielmann is heading the SAIA overhaul. Vielmann foresees a transparent and efficient force, held accountable by frequent budget reviews and a well-enforced zero tolerance policy against corruption. He has also said that the new anti-narcotics force set to rise from the ashes of the SAIA will submit to periodic drug and polygraph tests. All new recruits will be administered psychoanalytical tests, receive additional DEA training and swear an oath of good faith before they put on the uniform.

Vielmann also has asked the US to provide Guatemala with a "mini plan Colombia." In essence, he is asking for more equipment—surveillance planes, police vehicles and other investigative resources—along with DEA agents to work more closely with the Guatemalan anti-narcotics agency.

Colombia also has recently pledged to support Guatemala in its anti-drug efforts. Ilse Álvarez, Vice Minister of the Colombian Justice Department, visited Guatemala to work out a plan that he called "diagnostic prevention" in which the two countries would collaborate on intelligence gathering and sting operations. Álvarez said that in regards to the drug trade, "Guatemala is in the same initial phase as Colombia was years ago."

Over the past two decades Ortega, Callejas and *la cofradía* have had overwhelming success defending their drug-transit business against similar cleansing efforts. Their clandestine network of amenable law enforcement and military personnel has maintained the leading drug trafficking operation in a country that transits 75% of the cocaine that enters the US. Newly trained personnel, increased US funding and additional enforcement resources are only valuable if the country is able to remove the presence of corrupt leaders from the head of its security forces. President Óscar Berger has been pressing Congress to ratify an agreement that would create an investigative body to do just that.

The Illegal Bodies and Clandestine Apparatuses of Security Investigation Commission (CICIAS) was first conceived in Mar '03, and its objective would be to identify and prosecute corrupt officials and furtive organizations within the government. Though it has not been officially stated, *la cofradía* should be the commission's prime target. The Constitutional Chamber of the Supreme Court, however, recently stalled its creation when it ruled that some laws the commission will be formed to prosecute, such as conspiracy, are not considered illegal by the nation's Constitution. The Berger administration had hoped the commission would be up and running by 14 Jan of this year, but has now been forced to modify the bill to comply with the court's decision. Still, Vice President Stein assured UN officials after the court ruling that CICIAS would be approved and in place within six months.

The restructuring of drug-enforcement agencies subjected to tighter supervision is nothing new. Additional bilateral support from foreign nations in the form of equipment, training and personnel has been offered and utilized before. Nothing has succeeded in disbanding the problem at its source: the corrupt officials that exploit their positions within the nation's security forces to get rich by facilitating the flow of illegal drugs to the US. CICIAS might be the answer, but until Berger and certain legislators can manipulate its passage through the tiny uncorrupted cracks in government, nothing is certain.

—Rob Fischer

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