

April 26, 2018

Sen. Roger F. Wicker, Chairman
Sen. Ben Cardin, Ranking Member
Rep. Chris Smith, Co-Chairman
Rep. Alcee L. Hastings, Ranking Member
U.S. Helsinki Commission

Dear Senator Wicker, Senator Cardin, Representative Smith, and Representative Hastings,

As organizations and experts working on anti-corruption and rule of law issues we write to express our deep concern that unfounded allegations of Russian interference in the work of the International Commission against Impunity in Guatemala (CICIG) are threatening to undermine the legitimacy and credibility of one of the most successful mechanisms for combating corruption and organized crime in the Western Hemisphere. CICIG's efforts in Guatemala have been critical to the successful dismantling of criminal networks, reducing criminality, tackling corruption, and bolstering the investigative capacity of local institutions; it is in the U.S. interest to continue the bipartisan political and financial support to CICIG that Congress has provided for the last decade.

The International Commission against Impunity in Guatemala (CICIG) was created in 2007 at the request of the Guatemalan government and with the support of the United Nations to investigate and dismantle parallel security groups that continued to operate in the country after the end of the 36-year internal armed conflict. These criminal networks are deeply entrenched in Guatemalan institutions and have links to transnational organized crime. Their illicit activities foster impunity and corruption, undermine democratic governance, empower criminal groups, and lead to violence and serious human rights violations. Recognizing the threats that these criminal organizations present, in Guatemala and internationally, the U.S. Congress has appropriated funding to support CICIG since its inception.

In contrast to other international mechanisms, CICIG is an independent investigative body that operates under Guatemalan law and relies on the local justice system. This novel setup means Guatemala is not simply outsourcing its justice system but relies on the expertise of CICIG to work hand-in-hand with the country's prosecutors and police, helping to build their capacities in the process. Thus, it aims to bolster, rather than supplant, the capacity and legitimacy of national institutions.

In its nearly 11 years of existence, CICIG's investigations have resulted in the indictment of the former president and vice president, as well as the prosecution of several prominent government officials, dozens of powerful drug traffickers, extortion rings, politicians, and senior security officials. The investigations have ousted more than a dozen corrupt judges and thousands of police officers.

While its work to investigate high-impact cases has drawn the most attention, CICIG has played a fundamental role in boosting the investigative capacity of the Guatemalan Public Prosecutor's office, promoting the adoption of legal reforms and modern investigative tools and techniques. Its efforts have contributed to an important sustained reduction of Guatemala's homicide rate which fell from 45.1 per 100,000 in 2009, the most violent year in the country's recent history, to 26.1 in 2017, and helped reduce the impunity rate for violent crimes from 98 percent in 2008 to 87 percent in 2016.

Its contributions to ensuring respect for the rule of law have earned it the support of the Guatemalan people; polls from 2017 show that 70 percent of the population has confidence in CICIG and 57.8 percent in the Public Prosecutor's office, one of the highest levels of trust for a local institution. At the same time, Guatemalans trust in the judicial system's capacity to prosecute criminals doubled in 2017 compared to previous years.

While these advances are significant, much remains to be done to consolidate and expand on this progress. Establishing a functional, impartial and independent criminal justice system is one of Guatemala's greatest challenges. This is why it is crucial that CICIG be able to continue its work.

Not surprisingly, CICIG and the Attorney General's efforts have faced pushback from sectors within and outside of government in Guatemala. Many have sought to undermine the anti-corruption agenda through smear campaigns, lobbyists, legislation aimed at protecting corrupt officials and influential individuals from prosecution, and a failed attempt by President Jimmy Morales to declare the CICIG Commissioner *persona non grata*.

Beginning in 2010, the Attorney General's Office launched an extensive investigation to dismantle a criminal network operating within the Guatemalan Immigration system, which CICIG joined as a co-plaintiff (*querellante adhesivo*) in 2013. Due to the excellent cooperation between the Guatemalan Attorney General's Office and the U.S. government, U.S. Immigration and Customs Enforcement played a key role during the first phase of the investigation. The Investigation has been of critical importance to the security of the United States as it has identified individuals who undermine both Guatemalan and U.S. security. It was successful in identifying and prosecuting dozens of individuals, from high level public officials to customs

agents. This migration case has been key to ensuring that Guatemala is not used as a refuge for foreign criminals or as a transit country for human trafficking and smuggling networks.

The Bitkov family was arrested as part of that investigation, and accused of serious criminal offenses, including purchase of fake identities and documents from Guatemalan immigration officials.

There is no evidence that the Bitkov family was charged as a result of interference on the part of the Russian government in this case. The case ought to be evaluated on its merits. While the Guatemalan criminal justice system certainly needs to be improved, and the Bitkov's attorneys can dispute the details of their case, unfounded allegations about Russian interference only empower those in Guatemala that are seeking to derail the advancements achieved over the last ten years in tackling the corruption, insecurity and crime that drive many Guatemalans to migrate.

The United States has long recognized the crucial role that CICIG plays in combating corruption and organized crime, and we hope the U.S. Congress will continue to remain supportive of its critical work.

Finally, we kindly ask that this letter be included in the official record of the hearing, "The Long Arm Of Injustice: Did A UN Commission Founded To Fight Corruption Help The Kremlin Destroy A Russian Family?" regarding the Bitkov's case and CICIG being held on Friday, April 27.

Sincerely,

Sarah Chayes,

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CEJIL (Center for Justice and International Law)

Due Process of Law Foundation (DPLF)

Latin America Working Group (LAWG)

Guatemala Human Rights Commission

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