

CONCLUSION

THE RUNAWAY COMMISSION

The CICIG was hired by the UN and Guatemala to do one kind of job, and it has been doing another. This deviation has created a threat to Guatemala as well as to international order. Not only is it being applauded by international "progressives." Quite incongruously, it is being backed politically and financially by the US. ²⁶

The job that the CICIG pledged to do was to uncover and dismantle extra-legal organizations that impede the practice and enjoyment of popular freedoms. The CICIG commissioner's recent performance at the Wilson Center for International Scholars – which happens to be a US government institution – shows what the CICIG is actually about.

Mr. Velásquez spent his hour talking about what kind of attorney general Guatemala should have. Even more than endorsing a particular candidate for the job, Velásquez asserted the CICIG's right – indeed, its duty – to make a character judgment about Guatemala and its government; and, if necessary, to act on behalf of its view.

This pattern has been in place for a long time. In 2010, an earlier CICIG commissioner effectively demanded the removal of an earlier attorney general, supposedly because that official had unspecified connections to the criminal world. Those charges were never filed; Attorney General Conrado Reyes was removed from office by means of a fraudulent maneuver in which the CICIG played a central role. Far from being in the past, the illicit removal of Reyes is very much in the present day; the current CICIG commissioner attempted to justify it to his Washington audience in March 2018. ²⁷

Rather than address the endemic problems of Guatemala's security, as it had pledged to do, the CICIG has simply used the country's problems as a pretext for increasing its own prosecutorial and political power. Three years ago, a Guatemalan citizen petitioned the CICIG with a request that it investigate illegal militias that had established their own de facto rule over large areas of western Guatemala. Mr. Velásquez answered this request by writing to the justice minister, saying the CICIG had more important things on its agenda than this kind of investigation.

Mr. Velásquez had it all wrong; that citizen, Karen Ness, was urging the CICIG to do no more or less than fulfill its mission. Ms. Ness, who is also a US citizen, actually traveled to the March 2018 Washington conference to press Mr. Velásquez on the matter. Mr. Velásquez evaded and squirmed before giving Ms. Ness the characteristic answer of a bureaucrat: "We receive so many requests to investigate . . ."

26.- See Judicial Watch, <http://bit.ly/2uEwSa9>

27.- <https://www.wilsoncenter.org/event/selecting-guatemalas-next-attorney-general-whats-stake>

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An ironic facet of the situation is that the CICIG has been granted freedom from any oversight or discipline. Not even the world's elite political bodies or military forces have been given that kind of autonomy; even they have to answer to some form of authority. Not, however, the CICIG; its diplomatic immunity has enabled it literally to get away with murder. At the same time, the judicial authority in Guatemala has granted that the CICIG may not be sanctioned for diplomatic misbehavior.

When diplomats overstep their bounds, they are subject to expulsion from the country in which they have committed the violations. In August 2017, the president of Guatemala invoked his absolute authority, under constitutional and international law, to declare Mr. Velásquez persona non grata and to insist on his expulsion. An international outcry, led by President Trump's State Department, ensued; and Guatemala's highest court, which now has a pro-CICIG majority, blocked the president's action.

The CICIG refuses to be bound by Guatemala's constitution, by its executive authority, or by international law. It has also directed Guatemala's judicial authorities to support its lawlessness.

To date, the CICIG's enforced predominance has had these effects, among others, on Guatemalan society:

- It has enabled a clique of subversive forces – ex-guerrilla, militias and others – to play a grossly oversized, even a dominant, role in the country's governance;
- It has created an element of terror in society and thus violated the Law of National Reconciliation, which concluded Guatemala's internal armed conflict;
- It has stripped away the sense of certainty that institutions governing by law would otherwise provide;
- Its overtly political agenda has grabbed attention and resources away from efforts to combat ordinary criminality, which has left the ordinary populace feeling quite undefended.

Finally, the CICIG has indicated its next move: just as it aspires to have a "constructive" attorney general in office, so will it act to install a president of like mind. In the CICIG's lexicon, it is the next logical step. In the language of politics, it is called subversion.

This has now become a problem for the United States. As long as its ambassador to Guatemala poses for photos with Mr. Velásquez in back of a sign that says "I {heart} CICIG;" as long as US members of Congress and diplomats pronounce official support for this runaway institution; as long as the US continues to furnish up to 90 percent of the CICIG's operating

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and as long as official US institutions like the Wilson Center devote their time and resources to giving Mr. Velásquez a platform, the US has a responsibility to pay attention and make things right.

The CICIG is undermining the fabric of Guatemala's freedom. Its actions have been furthering the very kinds of extra-legal, freedom-threatening entities it was called upon to eradicate. The security of the hemisphere, and the integrity of the US's Southern border, will be on the line if Guatemala's constitutional order collapses. It's time for the US to honor the sovereignty of Guatemala, to understand the CICIG for what it is, and to get out of the way so that Guatemala's president and Congress can act constitutionally regarding the runaway commission.