Guatemala: The War of Paz y Paz

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Abstract:

Since taking over in 2010, Guatemala’s Attorney General Claudia Paz y Paz has waged a revolution from inside one of the country’s most troubled institutions. She has submitted her name for another four-year term that would begin in May, but her enemies are strong and want to return to the status quo. This series explores Paz y Paz’s life, her time as attorney general and her challenges going forward.
The Revolution

In early 2011, drug traffickers like Juan Alberto Ortiz Lopez, alias "Juan Chamale," were still untouchable figures in Guatemala. Ortiz Lopez - a mustachioed cowboy turned evangelical preacher from the San Marcos province along the Mexican-Guatemalan border -- understood this perfectly.

As one of the key drug transporters for the largest criminal network in the hemisphere, Mexico’s Sinaloa Cartel, Chamale was known locally as a benefactor who could quickly become a dangerous enemy. He had taken the life of more than one leader in the area, Guatemalan authorities told InSight Crime. At the same time, he had contacts in the highest levels of government, including with the then-first lady's sister, Gloria Torres.

Torres and Chamale decided who would run for mayor in the various municipalities under his purview, a former high-level government investigator and two current prosecutors told InSight Crime on condition of anonymity. Working closely with national congressional representatives, the two would also funnel money through public works contracts to Chamale’s companies, who provided kickbacks to Torres, the authorities said.

However, it was a new era in law enforcement in Guatemala. And using new tools at their disposal, in particular telephone interception and surveillance equipment, the new attorney general, her small team, the police, and the US Drug Enforcement Administration (DEA) had been tracking Ortiz’s movements for months as the US government prepared a request for his extradition.

They knew, for example, that Chamale liked to travel to Quetzaltenango to see a girlfriend. They knew he had tunnels at his ranch in the San Marcos province so he could escape if the authorities surprised him. They also knew that he had high-level contacts in the government, aside from Torres, who would tip him off when judicial authorities mounted an operation against him. (This was demonstrated by the fact that just an hour after the extradition request arrived, one of Chamale’s sources informed him via phone, investigators told InSight Crime.)

All of these factors came into play when the request for extradition arrived. The government laid a trap, filtering information that they were moving in to grab Chamale at his home in San Marcos. To reinforce the ruse, they sent security forces from the coast towards Chamale’s ranch. At the same time, the police put 200 newly trained Special Forces policemen in tomato trucks and sent them towards
Quetzaltenango. Trust was still thin with the unit, so no one told them where they were going. To add a layer of deception, they had them put on their anti-riot gear.

The ruse worked. Fearing a raid at his ranch, Chamale fled to Quetzaltenango, and authorities spotted him driving along the highway. The prosecutor on the scene readied the paperwork, called the Guatemala City office and headed in for the arrest. This was the kind of moment when things often fell apart in Guatemala. A phone call. A bribe. A threat. Chamale could use any or all of these tactics.

Instead, the prosecutor on the scene called again: "We have him," she said.

"Are you sure it’s him?" the attorney general asked.

"Yes."

"How do you know?"

"You are Juan Ortiz Lopez, Chamale, right?" she asked her prisoner.

"Yes," they heard Chamale answer.

Back in Guatemala City, they laughed.

The capture of Chamale was the beginning of the revolution, the likes of which Guatemala has arguably not experienced since the early 1950s when a president named Jacobo Arbenz tried to nationalize land belonging to elites and multinational companies. Or since the nearly four-decades long war that followed after the United States government, working with economic powers and conservative parts of the military, overthrew Arbenz in a 1954 coup.

Unlike those revolutions, however, this is one is led by a diminutive, soft-spoken former law professor, whose last name, Paz y Paz (Peace and Peace), connotes a softer approach. And unlike that first revolution, this one has the backing of the US government.

This is, in part, because it is more of a petit, internal revolution that is centered on strengthening government institutions, not overturning them. And for the country’s economic elites, many politicians and more than a few former military officers, nothing could be more frightening.
Getting the Job

If it were not for a set of extraordinary circumstances, Claudia Paz y Paz would not be attorney general. For most of her career, it had never occurred to her to go for the post. She had always worked from the outside looking in, attempting to shift a corrupt, inept and underfunded institution by criticizing it and molding its potential recruits rather than working with it. In fact, she had spent most of her career trying to figure out how to demonize rather than reform the government. It was, in a word, the enemy.

She had forged a career working for the fiercest critics of the government. In the early 1990s, Paz y Paz worked with a team of young lawyers reconstructing what had happened during the civil war, part of the labor of the Archbishop’s Human Rights Office. Over 200,000 people had perished during the nearly four-decade long conflict. Part of the work the office did was to gather testimonies from all over the country focusing on indigenous areas in the northwest.

For her part, Paz y Paz collected victims’ testimonies in various parts of the country, an experience that would mark her forever, influencing and arguably also clouding her political judgment in the years to come. Paz y Paz later got a doctorate in Spain, and taught criminal law at various universities. She then worked with the Inter-American Human Rights Court, and she ran a think tank, the Instituto de Estudios Comparados de Ciencias Penales. One of the institute’s mandates is the "structural transformation of the justice system."

When the attorney general position opened in 2010, she gave her usual list of complaints about the process, particularly about the small number of female candidates. Her colleagues at the institute challenged her to enter the race.

"The women who can participate, don't," one of them told her. "So participate."

It was not an easy decision. Others who had worked with her in the past had been vilified by their friends and former colleagues after taking government posts. In Guatemala, they call it a "stain." However, the government of President Alvaro Colom was friendly territory, relatively speaking. In his earlier days, Colom had started FONAPAZ, a program to help rural areas with economic development. Colom also owed his presidency to indigenous voters. He was the country’s first head of state to win the office without winning Guatemala City. Paz y Paz also knew people, such as Interior Minister Carlos Menocal, who worked closely with the president.

But while Paz y Paz had the credentials and some backing inside the presidency, her status as an outsider to Guatemala’s political and economic elites, and her background as a human rights lawyer made her seem a near impossible choice. What’s more, the
selection process for Guatemala's attorney general, like everything else in the country, is plagued by the undue and destructive influence of special interest groups. These interest groups include powerful economic elites, some of whom form part of the near monolithic business associations. Political and criminal interests also play key roles in the selection of the attorney general, often working in tandem with the economic interest groups.

The reason Paz y Paz had an opportunity to apply for the job at all was because the attorney general selected before her had been linked to criminal interests by a United Nations team of investigators working with the government. Known by its acronym CICIG (Comision Internacional Contra la Impunidad en Guatemala - International Commission against Impunity in Guatemala), the UN team's job was to help dismantle criminal organizations within the state, lower the rates of impunity and train the police and the Ministerio Publico (Public Ministry - MP) -- Guatemala's Attorney General's Office -- in criminal investigation. Faced with the CICIG's accusations, the Constitutional Court annulled the process and forced the attorney general to step down.

The embarrassing revelations came just months after President Colom had nearly been toppled himself by another criminal case in which a rival had staged his own murder in order to implicate the executive. The extraordinary case included a dramatic video in which Rodrigo Rosenberg, the lawyer who set up his own assassination, says flatly into the camera: "If you are watching this video, it is because I was assassinated by President Alvaro Colom."

The president survived the political hurricane that followed, almost solely because the CICIG had triangulated Rosenberg's telephone calls, tracking both him and his assassins, and leaving no doubt about what had happened the day Rosenberg had been shot while riding his bicycle on a quiet Guatemala City street. Guatemalan investigators worked on the case, getting a valuable lesson in the political importance of forensic evidence along the way.

However, the events had weakened President Colom, and he could not afford to bring in another wildcard from the criminal-political special interest groups to be his attorney general. Paz y Paz also benefitted from an important change in the law in 2009. The selection process, once held behind closed doors, was literally pushed into public view. The commission met in a space in the Supreme Court where it did business like a town hall might: at a table with spectators, political operatives and the press taking notes from a small gallery.

Lobbying, corruption and politics were still part of the process, but the special interest groups had a harder time manipulating it. When Paz y Paz scored some of highest marks on her evaluation, the commission had little choice but to make her one of their
six finalists, at which point it became President Colom’s decision. Still, the special interests were not worried.

"They thought of her like an ornament," Menocal, the then-Interior Minister and one of those lobbying for Paz y Paz, told InSight Crime regarding the commission's decision to make her a finalist. "She doesn’t represent a threat at all,' they told themselves."

Paz y Paz’s detractors included the president’s own party, UNE, and most of his cabinet, who, like other special interests, had miscalculated both the political moment and the president’s own resolve.

At the end of her interview with the president, Colom told her: "You’ll be hearing from me very soon."

Forty-five minutes later, she got the call. The revolution had begun.

**The Zetas**

Paz y Paz laid out her agenda: 1) institutional reform; 2) lower the murder rate, especially violence and abuse of women; 3) transitional justice for victims of the war. To help her on the first point, she brought in her own team -- some of whom had worked with her at the institute -- and cleaned out the top level of the MP. She added some special units, and she reconfigured others. Almost all of the 22 units got new leaders. Whoever she could not push from the MP -- and there were many, mostly because she did not control the MP’s ruling council, which was made up of three of the six finalists she had beaten to get the job -- she isolated. Many of those she marginalized left of their own accord.

She then turned her attention to lowering homicides. In May 2011, two months after Chamale was captured, members of the Mexican criminal organization the Zetas began a historic rampage aimed at firming up their already tight grip on the northern part of Guatemala. They started with the kidnap and killing of three relatives of a rival. The next day, they intercepted and killed another rival and his two bodyguards. They then massacred 27 farmhands at a ranch and used their limbs to scrawl menacing messages to their intended target.

Just days later, the Zetas kidnapped a prosecutor in Coban -- a city in the province of Alta Verapaz that had become the group’s de facto headquarters in Guatemala -- as he
was going to pick up his son. The next day, parts of his body appeared in four different places in the city, including in front of the mayor’s and the governor’s offices. Next to one part of the corpse, the Zetas had left the MP a message: "Don’t try to be like the gringos. This fight doesn’t concern you."

The massacre and the assassination hit the MP hard. Guatemala is used to death. Its homicide rates are among the highest in the world. But it is not used to organized crime-led massacres, and the Zetas’ particular brand of terror was already legendary. The entire Coban office resigned overnight, and in Guatemala City, the fear was palpable, two of Paz y Paz’s closest aides told InSight Crime. Paz y Paz called a meeting.

Paz y Paz is not the type to give rousing speeches or take charge of a situation like a would-be general. Her round, gentle face and curly hair make her look a little like the naïve, hippy backpackers who still make their way through Guatemala. She is also very soft spoken and defers to others frequently in meetings. But in this instance, she did not need to convey urgency. The situation demanded it.

"If we don’t send a message, the next one could be any one of us," she told her petrified staff.

The MP and the Interior Ministry then created what would become a staple during these moments: a "crisis table." These working groups included police and prosecutors who broke down into investigation and operational teams. They also leaned on the analysis unit. When Paz y Paz arrived, the unit had just 15 people who were isolated and seldom used. Under Paz y Paz, this unit has grown to 115 and is integral to both big and small cases. The emphasis on analysis says a lot about the way Paz y Paz approaches battling criminal groups. To her, individual cases matter, of course, but fighting crime is about seeing patterns and being able to draw the larger picture.

In the case of the Zetas, what they saw was a group that was as much about terror as drug trafficking. They would need to react with strength and set nearly the entire office toward that task. Like the Chamale case, telephone interceptions led to the leaders, and small teams of investigators started to track them, while others built the judicial case to get the arrest warrants in place.

One of the first put under surveillance was Hugo Alvaro Gomez Vasquez, alias "Comandante Bruja." Bruja is a hulking figure with a shaved head. He was one of the first former Guatemalan Special Forces, known as Kaibiles, to join the Zetas when they started recruiting Guatemalans in the mid-2000s. The Kaibil aura was especially unsettling for Guatemalans fighting crime. The group had participated in some of the most spectacular atrocities during the civil war, including the well-chronicled Dos
Erres massacre in 1982, in which more than 200 men, women and children were killed and dumped into wells and mass graves.

Despite this intimidating persona, when a prosecutor in the Baja Verapaz province spotted Bruja, he called his colleagues, and they mobilized with the requisite legal forms in hand. The police set up a roadblock, and once again, the Guatemala City team sat anxiously by the phone, this time as the prosecutor gave a play-by-play of the arrest. Within minutes, Bruja was in custody.

The Bruja capture was followed by dozens more, many of them top level Zetas of both Guatemalan and Mexican origin. Early on, they grabbed a mid-level accountant who gave them an even clearer picture of the organization’s size, its nationalities, its finances, and its weaponry. In all, the MP arrested over 100 members of the Zetas, including one of its top Guatemalan operatives, Horst Walther Overdick, a previously untouchable figure in the mold of Chamale.

In earlier days, those cases might have died there. Judges are notoriously susceptible to bribes in Guatemala, and phone records obtained by InSight Crime show the Zetas tried to buy off at least one judge who had the power to temporarily release several suspects from a mass arrest. (In the conversation, the Zetas complained the judge had stolen some $2 million from them already.)

However, since 2009, Guatemala has been establishing special courts for what they call "high impact" cases. The courts have handled close to 30 cases per year. In the case of the Zetas, dozens have been prosecuted, all of them in the "high impact" courts -- some for the murder of the prosecutor and others for the massacre of the farmhands. In at least two cases, Guatemalan prosecutors also worked with Mexican prosecutors to capture suspects. Prosecutors say they are going to request these suspects’ extraditions.

"We're sending a message that, 'You can't come here anymore and do that shit','" a longtime Paz y Paz team member told InSight Crime.

**Making International Allies, Saving Her Job**

With the arrests of high-level drug suspects, Paz y Paz quickly established herself as a firm ally of the DEA. And these days the US government trusts Paz y Paz like few, if any, attorney generals in the region. In turn, she dedicates time, energy and resources to a fight that is often outside of her official remit. The two sides are in near constant contact, and while she does occasionally say no, the cooperation has become a central part of what the MP does. Making herself indispensible to the DEA also made it harder for anyone to remove her for political reasons. The US, in other words, has become Paz y Paz’s most important ally just as she has become theirs.
The irony is thick considering the attorney general’s background in human rights. In addition to the US participation in the coup against Arbenz, the American government supported repressive military governments during the war and fomented a fierce counter-insurgency plan that impacted more than one of Paz y Paz’s human rights colleagues along the way.

Paz y Paz is of leftist stock, and friends say she has her own, strong opinions about what the Reagan administration wrought in Central America. In the case of Guatemala, that included open support for dictators like General Efrain Rios Montt, who led the scorched earth campaign in the highlands in the early 1980s, killing thousands and displacing thousands more. In some instances, the US was complicit in these atrocities. The US, for example, knew about the infamous Dos Erres massacre almost immediately after it happened in 1982, but kept it secret until 1998, ProPublica reported recently.

But Paz y Paz is too smart to directly address the twist of fate that has led the US and her into each other's arms. When asked, she says it was not her plan to go after the Zetas; the drug traffickers forced her hand.

"I was not after them. They were after us," she told InSight Crime.

She won more international allies after the dramatic murder of Argentine folk singer Facundo Cabral, who was gunned down at dawn on July 9, 2011, as he made his way to the airport with a concert promoter and nightclub owner. Cabral was one of the most famous artists of his generation, and his assassination led to mourning throughout the region and an immediate outpouring into the streets of fans seeking to see where he'd been slain.

For Paz y Paz and her team, there was more at stake than just the murder of a musical icon. They were also worried about their future. Although Colom had installed her for the requisite four-year term, his presidency was coming to a close. The frontrunner in the elections was Otto Perez Molina, a former general who had headed up the feared intelligence services of the army during the war. There was a widespread belief that Perez Molina would try to remove Paz y Paz. The dramatic murder of Cabral, therefore, was an opportunity to secure their jobs.

"We prove ourselves and become a 'new MP,' or we are out in four months," one of her team members told her.
Paz y Paz and her team again mobilized all their resources and put to work many of their new tools and training. Cameras along Guatemala City’s main avenues gave them incredible video footage, and the analysis team -- which drew from experience in the Rosenberg case -- discovered an important piece of evidence in those first few hours of studying the tape: one of the suspects was black.

Guatemala does not have a large black population and so the team began to comb through their databases and cross-reference old cases involving Guatemalans of color. Ballistics and fingerprint analyses from case files and the crime scene narrowed the suspect list. From that list they settled on one who was part of a known criminal group in the south of the country and put out an all-points-bulletin for his arrest.

They also got lucky. Two days after the assassination, a participant in the murder turned himself into the human rights ombudsman’s office. In the old Guatemala, the prosecutors would have had nothing to offer him. But since the passage of the "Law Against Organized Crime" in 2006, the Attorney General’s Office can trade lower sentences for valuable information. The so-called "efficient collaborator" is now a critical component of many big cases in Guatemala and something the Paz y Paz team has used extensively. The collaborator in the Cabral case led them to the vehicles, which led them to the perpetrators, one of whom they had already identified. In less than 72 hours, all four of the participants in Cabral’s murder were in custody.

The case also led to unprecedented regional cooperation. The investigation extended to Nicaragua, Costa Rica, Panama, Colombia and Mexico. The target, as they found out, was not Cabral, but the one driving him to the airport that fatal morning, a man named Henry Fariñas, a Nicaraguan who had allegedly stolen money from a Costa Rican named Alejandro Jimenez Gonzalez, alias "Palidejo." Fariñas was sent back to Nicaragua to face charges of drug trafficking and money laundering. Palidejo was captured in Colombia and deported to Guatemala, where he is in jail awaiting trial for murder. It was another drugs and organized crime victory for Paz y Paz, this time on a regional level.

As expected, Perez Molina was elected, but there was little he could do to rid himself of Paz y Paz. During the presidential campaign, the US had made a point of declaring Paz y Paz had its support. The ambassador met privately with Perez Molina and his running mate, Roxana Baldetti, to let the front-runner know how important the attorney general was to bilateral relations. The US also gave Paz y Paz a private meeting with Hillary Clinton during her visit to Guatemala, which resulted in a crucial photo-op. With US and regional backing, it was clear that in spite of his misgivings, the new president had to confirm her in her post. The revolution would continue.
The Victims

From the beginning of her term, Paz y Paz has always said she will advocate for the victims. In this respect, Paz y Paz sees two major categories: women and victims from the civil war (1960-1996).

Statistically, Guatemala is one of the worst places in the world to be a woman. A 2012 report by the Small Arms Survey said the country had the third highest rate of femicides on the planet. Human trafficking, often of foreign women, is also common in Guatemala. The State Department has designated the country as "Tier 2" for the crime, citing its significant role in "sex trafficking and forced labor."

To deal with these startling realities, in 2010 the government created a special court to try femicides and other violent crimes against women. In 2012, the Interior Ministry and the Attorney General's Office, or Ministerio Publico (MP), created a joint task force for crimes against women. The MP then streamlined the process, making it easier for women to get access to the entire justice chain. If a woman is being abused, for example, she goes to one single office where she will find a prosecutor, a forensic specialist, a social worker and a psychologist. The government also established a special 24-hour court to attend to cases of femicide.

On the investigative side, the MP began to separate sexual abuse cases. On one side, they placed the cases where the victims knew the assailants and on the other, those where they did not. While seemingly obvious, this was something novel for Guatemalan investigators. They also started using DNA evidence on a more regular basis. DNA had been available for years previously, but under the current government, the time it takes to process DNA has gone from between four to seven months to just two days in some cases. The new tactics recently helped the joint task force break open a case of assailants who both robbed and raped many of their victims.

The forensic approach is a critical turn in Guatemalan justice. In the past, most cases were solved using eyewitness testimony. This is a notoriously unreliable way to prosecute criminals, not least because eyewitnesses are easily coerced and can be manipulated, especially in a place like Guatemala. What's more, the government has yet to create a reliable witness protection program. Forensics, as Paz y Paz has found, is also an incredibly powerful political tool. In Guatemala, everything is a conspiracy until proven otherwise. And this ethos often plays into how crimes are planned and committed (See the Rosenberg case in Part I – The Revolution). Military intelligence
personnel, both former and active, are also specialists in manipulating crime scenes and concocting witnesses. Such was the case with the murder of Bishop Juan Gerardi.

Gerardi headed up a team of investigators at the Archbishop’s Office, of whom Paz y Paz was a member in the early 1990s. In 1998, the team produced the Recuperation of Historical Memory, or REMHI, report, which set off a battle for control of the narrative about the war that continues to this day. The report chronicled in chilling detail the means by which the army’s intelligence apparatus targeted a large sector of the population it deemed the enemy for systematic surveillance, persecution, torture and often execution. It also reframed Guatemala's history, putting economic elites at the center of the country’s problems, blaming them for setting the stage for war, and accusing them of forming alliances with the military to "violently destroy" opposition. Finally, it said the military’s actions in some instances had "genocidal characteristics" (caracteristicas genocidas), and blamed the military for 90 percent of the human rights abuses during the war.

Gerardi was assassinated two days after the REMHI report’s launch. His assassination was first pinned on a fictional star-crossed lover and Gerardi’s real-life dog. Authorities later convicted two members of the military intelligence services, one of whom still plays a strong role in Guatemala’s underworld operating from jail.

The development and professionalization of the forensics side of the MP has allowed Paz y Paz to end the speculation swirling around certain cases and restore some confidence in the justice system as a whole. Not everything, it seems, is someone’s devious plan to screw over a political rival or silence an enemy. It has also perhaps slowed the use of "fabricated" cases, which can tip the balance of power in this country.

Given its newfound importance, the forensics lab, known by its Spanish acronym INACIF, has become almost as important to control as the MP itself, and battles for that control have involved the highest echelons of power. Suddenly, it seems, the elite -- be they economic, political or military in origin -- can no longer construct the narrative that suits their interests, and that terrifies them.

"The political system has oil," one of Paz y Paz's longtime team members explained to InSight Crime. "And that oil is called impunity. And when that oil goes dry, then the engine fails."

The focus on the victims further pushes the pendulum in this direction. It was a twist for a judicial system that has traditionally protected the interests of the wealthy and the powerful. And it is a position that has, to the surprise of no one, gotten Paz y Paz into political hot water that threatens to end her institutional revolution prematurely.
Nowhere is this clearer than in the cases involving her second major category of victims: those who suffered during the war.

**The Case of Rios Montt**

Paz y Paz insists it was not her idea to push these cases against former military officers, and she is quick to point out that she was not the first to bring cases to trial. Indeed, most of the cases that have been brought under Paz y Paz’s direction had begun under previous attorney generals, and several of them had concluded before she started at the MP.

What’s more, certain events opened the way for the cases to be revived, she argues. To begin with, in a decision in 2007, the Constitutional Court declared that cases of forced disappearances had no statute of limitations. In 2011, the Colom government opened 94 percent of the military archives from the conflict to investigators. The government also opened old police archives. Both archives are the type of internal documents investigators needed in order to show a certain "intentionality" and systemized form of repression.

"We always saw this through the victims," Paz y Paz told InSight Crime. "And the archive, what it shows us is what happened from the perspective of the perpetrator."

For its part, the Inter-American Human Rights Court began forcing the state to rule on these cases, thereby halting the former military officers’ long-time legal tactic of filing an injunction -- or what is known as an "amparo" in Guatemala -- against their prosecution. As a recent International Crisis Group report details, the amparo is a sacred legal tool in Guatemala, but it has been used at every turn of a case to delay and entangle judicial processes, especially cases involving former military personnel and accused drug traffickers. There is no limit to the number of amparos one can file, and judges, instead of throwing them out immediately, will often hear the arguments and willingly delay the processes.

Paz y Paz had strong connections to the cases before she worked at the MP, which seemed to influence her own actions once she was in power. In addition to her work as an investigator for REHMI, Paz y Paz had also worked with Inter-American Human Rights Court on the Dos Erres case, which led to the 2011 conviction of four former military personnel to over 6,000 years combined in prison sentences.
Paz y Paz’s interest in these cases was beyond professional. Her aunt, her aunt’s husband, and three cousins from the same family worked in different capacities in the Guerrilla Army of the Poor (Ejercito Guerrillero de los Pobres - EGP), a rebel group that was founded by a lawyer and became formidable in the northwest. Paz y Paz, who is intensely private, does not speak publicly about her family, and she has never been connected to the group in any way. But when she became attorney general, human rights groups saw their opening and lobbied for the resumption of the trials, especially one that accused General Efrain Rios Montt and his military intelligence chief at the time, Jose Mauricio Rodriguez Sanchez, of genocide.

The case against former General Rios Montt carried with it an incredible amount of emotional, historical and political baggage. While the Guatemalan government had signed a peace accord with the various rebel factions in 1996, the peace process was only partially implemented and the ideological divide between the sides never bridged. A Constitutional Referendum in 1999, which was designed to put into practice the accords, failed amidst widespread apathy, abstention and political disinterest. Unlike in El Salvador, where the guerrilla umbrella organization formed a strong political party and has, as of mid-March, won two consecutive presidential elections, the Guatemalan rebel coalition fractured, then disintegrated.

There were some victories for the rebels and more progressive parts of Guatemalan society. The military was reduced to a third of its former size, and the old police force disbanded. In the years that followed, however, these seemingly positive steps led to more problems. Much of the former military intelligence personnel became part of the underworld and corrupt practices came to characterize the country’s political and economic class. Land disputes persisted, as land tenure continued virtually unchanged. Crime rose exponentially as an entire generation, many of whom were displaced by war, struggled to adjust to their new, more urban surroundings.

The post-war battle lines have been drawn around who gets to write the history of the conflict itself. In this respect, one of the few lasting parts of the accord was the follow up report written by the Historical Clarification Commission (Comision para el Esclarecimiento Historico -- CEH). Unlike the REHMI report, the United Nations-led commission did not have the mandate to name names. But it did chronicle thousands of abuses, tortures, extrajudicial executions, disappearances and other barbarous acts during the war, 93 percent of which it attributed to the state.

Even more damming was the CEH’s qualification of these atrocities as "acts of genocide" against Mayan peoples. As the commission wrote: "The violence was fundamentally directed by the State against the excluded, the poor and above all, the Mayan people, as well as against those who fought for justice and greater social equality."
These three words -- "acts of genocide" -- would help form the core of the case against Rios Montt. A law following the peace accord stated that former security forces and guerrillas could be prosecuted for "genocide, torture, and forced disappearances," as well as violations "stipulated in international treaties ratified by Guatemala." While the law opened the way for prosecutors to go for the genocide conviction, it also opened a way to take a slightly less radical position of possibly prosecuting the general for massive human rights violations or simply crimes against humanity.

The implications were not just semantic. Genocide, as cases concerning Nazi Germany, and later Rwanda, showed, could be used as a means to prosecute not just perpetrators of crimes but their accomplices as well. For Guatemala, this meant the country's elites -- who had participated actively in the Rios Montt government in 1982 to 1983, when the "acts of genocide" had allegedly occurred -- could be investigated and possibly prosecuted as well.

Some of these elites had formed part of Rios Montt's ruling council. Others had provided financial and logistical support for the army. Plaza Publica later chronicled these connections in detail in an article that resembled an indictment as much as it did an investigative report. (The article appeared after the trial was over, but at least one prominent businessman told InSight Crime that he believed the author, former Plaza Publica editor Martin Rodriguez, had gotten his information from the MP. He said this was proof that the MP believed the elites were next on the list of accused.)

"This wasn't a trial of a general," former Interior Minister Carlos Menocal told InSight Crime. "It was a trial of a system of a country, whose traditional sectors, economic powers, backed it, funded it."

**Conviction, Absolution and Confusion**

Inside the MP, the strategy to go after Rios Montt for genocide generated a lot of discomfort amongst the tightly knit Paz y Paz team, and some of them tried to dissuade the attorney general from pushing the case forward under this controversial pretense. In internal discussions, some argued that "acts of genocide" was the UN's way of keeping the case a step away from the Rwanda and Germany cases. Massive human rights violations were enough to send the message that justice had been done, they said. But Paz y Paz said that "acts of genocide" and "genocide" represented the same thing, and she pointed to Guatemala's own legal code as reinforcement for her argument.

"I don't know why the commission put 'acts of genocide,' but I can imagine that amongst the legal scholars there was a discussion of whether they wanted to exterminate all or, at one point and at one moment in time, a part [of them]," she
explained to InSight Crime. "But (Guatemalan) law says 'in part or all' is the same as 'acts.'"

At first, the strategy seemed to work. The trial itself -- which began in March 2013 -- was fairly one-sided, according to an account by the International Crisis Group. The MP presented dozens of witnesses, including numerous victims, who recounted their personal tragedies in horrific detail. Paz y Paz also used DNA and ballistics evidence, as well as drawing from expert testimonies from forensic anthropologists, among others. The defense, meanwhile, presented just nine witnesses, and barely contradicted the central assertion of the prosecutors' case: that the army intentionally destroyed entire indigenous villages.

However, the publicity campaign to thwart the process was already underway. With genocide on the table, the country's traditional elite allied themselves with former military members in an effort to thwart any possible guilty verdict. In mid-April, halfway through public hearings, a moderate group of political and intellectual elites emitted a paid advertisement outlining the potential implications of a "genocide" conviction on legal, social and political levels. The ad was signed by two former vice presidents, including Eduardo Stein, and six ex-cabinet ministers.

"The accusation of genocide against former officials of the Guatemalan army constitutes an accusation not only against those officials or against the army, but against the Guatemalan State in its entirety," they wrote. "[It] has dangerous implications for our country, including worsening the social and political polarization, and reversing gains already made by the peace agreements."

What's more, the prosecution had its hiccups, including the dramatic testimony of a former soldier who claimed to have seen President Perez Molina (when he was a colonel in the army) at the sight of a massacre. Paz y Paz and her team insist that the witness did not say this during pre-trial preparations and that they were just as caught off guard as the rest of the country. The president, of course, was furious, and vehemently denied the account.

"That is a false testimony that does not correspond to the reality of what happened," the president told InSight Crime in written statement.

More important, from a legal perspective, was the April 19 decision by Judge Iris Yassmin Barrios -- who was presiding over the three-judge "high impact" court panel deciding the case -- to continue the trial even after the abrupt departure of Rios
Montt’s lawyers from the courthouse in protest of one of Barrios’ procedural decisions.

Barrios herself had been through the wars. She had faced down threats when she presided over the Bishop Gerardi murder case, including surviving a grenade exploding on her patio. What seemed like a technicality at the time -- especially considering the oft-used tactic of stalling these processes via amparos, last minute changes and resignations of legal teams -- would become the centerpiece of an appeal.

On May 10, the three-judge court found Rios Montt guilty and sentenced him to 50 years in prison for genocide and another 30 for crimes against humanity; it acquitted his intelligence chief of both charges. While the country exploded into an emotionally and politically-charged game of mutual recrimination, Paz y Paz was stoic. Justice was done, she reportedly remarked.

Rios Montt, however, spent just two nights in jail and then was released while the case was appealed. Ten days after the initial guilty verdict, the Constitutional Court overturned the historic decision, declaring what was effectively a mistrial from the moment Barrios had continued proceedings on April 19 following the departure of Rios Montt’s legal team. Prospects of a return to court seem slim. The three judges have recused themselves. Many of the witnesses are back in their villages.

Paz y Paz’s core team was devastated. The interpretation from various corners is that the MP pushed too hard for genocide. But when pressed about her strategy, Paz y Paz remained steadfast, returning to one of the pillars of her philosophy. "There is a human part to this," she told InSight Crime. "I think that it’s very important that the women, above all the survivors -- male survivors but female survivors also -- overcame who knows how many obstacles to travel from there to here, the palace of justice, the most important space for justice where the supreme court sits and where they were having this trial, and they said to the perpetrator, ‘You did this and that to me.’ They even narrated sexual violence. I think this was something very, very socially significant. And they did it in their language."

**International Recognition, Internal Spite**

The Rios Montt case brought more international fame to Paz y Paz. She had already been named in 2012 by a Forbes columnist as one of the "5 Most Powerful Women Changing the World in Politics and Public Policy." Following the genocide trial, she was profiled in numerous international media. She won several awards and was nominated for the Nobel Peace Prize. And she was invited to speak all over the world. Judge Barrios also won praise, including from the US government, which bestowed a
"Woman of Courage" award to her this year in the presence of First Lady Michelle Obama.)

Ironically, within Guatemala, the case may have sealed Paz y Paz’s fate at the MP. In February, a businessman and lawyer, Ricardo Sagastume, who fittingly used to head the bar association and had once run for president for a political party founded by an ex-army member, filed an amparo to the Constitutional Court. In it, he argued that Congress had not opened up the attorney general selection process to all candidates in "due time," which by his count was May of this year, six months short of the four years mandated by the constitution. For legal experts, the amparo seemed frivolous, irresponsible even. But logic seems to take a backseat to power in Guatemala’s judicial system.

For Paz y Paz, it only got worse. In the lead up to the Constitutional Court’s decision on Sagastume’s amparo, Contrapoder magazine published excerpts of a book in which Paz y Paz was asked to name those "who were protecting impunity." In a rare slip, she named AVEMILGUA, a right-wing group of former military officers and CACIF, the country’s most powerful business association. She also cited the famous paid advertisement signed by the ex-vice presidents and former cabinet members as proof of who they were and how they were connected to traditional political power brokers. The statements reinforced what her enemies had been saying about her: she had taken her "leftist" political agenda to the MP.

Five days later, the Constitutional Court, citing a technicality, said Paz y Paz’s term should end in May, not December as constitutionally mandated. The decision was unanimous.

The court’s decision was widely criticized. Human Rights groups inside and outside of Guatemala slammed the decision. In a letter, the European Parliament called the court’s decision "arbitrary" and said it "threatens the rule of law." US Ambassador Arnold Chacon said in a statement the US Embassy was studying the ruling.

"It’s a privilege for my government to have a partner like Dr. Paz y Paz," he added.

The decision also set off a scramble for the attorney general’s position, which will be filled in May. A number of candidates immediately submitted their names. And after contemplating leaving government, Paz y Paz decided to try for a second term.
Enemy of the State

Given her record fighting crime, Guatemala’s Attorney General Claudia Paz y Paz should be an obvious choice to retain her job. In addition to the high profile arrests of organized crime figures and her work improving access to justice for women, rates of impunity have dropped by 23 percent in the past six years, according to the United Nations-led judicial team the Commission Against Impunity in Guatemala (CICIG).

The Attorney General’s Office, or Ministerio Publico (MP) as its known, is clearing more cases across the board. In 2013, there were 6,188 criminals sentenced, compared to just 2,884 in 2008. Judges have also issued more sentences for femicides every year since new mechanisms were put into place. Both international and inter-institutional cooperation has increased.

However, Paz y Paz is considered a long shot to retain her position. She is criticized for not doing enough to fight common crime and corruption. The MP managed only 12 convictions for corruption in 2012, and 149 in 2013. There have also been complaints about her administrative abilities. For instance, she has split prosecutors into those that do strictly investigative work and those who are litigators. The litigators, however, complained to Contrapoder magazine recently that they do not have enough time to prepare for the cases that some say are being shoved haphazardly through the system.

Without doubt, the loudest critics come from ex-military and conservative business and political circles, who say she has taken her leftist human rights agenda too far. They say the case against General Efrain Rios Montt -- in which the former military dictator was convicted for genocide before a high court reversed the decision 10 days later -- shows her partisan zeal. The lack of cases against former guerrillas, they add, illustrates her political agenda.

Paz y Paz did not help her case for another term when a witness in the Rios Montt trial insisted President Otto Perez Molina was involved in massacres while he was in the military. (Perez Molina vehemently denied the accusations, and Paz y Paz told InSight Crime she and her team were surprised by the testimony.)
In addition to former military members, the economic elites, and numerous political forces, there are also powerful business groups trying to stop Paz y Paz. Land tenure issues continue to plague Guatemala, and some mega-industrial and mining projects have stalled because of protests. Paz y Paz is seen as an ally of the protesters, adding these large business interests to the long list of detractors who are working behind the scenes to make sure she does not return as the attorney general.

What's more, groups aligned with organized crime figures are maneuvering to ensure Paz y Paz does not get a second term at the MP. Her record illustrates clearly that she knows few bounds, and four more years of her leadership could prove devastating for more than one large criminal network.

Perhaps the most notable of Paz y Paz's opponents, and a man who represents several of these special interests, is Gustavo Herrera. Herrera is a man of many faces. He is a businessman and campaign contributor with close ties to the Frente Republicano Guatemalteco (FRG), the party that former General Rios Montt founded and nurtured for years. (See below: Portrait of a Guatemalan Political Broker)

Herrera fits into the story because he is a broker for special interest groups. When his connections, be they in high political office or dodgy businesses, need something from the judicial system, it is Herrera they call. His ability to maneuver in this system has also helped him navigate stormy waters in his own life.

Herrera was accused of moving drugs and laundering money in 2004, including by President Perez Molina, when he worked as a security commissioner for that administration. However, no charges were filed against Herrera. Herrera has also faced down accusations of stealing millions from the government's social security agency, the IGSS, getting a court to drop the charges in 2009.

A (Vice) President's Political Operator?

After the IGSS case was dismissed and the drug trafficking charges subsided, Herrera resurfaced and has since been connected to President Perez Molina’s Patriotic Party, and specifically to Vice President Roxana Baldetti. Prensa Libre, quoting "congressmen" and "civil society sectors," said Herrera works at the behest of the vice president. The news outlet elPeriodico called Herrera Perez Molina’s "narco-operator," singling out his relations with Baldetti. Siglo 21, quoting the head of watchdog group Pro Justicia, said that Herrera works closely with the president's Patriotic Party, which the vice president heads. (See below: Portrait of a Guatemalan Political Broker)

Two of the foremost non-governmental organizations monitoring the judicial system, Accion Ciudadana and Movimiento Pro Justicia, as well as numerous governmental
and independent analysts, also connect the presidency to Herrera. These outside observers say the presidency uses the current head of the IGSS, Juan de Dios Rodriguez, as his go-between for Herrera.

The implication is that the vice president may have her own interests to protect from an aggressive attorney general like Paz y Paz. However, the president refuted the alleged connections between Herrera and Baldetti and his office.

"The rumor [that Herrera is the presidency's political operator] that a small sector of the press and some observers pick up has no basis," the president said. "There does not exist any relationship beyond rumor with Mr. Herrera, not with the president or the vice president."

The president further distanced himself from Herrera when asked about the drug trafficking accusations he had made against Herrera in 2004.

"I reiterate what I said in April 2004," he wrote in response to InSight Crime's specific question about this matter.

The fact the president stands firm on the strong accusation he made previously may surprise those who still connect Perez to Herrera. Contrapoder, which is financed by a member of Perez Molina's cabinet, recently described Herrera as "a government operative," who is at the heart of the problem of this process of selecting a next the MP.

"Does anyone have enough force to stop Gustavo Herrera -- the lawyer connected to the corrupt operations in the social security administration, who also has power in his profession, especially considering that, although he denies it vehemently, he is government operator -- from collecting power in this comisión?"
Moving in the Shadows

The commission in question is the so-called "Comision de Postulacion," or selection committee, which was established by the Guatemalan constitution to choose the final candidates for attorney general. It is one of several postulation commissions mandated by the constitution. These commissions are the filters for the selection of some of the most important posts in the nation's government, including the election oversight board, supreme and appellate court judges, the comptroller, and, of course, the attorney general.

How someone like Herrera became a broker in this process says as much about the state of political affairs in Guatemala as it does about the process itself. Like most things to do with the functioning of the state in Guatemala, the process of deciding who will get these commission posts is overrun with corruption and political shenanigans.

On the surface, the selection of the attorney general is democracy at its most transparent. There is an open call for Guatemalans who fulfill the basic requirements for the spot to submit their resumes and other paperwork for consideration by the commission. The commission itself is made up of the president of the bar association, the president of the bar association’s honor board, the president of the Supreme Court (who also presides), and the deans of every law school in the country. There are currently 11 accredited law schools in Guatemala, making for 14 people on the Attorney General’s Postulation Commission.

All commissions, in forums held in the Supreme Court building that are open to the public (and can be viewed on television and online), check the backgrounds and grade the candidates. In the case of the attorney general, the commission’s ultimate
responsibility is to use this system to select the final six candidates, which are passed on to the president, who then chooses amongst those candidates.

The process, however, is often subverted before it reaches the public and televised forum. It is helpful to break down how this happens into layers. At the top are several special interest groups, among them civil society, foreign governments, organized criminal groups, former military, and private businesses. These interest groups channel their efforts through brokers in the political parties, the presidency, congress, law firms and local non-governmental groups. All of them are trying to influence the bar association, private universities, and the country's national institution of higher education, the Autonomous University of San Carlos (USAC), who are the ones who actually fill the spots on these commissions and make the determination of the final candidates.

As noted above, Herrera works as a broker for political interests, specifically the Patriotic Party, President Perez Molina's party, and the FRG, Rios Montt's party. The FRG has been a highly effective broker in recent years. In a 2009 report on the
commissions by the CICIG, the United Nations body determined that 38 percent of the commission members for the supreme and appellate courts for that year responded to the FRG. According to government investigators, Herrera also turned to the party when he needed to squash the charges that he stole millions from the IGSS. Both the Patriotic Party and the FRG are, as is apparent from their roots, tightly connected to the types of former military members that desperately want to see Paz y Paz out of the MP.

Herrera is also a broker for criminal interests, watchdog groups told InSight Crime. CICIG noted that numerous law firms with clientele connected to "dubious adoptions," drug trafficking, corruption and "influence peddling" wielded considerable power in the commissions for the supreme and appellate court. And Herrera's alleged longtime connections to the underworld make him a powerful interlocutor for these groups.

As a broker, Herrera focuses his attention on two major participants in the postulation commission. The first of these is the USAC, in part because it's where so many of these worlds intersect. The USAC is by far the most important higher education institution by sheer size alone: it has 190,000 students enrolled. And many potential commission members and their suitors meet and mingle there. Contrapoder magazine, in a special report this month, noted that six members of the Attorney General's Postulation Commission graduated from the USAC.

The university can also sway votes in various sectors by handing out jobs. These jobs come with low salaries but generous benefits packages. Contrapoder said eight current commission members had worked at the USAC at some point. Still others might owe their job as deans of other law schools to the USAC. As they control votes in these commissions, these law schools have been popping up like flowers during springtime. Since 2004, the number of law schools has gone from seven to eleven. One of these universities was founded by a sitting congressman.

Maneuvering correctly in the USAC, therefore, can result in direct control over one vote in this Attorney General's Postulation Commission: the dean of the USAC law school. The former dean of the law school was a close ally of the FRG party as well as the Patriotic Party, both close allies of Herrera and enemies of Paz y Paz. But the current dean may be more independent of Herrera. Power in the USAC can also result in indirect control of several more votes via the deans of other law schools or via control of the bar association itself, specifically the president and honor board of the bar.

The second critical node where Herrera maneuvers is the bar association. The internal workings of the bar association are akin to a political system, CICIG said in its 2009 report. There are lunches and campaign events to woo candidates, secure donors and influence votes for positions that impact the workings of the entire justice system,
including the attorney general. Complicating matters are the numerous private law firms and professional lawyer associations, who often work for special interests.

"It's in this way that some lawyers, judges and businessmen begin to operate in this political environment as intermediaries between the special interests of some in order to influence the work of others," CICIG wrote.

Herrera reportedly has relations with the president of the bar. And the upper echelons of the bar have already shown they are clearly in the anti-Paz y Paz camp. In early April, the honor board suspended Judge Iris Yassmin Barrios, who had presided over the trial against Rios Montt, for forcing a lawyer to assume Rios Montt's defense during the trial against the former general. The lawyer complained to the board that it was an act of "personal humiliation" and against the ethics of the bar. The president of the bar, who also sits on the Attorney General Postulation Commission, supported the decision to sanction Barrios.

But while there is consensus about Herrera's role as a broker, what he actually does to secure his influence is not altogether clear. While other brokers work in the open, holding public events and having lunches with politicians and law school deans in fancy restaurants, Herrera works from the shadows. He cultivates his candidates and contacts in private meetings. He does not speak to the press. He has numerous business interests but often works via partners and third parties.

In one of the few instances where someone publicly delineated his actions, a local non-governmental watchdog group denounced Herrera's meetings with law school deans, which included at least one representative of the USAC. Manfredo Marroquin of the group Accion Ciudadana said one of those who attended the meeting was surprised by Herrera's presence. Herrera, according to Marroquin, said he was there representing the government, specifically the presidency. He was "arrogant, like he wants to dictate what needs to be done," Marroquin told InSight Crime.

In the end, Herrera holds the proverbial stick and the carrot. On the one hand, it is his job to berate, cajole, convince and threaten anyone and everyone he needs to in order to get his candidates into the right posts. On the other hand, he needs to be ready to hand out favors. For this, he could turn to his unofficial bank: the IGSS. As several commission watchers noted, Herrera has good relations with the current head of the IGSS, Juan de Dios Rodriguez. His understanding of how to pillage one of the region's largest public entities, and his personal relationship with the head of this institution, is a critical, if largely untold, part of his power.

If he does his job well, the special interests, his political partners, those determining the commissioners and those in the judicial system itself, will be beholden to him. And
any one of these who needs to sway judicial decisions will seek Herrera’s ear and his connections.

In Guatemala, it is often a question of access more than of justice. The special interests that need to influence the system do not always know when and how they will need it, so what they are buying from brokers like Herrera is access to those who control the system at the precise moment they need it. It is this access that is often the difference between a successful business venture and a failed one; a political victory and a political defeat; being in jail and being a free person; removing an effective attorney general or living with the consequences having her in the post another four years.

'Finishing up right'

Paz y Paz has her own powerful allies, among them members of the European Union and the United States government. The lobbying is happening at the highest levels, InSight Crime has learned, but the backroom deals between the commissioners and brokers like Gustavo Herrera do not include the foreign diplomats.

The diplomatic community can meet with members of the commissions, which both CICIG and the US government have done in the past. European Union members, however, have mostly refrained from taking part in what they see as crossing a diplomatic line into political interference. And the US is between ambassadors. This may affect how effective a strategy the embassy can implement to push for another Paz y Paz term: there is a difference between calling for transparency in public statements and meeting in person to remind commissioners of their responsibilities.

With direct contact at a minimum, foreign governments are doing most of their work by funding watchdog groups such as Pro Justicia and Accion Ciudadana, who keep an eye on the process and lobby for "transparency," rather than advocating for a specific candidate. To be sure, Paz y Paz is not the only solid candidate. And her international fame and polarizing period as attorney general has left a "stain" of sorts on her and her reputation, a reminder that the process is as much about professional jealousy as it is about political differences between the top prosecutors.

If all things were equal, Paz y Paz should win on her own merits. And her strong showing during her first three and a half years seems to have secured at least some support from as many as four private university law school deans, among them some of the more established names in academia in Guatemala, commission watchers say.

When asked, President Perez Molina also claimed to support the attorney general’s work at the MP. In a written response, the president told InSight Crime he had a "positive" relationship with her and cited the increased budget to prove it.
"It’s a relationship of coordination and working together," he said. "This is clear in how much assistance my government has given the Attorney General’s Office, that since 2012, it received an additional $25 million."

He added that the vice president’s relationship with Paz y Paz was just as "positive."

"The relationship with the vice president is the same as it is with the rest of the government," he said.

However, there is little hiding the isolation that Paz y Paz feels these days from much of the rest of the government and special interest groups. The Constitutional Court’s recent decision to cut her mandate short by six months, followed by the sanctioning of Barrios by the bar association, have sent a clear message.

The initial phases of the current postulation commission have also not gone well. Paz y Paz received 32 of 79 of what are known as "tachas," which are formal procedural or even criminal complaints presented by civil society and watchdog groups. The next closest candidate received seven tachas. Observers of the process admit it is hard to say who is coalescing with whom just yet, but the high number of tachas for Paz y Paz points to a strategy of disqualifying her for technical reasons. The commission’s determination of the six finalists is expected by May 2.

The sheer quantity of her enemies and their reach have worn Paz y Paz down and pushed her into being a political actor more than she had anticipated or wanted. During her time as attorney general
she has managed to keep much of her private life out of the public eye, but things have slipped through the net. As the process to select the next attorney general heats up, more personal matters will inevitably be revealed.

To cite but one past example, her son, who has cancer, had to get emergency surgery, which coincided with Perez Molina’s presidential inauguration. The timing forced her to release a statement on Facebook, to explain her absence at the ceremony, lest anyone believe there was a rift between her and the new president. The memory still makes her feel uncomfortable and is the type of experience that makes her cringe at another four years under the microscope.

Paz y Paz is in fact noticeably tired. When asked what motivates her to continue, the attorney general cites the cases she has brought forward. And while she still gets excited explaining how her office has prosecuted formerly untouchable criminals, she has to be prodded to take credit for her doings and, in general, dislikes public appearances and press conferences.

She is, she says, a litigator at heart, an enforcer of the law. But she knows that is only half of her job description. The other part of her job -- that of being a political operator who can fend off adept and powerful enemies on all sides -- is grinding away at her enthusiasm. While she has not given up, she is preparing for the end, and already talks about "finishing up right."
Portrait of a Guatemalan Political Broker

Gustavo Herrera -- the would be businessman and political broker in the process to determine Guatemala's next attorney general -- might have many blotches on his record, but he has managed to stay out of jail and has retained his political connections and influence.

In 2002, the Attorney General's Office, known as the Ministerio Publico (MP) in Guatemala, said Herrera engineered a $50 million fraudulent land purchase and construction deal involving the Guatemalan Social Security Institute (IGSS). IGSS is one of the largest public entities in the region, and as part of the deal it spent $30 million on land valued at $1 million.

A notary got $2 million for falsifying the papers; a construction company got $4 million for drawing up plans for housing it would never build. Money moved into offshore accounts. The IGSS former chief was jailed, along with three members of the IGSS board of directors. Herrera went on the run and through his lawyer denied any involvement in the plan. A judge later dismissed the charges, despite vociferous protests by the MP.

Herrera was later linked to drug trafficking. In March 2004, a helicopter crash-landed in Huehuetenango with 173 kilos of cocaine on board. A subsequent investigation by Siglo 21 newspaper revealed the helicopter belonged to Herrera, and the cocaine was tracked to Otto Herrera (no relation), then one of US Drug Enforcement Administration's (DEA) high priority targets in the region.

Otto Herrera, Guatemalan and US officials said, helped move cocaine for the Sinaloa Cartel through the Central American Isthmus. He laundered profits with the help of people like Gustavo Herrera, the newspaper report said, quoting MP and government officials. Among Gustavo and Otto Herrera's accusers was the then-presidential security commissioner and current president, Otto Perez Molina.

"Otto and Gustavo (Herrera) have a relationship with drug trafficking," Perez Molina was quoted in Siglo 21 newspaper as saying at the time. "They are dedicated to transport, storage, distribution, and they collaborated with cartels from Colombia, Guatemala and Mexico."

The "Herreras" drug trafficking operation fell apart when Otto Herrera was captured in Colombia in 2007 and later extradited to the United States. Otto Herrera's case was
then sealed, and no more information is publicly available on when or if he was sentenced -- a good sign he is collaborating with US authorities. Gustavo Herrera remained on the run and at the time denied all the drug trafficking charges through his lawyer. US government investigators consulted by InSight Crime said there were no drug trafficking charges against Herrera in the US.

Guatemalan investigators, however, said there were three cases still open against Herrera but did not specify what the cases concerned. To be sure, Herrera -- who InSight Crime tried without success to contact on various occasions -- has remained an integral part of the Guatemalan underworld, according to investigators. Specifically, investigators connect Herrera to another prolific network headed up by Hayron Eduardo Borrayo and his wife, Mirza Silvana Hernandez de Borrayo.

Borrayo is a longtime underworld figure who has sold cocaine to various Mexican criminal organizations. For a while, in 2009 and 2010, he was the main provider for the Zetas. One of his nicknames, "Oso" (Bear), appears repeatedly on a ledger seized by Paz y Paz’s team during their offensive against the Zetas in 2011. (InSight Crime independently obtained a copy of the ledger.)
In January 2012, the US Treasury Department said Borrayo and his wife Mirza formed part of a larger money laundering and drug trafficking network run by Marlory Dadiana Chacon Rossell. Known as the "Queen of the South," Chacon's network had at least 26 businesses in Guatemala and two more in Panama, according to the Treasury Department.

To complicate matters, Chacon has been linked to Vice President Roxana Baldetti via press accounts. Specifically, journalists Jose Ruben Zamora and Ana Arena -- in an article published by elPeriodico and the Fundacion MEPI in 2013 -- said Chacon went to Baldetti’s 50th birthday party. The accusation was not corroborated and the US government has refrained from making this connection in any of its statements about Chacon.

The Guatemalan government was so furious that it has launched a full fledged campaign to discredit Zamora, and the numerous elPeriodico reports that make Baldetti appear nefarious, corrupt and connected to organized crime. President Perez Molina vehemently refuted the claim when InSight Crime asked him via a written questionnaire.

"Your question originates in rumors that have no basis," he said in his written statement to InSight Crime about the alleged connections between Baldetti and Chacon. "The vice president has no relation with drug trafficking. No US agency that is in charge of controlling and fighting drug trafficking has established a connection between the vice president and drug trafficking."

To be sure, Baldetti has become the lightening rod of this administration. A former beauty queen turned politician and businesswoman, she now heads up the country’s ruling Patriotic Party. In recent years, the rising fortunes of her legitimate businesses have raised eyebrows, although she has not been charged with any crimes.

Following her most recent declaration to the comptroller’s office, journalists peppered her with questions about her holdings, which, she admitted, now include malls, condominiums, and agro-industrial projects. This information is not public, and once again President Perez Molina defended his vice president.

"The properties of the vice president are from legal activities," he told InSight Crime.