



**USAID**  
FROM THE AMERICAN PEOPLE

**GUATEMALA**

# SECURITY AND JUSTICE SECTOR REFORM PROJECT

QUARTERLY REPORT  
(JANUARY 1 – MARCH 31, 2016)

April 20, 2016

This publication was produced for review by the United States Agency for International Development. It was prepared by Checchi and Company Consulting, Inc.

# **SECURITY AND JUSTICE SECTOR REFORM PROJECT**

**Contract No. AID-520-C-12-00004**

**QUARTERLY REPORT**  
**(January 1 – March 31, 2016)**

**Prepared by:**

**Checchi and Company Consulting, Inc.  
1899 L St, NW, Suite 800  
Washington, DC 20036**

**APRIL 20, 2016**

## **DISCLAIMER**

The authors' views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

# TABLE OF CONTENTS

<i>List of Acronyms</i> .....	<i>i</i>
<i>Executive Summary</i> .....	<i>iii</i>
<i>Resumen Ejecutivo</i> .....	<i>vi</i>
<b>1.0 PROGRAM PROGRESS AND HIGHLIGHTS</b> .....	<b>1</b>
<b>1.1 Activity Reporting</b> .....	<b>1</b>
1.1.1 Lower Level Result 1: Greater state capacity to manage security and justice administration .....	1
1.1.2 Lower Level Result 2: Greater state capacity to provide security and justice for citizens .....	3
<b>2.0 CROSS-CUTTING COMPONENTS / ACTIVITIES</b> .....	<b>22</b>
<b>2.1 Communications and Social Outreach</b> .....	<b>22</b>
<b>2.2 Security and Justice Sector Activities Fund (Sub-Awards)</b> .....	<b>23</b>
<b>2.3 Rapid Response Fund (RRF)</b> .....	<b>24</b>
<b>2.4 Gender Integration</b> .....	<b>25</b>
<b>2.5 Summary of Training Activities and Events</b> .....	<b>28</b>
<b>3.0 SHORT-TERM TECHNICAL ASSISTANCE EFFORTS</b> .....	<b>29</b>
<b>3.1 Short-Term Technical Assistance Consultancies</b> .....	<b>29</b>
<b>3.2 Home Office Support</b> .....	<b>32</b>
<b>4.0 MONITORING AND EVALUATION ACTIVITIES</b> .....	<b>33</b>
<b>5.0 SPECIAL REPORTING</b> .....	<b>33</b>
<b>5.1 Key Issues Reporting</b> .....	<b>47</b>
<b>5.2 Administrative Issues</b> .....	<b>47</b>

## Annexes

- Annex A. Training Chart
- Annex B. Success Stories
- Annex C. Report on Environmental Justice

# LIST OF ACRONYMS

ARCAS	Wildlife Rescue Center
CC	Constitutional Court
CECON	Center for Conservationist Studies of San Carlos University
CICIG	International Commission Against Impunity
CONAP	National Council for Protected Areas
DEIC	Specialized Division for Criminal Investigation
DICRI	Directorate for Criminal Investigation
FADS	<i>Asociación Familiares y Amigos contra la Delincuencia y el Secuestro</i>
FLAU	Free Legal Assistance Unit
FY	Fiscal Year
GBV	Gender-based Violence
IDAEH	Institute for Anthropology and History
IDPP	Public Defense Institute ( <i>Instituto de la Defensa Pública Penal</i> )
INACIF	National Institute of Forensic Science ( <i>Instituto Nacional de Ciencias Forenses de Guatemala</i> )
ISO	International Organization for Standardization
IT	Information Technology
JPPPP	First Pluripersonal Justice of the Peace Criminal Court
LLR	Lower Level Result
MAI	Integrated Attention Model
MBR	Maya Biosphere Reserve
M&E	Monitoring and Evaluation
MICS	Security and Justice Sector Inter-institutional Social Communications Working Group
MINGOB	Ministry of Governance ( <i>Ministerio de Gobernación</i> )
MP	Public Ministry ( <i>Ministerio Público</i> )
OJ	Judicial Branch ( <i>Organismo Judicial</i> )
PGN	State Prosecutor's Office

PNC	National Civilian Police ( <i>Policía Nacional Civil</i> )
RRF	Rapid Response Fund
SAI	Comprehensive Attention System ( <i>Sistema de Atención Integral</i> )
SJSIs	Security and Justice Sector Institutions
SJSRP	Security and Justice Sector Reform Project
USAC	University of San Carlos of Guatemala
USAID	United States Agency for International Development
USG	United States Government

# EXECUTIVE SUMMARY

The Security and Justice Sector Reform Project began implementing the second quarter of its fourth fiscal year (FY) in a climate of great change and advances in the institutions it supports. As this quarter began, Guatemala's recently-elected government authorities were officially sworn in to office, including President Jimmy Morales, 158 members of Congress, municipal mayors, and several ministry leaders. Also this period, Guatemalan authorities named the new members of the Constitutional Court for the period of 2016-2021. In March, ten magistrates were named to the Constitutional Court, elected by the President of the Republic, the Supreme Court, Congress, the University of San Carlos, and the Guatemalan Bar Association. The new court will take office early next quarter.

The Public Ministry (MP), along with the International Commission against Impunity in Guatemala (CICIG), moved forward with criminal processes and investigations in various corruption cases. Included among these cases is the criminal investigation against ex-president Otto Pérez Molina and ex-vice president Roxana Baldetti, who face charges in the customs fraud scandal, "La Linea," as well as the indictment against the former Board of Directors of the Guatemalan Social Security Institute for receiving money in exchange for authorizing an anomalous contract for the treatment of patients with kidney failure. Both cases have been followed closely by the Guatemalan citizenry.

In the Judicial Branch (OJ), the High Risk Tribunal tried two former members of the army who were accused of sexually enslaving 11 indigenous women from the community of Sepur Zarco thirty years ago. After the presentation of expert opinions, testimony and evidence, the Court sentenced the accused for crimes against the duties of humanity, murder, enforced disappearance and sexual slavery. This is the first time a national court has heard a case regarding sexual slavery that occurred in its territory.

Despite the environment of transition and change, the Security and Justice Sector Reform Project (SJSRP or Project) continued to make progress in collaboration with its counterpart institutions, providing technical assistance and promoting institutional strengthening. This quarter the Project achieved several important objectives in line with its Annual Work Plan and performance indicators.

Under Lower Level Result (LLR) 1, Greater state capacity to manage security and justice administration, the SJSRP continued its efforts to promote passage of the draft Organic Law of the National Civilian Police (PNC). The Project coordinated with recently inaugurated officials to include the draft law in the new government's agenda, and with representatives from the General Direction of the PNC, the Ministry of Governance, the General Secretary of the Presidency, and technical staff from PNC's Office for Institutional Planning and Development to review the law. With regard to quality management, the Project continued to provide technical assistance to the National Institute of Forensic Science (INACIF) in its efforts to receive International Organization

for Standardization (ISO) 9001 certification for its administrative processes and ISO 17025 accreditation in its Genetics, Ballistics and Toxicology laboratories, as well as an additional lab that specializes in physiochemistry.

Under Lower Level Result 2, Greater state capacity to provide security and justice for citizens, the SJSRP continued working with each of its institutional counterparts to build upon previous achievements and work toward current goals. This quarter, the PNC presented the results of the Project's ongoing support to update and digitalize the Posthumous Benefits System. Improvements made through this process allowed the system to transition from a deficit of Q.12,000,000 (approximately US\$1.6 million) to a surplus of Q.30,000,000 (approximately US\$3.9 million).

In the Judicial Branch, the SJSRP continued to support and strengthen the pluripersonal and 24 Hour Court models, the use of oral procedures in the Appeals Courts, and the implementation of electronic notification systems. Notably, this quarter the Constitutional Court passed a regulation to implement an electronic filing system. The Project also supported the launch of the Supreme Court's Campaign, "Judges Leading the Fight against Corruption," with events in Guatemala City, Alta Verapaz, and Zacapa.

In the Public Ministry, the SJSRP provided ongoing technical support to the Specialized Offices on Corruption, Extortion, and Women. Assistance included working directly with anti-corruption investigators to strengthen investigative abilities related to information finding, source questioning, report writing and operative planning. In the Extortion Unit, the SJSRP worked with analysts on developing criteria that will enable them to integrate large amounts of information quickly and easily and apply it to highly complex cases. With the Prosecutor's Office for Women, the Project concluded Phase 1 of the workshop, "Strengthening the Attention Provided to Victims of Gender-Based Violence and Sexual Violence." The Project also made advances with the Democratic Criminal Policy, which will be presented publicly next quarter.

In the Project's environmental component, the SJSRP carried out several activities that further contribute to the investigation and prosecution of crimes against the environment and cultural heritage. The SJSRP provided technical assistance to the MP in prioritizing and investigating cases, particularly those affecting the protected areas of Tikal, Yaxha, and Laguna del Tigre. The Project sponsored a study tour to Chile for judicial branch representatives to learn about the successful application of environmental law there. The SJSRP also carried out a second course for park rangers, providing them training on environmental and cultural heritage law, crime scene management, first aid, and other relevant topics.

Regarding Project support of the Supreme Court's Information Platform, this quarter the SJSRP began delivering the \$2.8 million dollars' worth of promised information technology (IT) equipment and air conditioning units to Judicial Branch facilities nationwide. Deliveries began in March, and 43% of the items were delivered by the end of the quarter.

Finally, the Project continued to advance in its cross-cutting components of Communications and Gender. This quarter the Project continued strengthening security and justice sector institutions'

social communication departments, as well as providing coordination assistance to the Security and Justice Sector Inter-institutional Social Communications Working Group. In Gender, the Project worked to develop and implement Equality Policies in the MP and INACIF, and carried out events in commemoration of International Women's Day in both the OJ and MP.

# RESUMEN EJECUTIVO

El Proyecto Seguridad y Justicia inició este segundo trimestre del cuarto año fiscal con un clima de gran cambio, así como de logros y grandes avances en las instituciones a las cuales se les provee apoyo. De igual forma, en este trimestre el gobierno de Guatemala inicio con nuevas autoridades, las cuales fueron electas el trimestre pasado y juramentadas oficialmente. El 14 de enero 2016, el Presidente Jimmy Morales, 158 miembros del Congreso y alcaldes municipales iniciaron oficialmente sus servicios al igual que varios representantes de los ministerios. Durante este trimestre, se efectuó el proceso para nombrar a los miembros de la Corte de Constitucionalidad y en el mes de marzo, diez magistrados fueron nombrados por la Corte de Constitucionalidad, los cuales fueron electos por el Presidente de la República, la Corte Suprema, el Congreso de la República, la Universidad de San Carlos de Guatemala y el Colegio de Abogados de Guatemala. La nueva corte tomará posesión oficial a principios del siguiente trimestre.

De igual forma, el Ministerio Público (MP) junto con la Comisión Internacional contra la Impunidad en Guatemala (CICIG), continuó con los procesos penales y de investigación en varios casos de corrupción. Entre esos casos se encuentran la investigación criminal contra el ex – presidente Otto Perez Molina y la ex – vice presidenta Roxana Baldetti, quienes enfrentan cargos por el escándalo de fraude aduanero denominado “La Línea”, así como la acusación contra el Antiguo Consejo de Administración del Instituto Guatemalteco de Seguridad Social, por haber recibido dinero a cambio de autorizar un contrato anómalo para el tratamiento de pacientes con insuficiencia renal. Ambos casos, han sido seguidos de cerca por la ciudadanía guatemalteca.

En cuanto al Organismo Judicial, el Tribunal de Alto Riesgo juzgó a dos miembros del ejército quienes fueron acusados de esclavizar sexualmente a 11 mujeres indígenas, pertenecientes a la comunidad de Sepur Zarco, hace treinta años. Después de la presentación de las opiniones de expertos, testimonios y evidencia, la Corte sentenció a los acusados por crímenes de lesa humanidad, asesinato, desaparición forzosa y esclavitud sexual. Esta es la primera vez que un tribunal nacional, ha llevado un caso relacionado a esclavitud sexual producido en su territorio.

A pesar del clima de transición y cambio, el Proyecto de Seguridad y Justicia (SJSRP) continuó realizando progresos en colaboración con las contrapartes, proporcionando asistencia técnica y promoviendo el fortalecimiento institucional. En este trimestre, el Proyecto alcanzó varios objetivos importantes de acuerdo con el Plan de Trabajo Anual y el desarrollo de los indicadores.

Bajo el resultado LLR 1, “Mejorar la capacidad del Estado para Gestionar la Seguridad y la Administración de la Justicia”, el SJSRP continuó sus esfuerzos para promover la aprobación del Proyecto de la Ley Orgánica de la Policía Nacional Civil (PNC). El Proyecto coordinó con los oficiales recién nombrados, han incluido el Proyecto de Ley en la nueva agenda de Gobierno; y han revisado la ley con los representantes de la Dirección General de la PNC, el Ministerio de

Gobernación, la Secretaria General de la Presidencia y el personal técnico del Departamento de Desarrollo y Planificación de la PNC. En relación a la gestión de calidad, el Proyecto continuó proporcionando asistencia técnica al INACIF, en sus esfuerzos por obtener la certificación ISO 9001, para los procesos administrativos y el ISO 17025, para obtener la acreditación en los laboratorios de Genética, Balística y Toxicología así como un cuarto laboratorio especializado en Fisicoquímico.

De igual forma, bajo el resultado LLR 2, “Mejorar la Capacidad del Estado para Proveer Seguridad y Justicia a la Ciudadanía”, el SJSRP continuó trabajando con cada una de las contrapartes para seguir construyendo sobre los logros anteriores y trabajar sobre las metas actuales. En este trimestre, la PNC presentó los resultados de los proyectos en curso, los cuales tienen como propósito proporcionar apoyo, actualizar y digitalizar el Sistema de Prestaciones Póstumo. Las mejoras realizadas a través de este proceso, permiten que el sistema pase de un déficit de aproximadamente Q12,000.000 que equivale a US\$1.6 millones de dólares a un superávit de Q30,000.000 equivalente a un aproximado de US\$3.9 millones de dólares.

En lo que respecta al Organismo Judicial, el SJSRP continuó dando apoyo y fortalecimiento al modelo de los juzgados pluripersonal y de 24 Horas, al uso de los procedimientos de oralidad en las Cortes de Apelaciones, y la implementación del sistema de notificaciones electrónicas. Cabe destacar que en este trimestre, la Corte de Constitucionalidad aprobó un reglamento para implementar el sistema de archivo electrónico. El Proyecto también apoyó el lanzamiento de la Campaña de la Corte Suprema “Los Jueces Liderando la Lucha contra la Corrupción”, con la realización de eventos en los departamentos de Guatemala, Alta Verapaz y Zacapa.

En el Ministerio Público, el SJSRP facilitó apoyo técnico a las Fiscalías de Corrupción, Extorsiones y de la Mujer. La asistencia incluyó el trabajo directo con los investigadores de corrupción para fortalecer las capacidades de investigación, relacionadas a la búsqueda de información, fuentes de información, redacción de informes y planificación operativa. En la Unidad de Extorsiones, el SJSRP trabajó con los analistas sobre el desarrollo de criterios que les permita integrar grandes cantidades de información, de una manera rápida, precisa y fácil para poderla aplicar en casos complejos. En lo que concierne a la Fiscalía de la Mujer, el Proyecto concluyó con la fase 1 del taller denominado “El fortalecimiento de la Atención a Víctimas de Género y Violencia Sexual”. El Proyecto también logró grandes avances con la Política Criminal Democrática, la cual será presentada públicamente en el siguiente trimestre.

En el componente ambiental del Proyecto, el SJSRP realizó varias actividades que contribuyen aún más a la investigación y persecución de delitos contra el medio ambiente y patrimonio cultural. El SJSRP proveyó de asistencia técnica al MP, en la priorización e investigación de casos, en particular en casos que afectan las áreas protegidas de Tikal, Yaxha y la Laguna del Tigre. Asimismo, el Proyecto patrocinó un viaje de estudio a Chile para representantes del Organismo Judicial con el propósito de aprender acerca de la aplicación exitosa de la legislación ambiental efectuada en el país. El SJSRP también llevó a cabo el segundo curso para guardaparques, donde se les proporcionó

capacitación sobre derecho del medio ambiente y patrimonio cultural, manejo de la escena del crimen, primeros auxilios entre otros temas relevantes.

En cuanto al apoyo del Proyecto de la Plataforma Informática de la Corte Suprema, en este trimestre el SJSRP comenzó a entregar el valor de \$2.8 millones de dólares en equipos informáticos y unidades de aire acondicionado en las distintas dependencias departamentales del Organismo Judicial. Las entregas iniciaron en el mes de marzo y a la fecha el 43% de los artículos han sido entregados.

Finalmente, el Proyecto continuó avanzando en sus componentes transversales de Comunicación y Género. En este trimestre el Proyecto continuó el fortalecimiento de los departamentos de comunicación social de las instituciones de seguridad y justicia así como el dar asistencia de coordinación a Grupos de Trabajo Interinstitucional del Sector de Comunicación Social. En cuanto al componente de Género, el Proyecto trabajó en desarrollar e implementar la Política de Equidad en el MP y el INACIF, asimismo realizó eventos en conmemoración al día Internacional de la Mujer en el Organismo Judicial y el Ministerio Público.

# I.0 PROGRAM PROGRESS AND HIGHLIGHTS

## I.1 ACTIVITY REPORTING

This reporting period represents the second quarter of the SJSRP's fourth fiscal year. During this quarter, the SJSRP began coordinating with many of the new Government of Guatemala authorities who took office following last October's elections. Despite the change in high-level counterparts, the SJSRP executed a number of activities directly related to its program goals. All program activities were carried out in close coordination with the Project's government counterparts, with the goal of increasing institutional capacity and promoting greater levels of efficiency, transparency and accountability.

### I.1.1 Lower Level Result I: Greater state capacity to manage security and justice administration

#### *PNC Organic Law*

The SJSRP worked with the PNC's Office for Institutional Planning and Development to raise awareness about the PNC Organic Law with the new government officials. The draft law is currently being reviewed in a series of meetings which include representatives from police stations and specialized units throughout the country. These meetings have also served to raise awareness about the law among PNC management.

The Project also worked with new government authorities to familiarize them with the draft law.

During the first few months of the current government, the Project was able to include the draft law in the new government's agenda, with representatives from the General Direction of the PNC, the Ministry of Governance (MINGOB), the General Secretary of the Presidency, and technical staff from the PNC's Office for Institutional Planning and Development all reviewing the law. Notably,



**Workshops on the Draft PNC Organic Law with PNC staff from planning and human resources units from throughout the country.**

the Project presented the draft law to the First Vice-Minister of Governance and the Director

General of the PNC, both of whom approved proceeding with the technical phase and ordered the creation of a work plan and schedule to determine when the law will be presented to the highest authorities for approval.

Finally, the SJSRP continued to provide technical assistance to improve police management and the benefits for police staff. To this end, the Project supported the creation of a new organizational regulation for the PNC that promotes spending autonomy for the Sub-Director General for Personnel, which currently depends on the Sub-Director General for Logistical Support for financial matters. Allowing the Sub-Director General for Personnel to quickly and independently manage their funds reduces the delay in depositing salaries, incentive payments and bonuses, as well as allowing them to prioritize other costs that are not related to the payment of police staff. The Project hopes that this regulation will be approved by MINGOB authorities next quarter.

### ***Gender in the PNC***

The SJSRP held several meetings with the National Commission for Police Reform with the goal of better understanding the Commission's strategies regarding the provision of attention to victims, as well as areas where it anticipates needing to strengthen its knowledge and interventions. With this information, the Project will help prepare inputs for the International Seminar on Best Practices in the Provision of Attention to Victims of Gender-Based Violence by Police, which is scheduled to take place in June.

## **Sub Lower-Level Result 1.3: Improve management and administration of SJSIs**

### ***Implementation of ISO 9001 and 17025 Standards***

#### **INACIF**

This quarter, the SJSRP provided ongoing technical assistance to INACIF in order to prepare the institution for certification in ISO 9001:2008 standards. Advances in administrative processes are moving forward according to schedule in the areas of quality management, high-level management, staff selection and contracting, payment management and the acquisition of goods and services. The SJSRP also provided assistance in preparing the Genetics, Ballistics and Toxicology laboratories for accreditation according to ISO 17025 standards. In addition, INACIF requested SJSRP support to accredit a fourth laboratory – the Physiochemical lab – which is specialized in analyzing gunshot residue. With this additional lab, the SJSRP will help INACIF accredit four labs in ISO 17025 norms.

#### **Public Ministry**

On February 22, 2016, Public Ministry officials received ISO 9001:2008 certification in a public act that celebrated the improvements in the MP's administrative and management procedures. The MP received ISO quality management certifications in the following areas: personnel recruitment and contracting, procurement of goods and services, and payment management. Each certification is valid for one year. Over 230 MP employees were involved in the certification process. In addition to improving management and administrative processes, ISO certification also helps improve user

satisfaction and staff motivation and ensure the continuous improvement of services. This achievement was possible as a result of ongoing technical assistance from the SJSRP. Approximately 300 people attended the event, including staff and officials from the Public Ministry who participated in the ISO certification process. High level authorities at the ceremony included Thelma Aldana, Attorney General and Director of the MP, and William Brands, USAID/Guatemala Mission Director.



**USAID/Guatemala Mission Director William Brands presents Attorney General Thelma Aldana with the official ISO 9001:2008 certifications for the Public Ministry's administrative processes.**

### **I.1.2 Lower Level Result 2: Greater state capacity to provide security and justice for citizens**

#### **Sub Lower Level Result 2.1: Improve performance, efficiency and accountability of SJSIs**

##### ***National Civilian Police***

##### **Posthumous Benefits System**

As a result of the SJSRP's support in updating and digitalizing police contributions to the Posthumous Benefits System, this quarter some of the system's benefits and strengths became clear. Financially, the update to the PNC Personnel System, and the Posthumous Benefits System in particular, allowed for more effective control over the payment of quotas by police. From 2009 to 2012, the lack of organization and control of the benefits ballots (paper files) resulted in irregular or low contributions from police officers, including some cases of personnel who never contributed to the system. As a result, the Posthumous Benefits Fund incurred a deficit of approximately Q.12,000,000 (approximately US\$1.6 million) during this time period. However, following nearly three years of support from the SJSRP, the PNC was able to balance its finances during the first months of 2016. This demonstrated that the digitalization of the PNC Personnel System records provided an excellent tool for controlling police records, and also provided a mechanism with which to control and regularize police contributions to and payments from the benefits system. Currently, these improvements have allowed the Posthumous Benefits Fund to reach Q.30,000,000 (approximately US\$3.9 million), which has been deposited in a fixed-term savings account.

This process has also resulted in significantly shorter wait times for the payment of the posthumous benefit. The increased transparency resulting from the digitalization project has meant that the Sub-Director General for Personnel's Department for Personnel Assistance now has Q.15,000,000 (approximately US\$2 million) available for immediate disbursement. This account is permanent, independent of the fixed term savings account mentioned above, and is used to provide immediate payment to families upon the death or retirement of a police officer. The payment times for these benefits are now more reliable and timely, being paid within fifteen days of the incident that

necessitates payment. Two years ago, these same payments could take as long as one to three years given the burdensome processes and lack of organization, and the beneficiaries were never able to count on any type of legal security.

The update to the PNC Personnel System files provides certainty to PNC members regarding the proper administration of the posthumous benefit. The boost in police confidence in the system has resulted in an increase in monthly quota payments, which has resulted in final payments of more than quadruple their previous amounts. For example, prior to the changes in the system, a family of a PNC employee receiving basic pay could expect to receive a final payment of approximately Q.15,000 (approximately US\$2,000); currently, the same family will receive Q.75,000 (approximately US \$9,800).<sup>1</sup>

The update to the posthumous ballot system has resulted in additional advances, as well, including:

1. **Funeral Service Insurance:** the reserve of funds in both the fixed term savings account and the immediate disbursement account have given the PNC the ability to negotiate with the issuing bank for the provision of a funeral service insurance for those who pay into the system, so that the beneficiaries of the posthumous benefits payment do not spend these funds on funeral expenses.
2. **Improved Personnel Records:** the process of updating and digitalizing posthumous benefits registries and files nationwide allowed the PNC to update each police agent's personal profile electronically. This allows the PNC to have a current and accurate count of police officers, thus allowing them to more accurately manage police placements (i.e., close to their place of residence) and other benefits.
3. **Better Audits:** with more organized files and electronic ballots, the Government Accounting Office is able to carry out audits quickly and accurately, avoiding constant corrections that were often required with the paper files.



---

<sup>1</sup> Posthumous benefits payment corresponds to the rank and salary of the deceased/retired police officer.

Despite these significant advances in the administration and solvency of the Posthumous Benefits Fund, it is worth noting that the fund is sustainable so long as the PNC staff continue to contribute to it, and so long as MINGOB continues to provide its legally mandated contribution. Assuming both contributions stay on current course, the fund’s surplus should be sustained for several years. A Success Story on the Posthumous Benefits System is available in Annex B.

***Judicial Branch***

Electronic Notification

This quarter, the SJSRP continued to provide direct support in the implementation of court management models and technical assistance in the use of systems designed to reduce the duration of legal processes. To this end, the SJSRP supported implementation and expansion of the use of the electronic calendaring system for judicial hearings in selected courts, in coordination with the Public Ministry and the Public Defense Institute (IDPP). This tool has improved the Judicial Branch’s capacity to inform relevant parties of the date and time of the hearing, particularly with regard to processes related to crimes against women, sexual exploitation, human trafficking, drug trafficking, and crimes against the environment. The table below demonstrates the use of the electronic calendaring system over the course of this quarter and the previous quarter; of particularly note is the significant growth in notifications sent to the IDPP:

<b>NUMBER OF NOTIFICATIONS SENT USING THE ELECTRONIC CALENDARING SYSTEM</b>			
<b>Period</b>	<b>MP</b>	<b>IDPP</b>	<b>Total</b>
October - December 2015	2,719	337	3,056
January-March 2016	3,182	3,278	6,460

*Source: Table developed by the SJSRP with data provided by the Judicial Branch’s Center of Information, Development, and Judicial Statistics.*

Use of the electronic calendaring system not only promotes greater efficiency, but also contributes to lower operational costs associated with written communications and the use of paper. Moreover, this process benefits the MP and IDPP by giving them access to the judicial calendar so that they can schedule emergency hearings.

24 Hour Courts

This quarter, the SJSRP continued to provide technical support to the 24 Hour Criminal Court that opened in Quetzaltenango last year. The Project held meetings with judges, prosecutors, and public defenders with the goal of increasing the case resolution rate and improving the provision of attention to Court users. Among other topics, these meetings touched upon programming hearings in the intermediate phase of the judicial process, procedures related to the return of objects subject to inspection, and the rights of prisoners. This quarter, this 24 Hour Court, which covers the

departments of Quetzaltenango and Totonicapán, handled 283 cases, including cases of violence against women, narco-trafficking, child abuse, denial of financial assistance, violent attacks and injuries, among other serious crimes, thus providing efficient responses to those involved in these cases in this region of the country.

The SJSRP also continued its support of the 24 Hour Court model in other areas of the country, providing ongoing technical assistance to 24 Hour Courts in Guatemala City (including the Femicide Court and Family Court), Sacatepéquez, Escuintla, Mixco and Villa Nueva in addition to Quetzaltenango. To this end, on February 23, the SJSRP presented the results of its analysis of the 24 Hour First Instance and Justice



of the Peace Courts in the department of Guatemala to the Criminal Chamber of the Supreme Court of Justice, and also provided a series of recommendations for improved management and service provision of these courts. Magistrates of the Criminal Chamber expressed their gratitude for the report, and said that they will use its contents to make decisions regarding the strengthening of these courts. The Magistrates also agreed to create a working group with members from the Criminal Chamber; the Secretariat for Planning and Institutional Development; Human Resources; the OJ Legal Office; Telecommunications and Information Center; Center of Information, Development, and Judicial Statistics; and the Financial Management Office; as well as the SJSRP, in order to address the needs of the 24 Hour Courts and further consolidate the model.

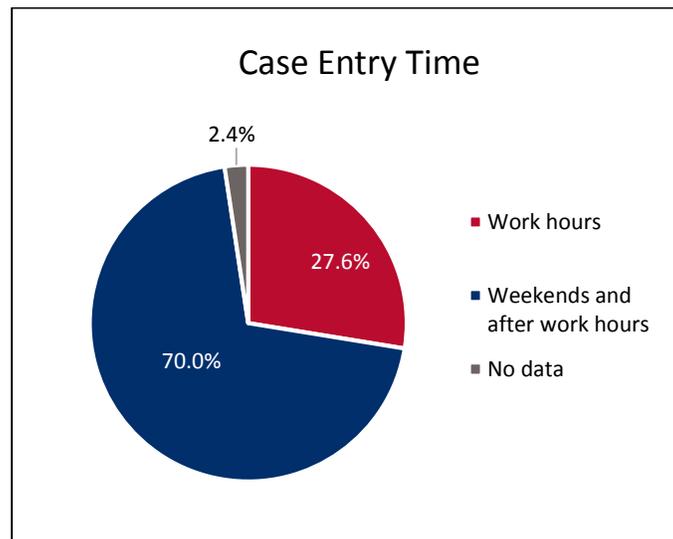
Data analyzed by the Project clearly demonstrate the benefits of the 24 Hour model, given that a high percent of service provided is during traditional non-work hours. In each of the courts, the majority of cases are received during nights and weekends, as shown in the following table:

<b>CASE ENTRY TIME</b>					
<b>24 Hour Court</b>	<b>Work Hours</b>	<b>After-work Hours</b>	<b>Weekends</b>	<b>Total of Weekends and After-work Hours</b>	<b>No Data</b>
Guatemala	28.1%	44.4%	27.5%	71.9%	0.0%
Gerona	23.1%	38.2%	31.9%	70.1%	6.8%
Mixco	33.0%	43.7%	23.3%	67.0%	0.0%
Paz Guatemala	22.3%	40.1%	37.5%	77.6%	0.1%
Paz Mixco	37.9%	34.7%	26.8%	61.4%	0.7%
Villa Nueva	30.9%	40.3%	28.9%	69.1%	0.0%

Escuintla	19.7%	45.5%	34.8%	80.3%	0.0%
Sacatepequez	17.5%	54.0%	28.4%	82.5%	0.0%
Quetzaltenango	50.8%	33.2%	16.0%	49.2%	0.0%
Paz Quetzaltenango	12.3%	47.5%	23.8%	71.3%	16.4%
<b>Average</b>	<b>27.6%</b>	<b>42.2%</b>	<b>27.9%</b>	<b>70.0%</b>	<b>2.4%</b>

Source: Table developed by the SJSRP with data provided by the Judicial Branch's Center of Information, Development, and Judicial Statistics.

Overall, an average of 70% of cases are received on weekends and after work hours:



Also this quarter, per a request from the President of the Supreme Court, the SJSRP visited the department of Chiquimula to determine the viability of opening a 24 Hour Criminal Court in this area. The Project's evaluation took into account prosecutor and police statistics, the high number of violence-related complaints such as homicides and assassinations, the presence of contraband and other property related crimes, narco-trafficking, human trafficking, child abuse, sexual violence, and violence against women, which has the highest incidence. Chiquimula's current courts and tribunals have a low number of cases compared to the number of complaint filings in the local prosecutor's office. The Project found that part of the problem is the near absence of inter-institutional coordination among the police, MP and investigators.

Based on this analysis, the Project determined it is necessary to create a 24 Hour First Instance Court for Crime, Narco-activity and Crimes against the Environment for the municipalities of Camotán, Jocotán, Esquipulas, Olopa, Quezaltepeque and Concepción Las Minas. Given its strategic geographic location, the SJSRP recommended that the court be opened in the municipality of Esquipulas. In order to proceed, it will be necessary to create inter-institutional channels of communication and coordination between the PNC and investigators regarding strategic criminal

planning and prosecution, and between the police and security forces to achieve the objectives of criminal prosecution.

### High Risk Courts and Tribunals

The SJSRP provided financial support to the OJ to continue with the remodeling of levels 12 through 15 of the Torre de Tribunales in order to prepare space for the High Risk First Instance Criminal Courts and Sentencing Tribunals. This quarter, the Project also continued to provide training on the use of scientific evidence in criminal proceedings for members of High Risk Tribunal C. The SJSRP also held inter-institutional coordination meetings between INACIF personnel and members of the Judicial Branch who have contributed to efforts to ensure that judicial decisions are well substantiated.

Also this quarter, the SJSRP worked with counterparts including High Risk Court judges, INACIF staff, prosecutors from the MP's Special Methods Unit and CICIG lawyers to develop an instrument to improve criminal processes related to the use of special investigation methods. Initial discussions have proposed that the instrument include the United Nations Convention against Transnational Crime, the Law against Organized Crime (Decree 21-2006), the Agreement for Regulation 158-2009 - the Special Application of Research Methods, Supreme Court Agreement 44-2007, the Agreement to Create Courts with Jurisdiction in High-Risk Crimes (Decree 21-2009), the proceedings before the Prosecutor's Office against Organized Crime, the current and ideal state of special investigative measures, and a proposal for applying an effective telephone interception procedure.

### Pluripersonal Courts

The SJSRP continued to provide technical assistance to the First Pluripersonal Justice of the Peace Criminal Court in Guatemala City. The Project supported coordination meetings among judges, prosecutors, and public defenders that have resulted in improvements in staff distribution and the functioning of the court.

The impact of the Project's support can be seen in various aspects. The Gesell Chamber donated by the SJSRP allows judges to remain in their tribunal without having to travel to another location for procedural actions using the chamber; this results in fewer cases being cancelled or postponed due to transport time or scheduling conflicts related to use of the Gesell Chamber. The Project also worked with the OJ to gain the necessary support from the Supreme Court and form an agreement to incorporate a sixth judge into the pluripersonal management model, thus increasing its efficiency. Additionally, the First Pluripersonal Justice of the Peace Criminal Court has benefited the national justice system as a whole. Given that it is responsible for processing misdemeanors, it hears 58.7% of the crimes covered by criminal legislation, thus allowing other courts to focus on serious crimes.

### Appeals Courts

Per a request from the Supreme Court, the Project continued to support the OJ in evaluating the feasibility of applying oral hearings to the processes carried out in the Appeals Courts. To this end,

the Project supported activities with magistrates and secretaries from high risk and asset forfeiture courts, as well as the third and fifth criminal appeals courts, in which participants developed a draft agreement and framework through which to implement oral procedures in the criminal appeals courts. This framework is currently under review by the Criminal Chamber of the Supreme Court. It is expected that the proposed model will result in the proper application of the principles and procedural guarantees of orality, immediacy, objectivity, transparency and speed, and create conditions for strengthening access to justice and transparency.

### Judges Leading the Fight against Corruption

This quarter, the SJSRP and the Supreme Court coordinated to launch the national campaign called “Judges Leading the Fight against Corruption.” The campaign is meant to raise awareness and provide incentives to OJ officials to apply the values named within the OJ’s Norms for Ethical Behavior, as well as promote the Judicial Branch’s important role in promoting transparency, sanctioning those found to be involved in corruption crimes and motivating officials to denounce corrupt acts. The campaign was inaugurated in an event on February 11, with participation from the President of the Supreme Court, Supreme Court Magistrates, the United States Ambassador to Guatemala, Todd Robinson, the European Union Ambassador to Guatemala, Stella Zervoudaki, and various OJ officials. This quarter the campaign was carried out via workshops in Guatemala City, Alta Verapaz, and Zacapa, for judges, magistrates, administrative personnel and civil society. Next quarter similar events will be held in Petén and Quetzaltenango.



***Inauguration of the Campaign “Judges Leading the Fight against Corruption.” Main table participants included Supreme Court Magistrates, the President of the Supreme Court, the U.S. Ambassador to Guatemala, and the European Union Ambassador to Guatemala.***

### Constitutional Court

The SJSRP continued to support the Constitutional Court (CC) in improving its electronic notification and judicial filing system. This quarter, the Project donated scanners with which to

digitalize the documents for the electronic files. The efforts of the CC and the Project culminated in the Court's adoption of a regulation for the use of the Constitutional Court's Electronic Records System. This system allows for the electronic presentation of requests, notification of resolutions, sending of antecedents in constitutional protection cases (*amparo*), votes and signatures, as well as the celebration of public hearings via videoconference. This series of electronic services means that citizens and lawyers alike, whether in private practice or in representation of a public university, have 24-hour access to constitutional services, no matter their location.

***Gloria Porras, President of the Constitutional Court, presents the Electronic Filing System to justice sector actors in Quetzaltenango.***



### ***Public Ministry***

#### Prosecutor's Offices against Corruption, Administrative Crimes, and Internal Affairs

This quarter the SJSRP continued to provide technical assistance in the implementation of criminalistics techniques utilized by investigators in the Directorate for Criminal Investigation (DICRI) assigned to the Prosecutor's Offices against Corruption, Administrative Crimes, and Internal Affairs. The Project held a series of coordination meetings and workshops in which DICRI investigators reviewed investigation plans and deadlines, allowing the SJSRP to provide ongoing monitoring and accompaniment in the investigation process.

The Project has particularly focused on strengthening investigative abilities related to information finding, source questioning, report writing and operative planning. To this end, the Project worked



***The SJSRP leads investigation workshops with DICRI investigators from the Prosecutor's Offices against Corruption, Administrative Crimes, and Internal Affairs.***

with DICRI investigators to periodically review cases, advances, and final reports on field work. This methodology has allowed strengths and weaknesses to be identified, and created a space to share best practices and unify criteria for field work.

The Project also provided ongoing assistance to coordinate

DICRI investigators with their PNC counterparts in the Specialized Division for Criminal

Investigation (DEIC), despite the fact that DEIC does not have a formal group specialized in government corruption. Nevertheless, this collaboration has increased efficiency in areas where DICRI previously run into difficulties. To date, many of the surveillance operations and the monitoring and execution of arrest warrants have been carried out successfully by DEIC operatives. Currently DICRI and DEIC are working together on at least three emblematic cases in which they jointly plan and carry out corruption investigations.

On February 16, the SJSRP carried out a seminar titled, “Preventing and Fighting Corruption in Public Administration,” attended by more than 700 people, including justice sector officials and law students. The event focused on the impact of corruption and the best ways to fight it, and included a



**Tanya Urquieta, Deputy Mission Director of USAID/Guatemala, provides opening remarks at the event, Preventing and Fighting Corruption in Public Administration,” in which more than 700 justice sector officials and law students participated.**



presentation of the MP’s successes this year in its fight against corruption. The featured speakers were Gregorio Montero, General Secretary of the Latin American Center for Development Administration of the United Nations, and Ricardo Barrientos Quezada, governance expert from the Central American Institute for Fiscal Studies. Other participants included Tanya Urquieta, Deputy Mission Director of USAID/Guatemala, Marco Antonio Sagastume, President of the Guatemalan Bar Association, and Ofelia González, Private Secretary of the Public Ministry.



**Office furniture and equipment is delivered to the Specialized Prosecutor’s Office against Impunity in Quetzaltenango.**

It is worth noting that many of the MP’s achievements in the fight against corruption have resulted from the SJSRP’s support. During the past year, the Project provided ongoing technical assistance to strengthen the Prosecutor’s Offices against Corruption and Administrative Crimes, and

helped create the Prosecutor’s Office on Internal Affairs. Since 2014, the SJSRP has supported the re-engineering process of these offices, providing technical assistance, training in investigation techniques, and necessary equipment, and has helped facilitate the signing of inter-institutional agreements to strengthen the MP’s ability to investigate corruption crimes.

Also this quarter, the Project donated equipment and supplies to support the MP’s work in the fight against corruption. The SJSRP donated IT equipment, furniture, office equipment and a complete telephone system to the Specialized Prosecutor’s Office against Impunity in Quetzaltenango, which will be inaugurated next quarter. The Project also donated 500 vests to be used by prosecutors and investigators who process crime scenes, carry out searches, and collect evidence. This donation will allow MP staff to be identified, preventing interference from others pretending to be with the MP, while at the same time strengthening the MP’s institutional image. Officials from the MP Offices dedicated to Extortion, Corruption, Crimes against Life, and Women received the vests.

Additionally, in an effort to strengthen the proper handling of criminal cases and their economic consequences - namely the recovery and compensation for the damage caused to the State of Guatemala for corruption crimes - the Project provided technical assistance to the Criminal Unit of the State Prosecutor’s Office (PGN), which works with the MP in the prosecution of government corruption crimes. To this end, the SJSRP provided technical assistance to the PGN and MP in the collection and use of information necessary for the location of people and assets. The Project organized coordination meetings with officials from the Municipality of Guatemala, National Registry of Persons and the General Property Registry. Additionally, in January the SJSRP led a workshop for prosecutors in the PGN’s Criminal Unit on gaining the information necessary to locate people and assets to ensure appropriate reparation to the government when Guatemalan patrimony is affected.

Prosecutor’s Office for Women

This quarter the Project continued to carry out workshops as part of Phase 1 of the process, “Strengthening the Attention Provided to Victims of Gender Based Violence and Sexual Violence.” The workshops covered victim services, victims’ needs, attitudes and satisfaction, teamwork, human development, due diligence and the case Véliz Franco v. Guatemala, gender theory and the gender perspective, the cycle of violence and violence against women. The methodology used during the workshops was both theoretical and practical, using case analysis as a primary tool. The following chart shows the workshops conducted this quarter:

<b>WORKSHOPS FOR THE PROSECUTOR’S OFFICE FOR WOMEN</b>			
<b>Date</b>	<b>Department/Municipality</b>	<b>Staff Trained</b>	<b>Number of Participants</b>
February 16-17	Jalapa and Chiquimula.	Assistants, agents and officials from	18

February 18-19	Quetzaltenango, Huehuetenango, Santa Cruz del Quiché, and San Marcos.	the Prosecutor's Office for Women, as well as psychologists, doctors, DICRI investigators and social workers.	34
March 8-9 (Group 1) March 10-11 (Group 2)	Fiscalía de la Mujer y Distrital de Petén and municipalities of Melchor de Mencos, Poptún and La Libertad.		41
<b>TOTAL</b>			<b>93</b>

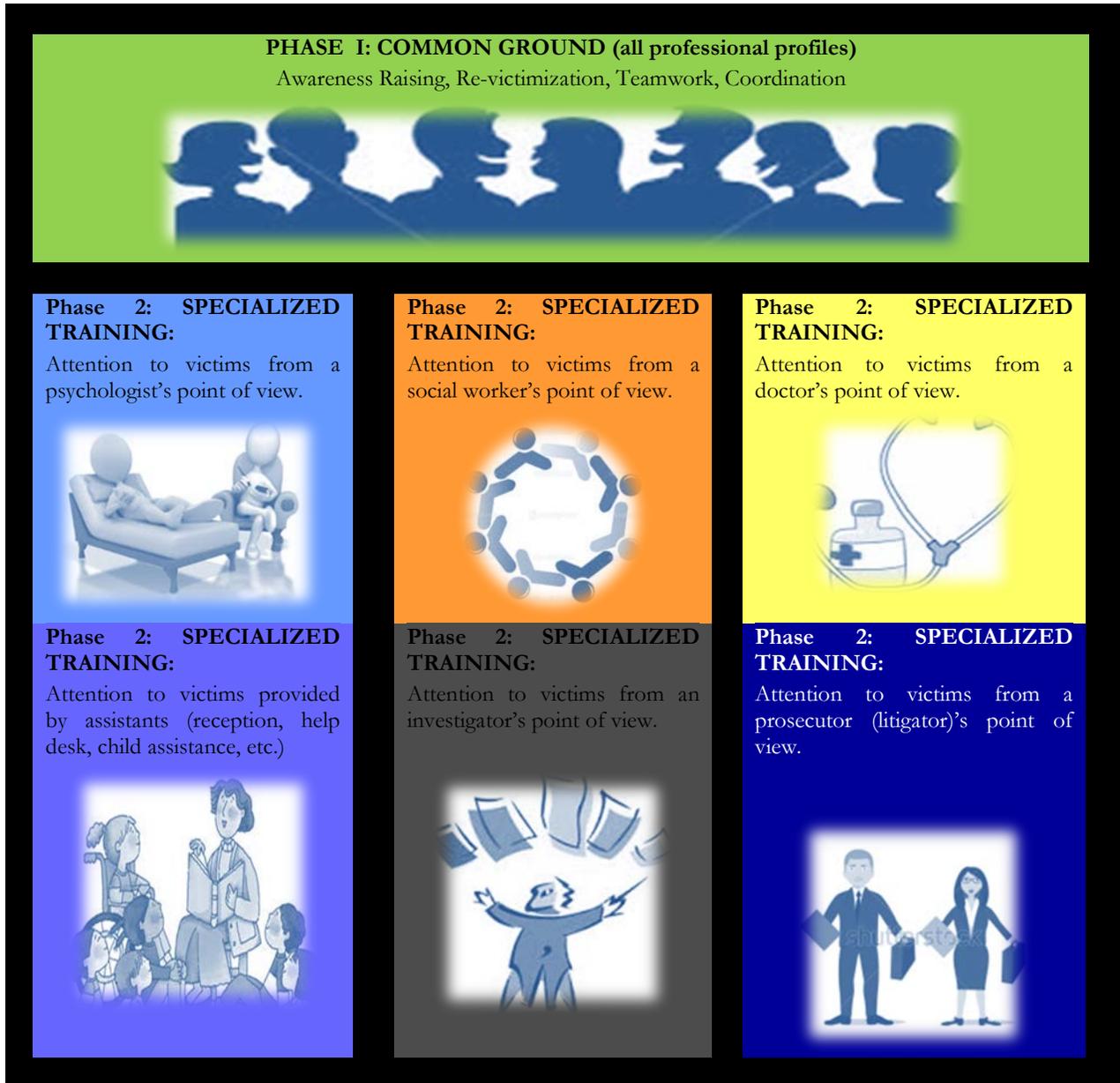


*Participants in workshops, “Strengthening the Attention Provided to Victims of Gender Based Violence and Sexual Violence” in the departments of Zacapa, Quetzaltenango and Petén.*

These final four workshops concluded Phase 1 of the training, which began in July of 2015 and to date has trained a total of 502 participants nationwide. Participants represent the Prosecutor's Offices for Women in Petén, Huehuetenango, Quiché, Alta Verapaz, Izabal, San Marcos, Quetzaltenango, Sololá, Chimaltenango, Jalapa, Chiquimula, Jutiapa and Escuintla, as well as the Guatemala City offices located in Villa Nueva, Mixco, Santa Catarina Pínula, Hospital Roosevelt and Hospital San Juan de Dios. In all the Project hosted 18 multi-disciplinary workshops, involving assistants, agents and officials from the Prosecutor's Office for Women, psychologists, doctors, DICRI investigators and social workers, aimed at improving their awareness of gender-based violence and their ability to adequately respond to victims' needs.

With Phase 1 ending, this quarter the Project laid the groundwork for Phase 2, in which workshops will be specialized according to the profile of the professionals involved. The Project worked to validate the methodology and materials to be covered in Phase 2. The SJSRP is currently awaiting approval for dates for the workshops to begin for prosecutorial assistants, prosecutors with the Prosecutor’s Office for Women, psychologists, social workers, and doctors with the MP’s Victims’ Assistance Office.

The below graphic demonstrates the process of both phases of the training:

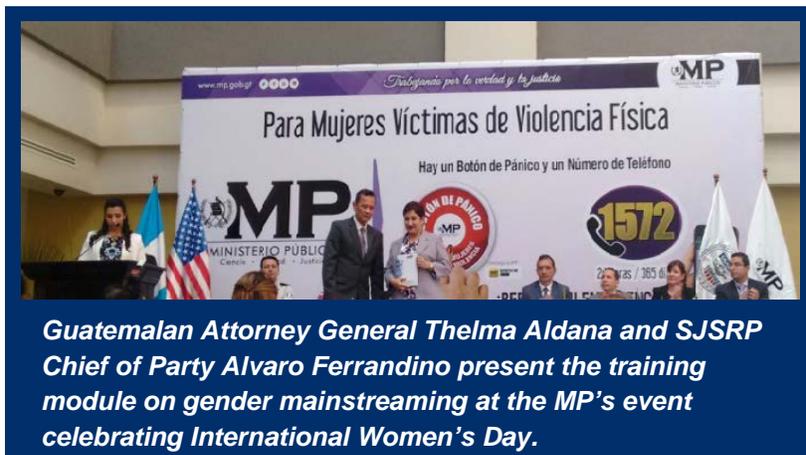


The SJSRP also provided specialized workshops for litigants on themes including first declarations, preliminary proceedings, unilateral hearings, oral forensics, criminal law and other topics.

Participants represented the Prosecutor's Offices for Women, Crimes against Life and Trafficking, as well as judges from the courts specialized in femicide and violence against women in Guatemala. The goal of the workshops was to strengthen prosecutorial interventions and approaches in criminal courts and tribunals in violence against women cases.

Also this quarter, the SJSRP provided technical assistance to review and update the database of cases assigned to the Prosecutor's Office for Women. The goal of the exercise was to identify cases under investigation that could be managed more strategically, optimizing the efforts of the institutions connected to the case (INACIF, OJ, MP) in order to have a more strategic and efficient criminal prosecution strategy. The exercise also served to identify and protect victims at high risk. The Project reviewed cases from the period 2008 – February 2015.

The SJSRP also printed 2000 copies of the training module, "Mainstreaming Gender and Normative Analysis on Gender Based Violence," which will be used by prosecutors who attend to women and child victims and victims of trafficking and femicide. The module covers topics including gender theory, violence against women, sexual violence, and security measures.



### Prosecutor's Offices against Extortion and Life

This quarter, the SJSRP continued to provide technical assistance to the Prosecutor's Office against Extortion, particularly with regard to the methodology used by the office's Coordination Unit to follow up on cases involving criminal structures. The SJSRP worked with Coordination Unit analysts on developing investigation criteria, based on criminology that will enable them to integrate large amounts of information quickly and easily and apply it to highly complex cases. This new process will allow Coordination Unit investigators to monitor investigations previously discarded due to their complexity, but that still generate criminal activity.

The Project also began a process to identify areas in which to strengthen the investigative capacities of operative units of the PNC's General Sub-directorate for Criminal Investigation, which works closely with the Prosecutor's Office against Extortion. This effort complements a series of workshops that the Project has organized that bring together police and prosecutors in order to coordinate their joint efforts during the accusatory process. These workshops look to develop investigative skills for investigators using a series of practical guides that work to strengthen their skills in writing reports, planning investigations, planning operations, and searching for and collecting information.

The SJSRP also supported the Coordination Unit in the Prosecutor's Office for Crimes against Life. The Project reviewed this unit's processes in light of the high degree of effectiveness of its counterparts in the Extortion office. Based on an initial evaluation, the Project will develop a proposal which will replicate the best practices in the Extortion Coordination Unit, adapting it to the nature of the work carried out by this office.

### Democratic Criminal Policy

This quarter, the Project and the MP focused on the implementation phase of the Democratic Criminal Policy, which has as its primary function the creation of inter-agency strategies through which to address and prioritize criminal phenomena. Both the Municipal government in Mixco and the Ministry of Development have committed to immediately applying the preventive actions contained in the policy, which was approved by the *Secretaría de Planificación y Programación de la Presidencia* last October. The Project supported an event in Cuilapa, Santa Rosa, in which the policy was shared with local authorities, community members, representatives from civil society, and academics, with the goal of gaining their support for the implementation phase.

It is expected that the Democratic Criminal Policy will be presented publicly next quarter during events planned for April 25 and 27, in which the Presidents of the Executive, Judicial, and Legislative Branches and the Attorney General will publicly commit to implement the policy. However, it is important to note that the policy is currently under review by the President of the Republic's advisors.

### ***National Institute of Forensic Sciences***

This quarter the SJSRP supported the publication of INACIF's Fifth Scientific Journal. One of the articles published, entitled "DNA Transfer from the Victim to the Suspect," highlighted the importance of the crime-victim-victimizer triad, which is a central point of criminalistics investigation. The Project is also encouraging readers of the journal to provide feedback to its editorial committee, in order to ensure that the journal addresses the interests of judges, prosecutors and defenders.

### **Sub Lower Level Result 2.2: Improved investigation and prosecution of environmental crimes**

#### ***Strengthen local capacity to report, investigate and prosecute environmental crimes and crimes against archeological heritage sites***

Given the changes in government authorities during the second half of January, the SJSRP spent the beginning of the quarter holding meetings with the newly-appointed authorities of the National Council for Protected Areas (CONAP) and the Institute for Anthropology and History (IDAEH). The purpose of the meetings was to inform the new authorities about the work carried out by the Project as it relates to each institution.

In the Public Ministry, the SJSRP continued to support the development and implementation of strategies to investigate and litigate cases of environmental crimes and crimes against cultural

patrimony. To this end, the Project organized two field trips for DICRI investigators from Guatemala City to travel to Petén to gather information on cases prioritized by the MP, CONAP, and IDEAH. In particular, the investigators focused on cases affecting Tikal National Park, Yaxha National Park, Nakun, Naranjo, and Laguna del Tigre National Park. In addition, the SJSRP provided training on investigation of environmental crimes as part of its efforts to strengthen the Prosecutor's Office for the Environment in Petén.

In the Judicial Branch, the Project continued to support monthly meetings of the justice sector coordinating unit, in which participants discussed the following themes: defining roles in the criminal process, judicial independence, illicit trafficking of fauna, and general aspects of reparation for harm caused by environmental crimes.

The SJSRP organized an international study tour to Chile for members of the Guatemalan Judicial Branch, including two Magistrates of Guatemala's Supreme Court who serve on its environmental commission; the Magistrate for the Regional Appellate Court; the President of Petén's sentencing tribunal; Guatemala's first environmental judge; a justice of the peace from San Andrés; and the Executive Director of the Environmental Justice Forum. During the study tour, participants saw firsthand the advances achieved in environmental justice as a result of Chile's Environmental Tribunals. The delegation also visited parks and reserves where they met technicians specialized in combating forest fires in order to see their relationship to environmental justice, given that they are often the first responders to environmental crimes. The delegation visited the offices of Chile's National Forest Corporation, the institution in charge of protecting Chilean forests. Staff from this institution discussed Chilean environmental legislation and aspects of the legal defense of the environment.

In order to learn about legal processes related to the environment at the highest level, the delegation visited Chile's Third Chamber of the Supreme Court of Justice, in which they learned about environmental issues in cassation (highest level of appeals); during the visit, the President of the Chilean Supreme Court, Dr. Hugo Dolmestch, met with the group and shared his vision regarding judicial power as it relates to environmental justice. The visit allowed participants to learn new perspectives on advanced mechanisms to guarantee environmental justice, which will strengthen the application of environmental justice in Guatemala.



During the week of February 22-26, the Project held a second diploma course on the “Protection and Defense of Natural and Cultural Patrimony for Park Rangers in the Maya Biosphere Reserve.” Once again, the diploma course was co-organized with CONAP, the Center for Conservationist Studies of San Carlos University (CECON) and IDAEH, and received recognition and academic backing from the University of Saint Carlos of Guatemala (USAC). Among other themes, participants received training on laws related to environmental and cultural patrimony, environmental crimes, park rangers’ role in the criminal process, managing a crime scene, GPS navigation, first aid, reptile handling, and conflict resolution. At the end of the course, participants who completed 40 hours of training received a diploma with academic accreditation and a backpack with tools necessary for their work, which was donated by the SJSRP. In all, 92 rangers participated in the training. A Success Story in Annex B provides more details on this activity.



**Left: Participants in the second diploma course, “Protection and Defense of Natural and Cultural Patrimony for Park Rangers in the Maya Biosphere Reserve.” Right: SJSRP staff distribute backpacks and tools to course participants.**

### Environmental Court in the Petén

In the months following the inauguration of Guatemala’s first environmental court in Petén, the results have been positive both in terms of the efficiency with which cases resolved, as well as the criteria used in their sentencing, for the first time with an environmental focus. The Court currently has 150 cases, including criminal cases related to the environment in the Department of Petén. The processing times for cases has improved considerably, given that prior to the court’s arrival it took an average of nine months for an environmental case to be scheduled, and then it could take years and several hearings for the case to be fully processed. Currently, environmental case hearings are scheduled within a matter of weeks and take an average of four months from start to sentencing. The speed in which these cases are now resolved suggests that MP investigators are using improved investigative methods for these crimes, likely tied to the establishment of a specialized prosecutor’s office for environmental crimes, as well as the greater understanding and appreciation of these crimes by a specialized judge.

Another example of increased efficiency is in the time required for judicial recognition of pre-trial evidence; previously, it could take an average of two to three months, but now it takes a maximum of three weeks and a minimum of two days for expedited cases. This is particularly important for cases of environmental crimes in which the evidence consists of organic matter (i.e., wood in illegal logging) or live fauna (in cases of animal smuggling). Both local institutions, including CONAP and

CECON, as well as civil society have commented on the notable changes in case processing times as a triumph for environmental protection and conservation in the Maya Biosphere Reserve (MBR). Additional information regarding these changes is available in a Success Story in Annex B, as well as a complete report in Annex C.

### ***Improve inter-institutional coordination***

The SJSRP continued to support monthly coordination meetings with the MP, Forum for Environmental Justice and CONAP. As a result of these meetings, the MP has strengthened coordination among relevant institutions in the area of criminal prosecution as well as civil society in Petén, all with the goal of protecting the MBR's natural environment and cultural patrimony.

The Project also continued its support of CONAP, CECON, the Wildlife Conservation Society, Balam and the Forum for Environmental Justice in the development of a strategy to rescue the National Park and Biotope Laguna del Tigre. The process of formulating the strategy proposal concluded successfully, and it will be presented to CONAP for its validation and approval next quarter.



***Participants of the inter-institutional working group discuss key themes in the opening workshop, “Damage, Responsibility and Reparation for Crimes against the Environment and Cultural Patrimony in the Maya Biosphere Reserve.”***

The SJSRP supported the MP in creating an Inter-institutional Working Group to unify criteria for evaluating damage to the environment and cultural patrimony. Members of the group include representatives from the PGN, CONAP, Ministry of the Environment, CECON, and the University of Rafael Landivar's Institute for the Investigation and Protection of the Natural Environment and Society. The SJSRP, PGN, and MP launched the working group with a workshop on March 30, 2016, entitled “Damage, responsibility and reparations for crimes against the environment and cultural

patrimony in the Maya Biosphere Reserve.” The objective of the activity – whose 60 participants included justice system and public administration officials, as well as representatives from civil society and academia – was to agree on inter-institutional coordination mechanisms to identify damage to the environment and cultural patrimony and to procure appropriate reparations. The workshop was led by the State Prosecutor of Costa Rica, Ana Lorena Brenes, who shared the experiences of her country in this area.

With regard to the new government authorities, the SJSRP supported authorities from the Ministry of Culture in identifying priority actions related to justice and cultural patrimony. The Project supported a trip by the new leadership to Petén so that they could meet IDAEH employees and see

firsthand the problems facing the national parks that fall within the institution's responsibility, particularly Tikal, Yaxha, Nakum and Naranjo.

***Improve public awareness regarding the impact of environmental crimes and crimes against archeological heritage sites***

In coordination with the Association of Forest Communities in Petén, the SJSRP began a diploma course on Communication and Environmental Themes for members of the Forest Cooperative Network of Community Communication located in the MBR. The objective of the diploma course is to strengthen participants' knowledge about communication and legislation affecting the environment and cultural patrimony in the MBR, as well as raising awareness about the responsibility of citizens in the local communities to report illegal activity related to the environment and cultural patrimony. The hope is that from their communities they will contribute to the prevention of illegal activities within the MBR.

The SJSRP also sponsored a flyover of the MBR with authorities from the MP, in which they observed areas of the reserve in which there is the greatest degree of protection and biodiversity, as well as those areas which have suffered the majority of illegal interventions that have largely devastated the ecosystems. The Secretary for Criminal Policy, the primary prosecutor for the MP's section for crimes against the environment, and staff from CONAP participated in the flyover, after which they renewed their commitment to prosecuting crimes in this region. The group also met with CONAP representatives based in Petén as well as local civil society to gain greater orientation about the current situation of governability in the MBR.

The SJSRP also worked with IDAEH to publish a compendium on the environment and cultural patrimony that includes texts on normative principals on these themes. The goal of the compendium is to provide an instrument for the general public and relevant institutions to facilitate litigation for these types of crimes.

**Sub Lower Level Result 2.3: Support the Supreme Court's Information Platform**

This quarter the SJSRP began working with vendors and OJ counterparts to begin the delivery process of the IT equipment and air conditioning units to be donated under this LLR. Deliveries will take place in 20 of Guatemala's 22 departments. Deliveries began in March and by the end of the quarter, 250 of the 585 items (43%) had been delivered. The delivery process will be finalized early next quarter.



***Left: Magistrates from the Labor Justice Center learn about the recently delivered convergent solution and how it will positively impact their work. Right: Magistrates from the Third Court of Appeals of the Civil Branch receive a scanner from members of the SJSRP.***

In line with the donation, the SJSRP provided technical assistance to the OJ to develop a process to digitalize its files, in coordination with the General Archives of Central America. As part of this task, categories and standards for the digitalization process will be established. The digitalization will begin following the completion of the delivery of IT equipment.

## 2.0 CROSS-CUTTING COMPONENTS / ACTIVITIES

### 2.1 COMMUNICATIONS AND SOCIAL OUTREACH

---

#### *Strengthening social communication departments of SJSIs*

This quarter the Project continued strengthening security and justice sector institutions' (SJSIs) social communication departments, as well as provided coordination assistance to the Security and Justice Sector Inter-institutional Social Communications Working Group (MICS). To this end, the Project turned in the first version of the proposal for a social communication policy in the IDPP. The document is currently being reviewed by the institute's public relations department before it will be finalized as a policy. The Project also organized the thirteenth meeting of the MICS, in which a plan for technical assistance from the SJSRP was outlined for 2016.

Additionally, on March 22, five informative audio-visual capsules, developed with SJSRP support, were made publicly available. The videos highlight the duties and responsibilities of the MP, PNC, OJ, IDPP and INACIF. The capsules are available on the websites of each institution, and were distributed via social networks on the Judicial Bulletin.



**Álvaro Ferrandino, Chief of Party of the SJSRP, and Edgar Gutiérrez, Director of the Institute for National Problems at San Carlos University, sign the letter of agreement to train journalists on security and justice themes.**

#### *Training for journalists on security and justice issues*

In order to continue supporting the process of training journalists on security and justice themes, on March 2 the Director of the Institute for National Problems at San Carlos University and the SJSRP Chief of Party signed a letter of agreement. The document details the activities USAC will develop in order to train communicators on security and justice themes, and the areas in which the SJSRP will provide technical and financial assistance. The SJSRP supported USAC, along with the Office of the High Commissioner of the United Nations, in offering the First and Second Courses for Journalists in Security and Justice Themes in 2014 and 2015. Next quarter, the third cycle of this course will be offered to journalists who participated in

the previous two cycles, and a new cycle will be offered to a new set of participants.

## **2.2 SECURITY AND JUSTICE SECTOR ACTIVITIES FUND (SUB-AWARDS)**

During this quarter, the SJSRP awarded grants to two organizations: *Familiares y Amigos Contra la Delincuencia y el Secuestro* (FADS) to carry out activities to increase transparency in the election of constitutional court magistrates, as well as monitor the implementation of laws regarding extortion and other high impact crimes, and *Fundación Sobrevivientes* to strengthen services provided to women and children victims of violence.

FADS activities this quarter focused primarily on the election of Constitutional Court magistrates. To this end, FADS achieved one of its primary objectives:

<b>Objective</b>	<b>Expected Result</b>	<b>Result Achieved</b>
Promote the election of CC Magistrates for the period of 2016-2021 in a way that is public and transparent, and employs procedures that guarantee that honorable, capable, qualified judges are chosen for this high court.	The ideals of transparency and ideal profiles are promoted in the election of CC magistrates.	FADS promoted procedures and methodologies for a public and transparent nomination to the different entities that designate CC magistrates and their alternates of the Constitutional Court. Three of the electing organisms – Congress, the Superior Advisory Council at USAC, and the Supreme Court – implemented these processes in the naming of magistrates.

On March 11, the election of CC magistrates and their alternates was made public. A list of the newly appointed Court is below:

### **Magistrates**

1. Neftalí Aldana, named by the Supreme Court
2. Francisco de Mata Vela, named by USAC
3. Bonerge Mejía, named by the Guatemalan Bar Association
4. Gloria Porras, named by Congress
5. Dina Ochoa Escribá, named by the Executive Branch

### **Alternates**

1. María Consuelo Porras, named by the Supreme Court
2. Mynor Par Usén, named by USAC
3. María Cristina Fernández, named by the Guatemalan Bar Association
4. María de los Ángeles Araujo, named by Congress
5. Henry Comte Velásquez, named by the Executive Branch

The grant to *Fundación Sobrevivientes* began on March 1, 2016. Information regarding its progress will be included in the next quarterly report.

Also this quarter, the SJSRP completed an internal review process and has recommended the award of a grant to ProPetén under the Annual Program Statement. Through this grant, ProPetén would monitor Tikal National Park, Biotopo El Zotz, and Bio-Itza for crimes against the environment and cultural heritage. This grant is currently pending USAID/Guatemala approval. The Project also reviewed four new proposals received under the Annual Program Statement. It hopes to finalize review of the proposals and proceed with the award process next quarter.

### **2.3 RAPID RESPONSE FUND (RRF)**

During this quarter, the following projects were approved, under implementation, or completed:

<b>Requestor</b>	<b>RRF 2.2015</b>	<b>Amount</b>	<b>\$57,344.00</b>
	<b>INACIF</b>		
<b>Name of Project</b>	Project to strengthen the INACIF Genetics Laboratory		
<b>Objective</b>	Strengthen experts' work in the INACIF Genetics Laboratory by providing optimal equipment to provide precise and accurate results in laboratory testing.		
<b>Status</b>	In progress		
<b>Report</b>	The SJSRP received USAID approval to purchase the equipment, and its delivery is currently in progress.  Existing equipment was calibrated.		

<b>Requestor</b>	<b>RRF 13.2015</b>	<b>Amount</b>	<b>\$38,655.20</b>
	<b>Delegation of the Prosecutor's Office against Impunity</b>		
<b>Name of Project</b>	Acquisition of computer equipment and furniture for the delegation of the Prosecutor's Office against Impunity in Quetzaltenango		
<b>Objective</b>	Provide computer equipment and furniture to the Public Ministry.		
<b>Status</b>	Completed		
<b>Report</b>	The SJSRP received USAID approval to purchase the equipment, and the equipment was delivered to the new Prosecutor's Office against Impunity office.		

<b>Requestor</b>	<b>RRF 14.2015</b> <b>ARCAS</b>	<b>Amount</b>	<b>\$43,063.20</b>
<b>Name of Project</b>	Equipment for the Wildlife Rescue Center (ARCAS), located in San Miguel, Petén.		
<b>Objective</b>	Provide equipment to facilitate animal rescue at ARCAS.		
<b>Status</b>	In progress		
<b>Report</b>	Quotations for the equipment are currently being solicited.		

## 2.4 GENDER INTEGRATION

### *Gender Equality Policy in the Judicial Branch*

On March 8, 2016, the President of the Republic, Jimmy Morales, and the President of the Judicial Branch, Rafael Rojas, along with Magistrates of the Supreme Court, held a public presentation of the Judicial Branch's Policy for Gender Equality and the Promotion of Women's Rights. Magistrate Rojas promised to support the implementation of the policy, and President Morales pledged greater attention to the issue of discrimination against women in Guatemala.



*President of the Republic Jimmy Morales (left), receives the Judicial Branch's Policy for Gender Equality and the Promotion of Women's Rights from Supreme Court President Rafael Rojas (top). The Supreme Court's Courtroom filled completely for the event (bottom).*



The SJSRP has supported the Judicial Branch since 2015 in developing action plans for gender equality to be included in the institution's Strategic Plan for 2016-2019. During the event, the OJ presented a video on this process, highlighting the SJSRP's support. The video can be found at the following link: <https://www.youtube.com/watch?v=W0m9do0jrEQ>.

### ***Promotion of Gender Equality in the MP and INACIF***

In January 2015, the SJSRP began providing technical assistance to the MP and INACIF with the goal of promoting the integration of gender equality in the norms and work areas of each institution. This initiative has the full support of both institutions' leaders.

With regard to the MP, the ministry has had a Policy for Equality between Men and Women since 2014. As a result, the Project's assistance has focused on developing a plan for the strategic implementation of the policy. The process began by naming a network of MP officials from 24 key dependencies of the ministry (including the Secretary General, Secretary for Criminal Policy, Department for Planning, Department for Indigenous Communities, Training Unit, and others) to make decisions and follow up on the application, as well as communicate with MP leadership regarding the implementation of the plan.

The strategic plan for the implementation of the MP's Equality Policy includes seven key areas: Internal Regulations, Litigation, Fiscal Management, Human Resource Management, Communication, Inter-institutional Coordination and Statistics. For each area, the Project will hold workshops with the corresponding delegates, who will receive training on planning with a gender perspective and corresponding indicators. By the end of this quarter, plans for five of the seven areas had been developed, complete with objectives, indicators, strategies, products, and names of those responsible to oversee their implementation.

In INACIF, the Project provided technical assistance to develop an Equality Policy and then integrate it into the Institutional Strategic Plan (2015-2019). The Director of INACIF delegated a group of 25 officials from the areas of expert services, administration and management to develop the plan and to implement it.

The process began by evaluating four areas: 1) document analysis of the treatment of gender in expert statistics, job classification and the ballot used to receive evidence; 2) interviews with representatives of state institutions and NGOs who provide services discriminated populations (women; indigenous people; migrants; LGBTI) regarding their impression of INACIF's services; 3) regional focus groups with representatives from all locations; and 4) visits to sites and interviews with coordinators.

In line with the methodology, the evaluation was validated by more than 90% of the designated implementation group, who then proceeded to work with the Project to develop key focus areas, objectives, indicators and strategic lines of action. These will be validated next quarter during a series of workshops. It is expected that the proposal for the policy will be finalized in May 2016.

***Training on Dignified Reparation***

This quarter, a group of 17 magistrates and judges specialized in crimes of femicide and violence against women received training on dignified reparation for victims. The training was organized by the School for Judicial Studies, with technical and financial assistance provided by the SJSRP. The



***Magistrates and judges attend a course on dignified reparation for victims.***

current lack of dignified, comprehensive and effective reparations is a significant weakness in the justice system’s ability to compensate victims, and it is considered a factor in re-victimization due to flaws in the legal process, lack of knowledge on the subject, among other factors. The training aimed to address these weaknesses, touching upon

themes of structural violence, due diligence, legal foundations and standards remedies, and included an analysis of national jurisprudence.

***Training to Mainstream the Gender Perspective in Legal Education***

Supreme Court Magistrate Vladimir Aguilar led the inaugural session of the Training of Trainers Course in Gender Legal Reasoning. Approximately 150 people attended the event, including judges, magistrates, lawyers, the Deputy Ombudsman for Human Rights, representatives of diplomatic corps, and civil society organizations. During this event, the SJSRP presented the book “Mainstreaming Gender in Legal Curriculums,” which will be used as the basic text for the course, to Magistrate Aguilar. The book includes contributions by Magistrate Aguilar and articles written by academics and compiled by the Gender and Justice Foundation. Twenty-six judges and magistrates from the civil and criminal branches will receive 24 hours of in-person training and eight hours of virtual training through this program organized by the School for Judicial Studies. The goal of the course is to train these judges so that they may develop a curriculum with a gender perspective.



***Supreme Court magistrates Vladimir Aguilar, Silvia de León, Delia Dávila, Douglas Charchal and Patricia Valdez hold copies of the book “Mainstreaming Gender in Legal Curriculums.” With them is gender expert Rodrigo Jiménez (second from left) and Chief of Party of the SJSRP, Álvaro Ferrandino (right).***

***Training on Victims’ Assistance Protocol***

In response to a heightened interest in victims’ needs in the criminal process, the SJSRP supported a training for 70 lawyers, psychologists, and social workers who work for the IDPP’s Free Legal Assistance Units (FLAU) nationwide. The National Coordinator of the FLAU led two days of group workshops aimed at strengthening the “Protocol for the Assistance to Women Victims of Violence in its Different Forms.” Topics discussed included victims’ rights, normative framework, guiding principles for action, entry routes, comprehensive care model, attention to specific groups (children, adolescents, adults, women with disabilities, monolingual indigenous women), and the obligations of the FLAU legal team at each stage of criminal proceedings.

***International Women’s Day***



***The President of the Judicial Branch, Rafael Rojas, and Magistrates Delia Dávila, Vitalina Ochoa and Silvia de León present a certificate of recognition to the director of the Female Marimba Group.***

In commemoration of International Women’s Day, a special event was held by the Women’s Commission of the Supreme Court and the Follow-up Unit for Specialized Justice for gender-based violence, with support from the SJSRP. Highlights included a presentation by the Ministry of Culture’s Female Marimba group and a monologue from the work “Silences of Women.” Approximately 90 people attended the event, including the President of the Supreme Court, who congratulated the members of the marimba and the actress for their contribution to promoting women’s rights in Guatemala.

**2.5 SUMMARY OF TRAINING ACTIVITIES AND EVENTS**

The table below summarizes SJSRP training activities that took place between January and March 2016.

<b>SJSRP TRAINING ACTIVITIES: OCTOBER – DECEMBER 2015</b>							
<b>Name of training program</b>	<b>Target Group</b>	<b>Program Dates</b>	<b>Place</b>	<b>No. of Hours of Training</b>	<b>Women</b>	<b>Men</b>	<b>Total</b>
Protection and defense of natural and cultural patrimony for park rangers in the Maya Biosphere Reserve.	Park rangers from CONAP and CECON and park guards from IDAEH	February 22-26, 2016	Flores, Petén; San Benito, Petén, Parque Nacional Yaxha, Petén	40	4 (4%)	94 (96%)	98

# 3.0 SHORT-TERM TECHNICAL ASSISTANCE EFFORTS

## 3.1 SHORT-TERM TECHNICAL ASSISTANCE CONSULTANCIES

The SJSRP mobilized the following consultants to assist with development of deliverables and project implementation:

<b>COOPERATING COUNTRY NATIONAL CONSULTANTS</b>		
<b>Consultant/Specialist</b>	<b>Description of Consultancy</b>	<b>Dates</b>
Saúl Enrique Saravia	Determine the case resolution rate for documented cases in the First Pluripersonal Criminal Peace Court (JPPPP) over the period observed.	February 8 – March 18, 2016
Luis Fernando Cuches	Determine the court case resolution rate of documented cases in the JPPP-VN.	February 8 – March 11, 2016
Madilanier Vásquez	Record the status of all known proceedings in the JPPPP for the period observed.	February 8 – March 18, 2016
Oscar Palma, Maya Hernandez, Vilma Veletzuy, Jose Luis Ramos, Herbert Oliva, Smile Carias	Provide timely information related to Indicator 11 of the SJSRP Monitoring and Evaluation Plan by measuring systems implemented in the Pluripersonal Criminal Court specializing in femicide and other forms of violence against women.	February 8 – March 18, 2016
Olga Darilena Chea	Implement Quality Management System based on ISO standard 9001:2008.	January 1 – March 31, 2016
Victoria Aguirre	Strengthen the application of priority laws in the justice and security sectors	January 1 – March 11, 2016
Juan Carlos Morales Baten	Provide technical assistance to procure and implement technical equipment to update the Supreme Court’s Information Platform and perform a technical assessment.	January 1 – March 31, 2016
Alba Bran	Provide technical and financial assistance to support INACIF achieve first year follow-on certification in ISO 9001:2008 norms, and ISO 1705-2015.	January 1 – March 31, 2016
Jorge Nery Anzueto	Provide technical and financial assistance to support INACIF achieve first year follow-on certification in ISO 9001:2008 norms, and ISO 1705-2015.	January 1 – March 31, 2016

Jorge Salazar	Provide technical and financial assistance to support INACIF achieve first year follow-on certification in ISO 9001:2008 norms, and ISO 1705-2015.	January 1 – March 31, 2016
Oscar Eduardo Mora Gomez	Strengthen local capacity to report, investigate and prosecute environmental crimes and crimes against archeological heritage sites.	January 1 – March 31, 2016
Silvia Carrillo	Support the development of educational, legal and technical material related to justice and the environment /archeological heritage within the MBR for public distribution.	January 14 – March 30,2016
Merly Gonzalez	Provide technical assistance to strengthen attention to victims of violence against women and sexual violence on a national level.	January 1 – February 8, 2016.
Jose Gálvez	Technical assistance provided to the Supreme Court to strengthen its storage and information processing infrastructure focusing on processing, storage and virtualization.	January 31 – March 31, 2016
Edgar Florián	Provide technical assistance for implementing an electronic notification system comprising all jurisdictional bodies around the country.	January 8 – March 18, 2016
Julieta Soto	Design and implement a process to strengthen attention to victims of violence against women and sexual violence on a national level. (Phase 1, general training for prosecutors, prosecutorial agents, psychologists, doctors, social workers, and support staff).	January 1 – February 19, 2016
Aracely Betzabeth Abac Cochoy	Support the implementation of agreements on the Common Agenda toward Addressing Cases of Femicide and Violence against Women.	January 1 – March 31, 2016
Silvio Gramajo	Improve public awareness regarding the impact of environmental crimes and crimes against archeological heritage sites.	January 4 – March 31, 2016
Miguel Juárez	Provide technical assistance for training workshops for the instructors with <i>División Especializada en Investigación Criminal de la Policía Nacional Civil</i> (DEIC) and the MP's <i>Dirección de investigación Criminalísticas</i> (DICRI) on criminology techniques and related methods of investigation for corruption and administrative crimes.	February 22 – March 31, 2016
Manuel Dominguez	Identify of processes, flowcharts, and activities developed by the departments of the General Directorate of Private Security Services that are used for issuing operating licenses for private security companies.	February 5-24, 2016
Angelina Valenzuela	Monitor operational and administrative procedures implemented in the General Directorate of Private Security Services.	February 5-24, 2016
Alejandra Argueta	Provide logistical support to the Planning and Institutional Development section of the PNC in the creation of working groups to revise the institutional norms and include reforms to benefit the Police Career Regime.	February 2-29, 2016

### THIRD COUNTRY NATIONAL CONSULTANTS

Consultant/Specialist	Description of Consultancy	Dates
Ana Montes	Provide technical assistance to improve the prosecution of cases in the areas of corruption.	January 10-16, 2016 February 14-27, 2016 March 27 – April 2, 2016
Georgina Umaña	Provide technical assistance to the MP working groups for the discussion, analysis, and formulation of a Criminal Policy for Guatemala. (Pro bono).	January 4-6, 2016
Miguel Méndez Palomo	Improve performance, efficiency and accountability of the MP.	January 31 – February 6, 2016 February 2-20, 2016 March 13, 19, 2016
Rodrigo Jiménez	Hold workshops on leadership, teamwork, and effective communication with a gender perspective	January 10-15, 2016 January 24-29, 2016 February 7-13, 2016 February 21-27, 2016 March 13-19, 2016
Roman Meza	Provide technical assistance for the creation of a training system on criminal structures of extortion for the Prosecutor's Office against Extortion and provide support to strengthen the MP on issues regarding to criminology techniques and related methods of investigation for corruption and administrative crimes.	January 17 – March 3, 2016
Sonia Navarro	Provide technical assistance in judicial administration to design justice sector procedural models and/or associated IT development.	January 17-22, 2016 January 31 – February 6, 2016 February 28 – March 4, 2016 March 13-18, 2016 March 27 – April 1, 2016
Marianela Fuertes	Provide technical assistance to analyze key legislation regarding justice system reform and the fight against corruption, as well as improve its implementation; study to what degree this legislation should be partially or totally reformed in order to ensure and improved application. Analyze existing legislation and legislative needs in order to develop and implement new legal initiatives, including the Law on Antejucios, among others.	March 1-22, 2016
Ana Virginia Calzada	Provide technical assistance for implementing an electronic notification system comprising all jurisdictional bodies around the country.	January 31 – February 6, 2016 February 22 – March 2, 2016

---

## UNITED STATES NATIONAL CONSULTANTS

---

Consultant/Specialist	Description of Consultancy	Dates
Kim Lindquist	Improve performance, efficiency and accountability of the Public Ministry and support the Prosecutor's Anti-Extortion Office.	January 17-29, 2016 February 10-14, 2016
Luis Velez	Provide technical assistance to support the approval and implementation of the Democratic Criminal Policy, as well as publication and dissemination of the approved document and support for its implementation.	January 17 – February 6, 2016 February 14 – March 12, 2016
Glenda Umaña	Provide technical assistance to the MP working groups for the discussion, analysis, and formulation of a Criminal Policy for Guatemala.	January 4-6, 2016

---

### 3.2 HOME OFFICE SUPPORT

---

Checchi staff provided support to the SJSRP, as described below.

---

#### HOME OFFICE SUPPORT

---

Consultant/Specialist	Description of Consultancy	Dates
Kristen Walker	Provide management and administrative support to the SJSRP.	March 14 – 18, 2016.

---

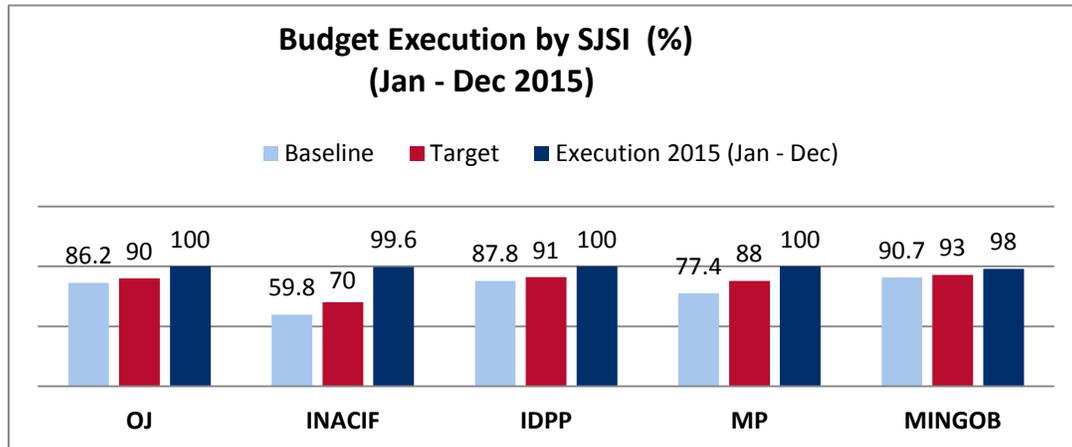
# 4.0 MONITORING AND EVALUATION ACTIVITIES

This section describes activities and achievements in seven of the Project’s fourteen indicators: indicators 2, 3, 6, 8, 10, 11 and 12, which were chosen by USAID for quarterly reporting, as well as indicator 1 (a bi-annual indicator) and one of the Project’s environmental indicators (Sub LLR 2.2). Please note that this section is not an exhaustive account of all monitoring and evaluation activities that have taken place during this reporting period.

## 4.1. INDICATOR I

*% of annual budget received that is executed by targeted SJSIs (disaggregated by institution)*

The graphic below provides the full details regarding 2015 budget implementation by security and justice sector institutions (SJSIs); this data was made available in February 2016:



Source: SJSRP Monitoring and Evaluation (M&E) with data from the Information Access Unit of each SJSI.

As demonstrated in the above chart, all institutions surpassed the goals established for 2015 regarding the execution of annual funds provided to them by the Ministry of Finance.

It is important to note that last year tax revenue fell to its lowest level since 1996, resulting in a 2015 fiscal deficit of nearly five billion quetzals (approximately US\$641 million). This represents approximately 10% of tax revenues planned by the authorities, according to information from the Ministry of Finance. This deficit is reflected in the funds delivered to each of the institutions, which were required to work with less income than had been originally budgeted. The below table

demonstrates budget cuts per institution in terms of quetzal/dollar amounts and percentage of undelivered budget:

<b>UNDELIVERED BUDGET PER SJSI</b>			
<b>SJSI</b>	<b>Amount Undelivered</b>		<b>% of State Budget Undelivered</b>
IDPP	Q 13,387,250	\$ 1,761,480.26	10%
INACIF	Q 11,000,000	\$ 1,447,368.42	8%
OJ	Q 52,451,326	\$ 6,901,490.26	3%
MP	Q 21,255,884	\$ 2,796,826.84	2.3%
MINGOB	Q660,670,044	\$86,930,268.97	14.5%

*Source: SJSRP M&E with data from the Information Access Unit of each SJSI.*

## **4.2 INDICATOR 2**

### *Degree of progress in the definition, approval, and implementation of improved police career regimen*

Given the change in authorities in the MINGOB and the PNC, the SJSRP re-initiated the process of reviewing the proposed PNC Organic Law, which had been presented to the previous President of the Republic last quarter.

As noted earlier, this quarter the SJSRP brought together a working group to present to the new MINGOB and PNC authorities the process of developing the proposed law. The Project also promoted its revision by the legal advisers of the Minister and First Vice Minister of Governance. It is expected this this working group will allow the Organic Law project to continue, with the eventual presentation of the law to the current President of the Republic and to Congress. However, factors such as limited participation from the National Commission for Police Reform and the creation of a Ministry for Homeland Security (*Ministerio de Seguridad Interior*) could result in delays in advancing the law.

## **4.3 INDICATOR 3**

### *Percentage of National Civilian Police officers enrolled in improved HR and benefits systems (Disaggregated by gender).*

In March 2016, the PNC contracted a new administrator for the PNC Personnel System. As a result, data regarding the gender of agents registered in the Posthumous Benefits System with which to establish a baseline and target is not yet available. The SJSRP will work with the new administrator to ensure that the required data is disaggregated by gender.

#### 4.4 INDICATOR 6

##### *Number of people reached by a United States Government (USG) funded intervention providing Gender-based violence (GBV) services “F”, disaggregated by service provider*

The below data correspond to the modification made to this indicator for the SJSRP’s option period, in which the Project incorporated the Public Ministry’s Integrated Attention Model (MAI/MP) located in the Ministry’s headquarters (Gerona), in place of the IDPP’s Free Legal Assistance Units. The Project will continue to monitor the Comprehensive Attention System (SAI) in the Specialized Femicide Courts located in the *Centro de Justicia por Femicidio* in Guatemala City, as well as the 24 Hour Court located in MP’s Gerona location.

Targets and first quarter results for each of these sub-indicators are presented below:

<b>PEOPLE REACHED BY USG-FUNDED INTERVENTIONS</b>					
<b>Institution</b>	<b>Target FY4</b>	<b>QR1-FY4</b>	<b>QR2-FY4</b>	<b>Cumulative Total</b>	<b>% of target achieved</b>
<b>6.a. MAI / MP</b>	<b>8,777</b>	<b>2,133</b>	<b>4,209</b>	<b>6,342</b>	<b>72%</b>
Women		2,133	4,209	6,342	
<b>6.b. Specialized Femicide Courts (SAI &amp; Gerona)<sup>1</sup></b>	<b>3,462</b>	<b>999</b>	<b>443</b>	<b>1,442</b>	<b>41%</b>
Women	3,379	990	427	1,417	
Men	83	9	16	25	
<b>6.c. Total people reached by a USG funded intervention providing GBV services</b>	<b>12,239</b>	<b>3,132</b>	<b>4,652</b>	<b>7,784</b>	<b>63.6%</b>
<b>Women</b>	12,156	3,123	4,636	7,759	63.8%
<b>Men</b>	83	9	16	25	30%

<sup>1</sup> The above information regarding the Specialized Court is partial, given that it does not include data from the 24 Hour Court in Gerona.

*Source: SJSRP M&E with data from the MAI/MP and SAI Diagonal 6.*

The following table shows sentences achieved by the Prosecutor’s Office for Women, in order to reflect the results of the processes corresponding to victims’ denouncing crimes of gender-based violence:

## ADVANCES IN SENTENCES FOR VIOLENCE AGAINST WOMEN

Prosecutor's Office for Women	Target FY4	QR1- FY4	QR2 – FY4	Cumulative Total	% of target achieved
<b>6.d. Sentences achieved</b>	753	119	175	294	39%

*Source: SJSRP M&E with data from the MP.*

The SJSRP supports the strengthening of the MAI/MP and the Prosecutor's Office for Women through the provision of technical assistance and training. All support provided is aimed at improving the attention provided to women victims of violence, as well as the investigation and litigation of related cases in order to provide greater access to justice to victims and their families.

The specialized courts have received equipment from the SJSRP, as well as training on gender theory and legal techniques. The Project has supported the SAI via technical assistance to ensure the proper treatment of women victims of violence.

### 4.5 INDICATOR 8

#### *Number of high impact cases with final verdicts*

This indicator measures the productivity of high risk courts and tribunals, and is divided by court type:

- **8.a. High Risk First Instance Courts:** 8.a.1. number of cases assigned; 8.a.2. number of accused persons and number of persons processed; 8.a.3. number of accused persons and number of persons processed.
- **8.b. High Risk Sentencing Courts:** 8.b.1 number of cases assigned; 8.b.2 number of persons condemned; 8.b.3. number of sentences, disaggregated by final decisions of the High Risk courts: Trial ready orders (First Instance Court), and Sentences (Sentencing Court) and type of sentences (guilty/not guilty). Information is also provided separately by sex of persons prosecuted.

The SJSRP found that two of the High Risk Courts (Courts A and B) do not have a fully updated register of pending cases, especially in terms of number of persons charged and the trial stage (opening or sentencing). As a result, the Project cannot report on data for indicators 8.a.1 and 8.b.1. However, the SJSRP is in discussions with judges and secretaries of these courts in order to provide them with the assistance necessary to establish a uniform electronic system that will allow them to appropriately register trial information.

This quarter's data for the remaining sub-indicators demonstrate that the courts are progressing as anticipated; at the 6-month point, the three high risk courts issued nearly half of the resolutions (trial ready orders, sentences, provisional closures) established as the goal for this year.

**TRIAL READY ORDERS/SENTENCES PER FAST TRACK/PROVISIONAL CLOSURE: SUB INDICATORS 8.A.2 AND 8.A.3.**

High Risk First Instance Court	Target FY4	QR1-FY4	QR2-FY4	QR3-FY4	QR4-FY4	Progress on Target	Women Processed	Men Processed
Court A	-	8	14	-	-	22	3	11
Court B	-	4	1	-	-	5	43	10
Court C	-	0	2	-	-	2	2	6
<b>Total</b>	<b>60</b>	<b>12</b>	<b>17</b>			<b>29 (48%)</b>	<b>48</b>	<b>35</b>

Source: SJSRP M&E with data from the High Risk First Instance Courts.

It is important to note that High Risk Court B has in its charge various processes with dozens of implicated persons who are currently in the stage of first declaration and hearings to resolve the opening of the trial.

With regard to the High Risk Sentencing Courts, the Project observed an advance of 38% with respect to the target defined for sentences for this year. Of the 96 persons condemned, 19% were women and 81% men; of the 35 people absolved, 26% were women and 74% men.

**HIGH RISK SENTENCING COURTS: SUB INDICATORS 9.A.2 AND 9.A.3**

Sentences	Target FY4	QR1 – FY4	QR2 - FY4	Progress on Target	Women guilty	Men guilty	Women not guilty	Men not guilty
<b>Not Guilty Sentences</b>								
Sub-total	N/A	0	0	0	0	0	0	0
<b>Guilty Sentences</b>								
Tribunal A		1	2	3	5	12	0	0
Tribunal B		0	1	1	0	1	0	0
Tribunal C		0	4	4	0	7	0	0
Sub-total	N/A	1	7	8	5	20	0	0
<b>Sentences with Not Guilty/Guilty Verdicts</b>								
Tribunal A		0	0	0	0	0	0	0
Tribunal B		2	3	5	12	52	8	20
Tribunal C		0	1	1	1	6	1	6
Sub-total	N/A	2	4	6	13	58	9	26
<b>Total Sentences</b>	<b>37</b>	<b>3</b>	<b>11</b>	<b>14</b>	<b>18</b>	<b>78</b>	<b>9</b>	<b>26</b>

Source: SJSRP M&E with data from the High Risk First Instance Courts.

## 4.6 INDICATOR 10

### *Number of USG-assisted courts with improved case management systems. "F" (cumulative)*

The four systems supported by the SJSRP aimed at reducing the case processing time are currently in operation. 72 courts benefited from these system during the reporting period.

<b>CASE MANAGEMENT SYSTEMS IMPROVED</b>		
<b>System</b>	<b>Expected Result</b>	<b>Specific SJSRP activities to improve/create the system</b>
<p><b>ELECTRONIC INTER-CONNECTION</b></p> <p>Internet-based inter-connection system used to program hearings among justice sector institutions.</p>	<p>Reduce communication time and organize agendas in order to avoid suspending hearings.</p>	<p>The SJSRP supports the training of OJ staff responsible for electronically generating and communicating hearings in 10 departments to expedite judicial decisions.</p>
<p><b>HEARING AGENDA MANAGEMENT</b></p> <p>Common calendaring system among the MP, IDPP and Courts to better handle the scheduling of hearings.</p>	<p>Reduction of hearings suspended due to absence of the necessary parties.</p>	<p>The SJSRP coordinated with relevant actors to increase the number of courts interconnected within the common calendaring system from 18 to 29 this quarter, resulting in an increase of more than 200% in the number of hearings notified to the MP and IDPP.</p>
<p><b>CASE DISTRIBUTION</b></p> <p>Flexible allocation of cases among a group of judges to increase productivity. Separation of judicial and administrative functions, so that the judge is engaged exclusively in judicial functions.</p>	<p>Reduce processing time.</p>	<p>The SJSRP-supported a training process in eight departments to increase the MP's operational capacity to facilitate unilateral hearings where judicial authorization is given to carry out steps necessary to generate positive results in criminal proceedings.</p>
<p><b>VIDEOCONFERENCE SYSTEM</b></p> <p>INACIF expert can participate in the subpoena, hearing and reports via videoconference.</p>	<p>Reduce process time and optimize the time for INACIF experts, while also providing greater security for high risk cases and reducing travel costs.</p>	<p>INACIF increased by 50% the number of expert testimonies given via videoconferences in sentencing courts located in 26 municipalities. During the first two quarters of this year, the use of videoconferencing equipment donated by the SJSRP has allowed INACIF save more than \$ 35,000 in travel costs and gasoline alone.</p>

### Electronic Inter-connection and Hearing Agenda Management

This quarter the number of criminal courts that form part of the inter-institutional Electronic Inter-connection System increased by 62%. In 2015, the inter-connection system was limited to Guatemala City; this quarter, with Project support, it was expanded to nine other departments: Sacatepéquez, Quetzaltenango, San Marcos, Chimaltenango, Zacapa, Jalapa, Jutiapa, Chiquimula and Izabal. This expansion resulted in a significant increase in hearings electronically reported to prosecutors and defense lawyers of the MP and IDPP, respectively.

Statistics from the Judicial Branch's Center for Informatics and Telecommunication demonstrate the degree to which the interconnection system was used this quarter:

<b>ELECTRONIC INTER-CONNECTION AND HEARING AGENDA MANAGEMENT SYSTEMS</b>				
	<b>Jan – Sep 2015</b>	<b>Oct – Dec 2015</b>	<b>Jan – Mar 2016</b>	<b>Cumulative Total (FY4)</b>
# of Interconnected Courts	18	18	29	29
# of hearings notified to the MP	8,574	2,719	4,713	7,432
# of hearings notified to the IDPP	1,182	337	5,038	5,375
<b>Total notifications</b>	<b>9,756</b>	<b>3,056</b>	<b>9,751</b>	<b>12,807</b>
<b>% of hearings notified</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Consolidation of the electronic interconnection model has improved inter-institutional channels of communication and decreased costs in paper and the movement of people among the various legal bodies.

### Case Distribution System

The SJSRP provided assistance to train judicial officials in the departments of Sacatepéquez, Quetzaltenango, San Marcos, Chimaltenango, Zacapa, Jutiapa, Chiquimula and Izabal, aimed at increasing the MP's operational capacity to facilitate unilateral hearings in order to obtain judicial authorization for arrest warrants, searches, inspections, and other measures used in criminal proceedings. This procedure has been implemented in the First Instance Courts for Crime, Drug Trafficking and Environmental Crimes in Zacapa, Chiquimula, Jalapa and Jutiapa.

The Project also provided technical assistance to the First Pluripersonal Justice of the Peace Criminal Court (JP PPP) in Guatemala City. Over the course of twenty consecutive days in February

and March, the Project monitored 1,356 hearings celebrated in its six courtrooms. From this exercise, the Project found that the judges carried out 68% of their hearings. While this figure is 4% lower than the previous quarter, it is still higher than the court's average over the past three years (66%). The high workload of the court involves an average of 68 hearings scheduled per day, with at least ten hearings per courtroom.

The below comparative table shows the reasons for hearing cancellation by quarter. It is worth noting that neither quarter saw a hearing suspension due to the absence of a judge.

<b>REASONS FOR HEARINGS NOT HELD<sup>1</sup></b>			
<b>Reason</b>	<b>QR1 FY4 (Oct – Dec 2015)</b>	<b>QR2 FY4 (Jan – Mar 2016)</b>	<b>Difference</b>
Absence of the accused	40%	45%	+5%
Absence of private lawyer	21%	9%	-12%
Absence of plaintiff	20%	27%	+7%
Request of litigating parties	6%	4%	-2%
Absence of MP (prosecutor)	3%	3%	0%
Absence of IDPP (public defense)	2%	2%	0%
Absence of judge	0%	0%	0%
Judge physical impossibility	3%	7%	+4%

<sup>1</sup>Percentages are out of the total number of hearings on the docket. Any given hearing may be suspended for more than one of these reasons.

*Source: SJSRP monitoring in First Pluripersonal Justice of the Peace Criminal Court.*

The above table demonstrates that while judge absenteeism is not problematic, there was an increase in the judge's inability to attend the hearing (physical impossibility). No change was noted in the presence of the MP or IDPP, which can be taken as a positive result of the electronic interconnection system. The primary difficulty continues to be the lack of mechanisms to ensure the presence of the accused party, with the accused absent in 45% of the cancelled hearings.

#### Videoconferencing System

INACIF's official report demonstrates an increase in the presentation of expert witness testimonies in oral trials via the videoconference system, compared to the previous monitoring period:

## USE OF VIDEOCONFERENCE EQUIPMENT DONATED BY SJSRP FOR EXPERT PRESENTATIONS

Indicator	QR1 FY4 (Oct – Dec 2015)	QR2 FY4 (Jan – Mar 2016)	Difference	Cumulative Total (FY4)
Video conferences held	111	131	+20 (18%)	242
Presentation of experts	157	236	+79 (50%)	393
Daily average of experts providing reports	3	4	+1 (33%)	4

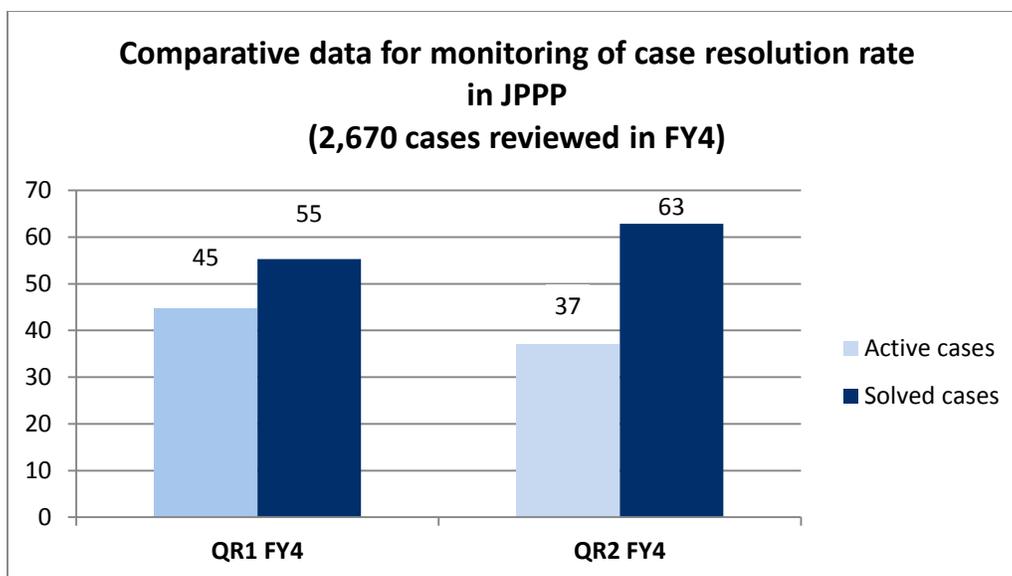
*Source: SJSRP M&E with data from INACIF's IT Unit*

With the videoconference equipment provided by the SJSRP, INACIF experts presented testimony in 26 judicial bodies throughout the country, resulting in a cost savings of approximately \$19,280 in fuel and per diem costs this quarter. This savings represents a 16% increase in money saved compared to last quarter (\$16,594). This figure is particularly significant given the limited budget allocated to INACIF (see Indicator 1). In addition, INACIF saw savings in time for its staff, given that prior to the system experts would often have to take an entire day to travel to and from the court, while now the process usually takes 90 minutes. The result is a more efficient and streamlined judicial process and higher-quality expert reports.

### 4.7 INDICATOR II

#### *Clearance rate (ratio of cases disposed to cases filed) of targeted Pluripersonal Courts*

This quarter, the SJSRP reviewed 1,328 files for cases heard by the targeted Pluripersonal Courts between November 2015 and January 2016; of these, 835 (63%) were resolved and 493 (37%) were still in process. According to this data, the resolution rate increased 8% compared to the previous quarter, in which 55% of the cases were reported as resolved.



*Source: SJSRP monitoring in First Pluripersonal Court*

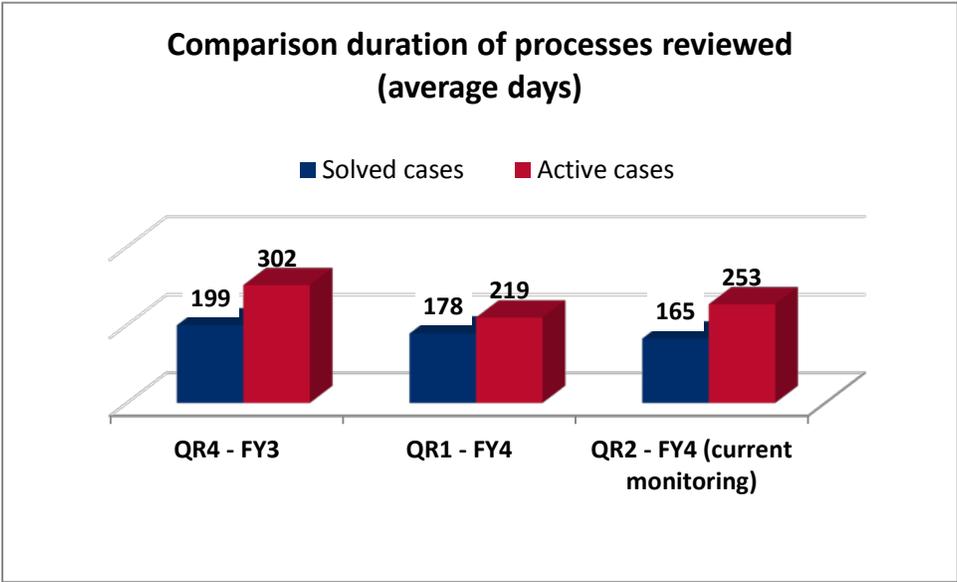
The resolved cases were classified according to the following conclusive acts:

### CONCLUSIVE ACTS JPPPP

Type of Act	QR1 FY4 (%)	QR2 FY4 (%)
Filed	31.8	31.5
Temporary closure	0.3	0.4
Conciliation	1.9	1.8
Plea bargaining	12	10.5
Dismissal	7.4	11.5
Lack of merit	1.2	2.2
Inhibition/excuse/recuse	12	9.9
Statutes of limitation	7.4	8.5
Sentence	2.6	3.4
Sentence summary procedure	0.3	0.2
Dismissal of charges	9.6	12.3
Conditional suspension of criminal prosecution	0.4	0.6
Rebellion (default)	2.4	1.7
Refer to other institutions	9.4	5.5
<b>Total</b>	<b>100</b>	<b>100</b>

*Source: SJSRP monitoring in First Pluripersonal Court*

The below graphic demonstrates an overall decrease in time for the resolution of judicial processes in the JPPPP. This quarter there was an increase for the processing time for active cases, although time required was still less than at the end of the Project’s base period (QR4-FY3).



Source: SJSRP monitoring in First Pluripersonal Court

This quarter, the SJSRP presented the results of its monitoring exercises carried out in 2013, 2014 and 2015 to the judges of the JPPP, with the goal of providing inputs with which to strengthen their judicial management.

**4.8 INDICATOR 12**

*Number of pertinent processes (diligences) for the advance of criminal actions carried out by the Prosecutor’s Offices against Corruption and Extortion, disaggregated by type of crime and process.*

This new indicator measures the efficiency of the comprehensive model for criminal investigation and prosecution in the Prosecutor’s Offices responsible for corruption and extortion crimes. The number of the investigative measures and prosecutions carried out by these offices is demonstrated in the below table:

---

## INVESTIGATIVE MEASURES AND PROSECUTIONS

---

Measure	Prosecutor's Office against Corruption	Prosecutor's Office against Extortion
# of investigation plans developed	208	pending
# of arrests coordinated	48	54
# of searches coordinated (breaking and entering)	28	48

*Source: Prosecutor's Offices against Corruption and Extortion*

---

In both offices, the SJSRP provided technical assistance to strengthen investigative methodology, case management, and the analytical skills in order to ensure a strategic approach to extortion and corruption cases. The Project also provided IT equipment to facilitate their work.

### **4.9 SLLR 2.2 - IMPROVED INVESTIGATION AND PROSECUTION OF ENVIRONMENTAL CRIMES**

---

This Sub LLR was added to the contract in November 2015. It has two indicators which were designed to demonstrate results of activities implemented by the SJSRP in the investigation and prosecution crimes against the environment and cultural patrimony in the MBR, located in the department of Petén in northern Guatemala. In this report, the Project will only report on the second environmental indicator, as the first is not required by USAID to be reported quarterly.

#### ***Sub LLR 2.2 Indicator 2 - Number of new and/or strengthened inter-institutional partnerships and/or agreements aimed at improving the reporting and prosecution of environmental***

In order to strengthen environmental justice in the MBR, the SJSRP promoted the development and creation of partnerships among state institutions and civil society organizations involved in various aspects of the prevention and prosecution of environmental and cultural heritage crime. This quarter, the SJSRP achieved the following results:

**NEW AND/OR STRENGTHENED INTER-INSTITUTIONAL PARTNERSHIPS AND/OR AGREEMENTS AIMED AT IMPROVING THE REPORTING AND PROSECUTION OF ENVIRONMENTAL CRIMES**

Type of crime	Target	Achieved QR1 2016	Achieved QR2 2016	Cumulative Total (2016)	Progress on target
2.a. Inter-institutional partnerships and/or agreements: environmental component	6	5	6	11	183%
2.b. Inter-institutional partnerships and/or agreements: cultural heritage component	3	2	2	4	133%
<b>Total</b>	<b>9</b>	<b>7</b>	<b>8</b>	<b>15</b>	<b>166%</b>

In the framework of these partnerships, the SJSRP provided technical assistance, funding for flyovers of the MBR with justice sector officials, logistics for meetings and training, joint case analysis, and other support to promote inter-agency cooperation.

The alliances created or strengthened by the SJSRP this quarter are detailed in the following chart:

**ALLIANCES AND/OR AGREEMENTS**

New	Strengthened
<b>Environment</b>	
Technical Working Group to Value Environmental Damage, comprised of the Public Ministry, State Prosecutor's Office, CONAP, CECON, Ministry for the Environment and Natural Resources, and others.	Working group composed of the Forum on Environmental Justice and the Public Ministry with the purpose of monitoring emblematic cases.
Letter of Understanding among the Wildlife Conservation Society, USAID's Climate, Nature and Communities in Guatemala Project, and the SJSRP to carry out flyovers of the MBR.	Alliance among CONAP, CECON and the Wildlife Conservation Society to develop a strategy to recover the Laguna del Tigre region.

Alliance with <i>Asociación de Comunidades Forestales de Petén</i> to implement the Diploma Course in Communication and the Environment, directed toward community leaders.	Alliance between the Judicial Branch, CONAP and the Forum on Environmental Justice to create the Environmental Court of Petén.
<b>Cultural Patrimony</b>	
	Agreement between the Public Ministry and the IDAEH.
	Alliance among CONAP, CECON and IDAEH to implement a Diploma Course for Park Rangers.

# 5.0 SPECIAL REPORTING

## 5.1 KEY ISSUES REPORTING

---

### *Implementation of Key Laws*

The SJSRP developed a project to suggest reforms to the Law on Immunity (Antejudicio), which proposes important changes to the management of this law. The project will be proposed officially to the President of the Chamber on Constitutional Protections and Immunity, likely next quarter. Additionally, the Project is carrying out a comparative study on immunity in Latin America, with special emphasis on the Northern Triangle. It is expected that the study will be published in June 2016.

## 5.2 ADMINISTRATIVE ISSUES

---

This quarter, the SJSRP received approval to contract the following individual to provide long-term support to the Project:

<b>Name</b>	<b>Position</b>	<b>CO Approval</b>
Jorge Lu	Environmental Justice Advisor	February 4, 2016.

**TRAINING CHART**

## Diplomado “Protección y Defensa de Patrimonio Natural y Cultural para Guardarrecursos y Guarda Parques en la Reserva de la Biosfera Maya”

### Capacitación a Guardarrecursos

<b>Name of training program (Nombre del programa de capacitación)</b>		<b>Diplomado “Protección y Defensa de Patrimonio Natural y Cultural para Guardarrecursos y Guarda Parques en la Reserva de la Biosfera Maya”</b>			
<b>Field of Study (áreas / temas)</b>		Legislación ambiental, de patrimonio cultural, delitos contra el Patrimonio Natural y Cultural de la Nación, manejo de escenas del crimen, entre otros.			
<b>DO</b>		Greater Security and Justice for Citizen			
<b>IR 1</b>		Improved effectiveness and efficiency of SJSIs			
<b>LLR</b>		Greater state capacity to manage security and justice administration			
<b>Sub LLR 2.2</b>		Improve investigation and prosecution of environmental crimes			
<b>Desarrollado por</b>		Universidad de San Carlos de Guatemala, en coordinación con CECON, IDAEH y CONAP			
<b>Implementado por</b>		CONAP, IDAEH y CECON con el apoyo de SJSRP			
<b>Directed to (Grupo Objetivo)</b>		Guardarrecursos del CONAP y del CECON y guarda parques del IDAEH			
<b>Fecha de Inicio</b>	22/02/2016	<b>Fecha de terminación</b>	26/02/2016	<b>No. de hrs efectivas de capacitación</b>	40 horas.
<b>Número de personas capacitadas</b>		<b>Mujeres</b>	<b>Hombres</b>	<b>Total</b>	
		4	94	98	
<b>Lugar</b>		Hoteles: Casa Flores de Tikal, Hotel Palacio Maya, en San Benito; y Parque Nacional Yaxha, todos en Petén			
<b>Costo estimado capacitación</b>		\$19,049.28	<b>Costo estimado por persona</b>	\$194.38	

### Objetivo y Alcance de la Actividad

Fortalecer el conocimiento de los guardarrecursos y guardaparques que trabajan en la Reserva de la Biosfera Maya en legislación ambiental, legislación de patrimonio cultural, delitos contra el medio ambiente y delitos contra el patrimonio cultural, el papel del guardarrecursos en el proceso penal, identificación y protección de una escena del crimen identificada en un patrullaje.

Promover el intercambio de experiencias y la integración de los guardarrecursos del CONAP, del CECON y del IDAEH para la realización de patrullajes conjuntos.

## Resultados Obtenidos

Al finalizar el Diplomado se evaluó en forma directa la percepción de los participantes sobre la aplicación de lo aprendido en sus diferentes áreas de trabajo, los resultados reflejan que un 90% de los participantes consideran que con los conocimientos adquiridos se encuentran mejor preparadas para atender las actividades que les correspondo atender al identificar un ilícito en los patrullajes que realizan.

Por otro lado, los guardarecursos manifestaron al finalizar la actividad que en más de 15 años de estar desempeñando dicho trabajo nunca habían recibido una capacitación sobre el papel del guardarecursos en el proceso penal.

## Memoria Analítica

La realización del Diplomado fue una actividad propuesta por el Proyecto a CONAP, CECON e IDEAHE, con el objetivo de fortalecer las capacidades de los guardarecursos sobre su papel en un proceso penal, pues suelen ser los primeros en tener contacto con una escena del crimen. Por lo que se estableció una mesa de trabajo con representantes de las diferentes instituciones para identificar los temas que deberían ser parte del currículo de estudios.

La mesa estableció que los temas a impartir serían: 1. Contexto e Importancia de la RBM; 2. Manual del Guardarecursos; 3. Manejo de Patrimonio Cultural y Natural; 4. Legislación del Patrimonio Cultural; 5. Legislación del Patrimonio Natural; 6. Guía de Patrimonio Cultural; 7. Guía de Patrimonio Natural; 8. Dinámica Social y Resolución de Conflictos en la RBM; 9. Manejo de Sistemas de Información Geográfica; 10. Primeros auxilios (énfasis en incidentes con ofidios) 11. Estudio de Caso.

Una vez definido el contenido y las horas correspondientes a cada actividad, el CECON tramitó ante el Programa de Educación Continua de la USAC, el reconocimiento del Diplomado dio créditos académicos a todos los participantes. Por otro lado, CONAP, en cumplimiento de la Ley de Áreas Protegidas, aprovechó para reconocer a todos los participantes como Guardarecursos acreditados.

Cada una de las instituciones involucradas aportó el material y los docentes necesarios para impartir las lecciones identificadas, proviniendo la mayoría de CONAP. El IDEAHE facilitó las instalaciones del Parque Nacional Yaxha para el ejercicio práctico de estudio de caso sobre la identificación y manejo de una escena del crimen.

Para facilitar el aprendizaje de los participantes se conformaron 4 grupos con un máximo de 50 personas cada uno y se impartieron lecciones simultáneas intercaladas de tal forma que cada grupo recibiera, aunque no fuera en el mismo orden, las mismas lecciones.

Para comprobar los conocimientos de la legislación ambiental, de patrimonio cultural y procesal penal, se realizó un ejercicio práctico de campo en el Parque Nacional Yaxha en el que se reconstruyó una escena de un saqueo de piezas arqueológicas y una tala ilegal de árboles para que los guardarecursos vieran la aplicación práctica de la legislación.

Como parte de la actividad se apoyó la impresión del Manual de Guardarecursos, un documento desarrollado por el CONAP para la capacitación de todos los guardarecursos, el cual contiene nociones básicas de legislación y de las diferentes actividades que deben realizar los guardarecursos.

## **Lecciones Aprendidas (Conclusiones y Recomendaciones)**

### **CONCLUSIONES**

1. Se logró alcanzar el objetivo de fortalecer la capacidad de los guardarecursos para conocer la importancia de su papel en un proceso penal, al ser los primeros en tener contacto con la escena del crimen;
2. Los participantes adquirieron los conocimientos básicos en legislación ambiental, en legislación sobre patrimonio cultural y sobre el derecho procesal penal, concretamente en la identificación, protección y manejo de una escena de crimen;
3. El proceso de planificación y desarrollo del Diplomado permitió una fuerte interacción e integración entre CONAP, CECON e IDAEH, lo que fortalece la coordinación interinstitucional impulsada por el Proyecto;
4. Existe una fuerte deficiencia en la formación de los guardarecursos y guarda parques, así como en los técnicos de CONAP, CECON e IDAEH, no solo sobre sus funciones básicas como los patrullajes y relacionamiento con las personas, sino también en la legislación que regula la protección del patrimonio natural y cultural, así como en legislación procesal penal;
5. No existe una relación o vínculo entre los departamentos jurídicos y los guardarecursos para asesorarles sobre la legislación que les ampara y que deben aplicar;
6. Sin el apoyo técnico y financiero del Proyecto de Seguridad y Justicia de USAID no hubiera sido posible realizar este Diplomado, cuyos contenidos son de total coincidencia con los objetivos de mejorar la investigación y persecución de delitos ambientales y contra el patrimonio cultural.

### **RECOMENDACIONES**

1. Replicar el Diplomado para que todos los guardarecursos y guarda parques que trabajan en la RBM tengan los mismos conocimientos sobre los temas relacionados con la justicia ambiental y de patrimonio cultural;
2. Debe darse seguimiento a los capacitados y promover la formación continua de los guardarecursos y guarda parques para que no sientan que están aislados del personal técnico y de las autoridades institucionales;
3. Continuar con el proceso de fortalecimiento de las instituciones administradoras de la RBM para que en la medida de sus posibilidades puedan implementar capacitaciones continuas sobre justicia ambiental a su personal;

4. Fortalecer el equipo de docentes con personal de apoyo administrativo para que atienda lo relativo al registro y firma de los listados de participantes.

**SUCCESS STORIES**



**USAID**  
FROM THE AMERICAN PEOPLE

**GUATEMALA**

## SUCCESS STORY

# Police Benefit System Boasts Surplus and Other Improvements

**USAID technical support improves and expands PNC Posthumous Benefits System.**



Photo: SJSRP

*Presentation of the results of the project to update the Posthumous Benefits System. In addition to creating a surplus in funds, the updates to the Posthumous Benefits System have resulted in such advances as funeral service insurance, improved personnel records, and better system audits.*

***Due to digitalization of records and other improvements supported by USAID's Security and Justice Sector Reform Project, payments from the PNC's Posthumous Benefits System are now more reliable and timely, being paid within fifteen days of the incident. Two years ago, these same payments could take as long as one to three years.***

From 2009 to 2012, the National Civilian Police's (PNC) Posthumous Benefits System was operationally dysfunctional due to organizational challenges such as missing files and an inability to update information in an accurate and timely manner. Irregular or low contributions from police officers – including some cases of personnel who never contributed to the system – led to a deficit of approximately 12 million quetzals (approximately US \$1.6 million). This debt rendered the benefit system dysfunctional, and for many years the PNC was not able to provide posthumous benefits when they were due to families of deceased police officers.

Through almost three years of technical assistance from USAID's Security and Justice Sector Reform Project, the PNC has improved, updated, and digitalized records in the PNC Personnel System (SISPE), bringing about unprecedented order and control to the system. As a result, as of February 2016 the PNC has been able to not only balance the funds, but also generate a surplus of 30 million quetzals (approximately US \$3.9 million), which has been deposited in a fixed-term savings account.

The updates to the Posthumous Benefits System have also resulted in significantly shorter wait times for the payment of the benefit. The surplus allowed the PNC to establish a permanent fund for immediate disbursement to families upon the retirement or death of a police officer; these payments are now made within 15 days, compared to a process that used to take up to three years.

Improved administration of the Posthumous Benefits System has increased police confidence in the system, leading to higher payments to the employee accounts. This in turn has resulted in final payments of more than quadruple previous amounts. For example, a family of a PNC employee receiving basic pay could previously expect to receive a final payment of approximately Q.15,000 (approximately US\$2,000); currently, the same family will receive Q.75,000 (approximately US \$9,800).



**USAID**  
FROM THE AMERICAN PEOPLE

**GUATEMALA**

## SUCCESS STORY

# Park Rangers Complete Environmental Training

**USAID trains a second group of park rangers on issues regarding environmental crimes.**



Photo: SJSRP

*A second group of park rangers in the Maya Biosphere Reserve completed a training session in late February. This brings the total number of park rangers trained with USAID support to 175.*

**The Maya Biosphere Reserve is an 8,341 square mile natural reserve in Petén, Guatemala, that hosts a wide diversity of flora and fauna as well as numerous archeological sites. USAID's Security and Justice Sector Reform Project helped provide additional training for park rangers tasked with maintaining and protecting this site.**

U.S. Agency for International Development  
[www.usaid.gov](http://www.usaid.gov)

Guatemala's Maya Biosphere Reserve (MBR) is a crucial part of Central America's largest continuous protected area and the largest block of wildlands in all of Mesoamerica. It contains the region's most biologically diverse ecosystem and numerous archaeological sites. However, the region is threatened by illegal logging, hunting of protected species and narco-trafficking, among other crimes that negatively affect the environment.

As part of its efforts to combat environmental crimes and their low rate of formal reporting, USAID's Security and Justice Sector Reform Project (SJSRP) is providing technical and financial support to train park rangers in the MBR, in conjunction with the University of San Carlos of Guatemala, the National Council for Protected Areas, and the Institute for Anthropology and History.

In February 2016, a total of 92 park rangers completed a week-long course and received diplomas of Protection and Defense of Natural and Cultural Patrimony in the MBR, issued by the University of San Carlos of Guatemala. The course covered legislation regarding environmental and cultural patrimony, as well as related crimes and misdemeanors. Participants also honed skills related to civil service, issuance of field patrol reports and written complaints, managing crime scenes, use of global positioning systems, approaches to conflicts and crisis management, personal defense and proper management of snakes. Upon completing the training, USAID's SJSRP provided each participant with a backpack and tools to support their work.

The workshop exceeded expectations, as demonstrated by the results of the pre- and post-workshop evaluations; the percentage of participants who indicated no knowledge of the correct way to submit a criminal complaint decreased from 41.3% before the training to 7.6% after receiving certification.

The participants' interest and commitment demonstrates the importance of training park rangers, who represent the MBR's administrative institutions through their presence in the area and their direct relation with the communities that support the protection, sustainable use and improvement of the MBR.



**USAID**  
FROM THE AMERICAN PEOPLE

**GUATEMALA**

## CASE STUDY

# Advances in the Prosecution of Environmental Crimes

**USAID makes positive strides in case management and prosecution of environmental crimes in the Maya Biosphere Reserve.**



Photo: SJSRP

Then President of the Supreme Court Josué Felipe Baquix Baquix gives opening remarks at the inauguration of the Environmental Court in Petén on July 10, 2015. “This specialized court to protect the environment is a great triumph for environmental justice,” he commented.

**CHALLENGE** Guatemala’s biologically diverse Maya Biosphere Reserve (MBR) is experiencing a major rise in the illegal trafficking of flora and fauna and constant damage to tropical rainforests. Prosecution of environmental crimes is traditionally slow and faces many obstacles, including a lack of quality evidence and limited specialized knowledge in environmental law. Crimes that went to trial often took as long as 5 years to result in a sentence.

**INITIATIVE** USAID’s Security and Justice Sector Reform Project (SJSRP) – in partnership with the Judicial Branch, the Prosecutor’s Office for Environmental Crime, the National Council of Protected Areas and local NGO’s – started an initiative to create a specialized judicial system to improve the investigation, prosecution and judgment of environmental crimes. The process began with an assessment of the current state of environmental cases in the judicial system. With technical support from the SJSRP, the Judicial Branch established the country’s first Environmental Court in July 2015, led by a specialized judge with a Master’s in environmental law and years of experience on the bench. In September 2015, the Public Ministry inaugurated an office for the prosecution of environmental crime in Petén.

**RESULTS** The positive influence of the environmental justice system in Petén is evident. Procedures such as the judicial recognition of evidence, which previously took months, now are complete between 1 day and 2 weeks. Additionally, the response time for case management reduced to an average of five months, compared to a duration of a year or more previously. The most noteworthy measure of the project’s efforts is the significant rise in complaint filings, which in turn indicates a growing culture of trust in the system. There is still much work to be done, but these results provide hope that the prosecution of environmental crime cases in an area where conservation is a global concern will continue to improve through the evolution of the specialized justice system in Guatemala.

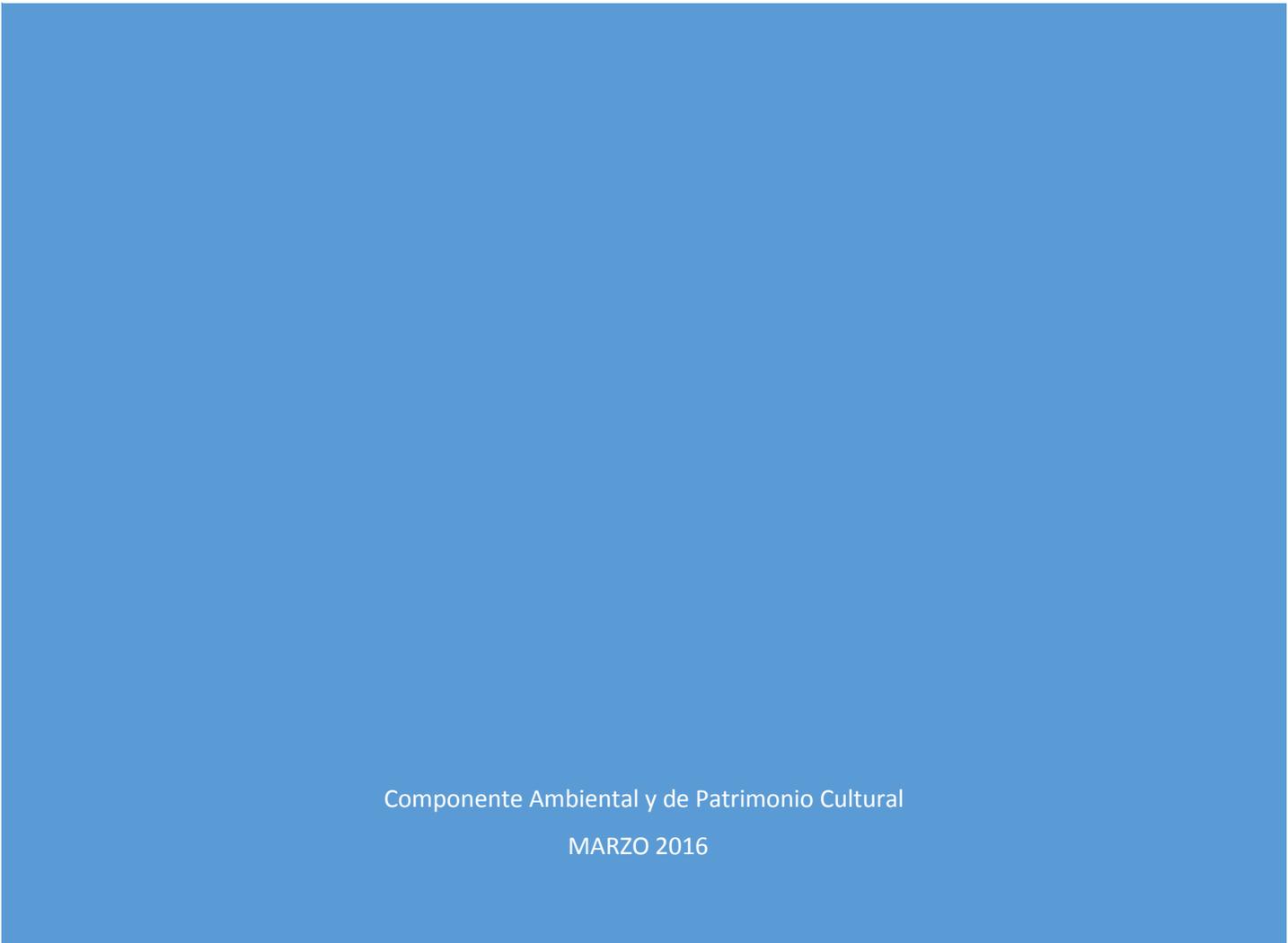
**REPORT ON ENVIRONMENTAL JUSTICE**



# AVANCES DEL SISTEMA DE JUSTICIA AMBIENTAL EN PETÉN

Componente Ambiental y de Patrimonio Cultural

MARZO 2016



## Introducción

La justicia ambiental en el año dos mil catorce presentaba un panorama diametralmente distinto al actual, la impunidad en delitos contra el medio ambiente era alta y la depredación intensa gracias a la debilidad en la persecución y procesamiento de este tipo de delitos los cuales incluyen la tala ilegal, la depredación del patrimonio cultural y natural de la nación, el tráfico ilícito de especies y la contaminación, entre otros.

Una falta generalizada de insumos, conocimiento y apreciación creaban la situación ideal para una impunidad ambiental, asumida como conducta culturalmente aceptada e incluso apoyada.

La imperante necesidad de resolver esta problemática en virtud de los altos grados de depredación que actualmente sufre la Reserva de Biosfera Maya ubicada en Petén, un espacio de 21,602.04 km<sup>2</sup>, motivó las conclusiones presentadas durante el Primer Congreso sobre Justicia Ambiental y Patrimonio Cultural en la Reserva de la Biosfera Maya, organizado con el apoyo del Proyecto de Seguridad y Justicia de USAID; en esta ocasión se hizo aparente el curso de acción a tomar por parte de los operadores de justicia. Dos hechos relevantes marcan el antes y el después en la gestión de estos asuntos:

1. El 10 de julio de 2015 el Organismo Judicial inauguró el primer juzgado especializado en la materia ambiental en la historia de la República de Guatemala a cargo de la Licenciada Karla Damaris Hernández, especialista en la materia.
2. En seguimiento de esta línea de establecimiento de un sistema de justicia ambiental el 23 de septiembre del mismo año la Fiscal General de la República de Guatemala determina la rearticulación de la fiscalía de sección de delitos contra el medio ambiente en el Departamento de Petén a cargo del Licenciado Williamson Gómez, esta fiscalía funcionó hasta el año 2012 con el propósito de la investigación y persecución de delitos en materia medioambiental, sin embargo, fue desarticulada para atender la creciente carga de trabajo provocada por delitos de otra índole en la fiscalía distrital.

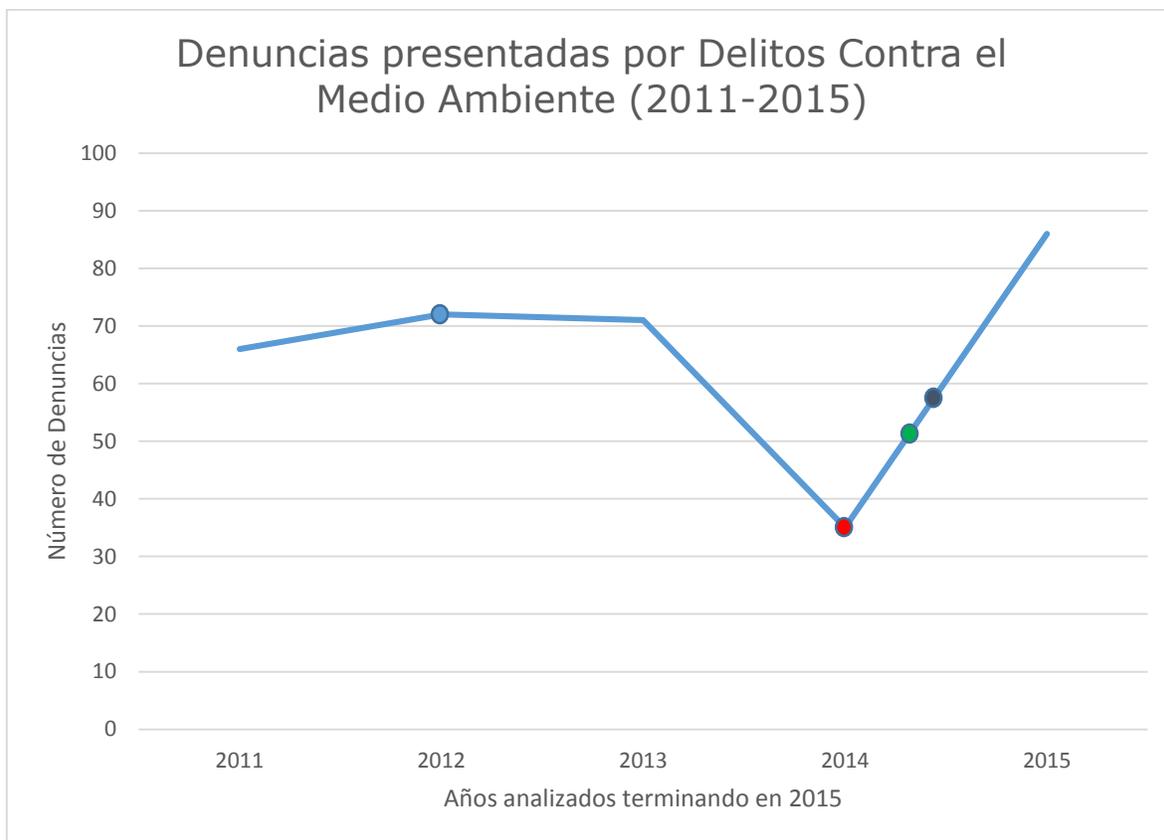
Los documentos de creación de este juzgado y de la fiscalía indican que conocerán de manera específica de todo ilícito penal relacionado a la materia ambiental con jurisdicción territorial en el departamento de Petén incluyendo aquellos que se encontraban en trámite al momento de su instauración. Es así que al juzgado llegaron casos de los juzgados de primera instancia penal de Poptún, La Libertad y San Benito para ser conocidos por la juzgadora Hernández y a la fiscalía de sección llegaron casos de las fiscalías de Poptún, La Libertad así como los expedientes existentes en la fiscalía distrital de Petén.

El presente ejercicio buscará analizar el impacto de medidas en la justicia ambiental en del Departamento de Petén tales como:

- La discusión del estado de la gobernabilidad en Petén y su relación con los delitos contra el medio ambiente y el patrimonio cultural en el Congreso

Nacional sobre Justicia Ambiental y Patrimonio Cultural en la RBM de febrero de 2015 así como las rutas de acción determinadas en este evento;

- El fortalecimiento en la calidad de la información en las denuncias presentadas por guardarecursos del área a raíz de capacitaciones y donación de equipo provisto por SJSRP/USAID a través del año 2015;
- Provisión de equipamiento en Organismo Judicial de Petén y Fiscalía de Sección de Delitos Contra el Ambiente en septiembre de 2015;
- Capacitación y coordinación del Sector Justicia a través de una mesa mensual instaurada desde marzo de 2015; y
- Mesa Interinstitucional de priorización y discusión de casos de alto impacto instaurada en septiembre de 2015.



Fuente: Elaboración propia basada en datos de CIDEJ, SICOMP, Juzgado Ambiental y Fiscalía de Sección de Delitos Contra el Medio Ambiente de Petén.

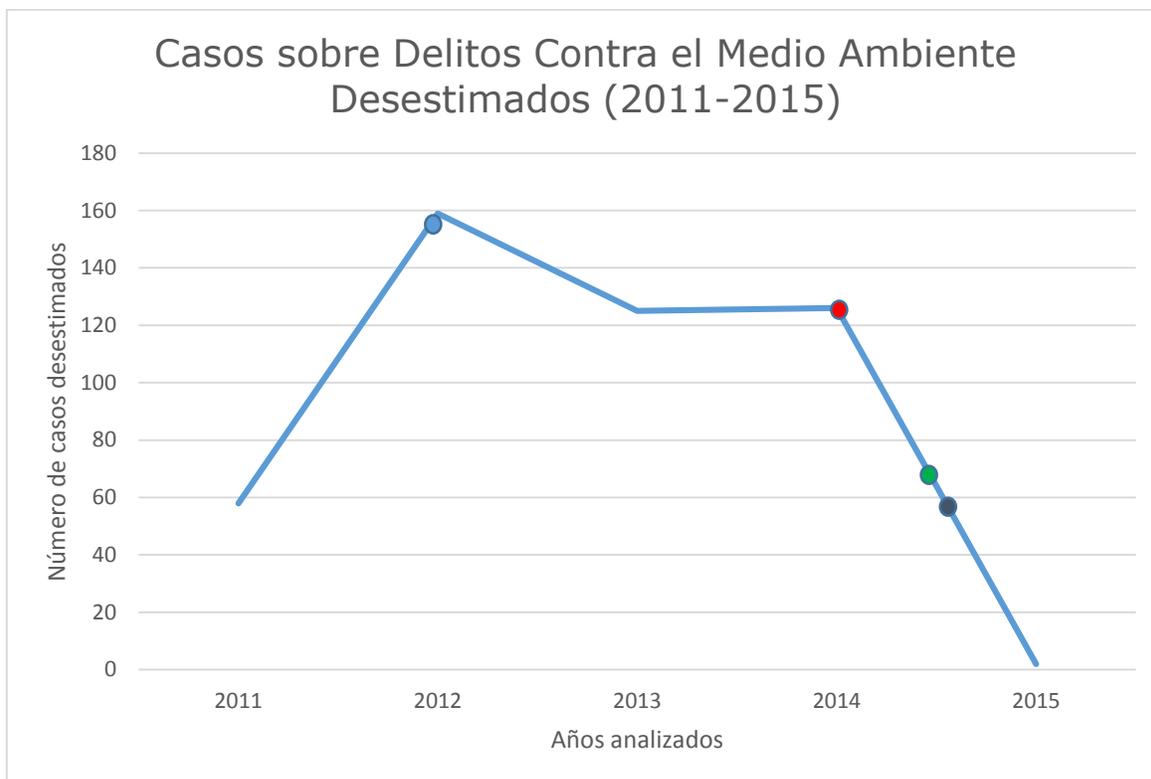
Nota: Los puntos señalados en la gráfica representan: ● el alza en incendios forestales en 2012, ● el inicio del trabajo del Componente Ambiental del SJSRP a finales de 2014, ● la instauración del Juzgado Ambiental y ● la re-institución de la Fiscalía de Sección de Delitos Contra el Ambiente en Petén.

Investigaciones realizadas por el Proyecto Seguridad y Justicia de USAID a través de su componente ambiental revelaron que en el período 2009 a 2013 se presentaron 1938 denuncias, lográndose únicamente un total de 155 sentencias; esto se traduce a una tasa del 0.05% de las denuncias que cumplen la totalidad del proceso hasta llegar a sentencia.

En el período de 2015 se observa un alza a 86 denuncias de las 35 planteadas en el 2014, esto implica un aumento del 245 por ciento. Durante el mismo período también se dio la re-institución de la fiscalía de sección de delitos contra el ambiente en Petén así como el aumento en las capacidades de los guardarecursos de la zona a través de capacitaciones sobre el manejo de la escena del crimen y legislación ambiental y penal básica, o el fortalecimiento de sus capacidades del monitoreo del área a través de la entrega de equipo consistente en mochilas con insumos como cantimploras, ponchos, brújulas, entre otros, todo con el apoyo del SJSRP.

Una visión de mayor fortaleza en el sistema de justicia basada en resultados positivos por parte del mismo ayudará a que la tendencia continúe hasta que la

cultura de denuncia prevalezca y alcance los niveles de comisi3n de il3citos que actualmente se dan en el 3rea.



Fuente: Elaboración propia basada en datos de CIDEJ, SICOMP, Juzgado Ambiental y Fiscalía de Sección de Delitos Contra el Medio Ambiente de Petén.

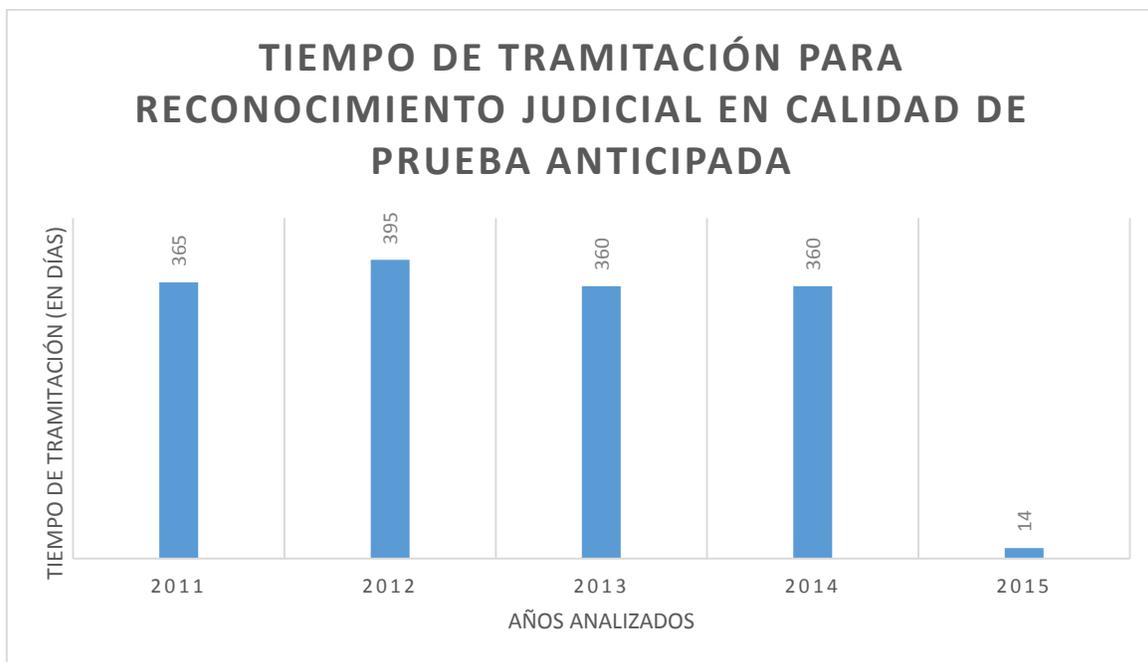
Nota: Los puntos señalados en la gráfica representan: ● el alza en incendios forestales en 2012, ● el inicio del trabajo del Componente Ambiental a finales de 2014, ● la instauración del Juzgado Ambiental y ● la reinstauración de la Fiscalía de Sección de Delitos Contra el Ambiente en Petén.

Un factor importante en el pasado es un alto uso de la figura de desestimación en este tipo de casos ya que en el período 2011-2014 se aplicó a un total de 686 casos, un 35.40% del total de denuncias en el mismo tiempo; a través de entrevistas a diferentes operadores de justicia y miembros de la fiscalía así como el análisis de expedientes se puede concluir que el factor más importante que contribuyó a esta situación es la falta de la apreciación por el bien jurídico tutelado que, en el caso de los delitos contra el medio ambiente, debe ser la conservación y protección del patrimonio natural de la nación. En múltiples casos analizados la desestimación se generó en virtud de no poder ser individualizada la persona que comete el delito a pesar de estar a disposición métodos como la sistematización de casos con información limitada para identificar patrones de conducta criminal o incluso la mera investigación que revele indicios sobre la identidad del delincuente a partir de la información contenida en la denuncia, esto último es el actuar común de la fiscalía distrital en la mayoría de casos de delitos contra el patrimonio e incluso vida.

Sobre la tasa de desestimación se encuentra que actualmente hay una reducción dramática teniéndose únicamente dos para el período dos mil quince, según la juzgadora Hernández y el fiscal Williamson la misma se debe a un cambio en el criterio adoptado en este sentido ya que la sensibilización

sobre la importancia del bien jurídico tutelado lleva a apreciar con mayor detenimiento la procedencia de la solicitud de desestimación encontrándose que son pocos los casos en que sea manifiesto que no sea punible el hecho por el que se procesa.

En contraposición con el manejo de los casos previo a la institución del sistema de justicia ambiental, en la actualidad existe una investigación más detallada tanto en los casos en que el culpable es individualizado como en aquellos en los que el hecho es denunciado sin contarse con la identidad de quien ha cometido el hecho, una mayor intervención por parte de elementos de investigación como la Dirección de Investigación Criminal ha permitido un mayor detalle en este tipo de hecho aunque en varios casos se encuentra que aquellos que enfrentan el proceso penal por delitos contra el ambiente usualmente forman parte de sistemas más complejos para delitos como el tráfico ilícito de especies o de madera, por ejemplo, y no constituyen los principales actores de las organizaciones criminales a cargo de estos negocios.



Fuente: Elaboración propia basada en datos de CIDEJ, SICOMP, Juzgado Ambiental y Fiscalía de Sección de Delitos Contra el Medio Ambiente de Petén.

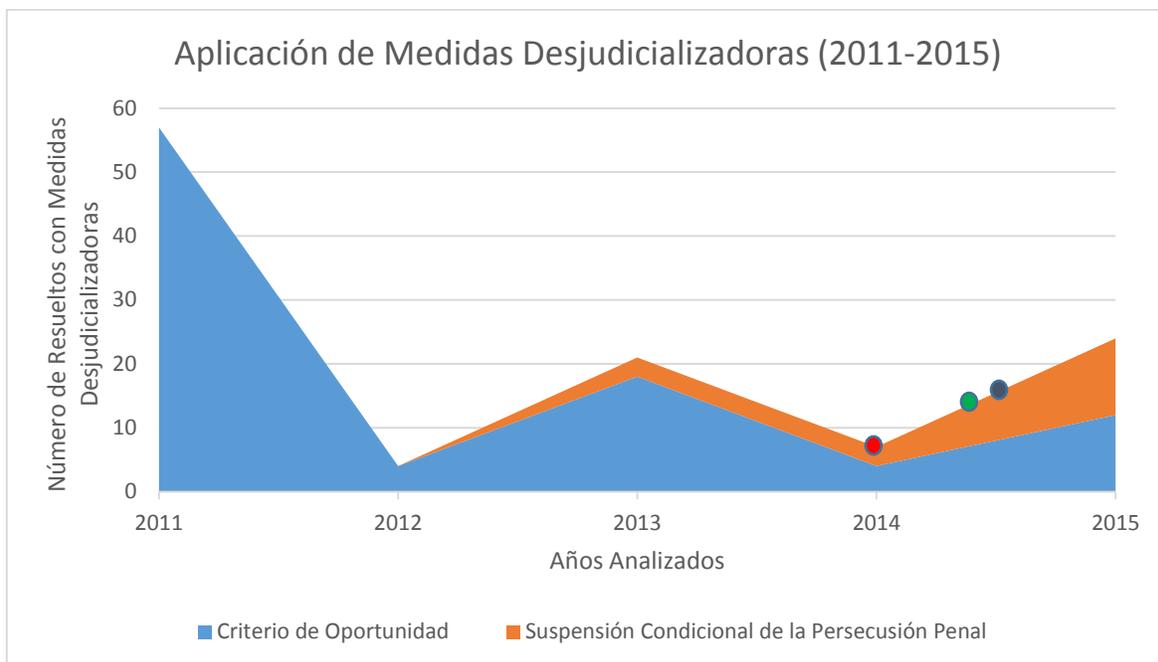
Un hecho común en la etapa previa a la articulación del sistema de justicia ambiental en Petén era la desatención por las particularidades del delito ambiental, en tanto la evidencia manejada en el contexto de los mismos suele ser material orgánico como en el caso de la tala ilegal o el tráfico ilegal de flora, o incluso en otros casos la evidencia son seres vivos tal como es el caso de la fauna recuperada del tráfico ilícito de vida silvestre. Esta problemática era especialmente evidente a través de los tiempos en que se señalaban las audiencias para diligenciar el reconocimiento judicial en calidad de anticipo de prueba ya que las mismas eran calendarizadas sin atención al principio de *periculum in mora* que caracteriza el derecho ambiental; plazos de 1 año constituían la respuesta judicial ante la solicitud de esta diligencia lo cual dejaba en estado de indeterminación a la flora y fauna que sobrevive gracias a organizaciones no gubernamentales, como el Centro de Rescate de la organización ARCAS o a entidades relevantes como el Consejo Nacional de Áreas Protegidas que, para el caso de la madera recuperada, deja de utilizar su área de parqueo en la oficina regional de Petén y lo emplea como depósito judicial.

En la actualidad los reconocimientos judiciales en calidad de prueba anticipada son tramitados en plazos que no sobrepasan de tres semanas e incluso se ha logrado realizar en el mismo día, para el caso más expedito dentro de los estudiados.

En entrevistas con personal de la Fiscalía de Delitos Contra el Medio Ambiente en Petén así como con la Juzgadora Hernández esto se puede relacionar a dos factores:

- Una agenda judicial organizada y más desahogada que permite la práctica de este tipo de diligencias de manera expedita y certera.
- Una adopción del criterio judicial del peligro en la demora en la práctica de estas diligencias tomando en cuenta la naturaleza de la evidencia en estos casos.

Se corre el peligro del abuso de esta práctica en virtud de que la misma sólo debe ser aplicada a casos en los que exista una alta probabilidad de que la evidencia no pueda sobrevivir hasta ser presentada en eventual juicio. De esta suerte es necesario fortalecer el conocimiento sobre la procedencia de este tipo de práctica toda vez que la información recabada sugiere que el problema de la demora en su diligenciamiento ha sido superado.



Fuente: Elaboración propia basada en datos de CIDEJ, SICOMP, Juzgado Ambiental y Fiscalía de Sección de Delitos Contra el Medio Ambiente de Petén.

Nota: Los puntos señalados en la gráfica representan: ● el inicio del trabajo del Componente Ambiental a finales de 2014, ● la instauración del Juzgado Ambiental y ● la re-institución de la Fiscalía de Sección de Delitos Contra el Ambiente en Petén.

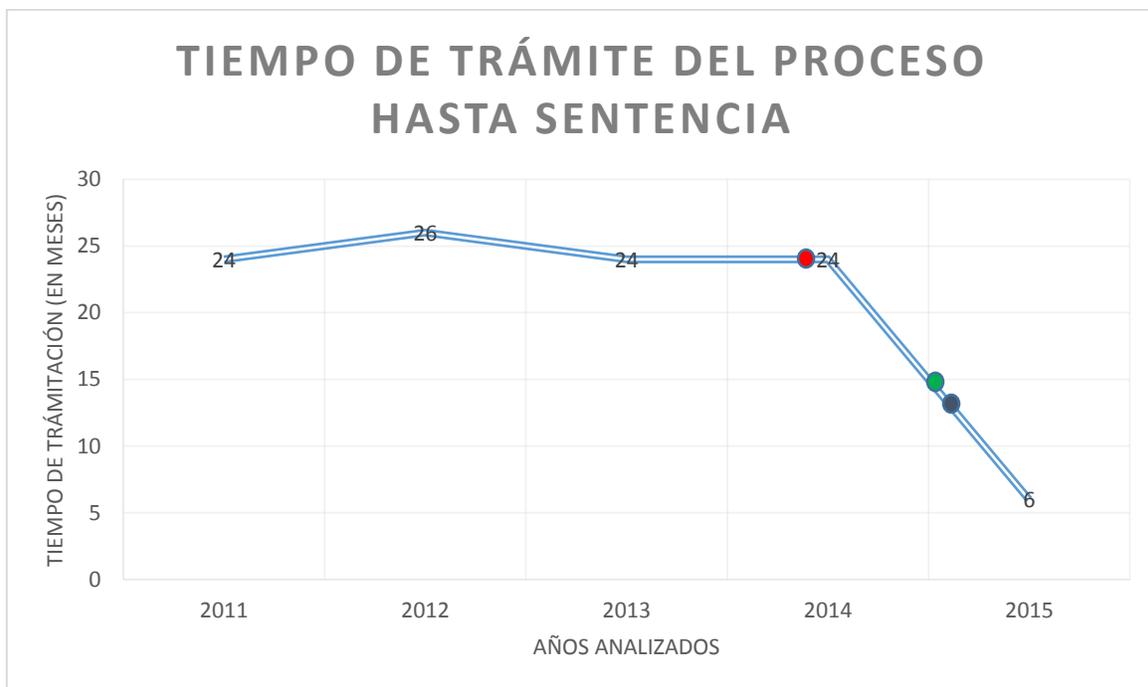
La aplicación de medidas desjudicializadoras es una práctica que ha venido en alza dentro de la región ya que es vista como un mecanismo apropiado para solventar la tramitación del caso buscando la reparación del daño causado aunado a evitar que el sindicado sea condenado con pena de prisión si cumple con los requisitos señalados por la ley para optar a una rehabilitación a través de actos encaminados a la restauración referida.

El resultado positivo en el incremento de esta vía puede encontrarse en el hecho de que los sistemas penitenciarios no son cargados con delincuentes menores, además está el hecho de que la internalización de lo negativo de la conducta presentada al cometer el ilícito así como la afectación causada con el mismo a la naturaleza son aprendidas por el delincuente en un contexto mucho más directo y, por tanto, efectivo.

Con la institución del Sistema de Justicia Ambiental las medidas desjudicializadoras adoptan la visión de un mayor beneficio para la rehabilitación del delincuente junto a la reparación del daño causado al patrimonio natural de la Nación como una alternativa viable al encarcelamiento. Sin embargo, los mecanismos según los cuales se mide la afectación realizada por el ilícito y, consecuentemente, la reparación efectiva del daño son materias que aún se encuentran en discusión ya que en algunos casos el resultado de las negociaciones según las cuales se dan estos procesos son la donación en dinero o especie a organizaciones que no tienen mayor

intervención en la temática ambiental y es así que el bien jurídico tutelado continúa afectado incluso tras la emisión de una sentencia.

En el período 2015 existen por lo menos 5 casos en los cuales se ha resuelto la donación en dinero al Centro de Rescate ARCAS como medida de reparación del daño causado en delitos de tráfico ilícito de especies. Esto es un avance positivo respecto de la manera apropiada de reparar el daño haciendo uso de las medidas desjudicializadoras en el proceso penal, sin embargo, quedan por definir métodos apropiados para establecer el verdadero costo del mismo en conjunto con factores como la capacidad de pago del delincuente para que: por un lado exista un método científico según el cual conocer tanto el costo económico del delito, como el costo al patrimonio natural de la Nación desde la perspectiva de los servicios ambientales que se han dejado de percibir (oxígeno, alojamiento de especies, biodiversidad en el caso de una tala ilícita, por ejemplo); por el otro lado abrir el espacio a casos en los cuales la limitada capacidad de pago del delincuente no impida que el mismo tenga acceso a las medidas desjudicializadoras determinadas en ley sino que en contraposición a la reparación en dinero se pueda determinar la misma en especie o incluso a través de programas de servicio comunitario relacionados con la educación ambiental o la conservación y protección de áreas en la Reserva de la Biosfera Maya.



Fuente: Elaboración propia basada en datos de CIDEJ, SICOMP, Juzgado Ambiental y Fiscalía de Sección de Delitos Contra el Medio Ambiente de Petén.

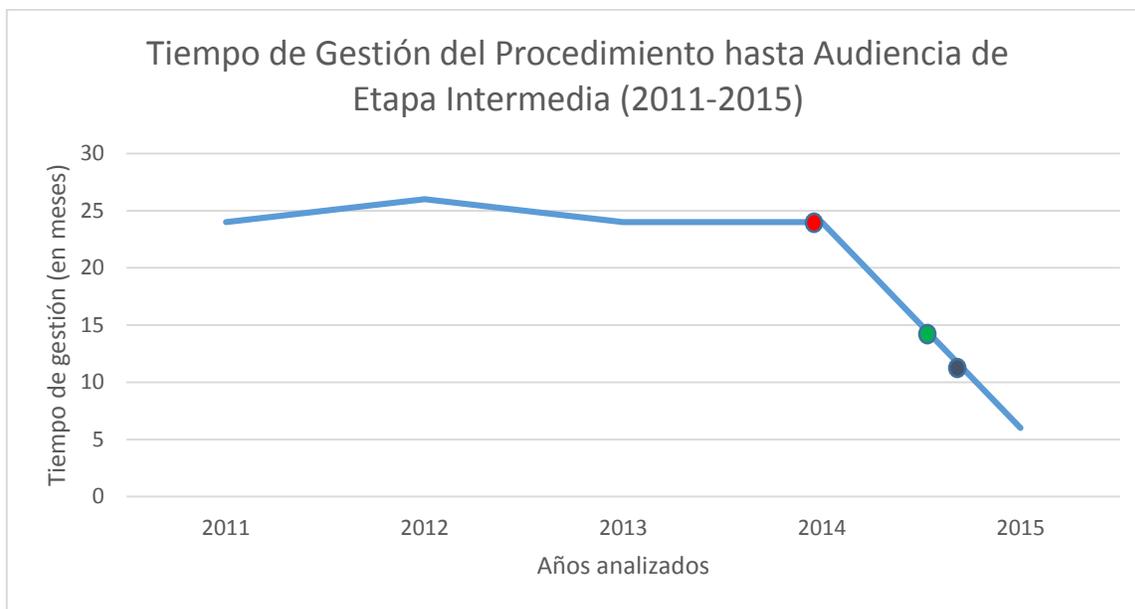
Nota: Los puntos señalados en la gráfica representan: ● el inicio del trabajo del Componente Ambiental a finales de 2014, ● la instauración del Juzgado Ambiental y ● la re institución de la Fiscalía de Sección de Delitos Contra el Ambiente en Petén.

De las ochenta y cinco denuncias interpuestas en el período desde la creación del juzgado y re-institución de la fiscalía de sección, 11 han encontrado resolución a través de sentencias en procedimientos abreviados y juicio de faltas, esto es un 9% del total de denuncias en 2015; este tiempo de reacción refleja una mejoría notable entre el promedio de años que solía tomar un proceso de este tipo hasta los meses que toma en la actualidad, una posible causa para este tiempo es la sobrecarga del sistema judicial y el constante aplazamiento de audiencias en virtud de la poca relevancia otorgada a este tipo de delitos. La agenda judicial del Juzgado Pluripersonal A de Primera Instancia Penal, Narcoactividad y Delitos Contra el Ambiente de San Benito, Petén (que anteriormente conocía de la mayoría de este tipo de casos) actualmente tiene una programación establecida de diligencias y audiencias hasta finales del año en curso, cuando la misma incluía casos de delitos contra el medio ambiente estos esperaban una gran cantidad de tiempo para ser diligenciados además de tener que ceder sus espacios ante diligencias de urgencia en casos de delitos contra la vida.

Sobre la agenda judicial actual en relación a delitos contra el medio ambiente se tiene que la misma se encuentra al día permitiendo espacio suficiente para realizar diligencias judiciales con eficacia, tal como es el caso de los allanamientos que se tramitaban en plazos de hasta 6 meses y en la actualidad han llegado a ser autorizados y practicados incluso en el mismo día de la

solicitud en virtud del status privilegiado de la audiencia de requerimiento del mismo.

Se encuentra entonces que la especialización de la justicia ambiental no sólo encuentra un beneficio en el mayor y mejor conocimiento de las temáticas involucradas en estos casos sino además adquiere el aspecto positivo de una carga manejable por parte de la operadora de justicia que le permite dar una gestión eficiente y eficaz a los expedientes que cursan el sistema.



Fuente: Elaboración propia basada en datos de CIDEJ, SICOMP, Juzgado Ambiental y Fiscalía de Sección de Delitos Contra el Medio Ambiente de Petén.

Nota: Los puntos señalados en la gráfica representan: ● el inicio del trabajo del Componente Ambiental a finales de 2014, ● la instauración del Juzgado Ambiental y ● la re institución de la Fiscalía de Sección de Delitos Contra el Ambiente en Petén.

La tramitación del expediente judicial desde el planteamiento de la denuncia hasta la finalización de la etapa intermedia es un procedimiento que, de acuerdo a la complejidad del asunto, debe tomar un plazo razonable y tiene por objetivo determinar la continuación hasta la emisión de la sentencia.

De los 150 casos en poder del Juzgado desde su creación se observó un traslado de 5 expedientes al Tribunal de Sentencia por parte del Juzgado Ambiental, 4 fueron conocidos por el Juzgado a partir de que los mismos fueron trasladados por otros Juzgados y a pesar de estar en momento procesal de señalar fecha para audiencia de etapa intermedia los mismos tenían ocho meses o un año de antigüedad, en uno de los casos el expediente tenía cinco años de antigüedad.

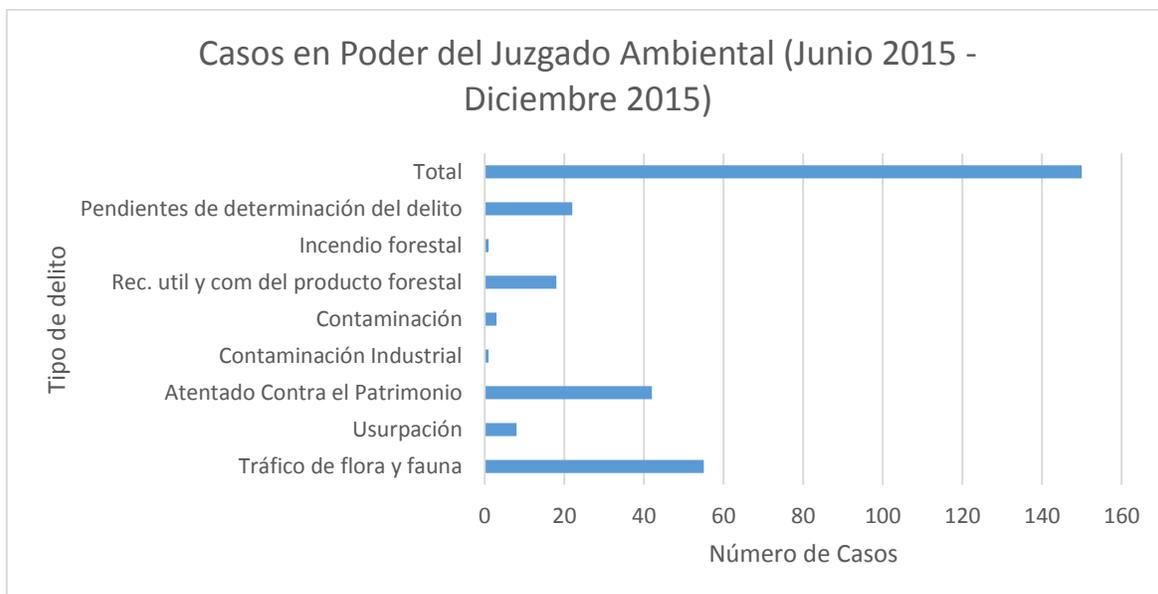
El quinto expediente trasladado al Tribunal de Sentencia fue conocido por el Juzgado desde su inicio y tramitado en un lapso de 5 meses a partir del acto inicial.

Actualmente, de los casos a cargo del Juzgado existen 25 cuya etapa de investigación está próxima a terminar y, por ende, a espera de señalar audiencia para decidir su continuación.

En la gráfica se aprecian promedios de tiempos de tramitación en etapas previas a la institución del sistema de justicia ambiental y el tiempo posterior. El estudio de casos aunado a entrevistas con los actores relevantes sugiere que existen tres factores para estos prolongados tiempos de gestión manejados con anterioridad:

- En primer lugar se encuentra la alta carga de las instituciones relevantes tales como la fiscalía distrital o los juzgados y tribunal del área que en sus diferentes controles presentan una alta mora fiscal y judicial lo cual se refleja en la programación de sus agendas para diligenciamiento y audiencias.
- El segundo factor es la priorización de casos de crimen organizado, delitos contra la vida y contra el patrimonio que constituyen las principales causas penales en la región, este tipo de delitos en virtud de su gravedad ocupan espacios privilegiados en las agendas referidas así como gran parte de las diligencias urgentes en el área. Esto solía dejar la gestión de casos en materia de medio ambiente como un tema de segundo plano que podía ser aplazado.
- El tercer factor identificado es la falta de la visión sobre el patrimonio natural de la Nación como un bien jurídico tutelado; la sensibilización sobre la temática ambiental no era de relevancia para la población en general o los operadores de justicia en específico, esto tenía como consecuencia la aceptación de estos hechos como parte de la cultura local e incluso el procesamiento de estos delitos como un acto sin fundamento por parte del Estado.

En este punto la creación del Sistema de Justicia Ambiental se postula como un beneficio, como ya fue mencionado, por su eficiencia, su eficacia y su conocimiento pero también porque a través del mismo se presenta un mensaje de sensibilización ante la operación de justicia y los usuarios del sistema, este es que la persecución y procesamiento de estos actos es de gran importancia para el Estado de Guatemala y sus organismos ya que busca proteger la vida misma, en cumplimiento de su obligación constitucional.



Fuente: Elaboración propia basada en datos de CIDEJ, y Juzgado Ambiental.

De la totalidad de expedientes en curso en el Juzgado Ambiental el delito más común es el de Tráfico de Flora y Fauna, de lo analizado en expedientes e incluso grabaciones de las audiencias llevadas a cabo puede concluirse que la motivación para cometer el mismo es el aprovechamiento de la falta de controles apropiados a través en las carreteras, caminamientos o cualquier tipo de paso; la proximidad con la frontera mexicana y beliceña agregan la dificultad de un gran conocimiento y práctica en el tráfico ilícito de cualquier objeto.

Actualmente el mercado para este tipo de tráfico es vasto y lucrativo, según el sitio InSight Crime, una guacamaya roja puede costar hasta 3,000 dólares en el mercado negro<sup>1</sup>; otro ejemplo es el alto costo de maderas preciosas traficadas como el Rosul que en lugares como Hong Kong puede llegar a un costo de tres millones de dólares de Hong Kong o un equivalente de 386,884.94 dólares de los Estados Unidos.<sup>2</sup>

Esto se relaciona con el atentado contra el patrimonio natural y cultural de la Nación mediante el cual se corta o extrae flora y fauna para comercializar o exportarlos; en este caso la motivación también es la falta de un control y por lo tanto la reducción de las posibilidades de ser capturado son que los productos son altamente cotizados nacional e internacionalmente.

<sup>1</sup> Inside Guatemala's Animal Trafficking Trade; June; 2015; <http://www.insightcrime.org/news-analysis/inside-guatemala-s-animal-trafficking-trade>

<sup>2</sup> Hong Kong customs seizes 92 tonnes of endangered rosewood; December; 2014; <http://www.scmp.com/news/hong-kong/article/66456/hong-kong-customs-seizes-92-tonnes-endangered-rosewood>

El Juzgado además lleva casos de muy alto impacto tal como es el de Contaminación Industrial por la muerte de más de 20 especies de vida acuática a través de varios kilómetros en el Río La Pasión.

Con base en el análisis de reacción se espera que la totalidad de expedientes sean tramitados hasta su audiencia intermedia en un promedio de 5 meses exceptuando aquellos que por su complejidad exijan un mayor período de investigación.

Sin embargo, el tiempo que estos expedientes aguarden a ser tramitados en el Tribunal de Sentencia en caso el trámite continuase sería elevado en virtud de la carga de la agenda judicial en dicho Tribunal.

## **Sobre la aplicación de doctrina de derecho ambiental**

Otra novedad alcanzada por el Juzgado Ambiental puede observarse desde la aplicación de doctrina relacionada a la disciplina del Derecho Ambiental; un ejemplo es la decisión paradigmática del caso de contaminación en el Río La Pasión la cual encontró su punto toral en la teoría de la prevención a través del principio precautorio, el cual respalda la adopción de medidas protectoras ante sospechas fundadas de una amenaza significativa a la salud pública o medio ambiente; es así que en base a esta determinación se decidió el cierre temporal de la planta procesadora de aceite de palma cercana al área contaminada por un plazo de 6 meses, habiendo sospecha fundada de que la misma constituía la fuente generadora de la contaminación de este cuerpo de agua.

Dado el alto rendimiento del juzgado en la materia ambiental la Corte Suprema de Justicia ha reiterado la importancia de continuar con su buen trabajo buscando además la protección del patrimonio cultural de la región, es así que han anunciado la próxima adición de la competencia en delitos contra el patrimonio cultural a la judicatura de la Licenciada Hernández, así como la confirmación de su plaza como juez titular B, confiando en el compromiso y la eficacia del juzgado ambiental.

## Conclusiones

- Desde el involucramiento del Proyecto Seguridad y Justicia de USAID, el tratamiento de la temática ambiental en el sector justicia de Petén se ha visto beneficiada a raíz de un enfoque especializado en la materia gracias al cual se cuenta con mejor equipo y personal más preparado en el momento de la denuncia a través de la donación de material y capacitaciones a instituciones como el Consejo Nacional de Áreas Protegidas, Centro de Estudios Conservacionistas e Instituto de Antropología e Historia quienes cuentan con personal que hace constantes patrullajes y monitoreos para la conservación y protección de la Reserva de la Biosfera Maya. Durante el mismo tiempo de implementación de estas acciones se ha visto un incremento en la cantidad de las denuncias presentadas así como la calidad de la información que contienen las mismas.
- El panorama de la justicia ambiental es distinto al vivido en Petén antes de la llegada de la justicia especializada en delitos contra el medio ambiente, los tiempos de reacción del sistema así como el conocimiento y comprensión del juzgador han causado una revolución en la justicia ambiental que provoca en la ciudadanía una mayor confianza en la persecución y eventual castigo de los delitos ambientales. Esto es el primer paso hacia la recuperación de la apreciación y consciencia pública del patrimonio natural de la nación y su importancia para la subsistencia de la mega diversidad en el sitio.
- La visión especializada en el tema ambiental en la operación de justicia en Petén ha visto beneficios como una reducción importante en el número de casos que son desestimados en virtud de una aparente falta de información y apreciación por el bien jurídico tutelado. La mera apreciación de que se ha cometido un delito como factor para continuar la investigación apropiada del caso es un avance importante en la visión de la operación de justicia en el sector ya que indica el posible cambio de visión de la protección del patrimonio natural de la nación desde una tarea judicial impuesta constitucionalmente hacia como una meta loable que permita el desarrollo saludable de la vida en todos sus sentidos.
- Desde el punto de vista de la forma en el proceso los tiempos de reacción del sistema se han visto exponencialmente reducidos a través de la instauración de un sistema de justicia ambiental lo cual puede observarse en ejemplos como el diligenciamiento del reconocimiento judicial en calidad de prueba anticipada o la utilización de medidas desjudicializadoras como alternativas viables para lograr los objetivos medulares de la rehabilitación y la reparación del daño que el proceso penal postula como enfoques. Esto sin perjuicio del tiempo total hasta la audiencia intermedia que tras tomar años ahora implica meses.
- La aplicación de la justicia especializada también presenta beneficios como el avance jurisprudencial que haga uso de la doctrina actualizada

para su aplicación a situaciones de hecho, tal es el caso de la reciente aplicación del principio precautorio del Derecho Ambiental en resoluciones del juzgado ambiental, si bien esta decisión ha presentado controversia es importante resaltar que la discusión misma que ha generado es un avance importante para la justicia ambiental tanto en la región de Petén como en Guatemala como nación.

Para procurar el avance continuo de este sistema de justicia ambiental el Proyecto de Seguridad y Justicia de USAID busca atender necesidades como el manejo de un sistema más novedoso y ágil y, por tanto, más propenso a recaer en procesos en entorpecen el desarrollo apropiado de la administración de justicia.

Otro aspecto importante es la necesidad de fortalecimiento en equipo apropiado para la investigación criminal de este tipo de delitos la cual puede ser obtenida a través de la misma acción estatal representada en instituciones como la Secretaría Nacional de Administración de Bienes en Extinción de Dominio la cual es capaz de donar equipo necesario que haya sido tomado de las manos de las mismas estructuras criminales que depredan la Reserva de la Biosfera Maya.

En este sentido, el avance actual del sistema ha generado nuevas necesidades e incluso interrogantes doctrinarias tales como la perspectiva apropiada del concepto de daño y su consecuente reparación en el Derecho Ambiental. Esto es porque a pesar de que finalmente los casos relacionados con delitos contra el medio ambiente se ven resueltos de manera más rápida gracias al uso de medidas desjudicializadoras e incluso aquellos que llegan a juicio encuentran una vía de proceso más expedita a través de la justicia especializada, no se ha abordado el problema de la determinación de una correcta reparación del daño ambiental causado a través de la comisión de este tipo de delitos. Como resultado se tiene un castigo que en muchas ocasiones no es congruente con la depredación que permanece mucho tiempo después que el sujeto haya atravesado un proceso penal y, en consecuencia, cumpla una condena o haya pagado la cantidad especificada por el juzgador sin métodos científicos relacionados.

La reparación del daño ambiental es una frontera jurídica que el Proyecto de Seguridad y Justicia pretende explorar ya que su importancia para la pacificación social de la que hablaba el jurista Zaffaroni cobra una nueva dimensión dado que el beneficio de la reparación en este caso trasciende el plano de la interacción de la comunidad y llega a la preservación de la vida misma y su continuación a través de los tiempos.

**U.S. Agency for International Development**

Guatemala

Km 6.5 Final Boulevard Los Proceres

Santa Catarina Pinula

Guatemala, C.A.

Tel: (+502) 2422-4000; Fax: (+502) 2422-4585

<http://www.usaid.gov/gt>