

A Perfect Storm: How the Guatemalan Civil War, U.S. Immigration Policy and Drug Trafficking
Organizations Debilitated the Guatemalan State

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Chapter 1

Introduction

Guatemala emerged from Central America's longest and most brutal Civil War in 1996.¹ In the years following the Peace Accords, the legacy of the conflict that left 200,000 people dead and 45,000 disappeared remained apparent across the country.² From the continual discovery of public graves to the trial of the brutal dictator General Efraín Ríos Montt, Guatemalans are often reminded of the conflict.³ In addition to impacting citizens on a personal level, the legacy of the Civil War and the Peace Accords impacted the state infrastructure. Years of strict military rule purposefully weakened state institutions so that they were unable to pose a threat to military sovereignty.⁴ Today it is clear that the intentional weakening of democratic institutions during the thirty-six years of Civil War debilitated democratic infrastructure of the State, making it difficult for it to respond to other threats.⁵

Military brutality against civilians over the course of the also conflict led to mass migration to the United States, where Guatemalans entered the country both legally as asylees and illegally, without formal permission to do so. Upon arrival in the United States, many Guatemalans settled in Southern California, with concentrated groups of Guatemalan expatriates in large cities like Los Angeles. While there, Guatemalan immigrants were exposed to U.S. gang culture, something that had not previously existed in Guatemala. Some Guatemalans, primarily young men, would go on to become members of gangs. When U.S. immigration policy shifted, Guatemalans arrested for even minor crimes were deported back to their fractured home country. There, with little economic and educational opportunity in a homeland many were no longer familiar with, establishing local gangs

¹Briscoe, Ivan. I.

²Dudley, Steven. "The Zetas in Guatemala." *In Sight Organized Crime in the Americas*, 5.

³"Astonishing Discovery of Remains of Guatemalan Death Squad Diary Victims." *In Sight Crime in the Americas*. December 4, 2011. Accessed November 8, 2015.

⁴Brands, Hal. "Crime, Irregular Warfare, and Institutional Failure in Latin America: Guatemala as a Case Study." *Studies in Conflict & Terrorism* 34, no. 3 (2011): 232.

⁵Adams, Tani Marilena. "Chronic Violence and Its Reproduction: Perverse Trends in Social Relations, Citizenship, and Democracy in Latin America." *In Citizen Security and Organized Crime Woodrow Wilson Update on the Americas*, 2012. 115.

became common practice. As El Salvador and Honduras similarly experienced increased deportations of young men from the U.S., trans-national gang networks were established in the Northern Triangle of Central America.⁶

In the 1960's and 1970's most drugs originating in South America were transported to the U.S. by sea. When drug busts forced trafficking routes to shift from the sea to the land, Guatemala became a critical point on the drug path north to the United States.⁷ As a result of this change drug trafficking groups moved into the Guatemala and clamored for territory in clashes that were often violent. With little State capacity or desire to respond, drug trafficking organizations (DTO) were able to function relatively freely.⁸

After the Guatemalan Civil War came to an end, the Peace Accords downsized the military in an attempt to rectify its brutality and power and the full picture of a frail, civilian state emerged. With weak state infrastructure, little trust from the general public and minimal tax revenue, it proved impossible for the new state to curtail the growth of gangs or drug trafficking organizations (DTOs).⁹ As organized crime evolved and became increasingly violent, Guatemalans have been exposed to homicide levels exceeding the years of the Civil War, which has further fractured civilian trust in the government.¹⁰ With minimal government and police capacity, impunity levels are astronomical; the Guatemalan Commission against Impunity reported that ten years after the Peace Accords less than 5% of homicides resulted in the trial of a suspect.¹¹ Taking advantage of that fracture, criminal organizations have found room to entrench themselves in communities as benefactors, further weakening the State's ability to dispel criminal groups and eroding many

⁶ Arana, Ana. "How the Street Gangs Took Central America." *Foreign Affairs* 84, no. 3 (2005): 98.

⁷ Farah, Douglas. 155.

⁸ Dudley, Steven. 3.

⁹ Brands, Hal. *Crime, Violence, and the Crisis in Guatemala: A Case Study in the Erosion of the State*. 2010. 11.

¹⁰ López, Julie. "Guatemala's Crossroads: Democratization of Violence and Second Chances." In *Working Paper Series on Organized Crime in Central America*. 2010. 14.

¹¹ "Lessons From Guatemala's Commission Against Impunity."

Guatemalans' connection with the State as a provider.¹²

The Guatemalan Civil War, U.S. immigration policy, shifts in drug trafficking and widespread corruption all played a critical role in rendering the Guatemalan state incapable of protecting the safety and promoting the wellbeing of its citizens.

¹² Briscoe, Ivan. 11.

Chapter 2

Brief History of the Guatemalan Civil War

Before 1944 the Guatemalan military was relatively distant from politics, and was even described by one scholar as “essentially apolitical.”¹³ It gained a tremendous amount of political control in the years leading up to the war, most notably through the passing of the 1944 Constitution. The Constitution charged the military with protecting democracy and gave it “the ability to intervene in matters related to rights and freedoms.”¹⁴ The ambiguity in that constitutional language allowed the military to amass considerable political power.¹⁵

The army used this new constitutional mandate when, with support from the Central Intelligence Agency (CIA), the Military High Command removed democratically elected President Jacobo Arbenz from power in 1954.¹⁶ The coup took place amidst fears about Arbenz’s leftist tendencies, including his efforts to nationalize the holdings of the United Fruit Company and return the land to farmers. Although the constitution previously prevented military officers from serving as president if they did not resign six months before the election, a long line of military leaders succeeded Arbenz. His successors quickly reversed agrarian reforms that had been made, leaving the Guatemalan farmers who had previously benefitted under Arbenz with very little.¹⁷ Cleavages between distinct military factions developed quickly following the coup; in-fighting, an assassination and attempts to depose the president all took place. Finally, young army officers who had recently graduated from the country’s prestigious military academy attempted a coup against President General Ygdoras Fuentes, who took office 1958, when incumbent Castillo Armas was assassinated. The coup was unsuccessful but the officers were able to flee to the

¹³ Schirmer, Jennifer G. *The Guatemalan Military Project: A Violence Called Democracy*. Philadelphia: University of Pennsylvania Press, 1998. 13.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid, 14.

¹⁷ Brockett, Charles D. "US Labour and Management Fight It Out in Post-1954 Guatemala." *Journal of Latin American Studies*. 42, no. 3 (2010): 535.

highlands.¹⁸

After they disappeared from cities into rural communities, the former soldiers found support in banana workers, peasants and farmers, the precise people who benefitted most from Arbenz's policies and opposed the military government. Eventually, the officers joined forces with a number of smaller rebel groups including the Movimiento Revolucionario 13 de noviembre, Fuerzas Armadas Rebeldes, the military wing of Guatemalan labor party and students from Frente Revolucionario 12 de abril. Together they formed the leftist guerrilla front that would fight the State. The years that followed the consolidation of guerrilla groups saw the strengthening of the army as it grew in numbers to cover the whole nation.¹⁹

The military watched the guerrillas consolidate into rural communities and gain support from civilians. The army quickly prioritized controlling the growth of guerrilla forces, but that task was quite challenging. Because the guerrillas gained support at the community level, it was often very difficult to tell the difference between a civilian and a guerrilla. The military's approach to counter the guerrilla movement was two fold. First, it attempted to recruit civilians to join state militias that were community-based, just like guerrilla groups. The army offered shelter, food and security from arbitrary execution in return for joining a militia, increasing the size of their forces significantly through this approach.²⁰ It is estimated that at one time roughly 1 million Guatemalans were members of militias.²¹ Many see the sheer size of the militias as a demonstration of how afraid the general population was of the military. By joining militias, Guatemalans alleviated some of the risk that they would be accused of being a guerrilla and quickly executed.²²

Because the military found it difficult to ascertain who was a guerrilla, the army made its goal to totally infiltrate and exert its power in every community in Guatemala. It did this by creating an intelligence program including "...mobile military police, paramilitary death squads and sophisticated torture techniques."²³

¹⁸ Briscoe, Ivan. 9.

¹⁹ Schirmer, Jennifer G. *The Guatemalan Military Project: A Violence Called Democracy*. Philadelphia: University of Pennsylvania Press, 1998. 17.

²⁰ Briscoe, Ivan. 3.

²¹ Briscoe, Ivan. 4.

²² Ibid.

Very quickly, the military adopted the idea that no community was beyond its reach and ranks grew to facilitate the omnipresence of the military. Quickly, even rural areas were fully controlled by the military. Independent human rights observers confirmed that the military pursued a strategy of indiscriminate killing as whole villages were razed, and suspected guerrillas were interrogated and assassinated. Many of those killed were in fact civilians and most were of indigenous descent.²⁴

As the military grew in its reach and brutality it continued to hedge itself as the defender of the Guatemalan state. It was quick to dismiss any non-military actors as disloyal or identify them as spies. This rhetoric resulted in the removal of most civilians from the government. By 1961 President-General Ydigoras had only one member of his cabinet that was not part of the military structure. When a justification was required for failures of government, the president and his staff often lamented that communists had infiltrated the government, claiming that they had made it impossible for progress to be achieved.²⁵ In an extreme example of the power amassed by the military government being used to remove opposition, Ydigoras declared a State of Siege in 1962, which officially stripped all citizen rights removed and allowed the army to totally control the country. An officer described the situation years later,

...the army moved from being a determinant presence within the civilian state structure to assuming control of the State itself. The military began to function as a political force, 'giving orders' and growing 'accustomed to making political decisions within a special framework directed by the concept of national security....²⁶

The power to make national security decisions without any accountability played an important role in the eventual introduction of gangs to Guatemala.²⁷

As the army scaled up violence directed at perceived guerrilla forces and removed civilians

²³ Schirmer, Jennifer G. 15.

²⁴ Bagley, Bruce Michael. *Drug Trafficking, Organized Crime, and Violence in the Americas Today*. University Press of Florida, 2015. 5.

²⁵ Schirmer, Jennifer G. 17.

²⁶ Ibid.

²⁷ Brands, Hal. "Crime, Irregular Warfare, and Institutional Failure in Latin America: Guatemala as a Case Study." 234.

from the government structure, it also disallowed the participation of political parties. The justification was always the same; secret groups were trying to subvert the government from the inside. For “counter-terror” campaigns to be effective, the military communicated that there was no room for subversive political parties.²⁸ Keeping the goals of the executive static, the military handpicked presidential candidates. Although some were technically democratically elected, Guatemalan military officers referred to the executives as *electos pero mandados*.²⁹ This continuity of leadership gave the military the ability to deepen the state intelligence apparatus and scale up the pursuit of guerrillas. With very few civilians in government and no political parties, the military set itself up to operate without internal checks and balances for the duration of the Civil War.³⁰

The lack of accountability of the military was very clear by the time General Fernando Romeo Lucas Garcia became president in 1978. When Lucas Garcia took office, 100 extrajudicial killings were reported for the year. By 1981, 10,000 extra judicial killings were taking place each year.³¹ The vast majority of the killings were targeted at communities of Maya descent, which by then were being described blanketly as harboring guerrilla forces.

The violence of the Guatemalan Civil War increased even more significantly under Lucas Garcia’s successor, General Efraín Rios Montt. Rios Montt took office in 1982. With the support of the CIA Rios Montt continued to target communities with extreme violence, citing that they were harboring guerrillas. Rios Montt has been widely identified as responsible for upwards of 70,000 deaths and disappearances during the “Scorched Earth” operations he ordered against indigenous Maya communities.³² Those operations led to the organized attack of 626 villages, roughly half of which were totally destroyed.³³ A United Nations report described the military approach, saying it

²⁸ Ibid.

²⁹ Schirmer, Jennifer G. 18.

³⁰ Briscoe, Ivan. 7.

³¹ Tomuschat, Christian, O. Lux-de-Cotí, and A. Balsells-Tojo. "Guatemala: memory of silence. Report of the Commission for Historical Clarification." (1999).

³² "Guatemala 'Silent Holocaust': The Mayan Genocide." The Center for Justice & Accountability. Accessed November 14, 2015. <http://www.cja.org/article.php?list=type&type=294>.

³³ "Guatemala 1982."

represented not the pursuit of guerrillas but rather demonstrated "...an aggressive racist component of extreme cruelty that led to extermination en masse of defenceless Mayan communities, including children, women and the elderly, through methods whose cruelty has outraged the moral conscience of the civilised world."³⁴ Maya communities were targets of extreme violence, all with the justification that they were members of the "phantom enemy," the leftist guerrillas.³⁵ In reality, the size of the guerrilla movement was disproportionately small compared to the number of civilians killed by the army. Some scholars and human rights activists, including the authors of Guatemala's Commission for Historical Clarification's Final Report, argue that the brutality of Rios Montt satisfies the criteria for being labeled genocide.^{36, 37}

³⁴ "Guatemala Memory of Silence TZ'INIL NA 'TAB'AL." In *Report of the Commission for Historical Clarification Conclusions and Recommendations*. Comision Para El Esclarecimiento Historico, 1999.

³⁵ "Guatemala 1982."

³⁶ "Guatemala Memory of Silence TZ'INIL NA 'TAB'AL." 37

³⁷ Benson, Thomas and Fischer. 137.

Chapter 3

Forced Migration and the Introduction of Gangs

The brutal tactics used by government forces created significant instability and risk in the lives of Guatemalan citizens.³⁸ As a result, the 1980's saw an increase in the number of Guatemalans leaving the country. Although there are no precise figures on the number of people who fled Guatemala during the war, estimates range between 500,000 and 1.5 million civilians.³⁹ Some of the escapees went to neighboring Mexico while others entered the United States. Of those entering the United States, many Guatemalans settled in California, while others made their way to the East coast. Of those who settled in Los Angeles, most made low income neighborhoods their new home.⁴⁰ There, they were introduced to Los Angeles' extensive network of gangs and many eventually joined groups. The population of gangs grew quite quickly in Los Angeles during the late 1980's and early 1990's.

In 1992 the state of California adopted strict anti-gang policies and laws after murder rates in Los Angeles climbed to over 1,000 a year. Prosecutors in Los Angeles swiftly began trying young gang members as adults and convicting them on felony charges, which carried substantial jail sentences.⁴¹ Soon after this practice began, a law was passed requiring the deportation of foreign criminals sentenced to more than a year in jail.⁴² That policy would evolve to become even stricter; crimes as minimal as drunk driving and petty theft would eventually be sufficient cause for deportation.⁴³ By the time the 1996 anti-immigration legislation, which served as another legal justification for deportation, was passed, nearly any Latin American gang member caught in Los Angeles would be swiftly returned to his home country without question. By 1996, roughly 3,600 gang members were being deported to Guatemala every year. The result of the deportations was the

³⁸ "Guatemala 'Silent Holocaust': The Mayan Genocide."

³⁹ "Guatemala Memory of Silence TZ'INIL NA 'TAB'AL." 30

⁴⁰ Brands, Hal. *Crime, Violence, and the Crisis in Guatemala: A Case Study in the Erosion of the State*. 2010. 32.

⁴¹ Farah, Douglas. 155.

⁴² *Ibid*, 37.

⁴³ Arana, Ana.

introduction of gangs to Guatemala that had no historical precedent in the country.⁴⁴

When deportations increased in 1996, Guatemala was in the process of negotiating the Peace Accords and the country found itself extremely fractured. United States immigration policy around criminal deportations set Guatemala and other Central American countries up for problematic repatriations; policy stipulated that no indication of the crimes committed in the United States could be shared with the country to which a criminal was being deported.⁴⁵ The Guatemalan government received no information about any potentially dangerous deportees as a result. In the wake of the war, weapons were still widely available and repatriated gangs quickly armed themselves. Other countries in the region had similar domestic situations after their own Civil Wars, and cross-national networks of gangs developed between Guatemala, El Salvador, and Honduras after an estimated 300,000 criminals were deported to those countries over the course of fifteen years.^{46, 47}

The impact of gangs in Guatemala became immediately clear. Crack cocaine, which had previously been virtually non-existent in Guatemala but a traditional gang industry in the United States, was made available to the general public. The number of overdose deaths increased rapidly.⁴⁸ Aside from drug use, new Guatemalan gangs rapidly diversified illicit activities to include extortion, collection of bribes and theft. Many gangs offered themselves for hire as hit men.⁴⁹

Deportations from the United States continued to increase the size of gangs in Guatemala, and the groups also sought to supplement their ranks with local recruits. With about half the population of Guatemala under the age of 18, gangs set their sights on recruitment of new members and grew their size through coercion and fear. Young Guatemalans targeted by gangs had few

⁴⁴ Ibid, 234.

⁴⁵ Transnational Organized Crime: Let's Put Them out of Business." UNODC. Accessed November 8, 2015

⁴⁶ Ibid.

⁴⁷ Farah, Douglas. 156.

⁴⁸ Dudley, Steven. 11.

⁴⁹ López, Julie. 36.

options besides to join, as the fragmented state provided very minimal security support, minimal education and few prospects of employment in the years following the war.⁵⁰

⁵⁰ Arana, Ana.

Chapter 4

Drug Trafficking during and after the Civil War

As previously described, one feature of the Army's control was its powerful hold over all territory. That included the nation's borders, which brought the military directly into contact with the legacy of illegal drugs leaving Guatemala. Long before the Civil War, Guatemala had an established path for illegally moving poppies and heroin paste over the border from the Northern Highlands to Mexico, where it was sold to Mexicans who transported them to the United States.⁵¹

Traditionally, the involvement of Guatemalans in the drug trade was confined to the *transportistas* who moved product. Providing movement from one point to another, *transportistas* rarely had any ownership over the drugs themselves, and therefore the enterprises functioned essentially as any licit company would.⁵² The job of *transportistas* of heroin paste was relatively straight forward and rarely involved violence.⁵³

Once the war began, the army's presence on the borders led it to develop a lucrative relationship with drug traffickers. Bribes were used to pay soldiers on a one off basis and in other cases, larger agreements were reached with higher ranking officers for sustained payments. With those deals in place, illegal items moved easily through the country. The actual products trafficked were quite diverse at the time and entered Guatemala both from the North and from the South. The military facilitated the southward movement of guns from United States allies to Nicaraguan Contras. Soldiers were also complicit in the movements of South American cocaine northward.⁵⁴

Aside from a huge physical presence on the ground, the Guatemalan army also had a formidable intelligence apparatus. During the Civil War, an office of military intelligence was established. The intelligence unit, nicknamed *La Oficinita*, was housed in the Ministry of Public Finance in Guatemala City. Operating covertly, officials traveled to and from the eleventh floor

⁵¹ Espach, Ralph. *Criminal Organizations and Illicit Trafficking in Guatemala's Border Communities*. Alexandria, VA: CNA: 2011.9.

⁵² Transnational Organized Crime. 26.

⁵³ Espach, Ralph. 17.

⁵⁴ Briscoe, Ivan. 8

office quietly. From that office the military's involvement in the drug trade was overseen to such a degree that one scholar described the end result as an, "Institutional monopoly over the trafficking of illicit goods throughout Guatemala."⁵⁵ With physical control of all border crossings and a well-developed intelligence network, the Guatemalan army facilitated the movement of drugs through the country for institutional and personal financial gain. While the early years of the Civil War saw minimal trafficking of cocaine, as the conflict wore on, the international drug trade changed.⁵⁶ For years, drug trafficking organizations from Colombia had primarily used an air route over the Atlantic Ocean to the United States. They only minimally trafficked by land at that time. The Latin American patterns of trafficking changed in the 1980's after the Drug Enforcement Agency (DEA) repeatedly seized cocaine travelling on the sea route to the United States. Colombians were forced to recalculate the best path for moving cocaine north. The result was that the path shifted to the land and Guatemala became the second to last country stop on the drug trail up to the United States.⁵⁷ When that shift happened, the already established relationship with the Guatemalan military facilitated the work of drug trafficking organizations.⁵⁸

As the volume of drugs transported through the country grew during the 1980's, partnerships developed and deepened between the DTOs and the military. Importantly, local elite business owners also became engaged in the trade. Julie López has characterized the collaborative approach to trafficking that began in the background of the Guatemalan Civil War as a three legged stool; local authorities represent the first leg of the stool. At the time, soldiers and officers were the local authorities who facilitated the movement of trafficked goods into and out of the country. The second leg of the stool is represented by groups of organized criminals; drug trafficking organizations moving illegal drugs across the country are the second leg of the stool. The last leg of the stool is *poderes ocultos*. Hidden powers, or local elite bosses who owned transportation or other licit companies that participated in or helped to protect DTOs make up the final leg of the stool⁵⁹ To fully understand the entrenchment of drug trafficking in the structure of the military it is essential to consider the relationships between the military, the drug trafficking organizations

⁵⁵ Espach, Richard. 11.

⁵⁶ Briscoe, Ivan. 8.

⁵⁷ Espach, Richard. 10.

⁵⁸ Brands, Hal.

and elite bosses simultaneously. Although the Guatemalan state removed civilians and competing political parties from the government structure during the early years of the war, it selectively invested in relationships with elite civilians. Many of these elites were prominent business and landowners. Their funding, connections in the business and transportation communities and ties to the local population served as a significant benefit to the military; officers often used connections with local bosses to take ownership over local land, hide stolen government money and shield their involvement in the drug trade.⁶⁰ The relationships were mutually beneficial; *poderes ocultos* collaborated with the military on activities including human trafficking, extortion, bribery and diversion of taxes and customs duties.

Although they took an active role in the movement of illegal drugs, *poderes ocultos* were not traditionally the drug owners, but simply transportation providers.⁶¹

Despite being valued military partners, *poderes ocultos* did not relate to communities in the same way as the Army. Rather than operate openly and identifiably, as did members of the Guatemalan military, *poderes ocultos* operated from hidden and protected positions of power. By operating privately, *poderes ocultos* reduced the chances of being caught and prosecuted for their crimes. In the environment of Guatemalan impunity, with very few crimes actually prosecuted, *poderes ocultos* gained an extra layer of protection from prosecution.⁶²

⁵⁹ López, Julie. 10.

⁶⁰ Transnational Organized Crime. 23.

⁶¹ Transnational Organized Crime. 23.

⁶² Espach, Ralph. 4.

Chapter 5

Peace Accords

The balance of the three-legged stool shifted when Guatemala's Civil War ended. The transition to peace was slow; a technically democratic election took place nine years before the signing of the Peace Accords. The peace process was organized and heavily supported by international human rights and non-governmental organizations. In spite of external support of the process from the international community, the Guatemalan military was permitted to participate in the peace negotiations, which was unusual given the presence of a civilian president in office.⁶³ Aside from the military, many elite Guatemalans were also allowed to participate in the negotiations. The end result was that countless people who were in support of the 1954 coup that started the war were also at the table for the peace process negotiations.⁶⁴

The agreements reached in the accords and the ways in which they were implemented perpetuated the fractures and weakness of the Guatemalan State. This is true to such an extreme degree that although the burdens caused by the gang and drug trafficking organizations are clear in modern day Guatemala, the state has been incapable of or unmotivated to address them. Instead, drug trafficking organizations have remained imbedded in the State structure, corruption of officials continues and violence continues to threaten the legitimacy of the state.⁶⁵

A critical reason for the weakness of the State is related to how the military was disbanded following the Peace Accords. The power of the military apparatus in Guatemala changed drastically after 1996. Although the Peace Accords called for a 33% reduction in the military, the size of the army rapidly dropped by 50%.⁶⁶ Even with this reduction clearly delineated in the accords, the plan for developing a civilian police force was not adequately addressed. This led to challenges both in the quality of the Civilian National Police (PNC) and in the quantity of officers available for duty.

⁶³ Ibid, 12.

⁶⁴ Briscoe, Ivan. V.

⁶⁵ Adams, Tani. 115.

⁶⁶ Espach, Ralph. 13.

Without any restrictions on the matter, many former soldiers quickly became police officers. By 1999 65% of the PNC were previous military members.⁶⁷ Allowing the shifting of officers from the military to the PNC perpetuated cycles of corruption between soldiers, officers and criminal groups previously mentioned.

Aside from challenges in the quality of the new police force, there were also significantly fewer PNC officers available than necessary, which created a serious security challenge; "...Central America's largest nation, with over 40,000 square miles of territory, over 1,000 miles of border and coastline, and over 14 million citizens, had no persistent, effective police or security presence or control in the majority of its territory."⁶⁸ The country transitioned very quickly from a nation of total government control to one in which the State did not have the human capital to maintain security through the police force.⁶⁹

⁶⁷ López, Julie. 21.

⁶⁸ Espach, Ralph. 13.

⁶⁹ Dickins de Girón, Avery. 103.

Chapter 6

Government Decentralization

Challenges posed by the drastic reduction in military force were significant, but not the only issue in the wake of the accords. The institutional framework of democracy after the war was also failing. In 2002, in an effort to provide greater support to the country's 22 diverse departments, the Municipal Code and Decentralization Law were passed. These laws made municipal offices chiefly responsible for routine services required by local populations. While this change was done with efficiency and expediency in mind, lack of funding negated most of the imagined benefit of such a law. As most responsibilities for citizen support were passed to municipalities, only 10% of the central government's funding was pledged to fund those services.⁷⁰ The decentralization of the government gave local municipalities a tremendous amount of autonomy after years of total military control. With no training, municipalities began to set their own budgets, negotiate contracts and projects independently and function as separately from the central state in many capacities. Ultimately, the capacity and funding issues associated with this law have exacerbated and further marginalized many Guatemalans living in poverty.⁷¹

The freedom provided by the decentralization of budgeting also created an opportunity for local *poderes ocultos* to receive direct financial support from the government for public works contracts, among other things. This shift enabled collaboration between local bosses and the government in a more open and official sense than had previously been possible. Intended to provide better services to citizens, the Municipal Code and Decentralization Law, when combined with the deep-seated corruption issues left over from the war, allowed relationships between local bosses and governments to become further entrenched.⁷²

As the power of the central state decreased and local authority became more important,

⁷⁰ Ibid. 2.

⁷¹ Espinach, Ralph. 6.

⁷² Espinach, Ralph. 25.

politicians were quick to see that staying in office could be made easier with the support of local bosses. By consistently increasing the contracts and funding given to companies owned by *poderes ocultos*, officials knew that their partners would ensure they got the number of required votes. The relationship was mutually beneficial; politicians were able to stay in office and get financial kickbacks, and local bosses got valuable contracts and some assurance they wouldn't be arrested for illegal activities. The unintended consequence of the Municipal Code was that it reduced the risks local bosses were exposed to and created a cycle of corruption, where all parties protected each other.⁷³

⁷³ Ibid.

Chapter 7

International Drug Trafficking Organizations Become Violent

As the Guatemalan state decentralized in a way that reinforced corrupt partnerships, in the background the important players in international drug trafficking began to shift. During the early and mid 1990's, Colombian cartels enjoyed near exclusive control of the drug trafficking path from South America to the United States. The largest group, the Medellín Cartel, which would later merge with the Cali cartel, had rebounded well from the DEA seizures and developed a strong, alternate path through Central America. Violence along the path was concentrated mostly in areas where cartels and traffickers were in danger of getting caught, but generally local traffickers were complicit in the movement of drugs through Guatemala, making it an easy process that involved minimal violence, especially as compared to the Civil War.⁷⁴

As the Peace Accords were being signed and implemented, the Colombian government began more successfully arresting key, powerful leaders from trafficking groups. Many of the arrests sent cartels scrambling as new leaders were identified, a process that often led to schisms. This challenge was seen by Guatemalan and Mexican groups that had previously only moved the product or owned a relatively small portion of the route, as an opportunity to increase their share of the drug trade.⁷⁵

At the time the four biggest presences in Guatemalan drug trafficking were four families: the Mendozas from Izabal, the Lorenzanas from Zacapa, the Chamalees from San Marcos and the Leones from Jutiapa and Chiquimula.⁷⁶ Each one of the families held legitimate businesses and moved drugs in addition to other commerce. The Mendozas, for example, were cattle farmers holding significant, important land. One of the brothers served as the president of the local soccer

⁷⁴ Espach, Ralph. 13.

⁷⁵ Transnational Organized Crime.

⁷⁶ Transnational Organized Crime.

team and the family had deep, generational ties to the area and local politics.⁷⁷ These traffickers were highly visible community members, with faces and names.

Mexican groups also had a presence in the country at the time, although less visibly, with a trafficking route established outside of San Marcos in Northern Guatemala. Although those groups had some involvement in the movement of cocaine, until the Colombia crackdown, they were primarily marijuana traffickers.⁷⁸ As the Mexican government began its own clampdown on traffickers, more trafficking groups took advantage of the permeable borders and the absent police force in Guatemala and established a presence in the country.⁷⁹

The nature of the drug trade changed significantly when Mexican drug cartels, now residing in Guatemala, expanded their repertoires to include the trafficking of cocaine.⁸⁰ As they aggressively pursued new networks and territories in the country, the level of violence associated with the trade grew.⁸¹ In addition the aggression between Guatemalan and Mexican groups competing for the territory and drugs, the nature of the Mexican drug trafficking groups was fundamentally different than previous ones.⁸²

Colombian cartels had traditionally been made up of powerful Colombian families and their networks, and were not dissimilar from the Mendoza family in terms of community connections. But the new groups moving into Guatemala were different and often diversified their work to more than just drug trafficking; many were also involved in violent, organized crime. Simultaneously, some of the gangs exported to Guatemala during the Civil War expanded their activities to include the movement of drugs.⁸³ Whereas previously cartels had relied on strong community connections (directly or through their local partners) to protect and hide their drug trafficking, the new groups were focused primarily on gaining new territory, and were not

⁷⁷ Ibid.

⁷⁸ Bagley, Bruce. 12.

⁷⁹ Bagley, Bruce. 12.

⁸⁰ Briscoe, Ivan. 13.

⁸¹ Dudley, Steven. 13.

⁸² Ibid.

⁸³ Arana, Ana.

interested in support that could be gained from positive community relationship development.⁸⁴ Instead, similar to the tactic of the military during the Guatemala Civil War, these groups relied on brutality to frighten people into cooperating with them. This approach, when combined with competition over routes for moving cocaine resulted in an immediate surge of drug-related violence in Guatemala. By 2008, the reality of the cocaine trade became significantly bloodier.⁸⁵ In February of 2008, sixteen of the top *transportistas* were arrested in Guatemala. This created yet another imbalance in the DTO structures and would be widely understood as the end of the relatively peaceful years of the drug trade through Guatemala.⁸⁶ In the wake of those arrests, groups again clamored to gain the routes and resources previously used by those arrested.

The same month, Juancho Leon, a member of the Leon family stole a large shipment of Lorenzana family goods in an effort to exert his family's dominance in the wake of the arrests. The Leon family was known for trafficking, but after losing some of their power, they had resorted primarily to stealing drugs being moved by other families and groups. When Juancho stole Lorenzana goods, it was perceived as aggression towards one of the new, more brutal trafficking groups, the Zetas. To demonstrate their displeasure with the seizure, the Zetas publicly assassinated Juancho and ten of his men shortly after the robbery. This Zeta attack was one of the first moments of national recognition for the group, which would significantly change the nature of the drug trade in Guatemala. The successful growth of the Zetas clearly demonstrates the debilities of the Guatemalan state left behind by the Civil War.⁸⁷

When the Zetas first arrived in Guatemala, they were the security arm of the Gulf Cartel, a group of former Mexican Airborne Special Forces members. The group's name was taken from the radio call signals they used during their time in the Mexican military. Highly trained and extraordinarily well armed, the Zetas looked to control territory in order to facilitate the easy

⁸⁴ Dudley, Steven. 13.

⁸⁵ Ibid.

⁸⁶ Espinach, Ralph. 15.

⁸⁷ Deibert, Michael. "Guatemala's Death Rattle: Drugs vs. Democracy." *World Policy Journal*, 2008, 167.

movement of Gulf Cartel drugs.⁸⁸ Their general model was to gain control of a territory and, using intimidation tactics, extract “*piso*” or a toll from anyone committing illegal activities in that area. They typically targeted prostitution and gambling. Already experts at collecting *piso* in Mexico, the Zetas began the same process in Guatemala.⁸⁹

Although the Gulf Cartel had slowly increased its presence in Guatemala for many years, a number of strategic opportunities aligned for the group to grow more substantially in the late 2000’s. First, as previously discussed, the absence of a strong police force made it relatively easy for traffickers to enter and exit the country. There was also a precedent for financially compensating politicians in exchange for impunity, which served the Zetas overall goals. Finally and importantly, there were reasons specific to cocaine; Guatemala “...is the crux of the distribution chain, the place where the price for a pure kilo of cocaine is still a relative bargain. Gain control of the product in Guatemala and the margins can almost double relative to what one makes by taking possession in Mexico.”⁹⁰ Post-war state weakness and cocaine prices aligned to make Guatemala a strategic location for the Zetas.⁹¹

The model used by the Zetas was a style of trafficking not utilized in Guatemala up until their arrival. Their visible operation resembled youth street gangs much more than it did the previous trafficking groups.⁹² However, the infrastructure of their organization was significantly more sophisticated than any other drug trafficking organizations in Guatemala.

After establishing a strong connection with a local trafficker from Alta Verapaz in central Guatemala, the Zetas built up a complex organizational structure, embedding themselves in the government, police and military structures. They increased the size of their organization by recruiting former Guatemalan Army soldiers, whose military experience made them cultural fits for

⁸⁸ Ibid.

⁸⁹ Dudley, Steven. 3.

⁹⁰ Ibid.

⁹¹ Adams, Tani Marilena. "Chronic Violence and Its Reproduction: Perverse Trends in Social Relations, Citizenship, and Democracy in Latin America." In *Citizen Security and Organized Crime Woodrow Wilson Update on the Americas*, 2012. 16.

⁹² Dudley, Steven. 7.

the Zetas.⁹³

Whereas money laundering is considered too sophisticated for most drug trafficking organizations, it is a central part of the Zeta strategy. Skilled at understanding government vulnerability, the Zetas launder their money through public works projects with the municipality in Alta Verapaz, which is located in northern Guatemala, making it ideally situated on the drug route north to the United States.⁹⁴ Once the Zetas launder money, they use it to pay police in small bribes of the course of a month. It has been reported that a standard Zeta payout for police includes an initial payment of \$10,000 and subsequent payments of roughly \$300 per month. Given the standard PNC salary of roughly \$530 per month, the Zeta incentives are significant.⁹⁵ In exchange for payouts, police provide Zetas with instructions on how to avoid roadblocks that are established to intercept drugs being moved across the country.⁹⁶ Compared to other trafficking group, the payout system of the opportunistic Zetas is highly sophisticated. Additionally, it is difficult to track or interrupt.⁹⁷

The ease with which the Zetas have imbedded themselves in Guatemala is a symptom of the deep-seated corruption in the country's political structures. Although the decentralization of the Municipal Code helped the Zetas to establish a preliminary foothold in the country, their influence is said to extend up to the highest ranks of the Guatemalan political system. In fact, it was reported that one of the Zetas' primary political connections was heavily involved in the establishment of FONEPAZ, a project fund developed as part of the Peace Accords. An investigation was conducted into that issue, and during the course of the review a member of former President Alvaro Colom's party was assassinated. Following his death the Zetas released a statement to news media claiming that President Colom had accepted money from them as part of his campaign and then failed to live

⁹³ Ibid. 13.

⁹⁴ Ibid. 8. s

⁹⁵ "Policías De Tránsito De Guatemala Ganan Más Que Un Agente De La PNC - La Hora." La Hora. April 15, 2015. Accessed November 8, 2015.

⁹⁶ Dudley, Steven. 8.

⁹⁷ Ibid.

up to his promises.⁹⁸ That specific allegation was never investigated, but serves nonetheless as a demonstration of the types of corruption Guatemalan citizens observe their government being accused of.⁹⁹

As the Zetas grew in power, further entrenching themselves in the government structure, they looked to duplicate their structure of influence in Alta Verapaz in other departments, namely Petén and Zacapa, which are both large states near the Mexican border where the territory is rarely monitored. As they expanded their reach, assassinations and violence soared. Although much of the violence was concentrated in specific areas of the country, a key factor differentiating the Zetas from previous drugtraffickers was their willingness to carry out attacks on people only tangentially related to the drug trade and publicly flaunt those killings. In 2010 and 2011, the group regularly beheaded people and left them in central town squares along with notes that took responsibility for the crime. Seemingly daily, the news reported another Zeta attack, and they appeared to be operating unchecked by the PNC.¹⁰⁰

⁹⁸ Ibid. 9.

⁹⁹ "Los Zetas En Guatemala: Modus Operandi." Los Zetas En Guatemala: Modus Operandi. Accessed November 8, 2015.

¹⁰⁰ López, Julie. 21.

Chapter 8

Guatemala Today

Having explored the Guatemalan Civil War, the U.S. immigration practices that facilitated the growth of gangs and the shifts in international drug trafficking that made Guatemala a critical stop for traffickers, it is essential to investigate the impact of those factors on Guatemala today. In 2008, the first year of significant Zeta presence in Guatemala, the Human Rights Office reported 6,292 murders.¹⁰¹ That rate of homicide is higher than the average for the country during the Civil War. While the murder rate has since dropped to roughly 4,500 in 2016, a rate of 87 murders per week places Guatemala near the top of global homicide rankings.¹⁰² Crude numbers of homicides are highest in Guatemala City, where the majority of the population lives. Outside of the city, rates of homicide based on population density are highest in areas in the eastern part of Guatemala, including the department of Zacapa and in the northern part of the country, most notably in Petén.

Very few of the people responsible for homicides in Guatemala are brought to justice; in fact, the International Commission against Impunity in Guatemala reported that in 2006, 95% of murders were never solved. Six years later, there were signs of incremental improvement as 75% of homicides went unsolved. Still, it is clear that even for crimes as severe as homicide, it is rare for the person responsible to be brought to justice by the state.¹⁰³

The mass migration of Guatemalans to the United States during the course of the war, which was ultimately responsible for the creation of a gang problem in the country, clearly represents the desperation widely felt over security. Many Guatemalans still flee the country every year in large part because of the security challenges that remain unaddressed.¹⁰⁴ The inability of the government to shield Guatemalans from incredibly high levels of crime, and the feeling of

¹⁰¹ Espach, Richard. 10.

¹⁰² "Guatemala 2017 Crime and Safety Report." United States Department of State Bureau of Diplomatic Security. June 10, 2015. Accessed November 8, 2015.

¹⁰³ CICIG. *Sixth Report of Activities of the International Commission against Impunity in Guatemala (CICIG) (September 2012 - August 2013)*. Report. International Commission against Impunity in Guatemala. 2014. 1-36.

¹⁰⁴ Briscoe, Ivan. 7

hopelessness over impunity, is widely understood as corrosive to the state;

...rampant crime is threatening democratic governance and causing a marked erosion of the Guatemalan state. Guatemalan institutions have always been feeble, but the continuing wave of crime now poses an acute challenge to the credibility and authority of the government. This is apparent in purely territorial terms, as the influence of non-state criminal actors is estimated to rival or exceed that of the government in up to 40 percent of the country.¹⁰⁵

The fact that the State is unable to provide basic security for citizens through its police force or through other state security entities is well understood by the population. In fact, the Latin America Public Opinion Project (LAPOP) reported that 87% of Guatemalans did not believe that the system would respond appropriately if they were physically assaulted or robbed.¹⁰⁶

The inability of the state to provide basic security for citizens is reflected in a number of different ways across the country. The first is the expansion of the private security industry. Ten years after the Peace Accords were signed and the military was massively scaled back without adequate PNC growth, Guatemala had 148 registered private security firms with 100,000 employees, which are contracted by businesses and citizens to secure everything from private homes to shipments of goods.¹⁰⁷ The number of private security workers is roughly five times the size of the police force at its most recent high.¹⁰⁸ Fiscal comparisons make clear just how widespread the hiring of private security is; in 2009, Guatemalans spent \$575 million on private security while the national police budget was just \$251 million.¹⁰⁹

With few laws to regulate the industry until very recently, the legal status and quality of the private security firms varies widely.^{110,111} In 2010 Guatemala had 148 authorized private security

¹⁰⁵ Brands, Hal. 229

¹⁰⁶ "Latin America Public Opinion Project." AmericasBarometer. 2012. Accessed November 8, 2015.

¹⁰⁷ Ibid. 10.

¹⁰⁸ Briscoe, Ivan. 11.

¹⁰⁹ Guatemala Politics: Private Security Firms Under Increased Scrutiny. New York: The Economist Intelligence Unit N.A., Incorporated, 2014.

<http://search.proquest.com/docview/1520459568?accountid=14816>.

¹¹⁰ Ibid.

¹¹¹ Dickins de Girón, Avery. 104.

firms and at least 140 security firms operating without authorization.¹¹² Continued operation without formal permission is feasible for many security firms because the majority of the legal infrastructure governing them was written in the 1970's and primarily relates to security guards. Security firms applying for official authorization are subject to length application processes, often exceeding three years. However, scholars have reported that security firm owners, who were previously highly ranked in the military and are able to pay sizeable bribes, benefit from expedited application processes.¹¹³

The expansion of private security firms is just one of the symptoms of the loss of trust between Guatemalans and their government. Expanding beyond security issues, increasing inequality in the country further entrenches the understanding held by some Guatemalans that the State is not able to provide for any of their basic needs.¹¹⁴ In the vacuum of trust between the State and Guatemalans, some drug trafficking groups and local bosses have moved into the role of being community providers. The structures they develop for community support have been referred to as a "parallel state."¹¹⁵

Different from the brutal style of the Zetas, these parallel state structures are centered on building loyalty through long-term community investment. From small cash payments to funding schools or hospitals to employing large numbers of community members, the exact support mechanisms vary by area.¹¹⁶ What is constant is that by continually addressing community needs, local traffickers are able to entrench themselves deeply in communities and render the government irrelevant with remarkable success. Scholar Hal Brand describes this, the separation of the general population from contact with the State, as the single most pressing issue affecting Guatemala today. His work concludes that roughly a quarter of the country is already dealing with this reality stating that in 2009, 5 of the 22 departments in Guatemala were effectively under drug trafficker control.

¹¹² Argueta, Otto. 320.

¹¹³ Ibid. 322.

¹¹⁴ Dickins de Girón, Avery. 103.

¹¹⁵ Briscoe, Ivan. 4.

¹¹⁶ Ibid. 5.

In those places, Brand says that the State and the police were only minimally present.¹¹⁷

Once entrenched, removing parallel state structures is incredibly challenging. This is partially because a measurable, positive impact is visible in a large number of communities where non-government actors set up parallel states. Richard Espach, who studied the impact of drug trafficking investment on Guatemalan border communities like Sayaxche, Gualan and Malacatan noted an increase in employment, and the emergence of a strong middle class capable of and choosing to send their children to private schools as the result of drug trafficking organization presence. Previously unemployment had been rampant and many children had not attended school at all. Aside from employment and education, "...they built roads, clinics, soccer fields; they provided local citizens money for their children's parties and for medical emergencies...they provided order and security on the streets so that residents felt safe doing their everyday business."¹¹⁸ Community members interviewed by Espach as part of his investigation expressed what other scholars confirm to be a common feeling amongst Guatemalans; locals were more concerned about the social services provided than they were about the investment of drug money in their community.¹¹⁹

The fact that community members value social services so significantly is a critical consideration for any plan to weaken drug trafficking organizations in Guatemala. To do so in a permanent way would require significantly more than continuing to arrest famous drug traffickers, as had been the approach for decades. To truly dismantle the support networks provided to drug trafficking organizations from citizens would require the Guatemalan State providing the basic but essential services currently being sponsored by DTOs.¹²⁰To begin addressing the problem, then,

¹¹⁷ Adams, Tani Marilena. 15.

¹¹⁸ Espach, Richard. 16.

¹¹⁹ Ibid.

¹²⁰ Ibid.

would necessitate investing in social services and poverty alleviation.¹²¹ In order to carry out such a program, the Guatemalan government would require capital, which is often raised through taxes.

Making adjustments to taxes, and presumably increasing the taxes collected from affluent Guatemalans is complex in the context of widespread corruption. Attempts to raise taxes previously have been unsuccessful because politicians who maintained their strong connections with wealthy elites have blocked the legislation. The same local bosses and traffickers who gain community trust and loyalty through the provision of public services have powerful political connections that enable them to block the type of tax increases that would enable the government to provide for citizens with competing support.¹²² The Guatemalan state finds itself in a cyclical bind, then. Organized crime groups are able to maintain their power by exerting political influence over tax policy so that the government remains poorly funded.¹²³

¹²¹ Cajina, Roberto. 9.

¹²² Briscoe, Ivan. 2.

¹²³ Adams, Tani Marilena. 16.

Chapter 9

Summary

A confluence of factors including the Guatemalan Civil War, U.S. immigration policy and shifts in international drug trafficking practices have significantly debilitated the Guatemalan state, making it ill equipped to provide for its citizens basic social service and safety needs. The violence that drove Guatemalans from the country eventually saw a boomerang effect when vicious gangs returned to the nation after years of operation in the United States.¹²⁴ The powerful presence of the military and the lack of checks and balances during years of conflict allowed patterns of corruption to emerge both between officials and drug trafficking organizations and with elite Guatemalan families that persist today.¹²⁵ By the time the Peace Accords were signed, a poorly conceived plan to remove the military without an adequate civilian police force to take their place created an environment in which gangs, drug trafficking organizations and local bosses could operate illegally and freely.¹²⁶

While each of the organized crime groups discussed here is different in the way they relate to the Guatemalan people, they are all significant threats to the quality of democracy. The simultaneous work of the organized crime groups and the rampant corruption of government officials have made it nearly impossible for the government to address crime or the desperate need for greater social services.¹²⁷ Corrupt, underfunded and with an inadequate police force, the Guatemalan government is in a weak and vulnerable position with regard to organized crime. The World Bank summarized the challenge of countries like Guatemala well; “Where states, markets and social institutions fail to provide basic security, justice, and economic opportunities for

¹²⁴ Arana, Ana.

¹²⁵ Brands, Hal. "Crime, Irregular Warfare, and Institutional Failure in Latin America: Guatemala as a Case Study." 234.

¹²⁶ López, Julie. 21.

¹²⁷ Cajina, Roberto. 9.

citizens, conflict can escalate... countries and subnational areas with the weakest institutional legitimacy and governance are the most vulnerable to violence and instability and the least able to respond to internal and external stresses."¹²⁸

¹²⁸ "World Development Report 2011." April 11, 2011. Accessed November 8, 2015.

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