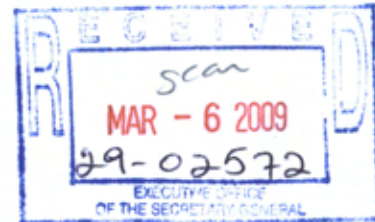


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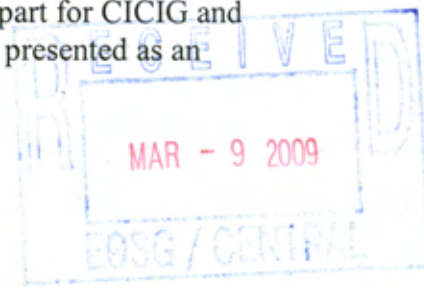
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Note to Mr. Nambiar

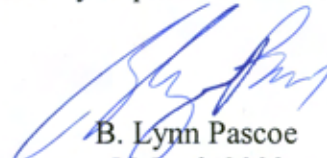
**RECENT DEVELOPMENTS REGARDING
THE INTERNATIONAL COMMISSION AGAINST IMPUNITY IN
GUATEMALA (CICIG)**

1. The Commission against Impunity in Guatemala (CICIG) is facing significant challenges at a critical phase in its efforts to help Guatemala identify and dismantle dangerous criminal networks that have paralyzed its justice system. It has become evident that the Commission will be called upon to continue operating beyond its currently mandated period, which expires in September 2009. The security environment is also of growing concern. On 4 March, Guatemala's President informed CICIG Commissioner Carlos Castresana of a plan to assassinate the Commissioner allegedly originating from businessmen and landowners with links to the clandestine structures that are the subject of CICIG's investigations. This note outlines recent developments and steps to address some major issues facing the Commission.
2. The Permanent Representative of Guatemala, Gert Rosenthal, has approached DPA expressing his Government's interest in an immediate extension of the Commission's mandate. This timing most likely responds to the current favorable momentum enjoyed by the Commission, given its broad public support and the numerous encouraging statements made by the international community. Ambassador Rosenthal has suggested an initial exchange of letters between the Secretary-General and the Government of Guatemala, after which the renewal would likely be submitted to approval by the Guatemalan Congress. While congressional approval is not guaranteed, the current groundswell of support for CICIG should create a helpful climate. Ambassador Rosenthal agrees with Commissioner Castresana that the immediate renewal will not preclude the possibility of converting the Commission to a UN body in the future.
3. In the last two weeks, the Guatemalan courts have issued some crucial rulings in three cases with significant CICIG involvement. It has become clear that CICIG's progress in the Guatemalan courts will likely be hampered by the country's complicated procedural law and corrupt officials. CICIG's role in bringing charges against Alvaro Matus, the former Special Prosecutor for Crimes against Life, created an enormous show of public support for CICIG in the Guatemalan media, coinciding with broad popular repudiation of inaction by the authorities. Mr. Matus is widely considered to have been central to a clandestine network in the Public Prosecutor's Office that ensured inaction or the destruction of evidence in highly sensitive cases. Complications have plagued the case from the outset and it has become clear that CICIG's future relationship with the Prosecutor's Office will be difficult.
4. On 2 March President Alvaro Colom announced the creation of a presidential committee against impunity, comprising representatives from different state agencies and organizations. The Committee would serve as a national counterpart for CICIG and would support the Commission in its tasks. This move has been presented as an



expression of the Government's support and commitment to CICIG, though it remains to be seen how the Committee will interact with CICIG and whether it will improve the fight against impunity. The future choice of members appointed to the Committee may provide an early indication of its potential.

5. CICIG's status as a non-UN body has presented challenges in numerous areas of its administration, including security. The latest threats illustrate the seriousness of the situation, given the nature of CICIG's investigations into powerful and violent clandestine groups that have infiltrated the Guatemalan state institutions. CICIG, DPA and DSS will continue to work together with the aim of providing the Commission with the best support and advice possible to meet its security requirements.



B. Lynn Pascoe
5 March 2009

Cc: Mr. Venness
Ms. O'Brien