



1. Front Page

Country: Guatemala

UNDAF expected result

Result 3: The population benefits from the State's greater capacities to guarantee the complete exercise of human rights and provide effective and reliable public services of security and diligent provision of justice, as expected from a democratic state under the rule of law.

UNDAF indicators

Existence of policies and relevant programs, coverage and executed budget for the promotion and protection of Human Rights, security and democracy.

Existence and effectiveness of state mechanisms for the respect, protection and fulfillment of Human Rights, security and democracy.

CPD expected result

3.1 The justice system has better capacities for strategic management and human resources enhanced in their technical, operational and coordination capabilities.

Indicator

Increase in the proportion between the number of denunciations and the number of solved cases.

Expected products

3.1.1 Strengthened National Civilian Police in its technical and operational capacities for the respect of human rights.

3.1.3 Strengthened Public Ministry (Attorney General's Office) in its capacity of investigation and penal prosecution.

Implementing Partner.....CICIG

Short description

The Project intends to make viable the establishment and functioning of the International Commission Against Impunity in Guatemala (CICIG for its abbreviation in Spanish) and to guarantee that the content of its Mandate is in accordance with its Creation Agreement. The Project centers on the promotion of institutional strengthening of CICIG

Country Program Period: 2003.2008

Program Component: Foster Democratic Governing, Justice and Human Rights.

Name of the Project: Support to CICIG establishment and functioning

Project's Identification:

Project Duration: Two years, starting on January 12.

Management Arrangements: UNDP Direct Execution (DEX)

Budget: US\$ 27,000,900

General Management Services (7%):
US\$ 1,890,063

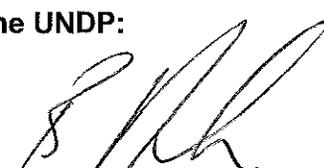
Total Budget: US\$ 28,890,963

Financed by CICIG Trust Fund

Implementing Partners' Approval:


11-1-08
International Commission Against Impunity in Guatemala (CICIG)
Mr. Carlos Castresana, Commissioner

Approved by the UNDP:


11-1-08
Mr. Beat Rohr, Resident Representative

2. Analysis of the situation

Project context.

This project will provide support for the installation and operation of the International Commission against Impunity in Guatemala (CICIG), an investigative commission established pursuant to an agreement signed by the Government of Guatemala and the United Nations on 12 December 2006. Responding to a request from the Government of Guatemala (GoG) in 2003, the United Nations Department of Political Affairs (DPA) has worked with Guatemalan authorities and civil society to craft a mechanism to provide strategic assistance in the fight against the country's deeply entrenched impunity. On 1 August 2007, the Congress of Guatemala ratified the agreement, which has treaty-level status, and it entered into force on 4 September.

CICIG has requested UNDP's support for the establishment and functioning of the International Commission Against Impunity in Guatemala. This Project, according to Institutional definitions, will be executed under the DEX Modality being the CICIG as Implementing Agent.

Country Context

The Guatemalan State's capacity to guarantee respect for human rights, a strong execution of the law and serious combat against impunity, has been affected since the signature of the Peace Accords in 1996, by the rise in violence, not only in its organized crime dimension, but also in common delinquency.

The constant presence of illegal armed groups, clandestine security organizations and illegal structures, oriented to protect political and illicit economical interests, constitutes one of the factors for the violence in the country. Many national and international organizations have evidenced that these criminal organizations have infiltrated and undermine national institutions of security and justice, generating higher levels of impunity, corruption and deterioration of human rights.

The expansion of these clandestine and illegal armed groups and their violent actions, have wounded ample sectors of the population. For example, human rights defenders, operators of justice and security systems, and the enterprise and political sectors of the country. As a counterpart, it is of official acknowledgement that the state capacities to oppose these groups, is fragile and limited.

Guatemala presents impunity levels higher than 90% and one of the highest homicide rates in Latin America; 48 for every one hundred thousand habitants in the year 2006. The most evident institutional weaknesses are the ones found in the investigation and criminal prosecution, as well as the ones found in the National Civilian Police, when it comes to their protection obligations.

The levels of violence and impunity, and the insufficient respect of human rights prevailing in Guatemala, were considered as a national emergency by Congress in the ratification Accord between the UN and the Guatemalan Government in the creation of CICIG. As a foundation for its approval, the Guatemalan State has assumed international compromises in matters of Human Rights including the implementation of effective mechanisms to protect these rights and universally recognized fundamental liberties. In the same way, it established that nowadays the illegal bodies and clandestine organizations of security seriously affect human rights through criminal actions, fostering impunity in Guatemalan society. Therefore, the implementation of an internationally sanctioned accord was considered necessary to strengthen the capacity of the Guatemalan State to perform its obligations more efficiently.

The Ratification of the Accord between the United Nations Organization and the Guatemalan Government regarding the establishment of an International Commission Against Impunity was given by the Republic's Congress on August 1st of 2007.

Nature of CICIG

During the first months of its mandate, CICIG has built on and developed a series of important relationships with several UN departments, programs and agencies, which will be vital to its operations. The UN Department of Political Affairs has played an essential role throughout the process leading up to the establishment of CICIG and will continue to be the Commission's principal political counterpart in the United Nations. For its part, on 3 October 2007, the United Nations Development Programme set up a dedicated trust fund for CICIG that provides a single conduit for voluntary contributions.

3. Strategies

The main elements for the United Nations Development Assistance Framework and for the Country Program are the strengthening of justice and security in Guatemala, as a foundation towards achieving higher levels of protection and respect for human rights. In both documents the United Nations expresses its interest in contributing to national efforts in these areas.

In the 1996 Peace Accords, specifically the Global Human Rights Accord, the Guatemalan Government committed itself to fight against criminal structures originated during the internal armed conflict. This Accord became a national law with the sanctioning of the Peace Accords Framework Law, according to which these accords become state commitments. Within this framework, the United Nations commits support to the Guatemalan State in its strategy to fight against organized crime and impunity.

Institutional strengthening constitutes one of the main UNDP objectives. The main efforts of UNDP support through this project will consist in logistic and administrative support to the CICIG. Main overall substantive set results, will be carried out and under the responsibility of the CICIG, as Implementing Agent.

Country's Strategies

In November 2006, the authorities of the Guatemalan Government and the United Nations signed an agreement for the constitution of the International Commission Against Impunity (CICIG). This Accord was ratified by the Republic's Congress in August 2007, allowing in this manner the installation and operation of the CICIG. The central objective of this Commission is the one of assisting the Public Ministry (Attorney General's Office) of the Republic of Guatemala, and also other State institutions, to investigate and disassemble illegal and clandestine organizations operating in Guatemala. These international and national arrangements form the legal framework for the CICIG to operate and develop effectively its objectives in favor of the fight against impunity and the promotion of the respect and validity of human rights in Guatemala.

The fight against impunity has been identified by the Guatemalan State as a national priority. This has been the base to require cooperation from the United Nations through the installation of the CICIG. At national level, the institutions primarily in charge of actions and strategies oriented to do better investigation and criminal prosecution are the Public Ministry and the National Civilian Police, both being main areas for strengthening and giving technical assistance to by the CICIG. In general, the state institutions linked to the justice and security sectors, like the Human Rights Ombudsman's Office, the Penal Public Defense Institute, the National Forensic Sciences Institute, the Judiciary, among others will be strategic partners and beneficiaries of the CICIG's action.

The CICIG will act with absolute functional independence and responsibility in the performance of its mandate. In order to achieve its results, it will create cooperation agreements with national institutions of security and justice, including the Attorney General's Office, the Judiciary, the Public Penal Defense Institute, and the Ministry of the Interior, among other institutions.

The CICIG's action, facilitated by the present Project, will rotate around the achievement of these three main objectives:

1. Investigate the existence and modes of operation of the illegal security groups and the clandestine security organizations, identifying its structures and bonds between State functionaries and organized crime. In this area, the CICIG will direct its work to the identification of: the existence of illicit or clandestine security groups that commit crimes affecting fundamental human rights, the right to live free of threats, attacks to physical integrity and/or murder, the existence of bonds between members of the illegal groups and State functionaries, and/or their ability to block any judicial action against them.
2. Assist the Guatemalan State institutions in their work, mainly the Attorney General in his investigations and processes of the individuals involved in these groups.

Recommendations to the Government will also be given for the adoption of new public policies, mechanisms and procedures directed to the eradication of these groups, and assistance for the strengthening of the State's capacity to protect the basic human rights of the population.

3. Provide technical assistance to the institutions of the Justice Sector with the purpose of that, at the end of the CICIG's mandate, they have more resources and conditions to combat these groups effectively.

These objectives will be achieved in conformity with dispositions found in the CICIG Accord, as well as in complete observance of the Political Constitution of Guatemala. CICIG will also define its programmatic and operational plan, which will constitute the basis for the agreement subscribed between UNDP and CICIG as Implementing Partner, which will be regulated according to UNDP rules and procedures.

The investigations will be selected according to technical criteria established for these purposes. All efforts will concentrate in the investigation and legal dismantling of the illegal and clandestine bodies that have been acting in this country.

Structurally, the CICIG will be conformed of 5 operative units, which will transversally approach the different necessary areas to develop the investigations integrally and efficiently. These Units will be the following:

1. Civilian and Political Rights Unit.
2. Transnational Organized Crime Unit.
3. Scientific Police Unit.
4. Financial Investigation Unit.
5. Legal Unit.

These units will be formed by national and international experts with proofed professional excellence. The strategic direction will be provided by the Commissioner and his coordination team. The established structure will have two specific work areas: the investigative and the legal one.

The articulation with the state institutions will be done by strengthening the national capacity of investigation and penal prosecution, particularly in investigation processes and specialized training in investigation techniques and effective criminal prosecution. A principal actor in this respect will be the Public Ministry, which is creating a Special Public Attorney's Office with five units or agencies, each one with its own prosecutors, assistants and investigators, selected by the General Prosecutor according to the Commission. This will allow specialized and coordinated attention and following of the investigations done by the CICIG.

Attending to the seriousness of the gender issue present in the action of organized crime, the CICIG will give special attention, among others, to the investigation of gender-sensitive cases, in the investigation processes.

Contribution of the UNDP

Main UNDP overall contribution will be to facilitate logistic and administrative support to enable CICIG to function effectively in the implementation of its mandate.

This Project will be executed with the assistance of the United Nations System to the Guatemalan efforts in the area of fight against impunity and respect of human rights. In this sense, the UNDP will collaborate with the CICIG in the management of financial resources and accompaniment through a technical and administrative team, denominated DEX Project Management UNIT (PMU) which will facilitate the processes of installation and functioning of this Commission, according to UNDP rules and procedures.

The UNDP technical team and DEX PMU will be responsible, in coordination with the CICIG Commissioner, of the administration, monitoring and evaluation of the financial resources to be used in the implementation of the different phases of the process of execution of the Project. In order to achieve these functions, the UNDP rules and procedures, as well as the ones defined in the Trust Fund constituted for this Commission, will be taken into account.

Exit Strategies

The Project contemplates as one of its central concerns the strengthening of the national capacity for investigation and penal prosecution, which will be transferred to the state institutions of the justice and security areas. The joined work and support of these institutions will guarantee that at the end of the project, these will have increased capacities of creation and information analysis, of investigation and penal prosecution and others in the field of anti corruption and penal typologies linked to the action of the illegal and clandestine structures. The enhancement of these capabilities will generate levels of institutional sustainability important for the continuation of the fight against impunity and the promotion of respect and validity of human rights. At the end of this Project and with these conditions generated, the presence of the UNDP will not be essential.

4. PROJECT RESULTS AND RESOURCES FRAMEWORK

Expected results within the Country Program framework:				
3.1.1 Strengthened National Civil Police in its technical and operative capacities in human rights.				
3.1.3 Strengthened Public Ministry in investigation and penal prosecution capacities.				
Result indicator: Increase in proportion between the number of denunciations and the number of solved cases.				
Applicable MYFF service line: 2. Fostering Democratic Governance/ 2.4 Justice and Human Rights				
Association strategy: The Project establishes and coordinates agreements with state institutions from the Justice and Security Sectors, like the Public Ministry, the Ministry of the Interior, the Judiciary, Penal Public Defense Institute, National Forensic Sciences Institute, Human Rights Ombudsman's Office.				
Project name and identification: International Commission Against Impunity in Guatemala.				
Expected Outputs	Year 1 Target	Year 2 Target	Activities	Inputs
<p>R1: Established CICIG and well capacitated to develop efficiently its investigation, technical assistance and fostering capacities.</p> <p>(Result to be achieved by UNDP)</p>	<p>CICIG established in its head office and with necessary human resource to operate.</p>	<p>CICIG operates efficiently enabling mandate compliance.</p>	<p>Personnel hiring of the DEX PMU.</p> <p>Insurance for material and equipment.</p> <p>Administrative and financial management.</p> <p>Head office identification and conditioning.</p> <p>Support to CICIG on personnel hiring process</p>	<p>Equipment and furniture Transportation equipment Professional Services Information Technology equipment Rental and Maintenance Facilities & Administration</p> <p>Estimated Costs: US\$ 9,448,900</p>

<p>R2: Strengthened National Security and Justice institutions in their capacity to investigate.</p> <p>(Result to be achieved by Implementing Agent)</p>	<p>National Justice and Security institutions supported</p>	<p>National and Justice Security Institutions have increased their investigative capacities.</p>	<p>Security and communication plans' establishment.</p> <p>Institutional Support Agreements' definitions and subscription.</p> <p>Specialized training for justice and security sectors public functionaries.</p> <p>Conduct studies related to the mandate and produce thematic reports</p>	<p>Consultants</p> <p>Professional Services</p> <p>Learning costs</p> <p>Travel</p> <p>Estimated Costs: US\$ 8,776.000</p>
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<p>R.3 Valid investigations to fundament penal prosecutions.</p> <p>(Result to be achieved by Implementing Agent)</p>	<p>Conducted criminal investigations and criminal policy proposals.</p>	<p>Conducted criminal investigations and criminal policy proposals.</p>	<p>Provide technical support for criminal investigation</p> <p>Conduct case investigations</p> <p>Training in international criminal investigation centres.</p> <p>Information collection, analysis and systematization.</p> <p>Investigation processes.</p> <p>Define strategy to build criminal cases</p> <p>National and international Legislation analysis.</p> <p>Implementation of ideal legal evidential systems for penal prosecution.</p>	<p>Consultants</p> <p>Professional Services</p> <p>Learning costs</p> <p>Travel</p> <p>Estimated Costs: US\$ 8,776,000</p>
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5. Annual Work Plan - AWP

The administrative-technical team will prepare a work plan including activities and results that will be achieved and their associated budget., indicating periods of execution of these activities, responsible of executing, inputs required and its budget.

ANNUAL WORK PLAN – AWP YEAR 2008

CP EXPECTED OUTPUTS	PLANNED ACTIVITIES <i>List of all activities, including M&B, to be held during the year to achieve CP products</i>	CALENDAR				RESPONSIBLE	ASSIGNED BUDGET		
		T1	T2	T3	T4		Fund Source	Budget Line	Import
Established CICIG and well capacitated to develop efficiently its investigation, technical assistance and fostering capacities.	Administrative and financial management	X	X	X	X	UNDP	CICIG Trust fund	To be defined	To be defined
	DEX PMU operating	X	X	X	X	UNDP	CICIG Trust fund		
	Procurement	X	X	X	X	UNDP	CICIG Trust fund		
Strengthened National Security and Justice institutions in their capacity to investigate.	As defined in CICIG Project Workplan Annexed					CICIG as Implementing Agent	CICIG Trust fund	To be defined	To be defined

10. Legal Context

The present document will be taken as the Project's Document tool, in Article 1 of the Basic Agreement subscribed between the Guatemalan Government and the United Nations Development Program-UNDP, July 20th 1998 (Annex 2). The Basic Agreement, the application of which has been agreed with the Guatemalan Government, will be valid *mutatis mutandis* for all the issues not touched explicitly in this document.

The execution modality is of Direct Execution by the UNDP. The procurement of goods and/or service contracting will be guided by the UN regulations, and particularly the UNDP's.

The following are types of revision to the project document that can be carried out only with the UNDP Resident Representative or Country Director's approval, and always with no objections from the other signatories:

- a) Revisions to any of the annexes of the project's document or additions to them.
- b) Revisions that won't mean significant changes in the immediate objectives, the results or the project's activities. Instead, they are derived from a redistribution of the agreed inputs or increase of spending due to inflation, and,
- c) Periodic mandatory revisions through which a redistribution of the financial resources of the project is agreed upon, an increase of the expenses due to the hiring of experts or due to inflation, or the consideration of the margin of flexibility of the executing organization.

In case of adjustments to the immediate objectives, to the results or to the proposed activities in the project document, there will have to be substantial revisions, which must be signed by the UNDP in its position of executing organization.

11. Other Agreements

This document with the CPAP signed by the Government and the UNDP, which is incorporated as a reference, constitute together the Project document referred as such in the Basic Agreement and all the provisions of the CPAP are applied to this document.

11.1. Schedule of payments will follow availability of funds in the CICIG Trust Fund.

11.2. The value of the payment, if made in a currency other than United States dollars, shall be determined by applying the United Nations operational rate of exchange in effect on the date of payment. Should there be a change in the United Nations operational rate of exchange prior to the full utilization by the UNDP of the payment, the value of the balance of funds still held at that time will be adjusted accordingly. If, in such a case, a loss in the value of the balance of funds is recorded, UNDP shall inform CICIG with a view to determining whether any further financing could be provided by CICIG. Should such further financing not be available, the assistance to be provided to the project may be reduced, suspended or terminated by UNDP.

11.3. There is a requirement that payments must be made in advance to the implementation of planned activities. This may be amended to be consistent with the progress of project delivery.

11.4. UNDP shall receive and administer the payment in accordance with the regulations, rules and directives of UNDP.

11.5. All financial accounts and statements shall be expressed in United States dollars.

11.6. If unforeseen increases in expenditures or commitments are expected or executed (whether owing to inflationary factors, fluctuation in exchange rates or unforeseen contingencies), UNDP shall submit to CICIG on a timely basis a supplementary estimate showing the further financing that will be necessary. CICIG shall use its best endeavours to obtain the additional funds required.

11.7. If the payments referred above are not received in accordance with the payment schedule, or if the additional financing required in accordance with paragraph [above is not forthcoming from CICIG or other sources, the assistance to be provided to the project under this Agreement may be reduced, suspended or terminated by UNDP.

11.8. Any interest income attributable to the contribution shall be credited to a UNDP Account and will be used in accordance with established UNDP procedures.

In accordance with the decisions and directives of UNDP's Executive Board:

The contribution shall be charged at:

- (a) 7% cost recovery for the provision of general management support (GMS) by UNDP headquarters and country offices
- (b) Direct cost for implementation support services (ISS) provided by UNDP and/or an executing entity/implementing partner.

11.9. Ownership of equipment, supplies and other properties financed from the contribution shall vest in UNDP. Matters relating to the transfer of ownership by UNDP shall be determined in accordance with the relevant policies and procedures of UNDP.

11.10. The contribution shall be subject exclusively to the internal and external auditing procedures provided for in the financial regulations, rules and directives of UNDP.

11.11. The Memorandum of Understanding between UNDP and CICIG, defining the role and responsibilities of both parties will be signed.

12. Annexes.

1. CPAP signed by the UNDP and the Guatemalan Government.
2. UNDP / CICIG Memorandum of Understanding.
3. Accord between the UN and the Guatemalan Government relative to the establishment of the CICIG.
4. UNDP, Trust Fund, CICIG Reference Terms.
5. Project Personnel Reference Terms.
6. Budget
7. CICIG Project definition and Workplan