

RESISTING CORRUPTION ALONG DRUG TRAFFICKING ROUTES

**An analysis of criminal justice bodies in Latin America
and West Africa**

Transparency International is a global movement with one vision: a world in which government, business, civil society and the daily lives of people are free of corruption. With more than 100 chapters worldwide and an international secretariat in Berlin, we are leading the fight against corruption to turn this vision into reality.

Resisting corruption along drug trafficking routes

An analysis of criminal justice bodies in Latin America and West Africa

Authors: Andy McDevitt, Jessie Bullock

Reviewers: Ádám Földes, Anne Liedloff, Kaunain Rahman

Cover: Bogdan Vija / shutterstock.com

Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of March 2021. Nevertheless, Transparency International cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

ISBN: 978-3-96076-177-8

2021 Transparency International. Except where otherwise noted, this work is licensed under CC BY-ND 4.0 DE. Quotation permitted. Please contact Transparency International – copyright@transparency.org – regarding derivatives requests.



This document has been produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of Transparency International and can under no circumstances be regarded as reflecting the position of the European Union.



GIFP
Global Illicit Flows
Programme



UNODC
United Nations Office on Drugs and Crime



CRIMJUST
Going Beyond Drug Seizures

TABLE OF CONTENTS

Executive summary	2	Key findings	14
Key findings	2	Socio-political context	14
Recommendations	3	Legal frameworks	16

Introduction	7	Assessment of criminal justice institutions	18
Drug trafficking, organised crime and corruption	7	Assessment of investigation bodies	19
Drug trafficking routes: Latin America and West Africa	7	Assessment of prosecution bodies	23
		Assessment of adjudication bodies	27
Fighting organised crime along drug trafficking routes	10	Recommendations	32
The CRIMJUST project	10		
Methodology	12	Endnotes	35

EXECUTIVE SUMMARY

Drug trafficking threatens good governance and fuels corruption, creating a vicious cycle where criminal justice institutions falter and the drug trade grows. Ordinary people become caught up in violence, extortion and drug addiction. Money laundering from drugs reduces economic growth and reinforces income inequality.

Cocaine is one of the most lucrative and damaging drug trades. It stretches from producer countries like Bolivia, Colombia and Peru through the entire Latin American region. In recent years, Europe has become the world's fastest-growing market for cocaine. Most cocaine reaches Europe through the Caribbean and, since the mid-2000's,¹ West Africa, where drug cartels have taken advantage of institutional weaknesses, corruption and unguarded coastlines to establish new trafficking routes.

As part of a multi-partner initiative led by the United Nations Office on Drugs and Crime (UNODC) known as the CRIMJUST project, Transparency International has developed the Justice and Law Enforcement Accountability Dashboard (JustLEAD). JustLEAD aims to identify and address integrity, accountability and transparency gaps in the criminal justice institutions fighting organised crime and drug trafficking in countries along the cocaine route, namely Colombia, the Dominican Republic, Guatemala, Honduras, Panama, Peru and Venezuela in Latin America, as well as Ghana and Nigeria in West Africa. Transparency International chapters in each country selected three criminal justice bodies – each charged with the investigation, prosecution or adjudication of organised crime cases – for in-depth assessments. The focus was the effectiveness of each institution in addressing the risks of infiltration by organised crime, namely: internal and external oversight; protection for victims and witnesses; transparency; channels for civil society participation; financial and human resource capacities; and independence and integrity safeguards.

This report presents the main trends emerging from the national assessments and provides recommendations on priorities for reform.

KEY FINDINGS

The nine countries all vary in both their legislation for organised crime and drug trafficking and the socio-political contexts in which their criminal justice institutions operate. Consequently, it is not possible to make any direct cross-country comparisons between the different investigation, prosecution and adjudication bodies. Nevertheless, an analysis of the data across all nine countries reveals some general trends and suggests common areas for intervention:

- + Formal internal accountability mechanisms were the strongest dimension across all three criminal justice areas (investigation, prosecution and adjudication) in almost all countries (Colombia, Ghana, Guatemala, Honduras, Nigeria, Panama, Peru and Venezuela). Nevertheless, while there are generally strong rules of professional and ethical conduct and moderately strong internal control measures in place, regular training and capacity building on ethics is consistently lacking.
- + Financial and human resource capacity was strong for investigation and prosecution bodies across all countries. Limited capacity was one of the most pressing weaknesses of adjudication bodies, however. While most investigation and prosecution bodies receive adequate training and technical assistance for organised crime and drug trafficking, capacity gaps exist (in the Dominican Republic, Ghana, Nigeria and Venezuela, and Ghana, Honduras and Venezuela, respectively).
- + External accountability mechanisms were strong or moderately strong in all three criminal justice

areas in most countries (Colombia, Dominican Republic, Ghana, Guatemala, Honduras and Nigeria).

- + The independence/autonomy and integrity of criminal justice bodies was limited in all countries, particularly in adjudication bodies, which in some cases are seriously compromised by undue external influence (Panama, Peru and Venezuela).
- + Limited opportunity for civil society to participate in and oversee the criminal justice process was a common weakness, especially in investigation and adjudication bodies. Existing collaborations between criminal justice institutions and communities, civil society organisations and civilian oversight initiatives are often sporadic and inconsistent. Engagement with the media often lacks consistency and a formal protocol.
- + Transparency was higher in prosecution and adjudication bodies than investigation bodies, although there are still important gaps in all three areas. Generally speaking, investigation bodies publish limited information on the numbers and types of criminal cases they pursue, although financial information (e.g. budget, spending and audit information) tends to be slightly more comprehensive.
- + Inadequate protections for witnesses and victims of organised crime, as well as inadequate threat management systems for law enforcement officials, was one of the most critical gaps across the majority of countries for investigation and prosecution institutions (Dominican Republic, Ghana, Guatemala, Honduras, Nigeria, Panama, Peru and Venezuela).

RECOMMENDATIONS

Taking into account distinct national contexts, our analysis of the criminal justice institutions in the nine countries suggests that all investigation, prosecution and adjudication bodies charged with organised crime and drug trafficking should at a minimum:

Support and trainings

- + Provide specialised training and technical support to investigators and prosecutors who work on complex organised crime cases.

Capacity building

- + Ensure that criminal justice institutions have adequate financial and human resources to effectively carry out their mandates.
- + Provide personnel with capacity building on the ethics codes and internal control systems at least once a year. Attendance at trainings and adherence to the ethics code should be criteria for promotion and advancement.

Good practices

- + Ensure that nominations, appointments, promotions and removals – especially to senior positions – are based on transparent, objective and meritocratic criteria and subject to clearly defined processes to help limit internal and external interference.
- + Publish annual asset declarations for judges and prosecutors and develop internal policies for the declaration and verification of assets.
- + Regularly publish data on the results of internal disciplinary processes, including the number and types of complaints received and sanctions imposed to enable external stakeholders to hold criminal justice institutions accountable for the ways in which they deal with misconduct.
- + Regularly publish data on the number and types of criminal cases pursued, including the investigation's start date, end date and result. All information should be published in open data formats.
- + Process internal matters (nominations, appointments, promotions, removals and disciplinary actions) and caseloads in a timely manner.

The following recommendations addressing integrity, accountability and transparency gaps are relevant to the criminal justice institutions in most assessed countries:

Internal oversight

- + Ensure that regularly updated and gender-sensitive complaint channels are in place and

disseminated to public officials and civil society members.

- + Ensure that the internal disciplinary mechanism has a sufficient budget to support its functions.

Protections

- + Build robust and adequately funded witness- and victim-protection and threat-management systems, which also protect personnel and family members, where relevant.
- + Implement comprehensive whistleblower protection mechanisms, which guarantee anonymity, protection from reprisals and immunity from disciplinary action. The absence of national-level whistleblower protection legislation should not impede institutions from adopting such mechanisms.

Civil society participation

- + Implement formal policies and maintain financial resources to support engagement with civil society organisations and the media, including civilian oversight and monitoring initiatives and legal engagement with civil society organisations acting as plaintiff.

The following recommendations were also identified for specific countries:

Colombia

- + A new investigation and prosecution mechanism should replace the current extraordinary judicial mechanism for high-ranking public officials² in order to reduce impunity.
- + The National Police (Policía Nacional) should build capacity in access to public information, citizen services, anti-corruption, offences against public administration and human rights; make public their staff-selection processes; and review the schemes for transferring personnel and monitoring police functions.
- + The Office of the Attorney General (Fiscalía General de la Nación) should strengthen its communication guidelines to protect the integrity of criminal proceedings while ensuring the right to information.

- + The Superior Council of the Judiciary (Consejo Superior de la Judicatura) should conduct training and raise awareness among court officials about the Law on Transparency and the right to access public information.

- + The Superior Council of the Judiciary (Consejo Superior de la Judicatura) should provide the National Judicial Disciplinary Commission and Disciplinary Commission with adequate technical and financial resources.
- + The government should pass a single law for the protection of whistleblowers and witnesses of corruption, and all institutions should strengthen their respective legal and institutional mechanisms.

Dominican Republic

- + The National Directorate of Drug Control (Dirección Nacional de Control de Drogas, DNCD) and the Public Prosecutor's Office (Procuraduría General de la República, PGR) should raise awareness and build capacity on human rights and dealing with victims of organised crime.
- + The National Directorate of Drug Control (Dirección Nacional de Control de Drogas, DNCD) and Public Prosecutor's Office (Procuraduría General de la República, PGR) should establish and implement guidelines to ensure that admissions and promotions are professional, time-limited, and based on transparent evaluations.

Ghana

- + The Narcotics Unit of the Ghana Police Service should ensure full operationalisation of the recently developed case management and tracking system to enhance transparency during the investigation, prosecution and adjudication of a case.
- + The government should establish an Independent Police Complaints Commission, which Ghana accepted at the UN Human Rights Council in November 2017.
- + The Ministry of Justice and Attorney General should update the Ghana Code for Prosecutors, which has not been updated since 2010, and integrate it into the standard operating procedures of the Prosecution Division.

- + The Right to Information Commission, in collaboration with the Ministry of Information and the National Commission for Civic Education, should scale up its public education efforts on the Right to Information Act, 2019 (Act 989).
- + All three institutions should establish online complaint platforms.

Guatemala

- + The National Police (Policía Nacional Civil) and Prosecutor's Office against Organised Crime (Fiscalía contra el Crimen Organizado) should establish protocols for the protection of whistleblowers, victims, witnesses and personnel, and implement capacity-building programmes.
- + The Public Ministry (Ministerio Público) should establish protocols for the selection of personnel in the Prosecutor's Offices against Organised Crime, Extortion, Drug Trafficking and Corruption (Fiscalías de Crimen Organizado, Extorsiones, Narcotráfico y Corrupción).
- + The Guatemalan judicial system should be reformed in order to ensure judicial and prosecutorial independence.

Honduras

- + The judicial system should develop and implement access-to-information standards, and promote greater participation and oversight of citizens and civil society organisations in order to replace the need for assistance from international cooperation agencies.
- + The judicial system should establish comprehensive and sustainable policies to fight organised crime and corruption, which will not be influenced by changes in government.

Nigeria

- + The criminal justice institutions should adhere to the provisions of the Freedom of Information Act 2011.
- + The Nigeria Police Force (NPF) should increase publicity for the Police Complaint Response Unit (CRU) complaint channels.

- + The National Drug Law Enforcement Agency (NDLEA) should improve the welfare and promotion policy of its officers.
- + The Nigerian government should enact whistleblower protection legislation.
- + The Nigeria Police Force (NPF) should make public its financial report.

Panama

- + The Judicial Investigation Department (Dirección Nacional de Investigación Judicial) should review its disciplinary mechanism and bring it in line with human rights protection standards, particularly in relation to due process for the defence of the person under disciplinary investigation.
- + An external body should be created by law to control, supervise and investigate misconduct by high-ranking officials of the public security forces. This body should have the power to investigate misconduct and decline to refer it to the Public Prosecutor's Office (Procuraduría General de la Nación), if the allegations indicate a crime under criminal law or special laws.
- + The judicial career system should be fully implemented, so that interim judges and magistrates cease to exist. In order to guarantee judicial independence and gain public trust, a short-term timetable should be established for the selection of judges, especially those serving in the adversarial criminal justice system.
- + The Public Prosecutor's Office (Procuraduría General de la Nación) should adopt a code of ethics based on the Uniform Code of Public Ethics, especially for personnel tasked with investigating organised crime.

Peru

- + All criminal justice institutions should update their virtual platforms to include the following: information on investigations with a major impact on society and on judicial decisions in accordance with Legislative Decree No. 1342; statistical data on organised crime investigations; and information on offenses committed by police officers and prosecutors and their respective penalties. In

addition, police officers, prosecutors and judges' curricula vitae and information on the institutions' accounting and financial audits should be published.

- + Information campaigns on organised crime should be developed in communities' mother tongues, and with a focus on drug and human trafficking.
- + The implementation process of the national control authorities at the Judiciary and the Prosecutor Office, which were created in 2019, should be strengthened in order to reinforce and enhance autonomy of internal control.

Venezuela

- + The Scientific and Criminal Investigation Body (Cuerpo de Investigación Científica, Penal y Criminalística, CICPC) should build capacity for the protection of whistleblowers, victims and witnesses.
- + The appointment of the Director of the Scientific and Criminal Investigation Body (Cuerpo de Investigación Científica, Penal y Criminalística, CICPC) should be subject to a public and competitive process and based on objective and meritocratic criteria in order to eliminate external and internal political influences.
- + The independence of the Public Ministry (Ministerio Público) and the Criminal Cassation Chamber of the Supreme Tribunal of Justice (Sala de Casación Penal Tribunal Supremo de Justicia) should be re-established.
- + All criminal justice institutions should establish clear protocols for the protection of public officials involved in the investigation, prosecution or adjudication of organised crime cases.

INTRODUCTION

DRUG TRAFFICKING, ORGANISED CRIME AND CORRUPTION

According to Europol, over one third of the international organised crime groups active in the European Union were involved in drug trafficking in 2017,³ making it “more widespread than organised property crime, smuggling of migrants, trafficking in human beings, excise fraud or any other illicit activity”.⁴

Drug trafficking threatens governance and the rule of law and fuels corruption in a vicious cycle.⁵ According to the UNODC, “the wealth and power of some drug trafficking organisations can exceed that of local governments, allowing them to buy protection from law enforcement agents, criminal justice institutions, politicians and the business sector”.⁶ As a result, weak rule of law is both a consequence⁷ and an “underlying factor that feeds this cycle”.⁸ Organised criminal groups may attempt to influence the judicial system by seeking to corrupt the police to protect their illegal activities from planned operations,⁹ or influencing judges and prosecutors “to undermine police investigations, influence witnesses, reduce sentences or provide special prison treatment”.¹⁰ The vulnerability¹¹ of criminal justice institutions may be influenced by different legal, social, cultural, economic and political factors.¹² Issues include failure to appoint officials based on merit, poor working conditions, a lack of accountability mechanisms and a lack of transparency with the media and civil society.¹³ Where weak institutions and drug trafficking come together, ordinary people suffer from violence, extortion and drug addiction. Organised crime undermines criminal justice institutions with bribery, extortion and threats, which result in failed investigations and prosecutions.¹⁴ The resulting impunity creates opportunities for new crime and corruption. The public also loses trust in political and criminal justice institutions.¹⁵ Fragile states come under additional pressure and can face an increased risk of electoral violence.¹⁶

Drug trafficking also hurts the economy. Money laundering, including from illicit drug activities, can reduce economic growth rates,¹⁷ “particularly in smaller and less developed countries”.¹⁸ This money “has the potential to inflate property prices, distort export figures, create unfair competition, and reinforce skewed income and wealth distributions and increase corruption”.¹⁹ An extreme example is a narcoeconomy,²⁰ with direct costs such as decreasing foreign investment due to non-functional justice systems and reputational concerns, and the closing down of correspondent banks due to high money laundering risks.²¹ Indirect or social costs may include increased income inequalities, which in turn may lead to more drug trafficking, as criminal activities may present a source of income for marginalised population groups.²²

DRUG TRAFFICKING ROUTES: LATIN AMERICA AND WEST AFRICA

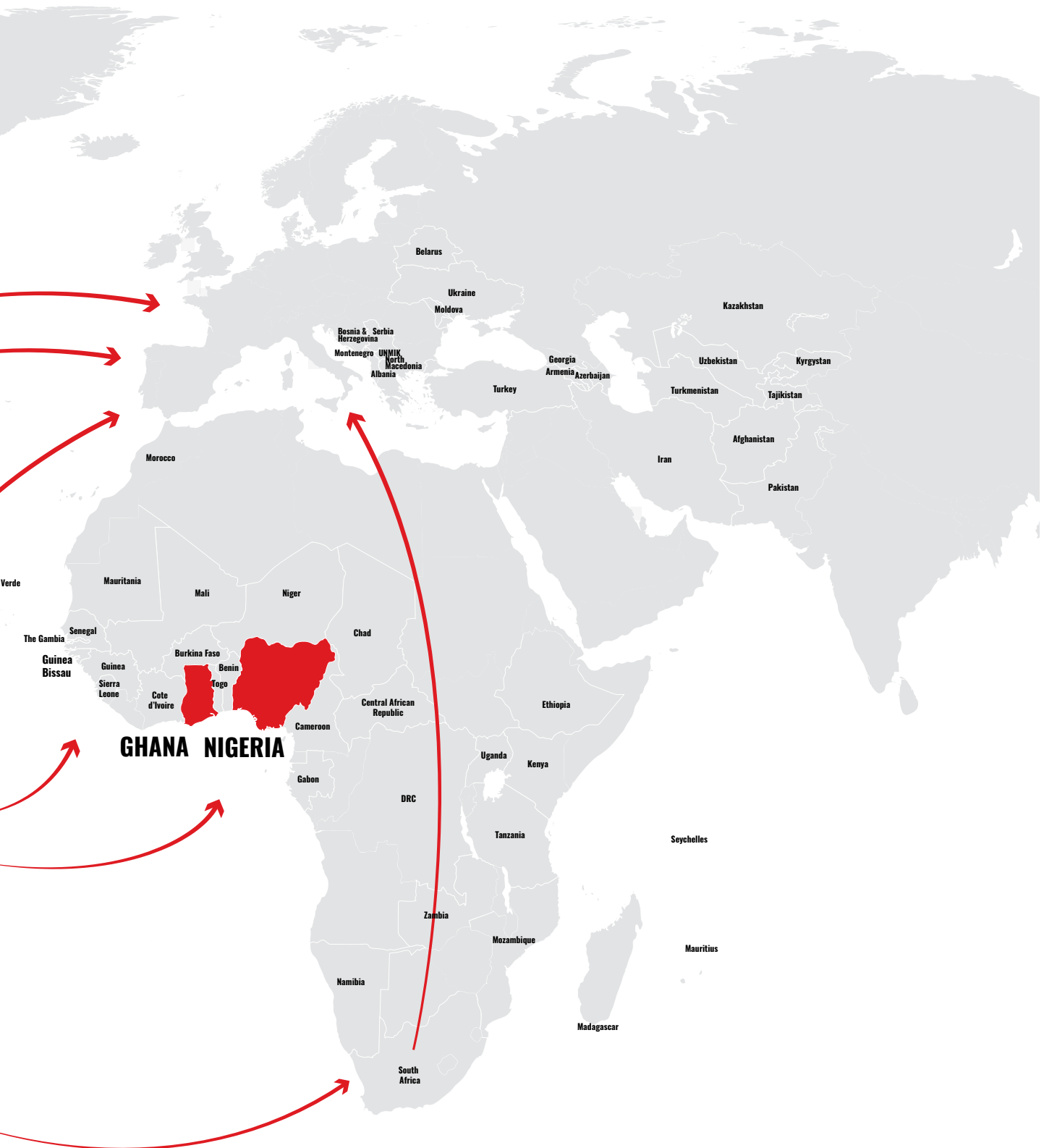
The cocaine trade is one of the most lucrative and damaging forms of drug trafficking. It has evolved significantly in recent years, expanding from Bolivia, Colombia and Peru to the entire Latin American region with Brazil, Central America, Mexico and Venezuela as central corridors for trafficking. At the same time, the primary destination for cocaine has also changed, with Europe becoming the world's fastest growing market.²³ Cocaine has become Europe's most commonly used illicit stimulant drug, with about four million adults estimated to have used it in 2018.²⁴ According to UNODC estimates from 2009, about one third of the proceeds of cocaine sales at the global level are laundered abroad.²⁵

From the South American producer countries, cocaine shipments reach Europe via various routes and methods.²⁶ There are two main transit areas: the Caribbean (principally the Dominican Republic and Jamaica), from where cocaine is transported via sea

or air routes; and the West African mainland and neighbouring islands with shipments to Europe by sea, air and land.²⁷ The region's growing role in the global cocaine market is shown by record cocaine seizures in recent years in transit to West Africa or inside the region itself.²⁸ Latin American cartels have taken advantage of the institutional weakness, high corruption levels and unguarded coastlines in many African countries to establish this route for trafficking.²⁹ "The growth in drug trafficking comes as the region is emerging from years of political conflict and, in some countries, prolonged violence. This instability has left a legacy of fragile state institutions and weak criminal justice systems that are vulnerable to infiltration and corruption by organised crime".³⁰

*Drawn from the Map of the Global Illicit Flows Programme of the European Union.*³¹





FIGHTING ORGANISED CRIME ALONG DRUG TRAFFICKING ROUTES

At the global level, there are a number of international legal instruments in place to combat drug trafficking and organised crime, including the United Nations Convention against Transnational Organised Crime (UNTOC), United Nations Convention against Corruption (UNCAC) and the United Nations Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances. These complement each other and provide the legal foundation to investigate, prosecute and adjudicate organised crime and corruption cases.³² In particular, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances “provides comprehensive measures against drug trafficking, including provisions against money laundering”.³³ Furthermore, it allows for “international cooperation through, for example, extradition of drug traffickers, controlled deliveries and transfer of proceedings”.³⁴

These international legal instruments are supported by various regional initiatives to combat drug trafficking, organised crime and corruption. In the Americas region, for example, the Organisation of American States (OAS) has developed the Hemispheric Plan of Action on Drugs (2021-2025), which identifies five strategic areas, and sets objectives and priority actions for each of the 34 member states, namely: institutional strengthening; measures of prevention, treatment and recovery support; measures to control and counter the illicit cultivation, production, trafficking and distribution of drugs, and to address their causes and consequences; research, information, monitoring and evaluation; and international cooperation.³⁵ In West Africa, meanwhile, UNODC developed the Regional Programme for West Africa (2016-2020)³⁶ to support the Regional Action Plan in line with the Political Declaration on the Prevention of Drug Abuse, Illicit Drug Trafficking and Organised Crime in West Africa – the Abuja Declaration, which had been adopted by the Economic Community of West African States (ECOWAS) in 2008.³⁷ The Regional Programme for West Africa (2016-2020) addressed issues such as strengthening criminal justice systems; preventing and countering transnational organised crime and illicit trafficking; and preventing and countering corruption.³⁸

The Inter-American Convention against Corruption “which recognises the international reach of corruption and the need to promote and facilitate cooperation between states in order to fight against it”³⁹ and MESICIC, its follow-up mechanism for implementation,

are examples of regional anti-corruption mechanisms in the Americas. In Africa, the ECOWAS Protocol of the Fight against Corruption “was adopted with the objective of strengthening effective mechanisms to prevent, suppress and eradicate corruption in each of the State Parties through cooperation”⁴⁰ and the African Union Convention on Preventing and Combating Corruption provides “a shared roadmap for member states to implement governance and anti-corruption policies and systems”.⁴¹

THE CRIMJUST PROJECT

The CRIMJUST project is a key cross-regional initiative funded by the European Union and implemented by UNODC in partnership with INTERPOL and Transparency International. CRIMJUST is aimed at strengthening criminal investigation and criminal justice cooperation as well as institutional integrity and accountability along drug trafficking routes in Latin America, the Caribbean and West Africa. The project also assists member states towards the further development of the Global Goals of the 2030 United Nations Agenda with special focus on Goal 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”.⁴²

THE ROLE OF CIVIL SOCIETY IN THE FIGHT AGAINST ORGANISED CRIME

Combatting drug trafficking and organised crime requires resilient and properly resourced criminal justice institutions that the public can trust. Civil society organisations (CSOs) can play a crucial role in constructively pressuring governments and institutions to be more transparent and accountable.⁴³ At the same time, “governments are increasingly sensitive to allegations of involvement or complicity in drug trafficking”.⁴⁴ Civil society can be a watchdog that monitors institutions for potential infiltration by organised crime and an advocate for policy reforms.⁴⁵ In recognition of the importance of such cooperation in addressing transnational organised crime, the CRIMJUST project includes a strong focus on multi-stakeholder and civil society partnerships for capacity-building and South-South cooperation.

Building on the CRIMJUST project, Transparency International has developed the Justice and Law Enforcement Accountability Dashboard (JustLEAD) to identify and address integrity, accountability and transparency gaps in criminal justice institutions fighting organised crime along drug trafficking routes.⁴⁶ JustLEAD was developed through an in-depth review of international instruments⁴⁷ in consultation with experts and practitioners from Latin America, the Caribbean and West Africa, and from UNODC. The approach has been implemented by Transparency International chapters in Colombia, the Dominican Republic, Guatemala, Honduras, Panama, Peru and Venezuela in Latin America, as well as in Ghana and Nigeria in West Africa, to achieve the following objectives:

- + To identify the specific problems that criminal justice institutions must address, by assessing their integrity, accountability and transparency mechanisms against international standards;

- + To formulate specific and measurable recommendations for the institutions;
- + To advocate for reforms in criminal justice institutions, on a regional and international scale;
- + To monitor progress and improvements made over time, which incentivises reform.

Recognising that criminal justice institutions do not operate in a vacuum, Transparency International chapters first analysed the legal, social and political contexts of their respective countries to identify underlying causes of institutional weaknesses. Based on this analysis, three institutions were selected in each country for an in-depth assessment: one institution that focuses on investigation, one that focuses on prosecution and one institution that focuses on the adjudication of organised crime cases of drugs trafficking (see Table 1).

Table 1: Principle investigation, prosecution and adjudication bodies assessed in each country

COUNTRY	INVESTIGATION	PROSECUTION	ADJUDICATION
COLOMBIA	Dirección de Antinarcóticos - Policía Nacional	Dirección de Narcotráfico - Fiscalía General de la Nación	Consejo Superior de la Judicatura
GHANA	Narcotics Unit - Ghana Police Service	Ministry of Justice & Attorney-General	Criminal Division of the High Court
DOMINICAN REPUBLIC	Dirección Nacional de Control de Drogas (DNCD)	Procuraduría General de la República (PGR)	– ⁴⁸
GUATEMALA	Subdirección General de Análisis e Información Antinarcótica, Policía Nacional Civil	Fiscalía contra el Crimen Organizado - Ministerio Público	Juzgados y Tribunales de Mayor Riesgo, Organismo Judicial
HONDURAS	Agencia Técnica de Investigación Criminal	Fiscalía Especial contra el Crimen Organizado	Juzgado de Letras Penal con Jurisdicción Nacional
NIGERIA	Nigeria Police Force (NPF)	National Drug Law Enforcement Agency (NDLEA)	Federal High Court
PANAMA	Dirección Nacional de Investigación Judicial	Procuraduría General de la Nación	Órgano Judicial
PERU	Policía Nacional - Dirección Nacional de Investigación Criminal	Ministerio Público - Fiscalías contra la Criminalidad Organizada	Poder Judicial - Sala Penal Nacional
VENEZUELA	Cuerpo de Investigación Científica, Penal y Criminalística (CICPC)	Ministerio Público	Sala de Casación Penal Tribunal Supremo de Justicia

METHODOLOGY

Each of the criminal justice institutions was assessed using indicators in seven key dimensions (see Table 2, below)⁴⁹ to evaluate the mechanisms in place to promote integrity, accountability and transparency, as well as their implementation.⁵⁰ The seven dimensions were:

Internal oversight: Policies, procedures and safeguards to self-regulate and prevent personnel from abusing their powers, rights and privileges. The internal oversight indicators include the existence of clear rules of conduct and ethics; an effective internal complaints and disciplinary process to address misconduct; and a system of checks on internal functions, such as prosecutorial discretion.

Protections: Processes and mechanisms to provide essential protections for victims, witnesses, whistleblowers and public officials, as well as their families, involved in the investigation, prosecution or adjudication of an organised crime case.

External supervision: Mechanisms that enable an outside independent entity, such as an anticorruption agency, ombudsman, independent commission, legislative committee or civil society organisation, to effectively investigate allegations of misconduct by an institution's personnel and recommend disciplinary sanctions or refer cases for criminal prosecution. The external oversight indicators examine the accessibility of external complaint channels, and the powers, responsiveness and independence of the external oversight body. They also assess whether the institution's senior personnel are required to submit asset declarations and whether those asset declarations are effectively reviewed. For each selected institution, the national chapters identified for evaluation at least one public body with the authority to investigate allegations of corruption and/or to ensure that appropriate action is taken if violations are found.

Transparency: The availability and accessibility of information on the performance and internal functions of an institution. The indicators examine pro-active transparency, meaning the information that the institution publishes or makes readily accessible, its quality and whether it is systematically collected and updated. The indicators also assess whether the institution meets basic requirements of transparency in responding to requests for information.

Civil society participation: The channels through which an institution engages with the public and civil society to improve internal decision-making processes and develop or improve security or crime-fighting policies, including via external civilian oversight and engagement with the media. The indicators assess whether the institution actively engages with the public and civil society; and has sound policies for engagement with the media that disseminate important information to the public but at the same time safeguard the integrity, independence and impartiality of criminal investigations, prosecutions and adjudications.

Capacity: The financial, technical and human resources for criminal justice institutions to carry out their respective mandates to investigate, prosecute and adjudicate organised crime cases. The indicators examine whether the necessary resources are in place and examine the levels of specialised training and technical support provided to public officials with investigative and prosecutorial responsibilities.

Independence and integrity: The mechanisms to protect an institution's integrity and carry out its mandate free from undue external influence. The indicators assess whether the institution has selection, appointment and recruitment processes that are based on merit and are transparent, especially for the head of the institution and the head of the specialised units. This dimension also includes whether performance-evaluation and promotion processes promote independence and adherence to ethical rules; whether the institution has unencumbered access to and management discretion over its budget; whether removal processes of public officials have been misused to undermine the investigation, prosecution or adjudication of organised crime; whether the institution's personnel have fallen victim to interference by organised crime groups; and whether the principle of limited immunity is implemented to prevent undue external influence while also allowing public officials to be held accountable for wrongdoing, including criminal acts.

The indicators guided Transparency International chapters by providing a scoring question with three possible answers: "Yes/Green", "Partial/Yellow" and "No/Red". The assessment of each institution was carried out through the collection of data from primary and secondary sources: interviews with key actors such as public officials in the selected institutions, contacts in external oversight bodies, civil society organisations,

journalists and donor organisations working on the criminal justice sector; official documents; and media articles. Transparency International chapters also conducted field tests of requests for information and site visits to the institutions. The analyses of relevant areas of law in each country were based on the UNCAC and UNTOC Conventions to which all assessed countries are States Parties. The socio-political context was analysed through a set of guiding questions and key indicators. The assessments and collection of data cover the years 2017 and 2018. The findings for each country, once externally validated, were presented via the JustLEAD online dashboard.⁵¹ These findings form the basis of the analysis in the remainder of this report.

This report does not intend to offer a comprehensive picture of the institutional strength of law enforcement and justice institutions charged with fighting organised crime in the respective countries, but a qualitative approach that builds on the best efforts made by Transparency International chapters to collect detailed information and to identify gaps in the integrity, accountability and transparency mechanisms of these institutions.

All nine countries vary in terms of both legislation in place to tackle organised crime and drug trafficking and the socio-political contexts in which their criminal justice institutions operate. The report reveals some general trends but does not make any direct cross-country comparisons between the different investigation, prosecution and adjudication bodies.

Table 2: Dimensions and indicators

INTERNAL OVERSIGHT	PROTECTIONS	EXTERNAL SUPERVISION	TRANSPARENCY	CIVIL SOCIETY PARTICIPATION	CAPACITY	INDEPENDENCE AND INTEGRITY
Ethics rules	Whistleblower protections	Power of external oversight body/ies	Publication of information on cases	Engagement with civil society	Financial and human resources	Checks on internal investigative functions
Ethics training	Witness and victim protection	Independence of external oversight body/ies	Publication of information on internal oversight	Support of civilian oversight of institution	Organised crime training and technical support ⁵²	Professional appointment/selection/recruitment
Checks	Protection	Responsiveness of external oversight body/ies	Publication of financial information	Policy toward media	Resources and support for internal disciplinary mechanism	Performance evaluations and promotions
Internal disciplinary mechanism		Asset declarations	Responsiveness to requests for information			
Internal responsiveness to complaints			Transparency of jurisdictional functions ⁵³			

KEY FINDINGS

SOCIO-POLITICAL CONTEXT

The JustLEAD assessments find differences between the countries' criminal justice institutions' vulnerability to corruption. There is still significant variation between the measures these countries have taken to fight organised crime. In social and political context, the assessed countries diverge across broad measures of impunity, corruption, rule of law, accountability, media freedom and political rights, which directly affect their ability to fight organised crime and build strong crime-fighting institutions. Table 3, below, presents the results of several leading governance metrics.⁵⁴

- + Ghana performs best with scores in the top and second quintile in three of the seven indices, followed by Panama scoring in the second quintile in two of the seven indices.

- + Colombia, the Dominican Republic and Peru scored lower than the top two countries, but the majority of their ranks vis-à-vis other countries were in the third quintile (40th percentile) or higher.
- + Guatemala, Honduras, Nigeria and Venezuela: These four countries score in the bottom two quintiles in most of the analysed governance metrics. In particular, Venezuela stands out as performing significantly worse than its peers, with scores in the bottom quintile in all of the seven indices.

Table 3: Percentile ranks of assessed countries on key governance metrics

INDEX NAME (YEAR)	COL	REP. DOM	GHA ⁵⁵	GUA	HON	NIG ⁵⁶	PAN	PER	VEN
Global Impunity Index (2017) ⁵⁷	12	32		28	17		23	7	9
Corruption Perceptions Index (2019) ⁵⁸	47	24	56	19	19	19	44	44	4
Worldwide Governance Indicators (WGI): Voice & Accountability (2019) ⁵⁹	55	54	66	35	31	35	67	57	10
Worldwide Governance Indicators (WGI): Rule of Law (2019) ⁶⁰	38	42	55	14	15	19	51	33	0
Worldwide Governance Indicators (WGI): Control of Corruption (2019) ⁶¹	48	25	52	19	23	13	30	37	4
World Press Freedom Index (2019) ⁶²	28	69	85	36	19	33	56	53	18
Freedom in the World (2019) ⁶³	55	57	71	43	37	40	73	61	16

The percentile rank indicates the relative position of each country relative to all countries in the respective index. 0 corresponds to the lowest rank and 100 corresponds to the highest rank. In the table below, each index has been re-scaled to provide the percentile rank for each country. Percentile ranks are colour coded according to five groups, which represent the top 20%, second 20%, third 20%, fourth 20% and bottom 20% respectively for each index.

KEY					
	Top quintile (80-99)	Second quintile (60-79)	Third quintile (40-59)	Fourth quintile (20-39)	Bottom quintile (0-19)

There are a couple of troubling trends across all assessed countries. All scored poorly on the Global Impunity Index, with four countries falling in the bottom quintile (Colombia, Honduras, Peru and Venezuela) and on the Worldwide Governance Indicator's Rule of Law index, with four countries also falling in the bottom quintile (Guatemala, Honduras, Nigeria and Venezuela). The Global Impunity Index measures the level of impunity based on an analysis of the security sector, the justice sector and respect for human rights, and serves as a useful proxy for the effectiveness of the criminal justice institutions in the respective countries. The Rule of Law index is another indicator for the functioning of justice institutions. It measures the confidence of citizens and the private sector in the rule of law in their countries, as well as the protection of property rights, the quality of contract enforcement, the justice sector and the prospect of crime.

By contrast, the assessed countries perform better on Reporters Without Borders' World Press Freedom Index and Freedom House's Freedom in the World index, which measure the level of media freedom and the level of political rights and civil liberties, respectively. The Dominican Republic and Ghana ranked above the 60th percentile globally in the first metric, and Ghana, Panama and Peru ranked above the 60th percentile globally in the second metric. Only Honduras and Venezuela scored in the bottom 20th percentile globally on the first index. This suggests that the space for supporting and strengthening the criminal justice sector through civil society and other non-state actors is relatively larger in the assessed countries than in some of their formal institutional channels.

LEGAL FRAMEWORKS

Given the differences in socio-political context in the assessed countries, this section analyses the existing legislation within 12 areas of law to combat organised crime and illicit drug trafficking.

- + The legislation among the assessed countries shows a satisfactory level of implementation, albeit with some notable gaps (see Table 4, below).

- + Ghana and Peru had the strongest legislation to combat organised crime and drug trafficking. Both countries have implemented laws in all 12 assessed areas.
- + The Dominican Republic, Guatemala and Nigeria lack a whistleblower protection law and legal provisions to protect witnesses and victims.
- + Colombia and Honduras have not enacted legislation in two different areas to tackle organised crime and drug trafficking: a whistleblower law and any type of criminal, civil or administrative liability of legal persons for participation in serious crimes involving organised crime.
- + Panama and Venezuela were only deficient in one of the 12 areas of law. They fell short on enacting a law to protect whistleblowers.

Perhaps the most widespread and urgent gap across almost all of the assessed countries is the lack of legislation to protect informants, witnesses and victims of corruption and other illegal activities. This includes the absence of comprehensive whistleblower protection legislation in all countries except Ghana and Peru, and the absence of procedures for the protection of witnesses and victims in the Dominican Republic, Guatemala and Nigeria. Another notable failing is the absence of criminal, civil or administrative liability of legal persons for participation in serious crimes involving organised crime (Colombia and Honduras).

Table 4: Areas of law to tackle organised crime and drug trafficking

IN THIS COUNTRY IS THERE ...	COL	REP. DOM	GHA	GUA	HON	NIG	PAN	PER	VEN
Criminalisation of participation in criminal groups? ⁶⁴	YES	YES	YES	YES	YES	YES	YES	YES	YES
Criminalisation of the laundering of proceeds of crime? ⁶⁵	YES	YES	YES	YES	YES	YES	YES	YES	YES
Adoption of laws combatting money laundering? ⁶⁶	YES	YES	YES	YES	YES	YES	YES	YES	YES
Adoption of laws criminalising corruption (bribery) and taking measures against corruption? ⁶⁷	YES	YES	YES	YES	YES	YES	YES	YES	YES
Criminalisation of the obstruction of justice? ⁶⁸	YES	YES	YES	YES	YES	YES	YES	YES	YES
Enactment of specialised criminal laws targeting trafficking in persons, smuggling of migrants, trafficking in firearms or other types of organised crimes? ⁶⁹	YES	YES	YES	YES	YES	YES	YES	YES	YES
Establishment of the criminal, civil or administrative liability of legal persons for participation on serious crimes involving organised crime? ⁷⁰	NO	YES	YES	YES	NO	YES	YES	YES	YES
Adoption of legal and procedural mechanisms to allow law enforcement agencies to identify, trace, freeze, or seize assets and confiscate the proceeds of crime? ⁷¹	YES	YES	YES	YES	YES	YES	YES	YES	YES
Enactment of a law enabling law enforcement to overcome bank secrecy laws to obtain evidence such as bank, commercial and financial records? ⁷²	YES	YES	YES	YES	YES	YES	YES	YES	YES
Enactment of a law protecting whistleblowers? ⁷³	NO	NO	YES	NO	NO	NO	NO	YES	NO
Enactment of laws and procedures for the protection of witnesses and victims? ⁷⁴	YES	NO	YES	NO	YES	NO	YES	YES	YES
Adoption of extradition and mutual legal assistance treaties? ⁷⁵	YES	YES	YES	YES	YES	YES	YES	YES	YES

ASSESSMENT OF CRIMINAL JUSTICE INSTITUTIONS

As noted above, there is variation in both the socio-political contexts in which criminal justice institutions operate and the legislation in place to tackle organised crime and drug trafficking. Direct cross-country comparisons should be taken with a grain of salt because each country faces slightly different challenges. This section presents the assessments of the three types of criminal justice institutions in the nine countries: investigation, prosecution and adjudication bodies. Despite cross-country differences, an analysis of the data across all nine countries reveals some general trends and common areas for intervention:

- + Formal internal accountability mechanisms were the strongest dimension across all three criminal justice areas (investigation, prosecution and adjudication) in almost all countries (Colombia, Ghana, Guatemala, Honduras, Nigeria, Panama, Peru and Venezuela). Nevertheless, while there are generally strong rules of professional and ethical conduct and moderately strong internal control measures in place, regular training and capacity building on ethics is consistently lacking.
- + Financial and human resource capacity was strong for investigation and prosecution bodies across all countries. Limited capacity was one of the most pressing weaknesses of adjudication bodies, however. While most investigation and prosecution bodies receive adequate training and technical assistance for organised crime and drug trafficking, capacity gaps exist (in the Dominican Republic, Ghana, Nigeria and Venezuela, and Ghana, Honduras and Venezuela, respectively).
- + External accountability mechanisms were strong or moderately strong in all three criminal justice areas in most countries (Colombia, Dominican Republic, Ghana, Guatemala, Honduras and Nigeria).
- + The independence/autonomy and integrity of criminal justice bodies was limited in all countries, particularly in adjudication bodies, which in some cases are seriously compromised by undue external influence (Panama, Peru and Venezuela).
- + Limited opportunity for civil society to participate in and oversee the criminal justice process was a common weakness, especially in investigation and adjudication bodies. Existing collaborations between criminal justice institutions and communities, civil society organisations and civilian oversight initiatives are often sporadic and inconsistent. Engagement with the media often lacks consistency and a formal protocol.
- + Transparency was higher in prosecution and adjudication bodies than investigation bodies, although there are still important gaps in all three areas. Generally speaking, investigation bodies publish limited information on the numbers and types of criminal cases they pursue, although financial information (e.g. budget, spending and audit information) tends to be slightly more comprehensive.
- + Inadequate protections for witnesses and victims of organised crime, as well as inadequate threat management systems for law enforcement officials, was one of the most critical gaps across the majority of countries for investigation and prosecution institutions (Dominican Republic, Ghana, Guatemala, Honduras, Nigeria, Panama, Peru and Venezuela).

ASSESSMENT OF INVESTIGATION BODIES

The first type of criminal justice institutions analysed were those that investigate organised crime at the national level: departments of justice, scientific investigation bodies or investigative police forces. The selected investigative body in each country was scored on all seven dimensions: 1) internal oversight, 2) protections, 3) external supervision, 4) transparency, 5) civil society participation, 6) capacity and 7) independence and integrity. Performance on the dimensions is described below, from strongest average dimension to weakest.⁷⁶

Internal oversight

Internal oversight of investigative bodies was the highest-ranking dimension across the assessed countries. The ethical codes and rules of all investigative institutions meet most internationally recognised standards, with the institutions in Ghana, Nigeria and Peru in line with the UN Code of Conduct for Law Enforcement Officials and INTERPOL's Global Standards to Combat Corruption in Police.

However, there tends to be limited training for and implementation of these codes of conduct. For example, there was no significant ethics training found in the Panamanian Judicial Investigation Department (Dirección Nacional de Investigación Judicial), the Peruvian National Police (Policía Nacional - Dirección Nacional de Investigación Criminal), and the Venezuelan Scientific and Criminal Investigation Body (Cuerpo de Investigación Científica, Penal y Criminalística, CICPC).

Even countries that scored relatively higher on this dimension still had challenges with overseeing employee performance. In Colombia, the National Police's Anti-Narcotics Directorate (Dirección de Antinarcóticos - Policía Nacional) focuses monitoring on the operational activities of police officers. This has generated strong distortions in officer incentives, since it forces the police to focus on quantitative results rather than on the quality of policing.

There was no clear internal disciplinary process to prevent and sanction misconduct in the Panamanian Judicial Investigation Department (Dirección Nacional de Investigación Judicial), whereas most investigation bodies tend to have well-functioning internal disciplinary mechanisms (Colombia, Ghana, Guatemala, Honduras and Nigeria). For example, in Ghana, officers of the Narcotics Unit are subject to an internal disciplinary process that includes being brought before the Police Intelligence and Professional Standards Bureau (PIPS). Although PIPS faces resource constraints and delays in investigating and resolving cases in a timely manner, officers who are unhappy with the decision of PIPS can escalate the case to the courts for adjudication. Nevertheless, problems were identified in some countries concerning the responsiveness of internal disciplinary mechanisms (Dominican Republic, Honduras, Nigeria and Peru). In Peru, for example, approximately half of the complaints against police personnel remain pending a year after they are filed. Venezuela's Scientific and Criminal Investigation Body (Cuerpo de Investigación Científica, Penal y Criminalística, CICPC) is the only investigative body that was unresponsive to complaints of misconduct.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN ⁷⁷	PER	VEN
Internal oversight									

Capacity

With the exception of Guatemala, Nigeria and Venezuela, investigation bodies generally have significant financial and human resources, although these are not always sufficient to effectively investigate organised crime. One particular strength across the investigation bodies is the level of training and technical support provided to personnel. For example, in Panama, officials from the Judicial Investigation Department (Dirección Nacional de Investigación Judicial) receive on-going training on judicial investigation and adequate technology to support efficient case management thanks to technical assistance from the Public Ministry and international organisations. In Peru, the budget of the

National Police (Policía Nacional - Dirección Nacional de Investigación Criminal) had increased since 2014, enabling better remuneration of police officers; modernisation of equipment and technical resources; and continuous training and technical assistance to personnel investigating organised crime.

Honduras has built out a criminal investigation manual to train staff more consistently on all investigations and provides constant training on more specialised criminal investigation techniques. In Colombia and Guatemala, investigators also receive adequate specialised training and technical support. In both high-scoring countries (Colombia and Honduras) and Guatemala, the institutions' internal disciplinary mechanism were found to have the resources and support to effectively carry out internal investigations.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN ⁷⁸	PER	VEN ⁷⁹
Capacity									

Independence and integrity

Overall, the countries measured worse on undue influence and integrity. In Guatemala and Honduras, both investigative bodies had clear protocols for professional appointment, selection and recruitment; and both countries met all or some of the standards for best practices in performance evaluation and promotion of employees. However, in Guatemala, the appointment of the Minister of Interior is under the authority of the President of the Republic, and in 2017 the former Minister of Interior was accused of criminal association and conspiracy to commit drug trafficking.

Elsewhere, there are more opportunities for undue interference and weak procedures for recruitment, evaluations and promotions that damage institutional integrity. In Colombia, for example, a superior officer can transfer any subordinate officer at his or her discretion, including to high-risk areas or posts, while the executive branch controls the promotions of police officials. In Panama and Venezuela, the investigative institutions are susceptible to external influence and lack clear protocols for the recruitment, selection and appointment of officials. For example, in Venezuela, the Director General of the Scientific and Criminal Investigation Body (Cuerpo de Investigación Científica, Penal y Criminalística, CICPC) is directly nominated by the Interior Ministry, making him or her susceptible

to executive influence. Indeed, the current Director General was appointed directly by President Nicolás Maduro himself. In Panama, the Judicial Investigation Department (Dirección Nacional de Investigación Judicial) does not publish vacancies and recruitment is at the discretion of the Director of Police, who makes recommendations to the Minister of Security.

Similar institutional weaknesses are evident in Ghana, where the appointment and vetting process for the head of the Narcotics Unit is not public. Meanwhile, the appointment of the Inspector General of Police (IGP) is not made through a competitive process but instead is carried out by the president in consultation with the Council of State in a political process that continues despite calls by civil society for the appointment of the IGP and other officers on the basis of merit. Senior police officials in Peru are not recruited through an open competitive process and police academies lack an effective recruitment system to prevent possible infiltration by organised crime. In Nigeria, the promotion of police officers is not totally by merit, including officers attached to politicians as orderlies and aides. In the Dominican Republic, the legal framework also lacks a formalised system of evaluations and promotions, which leaves the institution vulnerable to undue internal and external pressures.

DIMENSION	COL	REP. DOM	GHA	GUA ⁸⁰	HON	NIG	PAN	PER	VEN
Independence and integrity									

External Supervision

At the time of the assessments, the most robust example for an oversight body with sufficient powers and independence to investigate complaints against the institution's personnel was Guatemala's International Commission against Impunity (Comisión Internacional contra la Impunidad en Guatemala, CICIG). The CICIG was subject to United Nations oversight, independent from the investigative body itself and promptly addressed complaints of misconduct without triggering concerns about impunity. It was dissolved in January 2019 by the Guatemalan government after investigating then President Jimmy Morales for campaign finance irregularities.

Other examples include the Technical Agency for Criminal Investigations (Agencia Técnica de Investigación Criminal, ATIC) in Honduras, whose employees are subject to an external ethics tribunal for disciplinary matters, and the Nigerian Police Force (NPF), which is overseen by numerous external bodies. Ghana and Peru, on the other hand, have no external oversight bodies with powers to effectively address complaints filed against officers of their respective investigation units. Venezuela lacks an adequate external supervision body, as the

Office of the Comptroller General of the Republic (Contraloría General de la República) does not respond to allegations of misconduct by officials of the Scientific and Criminal Investigation Body (Cuerpo de Investigación Científica, Penal y Criminalística, CICPC) and lacks independence from the investigative body. Article 90 of the Organic Law on the Investigative Police Service (Ley Orgánica del Servicio de Policía de Investigación) establishes the National Assembly as an external control body, which is overtly political and should be unconstitutionally disqualified.

The provisions for asset declarations among investigation bodies tend to be weak: Asset declarations are either limited in detail, not published regularly (in Panama for example, only the Chief of Police has an obligation to present a declaration of assets at the beginning and end of his term, while in Ghana and Nigeria, there is a lack of compliance among police officers in declaring their assets) and/or not independently verified for accuracy, rendering them largely ineffective (Colombia). Guatemala and Honduras have provisions in place, but in the case of Guatemala, asset declarations are not public and the entity in charge, the Comptroller General of Accounts (Contraloría General de Cuentas), does not have the capacity to identify possible illicit enrichment.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN ⁸¹	PER	VEN
External supervision									

Civil Society Participation

Across investigation bodies, engagement with civil society organisations, community groups and the public is sporadic and limited. Collaboration is inconsistent even in most cases where institutions do accept civilian oversight. Nevertheless, there are some promising, if isolated, examples of constructive collaboration. Investigative bodies in Colombia and Honduras pro-actively engage with civil society organisations and the public to gain feedback and inform their investigations, and both have sound protocols for engagement with the media. The investigative body in Colombia is also considered to be responsive to information requests from civil society organisations.

The investigative bodies in Guatemala and Peru have no protocols for engaging with the media. Peru's

National Police (Policía Nacional - Dirección Nacional de Investigación Criminal) lacks any meaningful civil society oversight and its engagement with civil society organisations is limited, but there are initiatives such as neighbourhood councils to support the police in work related to citizen security and the fight against crime. Venezuela's Scientific and Criminal Investigation body (Cuerpo de Investigación Científica, Penal y Criminalística, CICPC) and Panama's Judicial Investigation department (Dirección Nacional de Investigación Judicial), on the other extreme, have no protocols for engaging with the media; do not collaborate (Venezuela) or only partially collaborate (Panama) with civil society organisations for civilian oversight; and only engage with civil society groups that are allies of the current government of Nicolás Maduro (Venezuela) or do not engage with civil society groups at all (Panama).

DIMENSION	COL	REP. DOM	GHA	GUA ⁸²	HON	NIG	PAN	PER ⁸³	VEN
Civil society participation									

Transparency

Investigative bodies must make many improvements to meet international standards of transparency. In the majority of countries assessed, investigation institutions publish only some information on the numbers and types of criminal cases investigated and/or the information is not always reliable. In two countries (Honduras and Panama), this type of information is not available at all, while only some countries provide any information on the disciplinary rules and processes that apply to their investigation personnel (Colombia, Ghana, Guatemala, Nigeria and Peru).

Accessibility of financial data from investigation bodies tends to be slightly better with four countries (Colombia, Dominican Republic, Guatemala and Honduras) providing reliable, detailed and up-to-date information on their budgets, spending, financial audits and public contracts, and only two (Nigeria and Venezuela) not providing any such information.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN ⁸⁴	PER	VEN
Transparency									

Protections

One of the most striking gaps in almost all investigation bodies is the absence of adequate protections for witnesses and personnel who report suspected criminal and/or corrupt activity to the authorities. In the nine countries assessed, none of the investigative institutions has implemented comprehensive whistleblower protections.

Only the investigative body in Colombia has adopted strong witness and victim protection mechanisms, and established an effective threat management

system to protect investigators from retribution and violence. Where they exist elsewhere, these mechanisms are deemed deficient or inconsistent. Investigation bodies in only two additional countries (Honduras and Venezuela) have a threat management system in place to protect investigators and their families against retribution and violence but their effectiveness is limited in both countries. The Technical Agency for Criminal Investigations (Agencia Técnica de Investigación Criminal, ATIC) in Honduras partially provides whistleblower, witness and victim protections but is limited by a lack of financial support.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN	PER	VEN
Protections									

ASSESSMENT OF PROSECUTION BODIES

The second type of criminal justice institutions analysed were those that prosecute organised crime at the national level, such as units of attorney general's offices, public prosecutor's offices and specialised drug enforcement agencies with prosecutorial powers. The selected prosecution body in each country was scored on all seven dimensions. Results are described below, from strongest average dimension to weakest.

Internal oversight

All countries either fully or partially met internationally recognised standards of internal oversight. Prosecutors and prosecutorial staff are, in most cases, subject to strong rules of professional and ethical conduct and generally receive at least some training on the ethical duties of their office. In Ghana, for example, prosecutors receive training on their ethical duties when they are hired and further ad-hoc training throughout their careers.

Prosecution institutions also tend to have internal checks to evaluate the internal decisions of prosecutors during criminal proceedings, although they do not always address all such decisions.

In Panama, for example, the Office of the Attorney General (Procuraduría General de la Nación) has in place processes of evaluation and internal monitoring that allow it to supervise, coordinate and propose strategies for investigating criminal cases, especially when dealing with organised and transnational crimes. Internal disciplinary processes are also for the most part adequate to investigate and sanction misconduct fairly and responsive to complaints. Similar cases are found in Colombia's, Guatemala's and Honduras' prosecution bodies. Colombia's Office of the Attorney General - Special Directorate against Drug Trafficking (Fiscalía General de la Nación – Dirección de Narcotráfico) is only partially responsive to complaints of misconduct, but conducts regular trainings on its code of ethics. There is also evidence of Venezuela's internal disciplinary mechanisms functioning well in a case where prosecutors, who had been involved in the Odebrecht corruption scheme, were prohibited from leaving the country and investigated by the attorney general. In Peru, on the other hand, the Prosecutor's Office against Organised Crime (Fiscalías contra la Criminalidad Organizada) expressed concerns that the inefficiency of the internal disciplinary mechanisms results in impunity of prosecutors under disciplinary procedures.

DIMENSION	COL	REP. DOM	GHA	GUA ⁸⁵	HON	NIG	PAN	PER	VEN
Internal oversight									

Capacity

The prosecution services tend to have adequate financial and human resources to operate effectively and provide some specialised training to prosecutors focused on organised crime. For example, in Colombia, the Office of the Attorney General - Special Directorate against Drug Trafficking (Fiscalía General de la Nación - Dirección de Narcotráfico) has an adequate budget, sufficient staff and assistance from international donors, but its internal disciplinary mechanism does not receive sufficient resources to effectively address complaints. In the Dominican Republic, the Public Prosecutor's Office (Procuraduría General de la República, PGR) has adequate financial and human resources to effectively carry out its mandate, and its administrative staff receive continuous training on organised crime cases.

This stands in contrast with Ghana, where the prosecution service is understaffed and the prosecutors are overworked. While prosecutors in Ghana undergo specialised training on organised crime and drug trafficking, it is ad-hoc and inconsistent. The lack of adequate financial and human resources is, perhaps, the biggest challenge the Ghanaian prosecution service faces. A similar situation exists in Panama: The Attorney General's Office (Procuraduría General de la Nación) suffers budgetary constraints, which prevent it from improving its services, while the Public Ministry lacks a formal judicial investigation structure or sufficient expertise to enable efficient coordination with investigation bodies in criminal cases. The Nigerian National Drug Law Enforcement Agency (NDLEA) has insufficient funding with low capital budget implementation and inadequate human resources. Some of Nigeria's 36 states have just one prosecutor in their commands.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN	PER	VEN ⁸⁶
Capacity									

Transparency

Few countries meet international standards for transparency in their prosecutorial bodies. The prosecution service in Ghana is the most opaque law enforcement institution in the country. It does not publish any significant information on the numbers, types and outcomes of criminal cases it has prosecuted; the rules of professional and ethical conduct for prosecutors; ethics training; and the disciplinary mechanism that apply to its personnel. The only comparable prosecutorial institution is the Public Ministry (Ministerio Público) of Venezuela, which does not publish any of the agency's financial information or respond to information requests and releases scant information on its caseload and internal oversight.

Prosecution services in the other assessed countries publish some information on the numbers and types of

criminal cases they pursue, including organised crime cases, as well as some key financial data. However, the information is neither consistent nor reliable nor regularly updated. For example, the Attorney General's Office (Procuraduría General de la Nación) in Panama has clear mechanisms for transparency and accountability towards the public, but it is slow in responding or completely nonresponsive to requests for information.

Most prosecution services provide some information on their internal disciplinary mechanisms but it tends to be incomplete. The Office of the Attorney General - Special Directorate against Drug Trafficking (Fiscalía General de la Nación - Dirección de Narcotráfico) in Colombia and the Prosecutor's Office against Organised Crime (Fiscalía contra el Crimen Organizado) in Guatemala are responsive to requests for information and publish comprehensive statistics

on judicial processes and financial information. By contrast, the Public Prosecutor's Office (Fiscalía de la Nación) in Peru, and the Attorney General's Office

(Procuraduría General de la República, PGR) in the Dominican Republic are slow or nonresponsive when answering requests.

DIMENSION	COL	REP. DOM	GHA	GUA ⁸⁷	HON	NIG	PAN	PER	VEN
Transparency									

External Supervision

External oversight bodies in the assessed countries have full (Colombia, Ghana and Nigeria) or partial (Dominican Republic, Honduras, Peru and Venezuela) powers to effectively address complaints filed against a prosecution institution's personnel. Many countries whose external supervision mechanisms only partially met internationally recognised standards lack sufficient independence from the prosecution institution or from other undue influences, which in some cases has affected their responsiveness to complaints. In Peru, for example, at the time of the assessment, the external supervision of the Prosecutor's Office against Organised Crime (Fiscalías contra la Criminalidad Organizada) by the National Council of the Judiciary (Consejo Nacional de la Magistratura)⁸⁸ had been undermined by allegations of serious corruption, lack of independence and limited capacity to respond to complaints. In Venezuela, the Office of the Comptroller General (Contraloría General de la República) exercises control over administrative actions but not oversight in disciplinary proceedings. In the Dominican Republic, meanwhile, the external supervision body, which falls under the executive branch, is considered to exert political influence that hinders the prosecution of certain cases, especially in matters of corruption.

In most countries, prosecutors and other senior personnel are required to file a declaration of assets,

but such declarations often lack key information, or they are not filed regularly. In Nigeria, for example, prosecutors are only required to declare their assets once every four years and within 15 months of assuming their position. In Panama, prosecutors publish a statement of their assets and liabilities at the beginning and end of their functions; this requirement, however, falls short of international standards of filing a declaration of assets at least once a year.

In Ghana, the General Legal Council (GLC) does not provide direct oversight of the prosecution service (Criminal Department of the Attorney General's Office), but it is independent of the prosecution service and highly responsive to complaints and among the strongest bodies in the assessed countries. Prosecutors are also required by section 3 (aa) of the First Schedule of Act 5502 to declare their assets. In Guatemala, prosecutors are required to present their asset declarations to the General Comptroller's Office (Contraloría General de Cuentas); however, this information is not made public. The country's International Commission against Impunity (Comisión Internacional contra la Impunidad en Guatemala, CICIG) was a strong example of an independent external supervision body before it was dissolved in January 2019 by the Guatemalan government.⁸⁹

DIMENSION	COL	REP. DOM	GHA	GUA ⁹⁰	HON	NIG	PAN ⁹¹	PER	VEN
External supervision									

Independence and integrity

The independence and integrity of prosecutors are compromised in several of the countries assessed, in particular in Peru and Venezuela. In Peru, the selection and appointment of officials to the National Council of the Judiciary (Consejo Nacional de la Magistratura)⁹² lacked transparency, independence and legitimacy. The Public Ministry (Ministerio Público) is also subject to undue external influence, as evidenced by phone taps in 2018 that appeared to reveal associations between several Supreme Court prosecutors, including the former attorney general, and a criminal organisation. In Venezuela, there have been multiple mass firings of prosecutors without warning, which critics claim are “retaliatory” and politically motivated. Venezuelan officials from the Public Ministry (Ministerio Público) are also believed to be appointed on the basis of nepotism rather than merit.

Even in countries whose prosecutorial bodies do not suffer from external influence, the process for the selection of prosecutors is deficient and the performance evaluation and advancement structure for prosecutors is not always based on objective factors. For example, in Colombia, senior officials of the Office of the Attorney General - Special Directorate against Drug Trafficking (Fiscalía General de la Nación - Dirección de Narcotráfico) are not chosen purely on merit. In Nigeria, National Drug Law Enforcement Agency (NDLEA) officials have protested over non-promotion even when they are due for promotion and have satisfied the necessary conditions.

By contrast, the recruitment process in Ghana ensures the selection of prosecutors is fair, impartial and transparent, and performance evaluation and advancement structure for prosecutors are based on objective factors, such as professional qualifications, ability, integrity and experience.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN	PER	VEN
Independence and integrity									

Civil society participation

Almost every assessed country has only limited and sporadic engagement by the prosecution service with communities and civil society organisations (except in the Dominican Republic and Guatemala) and limited civilian oversight of prosecution institutions (except in Guatemala and Panama). In Colombia, Ghana and Panama, for example, there are no formal guidelines for prosecutorial engagement with civil society, while in Nigeria, civil society organisations have to pre-register before engaging with the National Drug Law Enforcement Agency (NDLEA), despite a civil society component in the current National Drug Control Master Plan. By contrast, in Guatemala, the Prosecutor’s Office against Organised Crime (Fiscalía contra el Crimen Organizado) has signed a collaboration agreement with Transparency International Guatemala’s Advocacy and Legal Advice

Centre and has allowed civil society to carry out oversight activities, access information and propose improvements.

Only the prosecution institutions in Guatemala, Honduras and Nigeria have appropriate protocols for engagement with the media about their performance and criminal proceedings of public import. In Nigeria, for example, the National Drug Law Enforcement Agency (NDLEA) has a Public Affairs Unit that handles its engagement with the media and the public. The agency’s state commands also have public relations officers who give briefings. In Peru, the protocol does not detail fundamental aspects of media engagement such as confidentiality and protecting the integrity of the criminal process; also, the protocol is often not followed in practice. In Venezuela, the Public Ministry (Ministerio Público) provides information only selectively and often for political reasons.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN	PER ⁹³	VEN
Civil society participation									

Protections

The lack of protections for witnesses, victims and prosecutors of organised crime is a major weakness identified across all prosecution services. Only Colombia has strong witness and victim protection in the prosecution service, and also an effective threat management system to protect prosecutors and their families against violence and other threats; however, there are only some whistleblower protection mechanisms and the country does not have a dedicated whistleblower protection law. Two countries

(Ghana and Nigeria) lack any witness protection mechanisms at all for their prosecution services while four countries (Ghana, Panama, Peru and Venezuela) have no systems to manage threats against prosecutors or their families. The situation appears particularly dire in Ghana where even the offices and case files of prosecutors are not secure, with the office of the Director of Public Prosecutions having been burgled in March 2018.

As noted above in Table 2, only two countries (Ghana and Peru) have a whistleblower protection law in place.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN ⁹⁴	PER	VEN
Protections									

ASSESSMENT OF ADJUDICATION BODIES

The third type of analysed criminal justice institutions adjudicate organised crime at the national level – courts, tribunals and other judicial services. The adjudication body in each country⁹⁵ was scored on all seven dimensions. Results are described below, from strongest average dimension to weakest.

Internal oversight

As with both investigation and prosecution, internal oversight was assessed as the strongest dimension overall. With the exception of Venezuela, judges in the criminal courts of all the assessed countries are subject to rules of judicial ethics that follow basic internationally recognised standards (partially for Colombia). However, only in one country (Nigeria) is ethics training for judges and judicial staff both in-depth and regular, while in other countries, training is either deficient (in that it does not address corruption risks, or is not compulsory, regular and/or given to all key personnel) or practically non-existent (in the cases of Colombia, Honduras and Venezuela).

There are generally clear internal checks on the administration and performance of judicial functions (particularly in Colombia, Ghana and Nigeria). For

example, the Nigerian Federal High Court's (FHC) Sentencing Guidelines and Practice Directions ensure uniformity among courts. The FHC also has an online case management system with clear guidance on when a judge should recuse him/herself. In Ghana, the Criminal Division High Court has clear internal checks on the administration and performance of judicial functions, yet these are stronger in the capital city and weaker in rural areas. However, in other cases, important checks are either missing or not consistently followed (Guatemala, Honduras, Panama and Peru), while in Venezuela, checks are virtually non-existent.

Likewise, most criminal courts have an internal investigative and disciplinary process to investigate and sanction misconduct, although the function is limited in practice in a number of countries (Colombia, Honduras, Panama, Peru and Venezuela). For example, in Colombia, the effectiveness of the Judicial Conduct Commission (Comisión Nacional de Disciplina Judicial), which was created in 2015, has been undermined by a lack of resources. Similarly, Panama approved the establishment of a Transparency and Integrity Court (Tribunal de Integridad y Transparencia) in 2015, thus introducing a new ethical and disciplinary system for judicial branch officials, but it is yet to operate due to a lack of budget.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN	PER	VEN
Internal oversight									

Protections

Protections for witnesses, victims and institutional personnel are more robust in adjudication bodies than they are in investigation and prosecution bodies. Four countries (Colombia, Ghana, Guatemala and Nigeria) have an effective threat management system in place to protect judges and their families against violence and other threats. In Colombia, for example, the Superior Council of the Judiciary (Consejo Superior de la Judicatura) has adequate protocols for the protection of judicial personnel and their families, while the Nigerian Federal High Court (FHC) has a Judicial Protection Unit (JPU). In addition, the FHC has a strong witness protection mechanism to ensure the safety of witnesses and victims who appear in court. Despite this, each of the above countries is lacking important

other protections, such as a whistleblower law (Colombia, Guatemala and Nigeria) or effective witness and victim protection (Ghana⁹⁶ and Guatemala).

The courts in countries not mentioned above (Honduras, Panama and Peru) lack threat management systems to protect judges and have partial compliance for internal whistleblower and witness and victim protection. In Venezuela, the Criminal Cassation Chamber of the Supreme Tribunal of Justice (Sala de Casación Penal Tribunal Supremo de Justicia) is lacking internal whistleblower protection mechanisms and a threat management system. Protections for witnesses and victims are not provided due to lack of resources and corruption in the police forces, which have been implicated in organised crime cases.

DIMENSION	COL ⁹⁷	REP. DOM	GHA	GUA	HON	NIG	PAN	PER	VEN
Protections									

External supervision

As was the case with investigation and prosecution bodies, the assessed countries scored moderately high on external supervision of adjudication bodies, save for Peru and Venezuela.

With the exception of Guatemala, all the assessed countries have an external oversight body, which is empowered to address complaints against the court's personnel, although in some cases these functions and powers are limited (Colombia, Panama, Peru and Venezuela). Only in two countries (Ghana and Nigeria) is the external oversight body fully independent from criminal court and external influence. In Colombia, for example, the external oversight body, the Accusations Committee (Comisión de Acusaciones), is not the most appropriate body to impartially investigate alleged misconduct by magistrates given that it is a political

body composed of representatives of congress. In fact, 99% of the commission's processes have been archived. In Guatemala, Peru and Venezuela, the external oversight body is not responsive to complaints of misconduct by the adjudication bodies' personnel. Only in Colombia, Guatemala and Honduras did the adjudication bodies fully comply with the asset declaration indicator. In Panama, judges but not other senior officials have to comply and are only required to submit an asset declaration at the beginning and the end of their service in the judiciary.

Positive examples of external supervision include the establishment in Ghana of the Judicial Council, which effectively oversees matters of the court and is independent and responsive. The Judicial Council was created pursuant to Article 144 of the Constitution following a judicial corruption investigation, which led to the dismissal of numerous high court and

lower level judges and magistrates in 2015. Only partially independent from the court and not quite as responsive, the Special Prosecutor's Unit against Impunity and Corruption (Unidad Fiscal Especial

Contra la Impunidad y la Corrupción) in Honduras is specifically tasked with addressing cases of corruption and impunity and is an example of a moderately successful case of external supervision.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN ⁹⁸	PER	VEN
External supervision									

Transparency

Transparency among judicial bodies is similar to prosecution bodies and higher than investigation bodies, although there are still important gaps. While most countries' criminal courts publish some information on the numbers, types and outcomes of criminal cases, and on the functioning of their internal disciplinary mechanisms, in no country is this completely comprehensive, reliable and consistently updated, while in three cases (Honduras, Peru and Venezuela) this information is practically non-existent.

The countries score highest on transparency of jurisdictional functions, which includes publicly accessible information on plea or charge agreements, transcripts and/or decisions on sentences. Colombia, Ghana, Nigeria and Panama, all meet internationally recognised standards on this indicator of transparency. Published financial information, for example budget, spending and audit information, is partially/fully (Colombia and Honduras) comprehensive except in Guatemala and Venezuela where this kind of information is not made publicly available.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN	PER	VEN
Transparency									

Independence and integrity

With a few exceptions, independence of the judiciary is compromised across the countries, especially in Panama, Peru and Venezuela.

In Panama, a modern judicial career law exists but is not fully applied and 70% of judges are in interim positions with no performance evaluation process. The Jury of Conscience (Jurado de Conciencia), which deals with cases of intentional homicide, has no strong rules for selection or protection that minimise external and internal vulnerability. In Peru, the judiciary is subject to undue external influence, as the tapping of telephone lines in 2018 linked several senior judges to a criminal organisation. In Venezuela, the appointment of judges and other officials to the Supreme Court (Tribunal Supremo de Justicia) is considered to be non-constitutional and based on nepotism.

By contrast, in Ghana, the process for appointing judges by the Judicial Council is transparent and background checks and criminal records are conducted through a public process. However, there have been apparent attempts to interfere with the judiciary, as demonstrated by the dismissal of 20 judges accused of bribery following the release of a documentary by an investigative journalist in 2015. Honduras is an example of a country at the middle range in independence and integrity. Despite the politicisation of the election of senior judicial officials, and the alleged existence of so-called protection agreements between certain politicians and members of the judiciary, the independence of the First Instance Criminal Court (Juzgado de Letras Penal) had been strengthened thanks to the oversight of international organisations such as the Mission to Support the Fight against Corruption and Impunity in Honduras (Misión de Apoyo contra la Corrupción y la Impunidad

en Honduras, MACCIH). The government, however, did not renew its agreement and since the MACCIH departed Honduras in January 2020, more than 100 people prosecuted for acts of corruption and money laundering have had their prosecutions closed, resulting in impunity.

In Nigeria, although partially compliant with the independence and integrity indicators, the appointment and promotion of judges by the National Judicial Council (NJC) is not transparent. There has been an increase in nepotism, and investigative reporting revealed in 2020 that a number of the Federal Capital Territory (FCT) judges recommended by the National Judicial Council (NJC) were relatives of current or retired justices of supreme and appeals courts. Similarly, Guatemala lacks an independent judiciary. In 2020, the Special Prosecutor's Office against Impunity

(Fiscalía Especial Contra la Impunidad, FECI) filed complaints against several candidates for judgeships for influence peddling, violation of the Constitution and illicit association. In 2018, the former International Commission against Impunity in Guatemala (Comisión Internacional contra la Impunidad en Guatemala, CICIG) and the FECI revealed a case in which several members of the nominating commissions for the country's judiciary had created a parallel structure for appointments to high positions in the Supreme Court of Justice and the Courts of Appeal.

DIMENSION	COL	REP. DOM	GHA	GUA ⁹⁹	HON	NIG	PAN	PER	VEN
Independence and integrity									

Civil society participation

Adjudication bodies, similar to investigation and prosecution bodies, score relatively low on civil society participation, with the notable exception of Honduras. In Honduras, the Supreme Court of Justice (Corte Suprema de Justicia) collaborated closely with Transparency International Honduras to establish the country's Anti-Corruption and Anti-Extortion Courts (Juzgados Anticorrupción y Antiextorsión). Honduras' First Instance Criminal Court (Juzgado de Letras Penal) also complies with internationally recognised standards for civilian oversight and policies towards the media.

In Colombia, the Higher Council of the Judiciary (Consejo Superior de la Judicatura) participated in Transparency International Colombia's 2013-2014

Transparency Index of Public Entities (Índice de Transparencia de las Entidades Públicas) and was evaluated by the civil society alliance Más Información Más Derechos within the framework of the country's transparency law. However, the Colombian criminal court does not meaningfully engage with any civil society organisations or the media. In four additional countries (Guatemala, Nigeria, Panama and Venezuela), the criminal court does not have any meaningful engagement with communities and civil society organisations. In Guatemala, the criminal court does not collaborate with civilian oversight, and in Panama, there is no formal protocol for engagement with the media. Venezuela lacks both a protocol for engaging with the media and mechanisms for civil society oversight.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN	PER ¹⁰⁰	VEN
Civil society participation									

Capacity

The most pressing weakness in judicial institutions in many of the countries assessed is their limited financial and human resource capacity. This stands in contrast to the same capacity in prosecutorial and investigative institutions. In five countries (Colombia, Guatemala, Nigeria, Panama and Venezuela), the courts lack adequate financial and human resources to adjudicate criminal cases. In most of these countries, the internal disciplinary mechanism receives insufficient funding and support from the court system to investigate and address complaints (Colombia, Panama and Venezuela plus Nigeria and Peru). In Panama, for example, less than 2% of the entire general budget of the state is allocated to all justice institutions. As a result, as many as 40% of judges are still classified as “temporary”. In Nigeria, the Federal High Court

(FHC) still lacks a sufficient number of judges and adequate infrastructure. In Peru, judges have both stable employment conditions and salaries, as well as comparatively high remuneration levels, but there is no record of support for the internal disciplinary mechanism.

Nevertheless, there are a few exceptions. For example, in Honduras, the creation of the Anti-Corruption and Anti-Extortion Courts (Juzgados Anticorrupción y Antiextorsión) has led to the hiring of public officials with a higher level of expertise and impartiality. In Ghana, the court has significant financial and human resources, but they are still inadequate to adjudicate criminal cases and process the caseload in a timely manner.

DIMENSION	COL	REP. DOM	GHA	GUA	HON	NIG	PAN	PER	VEN
Capacity									

RECOMMENDATIONS

Our analysis of criminal justice institutions in nine countries suggests that all investigation, prosecution and adjudication bodies combatting organised crime and drug trafficking should at a minimum:

Support and trainings

- + Provide specialised training and technical support to investigators and prosecutors who work on complex organised crime cases.

Capacity building

- + Ensure that criminal justice institutions have adequate financial and human resources to effectively carry out their mandates.
- + Provide personnel with capacity building on the ethics codes and internal control systems at least once a year. Attendance at trainings and adherence to the ethics code should be criteria for promotion and advancement.

Good practices

- + Ensure that nominations, appointments, promotions and removals – especially to senior positions – are based on transparent, objective and meritocratic criteria and subject to clearly defined processes to help limit internal and external interference.
- + Publish annual asset declarations for judges and prosecutors and develop internal policies for the declaration and verification of assets.
- + Regularly publish data on the results of internal disciplinary processes, including the number and types of complaints received and sanctions imposed to enable external stakeholders to hold criminal justice institutions accountable for the ways in which they deal with misconduct.

- + Regularly publish data on the number and types of criminal cases pursued, including the investigation's start date, end date and result. All information should be published in open data formats.

- + Process internal matters (nominations, appointments, promotions, removals and disciplinary actions) and caseloads in a timely manner.

The following recommendations addressing integrity, accountability and transparency gaps are relevant to the criminal justice institutions in most assessed countries:

Internal oversight

- + Ensure that regularly updated and gender-sensitive complaint channels are in place and disseminated to public officials and civil society members.
- + Ensure that the internal disciplinary mechanism has a sufficient budget to support its functions.

Protections

- + Build robust and adequately funded witness- and victim-protection and threat-management systems, which also protect personnel and family members, where relevant.
- + Implement comprehensive whistleblower protection mechanisms, which guarantee anonymity, protection from reprisals and immunity from disciplinary action. The absence of

national-level whistleblower protection legislation should not impede institutions from adopting such mechanisms.

Civil society participation

- + Implement formal policies and maintain financial resources to support engagement with civil society organisations and the media, including civilian oversight and monitoring initiatives and legal engagement with civil society organisations acting as plaintiff.

The following recommendations were also identified for specific countries:

Colombia

- + A new investigation and prosecution mechanism should replace the current extraordinary judicial mechanism for high-ranking public officials¹⁰¹ in order to reduce impunity.
- + The National Police (Policía Nacional) should build capacity in access to public information, citizen services, anti-corruption, offences against public administration and human rights; make public their staff-selection processes; and review the schemes for transferring personnel and monitoring police functions.
- + The Office of the Attorney General (Fiscalía General de la Nación) should strengthen its communication guidelines to protect the integrity of criminal proceedings while ensuring the right to information.
- + The Superior Council of the Judiciary (Consejo Superior de la Judicatura) should conduct training and raise awareness among court officials about the Law on Transparency and the right to access public information.
- + The Superior Council of the Judiciary (Consejo Superior de la Judicatura) should provide the National Judicial Disciplinary Commission and Disciplinary Commission with adequate technical and financial resources.
- + The government should pass a single law for the protection of whistleblowers and witnesses of corruption, and all institutions should strengthen their respective legal and institutional mechanisms.

Dominican Republic

- + The National Directorate of Drug Control (Dirección Nacional de Control de Drogas, DNCD) and the Public Prosecutor's Office (Procuraduría General de la República, PGR) should raise awareness and build capacity on human rights and dealing with victims of organised crime.
- + The National Directorate of Drug Control (Dirección Nacional de Control de Drogas, DNCD) and Public Prosecutor's Office (Procuraduría General de la República, PGR) should establish and implement guidelines to ensure that admissions and promotions are professional, time-limited, and based on transparent evaluations.

Ghana

- + The Narcotics Unit of the Ghana Police Service should ensure full operationalisation of the recently developed case management and tracking system to enhance transparency during the investigation, prosecution and adjudication of a case.
- + The government should establish an Independent Police Complaints Commission, which Ghana accepted at the UN Human Rights Council in November 2017.
- + The Ministry of Justice and Attorney General should update the Ghana Code for Prosecutors, which has not been updated since 2010, and integrate it into the standard operating procedures of the Prosecution Division.
- + The Right to Information Commission, in collaboration with the Ministry of Information and the National Commission for Civic Education, should scale up its public education efforts on the Right to Information Act, 2019 (Act 989).
- + All three institutions should establish online complaint platforms.

Guatemala

- + The National Police (Policía Nacional Civil) and Prosecutor's Office against Organised Crime (Fiscalía contra el Crimen Organizado) should establish protocols for the protection of whistleblowers, victims, witnesses and personnel, and implement capacity-building programmes.

- + The Public Ministry (Ministerio Público) should establish protocols for the selection of personnel in the Prosecutor's Offices against Organised Crime, Extortion, Drug Trafficking and Corruption.
- + The Guatemalan judicial system should be reformed in order to ensure judicial and prosecutorial independence.

Honduras

- + The judicial system should develop and implement access-to-information standards, and promote greater participation and oversight of citizens and civil society organisations in order to replace the need for assistance from international cooperation agencies.
- + The judicial system should establish comprehensive and sustainable policies to fight organised crime and corruption, which will not be influenced by changes in government.

Nigeria

- + The criminal justice institutions should adhere to the provisions of the Freedom of Information Act 2011.
- + The Nigeria Police Force (NPF) should increase publicity for the Police Complaint Response Unit (CRU) complaint channels.
- + The National Drug Law Enforcement Agency (NDLEA) should improve the welfare and promotion policy of its officers.
- + The Nigerian government should enact whistleblower protection legislation.
- + The Nigeria Police Force (NPF) should make public its financial report.

Panama

- + The Judicial Investigation Department (Dirección Nacional de Investigación Judicial) should review its disciplinary mechanism and bring it in line with human rights protection standards, particularly in relation to due process for the defence of the person under disciplinary investigation.

- + An external body should be created by law to control, supervise and investigate misconduct by high-ranking officials of the public security forces. This body should have the power to investigate misconduct and decline to refer it to the Public Prosecutor's Office (Procuraduría General de la Nación), if the allegations indicate a crime under criminal law or special laws.

- + The judicial career system should be fully implemented, so that interim judges and magistrates cease to exist. In order to guarantee judicial independence and gain public trust, a short-term timetable should be established for the selection of judges, especially those serving in the adversarial criminal justice system.
- + The Public Prosecutor's Office (Procuraduría General de la Nación) should adopt a code of ethics based on the Uniform Code of Public Ethics, especially for personnel tasked with investigating organised crime.

Peru

- + All criminal justice institutions should update their virtual platforms to include the following: information on investigations with a major impact on society and on judicial decisions in accordance with Legislative Decree No. 1342; statistical data on organised crime investigations; and information on offenses committed by police officers and prosecutors and their respective penalties. In addition, police officers, prosecutors and judges' curricula vitae and information on the institutions' accounting and financial audits should be published.
- + Information campaigns on organised crime should be developed in communities' mother tongues, and with a focus on drug and human trafficking.
- + The implementation process of the national control authorities at the Judiciary and the Prosecutor Office, which were created in 2019, should be strengthened in order to reinforce and enhance autonomy of internal control.

Venezuela

- + The Scientific and Criminal Investigation Body (Cuerpo de Investigación Científica, Penal y Criminalística, CICPC) should build capacity for the protection of whistleblowers, victims and witnesses.
- + The appointment of the Director of the Scientific and Criminal Investigation Body (Cuerpo de Investigación Científica, Penal y Criminalística, CICPC) should be subject to a public and competitive process and based on objective and meritocratic criteria in order to eliminate external and internal political influences.
- + The independence of the Public Ministry (Ministerio Público) and the Criminal Cassation Chamber of the Supreme Tribunal of Justice (Sala de Casación Penal Tribunal Supremo de Justicia) should be re-established.
- + All criminal justice institutions should establish clear protocols for the protection of public officials involved in the investigation, prosecution or adjudication of organised crime cases.

ENDNOTES

- 1 UNODC, 2013, [Transnational Organized Crime in West Africa: A Threat Assessment](#), page 9
- 2 These are the President of the Republic or officials who act on his behalf; the Magistrates of the Supreme Court of Justice, the Council of State and the Constitutional Court; the members of the Superior Council of the Judiciary; and the Attorney General of the Nation.
- 3 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 19
- 4 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 9
- 5 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 30
- 6 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 30
- 7 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 30
- 8 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 30
- 9 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 31
- 10 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 31
- 11 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 31
- 12 Transparency International, 2007, [Global Corruption Report: Corruption in Judicial Systems](#), page xxiv
- 13 Transparency International, 2007, [Global Corruption Report: Corruption in Judicial Systems](#), page xxiv
- 14 Transparency International, 2019, news feature, [Strengthening Rule of Law along the Cocaine Route](#)
- 15 Transparency International, 2019, news feature, [Strengthening Rule of Law along the Cocaine Route](#)
- 16 WACD, 2014, [Not just in Transit: Drugs, the State and Society in West Africa](#), page 21
- 17 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 29
- 18 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 29
- 19 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 28
- 20 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 32
- 21 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), pages 32-33
- 22 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 33
- 23 EMCDDA, Europol, 2019, [EU Drug Markets Report 2019](#), page 143
- 24 EMCDDA, Europol, 2019, [EU Drug Markets Report 2019](#), page 126

- 25 UNODC, 2017, World Drug Report, [The Drug Problem and Organized Crime, Illicit Financial Flows, Corruption and Terrorism](#), page 27. UNODC and UNCTAD are currently working on [new estimates](#) for illicit financial flows related to drug trafficking.
- 26 EMCDDA, 2016, [Cocaine trafficking to Europe](#), page 2
- 27 EMCDDA, 2016, [Cocaine trafficking to Europe](#), page 2
- 28 UNODC, 2020, World Drug Report, [Drug Supply](#), page 33
- 29 FIAPP, 2013, [Situational analysis of drug trafficking «a police point of view» Bolivia, Brazil, Colombia, Ecuador, Panama and Peru](#), page 132
- 30 WACD, 2014, [Not just in Transit: Drugs, the State and Society in West Africa](#), page 8
- 31 European Union, 2020, [Map of the Global Illicit Flows Programme of the European Union](#)
- 32 UNODC, [Mandates](#)
- 33 UNODC, [United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances](#), 1988
- 34 UNODC, [United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances](#), 1988
- UNODC, 2013, [The International Drug Control Conventions](#), Arts. 6, 8 and 11
- 35 OAS, CICAD, 2020, [Hemispheric Plan of Action on Dugs 2021-2025](#)
- 36 UNODC, 2016, [Regional Programme for West Africa 2016-2020](#)
- 37 OAS, CICAD, 2020, [Hemispheric Plan of Action on Dugs 2021-2025](#)
- 38 UNODC, 2016, [The Regional Programme for West Africa \(2016-2020\)](#)
- 39 OAS, [The Convention and MESICIC](#)
- 40 Transparency International, 2006, [Anti-Corruption Conventions in Africa: What civil society can do to make them work](#), page 33
- 41 Transparency International, 2020, [Implementing and Enforcing the African Union Convention on Preventing and Combatting Corruption: A comparative review](#), page 9
- 42 UNODC, [Mandates](#)
- 43 Transparency International, 2019, news feature, [Strengthening Rule of Law along the Cocaine Route](#)
- 44 WACD, 2014, [Not just in Transit: Drugs, the State and Society in West Africa](#), page 22
- 45 WACD, 2014, [Not just in Transit: Drugs, the State and Society in West Africa](#), page 23
- 46 Transparency International, 2019, news feature, [Strengthening Rule of Law along the Cocaine Route](#)
- 47 These include, among others, UNCAC; UNTOC; the UN Guidelines on the Role of Prosecutors; the UN Basic Principles on the Independence of the Judiciary; the UN Code of Conduct for Law Enforcement Officials; INTERPOL's Global Standards to Combat Corruption in Police; Organisation of American States' Draft Model Law on the Declaration of Assets; and the African Commission on Human and Peoples' Rights' Resolution on Police Reform in Africa.
- 48 No adjudication body was assessed for the Dominican Republic.
- 49 In the Dominican Republic and Guatemala, the assessed prosecution bodies also have investigative powers. Transparency International chapters therefore applied certain investigative function indicators when assessing the prosecution institution: checks on internal investigative functions; publication of information on criminal investigations; and organised crime training and technical support.
- 50 The detailed methodology and the individual country assessments can be accessed [here](#).
- 51 Some indicators could not be verified due to a lack of available information or the non-existence of a certain function.
- 52 Not applicable for adjudication bodies.
- 53 Not applicable for investigation and prosecution bodies.
- 54 The scores in the table have been normalised to show the relative position of each country relative to all countries in the respective index. Thus, the scores do not match the scores as they are presented in the respective indices, instead they are presented here as percentile ranks to enable comparison.
- 55 Ghana is not covered by the Global Impunity Index 2017.
- 56 Nigeria is not covered by the Global Impunity Index 2017.

57 Universidad de las Américas, [Índice Global de Impunidad](#) 2017

58 Transparency International, [Corruption Perceptions Index 2019](#)

59 World Bank, [World Governance Indicators](#)

60 World Bank, [World Governance Indicators](#)

61 World Bank, [World Governance Indicators](#)

62 Reporters Without Borders, [World Press Freedom Index 2019](#)

63 Freedom House, [Freedom in the World 2019](#)

64 Pursuant to UNTOC, Art. 5

65 Pursuant to UNTOC, Art. 6; UNCAC Art. 23

66 Pursuant to UNTOC, Art. 7

67 Pursuant to UNTOC, Art. 8; UNTOC, Art. 9

68 Pursuant to UNTOC, Art. 23; UNCAC Art. 25

69 See UNTOC's three protocols on Trafficking in Persons, Smuggling of Migrants and Trafficking of Firearms.

70 Pursuant to UNTOC, Art. 10; UNCAC Art. 26

71 Pursuant to UNTOC, Art. 12; UNCAC Arts. 51 to 59

72 Pursuant to UNCAC, Art. 40

73 Pursuant to UNCAC, Art. 33

74 Pursuant to UNTOC, Arts. 24 and 25, UNCAC, Art. 32

75 Pursuant to UNTOC Arts. 16 and 18; UNCAC, Arts. 44, 45 and 46

76 The colour scheme presented (green, yellow, red) corresponds to the average scoring for each of the dimensions mentioned above across indicators. For example, the dimension "Internal Oversight" is evaluated across five indicators, each of which is also evaluated and assigned a green, yellow, or red score. The colour shown below for "Internal Oversight" represents the average value across all five indicators within a dimension, always rounding down (presenting a conservative estimate) in case of a tie.

77 For Panama, the indicator "Internal Responsiveness to Complaints" could not be verified due to a lack of relevant information.

78 For Panama, the indicator "Resources and Support for Internal Disciplinary Mechanism" could not be verified due to a lack of relevant information.

79 For Venezuela, the indicator "Resources and Support for Internal Disciplinary Mechanism" could not be verified due to a lack of relevant information.

80 For Guatemala, the indicator "Independence from External Interference" could not be verified.

81 For Panama, the indicators "Powers of External Oversight Body/ies", "Independence of External Oversight Body" and "Responsiveness of External Oversight Body" could not be verified due to a lack of an external oversight body.

82 Since the assessment in 2017, the Guatemalan National Police (Policía Nacional Civil) has suffered many setbacks regarding transparency and protocols for dealing with journalists and protestors. For example, in November 2020, security forces used excessive force during a protest in Guatemala City against budget cuts to social programmes.

83 For Peru, the indicator "Support of Civilian Oversight of Institution" could not be verified due to lack of a civilian oversight body.

84 For Panama, the indicator "Publication of Financial Information" could not be verified, as the relevant information could not be obtained.

85 For Guatemala, the indicator "Internal Responsiveness to Complaints" could not be verified.

86 For Venezuela, the indicator "Resources and Support for Internal Disciplinary Mechanism" could not be verified.

87 For Guatemala, the indicator "Publication of Information on Internal Oversight" could not be verified.

88 The National Council of the Judiciary (Consejo Nacional de la Magistratura) no longer exists. It was deactivated during the corruption scandal revealed by the 2018 telephone tapings. Since 2019, the National Board of Justice (Junta Nacional de Justicia) has replaced the council and has assumed the function of selecting and removing judges and prosecutors.

89 For Guatemala's CICIG, also see the external supervision dimension in the section "assessment of investigative bodies".

90 For Guatemala, the indicator "Responsiveness of External Oversight Body" could not be verified.

91 For Panama, the indicators “Powers of External Oversight Body/ies”, “Independence of External Oversight Body” and “Responsiveness of External Oversight Body” were not verified due to a lack of an external oversight body.

92 The National Council of the Judiciary (Consejo Nacional de la Magistratura) no longer exists. It was deactivated during the corruption scandal revealed by the 2018 telephone tapings. Since 2019, the National Board of Justice (Junta Nacional de Justicia) has replaced the council and has assumed the function of selecting and removing judges and prosecutors.

93 For Peru, the indicator “Support of Civilian Oversight of Institution” could not be verified due to a lack of civilian oversight organisations.

94 For Panama, the indicator “Whistleblower Protections” was not verified, as relevant personnel could not be interviewed.

95 No adjudication body was assessed for the Dominican Republic.

96 Section 69 of the Evidence Act enjoins the court to protect witnesses who appear before the court. They are also subject to protection under the Witness Protection Act 2019, but a witness protection programme is not yet operationalised.

97 For Colombia, the indicator “Witness and Victim Protection” could not be verified, as the Attorney General’s Office is in charge of protecting victims and witnesses. This entity is independent from the Superior Council of the Judiciary.

98 For Panama, the indicator “Responsiveness of External Oversight Body” could not be verified due to a lack of relevant statistical information.

99 For Guatemala, the indicator “Independence from External Interference” could not be verified.

100 For Peru, the indicator “Support of Civilian Oversight of Institution” could not be verified due to lack of a civilian oversight body.

101 These are the President of the Republic or officials who act on his behalf; the Magistrates of the Supreme Court of Justice, the Council of State and the Constitutional Court; the members of the Superior Council of the Judiciary; and the Attorney General of the Nation.

CREATE CHANGE WITH US

ENGAGE

Follow us, share your views and discuss corruption with people from around the world on social media.

**facebook.com/TransparencyInternational/
twitter.com/anticorruption/
linkedin.com/company/transparency-international/
instagram.com/Transparency_International/
youtube.com/user/TransparencyIntl/**

LEARN

Visit our website to learn more about our work in more than 100 countries and sign up for the latest news in the fight against corruption.

transparency.org

DONATE

Your donation will help us provide support to thousands of victims of corruption, develop new tools and research and hold governments and businesses to their promises. We want to build a fairer, more just world. With your help, we can.

transparency.org/donate

