

# Convictions in proceedings supported by CICIG

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## **1. CAUSA 01076-2010-0002 (VIDAL REQUENA CASE)**

On April 24, 2009, an armed confrontation took place between National Civil Police (PNC) officers and suspected drug traffickers, causing the death of 5 police officers. The Public Prosecutor's Office (MP) established the ownership of vehicles linked to the armed confrontation and determined that one of the vehicles (in which drugs and high-caliber arms were found) was registered under the name of Flor de María Ayala Tello—owner of a property in Cobán, Alta Verapaz, which was subsequently searched by the authorities.

After conducting the corresponding inspection and search, documentation was found in the property, such as notepads with information related to financial transaction made by a drug trafficking organization to the person account of Efraín Requena Mazariegos (former deputy director of the Prison System). This was proven through copies of monetary deposit slips and account balance statements belonging to the accused party.

On July 11, 2012, Court B of the First Instance for High-risk Matters sentenced Requena Mazariegos to six years in prison and ordered the payment of a GTQ68,000 fine on charges of money laundering, passive bribery and criminal association. When determining the former official's involvement in money laundering, the court considered the financial transactions related to the money of illicit origin deposited in the personal account of the accused party.

The International Commission against Impunity in Guatemala (CICIG) acts as a complementary prosecutor in this criminal proceeding.

## **2. CAUSA 35422011-55652 (EL TIGRE CASE)**

In December 2012, community leader Ramiro Chon was murdered, shot 16 times outside El Tambo's Centro de Convergencia. Chon was a community center in the La Libertad municipality, Petén. Witnesses saw Tomás Pérez Genis (deputy mayor of the El Tambo community) and Miguel Ángel Cu Tiul—along with other accomplices who are currently absconding—running from the scene after allegedly murdering the community leader.

On July 26, the Court for Criminal Sentencing, Drug Trafficking and Crimes against the Environment, located in the department of Petén, sentenced Pérez Genis and Cu Tiul to 30 years in prison for murdering the community leader.

The International Commission against Impunity in Guatemala (CICIG) supports the Public Prosecutor's Office in the investigation of this case.

## **3. CAUSA 01076-2011-00016 (GUARCAX CASE)**

In the Los Encuentros jurisdiction, Kilometer 248, department of Sololá, Leonardo

Lisandro Guarcax was kidnapped when driving an automobile at approximately 20.00 hours on August 2010 by the group known as "Los Pujujiles" (which operated in the department of Sololá). The following day, his dead body was found at Kilometer 126.5 by the side of the Inter-American Highway, Sololá jurisdiction. A ransom of GTQ500,000.00 was requested.

This criminal group was also accused of kidnapping and murdering other people on the Inter-American Highway during 2010; they requested large ransoms to release the victims.

On February 10, 2012, the First Court for Criminal Sentencing, Drug Trafficking and Crimes against the Environment sentenced:

Andrés Ramos Pérez to 100 years in prison (50 years for kidnapping and 50 years for murdering Lisandro Guarcax); Santiago Cuc Pecher, Bartolo Cuc Pecher, Manuel Cuc Sotoy, Víctor Manuel Cuc Quieju and Eusebio Tuy Taniel were sentenced to 66 years in prison on charges of kidnapping and to 300 years on 6 counts of murder; Jorge Antonio Morales Mendoza was sentenced to 50 years in prison on the charge of kidnapping and 50 years on the charge of murder.

#### **4. CAUSA 49-2008 (MARIACHI LOCO CASE)**

On September 21, 2009, the Second Court for Criminal Sentencing convicted Elías Lemus Guerra (Head of Unit 11 of the National Civil Police [PNC]) of robbery, abuse of authority and simulation of a crime; José Eduardo López Hernández was sentenced to 8 years for theft, abuse of authority and simulation of a crime; officers José Alberto García Ortiz and Dennys Gueiry received 6 years for theft, abuse of authority and simulation of a crime.

The four members of the National Civil Police (PNC) formed part of a group involved in organized thefts and muggings in 2008.

#### **5. CAUSA 02034-2009-0002 (BUS DE NICARAGUA CASE)**

On June 7, 2010, the First Court for Criminal Sentencing sentenced Juan Carlos Policarpio Chinchilla to 820 years in prison for murder, criminal association and conspiracy; Rony Eduardo Terraza Hernández was sentenced to 3 commutable years for self-concealment. In the proceeding, the murder of 16 persons on a bus en route from Nicaragua to Guatemala on November 8, 2008 was tried.

In this case, CICIG assisted the Public Prosecutor's Office (MP) with the investigation of the proceeding.

#### **6. CAUSA 01070-2009-00883 (ROSENBERG CASE)**

On May 10, 2009, the attorney Rodrigo Rosenberg Marzano was murdered on 2ª Avenida 23-23, Zone 14 of Guatemala City. Before his death, the attorney recorded a video in which he blamed then high-ranking government officials for his death. The investigation produced a different result to the suggestions made by the attorney.

On July 15, 2010, the First Court of Criminal Sentencing sentenced Jesús Manuel Cardona Medina to 12 years in prison on charges of murder and criminal association; Wilian Gilberto Santos Divas, Lucas Josué Santiago López and Edwin Idelmo López to 38 years in prison on the same charges; José Armando Ruano Gaitán to 48 years in prison on charges of murder, criminal association and illegal possession of military-grade firearms or firearms reserved for use by the Army of Guatemala; Byron Estuardo Santos Diva, Samuel Girón Cobar and Miguel de Jesús Ordóñez Barrios to 8 years in prison on charges of criminal association; Carlos Humberto Aragón Cardona to two years in prison on the charge of criminal association (effective cooperator). The *criterio de oportunidad* [opportunity criterion] was applied to Mario Luis Paz Mejía.

The following persons are also included in the case: the brothers José Estuardo Valdés Paiz and Francisco José Ramón Valdés Paiz, on charges of second degree murder; Diego Moreno Botrán, on charges of interfering with the course of justice; and Rodolfo Ibarra Figueredo, on charges of interfering with the course of justice, collusion and conspiring to collude.

The four accused parties are awaiting a pre-trial hearing to open oral arguments. The proceedings have been suspended because of a series of lawsuits brought by the parties to the case.

## **7. CAUSA PENAL 19004-2008-00638 (ZACAPA CASE)**

On March 25, 2008, groups involved in drug trafficking activities clashed at a public bathing establishment in the department of Zacapa, Guatemala. Eleven people were murdered during the massacre.

On September 9, 2010, the First Court for Criminal Sentencing convicted the following persons:

Alfredo García García (Guatemalan)

Saúl Ricardo Salguero Pérez (Guatemalan)

Luis Ernesto Lugo Canciano or Luis Ernesto Lugo Cancino (Mexican)

Rogelio López Cabrera or Rogelio López Paulin (Mexican)

Roberto de León Gómez or Roberto Clemente de León Gómez (Mexican)

They were found guilty of committing the following crimes:

Murder, 240 years in prison; attempted murder, 40 years in prison; continuous aggravated theft, 20 years in prison; illegal possession of defensive and/or sporting firearms, 1 year or payment of GTQ50 per day; transportation and/or illegal trafficking of firearms, 2 years or payment of GTQ50 per day; transportation and/or illegal trafficking of ammunition for firearms, 2 years or payment of GTQ50 per day;

and unlawful association, 8 years in prison.

**The Mexicans received a total of 313 years in prison and banishment from Guatemalan territory.**

Roberto Rodríguez Cárdenas (Mexican): murder, 240 years in prison; attempted murder, 40 years in prison; continuous aggravated theft, 20 years in prison; transportation and/or illegal trafficking of firearms, 2 years in prison or payment of GTQ50 per day; transportation or illegal trafficking of ammunition for firearms, 2 years or payment of GTQ50 per day; and unlawful association, 8 years in prison.

**A total of 312 years in prison and banishment from the Guatemalan territory.**

Rubén Quib Caal (Guatemalan): illegal possession of an offensive weapon, explosives, chemical or biological weapons, traps and experimental weapons—10 years in prison; illegal possession of ammunition for firearms, 3 years or payment of GTQ50; and unlawful association, 8 years in prison.

**A total of 21 years in prison.**

Juan González Díaz or Daniel Pérez Rojas, alias "el Cachetes" (Mexican): unlawful association, 8 years in prison; illegal trading and illicit storage, 15 years; falsifying a public document, 6 years in prison; use of false documents, 6 years in prison; public use of a fake name, 2 years in prison or payment of GTQ50 per day; and omission and/or alteration of marital status, 6 years in prison.

**A total of 43 years in prison and banishment from Guatemalan territory.**

Arturo Catalán Matta (Guatemalan) and Mario Roberto Lima Martínez (Guatemalan): unlawful association, 8 years in prison; and illegal trading and illegal storage, 15 years in prison.

**A total of 23 years in prison.**

Pablo Rodríguez Ordóñez and/or José Alfredo Ramírez (Mexican) and Manuel Cárdenas Ortiz (Mexican): criminal association, 8 years in prison; illegal trading, trafficking and storage, 15 years in prison; falsifying a public document, 6 years in prison; public use of a false name, two commutable years in prison in exchange for a daily payment of GTQ50; omission and/or modification of marital status, 6 years in prison.

**A total of 43 years in prison and banishment from Guatemalan territory.**

Roque Noé Franco Cabrera (Guatemalan) and Luis Roberto Marroquín Sandoval (Guatemalan): criminal association, 8 years in prison.

## **8. CAUSA PENAL 01070-2010-00309 (MASKANA CASE)**

On August 25, 2010, the Tenth Court of Criminal Sentencing sentenced Baltazar Gómez Barrios (former Director General of the National Civil Police) to 5 years in prison and a fine of GTQ10,000.00 on charges of noncompliance of duties and extortion; and Héctor Israel Lapoyeu López (former Acting Deputy Director of Support and Logistics of the PNC) was sentenced to 2 years in prison on a charge of noncompliance of duties.

The two accused parties were ordered to pay GTQ430,550.58 in civil liabilities because of their involvement in the signing of administrative contract 113-2009, whereby the purchase of coupons exchangeable for gasoline and/or diesel for the General Directorate of the National Civil Police was contracted to Maskana, S.A. The contract to provide the PNC with gasoline, worth a total of GTQ40,000,000.00, was not executed.

On May 4, 2011, the Ninth Court of Criminal Sentencing, Drug Trafficking and Crimes against the Environment sentenced José Aníbal Hernández Nova (former Supervisor of the General Directorate of Migration and advisor to former Minister of the Interior, Raúl Antonio Velásquez Ramos) to 10 incommutable years in prison and ordered the payment of GTQ205,000.00.

Furthermore, on charges of extortion and laundering of money and other assets, he was disqualified from holding public office for double the sentence duration, his political rights were suspended and the sentence was ordered to be published in at least two widely circulated media outlets in the country. Also, the payment of GTQ200,000.00 in civil liabilities was ordered.

## **9. CAUSA 464-2010 (TRIPAS CASE)**

On June 17, 2011, the First Court for Criminal Sentencing sentenced Juan Carlos Rojas Salguero and Martín García Hernández to 25 years in prison on charges of forced disappearance.

The case referred to the facts investigated regarding two members of the National Civil Police (Rojas Salguero and García Hernández), who, through a Special Methods Unit interception, held an informant alleged to be an "extortion collector" in custody.

The informant identified houses where a group of extortionists in Amatitlán operated. During the searches of properties, the informant identified a person named Juan de Jesús García, alias "Tripas". Officers Rojas Salguero and García Hernández used force to transport the informant to another location. Then, they strangled him and dumped his body in a ranch in the department of Escuintla on October 5, 2009.

## **10. CAUSA 01074-2009-00659 (MUSA CASE)**

Khalil Musa and his daughter, Marjorie Musa, were murdered by an organized crime group on April 14, 2009 on the corner of Avenida Petapa and 35 Calle, Zone 12, whilst travelling in his vehicle after leaving the premises of his business, Lacetex.

On August 8, 2011, the First Court for Criminal Sentencing sentenced Marlon Wilfredo Pineda González and Felipe Antonio Escobar Sicán to 48 years in prison on charges of murder and criminal association; Mario Luis Paz Mejía, Wilian

Gilberto Santos Divas, Edwin Idelmo López, Samuel Girón Cobar to 40 years in prison on charges of murder; and Rudy Romeo Rodríguez to 8 years in prison on the charge of criminal association.

Lucas Santiago López and Adelino Morales Pérez were awarded a measure to suspend criminal proceedings related to murder charges. However, Morales Pérez received a sentence of 5 years in prison on the charge of unlawful association, following summary proceedings.

Santiago López continues to serve a 38-year prison sentence, which was upheld on appeal, in the Rosenberg case.

## **11. CAUSA 01074-2008-04819 (VÍCTOR RIVERA CASE)**

On April 7, 2008, members of a criminal group murdered Víctor Rivera Azuaje, former advisor to the Ministry of the Interior, whilst he was travelling on Boulevard Vista Hermosa in Guatemala City, accompanied by his assistant, María del Rosario Melgar Martínez, who was injured in the attack.

On April 12, 2011, the First Court for Criminal Sentencing, Drug Trafficking and Crimes against the Environment sentenced:

- 1) Israel Betancourth Vela, Juan Antonio Vásquez, César Augusto Paiz Córdoba, Nelson Oswaldo Milián Girón and Aurelio Ruiz to 30 years in prison on charges of murder.
- 2) Israel Betancourth Vela, Juan Antonio Vásquez, César Augusto Paiz Córdoba, Nelson Oswaldo Milián Girón and Aurelio Ruiz to 4 years in prison on charges of criminal assault.
- 3) Juan Antonio Vásquez, Marleny Sosa Sosa and Cruz Magdalena Reyes García were given 6 years in prison on charges of interfering with the course of justice.
- 4) Walter Ivanovich Morroy Cruz was given 5 years in prison on the charge of falsification of public documents.
- 5) Nelson Oswaldo Milián Girón was sentenced to 6 years in prison on the charge of illegal possession of an unregistered firearm.
- 6) Israel Betancourth Vela was sentenced to 6 years in prison on the charge of altering the registration of a firearm.

The court dismissed the following charges:

- 7) Walter Ivanovich Morroy Cruz, interfering with the course of justice.
- 8) Santiago Enrique Sis García, extrajudicial killing and serious personal injuries.
- 9) Rubén Estuardo Rosales Sánchez, self-concealment and interfering with the

course of justice.

- 10) Israel Betancourth Vela, Juan Antonio Vásquez, César Augusto Paiz Córdoba, Nelson Oswaldo Milián Girón and Aurelio Ruiz, criminal association.

The investigation began at the Crimes against Life Unit, from where it was transferred to the Special Anti-impunity Prosecutor's Bureau (FECI). CICIG did not act as a prosecutor in this case; however, it did provide constant support to the Public Prosecutor's Office (MP) in all stages of the proceedings: in the searches for evidence; the evaluation of evidence; and through cooperation with various motions, decisions, case analyses and conclusions.

## **12. CAUSA PENAL 01080-2009-00470 (PRIMAVERA CASE)**

On October 24, 2011, the Eighth Court of Criminal Sentencing sentenced the attorney Alma Beatriz Valle Flores to 21 years and 4 months in prison and Enriqueta Francisca Noriega Cano to 16 years in prison, charged with being involved in the illegal adoption of the child Angely Liseth Hernández Rodríguez, who was taken on November 3, 2006 from the patio of her house, located in the municipality of San Miguel Petapa in the department of Guatemala City. Then, she was handed over with false papers to a foreign adoptive family, through the Asociación Primavera.

Furthermore, the Court ordered the disqualification of Valle Flores from practicing as an attorney and notary public throughout the duration of the sentence, and it ordered the payment of GTQ100,000.00 in compensation for the non-material damages suffered by the mother of the child, Loyda Elizabeth Rodríguez.

The Court ordered the investigation of Mario Fernando Peralta Castañeda (Judge of Children of Escuintla), staff from the Attorney General of the Nation's Office (PGN), social workers and all persons who (as officials or individuals) were involved in the process, as well as the witnesses Oswaldo López Valenzuela and Tania Moreira on charges of false testimony.

## **13. CAUSA 653-2008 (BYRON VARGAS CASE)**

On October 24, 2011, the Eighth Court of Criminal Sentencing sentenced Byron Humberto Vargas Sosa to 90 years in prison on three counts of murder. Esteban Bolvito Pérez and Mario Cojoc Quej were acquitted.

In September 2011, the First Chamber of Appeals ordered a retrial of the three accused parties. The Public Prosecutor's Office (MP) filed an application for amparo before the Constitutional Court (CC) in an attempt to uphold the sentence issued against Vargas Sosa and seek a retrial of Bolvito Pérez and Cojoc Quej. The CC is yet to issue a ruling.

On April 19, 2008, Byron Vargas Sosa invited the minors María Alejandra Girón Trigueros, Nancy Carolina Hichos Pérez and Silvia María Morales Rodas to the

Blue Moon discotheque, located in Chiquimula; the minors attended the venue together with the mother of Silvia María. In the venue, the minors were with Vargas Sosa and some of his bodyguards.

In the early hours of April 20, 2012, one of Vargas' bodyguards called the minors whilst they were on their way home and told them to meet at the entrance to Zacapa, where Vargas was waiting for them. At approximately 5 a.m. on that same day, the minors were found dead in the dirt track road that leads to Estanzuela, Zacapa.

#### **14. CAUSA 01074-2008-05403 (MUYUS CASE):**

On February 15, 2012, the Sixth Court of Criminal Sentencing sentenced Magaly Muyus to 5 years in prison and ordered the payment of a GTQ100,000.00 fine on the charge of omission and alteration of marital status.

Muyus is accused of being involved in an illegal adoption process because of her attempt to pass as the mother of a child that she wanted to hand over to a foreign adoptive family.

The MP appealed the Court's decision to acquit Muyus of the human trafficking and unlawful association counts. CICIG supported the investigation in the case and acts as a complementary prosecutor in the proceeding against other accused parties facing the same charges.