

# Convictions in CICIG-backed Proceedings

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

In the Los Encuentros jurisdiction, at Kilometer 248, in the department of Sololá, Leonardo Lisandro Guarcax was kidnapped while driving an automobile in August 2010, at approximately 20.00 hours, by the group known as "Los Pujujiles" (which operated in Sololá). The following day, his dead body was found by the side of the road at Kilometer 126.5 of the Inter-American Highway, Sololá jurisdiction. The kidnappers asked for a ransom of GTQ500,000.00.

This criminal group was also accused of kidnapping and murdering other people on the Inter-American Highway during 2010; they requested large ransoms for 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 Queju and Eusebio Tuy Taniel were sentenced to 66 years in prison on the charge 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.

### **2. 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]) for 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.

### **3. 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, unlawful 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.

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

On May 10, 2009, the attorney Rodrigo Rosenberg Marzano was murdered on 2<sup>a</sup> 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 for Criminal Sentencing convicted the following persons for murder and unlawful association: Jesús Manuel Cardona Medina, 12 years; Wilian Gilberto Santos Divas, Lucas Josué Santiago López and Edwin Idelmo López, 38 years. José Armando Ruano Gaitán received 48 years for murder, unlawful association and illegal possession of military-grade firearms or arms for the exclusive use of the Army of Guatemala. Byron Estuardo Santos Divas, Samuel Girón Cobar and Miguel de Jesús Ordóñez Barrios were sentenced to 8 years for unlawful association. Carlos Humberto Aragón Cardona received 2 years for unlawful association (effective collaborator). 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 hearing to open trial. The proceeding has been suspended because of a series of lawsuits brought by the parties to the case.

#### **5. 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 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): unlawful 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 fake name, 2 years in prison or payment of GTQ50 per day; and omission or alteration of marital status, 6 years in prison.

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

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

## **6. 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 to 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, worth a total of GTQ40,000,000.00, to provide the PNC with gasoline was not complied with.

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. In addition, he was ordered to pay GTQ200,000.00 in civil liabilities.

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

On June 17, 2011, the First Court of Criminal Sentencing sentenced Juan Carlos Rojas Salguero and Martín García Hernández to 25 years in prison on a charge 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 the properties, the informant identified a person named Juan de Jesús García, alias "Tripas". Officers Rojas Salguero and García Hernández used force to remove the subject and transfer him to another location. Then, they strangled him and dumped his body in a ranch in the department of Escuintla on October 5, 2009.

## **8. 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 of Criminal Sentencing sentenced Marlon Wilfredo Pineda González and Felipe Antonio Escobar Sicán to 48 years in prison on charges of murder and unlawful association; Mario Luis Paz Mejía, Wilian Gilberto Santos Divas, Edwin Idelmo López, Samuel Girón Cobar were sentenced to 40 years in prison on the charge of murder; Rudy Romeo Rodríguez was given an 8-year sentence on the charge of unlawful association.

Lucas Santiago López and Adelino Morales Pérez were released conditionally on the charge of murder. However, Morales Pérez received a sentence of 5 years in prison on the charge of unlawful association, following an expedited proceeding. Santiago López continues to serve a 38-year prison sentence in the Rosenberg case. The sentence was upheld following appeal.

## **9. 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 of 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 the charge 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 the charge of criminal assault;
- 3) Juan Antonio Vásquez, Marleny Sosa Sosa and Cruz Magdaleno Reyes García were given 6 years in prison on the charge 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 registry 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) The unlawful association charges against Israel Betancourth Vela, Juan Antonio Vásquez, César Augusto Paiz Córdoba, Nelson Oswaldo Milián Girón and Aurelio Ruiz.

The investigation was begun 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 proceeding: in the searches for evidence; the evaluation of evidence; and cooperation with various motions, decisions, cases analysis and conclusions.

## **10. 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 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 an adoptive family from outside of Guatemala 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 the Judge of Children of Escuintla, Mario Fernando Peralta Castañeda, 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 the charge of false testimony.

## **11. 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 he 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.

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

On February 12, 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. She was acquitted of the charges of human trafficking and unlawful association.

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

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.



## ACQUITTAL

### **13. CAUSA PENAL 7102-2001 (PORTILLO/ARÉVALO LACS Y MAZA CASTELLANOS CASE)**

On May 9, 2011, the Eleventh Court of Criminal Sentencing, with a dissenting opinion, acquitted Alfonso Antonio Portillo Cabrera, Manuel Hiram Maza Castellanos and Eduardo Arévalo Lacs of the charge of embezzlement.

In the proceeding, the involvement of former president Alfonso Antonio Portillo Cabrera was tried, along with former ministers Manuel Hiram Maza Castellanos (Public Finances) and Eduardo Arévalo Lacs (Defense National), for the theft of GTQ120,000,000.00 from the National Defense in 2001.

Judges Coralia Contreras and Patricia Deras, from said Court, acquitted former president Portillo and the two former ministers. Judge Morelia Ríos, however, in explaining her vote, indicated that there was sufficient clear evidence against the three accused parties.

CICIG and the MP filed an appeal against the decision passed down by the Eleventh Court of Criminal Sentencing, where it is still pending.