

# Convictions in proceedings supported by CICIG

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**Guatemala, October 18, 2013.** Under its mandate, the International Commission against Impunity in Guatemala (CICIG) can participate in criminal proceedings as a complementary prosecutor, and thus it has been able to support the Public Prosecutor's Office (MP) in more than 50 high-impact cases that are under investigation or before the courts. To date, 20 convictions have been achieved.

As a complementary prosecutor, CICIG, in accordance with Guatemalan legislation, can carry out criminal prosecutions or join prosecutions initiated by the Public Prosecutor's Office (MP) in cases of crimes allegedly committed by members of criminal structures that fall under the Commission's mandate. This makes it possible for CICIG to cooperate with the MP in such cases and support the fact-finding process, request the performance and examination of investigative actions pursuant to Guatemalan law, and participate directly in criminal proceedings.

### **1. CASE 001076-2012-0025 (MAYOR)**

The mayor of La Antigua Guatemala, Adolfo Vivar Marroquín, and the other accused allegedly created a structure to divert municipal funds using companies they had created. Some of these companies were construction companies that were awarded over-priced projects. An alternative method used to take the town's funds involved paying its alleged employees and paying for services that were never rendered.

On October 16, 2013, First High-Risk Court B, by means of summary proceedings, convicted five individuals for their involvement in corrupt acts in La Antigua Guatemala. Mayor Adolfo Vivar Marroquín is currently held in pre-trial detention in relation to the same facts.

The following individuals were sentenced to five years in prison for extortion and fraud:

1. Josué Renato de la Roca Sagastume.
2. Adriana del Carmen Castillo Recinos.
3. Aurelio Cuy Chávez.
4. José Armando Arrecis Ramírez.
5. Bladimir Alejandro Nájera Coba.

CICIG acts as a complementary prosecutor in these criminal proceedings.

### **2. CASE 01076-2010-002 (AMATITLÁN)**

The investigation conducted by the Public Prosecutor's Office (MP) established that a group of high-ranking police officers within the Analysis and Antinarcotics

Division (DAIA)—including former Police Chief Baltazar Gómez—allegedly stole an undisclosed quantity of drugs from drug traffickers. The events took place on April 24, 2009 at a complex of warehouses at Kilometer 30.5 in the municipality of Amatitlán, where the criminal organization had its operations hub and also stored drugs, arms and stolen vehicles.

On September 30, 2013, High-Risk Trial Court B sentenced former Director of the National Civil Police (PNC), Baltazar Gómez Barrios, and two of his subordinates to 16 years in prison. In addition, the other 16 accused individuals—13 of whom formed part of a criminal structure—were issued prison sentences ranging from 1 to 61 years in length.

The convicted parties were:

1. Baltazar Gómez Barrios, former Director of Police, 16 years in prison, and the payment of a GTQ 50,000 fine, for illegal trade, trafficking and storage.
2. Nelly Judith Bonilla Estrada, Deputy Police Chief, 16 years in prison, and the payment of a GTQ 50,000 fine, for illegal trade, trafficking and storage.
3. Fernando Antonio Carrillo García, police corporal, 16 years in prison, and the payment of a GTQ 50,000 fine, for illegal trade, trafficking and storage.
4. William Leonel Florez Pérez, police officer, 15 months in prison for the illegal searching of premises.
5. Sergio Aníbal Ramos Zabaleta, police officer, 15 months in prison for the illegal searching of premises.
6. César Augusto Sánchez Lajuj, police officer, 15 months in prison for the illegal searching of premises.
7. Ana Teresa Tubac Pérez, 3 years in prison for impeding the clarification of events.
8. Flor de María Ayala Tello, 3 years in prison for impeding the clarification of events.
9. Erick Renato Linares Cordón, 3 years in prison for impeding the clarification of events.
10. Luis Roberto González Berreondo, 8 years in prison for criminal association and 20 years in prison for the overlapping offence of illegal possession of firearms.
11. Elías Danilo Barrientos Figueroa, 8 years in prison for criminal association and 20 years in prison for the overlapping offence of illegal possession of firearms.
12. Hugo Rolando López García, 8 years in prison for criminal association and 20 years in prison for the overlapping offence of illegal possession of firearms.
13. Vinicio Soel Toledo Meneses, 8 years in prison, and the payment of a GTQ 50,000 fine, for illegal trade, trafficking and storage.
14. Francisco José Fernández Herrera, 8 years in prison, and the payment of a GTQ 50,000 fine, for illegal trade, trafficking and storage.
15. Iván Vinicio González Ayala, 42 years in prison on charges of criminal association, illegal possession and storage of firearms and ammunition.

16. Victoria Elizabeth Hernández Godoy, 8 years in prison for criminal association.
17. Daniel Isaac Graves, 8 years in prison for criminal association; 18 years in prison for illegal trade, trafficking and storage; 5 years in prison for the illegal use of uniforms and insignia; 3 years in prison for aggravated assault; and 24 years in prison for the overlapping offence of illegal possession of firearms. He must also pay a fine of GTQ 1,000,000.
18. Pedro Romero López, 8 years in prison for criminal association and 5 years in prison for illegal use of uniforms and insignia.
19. Héctor Sierra Ramírez, 8 years in prison for criminal association and 2 years in prison for illegal trade, trafficking and storage.

CICIG acts as a complementary prosecutor in these criminal proceedings.

### **3. CASE 17857-2006 (PAVÓN)**

The investigations conducted by the Public Prosecutor's Office (MP) established that a parallel structure was created within the State and it had the power to extra-judicially kill individuals deemed to be the "dregs" or "enemies of society". The group used State power and State machinery to conduct its criminal activity and create impunity for actions which it knew were illegal.

On August 8, 2013, First High-Risk Court B handed down prison sentences of between 15 and 33 years to four individuals, including Víctor Hugo Soto Diéguez (former Head of Criminal Investigation of the National Civil Police [PNC]) for participating in the extra-judicial killings of ten inmates in 2005 and 2006 in the Pavón and El Infiernito cases (Zacapa and La Cueva).

The court handed down the following prison sentences:

1. Víctor Hugo Soto Diéguez, 33 years in prison for the extra-judicial killings of 10 inmates (Pavón and El Infiernito cases). The court indicated that the length of the sentence was chosen on the basis that the crime was a continuous crime.
2. Víctor Manuel Ramos Molina, 25 years in prison for the extra-judicial killing of Edwin Estuardo Santacruz (Zacapa Case). He was also acquitted of another extra-judicial killing charge (La Cueva Case).
3. Axel Arnoldo Martínez Arreaza, 25 years in prison for the extra-judicial killing of Edwin Estuardo Santacruz (Zacapa Case).
4. Aldo Stefano Figueroa Díaz was sentenced to 15 years in prison for the illegal possession of firearms and ammunition. He was acquitted of the murders of seven inmates in the Pavón Case as well as being acquitted of a criminal association charge.

The following were acquitted: Francisco González Ibáñez, Edwin Emmanuel Rivera Gálvez, Nicolás Camajá Bach and María del Rosario Melgar Martínez.

In these cases, the former Minister of the Interior Carlos Vielmann is being prosecuted in Spain and former Director of Police Erwin Sperisen in Switzerland.

CICIG acts as a complementary prosecutor in these criminal proceedings.

#### **4. CASE 01076-2011-00773 (GASOFA)**

Guatemalan authorities, with the support of CICIG, dismantled a criminal structure of current and former employees of the Superintendence of Tax Administration (SAT), former and current police officers, and other individuals. From 2008 onwards, the structure facilitated the flow of gasoline into the country at the Pedro de Alvarado customs checkpoint on the Salvadorian border. The gasoline was transported to Guatemala City to be sold.

On January 17, 2013, First High-Risk Court A convicted nine members of the National Civil Police (PNC) to 18 years in prison, including police chiefs, inspectors and officers, all of whom are accused of smuggling gasoline.

The Court issued sentences of 8 years in prison for criminal association and 10 years for customs contraband. The convicted parties were:

1. José Alfonso Cruz Valdéz, Police Chief.
2. Erick Noé Palacios López, Police Chief.
3. Freddy Fernando López Trabanino, Police Chief.
4. Luis Francisco González Estrada, Deputy Chief.
5. Lile Castañeda Sandoval, Inspector.
6. Juan Zacarías Zacarías, Police Corporal III.
7. Lorenzo Hurtado Corado, Police Corporal III.
8. José Angel Véliz Valdéz, Police Corporal II.
9. Amílcar René Franco Cabrera, police officer.

CICIG acts as a complementary prosecutor in these criminal proceedings.

#### **5. CASE 0107-2012-178 (FUSIÓN)**

Enrique Francisco Caal Xoy (former PNC officer) and his brother Mario Antonio Caal Xoy were arrested on April 18, 2012 and prosecuted for conspiracy to kill. The identity of the targeted individual was not established during the trial of the accused individuals. These persons formed part of a criminal organization operating in the departments of Alta Verapaz, Baja Verapaz and Guatemala.

On November 8, 2012, the Fourth Trial Court for Criminal Matters convicted the two brothers. Enrique Francisco Caal Xoy was handed an incommutable sentenced of 39 years and 15 months in prison for conspiracy to murder and illegal

possession of civilian or sports firearms. Mario Antonio Caal Xoy, however, was handed an incommutable sentence of 25 years in prison for conspiracy to murder.

Enrique Francisco Caal Xoy served in the National Civil Police Division of Protection for Eminent Persons where he guaranteed the protection of judges of high-risk trial courts.

This decision is currently being appealed before the Third Chamber of Criminal Appeals.

CICIG acts as a complementary prosecutor in these criminal proceedings.

## **6. CASE 01109-2009-01823 (RETALHULEU KIDNAPPING)**

On November 21, 2009, Ramón Enrique Cardillo Cigarroa, Edgar René Cardillo Chávez and Ramón Enrique Cardillo Calderón were kidnapped while travelling in two vehicles in Retalhuleu Department.

On September 19, 2012, First High-Risk Court B sentenced Fredy Herald De León Barrios and Martín García González to 31 years in prison. Both parties were sentenced on charges of criminal association (6 years) and kidnapping (25 years).

Two kidnapping incidents were proven: firstly, the victims were captured after the two vehicles in which they were travelling were intercepted by the vehicle of the two accused parties (accompanied by two other physical perpetrators); secondly, the authorities were immediately advised and the two parties were arrested in flagrante.

CICIG acts as a complementary prosecutor in these criminal proceedings.

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

On April 24, 2009, an armed confrontation took place between National Civil Police (PNC) officers and suspected drug traffickers at warehouses located in Amatitlán, causing the death of 5 police officers. Furthermore, 370 kilos of cocaine were seized along with a large arsenal of weapons.

Vidal Efraín Requena Mazariegos, former Deputy Director of the Prison System, is being prosecuted under this case after a property was searched in Cobán (Alta Verapaz Department), where a series of documents were found, such as notepads containing information on financial transactions made by a drug trafficking organization to the personal bank account of Requena Mazariegos. This was demonstrated by copies of the accused's deposit slips and bank statements.

On July 11, 2012, First High-Risk Court B sentenced Requena Mazariegos to six years in prison and ordered the payment of a GTQ 68,700 fine for 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 ill-gotten money deposited in the personal account of the accused party.

On June 12, 2013, First High-Risk Court A sentenced Requena Mazariegos to 8 years in prison for criminal association. Prior to these proceedings, the MP and CICIG had accused the former public official of criminal association and money laundering, but Carol Patricia Flores, the presiding judge, ordered the dismissal of the charge of criminal association.

Therefore, CICIG appealed the decision and, in February, the First Court of Criminal Appeals overturned the decision of the judge and, in consequence, the former official faced a second trial for criminal association.

CICIG acts as a complementary prosecutor in these criminal proceedings.

## **8. CASE 35422011-55652 (EL TIGRE)**

In December 2012, community leader Ramiro Chon was murdered, shot 16 times outside El Tambo's Centro de Convergencia, 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 Trial Court for Criminal Matters, Drug Trafficking and Crimes Against the Environment sentenced Pérez Genis and Cu Tiul to 30 years in prison for murdering the community leader-

CICIG supports the Public Prosecutor's Office in the investigation of this case.

## **9. CASE 01076-2011-00016 (GUARCAX)**

In the Los Encuentros jurisdiction, Kilometer 248, Sololá Department, Leonardo Lisandro Guarcax was kidnapped on August 2010 by the group known as "Los Pujujiles" (which operated in Sololá Department) when driving an automobile, at approximately 20.00 hours. The following day, his dead body was found at Kilometer 126.5, by the side of the Inter-American Highway, in Sololá Department. A ransom of GTQ 500,000.00 had been 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 Matters, 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 for kidnapping and to 300 years on 6 counts of murder; Jorge Antonio Morales Mendoza was sentenced to 50 years in prison for kidnapping and 50 years for murder.

The decision of the Court was upheld by the First Chamber of Criminal Appeals in March 2013.

CICIG acts as a complementary prosecutor in these criminal proceedings.

#### **10. CASE 49-2008 (MARIACHI LOCO)**

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

On September 21, 2009, the Second Trial Court for Criminal Matters, Drug Trafficking and Crimes Against the Environment convicted Elías Lemus Guerra (Chief of Police of District 11) of larceny, abuse of authority and simulation of a crime and sentenced José Eduardo López Hernández to 8 years for robbery, abuse of authority and simulation of a crime. The officers José Alberto García Ortiz and Dennys Gueiry were sentenced to 6 years in prison for robbery, abuse of authority and simulation of a crime.

The judgement against the former officers is final.

CICIG acted as a complementary prosecutor in these criminal proceedings.

#### **11. CASE 02034-2009-0002 (NICARAGUA BUS)**

On November 8, 2008, Marvin Montiel Marín, a suspected drug trafficker in the Zacapa area, and a group of hired killers intercepted a bus en route from Nicaragua carrying 16 passengers. They then took the bus to Marín's ranch in Rio Hondo. At the ranch, all the people travelling on the bus were murdered, doused in gasoline and burned inside the vehicle.

On June 7, 2010, the First Trial Court for Criminal Matters, Drug Trafficking and Crimes Against the Environment sentenced Juan Carlos Policarpio Chinchilla to 820 years in prison for murder, criminal association and conspiracy and Rony Eduardo Terraza Hernández was sentenced to 3 commutable years for impeding clarification of events.

In this case, seven further individuals are pending trial, including Marvin Montiel Marín.

CICIG supports the Public Prosecutor's Office in the investigation of this case.

## **12. CASE 01070-2009-00883 (ROSENBERG)**

On May 10, 2009, the attorney Rodrigo Rosenberg Marzano was murdered on 2ª Avenida, 23-23, Zone 14 of Guatemala City. Before being murdered, 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 Trial Court for Criminal Matters, Drug Trafficking and Crimes Against the Environment handed down the following sentences for murder and criminal association: Jesus Manuel Cardona Medina was given 12 years in prison; Wilian Gilberto Santos Divas, Lucas Josué Santiago López and Edwin Idelmo López were given 38 years in prison. The First Trial Court also sentenced José Armando Ruano Gaitán to 48 years in prison for murder, criminal association and illegal possession of military-grade firearms or firearms reserved for the exclusive use of the Army of Guatemala, and Byron Estuardo Santos Diva, Samuel Girón Cobar and Miguel De Jesús Ordóñez Barrios to 8 years in prison on the charge of criminal association. Finally, the same court sentenced Carlos Humberto Aragón Cardona to two years in prison on the charge of criminal association (justice collaborator). The *criterio de oportunidad* [principle of opportunity] was granted to Mario Luis Paz Mejía and hence he avoided prosecution without admitting to the facts.

- Juan Miguel Fuxet Ciani (justice collaborator).

By means of a summary proceeding, Fuxet Ciani was handed a suspended sentence of 2 years in prison for obstruction of justice.

The following persons are also linked to the case: the brothers José Estuardo Valdés Paiz and Francisco José Ramón Valdés Paiz for complicity in murder; Diego Moreno Botrán for obstruction of justice; and Rodolfo Ibarra Figueredo for obstruction of justice, collusion and conspiracy to collude.

The four accused parties are awaiting a pre-trial hearing to open oral arguments. The proceeding has been suspended because of a series of motions filed by the parties to the case.

CICIG acts as a complementary prosecutor in these criminal proceedings.

### **13. CASE 19004-2008-00638 (ZACAPA)**

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

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

Alfredo García García (Guatemalan), Saúl Ricardo Salguero Pérez (Guatemalan), Luis Ernesto Lugo Canciano/Luis Ernesto Lugo Cancino (Mexican), Rogelio López Cabrera/Rogelio López Paulin (Mexican), and Roberto de León Gómez/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; repeated aggravated robbery, 20 years in prison; illegal possession of defensive and/or sporting firearms, 1 year or payment of GTQ 50 per day; illegal transportation of firearms, 2 years or payment of GTQ 50 per day; illegal transportation of ammunition for firearms, 2 years or payment of GTQ 50 per day; and criminal association, 8 years in prison. **The individuals 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 robbery, 20 years in prison; illegal transportation of firearms, 2 years in prison or payment of GTQ 50 per day; illegal transportation of ammunition for firearms, 2 years or payment of GTQ 50 per day; and criminal 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 criminal association, 8 years in prison. **A total of 21 years in prison.**

Juan González Díaz or Daniel Pérez Rojas, alias "el Cachetes" (Mexican): criminal 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 GTQ 50 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): criminal 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/José Alfredo Ramírez (Mexican) and 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 or the daily payment of GTQ 50; and omission or alteration 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, eight years in prison.

The judgement against these individuals is final.

CICIG acted as a complementary prosecutor in these criminal proceedings.

#### **14. CRIMINAL CASE 01070-2010-00309 (MASKANA)**

On September 18, 2009, the General Directorate of the National Civil Police (PNC) and the company Proyectos Maskana signed administrative contract 113-2009 for GTQ 40 million to purchase coupons exchangeable for gasoline. However, part of the funds were diverted and used for illegal activities.

On August 25, 2010, the Tenth Trial Court for Criminal Matters convicted Baltazar Gómez Barrios (former Director General of the National Civil Police) to 5 years in prison and ordered the payment of a GTQ 10,000.00 fine for 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 for noncompliance of duties.

The two accused parties were ordered to pay GTQ 430,550.58 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 GTQ 40,000,000.00, was not complied with.

On May 4, 2011, the Ninth Trial Court for Criminal Matters, 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 GTQ 205,000.00 for extortion and money laundering.

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 publications in the country.

The judgement against these individuals is final. Seven individuals are pending trial, including former Minister of the Interior, Raúl Antonio Velásquez Ramos.

CICIG acts as a complementary prosecutor in these criminal proceedings.

### **15. CASE 464-2010 (TRIPAS)**

Based on a Special Methods Unit telephone tap, Carlos Rojas Salgue and Martín García Hernández, members of the National Civil Police (PNC), held an informant alleged to be an "extortion collector".

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 transport the subject to another location. They then strangled him and dumped his body in a ranch in the department of Escuintla on October 5, 2009.

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

CICIG assisted in the investigations and provided continual support to the Public Prosecutor's Office (MP) throughout the proceedings.

### **16. CASE 01074-2009-00659 (MUSA)**

Khalil Musa and his daughter Marjorie Musa were murdered on April 14, 2009 while travelling in their vehicle between Avenida Petapa and the corner of 35 Calle (Zone 12 of Guatemala City). They had previously left the facilities of their business, Lacetex.

On August 8, 2011, the First Trial Court for Criminal Matters sentenced Marlon Wilfredo Pineda González and Felipe Antonio Escobar Sicán to 48 years in prison for murder and criminal association; Mario Luis Paz Mejía, Wilian Gilberto Santos Divas, Edwin Idelmo López, Samuel Girón Cobar to 40 years in prison for murder; and Rudy Romeo Rodríguez to 8 years in prison for criminal association.

Lucas Santiago López and Adelino Morales Pérez were awarded a measure of condition suspension of criminal proceedings in relation to the charge of murder. However, in summary proceedings, Morales Pérez received a sentence of 5 years in prison for criminal association. Santiago López continues to serve a 38-year prison sentence, which was upheld on appeal, in the Rosenberg case.

The judgement against these individuals is final.

CICIG acted as a complementary prosecutor in these criminal proceedings.

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

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 Trial Court for Criminal Matters, 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 for murder;
- 2) Israel Betancourth Vela, Juan Antonio Vásquez, César Augusto Paiz Córdoba, Nelson Oswaldo Milián Girón and Aurelio Ruiz to 4 years in prison for criminal assault;
- 3) Juan Antonio Vásquez, Marleny Sosa Sosa and Cruz Magdaleno Reyes García were given 6 years in prison for obstruction of justice;
- 4) Walter Ivanovich Morroy Cruz was given 5 years in prison for falsification of public documents;
- 5) Nelson Oswaldo Milián Girón was sentenced to 6 years in prison for illegal possession of an unregistered firearm;
- 6) Israel Betancourth Vela was sentenced to 6 years in prison for altering the registry of a firearm.

The court dismissed the following charges:

- 7) Walter Ivanovich Morroy Cruz, obstruction of justice;
- 8) Santiago Enrique Sis García, extra-judicial killing and serious personal injuries;
- 9) Rubén Estuardo Rosales Sánchez, impeding clarification of the facts and blocking justice;
- 10) Israel Betancourth Vela, Juan Antonio Vásquez, César Augusto Paiz Córdoba, Nelson Oswaldo Milián Girón and Aurelio Ruiz for criminal association.

CICIG provided continual support to the Public Prosecutor's Office (MP) in all stages of the proceedings, in the searches for evidence; the evaluation of evidence, and cooperation in various motions, decisions, case analyses and conclusions.

## **18. CRIMINAL CASE 01080-2009-00470 (PRIMAVERA)**

The child Angely Hernández was taken on November 3, 2006 from the patio of her house, located in the municipality of San Miguel Petapa in Guatemala City Department. She was then handed over with false papers to an adoptive family from outside of Guatemala.

On October 24, 2011, the Eighth Trial Court for Criminal Matters 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—the pair were charged with participating in the illegal adoption of the child Angely Liseth Hernández Rodríguez.

Furthermore, the Court ordered the disqualification of Valle Flores from practicing as an attorney and notary public throughout the duration of the sentence and ordered the payment of GTQ 100,000.00 in compensation for the non-material damages suffered by the mother of the child, Loyda Elizabeth Rodríguez.

CICIG acts as a complementary prosecutor in these criminal proceedings.

## **19. CASE 653-2008 (BYRON VARGAS)**

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. At 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 on the dirt track road that leads to Estanzuela, Zacapa.

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

Following an appeal lodged by CICIG and the MP, the accused pair were sentenced to 75 years in prison and, in the case of Vargas Sosa, his trial is set to be repeated.

CICIG acts as a complementary prosecutor in these criminal proceedings.

## **20. CASE 01074-2008-05403 (MUYUS)**

On April 26, 2007, the child Dafne Nayeli Camey Pérez (who was given the name Yajaira Noemí Muyus) was handed over to the Asociación Primavera home, with the aim of opening, on April 28, 2007, an adoption procedure before Judge Mario Fernando Peralta Castañeda

On July 26, 2007, Judge Peralta Castañeda issued a judgement declaring the abandonment of the child, without taking the necessary steps to locate the true mother of the child, even though he was aware of the false identity of the child, as demonstrated by a negative DNA test result. In the same judgement, the judge awarded custody of the child to the Asociación Primavera as well as ordering her inclusion in its adoption programs.

On February 12, 2012, the Sixth Trial Court for Criminal Matters sentenced Magaly Muyus to 5 years in prison and ordered the payment of a GTQ 100,000.00 fine for omission and alteration of marital status. In addition, she was absolved of human trafficking and criminal association charges.

The MP appealed the Court's decision to acquit Muyus of the human trafficking and criminal association counts.

By means of the cassation judgment of January 24, 2013, the sentence was changed to 8 years in prison for human trafficking and 6 years in prison for criminal association, as well as upholding the 5 years in prison for deletion and modification of marital status.

The decision is final.

CICIG acts as a complementary prosecutor in these criminal proceedings.