Panel Session 4, Part 1

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Guatemala

Trabajado por la verdad y la justicia
Background

Corruption in the public administration is the deviation from the exercise of the State's function derived from unlawful behavior of employees and public officials, in which, also, private individuals intervene, who transgress social norms. Together with corruption as a punishable offense, this also infringes the system of values of the society.

In simple terms corruption is the abuse of the public power to obtain a particular benefit, it is the phenomenon through which a public official is driven to act differently to the normative standards of the system to favor particular interests in exchange for a reward.
It arises from the need to protect capital formation, savings and investment and create the right conditions to promote investment in the country of domestic and foreign capital, seeking to prevent the use of the financial system for conducting illegal business.

1. Decree 67-2001 was approved by the Congress of the Republic of Guatemala on November 28th, 2001.

2. Its purpose is to prevent, control, monitor and sanction money laundering or other assets arising from the commission of any crime.

3. The crime of money laundering is committed by anyone who invests, transfers or carries out any financial transaction with property or money knowing that its origin is from the commission of unlawful acts and appears as a result of legal activities.
The decree 55 - 2010 was approved by the Congress of the Republic of Guatemala on December 23, 2010.

Through this, it is possible to make available to the authorities responsible to prevent and combat organized crime and other criminal acts in all its expressions, against corruption, the goods acquired illegally.

It serves to normatively and judicially eliminate illicit or criminal wealth through a procedure that guarantees the protection of the constitutional and legal rights of individuals.
It is the organ assigned to the Vice Presidency of the Republic, in charge of the administration of assets recovered. It is integrated as follows:

The vice president of the Republic (chairman)
A magistrate appointed by the Supreme Court of Justice
The General Prosecutor of the Republic and Head of the Public Ministry
The Attorney General of the Nation
The Minister of the Interior
The Minister of National Defense
The Minister of Finance

The National Secretariat of Assets recovered - SENABED - is subordinate to CONABED, to support and execute the decisions emanating from the Council.
CASE “THE LINE”

“THE LINE “: A network of corruption and a political crisis

• The work of the Public Prosecutor's Office and the International Commission Against Impunity in Guatemala (CICIG) uncovered a corruption network headed by Juan Carlos Monzón Rojas, the private secretary of the Vice-President of the Republic, Roxana Baldetti. A criminal structure with the capacity to install or remove two Intendants of tax administration, charge commissions of up to 30% of the value of the tax to importers and defraud the treasury at least Q2.5 million per week.
EXTINCTION OF DOMAIN

Starting in May 2015, the Public Ministry requested the seizure of seven bank accounts for the "La Línea" case, approximately more than Q30 million. (US $ 3.8 million)

• The accounts correspond to the ex-vice president of the Republic, another of her former private secretary, the former head of the Intendency of Tax Administration (SAT) and other persons linked to "La Línea" process.

• Additionally, 3 real estate owned by the ex-vice president, and 8 properties owned by his husband were seized.
Estimated amount according to the market value of the properties repossessed by extinction of dominion

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Millions US$</th>
</tr>
</thead>
<tbody>
<tr>
<td>House in Terravista (Residential Area)</td>
<td>4</td>
</tr>
<tr>
<td>Beach house South Marina port</td>
<td>9</td>
</tr>
<tr>
<td>Helicopter Ecurier</td>
<td>3</td>
</tr>
<tr>
<td>House in the Eucaliptos (Residential Area)</td>
<td>1.2</td>
</tr>
<tr>
<td>Lot in the Eucaliptos (Residential Area)</td>
<td>3</td>
</tr>
<tr>
<td>House in the city</td>
<td>1.2</td>
</tr>
<tr>
<td>Farm in the interior of the country</td>
<td>3.7</td>
</tr>
</tbody>
</table>

Fuente: wwwelperiodico.com.gt
In December 2016 the new Penitentiary Academy of Management, located in a property that belonged to former President Otto Pérez Molina, was inaugurated in Zaragoza, Chimaltenango.
TRUCK AND TANKS GRANTED IN PROVISIONAL USE

USED BY THE ANTINARCOTICS AND ANTITERRORIST AIR FORCE
-FIAAT-
FARMS IN JURISDICTION OF THE MUNICIPALITY OF MASAGUA, DEPARTMENT OF ESCUINTLA

WILL BE USED FOR THE BUILDING OF NEW PENITENTIARIES UNDER THE NEW PENITENTIARY SYSTEM
TWO HELICOPTERS LINKED TO THE EX PRESIDENT AND VICEPRESIDENT ARE CONFISCATED TO THE STATE OF GUATEMALA

January 24, 2017:

Two helicopters related to the former President and Vice President.
Bell brand aircraft model 407 GX, valued at approximately 3 million 175 thousand dollars and Bell aircraft, model Jet Ranger III, approximate value at 2 million dollars.

Both are being used by the Rescue Air Force.
Real estate consisting of: 1 hotel named Mansión de la Luz, located in Antigua Guatemala; 1 house in an exclusive condominium with its respective parking, located in Zone 2 of Guatemala City.
Real Estate consisting of: Apartments located in a prominent area of Guatemala; 1 cellar located in Guatemala city; and 1 house located in the colony Lomas de Pamplona Zone 13 (Guatemala city).
PRECAUTIONARY MEASURE OF IMMOBILIZING
PROPERTY OF Bienes y Caminos, S. A.

Farms located in the municipality of Taxisco, department of Santa Rosa.
34 Beauty treatment apparatus.
(Spa Owned by the Vicepresident)
PRECAUTIONARY MEASURE OF SEIZURE

- A boat mara TROPHY, white color with series 2YQA46FFG495, located in Aldea Fronteras, Rio Dulce, municipality of Livingston, department of Izabal.

- A dingy mark apex with serial number 05261359, located in Aldea Fronteras, Rio Dulce, Municipality of Livingston, department of Izabal.

- Sea Ray boat with registration DL3442AA, white, located in Aldea Fronteras, Rio Dulce, Municipality of Livingston, Department of Izabal.
Casa ubicada en zona 5
Casa ubicada en Fraijanes
Casa ubicada en Marina del Sur
Finca la Montagna ubicada en Tecpán, Chimaltenango
ASSETS RECOVERED IN 2015

- 49
- 15
- 9
- 4
- 3
- 40
ASSETS RECOVERED IN 2016

- 16 Vehicles
- 1 Airplane
- 9 Trees
- 6 Guns
- 1 Banknotes
MONEY RECOVERED DURING 2016 IN GUATEMALA

- **DOLARES**: $9,025,953.13
- **QUETZALES**: $2,546,026.30
- **LEMPIRAS**: $38.00
- **PESOS MEXICANOS**: $1,261,849.00
- **DOLARES CANADIENCIOS**: $120.00
- **EUROS**: $78,900.90
- **PESOS CHILENOS**: $33,000.00
- **YUANES CHINOS**: $4,418.00
WHERE THE ASSETS RECOVERED GO TO
THANK YOU!