

**THE LONG ARM OF INJUSTICE: DID A
U.N. COMMISSION FOUNDED TO FIGHT
CORRUPTION HELP THE KREMLIN
DESTROY A RUSSIAN FAMILY?**

HEARING
BEFORE THE
**COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**
ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

APRIL 27, 2018

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COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 9:20 a.m. in Room 2172, Rayburn House Office Building, Washington, DC, Hon. Christopher H. Smith, Co-Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Christopher H. Smith, Co-Chairman, Commission on Security and Cooperation in Europe; Hon. Randy Hultgren, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Sheila Jackson Lee, Commissioner, Commission on Security and Cooperation in Europe.

Witnesses present: Bill Browder, Founding Director, Global Magnitsky Campaign for Justice; Victoria Sandoval, Criminal and Human Rights Attorney Representing the Bitkov Family; and Rolando Alvarado, Attorney Representing the Bitkov Family and Professor of Law and Founding Partner, Corpolegal.

**HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN, COMMISSION
ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. The hearing will come to order, and good morning.

The Russian Government regularly pursues its vendettas beyond its borders, harassing and even murdering Russian emigres abroad, people who are on the Putin circle's target list for various reasons. The poisoning of Sergei and Yulia Skripal in England is one of the most recent examples to reach the news.

The Kremlin's sadistic pursuit of the Bitkov family is, in its way, just as shocking as the cruel murder of Litvinenko and the attempted murders of the Skripals. The Bitkovs are still alive today, but they have been hounded for over a decade to the opposite ends of the world and beyond the limits of human endurance merely for resisting Putin's favorites who sought to take over their successful paper manufacturing company.

More shocking, the facts of the case strongly indicate—and we will hear testimony on this today—that the United Nations International Commission Against Impunity in Guatemala, or CICIG, became deeply involved in the Kremlin's persecution of the Bitkov

family—indeed, that CICIG acted as the Kremlin’s operational agent in brutalizing and tormenting the Bitkov family.

Congress has a special responsibility in this matter because the United States is one of the largest contributors to CICIG, to their budget. There has been little congressional oversight of CICIG. It is clearly time for that to change.

In the 1990s, Igor and Irina Bitkov built the North-West Timber Company, acquiring and modernizing old factories to increase paper production. As their company grew, the Bitkovs took loans from several Russian state banks to finance further modernization. Their business prospered, grew to a value of hundreds of millions of dollars, and the family was approached by a powerful bank executive who sought to buy a majority share in the company at a significantly below-market rate. Other officials asked Irina to become politically involved in President Vladimir Putin’s party. When the Bitkovs refused, things got very, very ugly.

Their 16-year-old daughter, Anastasia, was kidnapped for several days, drugged, and repeatedly raped. Her parents ransomed her, paying the money to policemen who said that they were go-betweens to the kidnappers. Then the banks suddenly called in the loans, even though the Bitkovs had excellent credit. The family was threatened with imprisonment and death.

Fearing for their lives, the family fled Russia. They found what they thought was legal refuge in Guatemala with the help of a Guatemalan law firm. They acquired Guatemalan passports, bought a house, learned Spanish, and gave birth to their second child, Vladimir. But the Kremlin caught up with them, and VTB Bank—one of Russia’s biggest state-controlled banks, often referred to as Putin’s piggybank—filed a complaint against them in Guatemala alleging use of false identification documents.

While we don’t know exactly what transpired internally to CICIG and the Guatemalan state agencies that work with them, it appears to have been taken up by the Guatemalan state and CICIG. In any case, the Bitkovs suddenly found themselves catapulted into what has become for them a horror that is without end.

On January 15th, 2015, Igor, Irina, Anastasia, and Vladimir were awoken by an armed raid on their home. Seventy or so armed policemen woke them up, took them away, and spent 20 hours tearing apart their home and their office.

It got much worse. The Bitkovs were put into cages for several days. Their daughter—remember, she had been kidnapped and repeatedly raped years earlier—was denied medication and now suffered a nervous breakdown. As the ordeal continued, she would later make multiple suicide attempts. Their infant son was torn away from them, not even permitted to stay with friends, and sent to an orphanage where he sustained facial injuries, a chipped tooth, conjunctivitis, lost the ability to speak. When the family friends recovered him, they found that even when given food little Vladimir immediately began hiding it under his shirt.

I will not say more now about the Bitkovs’ harrowing ordeal. Their lawyers will speak to that, as will Bill Browder. Suffice it to say Igor, Irina, and Anastasia have remained incarcerated since January 2015.

In January of this year, despite an earlier Appeals Court ruling that the Bitkovs' alleged offense was only administrative in nature and punishable with a fine, Igor was sentenced to 19 years in prison, and Irina and Anastasia were sentenced to 14 years each. These sentences were far harsher than those given to Guatemalan officials who perpetrated the sale of passports. They are harsher than sentences given to rapists and to murderers.

What was CICIG's role in all of this? I would note Bill Browder in his testimony will point out—and I quote him, in pertinent part—“Inexplicably, VTB Bank gained the legal status as an ‘interested party’ in the Migration Case against the Bitkovs with the support of CICIG. In January 2015, a criminal case against the Bitkovs was opened at the direction of CICIG.” And as he points out, as I pointed out as well, immediately after that, “70 armed police officers raided the Bitkovs' home; arrested Irina, Igor, and Anastasia; and detained them in cages behind the parking garage in the main court building in Guatemala City.”

We need to know how this happened. What was the complicity? Where has the investigation been by our government, by the United States Department of State Inspector General? There are a number of venues that would lend themselves to a very thorough investigation. Where's the investigation by the United Nations? All of these things are something that we are going to pursue very, very aggressively.

CICIG was invited to participate in this event. And when you hear people say, Oh, they're a U.N. agency, they can't come and testify, let me just point out to everyone, I wrote our trafficking laws for the United States of America. It's called the Trafficking Victims Protection Act of 2000. It is our landmark law on combating sex and labor trafficking. When I discovered that in the Democratic Republic of Congo U.N. peacekeepers were raping little children—these are the peacekeepers—I convened four hearings, traveled to D.R. Congo, went to Goma where the peacekeepers were, and invited the U.N. to come and give testimony. Now, under our rules, they weren't sworn in or were welcomed as absolute witnesses to the committee, but we have a very good way of having that kind of testimony.

They gave us a briefing. It's a distinction without a difference. And Jane Holl Lute, who was the top peacekeeping person—who was very much against what was happening there but worked for the United Nations, No. 2—she came, and she sat right there and gave a full, thorough accounting, and also a proactive approach as to what would be done to hopefully end this abuse by U.N. peacekeepers. I've done it other times. Kofi Annan's chief of staff also sat here and testified. So CICIG is invited. I want to ask them questions. But they declined to be here.

Just yesterday afternoon, let me point out to our friends and our witnesses, the Constitutional Court of Guatemala, the country's highest court, upheld an earlier decision by a lower court that had granted Bitkov's appeal to be considered migrants, and therefore under international law not able to be tried as criminals. It is not yet clear what this ruling will mean. It seems to mean that the family could be released from prison, but that they also could be deported back to Russia. And that would be unconscionable.

So I want to make, again, the appeal to the Guatemalan Government, to CICIG, to our government, to the United Nations, that this is the time to be focused on restoring this family as much as humanly possible and to provide them protection. They were refugees fleeing a Putin hit on them and their family, and to be treated like this is just—it's unconscionable.

You know, I've been in Congress 38 years. I chair the Human Rights Subcommittee for the Foreign Affairs Committee, co-chair the Helsinki Commission and have been on that commission since 1983, I've been to Russia many times when it was the Soviet Union. To know the way the Putin government follows people that they are in disagreement with, the way they rob and murder and rape—and again, we've got Bill Browder here, who motivated the passage of the Magnitsky Act—I just want to thank him and our witnesses for being here, because that takes bravery. People should see some of the emails we've gotten. That, too, is unconscionable, and I won't get into that now.

With this hearing, I'd like to now introduce our distinguished witnesses, beginning first with Bill Browder, who has often been a witness before the Commission on Security and Cooperation in Europe. He is a true human rights advocate fighting for the weak and most vulnerable; has done it so effectively, starting with Sergei Magnitsky. And now the Global Magnitsky Act is a tool that the U.S. Department of State and even other governments are beginning to adopt as a way of holding individuals to account when they commit crimes against humanity and human rights abuses all over the world.

Bill is the founder and CEO of Hermitage Capital Management, which was at one time the investment advisor to the largest foreign investment fund in Russia. Many of you may remember that authorities from the government of Russia arrested, tortured, and killed his lawyer, Sergei Magnitsky, in November 2009. And since then, Mr. Browder has sought justice for Magnitsky and, again, others persecuted by corrupt officials from the government of Russia and governments everywhere else.

Without objection, his full resume will be made a part of the record. But I want to thank him for his extraordinary leadership.

Then we'll hear from Victoria Sandoval, who is a criminal and human rights attorney who represents the Bitkov family. She has 15 years of experience in different areas of the law and provided technical advice to the Supreme Court of Justice of Guatemala.

Then, Rolando Alvarado is the founding partner of a law firm who represents the Bitkov family. He is an expert in cyber matters and has received related training in the United States Department of Justice on those matters. Mr. Alvarado has advised Guatemalan Government ministers and legislators. And again, his full resume will be made a part of the record as well.

But I'd like to now yield such time as he may consume to Mr. Bill Browder.

**BILL BROWDER, FOUNDING DIRECTOR, GLOBAL MAGNITSKY
CAMPAIGN FOR JUSTICE**

Mr. BROWDER. Co-Chairman Smith, thank you very much for inviting me here to this hearing. I'm here today to present the story of the Bitkov family to the Helsinki Commission.

As you know, Sergei Magnitsky was my lawyer. When he was murdered by the Russian Government for uncovering corruption, I started a campaign for justice, which led to this commission spearheading the Magnitsky Act in 2012 and the Global Magnitsky Act in 2016.

I also wrote a book about the Magnitsky story entitled "Red Notice." Following the publication of the book, many people got in touch with me from around the world to share their stories.

And one of those people was a woman named Irina Bitkov. Irina Bitkov shared a horrific story of how she was persecuted in the same way as Sergei Magnitsky, and she and her family fled their persecutors from Russia and ended up in Guatemala—to terrible results, which I will explain in greater detail.

I'm here today to share the Bitkovs' story because they can't be here today to do it themselves. They are currently in Guatemalan prison, where Igor Bitkov, the father, is serving a 19-year prison sentence; Irina and her daughter, Anastasia, are serving 14-year prison sentences for passport violations.

I'd like to point out that I have no business relationships with the Bitkovs. I am receiving no compensation for my advocacy here today. I'm here today because of the terrible, unconscionable injustice that they've been subject to, and I want to do something about it.

The Bitkov story starts in the 1990s, when Igor and Irina Bitkov became the owners of a successful pulp and paper business called the North-West Timber Company. Over the 1990s they built their business, and it reached \$80 million in profits, and it was valued at roughly \$400 million.

In the course of their business, the Bitkov family, through their company, obtained loans from Sberbank, VTB, and Gazprom, all state-owned banks, to upgrade their facilities. After the loans were given, one of the bankers approached the Bitkovs and asked them to sell 51 percent of their business for \$25 million. Obviously, since their business was worth many multiples of that, they refused.

Following this unwanted takeover request or attempt, a terrible trauma befell the Bitkov family. At the time, their daughter, Anastasia, was 16 years old. She was kidnapped in St. Petersburg. The kidnappers demanded a ransom, which took the family 3 days to accumulate. They paid the kidnappers the ransom. Anastasia was released. But when she was safely back home, the family discovered that she had been drugged and repeatedly raped by her kidnappers. The ordeal left Anastasia deeply traumatized and set off a cascade of psychiatric ailments, which require medication and treatment to this day.

Following that, and in a further escalation of the attempts to take over their company, the Russian state banks simultaneously called in their \$158 million of loans, forcing the company into bankruptcy. During the bankruptcy proceedings, the equipment of their facilities was sold at a fraction of its true value.

The Bitkovs were then told that they would be imminently arrested. This was the moment that the Bitkov family decided to flee Russia. First, they traveled to Latvia. Then they traveled to Turkey. And in Turkey, they looked around the world to seek a country where they could find refuge and start a new life safe from the persecution of Russians. They ended up choosing Guatemala because Guatemala had no extradition treaty with Russia, and they felt that they could be safe in Guatemala.

They found an advertisement on the internet from a Latin American law firm called Cutino Associates that specializes in immigration law and advertised its expertise in organizing Guatemalan immigration for \$50,000 per person. The family engaged Cutino and began the process of becoming immigrants to Guatemala.

In their initial communications with Cutino, they explained that the reason for their immigration was to avoid persecution in Russia. Cutino explained to them that they could change their names in their immigration applications to avoid detection by the Russians. Cutino then submitted for the family papers, and the Guatemalan immigration services issued them new documents in new names. Anastasia kept her original name, hoping that because she was not targeted by the Russian authorities that she would be okay.

The family then began a new life in Guatemala. Igor became a high school math teacher at the Brillo De Sol School in Antigua. Irina became a drawing teacher at the same school. And Anastasia began a career in fashion after regaining some of her confidence after her horrible ordeal in Russia. In January 2012, Irina Bitkov gave birth to a baby boy named Vladimir. It appeared that after their terrible ordeal with the Russian authorities had come to an end they could put that chapter behind them.

Unfortunately, their dream of a new life came crashing down in late 2013.

Investigators working for VTB Bank tracked down the Bitkovs in Guatemala. The head of the VTB Bank, Andrey Kostin, personally signed a power of attorney to Henry Comte, one of the country's most prestigious attorneys in Guatemala and an alternative judge on the Guatemalan Supreme Court, to assist VTB in pursuing the Bitkovs in Guatemala.

VTB Bank and Comte's first attempt was to go after the Bitkovs in filing a criminal complaint with the Attorney General's Office of Guatemala claiming that VTB had been defrauded by the Bitkovs in Russia. VTB presented photocopies of forged documents in the Guatemalan court. Those documents already had been rejected as forgeries in similar proceedings in Russian courts. When the Guatemalan court requested originals, VTB withdrew their criminal complaint.

VTB and Henry Comte then came up with a Plan B to go after the Bitkovs. For several years before 2013 in Guatemala, there had been an ongoing investigation into human trafficking and Guatemalan officials' complicity with human traffickers in the country. It was called the Migration Case, and it was supported by a U.N. organization called CICIG, whose mandate was to go after organized crime networks who previously enjoyed impunity in Guatemala.

VTB and Comte successfully convinced CICIG to focus on the Bitkovs as part of the Migration Case in spite of the fact that the Bitkovs were clearly not part of any organized network of traffickers. Inexplicably, VTB gained the legal status as an “interested party” in the Migration Case against the Bitkovs with the support of CICIG. In January 2015, a criminal case against the Bitkovs was opened at the direction of CICIG. Immediately after, 70 armed police officers raided the Bitkovs’ home; arrested Irina, Igor, and Anastasia; and detained them in a cage behind the parking garage of the main court building in Guatemala.

While they were being held, Anastasia was deprived of her anti-depression medications and she had a severe psychiatric breakdown. Anastasia and her mother were moved to a hospital under armed guard, and Igor was put in pretrial detention at the Mariscal Zavala prison while the case awaited trial.

The Bitkovs arranged for their family lawyer, who is sitting with us today, Rolando Alvarado, to be the guardian for their 3-year-old child, Vladimir, while they were incarcerated.

In spite of Mr. Alvarado’s valid guardianship papers, the Prosecutor of Guatemala filed a motion with the court calling for Vladimir Bitkov to be placed in a state orphanage instead.

At this point, the Russian Government also got involved. Pavel Astakhov, the Russian Government’s ombudsman for children’s rights, publicly called for Vladimir Bitkov to be returned to Russia to be put into a Russian orphanage. The Russian foray failed because Vladimir is only a Guatemalan citizen and could not be returned to Russia. However, the Guatemalan prosecutor’s motion succeeded and Vladimir was placed in a state orphanage.

The family desperately applied to reverse the decision and get Vladimir out of the orphanage. It took 42 days for that application to be heard. When Vladimir finally emerged, he was examined by medical experts who found he had an upper respiratory infection, severe inflammation of the middle ear, conjunctivitis in both eyes, scars along the left eyebrow, and chipped front teeth. They concluded that he suffered from physical and psychological abuses in the orphanage.

In the meantime, the case against the Bitkovs for passport violations moved through the courts. They were formally indicted as part of the CICIG Migration Case in April 2015.

The Bitkov family appealed the indictment in the Appeals Court, arguing that they were migrants and could not be subject to criminal prosecution applicable to the traffickers. In December 2017 the Guatemalan Appeals Court ruled in favor of the Bitkovs, declaring that any passport irregularities were administrative offenses punishable by a fine and as migrants they should not be under criminal penalty.

However, CICIG and VTB were not happy with this decision, and both immediately filed appeals against the court decision that would have freed the Bitkovs. While their appeal was pending, the decision was not in force.

A few days later, on January 5th, 2018, the Guatemalan District Court found Igor, Irina, and Anastasia Bitkov guilty as users of the criminal network in the Migration Case. The court sentenced Igor to 19 years in prison, and Irina and Anastasia to 14 years. CICIG

trumpeted their court victory on their website, pointing out that they prosecuted 39 people from the criminal network, including the Bitkovs.

I understand that the 19-year prison sentence that Igor Bitkov was given was greater than sentences for manslaughter, rape, burglary, and fraud in Guatemala. The sentences that all three of them were given appears to exceed the sentences of many of the government officials in Guatemala and traffickers who were part of the human trafficking network.

There was no evidence that the Bitkovs bribed any government official or were involved in any corruption. The Bitkovs, who did not speak Spanish and did not know anyone in Guatemala on arrival, relied on the law firm Cutino Associates, who presented themselves as legitimate migration lawyers. It also appears that nobody from Cutino Associates who organized their passports and settlement documents has ever been prosecuted. No other customers of Cutino have been tried, convicted, and sentenced like the Bitkovs. In the list presented by CICIG, which includes 39 people in the Migration Case, 36 were low- and middle-level government officials from different Guatemalan Government bodies and a few “coyotes” who physically moved people through Guatemala.

So what is going on here? There are two big Russian themes in this case, neither of which is unusual.

First, in Russia, people who run successful businesses are routinely victimized through a process called *reiderstvo*. I was a victim of *reiderstvo*, and so were the Bitkovs. It is a standard practice in Russia where organized criminals work together with corrupt officials to extract property and money from their victims. There are literally hundreds of thousands of businessmen in Russia who are victims of this as well.

The second theme is the abuse of international institutions. The Russian Government routinely abuses international institutions in order to persecute its enemies who are not inside of Russia. In my case, the Russian Government tried six times to have Interpol arrest me after the Magnitsky Act was passed. The Russian Government also successfully recruited a senior official inside the Swiss Federal Police to stymie a Swiss criminal investigation into money laundering by Russian officials in the Magnitsky case. The Russian Government has succeeded in getting the deputy attorney general of Cyprus in charge of mutual legal assistance and extradition affecting the Magnitsky case and many other politically sensitive cases to inappropriately assist the Russian Government in pursuing their enemies in Cyprus. This is not uncommon.

In my opinion, the Russian Government succeeded in compromising CICIG and the Guatemalan prosecutor for their own purposes in the Bitkov case. CICIG and the prosecutor’s office have jointly taken up the Russian Government’s vendetta against the Bitkovs with no good explanation. CICIG did not distance itself from the Russian persecution. They touted it on their website and they actively tried to overturn the Bitkovs’ vindication by the Appeals Court.

Nor has VTB tried to hide their role in this case. In spite of the fact that VTB obtained no financial recovery for their alleged financial dispute with the Bitkovs, they became an interested party in

a case involving something that had nothing to do with them in order to vindictively punish Igor Bitkov and his entire family. In The Wall Street Journal on April 4th, 2018, Igor Kostin, the chairman of VTB, says: "VTB's actions relating to the Bitkov family is an example of standard procedure in resolving financial business disputes through the available legal channels."

This is an appalling case in which the Bitkov family deserves justice, and the United States has an opportunity to deliver them justice. CICIG is a U.N. organization in which approximately 50 percent of their budget comes from the U.S. Government. I do not believe that you or anyone in the U.S. Congress or the U.S. Government ever envisaged that U.S. tax dollars would be spent to support a Russian Government persecution of a family fleeing that persecution in Guatemala. I would recommend that CICIG's funding be suspended until this situation is resolved.

When I began this process of advocating for the Bitkov family, I discovered that CICIG is a highly contentious issue in DC and around the world. There are some people who are pro-CICIG and there are some who are anti-CICIG. Up until 2 months ago, I had never heard of CICIG. I came into this case with no prejudices one way or another. I've gone where the evidence has led. And so far, the evidence leads toward the conclusion about the involvement of this organization in the Bitkovs' persecution.

As journalists from The Wall Street Journal and other news organizations have started to investigate, CICIG has avoided answering a number of crucial direct questions about their role in the Bitkov case and their support of VTB. When CICIG was invited to give evidence to Congress they declined, claiming as a U.N. institution they were not accountable to anybody in Congress.

They can't have it both ways. They can either be the heroic anti-impunity organization that their mandate sets them out to be or the situation at CICIG needs to be cleaned up.

Thank you very much.

Mr. SMITH. Thank you so very much for your very incisive testimony and recommendations.

We are joined by Commissioner Hultgren. Do you have anything you'd like to offer at the opening?

**HON. RANDY HULTGREN, COMMISSIONER, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. HULTGREN. No. I want to hear as much as I can, so thank you. I yield back.

Mr. SMITH. Thank you so much. I would just note that Congressman Hultgren is also the co-chairman of the Tom Lantos Human Rights Commission and a very distinguished member of our commission. So it's so great to have you here. Thank you.

I'd like to now recognize Ms. Sandoval.

**VICTORIA SANDOVAL, CRIMINAL AND HUMAN RIGHTS
ATTORNEY REPRESENTING THE BITKOV FAMILY**

Ms. SANDOVAL. Good morning, Chairman Smith. Good morning, Commissioner Hultgren. Distinguished members of the Helsinki Commission, for me, it is an honor to be invited to this hearing as a witness of the Bitkov Case.

My name is Victoria Sandoval. I am a lawyer, and I have been working with the Bitkovs since January 2015. I knew the Bitkovs back in 2011, when they came to live at the same neighborhood I was living. I could see how they were—they were a happy family raising his kid, Vladimir, into his Russian culture.

On January 15th, 2015, I saw more than 16 official vehicles from Ministerio Publico, CICIG, and Policia Nacional Civil. They were raiding the Bitkovs' house, and they were being arrested. The next day I saw the Bitkovs' house had been locked up and was being guarded by two policemen. Even though it was guarded, their house was looted completely.

They were transferred to the carceletas at the courthouse—the carceletas as the cages Bill Browder just described. These are located at the basement of the courthouse, and people should not stay there for more than 24 hours. But the Bitkovs were kept in for 5 days, Irina and Anastasia; and 9 days, Igor. The Russian ambassador didn't show any concern about his fellow citizens.

Anastasia, whose life depends on the regular intake of medication, was deprived of them.

A judge ordered that Anastasia and Irina be transferred to a psychiatric hospital due to Anastasia's psychiatric breakdown. The Sistema Penitenciario in charge of that transfer refused to do it for 4 days. It wasn't until Anastasia's health became worse that they obeyed that order. Along with 50 agents of the Sistema Penitenciario, they were transferred to a 10-room hospital. The hospital declined receiving them because they feared such high number of officials will scare their other patients. So they were returned to the courthouse, where they were locked in an annex to the men's area—only separated by a fence, which means that the men will have direct contact with them. Not even at the bathroom did they have any privacy. That meant torture for them. On the fifth day Irina and Anastasia were finally transferred to the Hospital Concepción, where they stayed for one year, guarded by two armed guards.

In Igor's case, at the carceleto he was deprived of proper sleep. After 9 days he was taken in front of the judge to give his first testimony. He was completely dumbfounded, had not been provided with any translator. His Spanish was not good at that time.

At the hearing, CICIG's senior attorney, Claudia González Orellana, clearly supported VTB Bank participation by stating that the attorney acting on behalf of the VTB Bank actually has competency due to the offenses that happened in Russia, and that the Bitkovs are avoiding justice in that country. They came to Guatemala and committed other offenses, and none of this can be left in impunity. We consider that the offenses that took place in Russia and in Guatemala are related.

I have an audio that I ask to be entered in the records.¹

Mr. SMITH. Without objection, it will. So ordered.

Ms. SANDOVAL. When Igor was already at Mariscal Zavala, he was visited by the child prosecutor of the Procuraduría General de la Nación, Harold Augusto Flores Valenzuela. He told him that he had been called and visited by CICIG officials that told him that

¹ Note: As of press time, the audio was no longer available online.

he had to do everything in order to send Vladimir to an orphanage, that he couldn't be sent with guardians. That's why Vladimir was sent to the orphanage Amor del Nino, where he was abused. Harold Flores saw that the reports on Vladimir's guardians were just fine and he chose to ignore them. Also did Judge María Belén Reyna Salazar. And, in consequence, Vladimir was sent to that orphanage. Flores also told that he was threatened by CICIG's officials that if he didn't comply he will be fired or prosecuted.

All this is written in an affidavit that Igor signed that I ask that also be added to the records, please.

Mr. SMITH. Without objection.

Ms. SANDOVAL. Okay.

Anastasia's psychiatric disorder were triggered by her kidnapping in Russia in which she was repeatedly raped and drugged. She has been diagnosed with bipolar affective disorder and borderline syndrome. According to the psychiatric reports of the National Institute for Forensic Science of Guatemala, INACIF, that also has stated that Anastasia should not be sent to a prison because it could cause her to make further attempts to commit suicide. She has already attempted five times to suicide.

Ignoring this, the president of the tribunal, Judge Yassmin Barrios, ordered to send her to the Mariscal Zavala prison for 14 years, the judge threatening her, as well as the warden of the prison, with sending her to the Federico Mora Psychiatric Hospital if she shows any sign of her illness.

I also have the link to a video that was recorded by BBC where it shows the condition of this National Mental Hospital, qualifying it as the worst in the American continent. So I ask it to be added at the records.²

Mr. SMITH. Without objection.

Ms. SANDOVAL. Thank you.

Ignoring this, the Bitkovs were sentenced for 19 and 14 years in prison last January 5th by the tribunal proceeded by Judge Yassmin Barrios. There are many similar cases of people accused of similar offenses, but they have all been treated very differently.

Among them I will like to describe you this one that is rather shocking. In February 2018—that means 1 month later after the Bitkovs' verdict—a verdict was issued by the same tribunal proceeded by Judge Yassmin Barrios. Two members of the dangerous and notorious MS-13 were condemned to suspended prison for 5 years and no expulsion for the same offenses. These members of the MS-13, Israel Antonio Cabrera, whose alias is "the demon," and Mauricio Antonio Rivas, alias "the goat," were from El Salvador, and there they have been accused of murdering 25 people. Now they are free in Guatemala's streets.

I also have this ruling that I will ask to be also added to the records.

The evil within this case is shocking. The Kremlin, through VTB Bank, has conspired in the Guatemalan justice system to, one, separate a 3-year-old boy from his family and send him to an orphan-

² <https://www.bing.com/videos/search?q=hospital+psiquiatrico+federico+mora+bbc&view=detail&mid=C8314C4E3EFF3B347152C8314C4E3EFF3B347152&FORM=VRDGAR>; <https://www.bing.com/videos/search?q=hospitalde+salud+mental+federico+mora+bbc&view=detail&mid=F15517CDBC9A2C709187F15517CDBC9A2C709187&FORM=VRDGAR>

age where he was tortured; two, to lock up in a prison a young woman with a psychiatric disorder; and finally, and third, condemn with ridiculous punishment a family who went to Guatemala in order to flee Russian persecution that was threatening to destroy their lives in contravention of the Palermo Convention, Guatemalan migration law, and an order from the Constitutional Court.

Anastasia told me once: I have suffered a lot. My life has never been even close to normal. I want to fight so my little brother can have a normal life, and he still has still some time to do that.

Thank you very much.

Mr. SMITH. Thank you so very much for your testimony and for your bravery in helping the Bitkov family.

I would like to now yield the floor to Mr. Alvarado.

[Note: Mr. Alvarado's remarks are made through an interpreter.]

ROLANDO ALVARADO, ATTORNEY REPRESENTING THE BITKOV FAMILY AND PROFESSOR OF LAW AND FOUNDING PARTNER, CORPOLEGAL

Mr. ALVARADO. Good morning, Co-Chairman Smith, distinguished members of the Helsinki Commission, and everyone here in this room. It's an honor for me to have been invited to this hearing to bear witness in the Bitkov case.

I am knowledgeable about what has transpired in the case involving the Russian family, the Bitkov family, because I personally met Irina Bitkova and Anastasia Bitkova 2 years before they were arrested. I am knowledgeable about the facts surrounding their case because I was the lawyer of their family and currently I have guardianship over their child and have had since 2015—that's Vladimir Bitkov, who is now 6 years of age. That is the son of Igor and Irina.

So the activities for which the Bitkov family have been accused are as follows: For the use of a passport and identity documents that were issued by the Guatemalan state, and that CICIG and the Public Ministry of the Office of the Attorney General now consider to have been issued illegally.

So these activities do not constitute a crime; however, CICIG and the Public Ministry brought criminal charges which were egregiously disproportionate, as if they had been crimes of drug trafficking or terrorism, crimes of high impact. Furthermore, CICIG brought criminal charges or pursued criminal proceedings before special courts known as courts for cases involving high levels of risk—all this for what amounts to migratory law misdemeanors.

CICIG has no jurisdiction to take part as a complainant against the Bitkov family because the mandate given it by the United Nations and by the government of Guatemala establishes that said commission would only have jurisdiction to investigate crimes committed by members of illegal security forces or clandestine security bodies or forces. And the Bitkov family was not accused of being a part of these illegal security forces, and therefore does not fall under the aegis of the authority entrusted to CICIG, which means that CICIG has overstepped its boundaries in exercising these legal powers, which is tantamount to the abuse of authority.

Furthermore, CICIG, in violating the agreement that gave rise to its creation, is also in violation of the Palermo Convention because

it has deliberately accused or charged the victims in this case—the immigrants, the Bitkov family—and did not bring charges against the perpetrators of these crimes, which is the Cutino international organization, which is a trafficking organization.

Despite the fact that the activities that the Bitkov family were accused of don't constitute any crime, the following ensued: On January the 15th of 2015, CICIG and the Public Ministry, with the support of the national police, carried out three searches. I personally witnessed the search that was conducted in the Bitkov family home. It lasted 20 hours and close to 70 police officers who were heavily armed took part in that search. They went into their rooms while they were sleeping and they didn't even let them get dressed in privacy. They weren't allowed to call their lawyer until 3 hours after the beginning of the search.

I asked the prosecutor, Stuart Ernesto Campo Aguilar, why there were so many police officers, and he told me that this case stemmed from a multimillion-dollar fraud case that the Bitkov family had committed against a Russian bank, and it was the Russian bank that was bringing criminal charges against the Bitkov family.

So they seized vehicles, jewelry and the personal belongings of the Bitkov family. And after that, the national police actually looted their home. This search lasted until 1:40 in the early morning of the next day, when it finally ended. And that was when they woke up Vladimir, the little boy, and they put him in a pickup truck headed to the courts that were open at that hour. The child was only 3 years old. All this information can be found in the search warrant, which I would ask be admitted on the record.

Mr. SMITH. Without objection, so ordered.

Mr. ALVARADO. So the judge in chambers, the judge on that shift at that time, granted me custody of the child, and also appointed, as custodian of this child, the baby sitter Veronica Gonzalez. On February the 10th of 2015, Judge Maria Belen Reyna Salazar illegally ruled that the child be taken away from their legal guardians—from us, their legal guardians—alleging that we were not the child's relatives and that even the identity of their—of the child's parents was in question. That doubt or question about the child's identity stemmed from a report that the Special Prosecutors Office Against Impunity, FECI, had sent in which it states that the identity of Vladimir was flawed. And that is the rationale under which the child was sent to the orphanage called Amor del Nino, Love of the Child, where he was kept for 42 days.

The judge denied any visitation rights to little Vladimir, which means that he was left entirely alone. He emerged from this orphanage with a broken tooth, with a scar above his eyebrow, with conjunctivitis, and with amibus [ph]. I have the medical records of the injuries sustained by Vladimir. And I would ask that they be admitted to the record.

Mr. SMITH. Without objection, so ordered.

Mr. ALVARADO. From the outset of these proceedings, the VTB Bank justified its participation in the proceedings, alleging that it had been defrauded in Russia by the Bitkov family. The involvement of the VTB Bank was always supported and defended by CICIG through CICIG's agent that had the power of attorney to op-

erate on CICIG's behalf, Claudia Gonzalez Orellana, who declared to a judge that the facts that occurred in Russia were related to facts that occurred in Guatemala, and therefore VTB Bank should be allowed to defend its interests in Guatemala.

The Bitkov family said that the identity documents had been processed by a law firm known as Cutino International. Cutino was never investigated by CICIG, despite the fact that the Bitkov family reported Cutino, requesting that it be investigated, and offering sufficient evidence with which to identify the responsible parties. Igor declared that the payment made to Cutino was done via bank transfer, and asked CICIG to look into that, to trace that transfer. It was also reported that the Cutino case, or its involvement, was also reported directly to Commissioner Ivan Velasquez. And we have a video showing the conversation between Commissioner Velasquez and Irina that also bears witness to the political persecution perpetrated by Russia.

So we have sufficient evidence. And we provided that evidence to Commissioner Velasquez, as well as a letter written by Senator Roger Wicker of 2015, yet the commissioner did not act on that evidence presented. CICIG then participated as a complainant against the immigrants, the Bitkov family, and asked for a 19-year prison sentence. And such a sentence has never been meted out against any other foreigner.

During the debate, the manager of the company that issued the passports stated that thousands of passports are processed irregularly on a regular basis, and in favor of foreign nationals. Furthermore, the witness Carlos Rene Gomez Diaz stated in witness testimony that the General Office on Migration issued between one and three illegal passports every week in favor of foreign nationals. However, the Bitkov family was the only family ever to be given prison sentences. And the few foreigners who were ever tried only received commuted sentences. That is to say that instead of going to jail, all they had to do was pay a fine and go back to their country of origin.

Another illegal act that emerged during the criminal proceedings was that before the Bitkov family was found guilty, during the discussion a superior constitutional court granted a writ of amparo in favor of Igor Bitkov, and in the sentence said that migrants cannot be criminally tried. CICIG appealed that sentence, and the court did not follow through—did not adhere to the ruling that had been issued regarding the prior appeals. Anastasia Bitkova was sent to prison, despite the fact that she suffers a psychiatric illness, and that as a result of this her life is in danger.

Yesterday the Constitutional Court, the highest court of Guatemala, issued a sentence whereby it declares that the Bitkov family are immigrant and they never should have been criminally tried. This confirms the human rights violations that were perpetrated against the Bitkov family that I have described in my witness testimony. Furthermore, the human rights ombudsman's office has said that the rights of the child, the rights of Vladimir, the boy, were also violated by the judge who illegally sent him to an orphanage.

So everything that I have said can be legally substantiated. And all of these illegal acts that destroyed the Bitkov family were carried out at the request of CICIG and the Public Ministry. And

these are acts that cannot go unpunished—cannot remain in impunity.

Thank you very much.

Mr. SMITH. Thank you very much for your testimony and for your very incisive words today. Let me just begin the questioning with Mr. Browder first.

Thank you for giving us a backdrop of how the Russian officials act—*reiderstvo*, as you said. And you also pointed out that you have been victimized by this as well, so you speak from a first-person account. Six times the Russian Government tried to get Interpol to arrest you for your incredible work on the Magnitsky Act. I would just point, parenthetically—and the press might want to take note of this—I've traveled to the Soviet Union when it was the Soviet Union, on behalf of the Soviet Jews, on behalf of religious freedom. And always got a visa. When I worked to get the Magnitsky Act passed, I was denied a visa. And I haven't gotten once since.

I had hoped to go to Russia to talk and work with them in combating human trafficking. I've worked with a number of NGOs in Moscow and elsewhere that combat human trafficking and help Russian women who are victimized. And yet, the long arm of this corruption denied me—continues to deny me a visa to go to Russia. That's nowhere near as burdensome and threatening, of course, as what you have faced and so many of these others.

You also point out that thousands of businessmen are in jail who are victims of this. And that's the best-kept secret out there. Some journalists have pointed this out, but this is common practice. It's not an exception. It's a common practice.

And so, if you could, Mr. Browder—you also talked about how a Swiss Federal Police—they successfully recruited a senior official inside the Swiss Federal Police, to stymie a criminal investigation into money laundering. So this is a *modus operandi* that is global. And this is a manifestation that has happened with CICIG complicity in Guatemala.

How do they do it? Do they pay people? You did point out in your testimony that a very distinguished attorney was hired by VTB Bank, Henry Comte, as you point out.

And I mean, so a plan was hatched. Obviously, or likely, huge amounts of money were conveyed to interested parties. Then all of a sudden, with the support of CICIG, they are part of the migration case. And again, when it comes to trafficking, I take a backseat to no one, because I've written four major laws on combating human trafficking, including our first. And there's nowhere here any suggestion that the Bitkovs are involved with trafficking.

They are involved in trying to protect their children from—and just let me say parenthetically that Pavel Astakhov, the Russian Government's ombudsman for children's rights, cut off inter-country adoptions, which had been a lifeline for Russian children finding homes—loving homes in the United States and elsewhere. But that was a total reaction to the Magnitsky Act, that we were finally holding people who are corrupt and commit serious, serious human rights abuses personally responsible for their crimes.

So if you could further elaborate on that backdrop, because the question is why and whether or not there were bribes involved,

who was paid, why did they become a part of this? Nineteen years, fourteen years prison sentences. You know, I've never seen anything like this, except in gulag states. You know, Guatemala is not a gulag state, but they certainly have a situation that is outrageous. So if you could give us—talk about that——

Mr. BROWDER. That's an excellent question, and a crucial question. The Russian Government has unlimited resources that they're using to corrupt and infiltrate international institutions. We have evidence of their involvement in corruption in the Swiss Federal Police, as I mentioned. We have evidence of involvement in the corruption of the deputy attorney general of Cyprus. And we have evidence of their involvement in the corruption of international organizations like the Olympics. We have evidence of their involvement in all sorts of activities like that.

And what the Russian Government does is, they poke around to see who is susceptible to corruption and bribery. And many people say no. But they find people who say yes. And they have plenty of money to do it. They know exactly how to do it, because they do it all day, every day inside their own country. And so they're experienced at doing it. And the Putin regime does it in foreign countries. And they find willing takers.

And what makes it more pernicious is that once the person has become involved in their corruption, they threaten them with murder if they stop doing it. They say: You've taken our money. If you stop doing the things we ask you to do, not only will we expose you, but we will kill you. And so people become very scared of backing down. And we see a lot of situations where people have been corrupted and they dig their heels in, even after they've been exposed, because they're so afraid of the people who corrupted them in the first place.

I do not have any direct evidence of why CICIG was involved in this inexplicable persecution of the Bitkov——

Mr. SMITH. But there is no doubt that they are.

Mr. BROWDER. The Bitkovs have been inexplicably persecuted by CICIG, with the involvement of VTB Bank. That we have evidence. That evidence has been presented today. I don't know why. But it tends to be that when people behave irrationally, when this organization which is supposed to be an anti-impunity human rights organization is persecuting a Russian family who is fleeing for their life, the obvious question is why. And we can't leave it unanswered.

And I've seen the answers that CICIG has tried to give for justifying themselves, and none of those answers make any sense or address the crucial questions. Why were they supporting VTB in court hearings? Why did they, together with VTB, appeal the exoneration of the Bitkovs by the Supreme Court? None of these questions have been answered by them. And they refused to show up here today to answer those questions. And you need to get answers to those questions.

Mr. SMITH. Well, I would assure you, we will ask them again to come. I will pose a series of questions in total transparency. We want to know when was the decision made? By whom, or how many people were involved in that decision, whether or not there was any kind of conveyance of financial money of any kind, anything of value. And as I said in my opening, there needs to be a

full and robust investigation of CICIG's complicating in this persecution of a family that was trying to evade a modus operandi of the Russian corruption system. And this is how they do it. And they do it everywhere they can get away with it. And they should not be a part of that in any way, shape, or form.

I would point out, you said in your statement that the Wall Street Journal April 4th article—and you quote Igor Kostin, the chairman of the VTB Bank, where he says, “VTB’s action relating to the Bitkov family is an example of standard procedure in resolving financial business disputes through the available legal channels.” Persecute, give massive prison sentences, put a young woman named Anastasia, a daughter, tried to abduct—and I would call this a kidnapping—of a young boy, who was not even Russian—he’s Guatemalan, born in Guatemala. To kidnap him back to an orphanage, and the very man doing it is the one who ended inter-country adoptions in Russia.

We got a letter to the commission from the VTB Bank, from the general counsel. And he says that VTB has been a model corporate citizen, VTB has worked to combat corruption, every action we have taken comports with global norms. Well, let’s hope that they are completely transparently open to the investigation and will answer every question and provide every set of documents asked and requested by either the U.S. Government or any other responsible body in trying to get to the bottom of this. Because this kind of assertion, when people are suffering so cruelly in prison as we meet here today, is beyond comprehension.

Let me ask you, if I could, what do you make of the attempt to abduct Vladimir and to take him back to a Russian orphanage, as if the Russian Government owns this little boy rather than his loving parents and you, who have tried to provide help and assistance to him, and love.

Mr. BROWDER. It’s very clear. The VTB Bank and their co-conspirators stripped the Bitkov family of all their wealth back in Russia. There was nothing more to get. The cupboards were empty. And so many people ask me when they look at this case: Why? Why are they doing this? And I believe that the answer is very similar to the answer of why they attempted to murder Sergei Skripal, which is Sergei Skripal had no more intelligence to provide the U.K. Government. But the purpose of both of these exercises for different audiences—and these are all directed toward domestic audiences—in the Skripal case, it was to say: If you betray us, it doesn’t matter where you go, it doesn’t matter when you go, we’ll track you down anywhere in the world and we will kill you and we will kill your family. That’s the message to their secret service.

In the Bitkov case, the message for VTB Bank and other banks is: If we come and ask you to sign over your wealth to us don’t object, because look what happened to the Bitkov family. We tracked them down in Guatemala. And we didn’t just go after Igor Bitkov. We went after his wife, his daughter, and their 3-year-old son. And we will destroy you and we’ll destroy everybody. That’s the message that they’re trying to send to anybody they’re trying to extract money from in Russia. So the next time they go and ask them for money, the people will say: Here you go. Let me sign the papers.

Mr. SMITH. Has CICIG or any Guatemalan authority ever provided justification why the prison sentences are so outrageously long, or a document?

Mr. BROWDER. I'm not an expert on Guatemalan law, but the documents that I've seen, they just rotely write down the justification by the judge, which it reads like something out of Kafka, suppression of civil status, 5 years. Alteration of government document, 7 years—or 8 years. And none of this stuff makes any sense when you sort of step away and say, let's look at the real-world situation. As Mr. Alvarado has said—or, actually, I think it was Victoria who said, that members of the Nicaraguan criminal gangs that have killed 25 people were given suspended sentences for the same crime. How does that work?

Mr. SMITH. Let me ask you, what is the relationship between Guatemalan law enforcement and judicial authorities and CICIG? How easily can those authorities say no to a CICIG instruction regarding the prosecution of, say, the Bitkovs?

Mr. BROWDER. I think this would be a question better for the Guatemalan lawyers.

Ms. SANDOVAL. They have a very big power. They are not accountable to anyone in Guatemala. They have the power to destroy careers, professionals. There are many people that fear them. Might be people that have something beneath them that they can be chased for and that helps them control them, maybe. People—many judges try to please them. They try to please them what they are—they asked.

Thank you.

Mr. SMITH. Okay. Could I ask you about Vladimir—what is the state of health right now? You know, how well or poorly is he doing? And—

Mr. ALVARADO. After he got out of the orphanage we've had to hire psychological therapy—intensive psychological therapy for him. He would wake up at night having awful nightmares. So he's 6 years old now. He had just turned three when I got him. And he has matured quite a bit. He has been forced to grow up really fast. And something really interesting that he says all the time, and that is, if I weren't a kid I would be in jail.

Mr. SMITH. And if I could, on Anastasia, who has suffered so much, having been raped, denied her medicine, as you've pointed out in your testimonies, in another manifestation of cruelty in this whole process—how is she faring?

Ms. SANDOVAL. She's having a very hard time right now since, as I told you, she has been threatened to be sent to the Federico Mora National Mental Hospital. This hospital, as I told you before, has been qualified as the worst hospital in the whole American continent. And she fears to be free to express herself because she thinks people might interpret that as she's having a breakdown and she could be sent, because the Judge Yassmin Barrios, a few days after they were sent to Mariscal Zavala, ordered the National Forensic Science Institute to go and check on her to see if it was necessary to send her to that hospital. So she's living through a living hell, not being able to be herself. She is trying to fit in what she cannot fit completely.

Mr. SMITH. Thank you. If I could ask you, who is Mayra Veliz? Are you aware of any position she may have had in any of the organizations, entities that are relevant during the time period pertinent to the Bitkov case? And to the best of your knowledge, are you aware of CICIG or the attorney general of Guatemala investigating Mayra Veliz for wrongdoing or bringing any charges against her?

Mr. ALVARADO. Mayra Veliz is the secretary general of the Public Ministry. That means she's second in authority after the prosecutor or the attorney general himself. She worked in immigration policy. And she was the one who would sign off on documents or sign for national documents because she worked in that part of the Public Ministry responsible for foreign affairs involving foreign nationals. Now, there's a rumor that one hears constantly in the halls of the courts to the effect that Mayra Veliz is closely associated with Cutino International.

So recently a lawyer visited Igor in jail and reported to him some information about Mayra Veliz to the fact that for some time when she worked in migration she would sign the documents for different foreign nationals, some of whom were of Arab descent, Pakistanis. And also, that she had signed the documents for members of ISIS, that is, the Islamic State. So this lawyer provided his name and phone number. He does not want to be a witness in Guatemala because he fears for his life. What he wants is for the United States to call him, to grant him special protection in exchange for his providing information on this criminal structure—information that he has on it.

So this leader, as we identified him as being—the leader of this criminal structure that is the Cutino International that CICIG did not want to investigate is Marcos Cutino. This lawyer said that Marcos Cutino goes by different alias, different names, in the U.S. and Mexico, Canada and Guatemala.

Mr. SMITH. We're quickly running out of time, if you could provide—okay.

Mr. ALVARADO. Sorry. Something very interesting about the Bitkov case that's suspicious is that when we reported this criminal activity on the part of this criminal structure, Cutino International, 2 days after that, Thelma Aldana—that is, the prosecutor general of the country—or, we actually heard from lawyers who identified themselves as American lawyers, said that they were already aware of this case, and of the fact that we were reporting this case to the attorney general, and they wanted to meet with us about it. So these reports were also sent to CICIG. And they asked us what we—okay, we asked for a hearing, a meeting with Thelma Aldana, the prosecutor general, and rather than being met by her, it was Mayra Veliz who received us. And so I think that this warrants that the U.S. Government conduct an in-depth investigation into what the true role of Mayra Veliz is.

Mr. SMITH. Thank you.

Ms. Jackson Lee.

**HON. SHEILA JACKSON LEE, COMMISSIONER, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Ms. JACKSON LEE. Let me thank the witnesses that have come this morning—Victoria Sandoval, Rolando Alvarado, and Mr.

Browder. This commission, the Helsinki Commission, for those of us who are on it, is taken enormously seriously. And I thank the presiding chair.

Our time is short so, Mr. Browder, let me just say to you that my outrage is mounting. And of course, as we are involved in the trail of Russian involvement in the 2016 elections, we're beginning to see certainly their despotic handprint across the world as it relates to humanitarian issues. So let me just quickly ask just one question which disturbs me.

I was at the United Nations this past Monday. And I have long been a supporter of the value of the United Nations. So I am interested in how we can intervene and while the CICIG, a U.N.-backed organization to promote the rule of law, allowed the Bitkovs to be treated as scandalous passport violators. And is there any hope in that entity, and/or the United Nations—because the husband and wife are still incarcerated. The daughter, I did not hear where, I'm sorry.

Mr. BROWDER. Is incarcerated as well.

Ms. JACKSON LEE. Is incarcerated. And the son is now back in Guatemala.

Mr. BROWDER. The son is with Mr. Alvarado.

Ms. JACKSON LEE. Yes. But can we just go to that question about how it was fraudulently made into an organization that would do what they did to the Bitkovs?

Mr. BROWDER. The Russians are specialists at this. As I mentioned, they've abused Interpol, in my case. And let me point something out, which is that from everything that I've been told, the concept of CICIG is a good concept. To fight impunity and fight human rights abuses with a strong organization is a good concept, as is Interpol for going after fugitives.

The issue is not the organization itself, but it's if that organization is being abused. And I've seen how Interpol's abused, which doesn't make the argument that we shouldn't have Interpol. It makes the argument that we should set up checks and balances and reviews so that abuses can't happen.

It appears, from this gross abuse of process with the Bitkovs by CICIG that there's something wrong in their controls and their reviews. And this is a highly politicized story.

There are many people at this hearing. Many people probably disagree with me about even bringing up CICIG. But how could I not when they've been involved in this terrible persecution of this family? And so there needs to be a review. And if it turns out that there was corruption or malfeasance, then those people need to be punished.

And there needs to be a checks and balances in place so that doesn't happen in the future. There are many U.N. organizations, as Chairman Smith has told us, that function badly. And in the case of raping—in Africa, raping young girls by U.N. peacekeepers, bad things do happen by organizations that are set up for good purposes. There's a bad thing that's happened here. And it needs to be reviewed, and it needs to be reviewed aggressively and thoroughly.

Ms. JACKSON LEE. Let me just conclude my point and say that obviously peacekeepers are the soldiers that are offered by coun-

tries. I would give, not the U.N. a pass, but I would explain that they are, you know, extensions thereof, and certainly should not be condoned in their behavior. In this instance, I think the U.N. can be involved positively. I would like to have a way for the Helsinki Commission to—we have a lot of hearings—but to take this issue on. It is tragic what has happened, but I think the important point for the world to hear is that Russia acts as an international thug. And what has happened is the world allows it to do so. Not the Russian people—that I respect and love. I'm sure they're there doing all they can for their families. But we have to say to the Russian Government, the intelligence agency, Vladimir Putin, that enough is enough in thuggery. So I hope that we will pursue this, Mr. Chairman.

And with that, I yield back.

Mr. SMITH. Thank you very much, Ms. Lee.

And that is why we're having this hearing. This is the first step in what will be a series of not only hearings but action items. I agree with Mr. Browder that we need to suspend CICIG's funding. I mean, this is outrageous. This is cruel and degrading treatment. I mean, even the Convention Against Torture body—you know, the implementing body ought to be looking at this. To so mistreat people for a document?

And the document was done—if my family were in that situation and we were fighting to get into another country because the goons from Russia were on the prowl to take out their lives, so you end up with a document to try to protect you. And then you get 19 years, 14 years, and 14 years—it is absolutely outrageous. This is cruel and degrading treatment. And we will pursue this aggressively.

With that, I would ask unanimous consent that statements by Marco Rubio, James Lankford, and Michael Lee—three senators who couldn't be here today but wanted to express their strongly held opinion—be made a part of the record.

Again, I thank you so much—we're only finishing up because we do have a whole series of votes. Thank you so much for your testimony and for your leadership.

The hearing is adjourned.

[Whereupon, at 11 a.m., the hearing was adjourned.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH

The Russian Government regularly pursues its vendettas beyond its borders, harassing and even murdering Russian emigres abroad—people who are on the Putin circle's target list for various reasons. The poisoning of Sergei and Yulia Skripal in England is one of the most recent examples to reach the news.

The Kremlin's sadistic pursuit of the entire Bitkov family is in its way just as shocking as its cruel murder of Litvinenko and the attempted murders of the Skripals. The Bitkovs are still alive today, but they have been hounded for over a decade, to the opposite end of the world, and beyond the limits of human endurance—merely for resisting Putin favorites who sought to take over their successful paper manufacturing company.

More shocking, the facts of the case strongly indicate—and we will hear testimony on this today—that the United Nation's International Commission against Impunity in Guatemala, or CICIG, became deeply involved in the Kremlin's persecution of the Bitkov family. Indeed that CICIG acted as the Kremlin's operational agent in brutalizing and tormenting the Bitkov family.

Congress has a special responsibility in this matter because the United States is one of the largest contributors to CICIG's budget. There has been little congressional oversight of CICIG—it's clearly time for that to change.

In the 1990s Igor and Irina Bitkov built the North-West Timber Company, acquiring and modernizing old factories to increase paper production. As their company grew, the Bitkovs took loans from several Russian state banks to finance further modernization. Their business prospered—grew to a value of hundreds of millions of dollars—and the family was approached by a powerful bank executive who sought to buy a majority share in the company at a significantly below-market rate. Other officials asked Irina to become politically involved in President Vladimir Putin's party.

When the Bitkovs refused things got very ugly. Their 16-year-old daughter, Anastasia, was kidnapped for several days, drugged, and repeatedly raped. Her parents ransomed her—paying the money to policemen, who said they were go-betweens to the kidnappers. Then the banks suddenly called in the loans, even though the Bitkovs had excellent credit. The family was threatened with imprisonment and death.

Fearing for their lives, the family fled Russia. They found what they thought was legal refuge in Guatemala with the help of a Guatemalan law firm. They acquired Guatemalan passports,

bought a house, learned Spanish, and gave birth to their second child, Vladimir.

But the Kremlin caught up to them and VTB Bank, one of Russia's biggest state-controlled banks, often referred to as "Putin's Piggy Bank," filed a complaint against them in Guatemala, alleging use of false identification documents.

While we don't know exactly what transpired internally to CICIG and the Guatemalan state agencies that work with them, it appears to have been taken up by the Guatemalan state and CICIG. In any case, the Bitkovs suddenly found themselves catapulted into what has become for them a horror without end.

On January 15, 2015, Igor, Irina, Anastasia and Vladimir were awoken by an armed raid on their home—70 or so armed policemen woke them up, took them away, and spent 20 hours tearing apart their home and their office.

It got much worse—the Bitkovs were put into cages for 9 days. Their daughter—remember she had been kidnapped and repeatedly raped years earlier—was denied medication, now suffered a nervous breakdown. As the ordeal continued, she would later make multiple suicide attempts. Their infant son was torn away from them, not even permitted to stay with friends, and sent to an orphanage, where he sustained facial injuries, a chipped tooth, conjunctivitis, lost the ability to speak. When family friends recovered him they found that, when given food, little Vladimir immediately began hiding it under his shirt. I will not say more now about the Bitkov's harrowing ordeal—their lawyers will speak to that. Suffice it to say that Igor, Irina, and Anastasia have remained incarcerated since January 2015.

In January of this year, despite an earlier appeals court ruling that the Bitkov's alleged offense was only administrative in nature and punishable with a fine, Igor was sentenced to 19 years in prison and Irina and Anastasia were sentenced to 14 years each. These sentences were far harsher than those given to Guatemalan officials who perpetrated the sale of passports—they are harsher than sentences given to rapists or murderers.

What was CICIG's role in all of this? What we know for a fact is this: CICIG and a special branch of the attorney general's office worked together on the investigation and arrest of the Bitkovs—CICIG personnel participated in the raid on the Bitkov's home. Then CICIG and VTB Bank initiated and aggressively pursued the legal case against them, consistently arguing at every level of the judicial process against the Bitkovs, including against their appeal to be tried as migrants guilty of an administrative offense rather than a criminal one. CICIG—via its representative Claudia Gonzalez Orellana—defended the role of the VTB Bank in the prosecution of the Bitkovs. Oddly, CICIG never prosecuted the law firm which provided the Bitkovs with the passports that destroyed their lives.

As we will hear from Bill Browder: "Inexplicably . . . in January 2015, a criminal case against the Bitkovs was opened at the direction of CICIG. Immediately after, 70 armed police officers raided the Bitkov's home, arrested Irina, Igor, and Anastasia and detained them in cages behind the parking garage in the main court building of Guatemala City."

CICIG was invited to participate in this event and brief us today, but declined. They have sent a note, requesting that it be made part of the record, as has VTB Bank. Without objection, that will be done.

During questions, I will quote from CICIG's note—asking our witnesses about CICIG's account.

Just yesterday afternoon, the Constitutional Court of Guatemala—the country's highest court—upheld an earlier decision by a lower court that had granted the Bitkovs' appeal to be considered migrants, and therefore, under international law, not able to be tried as criminals. It is not yet clear what this ruling will mean—it seems to mean that the family *could* be released from prison—but also that they *could* be deported back to Russia. Time will tell.

I want to make an appeal to the Guatemalan government, to CICIG, to our government, and to the UN—this is a time to focus on restoring to this family as much as possible of what has been unjustly taken from them. *Their safety must come first*—we must assume that they remain targets for the Kremlin. They *must not* be returned to Russia. They have to be protected, and *safe haven must be found for them*.

And then there must be accountability for the grotesque wrong that has been done to them. There must be further inquiry, and we must get to the bottom of this.

It would be the worst irony if CICIG, which was created to battle for accountability for corruption, were now to seek only to avoid scrutiny and accountability. CICIG cannot credibly do battle against a culture of impunity if it demands impunity for itself.

This is the time for CICIG—and its commissioner Iván Velásquez—to throw open its doors, provide transparency, and give an honest accounting to the world of exactly what was CICIG's role in the cruelty that was wreaked on the Bitkovs. Unfortunately, up to now it has done nothing of the sort. I urge CICIG to change course now.

PREPARED STATEMENT OF HON. ROGER WICKER

Thank you, Co-Chairman Smith, for convening this emergency hearing today. As our longest-serving commissioner, your doggedness to defend human dignity over the years has advanced the cause of freedom and saved countless lives around the world.

As members of Congress, we have a particular obligation to ensure the causes and institutions funded by the United States remain consistent with our values and our interests.

Today, the Commission will examine the harrowing experience of a Russian family who fell victim to an all-too-common corporate raider scheme in Russia. Facing violent extortion, financial ruin, and imprisonment, the Bitkovs sought refuge abroad. Using the services of what they believed to be a legitimate immigration firm, they received new identities from the Government of Guatemala and began a new life in Central America. A few years later, Kremlin agents tracked them down and colluded with the UN's International Commission against Impunity in Guatemala (CICIG) to sentence them to nearly twenty years in prison.

We know the lengths Russia's kleptocracy will go to intimidate those who challenge its crimes. We remember the stories of Mikhail Khodorkovsky, whose successful company was expropriated and who spent 10 years in the Siberian gulag, and Sergei Magnitsky, who exposed corruption at the top of Russia's government and was tortured and killed for doing so. In the case of the Bitkov family, the Kremlin agents persecuting the Bitkovs are sanctioned by the United States. In addition, the CICIG, a powerful and active participant in this gross miscarriage of justice, is funded in large part by the United States.

We are right to ask: Why would agents from one of the world's most ruthless kleptocracies join forces with an agency set up to combat corruption and impunity? Why would a UN institution receiving significant U.S. funding be so blind as to work with Vladimir Putin's cronies when its mission is to help Guatemala move beyond the corruption and impunity that plague its society? In this whole tragic affair, did the Kremlin exert any undue influence on CICIG?

Yesterday's decision by Guatemala's Constitutional Court in favor of the Bitkovs is a welcome step, but this family remains in jail. They should be freed immediately. And yet, unless they receive asylum in Guatemala or another country, the Bitkovs will remain in grave jeopardy of being returned to Russia, where their long nightmare will surely continue.

I would like to note the role of one of our witnesses in bringing this case to our attention and to the attention of the American people. In 2009, Mr. Browder brought a similar case to the Helsinki Commission involving his lawyer Sergei Magnitsky. At the time, Sergei was in pretrial detention in Moscow and being subjected to increasingly torturous conditions. My good friend Senator Ben Cardin chaired a hearing on Sergei's case, and we worked to bring attention to his plight.

However, Sergei died suddenly, having been locked in an isolation cell and beaten by prison guards when he needed urgent med-

ical care. We must learn from this tragedy and not allow it to happen to the Bitkovs.

I will be working closely with the White House, National Security Council, and State Department to ensure the safety of this family, and I am prepared to use all available policy options to help resolve this injustice.

The case of the Bitkovs illustrates the Kremlin's pattern of abuse involving the world's courts and legal institutions. Russia should be called out for the mafia state it is and the illegitimate and politically influenced decisions that come out of Russian courts not given the time of day. We must find a way to protect our institutions from malign outsider influence and avoid becoming unwitting participants in Kremlin vendettas.

PREPARED STATEMENT OF HON. MARCO RUBIO

Thank you Co-chair Smith for convening this important and timely hearing of the Helsinki Commission titled “The Long Arm of Injustice: Did a UN Commission Founded to Fight Corruption Help the Kremlin Destroy a Russian Family?”

As I am unable to attend today’s hearing, I would like to submit a statement for the record on the mistreatment of the Bitkov family by the Russian Government and the apparent miscarriage of justice that has so far unfolded in Guatemala.

In 2008, the Bitkovs had their business stolen by a Kremlin-associated bank—which is currently under U.S. sanctions—and were forced from their home in Russia after threats from the Putin regime and its cronies, just like so many other entrepreneurs over the past two decades.

Having lost their business and their homeland, the Bitkovs fled to several countries before finally landing in Guatemala in hopes of a safe and secure future. But, in Putin’s Russia, merely stealing the Bitkovs livelihood wasn’t enough. The Kremlin and those associated with it have perpetrated an international campaign of aggression against the Bitkovs, pressuring the Guatemalan government—including troublingly, the Guatemalan judiciary—to prosecute the entire Bitkov family on potentially trump-up charges.

Unfortunately for the rule of law in Guatemala, Moscow seemed to have found a willing partner in the International Commission on Impunity in Guatemala (CICIG), which was set-up through the auspices of the United Nations to prosecute official corruption and political intimidation, not participate in it. I am concerned that CICIG, a commission funded by the United States, had potentially been manipulated by radical elements and Russia’s campaign against the Bitkovs in Guatemala. And that this, in turn, may have led to the Bitkovs’ suspiciously long prison sentences for crimes that normally would be afforded administrative fines, if any penalty at all.

Moreover, the conditions that the Bitkovs have endured during their incarceration have been deplorable, as they have suffered malnourishment, disease, and the separation of the family, including the placement of Igor and Irina’s youngest child in an orphanage against their expressed wishes.

What all of this adds up to is Putin and his cronies apparently settling scores in the Western Hemisphere and undermining Guatemala’s anti-corruption watchdog.

This miscarriage of justice cannot be tolerated and today’s hearing is a strong first step in bringing this matter to light. It is important for both Kremlin and Guatemalan officials to understand that the world sees what is happening and will not accept Russian malign influence in the Western Hemisphere or the destruction of Guatemalan judiciary.

I was pleased to learn that on Thursday, April 26th, the Bitkov family was granted a protection order by the Guatemalan Constitutional Court.

I am confident that the Guatemalan government under the leadership of President Morales will ensure this family's safety as they close this horrific chapter in their lives and begin a new journey away from the Kremlin's international campaign of aggression against them.

PREPARED STATEMENT OF HON. JAMES LANKFORD

Mr. Chairman and Members of the Commission, thank you for accepting my statement for the record as I regrettably could not attend today's important hearing. I appreciate you and your staff's hard work to bring these stories and facts to light.

I want to focus on something that has for too long gone overlooked and without proper oversight from the U.S. Congress: the International Commission against Impunity in Guatemala's (CICIG) expansion of authorities and prerogative beyond its mandate, and its level of effectiveness in building the capacity of Guatemala's own judicial system.

CICIG's mandate clearly states that the entity was established to support the Government of Guatemala by investigating and disbanding illegal security forces and clandestine security structures operating in the country. According to the mandate, CICIG is also tasked with strengthening Guatemala's own justice system so that an international body is no longer needed in the future. It appears that, after more than a decade of operation in the country, there is an unknown amount of progress in creating capacity for Guatemala's own judicial system; if so, CICIG is faltering in its mission.

Let me make clear that I support the intention and core mandate of CICIG to walk alongside Guatemala's public prosecutors to tackle the devastating effects that armed drug traffickers and gangs have had and continue to have on Guatemalan society and economy. The influence of illicit narcotics is the primary catalyst for the region's rampant crime and corruption, and the U.S. and international community should be a partner with the Guatemalan government in eliminating its malign influence. Yet we should be diligent in exercising oversight over any foreign entity which receives U.S. taxpayer funding to ensure our nation's own resources are used to advance national interests.

I applaud the Commission for looking into the issue of the Bitkov family as well as exercising oversight over the U.S.-funded CICIG.

PREPARED STATEMENT OF HON. MICHAEL S. LEE

I am delighted my colleagues are holding this important hearing today, and I am grateful for the opportunity to share some thoughts and a statement on this important topic. It is truly unfortunate that it takes horrific events for us in America to stop and examine how our taxpayer dollars are being expended in support of supranational governance overseas in ways that wreak havoc and upend principles of sovereignty for others. My deepest sympathies are with the Bitkov Family today, and with all of those whose lives have been irreparably altered by egregious violations of law and order.

The UN's International Commission against Impunity in Guatemala (CICIG) is an unwieldy beast. All organizations, even those created with the best of intentions, must have proper oversight and accountability mechanisms built-in. While initially created to root-out corruption and uphold rule of law, CICIG both in principle and application has become an extrajudicial, partial and unfair arbiter in Guatemala. Since its inception in 2007, the U.S. has spent more than \$44.5 million on CICIG. While our U.N. Ambassador Nikki Haley has called on the entity to remain intact, she has also called on the organization to be less overt and political, saying it should not be in the paper every day. Unfortunately, the continued conflicts of personalities between Guatemalan politicians and leadership of CICIG has kept many in deep conflict over various charges of corruption and challenges of leadership. No organization should be beholden to one man in the way at CICIG is intertwined with Commissioner Ivan Velasquez. An entity that is truly unbiased should continue its mission regardless of who is in charge. This is in part why we—and others who financially support CICIG—must increase oversight over this body, ensuring our funds are spent responsibly. CICIG should be operating to root-out real corruption, rather than building up or tearing down political winners and losers. It pains me to see sovereignty continually thrown by the wayside as has been the case in Guatemala. It is unfair to average citizens. It has been unfair to the Bitkovs. It is unfair to all who seek a free and prosperous Guatemala.

Today I wish the CICIG never was established. I wish that we could have spent all these funds and all this time working yes on corruption issues, but also on transnational crime. Or on creating economic opportunity for both Guatemalans and Americans. Or on strengthen the actual government of Guatemala established by the people of Guatemala. As long as we keep using our resources to drive political wedges and undermine what freethinking human beings made in the image of God want their country to be, we will fail to seize the true opportunities for growth before us.

PREPARED STATEMENT OF BILL BROWDER

Co-Chairman Smith, Distinguished Members of the Helsinki Commission,

Thank you for giving me the opportunity to present the story of the Russian Government's persecution of the Bitkov family in Guatemala.

As many of you know, I was the client of Sergei Magnitsky in Russia. When he was murdered by Russian Government officials for uncovering state corruption, I started a campaign for justice, which led to this Commission spearheading the Sergei Magnitsky Rule of Law Accountability Act in 2012, and the Global Magnitsky Act in 2016.

I wrote about the Magnitsky justice campaign in a book, entitled "Red Notice," which was published in February 2015. Following the book's publication, I have received messages from people all over the world telling me about their reactions to the Magnitsky case and sharing their own stories.

One of those stories came from a Russian woman named Irina Bitkov. She described how she and her family had been persecuted in a similar way to Sergei Magnitsky in Russia and when they fled, their persecutors from the Russian Government chased them all the way to Guatemala and ruined their lives.

I am here today to share the Bitkov's story because they can't be here to do it themselves. They are currently in a Guatemalan prison where Igor Bitkov (the father) is serving a nineteen-year prison sentence and Irina and Anastasia Bitkov (the mother and daughter) are serving fourteen-year prison sentences, all for "passport violations" in Guatemala.

I'd like to point out that I have no business relationships with the Bitkovs. I am receiving no compensation for the advocacy I am doing on their behalf. I am entirely motivated by the shocking injustice of what has happened to them.

This story starts in the 1990's when Igor and Irina Bitkov became owners of a paper mill in Russia called the North West Timber Company. Over the course of the 1990's, they built a highly successful business that reached \$80 million in profits by 2007. It was apparently valued by the Russian state bank, Sberbank, at roughly US\$400 million.

In the course of its business, the company obtained loans from Russian state banks, including Sberbank, VTB and Gazprombank in order to upgrade its facilities. Shortly after the loans were issued, the Bitkov's problems began.

One of the bankers involved in issuing the loan approached Igor Bitkov and asked Igor to sell 51 percent of the business to him personally for US\$25 million. As the business was worth many times that, Igor refused.

Following this unwanted take-over attempt, a terrible trauma befell the Bitkov family. The Bitkov's then 16-year-old daughter Anastasia was kidnapped in St Petersburg. The kidnappers demanded a ransom, which took the Bitkovs 3 days to accumulate. They paid the kidnappers and Anastasia was released, but when she was safely back home, the family discovered that Anastasia had been drugged and repeatedly raped by her kidnappers. The or-

deal left Anastasia deeply traumatised and set off a cascade of psychiatric ailments, which require medication and treatment to this day.

Following that, and in a further escalation of the attempts to take over their company, the Russian state banks simultaneously called in the \$158 million loans, forcing the company into bankruptcy.

During the bankruptcy proceedings, the equipment of their factories was sold for a fraction of its true value.

The Bitkovs were then told that they would be imminently arrested. This was the moment the Bitkov family fled Russia. They first travelled to Latvia, and then to Turkey. In Turkey, they sought out a country to settle in where they could avoid the risk of being sent back to Russia where they feared the worst. They chose Guatemala because it did not have an extradition treaty with Russia.

They found an advertisement on the Internet from a Latin American law firm called Cutino Associates that specialised in immigration law and advertised its expertise in organizing Guatemalan immigration for US\$50,000 per person. The family engaged Cutino and began the process of becoming immigrants to Guatemala.

In their initial communications with the Cutino law firm, they explained that the reason for their immigration was to avoid persecution from Russia.

Cutino explained to them that they could change their names in their immigration applications to avoid detection by the Russians. Cutino then submitted applications for the family and the Guatemalan migration service issued them new documents in new names. Anastasia kept her original name hoping that because she was not targeted with Russian criminal cases she would be ok to keep it.

The family then began a new life in Guatemala. Igor became a high school math teacher at the Brillo De Sol School in Antigua, Guatemala. Irina became a drawing teacher at the same school, and Anastasia, who was beginning to regain her confidence after her terrible trauma in Russia, began a career in fashion.

In January 2012, Irina Bitkov gave birth to a baby boy named Vladimir.

It appeared that after their terrible ordeal in Russia where the family had lost nearly everything, they could begin a new chapter in their lives.

Unfortunately, their dream of a new life came crashing down in late 2013.

Investigators working for VTB Bank tracked down the Bitkovs in Guatemala. The head of the VTB Bank, Andrey Kostin, personally hired Henry Comte, one of the most prestigious attorneys in Guatemala and an alternate judge on the Guatemalan Supreme Court, to assist VTB in pursuing the Bitkovs in Guatemala.

VTB and Comte's first attempt to go after the Bitkovs was to file a criminal complaint with the Attorney General's Office of Guatemala claiming VTB had been defrauded by the Bitkovs in Russia. VTB presented photocopies of forged documents in the Guatemalan court. These documents had already been rejected as forgeries in

similar proceedings in the Russian courts. When the Guatemalan court requested the originals, VTB bank withdrew its application.

VTB and Henry Comte then came up with a 'plan B' to go after the Bitkovs. For several years before 2013, there had been an ongoing investigation into human trafficking and Guatemalan officials' complicity with human traffickers in the country. It was called the Migration Case and was supported by a U.N. organisation called CICIG whose mandate was to go after organised crime networks who previously enjoyed impunity in Guatemala.

VTB and Comte successfully convinced CICIG to focus on the Bitkovs as part of the Migration Case in spite of the fact the Bitkovs were clearly not part of any organised network of traffickers.

Inexplicably, VTB Bank gained the legal status as an 'interested party' in the Migration Case against the Bitkovs with the support of CICIG. In January 2015, a criminal case against the Bitkovs was opened at the direction of CICIG. Immediately after, 70 armed police officers raided the Bitkovs' home, arrested Irina, Igor and Anastasia and detained them in cage behind the parking garage in the main court building in Guatemala City.

While they were being held, Anastasia was deprived of her anti-depression medications and she had a severe psychiatric breakdown. Anastasia and her mother were moved to a hospital under armed guard, and Igor was put into pre-trial detention at the Mariscal Zavala prison while the case awaited trial.

The Bitkovs arranged for their family lawyer, Rolando Alvarado, to be a guardian for their 3-year-old child, Vladimir, while they were incarcerated. In spite of Mr. Alvarado's valid guardianship papers, the Prosecutor of Guatemala filed a motion with the court calling for Vladimir Bitkov to be placed in a state orphanage instead.

At this point, the Russian Government also got involved. Pavel Astakhov, the Russian government's ombudsman for children's rights, publicly called for Vladimir Bitkov to be returned to Russia to be put into a Russian orphanage.

The Russian foray failed because Vladimir is only a Guatemalan citizen, not Russian, and could not be returned to Russia. However, the Guatemalan prosecutor's motion succeeded and Vladimir was placed in a state orphanage.

The family desperately applied to reverse the decision and get Vladimir out of the orphanage. It took 42 days for that application to be heard. When Vladimir finally emerged, he was examined by medical experts who found he had an upper respiratory infection; severe inflammation of the middle ear; conjunctivitis in both eyes; scars along the left eyebrow; and chipped front teeth. They concluded that he suffered from physical and psychological abuses in the orphanage.

In the meantime, the case against the Bitkovs for passport violations moved through the courts, they were formally indicted as part of the CICIG Migration Case in April 2015.

The Bitkov family appealed the indictment in the Appeals Court arguing that they were migrants and could not be subject to criminal prosecution applicable to traffickers. In December 2017, the Guatemalan Appeals Court ruled in favour of the Bitkovs declaring

that any passport irregularities were administrative offences punishable by a fine and as migrants they should not be under criminal penalty.

However, CICIG and VTB were not happy with this decision and both immediately filed appeals against that court decision that would have freed the Bitkovs. While their appeal was pending, the decision was not in force.

A few days later on January 5, 2018, the Guatemalan District Court found Igor, Irina and Anastasia Bitkov guilty as users of the criminal network in the Migration Case. The court sentenced Igor to 19 years in prison, and Irina and Anastasia to 14 years. CICIG trumpeted their court victory on their website pointing out that they prosecuted 39 people from the criminal network, including the Bitkovs.

I understand that the 19-year sentence that Igor Bitkov was given was greater than sentences for manslaughter, rape, burglary and fraud in Guatemala. The sentences that all three of them were given appears to exceed the sentences of many of the government officials in Guatemala and traffickers who were part of the human trafficking network.

There was no evidence that the Bitkovs bribed any government official, or were involved in any corruption.

The Bitkovs, who did not speak Spanish and did not know anyone in Guatemala on arrival, relied on the law firm, Cutino Associates who presented themselves as legitimate immigration lawyers.

It also appears that nobody from Cutino Associates who organised their passports and settlement documents has ever been prosecuted.

No other customers of Cutino appear to have been tried, convicted and sentenced like the Bitkovs. In the list presented by CICIG, which includes 39 people in the Migration Case, 36 were low and middle level officials from different Guatemalan governmental bodies and a few 'coyotes' who physically moved people through Guatemala.

So, what's going on here?

There are two big Russian themes in this case, neither of which are unusual.

First, in Russia people who run successful businesses are routinely victimised through a process called 'Raiderstvo'. I was a victim of Raiderstvo and so were the Bitkovs. It is a standard practice in Russia where organized criminals work together with corrupt government officials to extract property and money from their victims. There are literally hundreds of thousands of businessmen in jail in Russia who are victims of this as well.

The second theme is the abuse of international institutions. The Russian Government routinely abuses international institutions in order to persecute its enemies who are outside of Russia.

In my case, the Russian Government tried six times to have Interpol arrest me after the Magnitsky Act was passed. The Russian Government also successfully recruited a senior official inside the Swiss Federal Police to stymie a Swiss criminal investigation into money laundering by Russian officials in the Magnitsky case. The Russian Government also succeeded in getting a Deputy Attorney General of Cyprus in charge of mutual legal assistance and ex-

tradition affecting the Magnitsky case, and many other politically sensitive cases, to inappropriately assist Russia in pursuing their enemies in Cyprus.

In my opinion, the Russian Government succeeded in compromising CICIG and the Guatemalan Prosecutor for their own purposes in the Bitkov case.

CICIG and the prosecutor's office have jointly taken up the Russian government's vendetta against the Bitkovs with no good explanation.

CICIG did not distance itself from this Russian persecution. They've touted it on their website and they've actively tried to overturn the Bitkovs' vindication by the Appeals Court.

Nor has VTB tried to hide its role in this case. In spite of the fact that VTB obtained no financial recovery for their alleged financial dispute with the Bitkovs, they became an interested party in a case involving something that had nothing to do with them in order to vindictively punish Igor Bitkov and his entire family.

In the Wall Street Journal on April 4, 2018, Igor Kostin, the Chairman of VTB, says: "VTB's action relating to the Bitkov family is an example of standard procedure in resolving financial business disputes through the available legal channels."

This is an appalling case in which the Bitkov family deserves justice and the United States has an opportunity to deliver them justice.

CICIG is a U.N. organisation in which approximately 50 percent of its budget comes from the US government.

I do not believe that anyone in the US Congress or the US government ever envisaged that US tax dollars would be spent to support a Russian persecution of a family fleeing persecution in Guatemala. I would recommend that CICIG's funding be suspended until this situation is resolved.

When I began the process of advocating for the Bitkov family, I discovered that CICIG is a highly contentious issue in DC and around the world. There are some people who are pro-CICIG, there are others who are anti-CICIG.

Up until 2 months ago, I had never heard of CICIG. I come into this case with no prejudices one way or another. I've gone where the evidence leads. So far, the evidence leads toward the conclusion about the involvement of this organisation in the Bitkov's persecution.

As journalists from the Wall Street Journal and other news organization have started to investigate, CICIG has avoided answering a number of direct questions about their role in the Bitkov case and their support of VTB.

When CICIG was invited to give evidence to Congress, they declined claiming as a U.N. organization, it is not accountable to any institution in the United States.

They can't have it both ways. They can either be the heroic anti-impunity organisation that their mandate sets for them and not take on other country's vendettas, or the situation at CICIG needs to be cleaned up.

Bill Browder is the founder and CEO of Hermitage Capital Management, which was the investment adviser to the largest foreign investment fund in Russia until 2005, when Bill was denied entry to the country and declared a “threat to national security” as a result of his battle against corporate corruption. Following his expulsion, the Russian authorities raided his offices, seized Hermitage Fund’s investment companies and used them to steal \$230 million of taxes that the companies had previously paid. When Browder’s lawyer, Sergei Magnitsky, investigated the crime, he was arrested by the same officers he implicated, tortured for 358 days, and killed in custody at the age of 37 in November 2009. Since then, Browder has spent the last 5 years fighting for justice for Mr. Magnitsky. The Russian government exonerated and even promoted some of the officials involved so Browder took the case to America, where his campaigning led to the U.S. Congress adopting the ‘Sergei Magnitsky Rule of Law Accountability Act’ in 2012, which imposed visa sanctions and asset freezes on those involved in the detention, ill-treatment and death of Sergei Magnitsky (as well as in other human rights abuses). This law was the first time the US sanctioned Russia in 35 years and became the model for all subsequent US sanctions against Russia. Browder is currently working to have similar legislation passed in Magnitsky’s name across the European Union.

PREPARED STATEMENT OF VICTORIA SANDOVAL

Good morning Co-Chairman Smith, Distinguished Members of the Helsinki Commission and to all the public present in this room, for me it is an honor to have been invited to this hearing as a witness to the Bitkov Case.

My name is Victoria Sandoval, I am a lawyer and public notary and have worked on human rights and criminal law issues since 2006. In January 2015 I started supporting the Bitkov family in their judicial case, both personally and professionally.

Start of the relationship with the Bitkovs:

I personally know the Bitkovs since they first came to live in the same condominium where I live, and because they have a son of the same age as my child. Irina Bitkov and I both took our babies to the same early stimulation course and it was there that we strengthened our friendship. I could see how Vladimir was growing.

His parents were concerned to ensure that he would grow up knowing and loving his Russian culture, in fact, he spoke the Russian language better than Spanish, which he spoke with a noticeable Russian accent.

They gave Vladimir a life full of care and love. Every day at 5 o'clock in the afternoon the three of them, Igor, Irina and Vladimir would be seen together with their two dogs walking through the condominium.

The raid:

On Thursday, January 15th, 2015 in the early morning I could see a lot of police movement in the condominium and when I asked an employee why there was so much movement, he told me that CICIG was raiding the house of some Russians.

The first thing I thought was that in the condominium there was another family of Russians because the ones I knew were very good people. However, when the guard told me the address of the house, I was surprised and went to see what it was all about.

The blocks in the condominium are about 150 meters long, and the Bitkov house is at the far end of the block, and on both sides of the street I could see that it was full of official vehicles (General Prosecution Office, CICIG and National Civil Police). It was a very intimidating situation. It seemed to me as if they were pursuing them like dangerous criminals but I knew as their friend and an experienced criminal lawyer that they did not fit that profile.

Closing of the house:

On Friday the 16th January 2015 I was finally able to see the Bitkov's house which had been locked up and was guarded by two police officers.

Carceletas:

I learned from the news that the Bitkovs had been taken into custody and transferred to the carceletas at the Court House, to the Juzgado de Turno de Guatemala.

The carceletas are open cages located in the basement of the Court House building where by Constitutional order, people should

not stay in the carceletas for more than 24 hours. The Bitkovs were kept in the carceletas for 5 days, Irina and Anastasia and 9 days Igor! The carceletas are very filthy places where the bathrooms are only cleaned very occasionally. The state does not provide those who are inside the carceletas with food or water. I was shocked that neither the Russian ambassador nor any of his representatives were concerned about the welfare of his fellow citizens. He never went to the carceletas to see if the Bitkovs needed food, water or anything else. He was not even the least bit concerned about Anastasia's health.

When the Bitkovs were taken into custody, the officials didn't let Anastasia take her medication with her. She was very scared because her life depends on the regular intake of medication. Not having her medication with her caused Anastasia to have a severe breakdown.

A Judge ordered that Anastasia and Irina be transferred to a private psychiatric hospital because Anastasia was suffering a psychiatric breakdown that put her life at risk, as was established by a forensic psychiatrist from the National Institute of Forensic Sciences of Guatemala. However, the Penitentiary System refused to transfer them, which led to the imposition of a habeas corpus in favor of Anastasia and Irina.

After the inquiries of the judge who handled the habeas corpus, two guards of the Penitentiary System sent a report saying that the General Director and the sub director of operations told them that they, Anastasia and Irina, could not be transferred to the hospital. The two guards asking the General Director if they have permission or not to fulfill a Judge's order is something very weird and unusual.

According to a press statement the refusal was due to the fact that the Penitentiary System had no budget to pay for gasoline.

Anastasia's breakdown was getting worse and following the Judge's decision to start a legal process for disobedience against the General Director and Subdirector of the Penitentiary System, the Penitentiary System accepted to transfer Anastasia and Irina, along with 50 Sistema Penitenciario Agents to the 10-room private mental health hospital Mederi. The hospital declined to accept Anastasia and Irina because so many guards could intimidate their other patients. Anastasia and Irina were returned to the court house.

They were then transferred to an annex to the men's part of a prison where Igor was being held. Anastasia and Irina were put into a fenced off area of the men's prison. This area was only separated by a fence, which meant that Anastasia and Irina were not properly segregated from the male inmates who could clearly see them. Even more degrading for them was the fact that Anastasia and Irina were deprived of even the most basic right of privacy when using the bathroom which was also exposed to the male inmates. Anastasia and Irina would suffer daily humiliation of using the bathroom in full sight of the men inmates—many of whom were gang members. This was torture for them.

On January 20th 2015, after remaining in the prison for five days, Anastasia and Irina were transferred to the Concepción Hospital, where they had to stay for a year under armed guard.

In Igor's case, after the raid he was transferred to the prison where he was sharing the 2 × 6 meters cell with 30 to 40 other detainees, most of them being gang members who were extremely aggressive and high-conflict people. There was not enough space for all the detainees to sit down and even less space to sleep. Consequently, Igor was deprived of sleep for 9 days and was then taken in front of the Judge to give his first testimony.

Igor's First Testimony

At his first hearing, Igor was completely dumbfounded, he had not been provided with a translator and it was obvious that his Spanish was not good at that time.

CICIG's attorney, Claudia González Orellana clearly supported the participation of VTB by stating that the crimes committed in Russia should be investigated because they were related to those committed in Guatemala, despite the fact that later, she said that CICIG had no interest in whatever had happened in Russia.

Likewise, CICIG's Attorney said that Igor had illegally entered Guatemala arguing that he had no migrating record. This was completely misleading she asked for Igor Vladimirovich Bitkov record instead of Igor Vladimirovich Bitkov record. CICIG's attorney also failed to mention that the Bitkovs entered Guatemala using their valid Russian passports so there can be no question that their entry was nothing other than legal.

Judge Miguel Ángel Gálvez allowed VTB to be a provisional adhesive plaintiff arguing that it was important to know what had happened in Russia. This is despite the fact that the Russian Bank never presented any proof that the Bitkovs had committed any crime in Russia. Instead they presented photocopies of personal guarantees supposedly signed by the Bitkovs instead of originals, refusing to provide the originals for examination.

House Stripping

One of the Bitkov's neighbors told us that he had seen a patrol car of the National Civil Police outside the Bitkovs' house and that he had seen policemen carrying children's toys, carts, tricycles from the house. So, the Bitkovs filed a complaint to investigate the theft, it was ratified and Veronica, Vladimir's nanny also went to testify since she knew what the Bitkovs used to have and what had been stolen.

No investigation was conducted by the Public Prosecutor's Office.

In January 2016 the Judge in charge ordered the opening of the sealed house. The house had been completely looted.

Acta de Haroldo Flores:

In June of 2017 the Child Prosecutor of the Attorney General's Office (Procuraduría General de la Nación—PGN), Harold Augusto Flores Valenzuela, was arrested in the case of Hogar Seguro, Virgen de la Asunción. According to Igor, before Mr. Flores Valenzuela arrived at Mariscal Zavala, his lawyers went to talk with him to see what his attitude was with respect to Harold Flores after he had sent Igor's 3-year-old son, Vladimir, to the "Love the Child" orphanage where Vladimir was abused.

Igor said that all he wanted was for Harold Flores to tell him why he had tortured Vladimir in the terrible way that he did.

When Harold Flores was taken to Mariscal Zavala prison the first thing he did was to visit Igor and told him that he had been called by a CICIG official that told him that he had to do everything he could, so that the “son of the Russians” would be sent to an orphanage. After that he was visited by a woman who ratified that order. He would not tell Igor this woman’s name because he feared for his life. So even though he saw that the reports on Vladimir’s guardians were just fine he ignored them and asked Judge María Belén Reyna Salazar to send Vladimir to that infamous orphanage. Flores also told Igor that Judge Reyna Salazar received the same orders from CICIG. As a proof of what he said, he wrote down his name and phone number.

Power of Attorney to Henry Phillip Comte Velasquez

VTB Bank was represented in Guatemala by its agent Henry Phillip Comte Velasquez who is a founding partner of the Law Firm Comte & Font—Legalsa.

Henry P Comte is an alternative Judge of the Constitutional Court. This is the same court where is pending the ruling at the Bitkovs “amparo” appeal (Constitutional appeal) against the indictment stating that any passport irregularities are administrative offences punishable by a fine. VTB/CICIG appealed that decision in the Constitutional Court.

Curiously, the Power of Attorney given by VTB to Henry Phillip Comte Velasquez to act for VTB was signed by the President of the Board of Directors of VTB Bank, Andrey Kostin, himself, and not by the head of the legal department, as is normally happens with any Bank.

This mandate was granted to Henry Phillip Comte Velasquez with “Reserve of exercise” that is to say that he can delegate it to another lawyer of the Law Firm Comte & Font—Legalsa and his law firm still continues to exercise the powers granted under it.

Anastasia’s illness

Anastasia has been diagnosed with Bipolar Affective Disorder, Borderline Syndrome according to the psychiatric reports of the National Institute of Forensic Sciences of Guatemala. Her psychiatric disorders were triggered by her kidnapping in Russia in which she was repeatedly raped and drugged.

As a result of her illness, Anastasia has attempted suicide five times.

While at the Hospital Concepción she suffered several crises due to the harassment of the National Civil Police agents who were guarding them. She was also greatly affected by the fact that Judge María Belén Reyna Salazar had sent her little brother to an orphanage and also that Judge Carol Patricia Flores Polanco sent several forensic psychiatrists to determine whether she had to stay at the hospital or whether she could be sent to the jail of Santa Teresa.

The National Institute of Forensic Sciences ruled that Anastasia should not be sent to a prison because it could cause her to make further attempts to commit suicide.

Ignoring this, the President for the Tribunal de Sentencia, Judge Iris Yassmin Barrios Aguilar ordered to send her to the Mariscal Zavala prison for 14 years.

Currently she is under a lot of emotional pressure because she has been threatened by Judge Iris Yasmín Barrios Aguilar and by the warden of the Women's section of Mariscal Zavala to be transferred to the Federico Mora Psychiatric Hospital if she shows any sign of her illness (that triggers her anxiety).

A few days after Anastasia was sent to prison, the President of the Tribunal de Sentencia ordered that Anastasia be evaluated by the National Institute of Forensic Sciences of Guatemala to determine whether it was necessary or not to send her to the Federico Mora National Mental Health Hospital, named as the worst in the world by the BBC.¹

Similar Cases:

In Guatemala, the Palermo Convention is in force, as well as the Guatemalan Migration Law. Both laws establish that migrants cannot be criminalized for the possession or use of travel documents or ID documents. Even so, the State of Guatemala has decided to prosecute, illegally, these cases and has issued suspended sentences in other similar cases. I list below the most relevant:

A verdict was issued by the same court that sentenced the Bitkovs to penalties of 19 and 14 years in prison and expulsion from the country. The same 3 judges, in February 2018, that is, one month after they imposed custodial sentences on the Bitkovs, sentenced 2 members of the dangerous and notorious Mara Salvatrucha (MS-13) gang to conmutable prison sentences of 5 years. Mr. Israel Antonio Cabrera Luna, whose alias is “el demonio” (the demon) and Mauricio Antonio Rivas Hernández, whose alias is “goat” or “patoja,” were of Salvadorian nationality. These MS-13 gang members were not expelled from the country, unlike the Bitkovs. These MS-13 gang members did not cooperate at the investigation.

(* judgment Mara Salvatrucha process C-01031-2017-00005).

CICIG, in its statement number 042—2013 indicates that 2 Colombians were convicted, for similar acts as the Bitkovs, but they only got 3 years suspended prison sentences and expulsion to their country of origin.

The case of Marcela Ortega Bejarano. She was a witness proposed by the General Prosecution Office who described the way the mafia operated within the General Directorate of Migration and within the National Registry of Persons (Civil Registry). In her testimony she recounts the way in which the documents were delivered, which is the same process by which the Bitkovs received their documents. She was also only given a 5 year suspended prison sentence and was expelled to her country of origin.

¹ <https://www.bing.com/videos/search?q=hospital+psiquiatrico+federico+mora+bbc&view=detail&mid=C8314C4E3EFF3B347152C8314C4E3EFF3B347152&&FORM=VRDGAR>; <https://www.bing.com/videos/search?q=hospitalde+salud+mental+federico+mora+bbc&view=detail&mid=F15517CDCB9A2C709187F15517CDCB9A2C709187&&FORM=VRDGAR>

Refugee Status:

It is important to clarify that the Bitkov Family had not requested asylum upon entry into Guatemala. They hired Cutino Associates International assuming that the Law Firm that would take care of all the legal procedures required to obtain Guatemalan citizenship. Cutino Associates International also advised them to change their names in order to avoid any persecution by the Russian Federation in Guatemala. The advice provided by Cutino Associates International made the Bitkov family think that their documents were absolutely legal so they did not need to request asylum or refugee status. They found Cutino Associates International via the internet.²

In February 2015, the Bitkovs filed the asylum application with the General Directorate of Immigration. The lawyer who made the filing told the Bitkovs that they had to appear personally to sign the initial request in front of the migration officer.

Authorization was requested to Judge Carol Patricia Flores Polanco, to give them permission to go to sign the request for asylum, however, the Judge denied their request.

This caused a delay in the filing of the asylum application. The Directorate General of Migration had offered to go to the Hospital and to Mariscal Zavala to obtain these signatures, however, they later retracted their offer.

Finally, the authorization was given to the Bitkov's lawyers to obtain the signatures directly from the Bitkovs and the application for asylum was filed on July 23, 2015. The application for asylum was refused on 23 November 2016. The decision was notified to the Bitkovs on February 2017 so they appealed it before the General Secretariat of the Presidency on February 16, 2017 and is currently pending.

Russian Embassy:

Irina and Anastasia were first approached by the Russian Embassy in Guatemala when they were in hospital. The officials from the embassy asked Irina to allow Vladimir to be given Russian citizenship. She refused. The only reason that the Russian Embassy sought Russian citizenship for Vladimir was to enable them to take Vladimir back to Russia and put him in an orphanage.

Call to justice:

The evil with which this case has been handled is shocking. The Kremlin, through VTB bank has conspired with the Guatemalan justice system to (i) separate a 3-year-old boy from his family and send him to an orphanage where he was tortured (ii) to lock up in a prison a young woman with psychiatric disorders and finally (iii) condemn with ridiculous punishments a family who went to Guatemala in order to flee Russian persecution that was threatening to destroy their lives in contravention of Palermo Convention, Guatemalan Migration Law and an Order from the Constitutional Court.

Anastasia told me once: I have suffered a lot, my life has never been even close to normal. I want to fight so my little brother can have a normal life, he still has time.

² <https://web.archive.org/web/20090831041337/http://www.cutinointernational.com:80/>

Victoria Sandoval is a criminal and human rights attorney representing the Bitkov family. She is a lawyer and notary from the Francisco Marroquon University, with 15 years of experience in different areas of the Law, among them Corporative, Notarial, Labor, Criminal, and Human Rights. Ms. Sandoval has worked providing technical advice to the Supreme Court of Justice of Guatemala regarding the Juzgados Penales de Turno. She is the founder of the Asociaci3n Guatemalteca de Espina Bifida and former board member of the International Federation for Hydrocephalus and Spina Bifida.

PREPARED STATEMENT OF ROLANDO ALVARADO

Good morning Co-Chairman Smith, Distinguished Members of the Helsinki Commission and to all the public present in this room, for me it is an honor to have been invited to this hearing as a witness to the Bitkov Case.

I'm a lawyer who specialises in banking matters as well as cyber and economic crimes. I first came across the Bitkov family 2 years before their arrests when I initially met Irina and Anastasia Bitkov. They set up a small film company in Guatemala and I registered the copyrights of the material they produced. Since then, I have become a close friend to the family and I am in fact the legal guardian of Vladimir Bitkov, Igor and Irina's son, who is now 6 years old.

First, I would like to address the actions for which the Bitkov family have been accused of. The Bitkovs were criminally charged for using identity documents and passports issued by the State of Guatemala. The International Commission against Impunity in Guatemala (CICIG) and the General Prosecution Office argued that these documents were issued illegally.

As a consequence, CICIG and the General Prosecution Office initiated a criminal prosecution, notoriously disproportionate and even more aggressive and shocking than high-impact crimes such as drug trafficking, murder or even terrorism. They channelled their criminal prosecution before special courts that know of crimes of greater risk. All this for what in reality constitutes a lack of migratory rights.

CICIG has no right to participate as a complainant against the Bitkovs, since the mandate granted by the United Nations and the Government of Guatemala, establishes that the Commission has jurisdiction only to investigate crimes committed by members of the illegal security forces and the clandestine security apparatuses. The Bitkov family was not accused of being part of these illegal security forces and therefore does not fit into the functions entrusted to CICIG. This implies that CICIG exceeded its legal powers and abused its authority.

In addition to violating its agreement, CICIG also violated the Palermo Convention. The Bitkovs were accused of using false identity documents and passports, however in accordance with the Palermo Convention—of which the State of Guatemala has signed and ratified—as migrants the Bitkovs are clearly exempt of criminal responsibility as well as exempt from criminal liability under the Migration Law of Guatemala.

The actions for which the Bitkovs have been accused of do not even constitute a crime.

Now allow me to set out a timeline:

On January 15th 2015, CICIG and the General Prosecution Office with the support of the National Civil Police, conducted three raids. One in the family home, another in the Bitkov's office located 10km from their home and the third in the house of Anastasia's boyfriend, Mr. Andrés Avelar.

On January 15th 2015, I witnessed the search being carried out at the Bitkov's family home. This raid was documented in the minutes of January 15th 2015.

The search began at 6 o'clock am. The prosecutors did not allow the Bitkovs to call their lawyer until 9 o'clock am, 3 hours after the search began. For that reason, I showed up at the house at around 10 o'clock am. Upon my arrival, the Bitkov family felt extremely tormented, annoyed and helpless. They told me that the police entered the home whilst they were sleeping and did not leave the bedrooms for them to get dressed freely. Igor was forced to cover up his wife Irina and his daughter Anastasia so that they could get dressed.

The search lasted a total of 20 hours, as it ended at 1:40 am the next day. All this is confirmed in the document that contains the tally sheet. During the 20 hour raid, the entire family was placed in the living room.

There was an excessive amount of public force as the house was invaded by dozens of police officers. The operation was carried out jointly with CICIG personnel and the General Prosecution Office. This excessive use of public force cannot be justified in any way. The crime investigated—the use of supposedly false documents—is not high risk nor does it constitute a crime. Whilst the raid was carried out I asked the prosecutor Stuart Ernesto Campo Aguilar the reason as to why there were so many policemen. He told me that it originated from the million dollar fraud case committed by the Bitkovs against a Russian bank. This bank was in fact managing the criminal process against the Bitkov family.

During the raid, Anastasia panicked and fainted. Vladimir was also very scared to see so many heavily armed policemen inside of their house.

The prosecutors and police seized: the family's vehicles, their jewellery and electronic devices, although they had no connection with the crime that was being investigated. Prosecutors indicated that any request for the return of these personal belongings had to be made before a judge. Concerning the jewellery, half was taken during the raid and the other half was left at the house.

At the same time, two more raids were carried out, at their office and at Anastasia's boyfriend's house. A large number of police officers were also present. These raids were also not justified since the crime the Bitkovs were accused of was the use of identity documents.

Once the raids had come to an end, 20 hours later the prosecutors and the police proceeded to execute the arrest warrants against the family in the early hours of the following day. Igor, Irina and Anastasia were handcuffed. Vladimir who was only 3 years old at the time was woken up by the police. I asked the prosecutors and the police officers not to wake the child because he would be frightened but they ignored my request and continued.

After the Bitkov family was arrested, prosecutors indicated that the child would be transferred to an orphanage, however he first had to be transferred to court so that a judge could define his legal situation. They put him in a grey car belonging to the Attorney General's Office. They wanted to bring him alone but I requested that his nanny Mrs. Veronica Gonzales accompany him. She quickly prepared a suitcase with clothes and they both got in the car. I myself followed the car in my vehicle. Igor and Irina—anguished by their son's situation—begged me not to leave Vladimir seeing as

they did not know anyone trustworthy which could take care of their son. They asked me to make sure that he would not go to an orphanage.

Having arrived at the court located 25 km from the Bitkov's home at around 3 o'clock am in the morning, we hoped that the judge on duty would attend to us. We waited 2 hours as other cases were being processed. Before the hearing at around 5.30 am, I asked the psychologist and social worker at the court to interview Vladimir and to determine whether he had a close bond with his nanny Veronica Gonzalez. Vladimir did not want to be separated from her and the court staff easily determined that the child had a close and affectionate bond with his nanny.

The judge on duty, Attorney Marjorie Rene Azpuru Villela agreed with the court staff regarding the child's emotional bond with Veronica. Before handing over Vladimir, the judge asked me if as a lawyer I was committed to providing financial support—such as clothing, food, education expenses etc.—for Vladimir while his parents' situation was being resolved. I replied saying yes. Veronica and I were given joint custody of Vladimir. In order not to victimize him even more, we arranged for Veronica to move into my house seeing as the Bitkov's property was seized and closed off. Vladimir was basically left homeless and without his family, only in the company of Veronica and myself. The official date that Vladimir was given to us (his guardians) was January 16th 2015.

Following Vladimir and Veronica moving into my home, we received a phone call from the Attorney General's Office, which deals with cases related to children in Guatemala. We were summoned so that psychological evaluations could be done on Vladimir and financial checks could be conducted on me and Veronica. The psychological evaluations were very positive. Vladimir clearly told the psychologist, Sheila Ninette Santiago Lopez, that it was his desire to be with Veronica. He said: "She takes care of me and gives me my feeding bottle". This is stated in the judgment of March 18th 2015 of the Court of Appeals for Children.

Although the psychological evaluations showed an affectionate bond between Vladimir and his nanny, we were summoned by another judge, Maria Belen Reyna Salazar. She told us that we had to attend court with Vladimir on February 10th 2015 (almost a month after Vladimir had been living with us). On February 10th we presented ourselves with the child. We had a detailed report which showed that the child was well taken care of in terms of housing, education and food. We attached photographs, details of his diet and other important aspects. Although the psychological evaluations—which were conducted by the Attorney General's Office—were very positive, Judge Maria Belen Reyna Salazar, without asking the child's opinion (which is a serious abuse as the law obliges the child to be heard), arranged to separate him from us, arguing that we were not his relatives and there was doubt on who his parents were due to their passports and identity documents being the subject of a criminal investigation. The doubt surrounding the identity of Vladimir arose from a report that was sent by the Special Prosecutor's Office against Impunity (FECI) indicating that his identity was flawed. FECI is part of the General

Prosecutions Office that investigates all cases which CICIG participates in.

During the hearing on February 10 2015, the judge ordered the child, Vladimir Bitkov to be moved to a special room for abandoned children. Vladimir cried out loud but the judge insisted on moving him away from us.

The judge decided to immediately separate Vladimir from me and his nanny despite being his legal guardians. Veronica tried to leave his feeding bottle but they did not take it stating that they already had the essentials for the child. They did not let us say goodbye to Vladimir, they only told us that after crying he had fallen asleep deeply. So when Vladimir woke up he was already with total strangers in an orphanage called "Love of the Child" that is located in the interior of the country. The judge forbade us, his guardians and anyone else to visit Vladimir at the orphanage, arguing that it was for "his safety." The day in which this separation took place was extremely shocking for us, and I do not want to imagine how shocking it was for Vladimir to wake up in an orphanage with strangers. From that day a very strong legal battle began, we fought to recover Vladimir. Following 42 days in the orphanage, a Child Appeals Chamber declared that the act of Judge Marþa Belén Reyna Salazar had been illegal and ordered the child to return with his guardians.

The day he left the orphanage, he was delivered to us in court. Vladimir looked very scared and did not speak with us. We travelled 20 kilometers he only spoke once to ask to go to the bathroom. We made our way to the hospital where his mother and sister were being kept. When Vladimir saw his mother you could tell he was extremely upset. He did not speak to her either. When he asked for food we bought him pizza. We found it very disturbing that Vladimir put a number of pieces of pizza inside his shirt, as if he was saving food. This made us think that he had gone hungry in the orphanage and was not fed properly. We then discovered he had a chipped tooth and an infection in both his eyes. We asked the doctor to give him a medical examination in which he later on stated that Vladimir had a scar on his eyebrow, chipped front teeth, conjunctivitis, an upper respiratory infection, severe inflammation of his ear and had clearly suffered from physical and psychological abuse. After returning from the orphanage Vladimir was another child, he no longer used his feeding bottle, he did not speak to anyone and he wanted to be alone. Prior to this, he was an outgoing, happy and social child and when he returned he was remote and introverted. He was clearly still afraid. Support was sought from a psychologist to give him therapy for several months. Many nights Vladimir woke up crying, with a face of fear, and anguish.

Because of the way Vladimir left the orphanage, we filed a complaint with the Human Rights Ombudsman. It is clear that Judge María Belén Reyna Salazar committed an illegal verdict as there was no legal and moral justification for Vladimir being sent to an orphanage. The Human Rights Ombudsman of Guatemala issued a resolution on February 8, 2016 where he stated that Vladimir's rights were clearly violated by the judge and the director of the orphanage, "Love of the Child".

When leaving the orphanage Vladimir and Veronica were in my residence for almost a year. On the 15th January 2016 Irina and Anastasia were granted house arrest and were able to leave the hospital where they were held for 1 year. Vladimir returned home with his mother, his sister and his nanny.

I would now like to testify about the illegalities that arose in the criminal process.

I will start with the action of VTB Bank:

From the beginning of the process, VTB bank justified its participation in the process by claiming that the Bitkovs had committed fraud against the bank. The participation of VTB bank was always supported and defended by CICIG through its representative Claudia González Orellana, who declared before the judge that the events that occurred in Russia were related to the events that occurred in Guatemala and that VTB bank should be allowed to defend its interests in Guatemala. An audio recording of the hearing which took place on January 22d 2015 is available.

Prior to presenting the accusations, that is, the pre-hearing procedure where the sentence is handed down, the main judge was informed of two fundamental points: (i) That the Bitkov family are migrants and that the actions for which they are accused of does not constitute a crime under the Palermo Convention (signed by Guatemala). Furthermore, (ii) under Guatemala's own Migration Law, it states that no migrant may be prosecuted criminally for obtaining false identity documents. These rules state that the criminal subject is not the migrant since the only responsible criminal is the trafficker, which in the case of the Bitkovs was Cutino Associates International. Cutino Associates International is a large immigration law firm in Guatemala and Latin America which has never been investigated by CICIG even though the Bitkov family filed a number of criminal complaints against them. CICIG and the General Prosecution Office have a clear knowledge of these complaints.

In addition, Igor Bitkov filed a complaint in May 2016 against Cutino Associates International addressed directly to the Attorney General of the Republic of Guatemala, Mrs. Thelma Aldana.

Several days later, on the 18th May 2016, Irina Bitkov filed another complaint with the Attorney General. The accusations against Cutino Associates International have never been investigated, although Irina Bitkova specifically stated them in her complaint. She provided the telephone numbers that appear on Cutino Associates International's website and asked that the IP addresses, the entry logs to the site and the name of the person who acquired the domain on the internet be investigated as well as setting out other useful means of investigation for that case. In spite of this, no meaningful investigation was conducted.

Igor Bitkov also specifically stated that he made a wire transfer to Cutino Associates International and later on requested CICIG to investigate and trace this bank transfer, which they failed to do. Instead of investigating the real perpetrators, CICIG accused the true victims of this crime.

In addition to the two complaints filed with the Attorney General against the company that processed the identity documents for the Bitkovs—that is, Cutino Associates International—Irina Bitkov re-

ported these facts directly to the Commissioner Iván Velásquez Gómez on the 18th May 2017. In addition, we have a video where it was clearly recorded that Irina Bitkov personally spoke with Mr. Iván Velásquez. She gave him documents which demonstrated the political persecution by the Russian Government which they were victims of, and which had to be investigated. The Bitkovs also denounced that the CICIG representative repeated word for word the infringed complaint of VTB bank without having any proof. Commissioner Velásquez said he would review the case but did nothing about it. CICIG never investigated Cutino Associates International nor ceased to support it.

Additionally, Igor Bitkov gave power of attorney to a lawyer from Cutino Associates International—named Mr. Edwin Orlando Xitumul Hernández—to conduct all necessary action in order for the Bitkovs to receive passports. This power of attorney constitutes further evidence that Cutino Associates International was given authority to do whatever was required by law to obtain passports. CICIG should have investigated the criminal structure that is Cutino Associates International, however an investigation was never opened.

The defense's other argument during the trial was that VTB bank should be excluded from the criminal proceedings since the claim for payment of a supposed debt is not a criminal matter. In addition, there was no proof of the existence of such debt to begin with.

The Bitkovs asked a Civil Court to require VTB Bank to present the original bail document that constituted the main document of its complaint. VTB Bank refused to provide to the Court any documents to support their complaints, arguing that the Guatemalan Courts did not have jurisdiction to see the claim. However, Judge Ericka Aifán, at the request of CICIG and the General Prosecution Office, rejected the defense's arguments and proceeded with hearings against the Bitkovs. The other defendants in the case were effectively officials and state employees who formed the criminal structure. The Bitkovs were the only migrants in this case.

During the hearing, the senior official of the passport office declared that thousands of passports were issued with irregularities. In addition, the witness Carlos René Gómez Díaz, stated that the General Directorate of Immigration issued between 1 and 3 passports with irregularities per week in favor of foreigners. However, only the Bitkovs were sentenced to prison. Other foreigners were sentenced to suspended sentences meaning that instead of going to jail they had to pay a fine and return freely to their country of origin.

Another illegality that arose during the criminal process was that prior to the sentencing of the Bitkov family—during the hearing—a higher constitutional court granted an order in favor of the Bitkovs, whose ruling stated that the migrants could not be prosecuted criminally in accordance with the provisions of the Palermo Convention and the Migration Law of Guatemala. However, the Court chaired by Judge Yassmín Barrios did not comply with that court order and continued the hearing which later sentenced the Bitkov family with extraordinary and illegal penalties.

The court that sentenced the Bitkovs, in addition to applying the maximum prison sentences, ordered the deportation of the Bitkov family from the country, even though we indicated that their lives are in danger if they are expelled back to Russia. In addition, on the day of the conviction, that is, on January 5, 2018, the Court revoked the house arrest of Irina and Anastasia, and they were at once again sent to prison that same night. In addition, I told Judge Yassmin Barrios that Anastasia Bitkova suffered from a psychiatric illness and had five documented suicide attempts, and that there are reports from forensic psychiatrists in Guatemala that she cannot be imprisoned because there is a risk of death. This did not matter to the Court and she was sent to prison together with her mother. In addition, the Court did not take into consideration the best interests of the child Vladimir Bitkov and ordered a second separation from his family.

On the day of the conviction Irina and Anastasia were remitted to the court jail. That day, January 5, 2018 was one of the coldest days in Guatemala. Together with Attorney Victoria Sandoval and myself, they did not let us bring them clothes despite the intense cold. We had to enter and leave our own clothes so that they had a little heat, since they were shivering from the cold. We filed an immediate complaint against the police for their inhuman actions which was only taken into consideration days later and eventually ignored.

The above is what I have to say in this brief, in relation to the case of the Bitkov family. The family at this moment is suffering because they are facing illegal sentences that were imposed by CICIG and the General Prosecution Office.

Rolando Alvarado is the founding partner of the law firm Corpolegal. He is currently the director of the judicial area, which includes civil, criminal, administrative, and labor litigation. He is a lawyer of Banco Internacional, Sociedad Anónima y Financiera MVA, Sociedad Anónima, where he knows all the matters of judicial claim in civil and criminal matters.

He is an expert in Cybernetic matters, such as cyber-attacks, electronic signature, electronic evidence, IT laws. He has participated as a member of the Drafting Commission of the Guatemalan Computer Crimes Act and the Law to prevent and punish the theft of cell phones and extortion, among other regulatory Acts. In the field of Cybercrime and large scale Internet crime investigation, he has been trained by the Department of Justice of the United States of America in collaboration with the Organization of American States (OAS).

Due to his experience as a member of the Drafting Commission of the Computer Crimes Act, he has been invited as a lecturer at the following institutions: (a) The National Council of Science and Technology (CONCYT); (b) The Legislation and Constitutional Points Commission of the Congress of Republic of Guatemala; (c) The Ministry of Defense of the Republic of Guatemala; (d) Computer Security Response Committee for Guatemala; (e) Guatemalan Association of Exporters (AGEXPORT); (f) The Registry School, among other institutions.

He is co-author, together with the General Coordinator of the Computer Security Response Committee for Guatemala, Lieutenant Colonel and Bachelor of Computer Science, Ronald Morales, of the book called "CIBERCRIMEN," which includes the legal and computer aspects related to cybernetic attacks, computer crimes, electronic evidence and research aids, national and international legislation on cybercrime.

As a university professor, at bachelor and post-graduate level, he has taught the courses of: (a) Civil Law; (b) Civil and Commercial Procedural Law; (c) Intellectual Property; and, (d) Corporate law. He has advised theses at the University of San Carlos de Guatemala, Mariano Gálvez University and Francisco Marroquín University. Also, he has been a member of the examination boards of the professional technical and thesis exam at the Mariano Gálvez University in Guatemala and at the University of San Carlos in Guatemala.

As a legal professional, he has held the following positions: (a) Director of the Judicial Area of the law firm "Aguilar & Zarceño"; (b) Advisor in the Legislation and Constitutional Points Committee of the Congress of the Republic; (c) Alternate Chief of the Legal Department of Banco de Exportación, S.A. (BANEX); among others.

M A T E R I A L F O R
T H E R E C O R D

Commission on Security and Cooperation in Europe
April 27, 2018 Hearing
“The Long Arm of Injustice: Did A UN Commission Founded To Fight Corruption Help The
Kremlin Destroy A Russian Family?”

WILLIAM BROWDER
(CEO HERMITAGE CAPITAL MANAGEMENT & LEADER OF THE MAGNITSKY
CAMPAIGN),

ANSWERS
TO REP. JAMES P. MCGOVERN (MA) QUESTIONS
FOR THE RECORD

May 9, 2018

Dear Co-Chairman Smith,

Thank you for the opportunity to testify at the hearing on, “The Long of Injustice: Did A UN Commission Founded To Fight Corruption Help The Kremlin Destroy a Russian Family?” on April 27, 2018.

I am providing answers to follow-up questions submitted by Rep. James P. McGovern.

The question that was asked was: -

1. *You have publicly stated that “CICIG worked together with VTB Bank to persecute the Bitkovs.” Are you in possession of material evidence to substantiate your allegation?*

In response to this question, I have prepared a timeline that shows the overall Russian persecution of the Bitkov family – which is attached. Within this timeline there are six specific pieces of evidence that show that CICIG worked together with VTB Bank to persecute the Bitkov family.

- November 13, 2014
VTB complaint against the Bitkovs is accepted by **CICIG**

“At the hearing, Judge Galvez decided to join the process with the VTB Bank”¹

- January 21, 2015
VTB issued a press statement praising “*the coordinated actions of VTB Bank and CICIG*”, which led to the detention of the Bitkov²:

“Thanks to the coordinated actions by VTB Bank and CICIG in Guatemala Igor and Irina Bitkov have been detained.”²

- January 22, 2015
CICIG argued in Court for VTB to be allowed to join the proceedings against the Bitkovs

¹ CICIG press release: http://www.cicig.org/index.php?mact=News,entnt01_detail,0&entnt01articleid=579&entnt01returnid=105

² VTB press statement <https://ria.ru/world/20150121/1043492385.html>

CICIG's Attorney: González Orellana Intervention in court:

*"In first place, Mr. Judge, the Attorney representing the **VTB Bank**, actually has a derivative competence from events that actually occurred in Russia, and that they, following up on those events occurred in Russia, the people who are avoiding justice in that country came to Guatemala, and committed other crimes, and none of those offenses can be left in impunity.*

*"The fact that they are, now, represented as aggrieved. Having and presenting in this hearing the civil capacity of the **VTB Bank** over its rights that were violated for the crimes committed in the country of Russia, gives them the competence that they present their selves as temporary co-complainants in the present case.*

*"For this reason, Mr. Judge, we consider that both the events in Russia and in Guatemala have a relationship as well as there are being presented some documents that prove its legal status and that allows it to defend the rights of the bank's interests in Guatemala. Therefore this representation considers that with the latest reforms in the Code of Criminal Procedure and in relation to the aggrieved person, you should consider to accept as an **adhesive co-complainant** ..."³*

- January 26, 2015
The leading Russian business newspaper, Kommersant, reports that **VTB lawyers involved CICIG** in the Bitkovs' case:
*"In December of last year [2014], **VTB lawyers involved in the CICIG investigation** acting under UN auspices. This organization requested all information about the Bitkov couple from its Guatemalan branch, first having notarised all documents at the Guatemalan embassy in Moscow."*⁴
- December 14, 2017
VTB and CICIG filed an appeal seeking to annul the Appeals Court decision (the Amparo) in the Bitkovs' favour
- April 25, 2018
The Constitutional Court of Guatemala upheld the Appeals Court decision in favour of the Bitkovs, and rejected the appeals from **(i) VTB and (ii) CICIG**. The Bitkovs case was sent for re-consideration by the first instance criminal court that originally sent them to trial⁵

Yours sincerely,

William Browder
Head of the Global Magnitsky Justice Campaign

³ Audio File link - <https://m.soundcloud.com/support-the-bitkovs-official-channel/cicig-pide-al-juez-galvez-que-banco-ruso-sea-quereillante-contra-familia-bitkovs>

⁴ Kommersant article - **VTB Search** <https://www.kommersant.ru/doc/2653947>

⁵ Court Order - <http://www.cc.gob.gt/2018/04/26/resolucion-6098-2017-acum-6130-2017-caso-bitkov/>

VTB's Persecution of the Bitkovs in Guatemala - Timeline

Date	Action	Source
Apr 2009	The Bitkov family engaged a law firm in Guatemala, Cutino Associates, to obtain ID and residence documents in Guatemala	The Bitkovs lawyers
Apr 2009	The Bitkov family came to Guatemala	The Bitkovs lawyers
Apr 2009	Guatemalan passport agency (RENAP) issued new IDs to the Bitkov family (Igor, Irina and Anastasia), with fees paid by Cutino Associates using Cutino Associates' corporate credit card	The Bitkovs lawyers
3 June 2013	VTB Bank Chairman Andrei Kostin issued a Power of Attorney to Henry Comte, a founding partner of Comte & Font law firm & Alternative Judge of the Constitutional Court of Guatemala	2013 VTB POA http://legalsa.com/index.php/henry-comte/ and https://en.wikipedia.org/wiki/Constitutional_Court_of_Guatemala
2 Dec 2013	VTB Bank filed a Complaint against the Bitkovs for falsification of documents and money laundering	2013 12 02 - VTB Complaint; CICIG Press release: http://www.cicig.org/index.php?mact=News.cntnt01.detail0&cntnt01articleid=890&cntnt01returnid=105
8 July 2014	VTB Bank Chairman Andrei Kostin issued a further power of attorney to Henry Comte	2014 VTB POA
13 Nov 2014	VTB complaint against the Bitkovs is accepted by CICIG	CICIG press release: http://www.cicig.org/index.php?mact=News.cntnt01.detail0&cntnt01articleid=579&cntnt01returnid=105
15 Jan 2015	The court issued a warrant for the Bitkovs' arrest.	CICIG press release http://www.cicig.org/index.php?mact=News.cntnt01.detail0&cntnt01articleid=890&cntnt01returnid=105
21 Jan 2015	VTB issued a press statement praising " <i>the coordinated actions of VTB Bank and CICIG</i> ", which led to the detention of the Bitkovs: <i>"Thanks to the coordinated actions by VTB Bank and CICIG in Guatemala Igor and Irina Bitkov have been detained."</i>	VTB press statement https://ria.ru/world/20150121/1043492385.html
22 Jan 2015	CICIG argued in Court for VTB to be allowed to join the proceeding against the Bitkovs	Audio File link - https://m.soundcloud.com/support-the-bitkovs-official-channel/cicig-

	<p>CICIG's Attorney: González Orellana Intervention</p> <p><i>"In first place, Mr. Judge, the Attorney representing the VTB Bank, actually has a derivative competence from events that actually occurred in Russia, and that they, following up on those events occurred in Russia, the people who are avoiding justice in that country came to Guatemala, and committed other crimes, and none of those offenses can be left in impunity.</i></p> <p><i>"The fact that they are, now, represented as aggrieved. Having and presenting in this hearing the civil capacity of the VTB Bank over its rights that were violated for the crimes committed in the country of Russia, gives them the competence that they present their selves as temporary co-complainants in the present case.</i></p> <p><i>"For this reason, Mr. Judge, we consider that both the events in Russia and in Guatemala have a relationship as well as there are being presented some documents that prove its legal status and that allows it to defend the rights of the bank's interests in Guatemala.</i></p> <p><i>Therefore this representation considers that with the latest reforms in the Code of Criminal Procedure and in relation to the aggrieved person, you should consider to accept as an adhesive co-complainant ..."</i></p>	<p>pide-al-juez-galvez-que-banco-ruso-sea-querellante-contra-familia-bitkovs</p>
26 Jan 2015	<p>The leading Russian business newspaper, Kommersant, reports that VTB lawyers involved CICIG in the Bitkovs' case:</p> <p><i>"In December of last year [2014], VTB lawyers involved in the CICIG investigation acting under UN auspices. This organization requested all information about the Bitkov couple from its Guatemalan branch, first having notarised all documents at the Guatemalan embassy in Moscow."</i></p>	<p>Kommersant article - VTB Search - https://www.kommersant.ru/doc/2653947</p>
30 Apr 2015	<p>Irina Bitkova filed a demand against VTB Bank seeking for VTB to support its claim with documents</p>	<p>Bitkovs' filing ("Memorial de Provocación de Demanda")</p>
19 Jun 2015	<p>VTB Bank declined to proceed with its claim against the Bitkovs stating that events took place in Russia</p>	<p>Court filing ("Declinatoria Interpuesta")</p>
26 Aug 2015	<p>VTB Bank Chairman Andrei Kostin issued a further power of attorney to Henry Comte</p>	<p>2015 VTB POA</p>
30 Jan 2017	<p>The Bitkovs filed an appeal against VTB's role in the case against them</p>	<p>The Bitkovs lawyers</p>
2 May 2017	<p>VTB was excluded as a plaintiff by the Appeals Court in the case against the Bitkovs stating that events alleged by VTB took place in Russia</p>	<p>Court decision</p>
19 Oct 2017	<p>The Appeals Court granted an Amparo (constitutional protection) in favour of the Bitkovs stating that the case concerns alleged administrative, not criminal, violations</p>	<p>Court decision</p>

29 Nov 2017	VTB Bank Chairman Andrei Kostin issued a further power of attorney to Juan Salguero	2017 VTB POA
6 Dec 2017	Although VTB Bank had already been excluded from the criminal proceedings, it showed up in the courtroom and before the beginning of the debate, the President of the Court requested them to leave	Video File - https://www.youtube.com/watch?v=1e8fzr3azfM&feature=youtu.be
14 Dec 2017	VTB filed an appeal seeking to annul the Appeals Court decision (the Amparo) in the Bitkovs' favour	VTB Appeal
14 Dec 2017	On the same day, CICIG filed an appeal seeking to annul the Appeals Court decision (the Amparo) in the Bitkovs' favour	CICIG Appeal
4 April 2018	VTB Chairman, Andrei Kostin, published a statement in The Wall Street Journal, stating that: <i>"The VTB's action relating to the Bitkov family is an example of standard procedure in resolving serious financial business disputes through the available legal channels..."</i>	VTB's letter in WSJ https://www.wsj.com/articles/guatemalan-case-against-the-bitkovs-is-just-1522872349
25 Apr 2018	The Constitutional Court of Guatemala upheld the Appeals Court decision in favour of the Bitkovs, and rejected the appeals from (i) VTB and (ii) CICIG . The Bitkovs case was sent for re-consideration by the first instance criminal court that originally sent them to trial	Court Order: http://www.cc.gob.gt/2018/04/26/resolucion-6098-2017-acum-6130-2017-caso-bitkov/
9 May 2018	The first instance criminal court holds a new hearing in the Bitkovs case as mandated by the Constitutional Court	



26.04.2018 № 1143/350000

Chairman Roger Wicker
555 Dirksen Senate Office Building
Washington, D.C. 20510

Co-Chairman Chris Smith
2373 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Wicker and Co-Chairman Smith:

On behalf of VTB Bank, I wanted to share our concerns about the Helsinki Commission's upcoming hearing, "The Long Arm of Injustice: Did a UN Commission Founded to Fight Corruption Help the Kremlin Destroy a Russian Family?" We are concerned that the witnesses who will testify before your commission will convey an incomplete set of facts and distort the record in a way to make the Bitkov family look like victims of persecution rather than criminals who absconded with millions of dollars to Guatemala in order to avoid paying their creditors in Russia more than \$158 million.

VTB Bank is Russia's second largest financial institution. The Russian government owns 60.9%, but the remaining shareholders are institutional investors and individual shareholders who hold Global Depository Receipts listed on the London Stock Exchange. Operationally, VTB is totally independent. We operate freely. Like other global financial institutions, the management team runs the bank for the benefit of clients and investors.

VTB has been a model corporate citizen. Among other things, VTB has worked to combat corruption and enhance corporate governance standards and is already fully compliant with Basel III capital standards, far ahead of many of our global competitors.

The United States and the European Union have sanctioned VTB in response to Russia's position in Ukraine – not because of anything VTB has done wrong. We look forward to the time when the sanctions will be lifted and VTB can once again be a trusted partner in the West. In the meantime, protecting VTB Bank's hard-earned reputation is critical.

VTB Bank first learned about this hearing from tweets by Mr. Bill Browder suggesting that he would testify and provide evidence that VTB Bank influenced Guatemala to imprison members of the Bitkov family. No one at the Helsinki Commission ever reached out to VTB Bank to attempt to validate these baseless allegations.

VTB Bank (PJSC)
Vorontsovskaya str,
43, bld. 1, Moscow
109147, Russia

Phone:
8 (800) 200-77-99
Fax: +7 (495) 258-47-81
Telex: 412362 BFTR RU

SWIFT: VTBRUMM
E-mail: info@vtb.ru

Everything we have done in the Bitkov case has been reasonable and appropriate. Every action we have taken comports with global norms. And we believe that any bank in our position would have taken the same steps. We want to refute unequivocally that VTB has acted improperly.

Furthermore, irrespectively of VTB's reasonable actions in this case, a joint statement from CICIG and Attorney General of Republic of Guatemala¹ in relation to Bitkovs' migration case emphasizes, among other things, that Guatemalan institutions have acted with independence and adherence to the law, with the sole purpose of ensuring the interests of Guatemalans.

Sincerely,

Alexey V. Lozovoy

General Counsel

VTB Bank (PJSC)

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a series of loops and a horizontal line extending to the right.

¹ <http://www.cicig.org/index.php?mact=News,cntnt01,detail,0&cntnt01articleid=890&cntnt01returnid=1816>

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2 10-18

En la ciudad de Guatemala, siendo las diecisiete horas con diez minutos, del diecisiete de abril del año dos mil dieciocho. Yo, **VICTOR LUBICK RIVAS FAJARDO**, Notario, constituido en el Centro de Detención de la Zona Diecisiete en el que guardan prisión hombres, ubicado en las instalaciones de la Primera Brigada de Infantería Mariscal Zavala, kilómetro cinco punto cinco, Carretera al Atlántico, zona diecisiete, de esta ciudad, son requeridos mis servicios profesionales por el señor: IGOR BITKOV, único nombre y apellido, identificado legalmente como: LEONID ZAHARENKO, GREGORIO IGOR BENTITEZ GARCIA, Bitkov Igor Vladimirovich e Igor Vladimirovich Bitkov, según escritura pública de Identificación de Persona número dos (2) del nueve de marzo del año dos mil quince, debidamente ampliada según escritura pública número treinta y dos (32) del veintinueve de diciembre del año dos mil quince, ambas autorizadas en esta ciudad por el infrascrito Notario. El requirente es de cuarenta y nueve años de edad, casado, empresario, ruso, con domicilio en el departamento de Guatemala, se identifica con Pasaporte: Sesenta y dos Número siete millones seiscientos diez mil quinientos cuarenta y seis (62N7610546) expedido por la Federación de Rusia. El requirente me aseguran hallarse en el libre ejercicio de sus derechos civiles y BAJO SOLEMNE JURAMENTO TOMADO DE CONFORMIDAD CON LA LEY E IMPUESTO DE LAS PENAS RELATIVAS AL DELITO DE PERJURIO, manifiesta: PRIMERO: Expone el señor: IGOR BITKOV, identificado legalmente con los demás nombres arriba relacionados, que con fecha doce de junio del año dos mil diecisiete, por el fallecimiento de varias niñas del hogar seguro denominado "Virgen de la Asunción" le motivaron auto de prisión al señor: HAROLDO FLORES VALENZUELA,

ANILLO DE LA FUNDACION
VICTOR LUBICK RIVAS FAJARDO
ABOGADO Y NOTARIO

224

VICTOR LUBICK RIVAS FAJARDO
ABOGADO Y NOTARIO

Procurador de la Niñez de la Procuraduría General de la Nación de la República de Guatemala y fue privado de su libertad en el Centro Penal de Privación de Libertad, Mariscal Zavala, donde han sido solicitados mis servicios profesionales. SEGUNDO: Sigue manifestando el requirente, siempre bajo juramento de ley, que con fecha catorce de junio del año dos mil diecisiete, el señor HAROLDO FLORES VALENZUELA le buscó en el centro de privación de libertad, ya relacionado, y le dijo que quería contarle una serie de ilegalidades que se habían dado con relación al internamiento en un orfanato del hijo, menor de edad, del requirente, de nombre: VLADIMIR BITKOV BITKOVA, identificado legalmente como VLADIMIR LEONEL ZAHARENCO RODRIGUEZ y VLADIMIR LEONEL BITKOV BITKOVA, a solicitud de la Comisión Internacional Contra la Impunidad en Guatemala, (CICIG), puesto que quería desahogarse emocionalmente de las coacciones de que fue objeto por parte de dicha entidad y manifestó lo siguiente: "Que cuando fue capturado el requirente y su familia, integrada por IRINA BITKOVA, ANASTASIA BITKOVA y VLADIMIR BITKOV BITKOVA (este último menor de edad, guatemalteco de origen), con fecha quince de enero del año dos mil quince, le llamaron de parte de la Comisión Internacional Contra la Impunidad en Guatemala (CICIG), ordenándole que el niño guatemalteco no podía quedarse con ningún tutor o con familia abrigante, sino que por el contrario le ordenaron pedir su internamiento en un orfanato y que llegaría una persona a reiterarle personalmente lo pedido y que efectivamente se presentó una mujer cuyo nombre se lo reserva porque puede peligrar su vida y que dicha persona le reiteró que hiciera lo posible porque el niño se fuera a un hogar de internamiento y que bajo ninguna circunstancia se quedara con persona

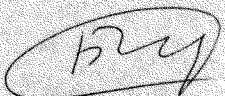



abrigante o tutora y que dicha orden debería de cumplirse a como diera lugar, porque de no cumplirse lo procesarían penalmente o lo destituirían. Posteriormente se percató que los informes psicológicos y de los trabajadores sociales eran favorables para que el niño se quedara con su tutor (José Felando Alvarado Lemus) y su niñera (Ingrith Verónica González Cano de Cano) a quien se los había entregado la Juez de Paz que conoció inicialmente de las diligencias relacionadas con el niño menor de edad VLADIMIR BITKOV BITKOVA, por captura de sus progenitores y hermana, respectivamente. Cuando el proceso fue enviado al Juzgado de Primera Instancia de Niñez y Adolescencia a cargo de la Juez María Belén Reyna Salazar, dicha juzgadora hizo caso omiso de los informes psicológicos y sociales favorables de la familia del tutor y de su niñera y ordenó que el niño VLADIMIR BITKOV BITKOVA, fuera internado en EL Hogar denominado: ASOCIACIÓN AMOR DEL NIÑO, sin derecho a ninguna comunicación y visita de parte de su tutor y su niñera y que tiene conocimiento que esta juzgadora también fue coaccionada por la Comisión Internacional Contra la Impunidad en Guatemala (CICIG) y que si no hubiera sido por la coacción de que fue objeto él no hubiese dado instrucciones a los Abogados de la Procuraduría General de la Nación para que el niño se fuera a un orfanato. Y para establecer que lo dicho es real, escribió su nombre y su número de teléfono celular cuarenta millones trescientos ochenta y cuatro mil setenta y tres (40384073) en una libreta del requirente". **SEGUNDO:** Sigue manifestando el



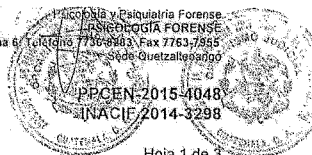
requiriente, que su hijo menor de edad: VLADIMIR BITKOV BITKOVA, por orden de la inhumana resolución de la Juez de la Niñez y la Adolescencia del Área Metropolitana, María Belén Reyna Salazar, mi hijo **VLADIMIR**, estuvo durante cuarenta y dos días, incomunicado con sus familiares, su niñera y su Tutor José Rolando Alvarado Lemus, en el Hogar denominado: ASOCIACIÓN AMOR DEL NIÑO, cuya Representante Legal y Presidente del Consejo Directivo es la extranjera, de dudosa reputación en su lugar de origen, (Estados Unidos de América): SHYREL LYNNE OSBORN, cuyo giro de la entidad que representa es la ADOPCIÓN INTERNACIONAL y durante el tiempo que mi hijo estuvo recluido en dicho hogar, sufrió múltiples daños psicológicos, descuidos y malos tratos físicos, en virtud de que cuando lo entregaron a su Tutor y niñera por orden de la Sala de la Niñez y Adolescencia y Adolescentes en Conflicto con la Ley Penal, padecía de amebas, conjuntivitis, un diente roto, cicatriz profunda sobre una de sus cejas, gripe fuerte y otitis externa, tal y como lo demuestra con la copia del certificado médico que me pone a la vista. **TERCERO:** En virtud del requerimiento expreso del compareciente, yo el Notario, DOY FE: De lo expuesto, por el requirente. Se concluye la presente cuarenta minutos después de su inicio en el lugar y fecha al principio relacionado y que la presente está contenida en ~~esta~~ dos hojas de papel bond, la que previa lectura por el requirente la ratifica, acepta y firma con el infrascrito Notario que de todo lo actuado DA FE: Testado: esta, onitasa.

Ante mí:



VICTOR LOPEZ BERNAL
 ABOGADO Y NOTARIO



11ª calle "A" 0-80, zona 6, Tuxtla, 77160, Q. Guatemala, Fax 7763-7555



Hoja 1 de 3

DICTAMEN PERICIAL

Guatemala, 15 de mayo de 2015

Licenciada
CAROL PATRICIA FLORES POLANCO
 Juez
 Juzgado Primero de Primera Instancia Penal de Mayor Riesgo "A"
 Organismo Judicial
 Guatemala, Guatemala

Señora Jueza:

De manera atenta me dirijo a usted en relación a oficio de fecha 13 de mayo de 2015 recibido en el Instituto Nacional de Ciencias Forenses de Guatemala -INACIF- el 14/05/2015; el mismo con referencia 01071-2010-01644/Of.5o a través del cual se solicita la realización de PERITAJE PSIQUIATRICO a ANASTASIA BITKOVA. Dado que fui designado para atender el peritaje, respetuosamente manifiesto.

1. OBJETIVOS DEL PERITAJE

- 1.1.1. Indicar si la procesada Anastasia Bitkova se encuentra en capacidad para ser trasladada a Centro de Detención Preventiva del país.

2. FUENTES DE INFORMACIÓN

- 2.1 ANASTASIA BITKOVA.
 2.2 Expediente clínico del Hospital Concepción donde la evaluada se encuentra internada.
 2.3 Dictamen pericial PPCEN-2015-001179 INACIF-2015-007232 de fecha 16 de febrero de 2015 y Dictamen Pericial PPCEN-2014-2425/ INACIF- 2015- 7232 con fecha 3 de marzo del 2015.

3. MÉTODO EMPLEADO

- 3.1 Evaluación clínica psiquiátrica.

4. PROCEDIMIENTO

- 4.1 Se revisó el expediente clínico proporcionado por el Hospital Concepción.
 4.2 Se le informó a persona a evaluar sobre el objetivo de la evaluación, la metodología a utilizar y el destinatario de la información a obtener.
 4.3 La evaluación psiquiátrica se realizó previo consentimiento de la persona a evaluar.
 4.4 Se practicó evaluación psiquiátrica a ANASTASIA BITKOVA, el 15 de mayo de 2015, a las once horas con cero minutos (11:00 horas), en las instalaciones del Hospital Concepción, kilómetro 16 carretera a El Salvador, aldea Don Justo, municipio de Santa Catarina Pinula.
 4.5 Se efectuó el análisis psiquiátrico para establecer conclusiones.

5. DATOS GENERALES DEL CASO

- 5.1 Nombre de la persona: ANASTASIA BITKOVA.
 5.2 Edad: 24 años.
 5.3 Sexo: femenino.
 5.4 Fecha de nacimiento: 25 de diciembre de 1990.
 5.5 Lugar de nacimiento: Rusia.
 5.6 Escolaridad: Licenciatura en Marketing y Relaciones Públicas obtenida en el London Business International School.
 5.7 Religión: Cristiana.
 5.8 Ocupación: Modelo y actriz.



144 calle "A" 0-80, zona 6. Teléfono 7736-8283 Fax 7763-7955
Sede Quetzaltenango

PSICOLOGIA FORENSE

PPCEN-2015-4048
INACIF-2014-3298

Hoja 2 de 3

- 6.1 **Médicos:** refiere que padece de colon irritable y que fue sometida a una colecistectomía.
- 6.2 **Psiquiátricos:** Tiene diagnósticos documentados de Trastorno Afectivo Bipolar y Trastorno de personalidad Borderline. Múltiples internamientos en hospitales psiquiátricos por descompensación de su estado emocional y tres intentos de suicidio. Entre sus médicos tratantes aparecen los psiquiatras guatemaltecos Hernández Bocaletti, Martínez Porras, Avila Montt, Ortiz y Saravia Torrebiarte. En Julio de 2014 internada en Sanatorio Los Pinos y 2 veces después en hospital Mederi. El diagnóstico de bipolar lo tiene desde los 16 años y la primera crisis grave fue a los 19 años. Actualmente está siendo tratada por el Dr. José Antonio Saravia Torrebiarte, psiquiatra, quien consigna en evolución del 28 de abril del 2015, que la evaluada sufrió crisis emocional, con llanto incontrolable, dificultad para dormir y también intenso aburrimiento y frustración, por lo que hubo que aumentar dosis de algunos medicamentos.
- 6.3 **Medicamentos:** Actualmente tiene indicado AcidoValproico, Epival ER(valproato semisódico) 500 mgs tres veces al día. Oxycarbamazepina 75 mgs al día. Seroquel (quetiapina) 600 mgs por la noche. Rivotril (clonazepán) 20 gotas en hora de sueño y 5 gotas a medio día. Dormicum 15 mgs. E la noche.

7. ESTRUCTURA Y DINÁMICA FAMILIAR

Refiere depender de sus dos padres y que cuenta con un hermano de 3 años de edad. Ambos padres se encuentran en proceso judicial, el padre detenido y la madre con ella en el hospital. Su hermano actualmente en un orfanato.

8. HECHOS RELACIONADOS A LA DENUNCIA

ANASTASIA BITKOVA refiere: " Yo me siento bien , solo he tenido algunos problemas con una mujer que se llama Beatriz, ella es custodia policial y me ha estado acosando. La vez pasada le permitieron a mi hermano venir y ella comenzó a amenazarnos con llamar a la PGN para que se lo llevaran y después lo regresaron al orfanato. Beatriz también el otro día , que tenía que vigilar en el jardín, porque los policías se acostaban en las camas desocupadas con las botas y manchaban , me dijo gracias por mandarme aca como perra, también se metía a nuestro cuarto a vernos dormir con una interna. Cuando vino mi papa porque lo operaron, mi mama lo acompañaba y ella comenzó a llamar a Fraijanes diciendo que mi mama estaba haciendo el amor con un hombre extraño. Eso me puso muy mal y por eso tuve una crisis nerviosa. Ahora afortunadamente tiene como dos días de no venir. Le dijimos al abogado y llamamos al psiquiatra y el solo me dejo mas medicina. También ella ha reportado que yo no tengo ninguna enfermedad, yo no se cómo puede hacer eso".

9. RESPUESTAS PSICOLÓGICAS EN RELACIÓN A LOS HECHOS

ANASTASIA BITKOVA refiere: " He estado bien, tengo una psicóloga que me ve a diario y hacemos ejercicios con ella. Con la crisis que tuve por culpa de la policía realmente me puse muy mal . Yo tengo mucho miedo de que me puedan trasladar a la zona 18, yo no creo poder soportar esto, cuando yo estuve en la carcelela yo sabia que coríamos mucho riesgo con mi mama. Allí no me dieron mi medicina y también no comimos por varios días. Tememos a los rusos, yo no se todos los detalles de lo que paso con nuestros papeles, pero no entiendo por que el gobierno ruso están aca para hablar sobre nuestro caso. Ellos pusieron a mi hermanito en un orfanato. Aca estoy protegida porque hay vigilancia de muchas personas y en la cárcel no se que podría pasar. No entiendo por que no estamos en nuestra casa, si los otros que también estuvieron presos , ya están libres. El abogado dice que el va a pedir que nos dejen libres por el Pacto de Palermo. Nosotros huimos de Rusia porque mis papas no aceptaron propuestas del gobierno que eran corruptas. Yo quiero dormir, dormir, dormir por días, me siento preocupada, triste. Yo cuando pierdo cualquier esperanza he intentado matarme y lo he hecho con medicamentos y la primera vez me los tome y me meti al mar. Cuando me siento presionada pierdo el control y hasta después me doy cuenta de lo que hice. La ultima vez deje de tomar mi medicina y trabajaba hasta 16 horas diarias, esa vez puse una nota pidiendo ayuda. Yo no pienso en matarme, solo reacciono así. Estoy ahora escribiendo un libro y estudio psicología social y todo para no perder mi tiempo y para ser mas fuerte , pero en la cárcel no puedo hacer esas cosas. Tengo mucho miedo. "

10. EXAMEN MENTAL



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Sede Quetzaltenango

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Hoja 3 de 3

remota se encuentran conservadas. Su inteligencia impresiona dentro de límites normales, por el desenvolvimiento y capacidad de análisis que muestra en la entrevista; además que le permite comprender el motivo de la entrevista, estructurar un relato, valorar los contenidos del mismo y comportarse en concordancia con su interés. Posee un pensamiento estructurado y organizado. No presenta a nivel de pensamiento, ninguna alteración de la forma, el curso o el contenido. Su juicio es lógico y tiene claridad del mismo para formar conceptos razonables y llegar a conclusiones adecuadas; así como para discernir entre el bien y el mal. Sin embargo su valoración de la realidad es pobre, es decir, que no esta psicótica, pero le es difícil referir experiencias que ha vivido y comportarlas de forma lógica y consistente. Las reacciones emotivas que presenta son de ansiedad, tristeza, preocupación, miedo y falta de esperanza. Todas estas son acordes con los estímulos presentes y evidencian que la situación le genera conflicto de acuerdo con lo esperado.

11. ANALISIS Y CONCLUSIONES

11.1 Al momento actual ANASTASIA BITKOVA presenta una condición clínica estable desde el punto de vista cognitivo. Esto significa que su pensamiento es lúcido y coherente. El padecimiento psiquiátrico que sufre esta compensado. Sin embargo sus características de personalidad le hacen ser voluble, impulsiva e inestable. Estas características pueden en un momento de estrés, tal y como ella misma lo refiere, propiciar un nuevo intento suicida. Pues tal y como se ha documentado en diferentes evaluaciones, los intentos suicidas no se correlacionan directamente con la depresión de una de las fases del ciclo del afectivo bipolar, sino que con una conducta que no tolera la frustración, que es inestable y propensa a la impulsividad y que le ha caracterizado como un rasgo de personalidad dominante.

11.2 Ignoramos las condiciones específicas de su situación legal, pero de ser posible, ella se encuentra en la capacidad y las posibilidades de continuar su tratamiento de forma ambulatoria. No así, de permanecer recluida en un centro carcelario, pues ello sí puede exacerbar el potencial riesgo suicida de su conducta ante una situación que la sobrepasa psíquicamente. Por lo que no esta en condición de ser referida a ningún centro carcelario en este momento o en un momento futuro, debido al potencial riesgo suicida.

El presente dictamen va extendido en 3 hojas escritas en su anverso, las mismas llevan el sello de la Sección de Clínica Forense, así como la firma y sello del perito que suscribe.

Deferentemente,

Dra. Karen Denisse Peña Juárez
Médica y Cirujana, Psiquiatra
Perito Público II de la Sección Área Psiquiatría Forense
Dra. Karen Denisse Peña Juárez, C. J. J. J.
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Extendido en Guatemala, Guatemala



JUEGADO 1º DE PRIMERA INSTANCIA PENAL DE MAYOR RENTGO
ORGANISMO JUDICIAL
GUATEMALA, G.A.

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Archivo



El infrascrito Médico y Cirujano, egresado de la Facultad de Ciencias Médicas de la Universidad de San Carlos de Guatemala, Miembro del Colegio de Médicos y Cirujanos de Guatemala, colegiado activo número cinco mil seiscientos setenta y cuatro (5,674).-----

CERTIFICA:

Que después de haber realizado examen médico al niño **VLADIMIR LEONEL ZAHARENCO RODRIGUEZ**, menor de edad, de 3 años, se le encontró padeciendo de 1) Infección Respiratoria Superior. 1a.) Otitis externa bilateral. 2) Conjuntivitis bilateral. 3) Parasitismo Intestinal a descartar. 4) Cicatriz visible supra ciliar izquierda. 5) Carie dental y Anodoncia parcial de pieza dental de cuadrante superior. Por lo que se le recomendó el uso de antibióticos orales sistémicos y tópicos oftálmicos, analgésicos y antiinflamatorios orales en suspensión, Expectorante Jarabe, medios físicos oculares, así como la realización de un examen de heces completo y la atención profesional por un Odontólogo, para chequear su salud oral a corto plazo.-----

---Y, para los usos que al interesado convengan, se extiende la presente certificación, timbrándola, firmándola y sellándola, en la ciudad de Guatemala, a los veintiséis días del mes de marzo del año dos mil quince.--



Dr. Eduardo Lucas M.
MEDICO Y CIRUJANO
COLEGIADO ACTIVO No. 5,674

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