

**House Foreign Affairs Committee
Tom Lantos Human Rights Commission**

Judicial Independence in Central America

June 9, 2021 12:00 p.m.

**Statement of Irina Bitkova
Victim of a Biased Judicial System**

It is a great honor to have your attention and our family is very grateful for this. I will go straight to the core of the problem. As you might know, our family has been politically persecuted by Kremlin for over a decade now. We still find ourselves in a perilous situation.

We came to Guatemala to escape persecution, but the Kremlin caught up with us and used its influence to encourage Guatemalan prosecutors, judges and even magistrates to fabricate a case against me and my family.

In our desperation, we hired a local law firm that offered citizenship services and governmental protection, they told us the process was entirely legal. Thousands of foreign citizens acquired Guatemalan passports in this way, but we were the only ones to face criminal prosecution. We were considered part of a criminal group issuing passports and tried with a group of low-level officials. My husband received a 19-year jail sentence for passport violations, my daughter and I 14 years each. The people who authorized and signed our documents including the former Minister of Foreign Affairs and Vice President of Migration Office were never investigated.

Not only did they imprison and torture us, they put our 3-year-old son Vladimir in an orphanage.

Russian officials have been involved in our case since 2013 when the now sanctioned Russian state bank VTB presented a complaint against our family. The complaint did not proceed for the lack of evidence, until CICIG got involved. In 2014 the president of VTB Bank Andrey Kostin signed a power of attorney to Henry Comte who is a Magistrate of Constitutional Court of Guatemala while the president of another now sanctioned entity Gazprombank Andrey Akimov signed

a power of attorney to powerful Guatemalan lawyer Alfonso Carillo who is a close friend of the head of CICIG – Ivan Velasquez.

On 3rd of November 2014 Ivan Velasquez personally asked General Prosecutor Thelma Aldana to merge the complaint of VTB bank with a human trafficking case known as the Migration Case, as well as to assign the case to a particular prosecutor of FECl – Stuardo Campo.

Right after that my husband, daughter and I were arrested and imprisoned while our 3-year-old son was sent to an orphanage. The order was executed by judge Maria Reina Salazar. In the orphanage our son was abused physically and psychologically. On appeal, our son was returned to us.

My daughter and I spent a year and a half in preventive custody, my husband 3 and a half years.

Meanwhile the fabricated case against us proceeded. There was a complete lack of evidence but that did not matter to the prosecutors or judges. At the request of CICIG, VTB Bank was named as co-plaintiff in the case against us. The formal accusation was that there were anomalies in the official documents issued to us by the Guatemalan Government.

In February 2015, the Russian Ministry of Interior Affairs sent a request for mutual legal assistance on our case to Guatemalan authorities. Guatemala and Russia do not have an Agreement on Mutual Legal Assistance; nevertheless, the Guatemalan authorities co-operated.

On 5th of October, 3 months before the trial began, Judge Erika Aifan sent a letter to Russian Embassy indicating the jail sentences that we will receive.

Constitutional Court and Court of Appeals issued us Constitutional Protection twice stating that no crime was committed. However, Constitutional Court permitted judges Erika Aifan and Yassmin Barrios to completely ignore their own ruling while prohibiting the Appeals Court to act in accordance with it. Basically, the Constitutional Court allowed the judges to sentence us to 14 and 19 years of imprisonment anyway. These abuses were committed under the former president of the Constitutional Court – Gloria Porras. Now, in 2021, once Gloria Porras left

the Court, new Magistrates ruled in favor of our Complaint of Prejudice against the judge who sent our son to the orphanage.

During the imprisonment my husband was tortured by judges Erica Aifan and Yassmin Barrios who later were found guilty of torture by the National Commission of Prevention of Torture. We presented an appeal of prejudice to the Supreme Court of Justice against these two judges. However, it was declined on the grounds that the appeal was presented out of vengeance.

Meanwhile in Russia VTB Bank made numerous statements recognizing the role of CICIG in imprisoning our family. While state channels called our imprisonment a victory of Russian intelligence services. In prison, my daughter and I were asked to testify against my husband Igor. The questions were sent by the Public Ministry on behalf of the Russian Attorney General.

All our motions on the illegality of collaboration between Guatemalan and Russian authorities were denied.

Right now, we are all under house arrest and can be sent back to prison at any moment. The Court of Appeals last year confirmed the absurd sentences of 14 years for me and my daughter; my husband was notified yesterday that after a retrial, the Court of Appeals not only confirmed his sentence but augmented it adding 2 years of prison more as was asked by the Public Ministry, in total 7 years of prison.

The miscarriage of justice by the Guatemalan Judicial Body was committed not only in our case but in many others as well, the most outrageous ones are Odebrecht, Sigma and Bantrab Cases. Odebrecht and Sigma with help of Guatemalan officials stole 680 million dollars from Guatemalan budget. Bantrab case is about money laundering of Nicolas Maduro's regime through Guatemalan bank Bantrab. CICIG covered it up by imprisoning scape goats while protecting the real criminals. I can offer additional information if necessary.

Honorable members of the Lantos Human Rights Commission, I ask you to please look into these unthinkable abuses committed openly by the Guatemalan Judicial System.

We are in legal limbo. We are under house arrest and have no documents and no ability to work and earn a living.

It is incomprehensible to me how Guatemalan and Russian officials could want to torture my children. I cannot describe to you what they have been through. Their nightmare is still not over. We are only alive thanks to the intervention of Bill Browder who took a personal interest in our case and brought it to the US Congress.

We have learned that as enemies of the Russian state, we cannot possibly assert our rights in Guatemala.