

**Mrs Victoria Sandoval,  
Bitkov Family Lawyer, Bar Member at the Colegio de Abogados y Notarios de Guatemala N° 9,789  
Testimony before the U.S. Helsinki Commission  
Hearing on “The Long Arm Of Injustice: Did a UN Commission Founded to Fight Corruption Help the  
Kremlin Destroy a Russian Family?”  
April 27, 2018**

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 an 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 x 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 Bitcov 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 Bitkovs 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 Belen 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 was 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 psychiatrics 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

<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=hospital+de+salud+mental+federico+mora+bbc&&view=detail&mid=F15517CDCB9A2C709187F15517CDCB9A2C709187&&FORM=VRDGAR>

- **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 commutable 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.

- **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.

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

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 Bitkovs 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.