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SUMMARY OF ALLEGATIONS PRESENTED ON MARCH 20, 2023 BY THE SPECIAL PROSECUTOR OF ADMINISTRATIVE CORRUPTION AGAINST ÁNGEL DONALD GUERRERO ORTIZ, *et al*[*]

THE FOLLOWING IS AN EXCERPT FROM THE ORIGINAL ACCUSATION EMITTED BY THE ANTI-CORRUPTION PROSECUTOR. The original can be found at this link:

REQUEST FOR COERCIVE MEASURES

Articles 226, 284 y 369 of the Code of Criminal Procedure of the Dominican Republic

To the Coordinating Judge of the Courts of the National District

By the Special Prosecutor of Administrative Corruption (PEPCA)

March 20, 2023

"It is necessary to specify that the accused **Ángel Donald Guerrero Ortiz**, in the exercise of the entrusted public function, as the highest authority of the non-financial, decentralized and/or autonomous institutions of the Dominican State, and ***taking advantage of his discretionary powers, colluded with high-ranking public officials,*** such as the defendants José Ramón Fco. De Jesús Peralta Fernández, former Administrative Minister of the Presidency, and Gonzalo Castillo Terrero, former Minister of Public Works and Communications, and mid-level officials, including: the late Emilio C. Rivas R., former director general of National Assets, Luis Miguel Piccirillo M., former director of the State Sugar Council (CEA), Claudio Silver Peña, former director of the General Directorate of National Cadastre; Daniel Omar de Jesús Caamaño Santana, former Comptroller General of the Republic, Andrés Guerrero, former Comptroller of the Reserve Bank, Aldo Antonio Gerbasi Fernández, former adviser to the Ministry of Finance, Princess Alexandra García Medina, former director of the Debt Recognition Directorate Directorate of the Ministry of Finance, Oscar Arturo Chalas Guerrero, Julián Omar Fernández Figueroa, both former directors of the Directorate of Casino and Games of Chance of the Ministry of Finance, and Víctor Matías Encarnación Montero, former technical director of the OISOE, ***in order to commit acts of corruption to embezzle and defraud the State with billions [of***

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[*] ***This material was compiled and distributed by Vision Americas LLC on behalf of the Dominican government. Additional information is available at the Department of Justice, Washington, DC.***

This document was compiled from public sources in response to an inquiry by a staff member of the U.S. Congress. In deference to the strict policy of the Dominican executive not to interfere in any way in judicial matters **no personnel of the Dominican government were involved in the preparation of this document.**

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Dominican pesos] of public funds under its administration, by carrying out multiple fraudulent maneuvers from the Ministry of Finance." [Emphasis added; sums are in Dominican pesos]

Main characteristics of the criminal organization:

- ***(a)*** Used important State institutions such as: the Ministry of Finance, the Office of the Comptroller General of the Republic, the General Directorate of National Assets, the State Sugar Council, the General Directorate of National Cadastral Office, the General Directorate of Budget and the Reserve Bank as ***operational spaces for the criminal structure created with the aim to commit fraud, embezzle from the Dominican State, and hold it hostage to corruption.***
- (b) Took advantage of the knowledge they had about the management of public administration to violate their procedures and ***commit criminal offenses by defrauding and embezzling from the Dominican State***.
- (c) Identified assets that had been declared of public utility and whose owners had not been paid the fair price, getting the Dominican State ***to disburse funds based on fraudulent maneuvers, funds that returned and translated into great economic benefits*** for public officials and individuals who were part of the aforementioned criminal organization.
- **(d)** Created a scheme that included the participation of professionals in private practice who had the function of processing the judicial and administrative processes of determining irregular heirs, obtaining duplicates of titles, annotated certificates, determination of fair price and appraisal in record time, ***in order to create the conditions to obtain illicit profits.***
- (e) ***Falsified public documents***, such as acts of notary, in order to exclude heirs, whose fundamental rights were affected.
- (f) ***Issued appraisals for the fraudulent payment of expropriated plots*** without the proper technical support or the corresponding records.
- (g) Obtained payments without minimally complying with the requirements for payment procedures.
- (h) ***Made payments for expropriations of land using fraudulent management***, that is, without previously proving the quality of the claimants, with incomplete files due to the absence of civil status records, certificates of titles and annotated certificates, non-payment of inheritance taxes, among others.
- (i) ***Issued irregular payments*** to persons who, at the time of the expropriation decree, did not have rights registered in the expropriated plot.
- (j) Required the alleged claimants to sign assignments of claims on their behalf based on fictional debts, as a sine qua non condition for the management of payment.
- (k) ***Used the modality of fraudulent assignments of credits*** in favor of intermediaries who responded to the interests of the public officials who intervened in the transactional agreements and authorized the payments, ***as an instrument of return of the disbursements with State funds in their favor***.
- (l) ***Simulated debts*** based on the management of the payment to the officials themselves who were part of the corrupt network, without any support.
- (m) Maneuvered so that a high percentage of the amounts paid for administrative debts, through fraudulent assignments of credit, fell on the same natural and legal persons that were part of the corruption network….

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The criminal structure composed of the aforementioned public officials, used as support the contracts that the companies of the engineering firm Bolívar Ventura Rodríguez had with the extinct Office of Supervising Engineers of State Works (OISOE), to fraudulently carry out agreements of recognition of debts for additional works that were not carried out, in order to extract the sum of one thousand two hundred and thirty-one million nine hundred and ninety-three thousand one hundred and eighty-eight pesos (DOP 1,231,993,188.00), ***which were used in the financing of candidate Gonzalo Castillo Terrero in the primary elections of the Dominican Liberation Party, PLD.***

However, most of the illicit acts committed by this criminal network were developed in 2020, during the months between January and July, inclusive, managing to defraud the Dominican State through multiple deliveries of payments for administrative debt, by virtue of processes of contracts for the purchase and sale of real estate, expropriation of land, and assignments of credits, having this period of time the particular characteristics of the declaration of emergency due to the SARS-COVID-19 pandemic and the presidential, congressional and municipal elections.

In another order, the investigated **Ángel Donald Guerrero Ortiz** used a non-governmental structure composed of the accused Ramón Emilio Jiménez Collie (a) Mimilo Jiménez, Fernando Crisóstomo, José Arturo Ureña and José Pablo Ortiz Giraldo, which through the Ministry of Finance carried out illegal collection processes with the Casino and Gaming Directorate, a dependency of that Ministry, during the period 2016-2020.

With the above purpose, the accused **Ángel Donald Guerrero Ortiz** instructed the former directors of Casino y Juego de Azar, the accused Oscar Arturo Chalas Guerrero and Julián Omar Fernández Figueroa, to work for the so-called "Project or Program," which consisted of the ***illicit collection of sports banks, lotteries and grocery stores***, which had to pay a monthly payment or otherwise would be closed by the Ministry of Finance, with a team that acted under the direction of the structure directed in the operational part Ramón Emilio Jiménez Collie (a) Mimilo Jiménez, José Arturo Ureña, Fernando Crisóstomo, among others, in exchange for bribes, as will be developed later.

[END EXCERPT OF REQUEST FOR COERCIVE MEASURES]

PRESS RELEASE OF THE PUBLIC PROSECUTOR (*PROCURADURÍA GENERAL*)
June 2, 2023

Court Keeps in Prison Former Ministers Donald Guerrero and José Ramón Peralta, Implicated in Corruption in *Operación Calamar*

SANTO DOMINGO (Dominican Republic) At the request of the Public Ministry, the Second Criminal Chamber of the Court of Appeals of the National District decided early Friday morning to maintain the preventive detention of the former Finance Minister and Administrative Minister of the Presidency, Donald Guerrero and José Ramón Peralta,

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respectively, who are being prosecuted for their links to the network of administrative corruption that has been dismantled by the [judicial] Operación Calamar.

Deputy Attorney Wilson Camacho, head of the Special Prosecutor's Office for the Prosecution of Administrative Corruption (PEPCA), highlighted the decision of the high court, which decided to accept the request of the Public Ministry.

"The Court of Appeals of the National District, in this case, the Second Chamber, has decided to maintain the measure of coercion consisting of preventive detention in relation to the accused Donald Guerrero and José Ramón Peralta, the court considering that this is the appropriate and proportional measure, given the circumstances of the case, and consequently confirming [the original court ruling]," he told reporters outside the courthouse, which operates in the former Palace of Justice of the Center of Heroes, in the National District.

"Now, four judges have reviewed this measure of coercion and have considered it necessary to impose it. With this, this chamber of the court sends the message that preventive detention should not be reserved only for poor people, but that people of this nature, involved in cases of the seriousness involved in Operación Calamar, should have preventive detention as a coercive measure to ensure the completion of the process,..." said the head of the PEPCA....

Former ministers Donald Guerrero and José Ramón Peralta, the main defendants of Operación Calamar, are serving 18 months of preventive detention at the Najayo Hombres Correction and Rehabilitation Center (CCR), in San Cristóbal, which was imposed by the Judicial Office of Permanent Care Services of the National District last April for their link to the network of administrative corruption.

The court file of Operación Calamar has more than 3,000 pages and more than 1,200 pieces of evidence, which detail how the members of this network stole more than 17 billion pesos from the State, which, added to some 2,100 million in administrative debt, total more than 19 billion [Dominican pesos].

Of the 20 persons named in the file presented by the Public Ministry, the accused Ángel Lockward, Alejandro Constanzo, Roberto Santiago Moquete, Marcial Reyes, Ana Linda Fernández, Emir Fernández de Paola, Oscar Chalas Guerrero, Rafael Parmenio Rodríguez, Agustín Mejía Ávila and Víctor Matías Encarnación, ***admitted their participation in this structure of corruption*** dismantled by Operación Calamar.

Along with the aforementioned defendants, the file also includes the former Minister of Public Works, Gonzalo Castillo; the former Comptroller General of the Republic, Daniel Omar Caamaño; the former director of the State Sugar Council (CEA), Luis Miguel Piccirilo; the former director of the National Cadastral Office, Claudio Silver Peña, and the former directors of Casinos and Gambling, Oscar Chalas Guerrero and Julián Omar Fernández....

The preliminary accusation of the Public Prosecutor's Office against the accused includes conduct defined in article 146 of the Constitution of the Republic, as well as articles 123,

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166, 171, 172, 174, 175, 177, 265, 266, and 405 of the Criminal Code. Also, violations of laws 448-06 and 311-14, in addition to Law 155-17, against Money Laundering and Financing of Terrorism, and Law 33-18, on Political Parties, Groups and Movements.

THE FOLLOWING IS A SERIES OF ARTICLES THAT HAVE APPEARED IN THE DOMINICAN MEDIA DESCRIBING ELEMENTS OF THE ACCUSATIONS AND ONGOING CRIMINAL PROCEDURES

The plot in the Treasury for which Donald Guerrero, Gonzalo Castillo and José Ramón Peralta were arrested (March 19, 2023)

The document with the authorization of the coordinating magistrate of the Investigating Courts to investigate the presumed involved parties, dated August 23, 2022, says that they acted corruptly to defraud the State and obtain millionaire amounts of more than 19 billion pesos, "all under the cloak and protection of the Minister of Finance **Donald Guerrero Ortiz**, who provided the means to transfer payments, circumventing any process of legal administrative control."

According to the factual theory of the Ministerio Publico [roughly equivalent of a Public Prosecutor], to sustain money from the public treasury, expropriations of land from protected areas were used, purchases and sales of land were simulated under the modality of administrative debts, with the common element in all these debts of an agreement between the parties, with credit assignment contracts for more than 10,500 million pesos to people of the entire confidence of the minister (Donald Guerrero), who sometimes used commercial portfolio companies, proceeding to their dissolution as soon as their objective of embezzlement was met to the State.

In one part of the document it is stated that "it was recurring that the Minister of Finance, Donald Guerrero Ortiz, through communication instructed the Vice Minister of the Treasury, Rafael Gómez Medina, registrar of payment orders in Chapter 999 "Obligations of the Treasury" (Administrative Debt) for transactional agreements for the purposes of issuing the payment orders involved in this investigation."

Most crimes Operación Calamar were during state of emergency and elections (March 21, 2023)

Angel Donald Guerrero Ortiz reportedly instructed former directors of Casino and Gambling, Oscar Arturo Chalas Guerrero and Julián Omar Fernández Figueroa, to work on the so-called "Project or Program." This program involved the illegal collection of fees from sports benches, lotteries, and grocery stores, which were required to make monthly payments or risk closure by the Ministry of the Treasury. A team operated under the direction of a structure led by Ramón Emilio Jiménez Collie, also known as Mimilo Jiménez, and included José Arturo Ureña, Fernando Crisóstomo, and others, who allegedly accepted bribes in exchange for their involvement.

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Squid Operation: Peralta and Donald Guerrero go to prison for 18 months; Gonzalo, house arrest (April 4, 2023)

This case [*Operación Calamar*] began with an operation involving 40 raids on the night of Saturday, March 18, and in the early hours of Sunday, March 19. Since then, the group of accused in the alleged corruption network has been in prison, which according to prosecutors defrauded the Dominican State of 19 billion pesos.

José Ramón Peralta and Donald Guerrero seek to be released this Wednesday (May 17, 2023)

Guerrero Ortiz and Peralta Fernández, Ministers of Finance and Administration of the Presidency of the Republic, respectively, have been imprisoned in the Najayo Hombres Reclusion and Rehabilitation Center since April 5 of this year, accused of allegedly leading a network that would have *taken more than 19 billion Dominican pesos from the State in the purchase of land declared of public utility*.

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