



SWISS FEDERAL COURT UPHOLDS ERWIN SPERISEN'S CONVICTION

On 28 November 2019, the Swiss Federal Supreme Court (FSC) upheld Erwin Sperisen's sentence to 15 years in prison. In April 2018, [the Geneva Court of Justice had found the former head of the Guatemalan police \(PNC\) guilty](#) of being an accomplice to the murder of seven detainees of the Pavón prison in 2006. TRIAL International, which initiated the complaint, is pleased that justice has finally been achieved and that the verdict is now enforceable. Erwin Sperisen has already been placed under arrest.

"The victims' families welcomed the decision with great relief, as it allowed them to finally obtain justice and heal their wounds," declared Philip Grant, executive director of TRIAL International. *"It is also a great day for justice in Guatemala."*

A HISTORICAL AND INDISPUTABLE VERDICT...

After his arrest in 2012, Sperisen was twice condemned to lifelong prison sentences in Geneva, in 2014 and 2015, after which the case went up on appeal to the Swiss Federal Supreme Court. On appeal, the federal judges overturned the sentence and remanded the case to the courts of Geneva. In a third trial in 2018, M. Sperisen's sentence was reduced to 15 years in prison, a verdict which the defendant again appealed to the FSC. In the decision affirming Erwin Sperisen's verdict yesterday, the FSC rejected the defense's last attempt at advancing several conspiracy theories.

In a 69-page judgment, the FSC dismissed the defense's allegations, finding that *"The conviction of the person concerned as an accomplice to seven murders, as well as the 15-year prison sentence, do not allow for any criticism."* The Court also ratified the findings of the Geneva Court of Justice that Erwin Sperisen *"had agreed to assist an undertaking consisting (...) of eliminating men as if they were harmful animals (...) who had done nothing to him and whom he did not know, but who were placed under the protection of the State, and therefore under his own."*

To [Bénédict De Moerloose](#), Head of the International Investigations and Litigation (IIL) at TRIAL International, the decision makes history. The hours spent by the Swiss lawyer and his team building the case against Sperisen since 2010 are countless. Further, the decision is the result of a long-term effort that the NGO could not have sustained without the help of partner organizations in Guatemala. *"This decision affirms the fact that Erwin Sperisen participated in an operation to eliminate prisoners, but it is also a recognition of the work of several civil society organizations, with which TRIAL International has fought from the very beginning,"* said the lawyer.

... WITH REPERCUSSIONS IN GUATEMALA

For all those who are fighting against impunity in Guatemala, the decision will certainly bring a glimmer of hope. Given the dissolution of the International Commission against Impunity in Guatemala (CICIG) on 3 September 2019, as well as the election of the new president – a close relative of Erwin Sperisen – on a promise to restore the death penalty, there are reasons to fear the worst for the functioning of the Guatemalan justice system. Thus, the need for independent and impartial justice is indeed greater than ever before. |

OVERVIEW OF THE SPERISEN CASE

ERWIN SPERISEN

Born on 27 June 1970, Erwin Sperisen is of Swiss and Guatemalan nationality. Between August 2005 and March 2007, as chief of the National Civil Police (NPC) in Guatemala, he was tasked with leading and ensuring the correct functioning of the country's different police forces. In 2007, he resigned and moved to Geneva.

CONTEXT

In 2006, an operation was organised in order to regain control of the Pavon prison, located near Guatemala City. Over 3000 agents of the NCP, army and prison authorities were mobilized to this effect. During this operation, seven inmates were found, arrested and then executed. The crime scene was covered up to give the impression that these deaths were the result of an armed confrontation.

TIMELINE OF THE CASE

- Beginning of 2008** After discovering his presence in the country, Swiss NGOs lodged criminal legal proceedings against Erwin Sperisen at the Public Prosecutor's Office.
- 2009** TRIAL International and the OMCT lodged a second complaint against Erwin Sperisen with the competent Swiss authorities.
- August 2010** Guatemala issued an international arrest warrant against Erwin Sperisen.
- August 2012** Erwin Sperisen was arrested on orders of the Geneva prosecuting authorities and detained in Champ-Dollon prison.
- June 2014** The Criminal Court of Geneva found Erwin Sperisen guilty as co-perpetrator in six murders and as direct perpetrator of another during the events that occurred in Pavon prison. He was sentenced to life imprisonment and appealed.
- July 2015** The Appeals Chamber confirmed the sentence of life imprisonment and condemned Erwin Sperisen for the seven murders committed in Pavon prison. Furthermore, it found him guilty of the murder of three fugitives in the Infiernito prison. Erwin Sperisen appealed this decision before the Federal Court.
- June 2017** The Federal Court annulled the decision of the Geneva Court of Appeals and ordered a retrial. However, it recognised that extrajudicial killings were committed by the police forces.
- April 2018** The Geneva Court of Justice sentenced Erwin Sperisen to 15 years imprisonment.
- November 2019** The Federal Court upheld the verdict of the Appeals Chamber.

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TRIAL International is a non-governmental organization fighting impunity for international crimes and supporting victims in their quest for justice. TRIAL International takes an innovative approach to the law, paving the way to justice for survivors of unspeakable sufferings. The organization provides legal assistance, litigates cases, develops local capacity and pushes the human rights agenda forward.

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