



Reference: MCH-018/19
December 11, 2019

Integrated MACCIH-UFECIC Team Requests Definitive Forfeiture of Illicit Assets in the “Case of the Brother’s Petty Cash”

The Special Fiscal Unit against Impunity of Corruption (UFECIC-MP) of the Public Prosecutor’s Office of Honduras, with the active collaboration of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH) of the Organization of American States (OAS) requested the Civil Court of Property Forfeiture the definitive forfeiture and asset preservation order for the assets in the name of Ramón Lobo Sosa, involved in the “Case of the Brother’s Petty Cash.”

The requests aims to recover for the State of Honduras the 8.4 million lempiras (some 340,000 dollars) that were withdrawn from checking accounts in the name of the Presidential House/Presidential Honor Guard/Administration, in a period between 2010 and January 2014.

In accordance with the Law of Property Forfeiture, the integrated MACCIH-UFECIC Team requests the definitive forfeiture of assets in the name of Ramón Lobo Sosa for a value equivalent to the amount withdrawn from State coffers to cover this quantity and recover it so that it returns to the State of Honduras.

The Special Representative of the Secretary General and Interim Spokesperson of the MACCIH, Ana María Calderón, said “the request presented confirms the effectiveness of the collaborative work done by the Public Prosecutor’s Office of Honduras and the MACCIH. We reaffirm our commitment to the people of Honduras and to the mandate with which they have entrusted us.”

The Facts:

The request aims to recover for the State of Honduras the resources that were withdrawn in the period from 2010 to January 2014, from checking accounts in the name of: Presidential House/Presidential Guard of Honor, from which at least 72 checks were drawn; and Honor Guard/Administration, from which at least 12 checks were drawn, at a rate of one hundred thousand lempiras (L100,000.00) each: forty-two (42) checks in favor of the person identified as protected witness Omega 1; and forty-two (42) checks in favor of the person identified as protected witness Alpha 1, totaling eight million four hundred thousand lempiras (L8,400,000.00), without either of these two persons maintaining within the period under investigation, any labor, commercial or contractual relationship with the State of Honduras, so the issuance of these checks in their favor lacks legal support.

It has been determined in the investigation that the person in charge of the monthly collection of said checks was the citizen Ramón Lobo Sosa, who subsequently ordered the beneficiaries to endorse the checks, which he then proceeded to deposit them in his personal Checking Account. At the time of ordering the endorsement of the checks, he justified their issuance as needed for food and cleaning expenses for the members of the presidential honor guard who provided him with security, due to his condition as the brother of the then-^President of Honduras, Mr. Porfirio Lobo Sosa. However, according to the information provided by the Military Legal Auditor of the Armed Forces, the party responsible for the Food and Clothing of the presidential honor guard is the Joint Chiefs of Staff.

Based on this, in accordance with article 12 of the Law of Property Forfeiture, the integrated UFECIC - MACCIH team requests the definitive forfeiture of assets in the name of Mr. Ramón Lobo Sosa, by virtue of which, faced with the impossibility of recovering the money that was taken from the coffers of the State and that was handed over to him for personal use, it was requested that property of lawful origin of an equivalent value be forfeited to cover the amount of that stolen and recover it to so that it returns to the coffers of the State of Honduras.

It should be noted that the process of property forfeiture is autonomous from the criminal process and therefore is not subject to its result, since it is a procedure with its own institutions and regulations, whose action is aimed at affecting assets of illicit origin, that have been contaminated by a mixture of licit and illicit capital and the forfeiture of licit goods of equivalent value, when it is impossible to recover the withdrawn amount.

On these legal grounds, the Civil Court of Property Forfeiture admitted the request and issued the asset preservation order for the following assets:

Nº	Matrícula	Dirección	Constitución	Metros	Valor Catastral	Observaciones
1	0000117200 - 00000	BONITO ORIENTAL, COLON, ALDEA EL ANTIGUAL	29/04/1991	1334397.05	L.68, 769.00	DOMINIO PLENO
2	0000111160 - 00000	TRUJILLO, COLON, ALDEA SILIN	04/06/1978	1833767.50	L.726,998.00	EL INMUEBLE TIENE UN AREA DE 263 MZS CON 2.072 V2