

Organization Attributes Sheet: Byron Berganza

Author: Jewel Jennings-Wright

Revised by: Adrienna Jones

Review: Phil Williams

A. When the organization was formed + brief history
<ul style="list-style-type: none">• Byron Berganza served as drug trafficker and bodyguard for former mayor, Arnaldo Vargas and then succeeded him in trafficking when Vergas was arrested in 1990.¹• It is unclear whether Berganza was in control or simply participated in Guatemala's cocaine trafficking during the 1990s.² He certainly used the military and other high-ranking officials for protection.³ During the late 1990s he acted as a middleman for the Colombian and Mexican DTOs in the region. The Drug Enforcement Administration ("DEA") reports he was an informant on both the Colombian and Mexican DTOs.⁴• He was arrested in 2003 in El Salvador and extradited to the United States.⁵ He received a 262 month sentence in 2008.⁶
B. Types of illegal activities engaged in,
a. In general
<ul style="list-style-type: none">• Drug Trafficking• Money laundering with the offshore financial institute "Organizadora de Comercio".⁷
b. <i>Specific detail: types of illicit trafficking activities engaged in</i>
<ul style="list-style-type: none">• Controlled the shipment of cocaine by Colombian and Mexican DTOs through Guatemala.⁸• Participated in trafficking large shipments.⁹• Arrested while meeting regarding a 500 kilogram shipment in El Salvador.¹⁰
C. Scope and Size
a. Estimated size of network and membership
<ul style="list-style-type: none">• The estimated size of the organization is unknown; however, the District Court for the Southern District of New York convicted him of organized criminal activity with a group of 5 or more people.¹¹• While he has been incarcerated the group has still acquired property and additional land, however the group is not operating as the largest drug trafficking group in Guatemala.¹²
b. Countries / regions group is known to have operated in. (i.e. the group's operating area)
<ul style="list-style-type: none">• Guatemala¹³• El Salvador¹⁴• Nicaragua¹⁵• United States¹⁶
D. Leader Characteristics
a. Who is/are the leader(s)
<ul style="list-style-type: none">• Byron Berganza arrested in 2003.¹⁷
b. Leadership timeline
<ul style="list-style-type: none">• Byron Berganza took over drug trafficking in Guatemala after the arrest of former mayor Arnaldo Vargas.¹⁸

Information derived from several sources and searchable databases.

All research conducted according to the project manual.

<ul style="list-style-type: none"> • Berganza remained completely in charge of the organization until his arrest in 2003. He pled guilty to the charges against him. A <i>Fatico</i> trial settled the disputed facts in the case, and he was sentenced to 262 months in prison. His appeal was denied.¹⁹
<p>c. Leadership style (autocratic, diffuse, etc.)</p> <ul style="list-style-type: none"> • Information not found
<p>E. Organizational Structure</p> <p>a. Topology (cellular, hierarchical, etc.)</p> <ul style="list-style-type: none"> • Information not found <p>b. Membership – is there formal or informal membership in the organization or network? What role do informal or nonmembers play in trafficking and other criminal activities?</p> <ul style="list-style-type: none"> • Information not found <p>c. Command and Control (decentralized or centralized)</p> <ul style="list-style-type: none"> • Information not found
<p>F. Resources</p> <p>a. Financial</p> <ul style="list-style-type: none"> • Information not found <p>b. Human</p> <ul style="list-style-type: none"> • Information not found <p>c. Logistical</p> <p>i. Forgery, safe-houses, etc.</p> <ul style="list-style-type: none"> • Owned Rancho Maya, which had its own drug plane runway.²⁰ <p>ii. Key routes</p> <ul style="list-style-type: none"> • Information not found <p>d. Transportation</p> <p>i. Land</p> <ul style="list-style-type: none"> • Information not found <p>ii. Sea</p> <ul style="list-style-type: none"> • Information not found <p>iii. Air</p> <ul style="list-style-type: none"> • Information not found <p>iv. Intermodal container</p> <ul style="list-style-type: none"> • Information not found
<p>G. Trafficking Methods and Modalities</p> <p>a. Corruption</p> <ul style="list-style-type: none"> • Guatemalan Military.²¹ <p>b. Concealment</p> <ul style="list-style-type: none"> • Information not found <p>c. Deception</p> <ul style="list-style-type: none"> • Information not found <p>d. Circumvention (avoiding border entry points)</p> <ul style="list-style-type: none"> • Information not found
<p>H. Prior / Existing Relationships</p> <p>a. Other criminal organizations (cooperative and conflictual)</p>

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<ul style="list-style-type: none"> • Unspecified Colombian and Mexican organizations.²² • The relationships might be both cooperative and conflictual. He is a go-between for these organizations; however, he has also been a Drug Enforcement Administration informant regarding these organizations.²³
<p>b. Corrupt politicians, law enforcement, political parties and other state entities, etc.</p> <ul style="list-style-type: none"> • Before Berganza came into power he was probably second in command to Arnaldo Vargas, who before his arrest was the mayor of Zacapa.²⁴ • His protection came from a branch of the military. His protection guard was made up entirely of military officials who controlled all the routes in and out of Guatemala (including the airports and seaports). It would have been impossible to traffic anything without the army knowing about it.²⁵ • Guatemala Customs Official.²⁶ • Members of Nicaraguan Military.²⁷ • Other members of the legal community including a judge in Villa Nueva.²⁸
<p>c. <i>Specific detail: Any alliances / past dealings with terrorist groups.</i></p> <ul style="list-style-type: none"> • Information not found
<p>I. Ideological / Ethnic / Familial Orientation (if any)</p> <ul style="list-style-type: none"> • Information not found
<p>J. Technical Sophistication</p> <ul style="list-style-type: none"> • Information not found
<p>K. Penchant for Innovation</p> <ul style="list-style-type: none"> • Information not found
<p>L. Activities in United States</p> <p>a. Includes both criminal and non-criminal activities</p> <ul style="list-style-type: none"> • Drug trafficking, specifically cocaine <p>b. <i>Specific detail: trafficking activities; logistical activities</i></p> <ul style="list-style-type: none"> • large shipments of cocaine to the United States <p>c. Linkages with US groups</p> <p>i. Market/transaction links</p> <ul style="list-style-type: none"> • Information not found <p>ii. Stable supplier</p> <ul style="list-style-type: none"> • Information not found <p>iii. Franchise arrangement</p> <ul style="list-style-type: none"> • Information not found <p>iv. HQ and Branch office</p> <ul style="list-style-type: none"> • Information not found
<p>M. Evaluations</p> <p>a. Strengths</p> <ul style="list-style-type: none"> • Guatemalan drug trafficking connections. The military protected Berganza and he was able to operate with impunity. His connection to individuals in legal communities, such as judges and lawyers aided in his ability to operate without arrest or conviction.²⁹ <p>b. Weaknesses and vulnerabilities</p>

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- He was arrested in El Salvador.³⁰

c. Additional insights

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Other Notes

- The evidence is very limited even in the case report against Berganza and the gaps in the template reflect a lack of available information in the public domain.

¹ Lopéz, Julie, "Guatemala's Crossroads: Democratization of Violence and Second Chances," *Woodrow Wilson International Center for Scholars*, December 2010, Pg. 11-12, <http://www.wilsoncenter.org/events/docs/Lopez.Guatemala.pdf>. Date Accessed: 27 April 2011. (For following citations, source will be cited Lopéz)

² Lopéz at pg. 12

³ Ibid

⁴ Ibid

⁵ United States Attorney for the Southern District of New York, "Guatemalan Cocaine Kingpin Sentenced to 262 Months in Prison", United States Department of Justice news release, 11 April 2008.

<http://www.justice.gov/usao/nys/pressreleases/April08/berganzasentencingpr.pdf>, 27 April 2011. (For following citations, source will be cited News Release).

⁶ Ibid

⁷ "Highlights: Northern Central America Press 1 February 07". *Open Source Center*, 1 February 2007. OSC: LAP20070201026004.

⁸ Lopéz at pg. 13

⁹ News Release

¹⁰ Ibid

¹¹ *United States v Berganza*, 371 F. App'x 133, 134 (2nd Cir. 2010), citing United States Sentencing Guidelines § 3B1.1. (For following citations, source will be cited *United States v Berganza*)

¹² "Guatemala: Leaders of Main Drug Cartels Identified", *Prensa Libre*, 31 March 2008. OSC: FEA20080402610307.

Date Accessed: 29 April 2011.

¹³ Lopéz at pg 12

¹⁴ News Release

¹⁵ Ibid

¹⁶ *United States v Berganza*.

¹⁷ Lopéz at pg 12

¹⁸ Ibid

¹⁹ *United States v Berganza*

²⁰ Smyth, Frank, "The Untouchable Narco-State" *The Texas Observer*, 18 November, 2005

²¹ Ibid

²² Lopéz at pg 12-13

²³ Ibid

²⁴ Ibid

²⁵ Lopéz at pg. 11

²⁶ Ibid at pg. 13

²⁷ Ibid

²⁸ Ibid

²⁹ Ibid at pg. 12-13

³⁰ *United States v Berganza*

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