

## War crimes trials continue in Guatemala against former generals and officers of the U.S.-backed regimes of the 1970s and 1980s

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All respect for the tireless and courageous Guatemalan victims' groups, human rights organizations and lawyers and activists. As these precedent-setting trials continue against a few of the "intellectual authors" of the genocides and war crimes in Guatemala, the "international community" does business-as-usual with the current regimes in power that are all dominated by the same economic, political and military elites that were in power in the 1970s and 80s.

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## Eight Military Officers to Stand Trial in CREOMPAZ Grave Crimes Case

by Jo-Marie Burt, June 17, 2016

<http://www.ijmonitor.org/2016/06/eight-military-officers-to-stand-trial-in-creompaz-grave-crimes-case/>

In the CREOMPAZ case of alleged crimes against humanity and war crimes committed during Guatemala's 36-year armed conflict, a court has found sufficient evidence to proceed to trial against eight of ten military officers accused by the Attorney General's (AG) Office, including retired general and former army Chief of Staff Benedicto Lucas García.

The case will be heard by High Risk Tribunal "A," comprised of judges Herbie Sical, Yassmín Barrios, and Patricia Bustamante. This is the same tribunal that emitted the February conviction in the [Sepur Zarco case](http://www.ijmonitor.org/2016/03/military-officers-convicted-in-landmark-sepur-zarco-sexual-violence-case/) (<http://www.ijmonitor.org/2016/03/military-officers-convicted-in-landmark-sepur-zarco-sexual-violence-case/>); Barrios and Bustamante were judges in the [Ríos Montt genocide trial](http://www.ijmonitor.org/2013/05/rios-montt-convicted-of-genocide-and-crimes-against-humanity-the-sentence-and-its-aftermath/) (<http://www.ijmonitor.org/2013/05/rios-montt-convicted-of-genocide-and-crimes-against-humanity-the-sentence-and-its-aftermath/>).

Various appeals still need to be resolved before a full trial can begin.

In the concluding phase of a pretrial hearing held in Guatemala City on June 7, and after several weeks of hearings at which the [AG's Office presented its case against each of the defendants](#), Judge Claudette Domínguez of High Risk Tribunal "A" found sufficient cause to initiate criminal proceedings against eight now-retired military officers.

The officers are accused of criminal responsibility for numerous cases of enforced disappearances, torture, sexual violence, and extrajudicial execution carried out between 1981 and 1987 in Military Zone 21 (MZ21).

The former military base was the center of military coordination and intelligence in Cobán, Alta Verapaz, during the height of Guatemala's counterinsurgency war. It is now used to train UN peacekeepers and is known by the acronym CREOMPAZ. Investigators from the AG's Office and the Forensic Anthropology Foundation of Guatemala (FAFG) exhumed over 550 bodies from CREOMPAZ and identified over 130 individuals who were killed or disappeared in the 1980s.

The court found that there was insufficient evidence to initiate proceedings against two of the officials and ordered that they be freed.

### **Pro-Military Protests**

The hearings are taking place in the midst of a tense environment. Pro-military protestors have gathered outside the Supreme Court building where the hearings are being held in downtown Guatemala City. They often carry banners that accuse different actors in the judicial process of being guerrilla sympathizers or of being motivated by monetary gain.

There have also been instances of the protesters verbally insulting human rights activists and lawyers working on the case. For example, when activists of the organization [H.I.J.O.S.](#) arrived at the Supreme Court building, protesters yelled obscenities at them and claimed that the military saved Guatemala from communist guerrillas. It has been [reported](#) by human rights defenders that individuals and organizations connected to the accused former military officers have also used social media to intimidate human rights defenders involved in the case.

### **The Ruling: Eight Military Officers To Be Tried In CREOMPAZ Case**

In the June 7 hearing, Judge Domínguez began by stating that the court's ruling is based on evidence presented by the plaintiffs. This includes a memorandum of understanding between the AG's Office and FAFG, documents detailing the chain of custody of the forensic evidence, and the forensic and genetic reports presented by FAFG.

The court accepted the declarations presented by survivors and the relatives of the victims, as well as the documents confirming the existence of the victims and their relationships with their kin.

The court also accepted all of the expert reports offered by the plaintiffs, the pre-recorded testimonies of two protected witnesses, and the personnel files of the defendants. The judge reiterated that the crimes of enforced disappearance and crimes against humanity are not subject to statutes of limitation.

The court found sufficient evidence to initiate proceedings against eight of the ten former military officers.

Benedicto Lucas García, Chief of the General Staff of the Army (Estado Mayor del Ejército) between April 16, 1981 and March 22, 1982, will be tried for the enforced disappearance of Felix Eduardo Laj Coy, Augusto Rax Acte and Lázaro Oswaldo Morán Ical. The AG's Office also accuses him of being responsible for the design and implementation of a counterinsurgency strategy based on the extermination of the civilian population, in the context of which officers and soldiers committed crimes.

César Augusto Cabrera Mejía, the "S2" intelligence official at MZ21 between May 1, 1982 and November 30, 1982, will be tried in relation to the victims who have been identified using DNA evidence in the Pambach and Los Encuentros massacres, alongside other individual cases of enforced disappearance.

[Rights Action comment: The Los Encuentros massacre (May 14, 1982) was related directly to the "Chixoy Dam" project that the World Bank and Inter-American Development Bank invested in and implemented in partnership with the U.S.-backed military regimes in power from 1975-1985.]

Juan Ovalle Salazar, commander of the first battalion of the infantry at MZ21 between May 1, 1982 and November 30, 1982, will be tried in relation to the victims of the Pambach massacre who have been identified using DNA evidence.

Carlos Augusto Garavito Morán, second commander of MZ21 between September 1, 1983 and January 31, 1984, and José Antonio Vásquez García, the "S2" intelligence officer based at MZ21 between September 1, 1983 and April 30, 1984, will be tried for the enforced disappearance of Miguel Tec Pop and Pedro Sub.

Three officials – Raúl Dehesa Oliva, commander in charge of MZ21 between April 1, 1986 and March 31, 1987; Byron Humberto Barrientos Díaz, the "S2" intelligence officer at MZ21 between January 1, 1986 and May 31, 1987; and César Augusto Ruiz Morales, the "S3" operations officer at MZ21 between July 1, 1986 and March 31, 1987 – will be tried in relation to the enforced disappearance of Carlos Enrique Chávez and Fernando Ical Mo.

The court found that there was insufficient evidence to proceed against two defendants, Gustavo Alonso Rosales García, the "S2" intelligence officer at MZ21 between August 1, 1978 and August 31, 1981, and Ismael Segura Abularach, the "S3" operations officer between April 1, 1981 and June 31, 1981. The AG's Office accused both of responsibility for the enforced disappearance of Felipe Cal López, which allegedly occurred on May 4, 1981, and whose remains were found in 2012, along with 36 other bodies, in a clandestine grave inside the former military base.

The court said there were inconsistencies in the reported date of Cal López's disappearance. In addition, both officers presented documentation stating that they were engaged in military study abroad during the alleged dates of Cal López's disappearance. The court ordered their

immediate release and provisionally closed legal proceedings against these two defendants. (Charges against Lucas García in this case were also dismissed.) Proceedings against Rosales García and Segura Abularach can be reopened if the AG's Office presents new evidence deemed sufficient by the court.

Judge Domínguez admitted several organizations as civil parties (querellantes) to the CREOMPAZ case: The Guatemalan Association of Relatives of the Detained-Disappeared (FAMDEGUA), Association for the Integral Development of the Victims of Violence in the Verapaces/Maya Achí (ADIVIMA), Grupo de Apoyo Mutuo (GAM), Survivors of the Community of Plan de Sánchez, and the Association of Neighbors of Chicoyoguito. However, the court ruled that one victims' organization, the Coordinating Group of Victims of Alta Verapaz (CODEVI), did not meet the necessary legal requirements to be admitted as a civil party to the case, and were admitted only as victims.

At the conclusion of the hearing, Judge Domínguez said that new hearings would be held on June 14 at which time the plaintiffs and defense would outline the evidence they will be presenting in the case.

### **Appeals**

The plaintiffs filed two appeals to the court's ruling, both of which were admitted for review. One of the appeals resulted in the immediate suspension of proceedings, and therefore, the June 14 hearing did not take place.

The first appeal, presented by CODEVI, challenged the decision to exclude it as a civil party to the case. Judge Domínguez determined that it resulted in the suspension of the hearings until it is resolved by an appeals court.

The second appeal was presented by the AG's Office, which claimed that there were several procedural defects in the June 7 ruling. First, it argued that the ruling takes into account the facts in relation to 29 victims but omits reference to the facts surrounding more than 130 other victims detailed in the indictment. The AG's Office also challenged the judge's statement during the June 7 hearing that the court's ruling does not refer to these cases because they are not connected to specific charges in the indictment. Another procedural defect arises, according to the AG's Office, because the Judge Domínguez mentioned the facts surrounding these victims in the hearing, but they are not referred to in the decision. The AG's Office also challenged the court's ruling for not taking into account the accusations of sexual violence.

Further, the AG's Office appealed the court's decision to dismiss the charges against Rosales García and Segura Abularach. The court found witness evidence about the date on which Cal López was forcibly disappeared to be contradictory. According to the AG's Office, this is not the case, and there is clear testimonial evidence confirming that Cal López was disappeared on May 4, 1981. On this basis, the AG's Office called for a reinstatement of the charges against Rosales García and Segura Abularach.

Finally, the AG's Office challenged the court's decision about how to characterize the crimes imputed to the defendants in the case. While the court determined that enforced disappearance is a crime against humanity because it was applied in a systematic and generalized way, it rejected the plaintiff's claim that they constitute war crimes.

For the time being, the case will remain suspended until the High Risk Court of Appeals decides on these issues.

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### **Read**

"1954 CIA Coup in Guatemala Effects Still Being Felt Today", by Grahame Russell, 27 June 2016, <http://www.telesurtv.net/english/opinion/1954-CIA-Coup-in-Guatemala-Effects-Still-Being-Felt-Today-20160626-0026.html>

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