

Guatemalan Judge Miguel Angel Galvez flees into exile

<https://mailchi.mp/rightsaction/guatemalan-judge-miguel-angel-galvez-flees-into-exile>

- Below: El Faro news editorial and article

As Rights Action completes an eight-day human rights delegation, visiting four community defense struggles resisting the mining operations of Canadian, U.S. and Swiss mining companies, the U.S. and Canadian-backed Guatemalan regime continues its repressive crackdown on all honest judges, prosecutors and lawyers.

Every largescale mining operation in Guatemala is characterized by violence, forced evictions and environmental destruction, and by the systemic corruption and illegality that these El Faro news articles report on.

(Stay tuned for reports about our delegation

“TESTIMONIO: Canadian Mining in the Aftermath of Genocides in Guatemala”

<https://mailchi.mp/rightsaction/announcingeducational-fact-finding-delegation-to-guatemala>)

“Judicial gunshot”

November 15, 2022, Editorial comment by Roman Gressier and José Luis Sanz

<https://mailchi.mp/elfaro.net/guatemala-judge-galvez-exile-6215428?e=2943d15c91>

At 3 p.m. ET today, renowned judge Miguel Ángel Gálvez announced his resignation from Guatemala’s High-Risk Tribunal B, amid a politicized impeachment process against him propelled by the far-right advocacy group known as the Foundation Against Terror (<https://elfaro.net/en/202206/centroamerica/26216/New-Targets-of-Attorney-General%E2%80%99s-Lawfare-against-Guatemalan-Justice.htm>).

The process could have ended with the revocation of his judicial immunity and imprisonment. For Gálvez, an anti-mafia judge who has endured constant threats over the past two decades on the bench, the tipping-point of his conflict with Guatemala’s illicit powers came in May, when he ordered nine retired military and police officials to trial on charges of illegal detention, torture, killing and enforced disappearance of almost 200 people from 1983 to 1985. The crimes were recorded in a military intelligence file known as the “Death Squad Dossier” (<https://elfaro.net/en/202205/centroamerica/26172/Guatemalan-Judge-under-Threat-after-Ordering-Trial-in-1980s-%E2%80%9CDeath-Squad-Dossier%E2%80%9D-Case.htm>).

The FCT publicly promised to have Gálvez imprisoned or exiled. On November 1, his face appeared covered with a red 'X' on a lottery ticket, with a message below: "This is how the legal snipers of @FCTGuatemala work: one judicial gunshot, one civil death."



<https://www.facebook.com/photo/?fbid=10160152726794264&set=a.10152352500054264>

Sources close to the judge told El Faro English that Gálvez, who is in Costa Rica since November 4, will not return to Guatemala and considers himself in exile. Today marks the end of a two decade-long career on the bench in which he gaveled convictions of war criminals, corrupt officials, and drug traffickers. In 2013, he famously ordered former dictator and retired general Enfraín Ríos Montt to trial on charges of genocide.

Under the administration of Alejandro Giammattei, some 30 prosecutors, judges, and journalists have fled the country under intense political persecution and, often, threats against their lives. "The only ones left before they call bingo are me and Yassmin Barrios [the judge who convicted Ríos Montt in 2013]," Gálvez told El Faro's Julie López just two weeks ago.

"Corrupt officials and war criminals alike seek to make an example out of High-Risk Judge Miguel Ángel Gálvez," wrote Jo-Marie Burt and Paulo Estrada in a column today in El Faro English. "They tolerate no obstacles in their efforts to restore total impunity in Guatemala."

Clandestine Structures in Guatemala Consummate Witch Hunt against Judge of “Death Squad Dossier” Case

November 15, 2022, by Jo-Marie Burt & Paulo Estrada

<https://elfaro.net/en/202211/opinion/26471/Clandestine-Structures-in-Guatemala-Consummate-Witch-Hunt-against-Judge-of-%E2%80%9CDeath-Squad-Dossier%E2%80%9D-Case.htm>

This Tuesday (November 15th), Miguél Ángel Gálvez resigned as Guatemalan High-Risk Judge and announced his exile. He left the country on November 4, planning to return to challenge efforts to lift his judicial immunity promoted by the Foundation Against Terrorism with the complicity of the Attorney General’s Office and powerful members of the Guatemalan judiciary. But in the end, he became convinced that it was a trap. The process slowed down in the last few days, in the hope that Gálvez would return to Guatemalan soil and that he could be imprisoned.

Corrupt officials and war criminals alike seek to make an example out of Gálvez, as they wanted to do to former High-Risk Judge Érika Aifán and others. They tolerate no obstacles in their efforts to restore total impunity in the Central American country.

Last Wednesday, a Guatemalan Court of Appeals granted an injunction to Jacobo Esdras Salán Sánchez against Gálvez’s resolution in May that ordered him and eight other retired military and police officers to trial on charges of forming the clandestine and illegal intelligence system responsible for the forced disappearance and execution of nearly two hundred political dissidents from 1982 to 1985.

“Death Squad Dossier” war crimes trial

The injunction alleges that in his order in the case, known as the "Death Squad Dossier," Gálvez did not respond to all of the allegations of Salán Sánchez’s defense attorney, Eddy Herrera. Even though prosecutors have presented abundant official documents and testimonies as proof of the crimes, Herrera called on the judge to dismiss the charges against his client, and accuses Gálvez of not individualizing the crimes allegedly committed by each of the nine defendants, and claims that during the hearings the judge offered his own opinions and evaluated evidence, even stating on several occasions that he had hatred toward the military.

This, according to Herrera, was evidence of the judge’s left-wing ideological bias.

He also alleged that the Attorney General’s Office confused Jacobo Salán with his cousin Max Errol González Salán. The cousin also held positions in the clandestine and illegal intelligence system and, at the time of the alleged crimes, the defense claims that Jacobo was on leave from the army delivering classes at the 'Kaibil' special forces school.

In their resolution, the appellate court judges unanimously agreed with the accused and ordered the judge to repeat the hearings, not only for Salán but all of the accused.

It's strange, given that the prosecution presented testimonies of people who belonged to the security forces at the time and who implicated Salán Sánchez by name in the event. Other witnesses, without knowing him, identified him in photos.

The most relevant testimony is perhaps that of his own cousin, who stated that on March 14, 1984, that Jacobo Salán and his brother Víctor raided his residence in search of information on their cousin, Silvio Matricardi Salán. Another witness reported seeing Matricardi tortured by the defendant inside a clandestine and illegal military intelligence center.

As for the arguments that Salán Sánchez was outside Guatemala City, at least five witnesses testify that they saw him operating with the clandestine and illegal structures that carried out the operations recorded in the Death Squad Dossier. Salán Sánchez offered as witnesses for his defense three Kaibil commandos who stand convicted of murdering more than 200 people in the village of 'Dos Erres' in 1982.

Another oddity is that while Jacobo Salán affirmed during the trial that Silvio Matricardi Salán had been in his house and that he had met him in person, his lawyer, in the injunction request, denies this meeting occurred. This contradiction was exposed in the first hearings in June 2021.

Gálvez's exile lays bare the injunction's enormous impact on the search for justice in the case. The court's decision strengthens the impunity that has surrounded the case since 1983, when the first repressive operations were deployed, and obviates the rulings of the [Inter-American Court of Human Rights](#) ordering the Guatemalan state to 'remove all procedural actions that promote impunity' in the case.

It also again frustrates the right of the victims to access justice for the grave human rights violations against them and their families.

It's hard to not see this injunction as part of the attack campaign deployed by several actors against Judge Gálvez, demonstrating the connection between key officials in the Guatemalan judiciary with persons accused of crimes but who retain critical quotas of power.

Since the 1980s, Jacobo Salán has maintained [ties](#) to the influential military intelligence group known as 'La Cofradía' (The Brotherhood), such as Byron Lima Estrada, Francisco Ortega Menaldo, and Manuel Antonio Callejas y Callejas. For more than 20 years, investigators have identified Jacobo Esdras Salán Sánchez as a key actor in the Illegal and Clandestine Security Apparatuses (CIACS), and as someone who occupied strategic positions in recent governments linked to the Brotherhood.

During the government of Alfonso Portillo (2000-2004), the structure of the 'Salán Clan' took on greater importance, as the three Salán Sánchez brothers occupied key positions in the state.

However, during the following years they were accused of acts of corruption. Salán Sánchez was linked, along with other members of 'The Brotherhood,' to the 'Moreno Network,' a network of smugglers formed, [according to one witness](#), during the government of Romeo Lucas García (1978-1982) and later strengthened by other retired military officers.

The witness noted that the top leaders of the network were Generals Callejas y Callejas, Ortega Menaldo, Marco Antonio González Taracena (also accused in the Diario Militar case), and Colonels Jacobo Salán Sánchez, Julio Fernández Ligorria, and César Augusto Cabrera Mejía (accused of war crimes in the CREOMPAZ case), [among others](#).

Currently, these actors retain significant power. It is evident in today's justice system in Guatemala, as all of them have been benefited or treated in a privileged manner due to their links with current officials in various state institutions. It is public knowledge that Jacobo Salán Sánchez's lawyer has had private meetings with high-ranking government officials ranging from the President's Office to the highest level of the Attorney General's Office.

The purge of references to individuals like Salán Sánchez on the internet is part of an effort to facilitate their return to the operational clandestinity that allowed them to commit serious human rights violations in the 1980s. Gálvez's lawyer asserts that these actors continue to operate as part of a clandestine and illegal structure that has co-opted Guatemala's justice system.

*Jo-Marie Burt is a professor at George Mason University, senior fellow at the Washington Office on Latin America (WOLA), and vice president of the Latin American Studies Association (LASA). Paulo Estrada researches wartime human rights violations and is a member of Families of the Detained and Disappeared of Guatemala (FAMDEGUA). Burt and Estrada are founders and co-directors of Verdad y Justicia en Guatemala, which monitors and reports on war crimes trials in Guatemala.

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<https://rightsaction.org/other-war-crimes-trials-archives>

More information – Death Squad Dossier war crimes trial

- FAMDEGUA, Asociación Familiares de Detenidos-Desaparecidos de Guatemala, famdegua@gmail.com, <https://www.facebook.com/FAMDEGUAG/>, <https://twitter.com/FamdeguaG>
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