

## **Death Squad Dossier (Military Diary) case being dismantled by corrupt Guatemalan political-legal systems**

<https://mailchi.mp/rightsaction/military-diary-case-being-dismantled>

- Below: Article by Jo-Marie Burt and Paulo Estrada (El Faro News) describing step by step dismantling of Death Squad Dossier (Military Diary) war crimes criminal case prosecution

*"We return to the issue of instrumentalizing criminal law, making the law a monopoly of a group of people. In this context, justice is a matter of power and not control of power. We are spectators of how a country is going down the drain."*

(Judge Miguel Angel Galvez, now in exile)

- See Rights Action's "other war crimes and anti-corruption cases" archives: <https://rightsaction.org/other-war-crimes-trials-archives>

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## **Disassembling the Death Squad Dossier (Military Diary) Case**

By Jo-Marie Burt and Paulo Estrada, El Faro News, March 3, 2023

<https://elfaro.net/en/202303/centroamerica/26751/Disassembling-the-Death-Squad-Dossier-Case.htm?s=08>

For decades, survivors and the families of the victims of the [Death Squad Dossier case](#) have been demanding truth and justice.

After years of no answers about the perpetrators or the whereabouts of their loved ones, who were arbitrarily detained, tortured, killed or disappeared between 1983 and 1985, the tail end of Guatemala's 36-year internal armed conflict, a pathway to justice opened: in May 2021, eleven retired military and police officials were arrested. The detention of four others, including one civilian, followed. The families dared to hope that, at last, they might see justice done.



Marco Antonio González Taracena in civilian attire alongside the general and de facto President Humberto Mejía Vítores, who took power in 1983 in a military coup against Efraín Ríos Montt.

Prosecutors say the crimes named in the Diario Militar case were carried out by the Guatemalan military and police from 1983 to 1985, under the government of Mejía Vítores.

Photo: Jean Marie Simon, courtesy of Verdad y Justicia Guatemala.

But with an increasingly [co-opted justice system](#) and a majority of judges exiled or beholden to mafias and corrupt politicians, that hope is fading fast.

The Death Squad Dossier, or Diario Militar case, is the most important transitional justice case in Guatemala since the 2013 Maya Ixil genocide trial. It involves the forced disappearance, extrajudicial execution, arbitrary detention, torture and sexual abuse of at least 195 Guatemalans during the military government of Humberto Mejía Vítores (1983-1986).

One of Guatemala's most well-known and respected judges, Miguel Ángel Gálvez, formerly of High Risk Court "B," presided over the preliminary phase of the case. He broke new ground in 2016 when he seized critical military documents relevant to it. He began hearing the evidence against the first suspects and, in May 2022, ordered nine of them to trial.

The evidentiary phase was filled with devastating accounts. The judge heard the testimonies of women who were children at the time the security forces came to their homes searching for their parents, and who were brutally raped. He heard

how six of the 131 victims of forced disappearance were later found at the Comalapa military base, in 2011.

Among those Judge Gálvez sent to trial were senior military officials who had [deep connections to present-day criminal networks](#). Men like retired general Marco Antonio González Taracena, who at the time of his arrest was the vice president of the Association of Military Veterans of Guatemala (Avemilgua), an organization of military hardliners that has staunchly opposed criminal prosecutions of war crimes and that has sought to impose an amnesty that would bring an end to all accountability efforts for wartime atrocities.

González Taracena, who [died shortly after he was ordered to face trial](#) on June 14, 2022, has also been linked to the organized crime syndicate known as La Cofradía, or The Brotherhood.

There is also retired army colonel [Jacobo Esdras Salán Sánchez](#), reportedly tied to La Cofradía and other criminal networks, who in 2014 was convicted of stealing funds from the Ministry of Defense, where he was serving as an advisor during the Alfonso Portillo administration.

[Toribio Acevedo Ramírez](#), [chief of security](#) for the powerful company Cementos Progreso, has been implicated in a series of human rights violations in recent years. He was arrested on May 10, 2022 in Panama after a year as a fugitive, and sent to Guatemala.

Judge Gálvez was about to initiate the evidentiary phase hearings against Acevedo Ramírez and four other defendants when the Foundation against Terrorism (FCT), another pro-military organization that has sought to obstruct and stop human rights trials, ramped up its [campaign to criminalize and intimidate](#) the judge. The FCT brought spurious charges against Gálvez that sought to have his immunity lifted. They flooded social media with messages attacking his conduct as a judge as well as fabrications about his personal life and [published "bingo cards" assuring he would be the next judge to fall](#).

On November 15, Gálvez [announced](#) his resignation after 25 years as a judge. He now lives in exile in Europe.

With Judge Gálvez out of the way, the path was clear to begin dismantling the case.

Judge Claudette Domínguez, who has been [criticized](#) for several rulings in both human rights violations and corruption cases favoring military officials, briefly took over Gálvez's cases. In 2017, she [lifted the travel ban](#) against former congressman Edgar Justino Ovalle amid his impeachment trial for his role in the mass forced disappearance case known as CREOMPAZ; he remains a fugitive.

Famously, she was [recused](#) by the [Achi women of Rabinal](#) who brought sexual violence charges against former paramilitary officials who raped them during the armed conflict. Judge Gálvez took over the case and sent five of the paramilitaries to trial. In January 2022, they were [convicted](#) of crimes against humanity. Another three men, who were released when Judge Domínguez dismissed the charges against them, [remain free](#).

In Guatemala, individuals charged with premeditated murder are held in preventive detention until their trial takes place and are not eligible for house arrest. But with Judge Gálvez gone, so far, five of the accused in the case have requested —and obtained— a change in custody status based on alleged health problems. Some of them are not even under house arrest.

The first to petition for a review of his custody status was a lawyer and former security director of Cementos Progreso, Toribio Acevedo Ramírez. The last of 15 suspects to be arrested, Acevedo Ramírez, who has been identified by witnesses in the case as a vicious torturer, had unsuccessfully sought to have Judge Gálvez recused and requested release from preventive detention, alleging health concerns.

Two weeks after Gálvez abandoned Guatemala, on November 28, Judge Domínguez [granted](#) Acevedo Ramírez's request, granting him the ability to move freely in the department of Zacapa, Sacatepequez and in Guatemala City, despite the fact that Guatemalan law requires those accused of crimes against humanity to be held in preventive detention, and that victims and witnesses who have identified him as responsible for torture reside in these departments.

While the judge ordered Acevedo Ramírez to submit a medical report every 15 days, the plaintiffs' lawyers say they have received no information about whether he has done so.

In December, alternate judge Rudy Bautista Fuentes was temporarily assigned to replace Judge Domínguez. In three separate hearings in January, he heard petitions filed by the defense attorneys for three military officers accused in the Death Squad Diary case, requesting that their clients be released from preventive detention and placed under house arrest, based on the principle of equality, citing the case of Acevedo Ramírez. They also alleged health issues and assured that it was a [humanitarian](#) matter.

The plaintiffs' lawyers objected, stating that the Guatemalan law does not allow house arrest for those charged with murder or forced disappearance, and that granting the freedom could put survivors, families of victims, and expert witnesses at risk.

The judge [rejected](#) the petition, but when explaining his decision, he said that if the defense presented medical certificates documenting their clients' health issues, the petition would be granted.

On January 31, on his last day at the helm of High Risk Tribunal "B", Judge Bautista Fuentes held a hearing at the request of retired army colonel [Jacobo Esdras Salán Sánchez](#) and Malfred Orlando Pérez Ramírez. The defense presented reports from physicians at the Military Medical Center as well as private doctors stating that while they had not examined the defendants, they reviewed their files and were able to determine that they should be granted house arrest.

The plaintiffs [objected](#), reminding the judge that medical reports from the National Institute of Forensic Science (INACIF) stated that the defendants were stable and in good health, and that house arrest is not applicable for those crimes.

Nevertheless, Judge Bautista Fuentes [decreed](#) 'preventive detention [without any surveillance](#)' for both of the accused.

After the hearing concluded, families of the victims spoke out against the judge's decision to free Salán Sánchez. Néstor Villatoro, whose father [Amancio Samuel](#)

[Villatoro](#) is one of the few victims of the Death Squad Dossier whose body was [exhumed](#) from the Comalapa military base in 2011, was among those who expressed their frustration at what he [called](#) an "injustice to us, our families, to all of Guatemala."

Néstor Villatoro, a key [eyewitness](#) against Salán Sánchez, who he says kidnapped and later disappeared his father — "He came into my home, he pointed pistols at our heads, he hit my mother, he put a pistol to my head" he [said](#)—, also objected. "They have done inhumane things, things we don't want to see happen again. The pain they caused our families is irreparable," he said.

Judge Bautista Fuentes is reportedly close to Mynor Moto, a notorious former judge who was investigated for his alleged involvement in cases including the [manipulation of judge and magistrate elections](#) in 2020. In December 2022, Moto's arrest warrant was [revoked](#) by Judge Jimi Bremer—the same who [granted](#) house arrest without any surveillance to retired General Luis Enrique Méndoza García, chief of military operations under Efraín Ríos Montt, who had been charged with genocide and crimes against humanity and who had been fugitive for eight years before being [arrested](#) in 2019.

In January, the Constitutional Court (CC) [upheld](#) Bremer's revocation of Moto's warrant. This is the same CC that in November 2022 [ordered](#) a partial suspension of Judge Gálvez's trial order for Salán Sánchez and eight other military and police officials for the Death Squad Dossier.

The plaintiffs fear that this could open the door to a total dismantling of the case.

The CC also [greenlighted](#) just a few weeks ago an injunction filed by the former senior military officials [convicted](#) in 2018 for forced disappearance, aggravated sexual assault and crimes against humanity, former army chief Benedicto Lucas García, former military intelligence chief Manuel Antonio Callejas y Callejas, and former head of the Quetzaltenango military base Luis Francisco Gordillo Martínez in the [Molina Theissen](#) kidnapping, torture, rape, and enforced disappearance case.

The former officials remain in custody, as the CC decision is being appealed by the Molina Theissen family. Lucas García and Callejas face charges, too, in the [Maya Ixil genocide case](#).

Current CC magistrates Héctor Hugo Pérez Aguilera and Roberto Molina Barreto voted in 2013 with one other magistrate to suspend the genocide conviction against Ríos Montt. One of the two magistrates who wrote dissenting opinions, Gloria Porras, is currently [in exile](#) after running afoul of the corrupt elites who now rule Guatemala.

If there is any doubt about Molina Barreto's loyalties, suffice it to say that he was Zury Ríos' vice-presidential candidate in 2019. Zury Ríos is constitutionally barred from running for president because she is the daughter of Efraín Ríos Montt, who carried out a coup d'état in 1982, but that ban is unlikely to be upheld in this year's presidential election, where she has a real opportunity to win.

A third CC magistrate is also close to Zury Ríos: [Luis Alfonso Rosales Marroquín](#) was her father's lawyer during the second genocide trial and was a member of her current party, Valor.

The remaining two CC magistrates are also reportedly connected to corruption networks. [Nester Vásquez](#) was accused of participating with Mynor Moto of influencing the election of judges and magistrates. Leyla Lemus was appointed to the CC by President Alejandro Giammatei while being his personal secretary, despite her lack of credentials as well as credible evidence that she [lied on her resume](#) about her academic achievements.

On February 7, the Guatemala Supreme Court of Justice announced that Judge Eva Recinos would be the new presiding judge of High Risk Tribunal "B," in charge of the Death Squad case. Recinos previously sat on Tribunal 'C,' which, under the leadership of Judge [Pablo Xitumul](#) —now suspended from exercising his judgeship— [convicted](#) former Vice President Roxana Baldetti of corruption and sent Lucas García, Caleljas y Callejas, and other retired senior military officials to prison in the Molina Theissen case.

A week after assuming her new position, Recinos granted Baldetti —who has other corruption cases and a U.S. extradition request for drug trafficking charges

pending— a hearing to consider her petition to be released from prison and placed under house arrest on humanitarian grounds. Recinos [acceded](#), too, to prosecutors' request that the hearing be conducted behind closed doors, and evicted members of the press and trial observers from the courtroom.

While Recinos did not accept Baldetti's request, she said that she would reconsider if she presented the corresponding medical documents.

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### **Elections again and still no democracy in Guatemala**

The corruption and takeover of Guatemala's legal system is taking place as presidential elections are set for June 2023, in an electoral system corrupted and controlled by the same elite political-military-economic sectors who control the corrupted legal system.

### **Business-as-usual with U.S. and Canadian-led "international community"**

Grahame Russell, Rights Action, summarizes:

*"Given the historic and on-going conditions of systemic corruption, repression and impunity in Guatemala, elections serve only the interests of the traditional Guatemalan economic, political and military elites ('El Pacto de Corruptos' = 'The Covenant of the Corrupt') and their "international community" partners, providing justification for the governments of the U.S., Canada and E.U., plus international banks, companies and investors, to maintain full political, economic and military relations with the "democratic government" of Guatemala."*

- See Rights Action's "Elections and no democracy in Guatemala" archives: <https://rightsaction.org/election-archives>

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