

In Guatemala, are justice & the rule of law victims of a U.S.-Canada-Guatemala backroom deal?

<https://mailchi.mp/rightsaction/in-guatemala-are-justice-the-rule-of-law-victims-of-a-us-canada-guatemala-backroom-deal>

“The proposed [Amnesty Law] would terminate all ongoing proceedings against grave crimes committed during the country’s civil war, free all military officials ... already convicted for these grave crimes, and bar all future investigations into such crimes.”

On February 7, Rights Action asked “Is Honduran political prisoner Edwin Espinal victim of a Canada-U.S.-Honduras backroom deal?” (<https://mailchi.mp/rightsaction/is-honduran-political-prisoner-edwin-espinal-victim-of-a-canada-us-honduras-backroom-deal>)

We now ask whether the pending ‘get-out-of-jail-free-card’ Amnesty Law for Guatemalan war criminals and the illegal shutting of CICIG (the Prosecutorial Commission Against Impunity in Guatemala) are, similarly, prices paid for the participation of Guatemala in the U.S. and Canadian led effort to grind down the Venezuelan economy and State, and bring down the government?

- **Below:** “Guatemala: Impunity for War Criminals, Again”, NACLA news, Feb.5, 2019, by Jo-Marie Burt & Paulo Estrada

The illegality of the coup-attempt in Venezuela could not be more brazen. It goes unchallenged, if not openly supported by a majority of U.S. and Canadian politicians and government officials, and by most of the mainstream media in both countries.

The implications of this could not be worse for the majority populations of Honduras and Guatemala where systemic corruption, repression and impunity again go from bad to worse.

Since January 1st, close to 20,000 more Central Americans (mostly Hondurans and Guatemalans) have fled their countries in refugee caravans, or separately, trying to get asylum in the U.S. Yet, since Guatemala and Honduras became “democratic allies” in the U.S./Canadian coup attempt in Venezuela, there has been little to no coverage of these recent caravans.

‘Get-out-of-jail-free-card’ for war criminals

In their article, Burt and Estrada provide a detailed look at who are some of the Guatemalan architects of the pending Amnesty Law and illegal shutting of CICIG. These men (many are convicted of war crimes, others pending trial) have been, or are long term military, political and/or economic partners of the U.S., Canada, Spain and other E.U. countries, the World Bank and IDB (Inter-American Development Bank) and numerous global companies (mining, dams, African palm, sugar cane, bananas, etc.)

The U.S. and Canada –until now, supporters of CICIG, the UN Truth Commission and all justice efforts for crimes of the past– are turning a blind eye to the illegal ouster of CICIG and passing of the Amnesty Law legislation by the corrupt Congress, in exchange for Guatemalan support for U.S. and Canadian push to oust the government of Venezuela.

Burt and Estrada set out a list of the war crimes trials –some concluded, some on-going- that will be annulled or overturned by the Amnesty Law.

Since 1995, Rights Action has funded and supported the participation of mainly Mayan indigenous victims-survivors-protagonists in a good number of these war crimes and organized crime trials. For the majority Mayan indigenous population of Guatemala, who suffered the vast majority of war crimes, repression and human rights violations, it is hard to see how this situation could be worse.

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Guatemala: Impunity for War Criminals, Again

Guatemala is poised to pass a law reversing its National Reconciliation Law, which prohibits amnesty for those who committed international crimes during the country's civil war. Who benefits from blanket amnesty?

[Jo-Marie Burt and Paulo Estrada](#), February 5, 2019

https://nacla.org/news/2019/02/05/guatemala-impunity-war-criminals-again?fbclid=IwAR3rqum6YhGj1-mxx5ZzLdO3mEoalPzCp_-lluQ34RLqrVsFE_d_rm4rwpww



The Q'eqchi women of Sepur Zarco were forced into sex slavery during Guatemala's civil war. The trial against the perpetrators ended in the conviction of senior military officers last year. (UN Women/Ryan Brown)

Guatemala's Congress stands [poised to amend](#) its National Reconciliation Law of 1996, which prohibits granting amnesty to those who had committed international crimes including genocide, torture, and crimes against humanity.

The [proposed legislation](#) would terminate all ongoing proceedings against grave crimes committed during the country's civil war, free all military officials and guerrilla leaders already convicted for these grave crimes, and bar all future investigations into such crimes.

This legislation would violate international law, which establishes that grave violations of human rights must not be subject to amnesties, statutes of limitation, or other mechanisms that would hold perpetrators in impunity.

It would also erase a decade of progress in efforts to clarify the truth about past crimes and hold those responsible accountable.

Between 2008 and 2018, Guatemalan courts issued 16 verdicts in human rights cases linked to the 36-year civil conflict (1960-1996), [convicting](#) 33 former military officials, military commissioners, and former civil defense patrol members of a series of war crimes, including torture, enforced disappearance, extrajudicial execution, aggravated sexual violence, and sexual and domestic slavery.

Those convicted include retired senior military officials who have long been seen as untouchable, including former Army Chief of Staff [Benedicto Lucas García](#) and former military intelligence chief [Manuel Callejas y Callejas](#). [Two officials](#) in two separate cases have been [acquitted](#). Courts also convicted [one former guerrilla leader](#) for his role in a 1988 massacre.

Another 14 retired military officials and former military commissioners are in preventive detention awaiting trial, including Lucas García, who was convicted last year but faces charges in another case.

Several who were on trial or were awaiting trial, including former dictator [Efraín Ríos Montt](#), whose [conviction in 2013 was vacated](#), died before their trials concluded.

Under the terms of the proposed legislation, all of these former officials would be freed within 24 hours of its promulgation.

Prosecuting War Criminals

In post accord Guatemala, the continued power of the military and the weakness of legal institutions meant that judicial authorities were reticent to criminally investigate human rights crimes, although amnesty did not cover those who had committed grave crimes. Only a few high-profile cases, including the 1990 murder of anthropologist [Myrna Mack](#) and the 1998 murder of [Bishop Juan Gerardi](#), ever made it to court.

In the face of this institutionalized impunity, victims' associations and their allies in civil society persisted in their demands for accountability, collecting evidence to document grave human rights violations, including witness testimonies, physical evidence, and official documents.

In light of inaction by domestic courts, they also began to press their claims for truth and justice before regional and international courts. The Inter-American Commission for Human Rights has condemned the state of Guatemala in [27 cases](#), more than half of them involving human rights crimes related to the internal armed conflict, and has ordered authorities to investigate, prosecute and punish those responsible for these crimes.

As this external pressure was building, Guatemala's legal institutions were changing. New leadership in the Attorney General's Office asserted the need for independent investigations into crimes of the past.

CICIG - Commission Against Impunity in Guatemala

The UN-sponsored International Commission Against Impunity in Guatemala (CICIG) [contributed](#) to strengthening the autonomy of prosecutors and judges. Especially important was the creation of High Risk Tribunals, which provided judges with special training and additional protection to investigate complex criminal cases.

Since their creation, the High Risk Tribunals have heard all human rights cases. The early cases that came to trial focused primarily on foot soldiers and low-ranking military officials during the war. But impetus grew for the prosecution of senior military officials responsible for the design and implementation of a counterinsurgency strategy that resulted in massive human rights violations during the Guatemalan Civil War.

The Genocide Trial

Most notable was the 2013 trial against former dictator and retired army General Efraín Ríos Montt, who was [found guilty](#) of genocide and crimes against humanity against the Maya Ixil population and sentenced to 80 years in prison, and his military intelligence chief retired army General José Mauricio Rodríguez Sánchez, [who was acquitted](#).

Ten days after the sentencing, under intense pressure from business elites and sectors of the military, the Constitutional Court [ruled](#), in a split decision, to partially suspend the proceedings, effectively vacating the verdict and forcing a retrial.

Ríos Montt [died](#) in April 2018 in the midst of his retrial. Rodríguez Sánchez was acquitted for a [second time](#) in October 2018, though the court [unanimously](#) found that the Guatemalan Army committed genocide against the Maya Ixil.

Association of Military Veterans of Guatemala (AVEMILGUA) / Foundation Against Terrorism

The setback in the genocide case made the prosecution of human rights abusers seem like a pipe dream. The Association of Military Veterans of Guatemala (Avemilgua), formed in 1995 by senior retired military officials who opposed the peace accords, were rabid opponents of criminal prosecution of war crimes. They, and other key players, including the Foundation Against Terrorism, portrayed the trials as a political strategy of revenge orchestrated by former guerrillas who had lost on the battle field and were now carrying out war against the army in the courtroom.

Paid ads and anonymous circulars portrayed Claudia Paz y Paz, the valiant Attorney General who brought forth the genocide case, [as a guerrilla leader bent on revenge](#). They had a powerful ally in then-President Otto Pérez Molina, who had been a commanding officer in the Ixil region during the Ríos Montt government and had been implicated in human rights violations.

More surprising was that moderate political notables, such as former vice-president Eduardo Stein, [also questioned the genocide trial](#) as a violation of the peace accords and as a threat to peace.

In this context, the counter-offensive began to bear fruit. Claudia Paz y Paz was [forced out of her position](#) in May 2014, six months early. There was tremendous fear that Pérez Molina's new pick for the job, Thelma Aldana, would dismantle the Human Rights Section in the Attorney General's Office that had been instrumental in moving conflict-era cases to trial. Intimidation campaigns targeted human rights defenders.

Frivolous lawsuits and other legal actions were brought by the Foundation Against Terrorism and others against several of those who participated in the genocide trial, including lead prosecutor [Orlando López](#), presiding judge [Yassmín Barrios](#), and forensic anthropologist [Fredy Peccerelli](#).

Some of the war criminals

The citizen protests and the mass arrests gave Guatemalans new hope in the battle against impunity for crimes past and present. But, in 2015, months of [anti-corruption protest](#), prompted by an [investigation](#) led by CIGIG and the Attorney General's Office into a massive corruption scheme at the highest levels of the government, led to Pérez Molina's departure from office.

Dozens of other government officials—some of whom are also former counterinsurgency military officials, such as Manuel López Bonilla, who served as Pérez Molina's Minister of Governance—and business elites were also arrested. (The U.S. has also requested the [extradition](#) of López Bonilla and former vice-president Roxana Baldetti on charges of drug trafficking and money laundering.)

The citizen protests and the mass arrests gave Guatemalans new hope in the battle against impunity for crimes past and present.

Just a few months after the anti-corruption protests, a new wave of prosecutions against those who had committed grave crimes during the civil war began.

CREOMPAZ case: On [January 6, 2016](#), 18 senior retired military officials were arrested in relation to two emblematic human rights crimes cases. Fourteen officials were arrested in relation to the [mass forced disappearance case](#) known by the acronym CREOMPAZ, the site of a former military base that was the center of military coordination and intelligence in Cobán, Alta Verapaz, during the height of the counterinsurgency war. Investigators have exhumed 565 human remains from the site, and at least 145 have been positively identified as victims of the armed conflict using DNA and other techniques.

Emma Molina Theissen case: Four military members were [arrested](#) for the illegal detention, torture, and sexual violation of Emma Molina Theissen and the enforced disappearance of her 14-year-old brother Marco Antonio in 1981. The Molina Theissen case culminated in May 2018 with a [conviction](#) of the four senior officials charged in the case, marking a major victory for human rights groups.

Sepur Zarco case: And on February 1, 2016, the [Sepur Zarco](#) trial began, which resulted in the conviction of a senior retired military official and an ex-military commissioner for 120 and 240 years in prison, respectively, for the sexual violence and sexual and domestic enslavement of 15 Q'eqchi women at the Sepur Zarco military base between 1982 and 1985.

While the CREOMPAZ case remains [tied up](#) in appeals and other legal motions, other cases have moved forward.

Dos Erres case: In November last year, a former Kaibil special forces soldier was [convicted](#) to 5,160 years in prison for the killing of 177 people in the Dos Erres massacre in 1982.

Maya Achi women case: Evidentiary hearings in another case against seven former military commissioners (one who has since died) accused of sexual violence against 20 [Maya Achi](#) women began on January 29, 2019. The Attorney General's Office registers hundreds of other complaints of human rights violations still to be investigated and their perpetrators held to account.

These achievements and future progress in anti-impunity efforts for grave crimes cases are now under threat by those pushing to impose a general amnesty.

Who Benefits?

All of those convicted of grave crimes would be set free if the proposed amnesty legislation were adopted within a day of its promulgation.

This includes a number of senior military officials who retain significant quotas of power in present-day Guatemala and who have been linked to organized crime:

Retired brigadier general and former Army Chief of Staff of the Guatemalan Army Benedicto Lucas García was [convicted in May 2018](#) of crimes against humanity and aggravated sexual violation of Emma Molina Theissen and sentenced to 33 years in prison, and to an additional 25 years for the ongoing enforced disappearance of her 14-year-old brother, Marco Antonio Molina Theissen.

Lucas García is also awaiting trial in the CREOMPAZ case.

Before his arrest in January 2016, Benedicto Lucas García [boasted](#) about his role in the 2015 election of President Jimmy Morales.

Retired brigadier general and former chief of military intelligence Manuel Callejas y Callejas was also convicted in May 2018 in the Molina Theissen case and was sentenced to 58 years in prison. Callejas y Callejas is accused of being the mastermind behind the [Cofradía](#), or “Brotherhood,” a network of intelligence officers that has long been implicated in both human rights massacres and present-day organized crime.

After his arrest, the daily El Periódico [said of him](#): “Callejas y Callejas, together with [Luis Francisco] Ortega Menaldo [another retired military intelligence official], has been the de facto president of Guatemala since 1982.”

The United States [revoked Callejas y Callejas’ visa](#) in 2002 due to allegations of his involvement in corruption, drug trafficking and money laundering.

Hugo Ramiro Zaldaña Rojas, also convicted to 58 years in prison in the Molina Theissen case, was the military intelligence official in charge of the military base where Emma Molina Theissen was held, interrogated, tortured, and raped, and [led the intelligence operation to recapture her](#) that resulted in the forced disappearance of her brother Marco Antonio.

His daughter Brenda Zaldaña Bustamante is married to Mario Andrés Duarte García, head of the Secretary of Strategic State Intelligence, who yesterday told the U.S. Embassy that he would gladly return the J8 tanks Washington donated to Guatemala to combat drug trafficking, but which were used to intimidate CICIG officials last fall.

Zaldaña Bustamante is the niece of [Édgar Ricardo Bustamante Figueroa](#), a former military official who headed up National Security Council under Pérez Molina and who the Guatemalan press has identified as the orchestrator of the expulsion of the CICIG and a lobbying effort in Washington to smear Ivan Velásquez and the Commission.

Former military intelligence official César Augusto Cabrera Mejía is awaiting trial on charges of enforced disappearance in the [CREOMPAZ case](#). Cabrera Mejía, reportedly one of the military officials who co-founded the National Convergence Front (FCN-Nación), the political party of current president Jimmy Morales, was his pick for Minister of Governance before he was arrested in January 2016.

His links to the ruling party persist. He continues to be the legal representative of [Elite Private Security Company](#), and his son, who is reportedly a member of President Morales' inner circle of advisors, is its general manager.

In April 2018, authorities charged his company with tax fraud. Shortly thereafter, President Morales [lifted](#) the million-dollar fine the tax authorities had imposed on the company.

Several military officials accused in grave crimes cases who have evaded arrest also stand to benefit from the proposed amnesty law. Two such officials, accused in the CREOMPAZ case, have reported close ties to Jimmy Morales and his party.

Edgar Justino Ovalle Maldonado, a retired coronel and military intelligence official who was elected to Congress with FCN-Nación in 2015, [went into hiding](#) in when the Supreme Court lifted his immunity in March 2017 so that he could be investigated in relation to the CREOMPAZ case. Ovalle was the intelligence official of the former military base in Cobán that is the site of the exhumations at the center of the CREOMPAZ case, and [declassified documents](#) link him with military commands that participated in massacres and enforced disappearances during the early 1980s. He was the head of the FCN-Nación and served as Morales' principal advisor until he went into hiding.

Retired military intelligence official Luis Felipe Miranda Trejo is also accused in the CREOMPAZ enforced disappearance case, but he managed to evade arrest and remains at large. He was the former head of the Center of Training of the Kaibil Special Forces and was later commander of several military zones. In 1999, he was elected to Congress as a member of Ríos Montt's party, the Guatemalan Republic Front (FRG). Miranda Trejo later became the deputy secretary general of the FCN-Nación.

According to the Washington Office on Latin America (WOLA), he has been implicated in several human rights violations and in obstructing the investigation into the murder of U.S. citizen Michael Devine in 1990.

FCN-Nación: The Party of the Old Guard Military

A common denominator in many of these cases is the presence of the FCN-Nación, a right-wing political party founded in 2008 by retired senior military officials, many of whom are members of the Guatemalan Army Veterans Association (Avemilgua).

In addition to actively opposing war crimes prosecutions, Avemilgua also staunchly opposed the creation of CICIG and has continued to be one of the Commission's most vociferous critics. This became particularly evident when several of its affiliates became the target of investigations carried out by the Attorney General's Office in coordination with the CICIG.

In the context of FCN-Nación's ongoing onslaughts against the CICIG, Avemilgua expressed its agreement with Jimmy Morales' decision to shut down the CICIG and [offered the president their "total support."](#)

The current president of Avemilgua is José Luis Quilo Ayuso, a retired brigadier general who studied at the School of the Americas (SOA). In 1983, he was based in El Quiché and was chief of the Defense Staff in 1994. According to Guatemalan press [reports](#), Quilo Ayuso is a founding member of FCN-Nación and one of the retired military officials who financed Jimmy Morales' 2015 electoral campaign. Though Morales repeatedly claimed that FCN-Nación no longer had ties to Avemilgua, [Plaza Pública](#) reported that nearly 40 percent of the party's funding came from five retired military officials, including Edgar Ovalle Maldonado, Alsider Arias Rodríguez, Gregorio López González, and José Luis Quilo Ayuso.

Due to illicit campaign contributions during the 2015 electoral process, election authorities rescinded their recognition of FCN-Nación as a legal political party in 2017 and initiated the process of [revoking its legal status](#) last June. This decision was based on an investigation of the Attorney General's Office and the CICIG made public in 2017.

If FCN-Nación is barred from participating in elections, many of its representatives in Congress will not be able to run for reelection in June. But the decision is currently under appeal.

When the Guatemalan Congress was reviewing two committee reports on the proposed legislation to revise the National Reconciliation Law last month, Avemilgua Vice President, retired army General Marco Antonio González Taracena, was among those present in the gallery cheering on Congress to vote in favor of the proposal to impose a blanket amnesty for grave crimes.

Taracena is, unsurprisingly, also a member of the military old guard. According to the [National Security Archive](#), Taracena was in charge of "The Archive," an espionage unit of the feared Presidential General Staff associated with massive human rights violations, during the military government of Mejía Víctores (1983-1986) and he served as Minister of Defense in 1995.

Also present in the gallery was Nana Winters, the wife of Benedicto Lucas García. [She blessed Fernando Linares Beltranena](#), the congressman who presented the proposed bill in 2017, before the congressional session got underway.

Congress will continue to debate the amnesty proposal over the coming weeks. Time will tell whether the military old guard has its way.

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Hold U.S. and Canadian governments accountable

Keep on sending this information to your elected politicians in the U.S. and Canada holding them to account for their support for the Honduran and Guatemalan regimes, turning a blind eye to the systematic human rights violations, killings, corruption and impunity ... including the illegal detention of political prisoners such as Edwin Espinal in Honduras.

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