



International Organisations Denounce Serious Setbacks in *Diario Militar* Case

Washington D.C.; San José, Costa Rica; (November 30th, 2022) – **We, the undersigned international organisations, express our grave concern at what appears to be a deliberate attempt to dismantle the case known as the ‘Dossier of Death’ or ‘*Diario Militar*’, which has been pursued for years by victims of grave human rights violations committed during the internal armed conflict in Guatemala.**

In 2012 the Inter-American Court of Human Rights (IACHR) found Guatemala responsible for grave human rights violations in this case and ordered the State to investigate, prosecute and punish those responsible in this and other cases of the internal armed conflict.

In May 2022, the judge in charge of the case, Miguel Ángel Gálvez, sent nine former military and police officials to trial, accused of being responsible for the illegal detention, torture, forced disappearance, homicide and sexual violence against at least 195 people during the de facto government of General Óscar Mejía Víctores, between 1983 and 1985. Later, six more defendants were indicted. As a result of a political and judicial persecution against him, on November 15th, Gálvez resigned as judge and the case was transferred to Judge Claudette Domínguez, until a successor to Judge Gálvez was appointed.

In recent weeks, two judicial resolutions have been issued that raise concerns about the possibility of achieving accountability in the *Diario Militar* case.

In the first resolution, issued on November 28th, Judge Claudette Domínguez granted alternative measures in favour of the defendant Toribio Acevedo, stating that he suffers from serious health problems. Acevedo, who was a fugitive for almost a year until his arrest in Panama in May of this year, was indicted by Judge Gálvez for crimes against humanity, forced disappearance, murder and attempted murder.

Judge Domínguez's resolution ignores that the law expressly prohibits issuing alternative measures to people accused of murder and ignores the danger that annulling the preventive detention granted to Toribio Acevedo represents for the survivors and families of the victims of the case. This is an important element due to the serious accusations against him, such as the commission of acts of torture, which the witnesses indicate in the case.

The second resolution that generates concern is an injunction in favour of retired colonel Jacobo Esdras Salán Sánchez, granted by the First Chamber of the Criminal Court of Appeals for High Risk and Extinction of Ownership Proceedings. Salán Sánchez is another of the nine defendants sent to trial by Judge Gálvez on 6th May 2022. The court ordered the judge to repeat the final resolution hearings in order to respond to the defence arguments, which allege violations of due process, among other things. With this ruling, Claudette Domínguez, or whoever succeeds Judge Gálvez, could dismiss the charges for which they were sent to trial.

Judge Claudette Domínguez has also issued other rulings that have been questioned. She was accused by the International Commission against Impunity in Guatemala (CICIG) of favouring people accused of serious corruption. She has also been questioned for favouring military personnel accused in several cases of serious human rights violations, including the massive case of forced

disappearance known as the Creompaz case and the Maya Achi sexual violence case, in which she was challenged by the victims after dismissing the accusation against the accused.

The arrests in the case in 2021 and 2022 opened up hope for clarifying the facts and achieving the punishment of those responsible, however decisions such as those recently issued by Claudette Domínguez, and the First Chamber Court of Appeals, represent a serious setback in the fight against impunity and the rights of the families of the victims, who have waited more than 40 years to find justice.

It is worth noting that in June 2022 the IACHR granted provisional measures in favour of the families in the case and ordered the Public Prosecutor's Office and the Judiciary to adopt measures to guarantee the development of the judicial process of the *Diario Militar* case.

We express our grave concern at the evident co-optation of the justice system in Guatemala and the attempts to dismantle transitional justice cases such as the *Diario Militar* case.

We call on the State of Guatemala to comply with its international obligations in this regard and we ask the international community to continue to watch over the rights of the victims to have access to prompt and fulfilled justice.

SIGNATORY ORGANISATIONS

Washington Office on Latin America (WOLA)
Due Process of Law Foundation (DPLF)
Latin America Working Group (LAWG)
Robert F. Kennedy Human Rights (RFKHR)
Centre for Justice and International Law (CEJIL)
Protection International - Mesoamerica
Impunity Watch
Guatemala Human Rights Commission (GHRC)