

Military Diary Case: “Every judicial delay prolongs the never-ending grief”

The Public Prosecutor's Office [*El Ministerio Público*] (MP), under the direction of Consuelo Porras, is delaying access to justice for the victims of the Military Diary case [*Caso Diario Militar*], who will now have to wait until next year to continue with the legal process. This is according to family members and legal representatives, who in recent months have faced attempts to change the charges against the accused, and even threats from the Human Rights Prosecutor's Office to close the case.

By **Andrea Godínez**

The distrust and criticisms leveled by family members of the victims in the Military Diary case and their lawyers in the face of the actions of the Public Prosecutor's Office's Human Rights Prosecutor are neither recent nor new.

This is according to lawyer Santiago Choc, representative of the Association of Relatives of the Detained-Disappeared of Guatemala [*Asociación de Familiares de Detenidos-Desaparecidos de Guatemala*] (FAMDEGUA).

"Since August, when the Public Prosecutor's Office attempted to change the charges against those accused in the Military Diary case, we have observed an intention of favouring them," Choc stated.

Those indicted in this case are: Toribio Acevedo Ramírez, Malfred Orlando Pérez Lorenzo, Alix Leonel Barillas Soto, and Edgar Virgilio de León Sigüenza, who face charges of crimes against humanity, enforced disappearance, murder, and attempted murder, committed between 1983 and 1985.

Attorney Choc explains that at the hearing held on August 26, the Public Prosecutor's Office expressed its intention to "drop the charges" relating to the crimes of enforced disappearance and crimes against humanity, which generated concern among the victims.

Subsequently, at the hearing on October 7, Prosecutor José Crisanto Gómez requested a provisional dismissal and a change in the classification of the crimes in favour of the accused, without prior notification to the plaintiffs.

According to Choc, this constitutes a violation of the victims' right to participate in the process.

He added that these actions also represent a breach of the ruling of the Inter-American Court of Human Rights, which obligates the Guatemalan state to investigate and punish the enforced disappearances in the Military Diary case.

The Military Diary case, also known as the Dossier of Death [*Dossier de la Muerte*], documents the enforced disappearance, extrajudicial execution, and torture of at least 183 people, including students, union members, and social activists, between 1983 and 1985.

This is one of the most emblematic legal cases concerning human rights violations during the Internal Armed Conflict in Guatemala.

Requests to remove prosecutors from the case

On October 7, Judge Carol Yesenia Berganza Chacón postponed the hearing until January 19, 2026, while the Public Prosecutor's Office resolves a recusal motion filed by the plaintiffs.

The victims' defence requested the removal of prosecutors José Crisanto Gómez Meléndez and Noé Nehemías Rivera Vásquez, head of the Human Rights Prosecutor's Office [*Fiscalía de Derechos Humanos*], arguing that they acted negligently.

This, after the attempt to alter the course of the proceedings, raised the possibility of a provisional dismissal of the case without prior notice to the parties, which generated distrust regarding their impartiality.

According to the plaintiffs, these actions by the Public Prosecutor's Office seek to weaken a judicial process that has been pursuing justice for over four decades.

Prosecutor Rivera Vásquez, appointed by Porras, was included on the "Engel List" by the U.S. State Department, accused of obstructing accountability processes and using his position to protect political allies from investigations.

Since his appointment, he has been questioned by social organisations and victims' organisations, which believe he jeopardizes the right to justice.

According to plaintiff's attorney Jovita Tzul, from the Center for Legal Action in Human Rights [*Centro para la Acción Legal en Derechos Humanos*] (CALDH), the judge's decision to postpone the hearing until 2026 does not imply a suspension of the process, but rather a period of time for the MP to review and respond to the recusal requests.

He explained that by requesting the removal of the prosecutors from the case, the aim is to guarantee the objectivity of the process, but he warned that "the Public Prosecutor's Office intends to provisionally close the case, which would imply releasing the accused and consolidating impunity."

Tzul recalls that Prosecutor Rivera Vásquez "has acted to the detriment of the victims" and that this situation has already been reported to the Inter-American Commission on Human Rights.

"In cases involving high-ranking political or economic actors, the positions of the Public Prosecutor's Office deviate from its legal mandate," he maintains.

Francisco Vivar, a lawyer with CALDH, points out that "the lack of objectivity with which the Public Prosecutor's Office has acted throughout the entire process has been evident, especially when it attempted to alter the course of the case to favour the accused."

Vivar adds that the Public Prosecutor's Office, as the representative of the State, "is failing to comply with international obligations to investigate serious human rights violations."

The plaintiff organizations, including CALDH, FAMDEGUA, and the Mutual Support Group [*Grupo de Apoyo Mutuo*] (GAM), also published a joint statement demanding respect for international standards of justice.

"The State has the obligation to investigate, prosecute, and punish those responsible. The inaction or bias of the Public Prosecutor's Office only deepens impunity," they stated.

"Until we find them": a promise that guides the search

While in the courts, judges, prosecutors, and lawyers argue appeals and recusals, families continue to bear the weight of their loved ones' absence.

Paulo Estrada, son of Otto René Estrada Illescas and nephew of Julio Alberto Estrada Illescas, both registered in the Military Diary, recalls that the search for their missing relatives is a promise of love.

Estrada says he learned about his father through anecdotes from his comrades-in-arms, or family members, and mentions that his disappearance is a transgenerational wound.

"I started looking for my father so as to have an identity, to know where I came from," he says.

Of his uncle Julio, he remembers how much his grandmother suffered trying to find him and the surprise they received from someone who one day appeared with money that, according to them, Julio had left for an eye operation his mother needed.

"I think those kinds of things are what ultimately heal you. Knowing that they were people who loved, who were like us, ordinary people, wanting a different Guatemala," he says.

Estrada has waited forty years for the court to record what the country still struggles to accept: that his father and uncle were disappeared by the State.

"This fight isn't just for us, but for the next generations who keep asking where their grandparents are."

In his words, he emphasises a promise, one that is repeated among the families of disappeared victims: "to keep talking about them so they don't disappear again."

"This is a promise of love; we promised to find them. I saw the suffering of my grandparents, my mother... and that pain is still there. Forced disappearance is the worst torture: not knowing where they are," he points out.

Salomón Estrada Mejía, another plaintiff and relative of one of the victims, Félix Estrada, summarizes: "It concerns us that they continue to deny us the whereabouts of our disappeared relatives. Another November 1st without being able to visit them in a cemetery."

For him, the suspension of the hearing not only delays a legal process; it prolongs a grief that never ends.

"Justice is the only thing that can somewhat heal this inherited wound, which hurts, even for those of us who never knew them," he adds.

Both interviewees agree that each court postponement reopens an emptiness.

"There are grandmothers who are still waiting, mothers who died without answers. Every document, every hearing, is a reminder of what hasn't been done," Paulo reiterates.

Although the suspension of the hearing represents a new obstacle, the plaintiffs are confident that the process can resume with guarantees.

The decision regarding the recusals against the prosecutors will rest with the current head of the Public Prosecutor's Office and will be key in defining the course of the trial.

When asked about progress on this matter, María José Mancilla, spokesperson for the Public Prosecutor's Office, said that "the case remains the same, in the intermediate stage, and part of the evidence has been presented."

Translated by Kevin O'Dell (GSN)

