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ANALYZING THE ROLE AND ASCENT TO POWER OF **THE MILITARY IN GUATEMALA**

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It is impossible to discuss justice and democracy in Guatemala without considering the outsized role of the Guatemalan army in every sphere of Guatemalan politics.

To analyze the role and rise to power of the army, we must go back to the year 1954, when what has been called the October Revolution (1944 to 1954) was interrupted. Guatemalan playwright and author Manuel Galich refers to those ten years as "the revolutionary decade" in his article "Ten Years of Spring in the Country of Eternal Tyranny."

The Army vs. Democracy

The legal structure of the army was enshrined in the 1945 Constitution, which created the "Superior Defense Council," a body composed of the Chief of the Armed Forces (a position elected by the Congress of the Republic), as well as the chiefs of the military zones, the chiefs of the barracks in Guatemala City, and appointed military personnel. When analyzing the structure and integration of the Superior Defense Council, it is evident that the aim was to create a body with full autonomy, even in relation to the authority of the president.

One of the first laws of revolutionary legislation that was enacted, Decree 17, sanctioned by Article 156 of the Constitution, allowed for a significant increase in the army's intervention in politics and national affairs, designating the army as "Army of the October Revolution." This decree laid the legal foundation for the army's full autonomy, protecting it even from "the whims of the president."

The creation of the Superior Defense Council was so complex and varied that it not only facilitated the army's intervention in politics, but its autonomy allowed it to make arbitrary decisions, question the decisions of the president, and block any interference by the government itself.

The CIA Decides to Overthrow a Government

During this decade, the political context on the world stage was growing increasingly complicated, particularly the Cold War tensions between the East and West. The Korean War was essentially a struggle between the superpowers of the Soviet Union and the United States.

Even as Guatemala's military increased its participation in the political life of the nation, the army's internal divisions deepened. This was primarily due to the deteriorating relationship with the United States, which had cut military assistance in 1952 after the Central Intelligence Agency (CIA) reported that the government of Jacobo Árbenz Guzmán had been infiltrated by the communist party.

The army found itself in a dilemma with few alternatives: defend the constitution and democracy or protect its own interests. This, then, became the pretext for the Guatemalan military, large landowners, and the American government to overthrow the democratically elected government. In October 1953, the CIA began implementing its efforts to topple the Árbenz administration via a covert operation code-named PBSuccess. On December 24, the Tegucigalpa Plan—a campaign to eradicate communism in Guatemala—was signed, unifying the National

Liberation Movement (MLN). In May 1954, as the conspiracy plan advanced, the United States signed military aid treaties with Honduras and Nicaragua, countries where the military intervention against Guatemala was being prepared.

With US Ambassador John Puerifoy pressuring the military to end the communist threat, the Army High Command decided that there was no other alternative but to force Árbenz out. President Árbenz, wishing to avoid bloodshed and hoping to preserve at least some of the democratic reforms that he had implemented, agreed to resign. On June 27, 1954, he went into exile, leaving Carlos Enrique Diaz, chief of the armed forces, in charge.

32 Years of Chaos Reinforces the Army's Role

Árbenz's resignation would result in instability, corruption, and even further divisions within the army. These divisions would eventually lead to the start of the armed conflict in 1960. This crisis was well exploited by the subsequent military governments to turn the armed forces into the center of power.

It wasn't until the adoption of the current Constitution of the Republic of Guatemala in 1985 (which took effect in 1986, with the swearing in of President Marco Vinicio Cerezo Arévalo) that the winds of democracy once again began to blow. During

those intervening 32 years, 4 constituent assemblies were sworn in, and an equal number of constitutions were drafted and promulgated. Three of them were repealed by military uprisings in 1954, 1963, and 1982, and the current one, which is also the result of a military uprising, has already undergone an attempted repeal and its first reforms.



Mujeres Ixche

Over the years, three interim government councils were imposed by the army, along with three interim military presidents and three coup d'états directed and executed by the army. Seven governments were supposedly elected "democratically"; two did not complete their terms and one did not take office: Carlos Castillo Armas was killed in the presidential palace, Miguel Idígoras Fuentes was overthrown in a coup, and General Ángel Aníbal Guevara was elected but did not take office due to a coup.

A Civilian Government Unleashes the Army

In the elections of March 6, 1966, the candidate of the Revolutionary Party (PR), Lawyer Julio Cesar Méndez Montenegro, won with his slogan "the third government of the revolution." Méndez Montenegro was a last-minute candidate for the PR. He replaced the former presidential candidate, his brother Mario, who had been assassinated the previous October on the eve of announcing his candidacy.

Undoubtedly, the Army High Command did not agree with the newly elected government due to its progressive platform and its ties to the University of San Carlos, where Montenegro had been dean of the law school. Despite the military's concerns that the new administration would be soft on communism, the democratically elected president and vice president were sworn in, breaking with years of de facto military governments.

It later came to light that the administration, prior to taking office, had signed a "Secret Pact" with the army high command granting the armed forces complete autonomy. This agreement remained hidden until the Vice President, Clemente Marroquín Rojas, denounced it and made it public in the newspaper *El Periódico*. The Pact was signed by the interim president, Carlos Enrique Peralta Azurdia, a military dictator



Simone Dalmasso. Plaza Pública Archive

who had assumed power in coup; the entire military high command, thirty-six officers in total; President Méndez Montenegro and Vice President Marroquín Rojas; and by representatives of the political parties that brought them to power, the PR and the PID.

The pact stipulated that the civilian administration would be allowed to take office if several conditions of the agreement were met, for example:

- "The future constitutional government will continue the fight against subversive groups and factions that disturb national peace and security and in no circumstances or under any pretext will it engage in negotiations or agreements with such groups and factions and will provide the army with all necessary collaboration to eliminate them."
- The army "will maintain full autonomy in its integration, organization and administration."
- The government will protect "all civilian and military officials of the present regime", and that "none of them will be the object of any repressive action whatsoever".¹

With the signing of this Pact, a supposedly civilian government gave the armed forces free rein to implement a counterinsurgency policy that would have devastating repercussions for the country.

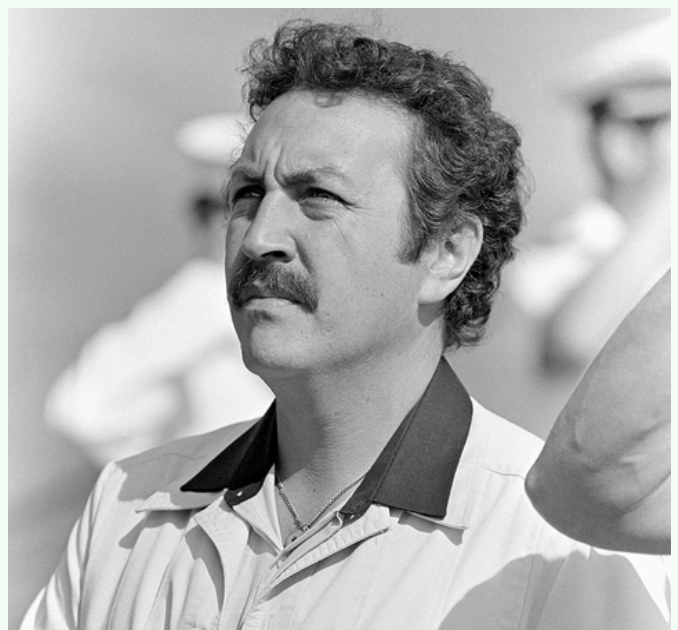
The Modern Era

The first president to take office under Guatemala's current Constitution (of 1986) was Marco Vinicio Cerezo Arévalo. His administration failed to successfully implement the National Stability Doctrine. This doctrine, designed by a strategic sector of the military, offered a blueprint for reformulating the role of the army in a democracy. Cerezo's failure to convince the country's economic elite

to help finance this transition contributed to the defeat of his Christian Democrat party in the 1991 elections.

The winner of those elections was Jorge Serrano Elías, a candidate of the business sector, which used its economic might to further strengthen its political power. During his presidential campaign, Serrano Elías stated that the only pillar in a politically underdeveloped society like Guatemala was the military.

On May 25, 1993, President Serrano Elías shocked the world by staging a "self-coup" dissolving the Congress of the Republic, the Supreme Court of Justice, the Constitutional Court, the Attorney General's Office, and the Human Rights Ombudsman's Office. Military officials such as Chief of the Presidential General Staff, General Francisco Ortega, Minister of Defense, José Domingo García, and Chief of the Defense Staff, Jorge Roberto Perusina, stood with the president.



The Army, at first, fully supported the coup d'état. Armored cars and military troops were deployed to surround the essential public buildings and offices of the mainstream media. Military troops also occupied the surroundings of the state university (University of San Carlos), to prevent student demonstrations. A military brigade, in full combat gear, took up positions to defend the National Palace and the Presidential House.

As national and international condemnation of the coup grew, so did the internal divisions and power struggles within the army. By the beginning of June, the military hierarchy withdrew its support, leaving Serrano Elias little choice but to flee the country.

During this process to oust Serrano Elias, a very strong faction emerged within the armed forces. It was led by the Director of Military Intelligence, Colonel Otto Fernando Pérez Molina, who—two decades later—would be elected President.

Amid the struggles between the army and the economic sector to consolidate their political power, a peace agreement was signed in December 1996. This would represent a new stage in Guatemala's history and present numerous challenges in the fulfillment of the signed Peace Accords.

Documenting Corruption, Atrocities, and Injustice

The lack of effective implementation of the Peace Accords and the existence of illegal and clandestine security apparatuses (known as "CIACS") led to an unsustainable increase in violence and impunity in Guatemala. These criminal groups, created by military intelligence and the economic elite to protect their political and illicit financial interests, weakened the justice system, undercut anti-corruption efforts, undermined the rule of law, and debilitated Guatemala's democracy.²



Crowd Gathers Outside of Trial for Efraín Ríos Montt. El Periódico

In 1994 the Guatemalan government, upon signing a section of the Peace Accord known as the Comprehensive Agreement on Human Rights, agreed to combat and dismantle the CIACS. In that same year, the Guatemalan government signed the "Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer," which led to the creation of the Historical Clarification Commission, CEH.



The CEH presented its report, *The Memory of Silence*, in February of 1999. The report offered comprehensive recommendations to the Guatemalan state for strengthening the justice system. The CEH affirmed that they had "come to the conclusion that the weakness and dysfunction of the judicial system has contributed decisively to impunity and the misapplication of criminal law...."³ On April 24, 1998, the Human Rights Office of the Archdiocese of Guatemala presented its report, *Guatemala: Never Again!*, a historic

compilation of human rights abuses during the armed conflict. The comprehensive study was a result of the work of the Roman Catholic Church's *Recovery of Historical Memory* project. Two days after presenting the report, Bishop Juan Gerardi, director of the project, was found bludgeoned to death in his garage.

The United Nations Verification Mission (MINUGUA), in its July 2000 report, confirmed the existence of the CIACS and their responsibility for threats against human rights defenders, violations of the right to life, and actions aimed at obstructing justice. "Clandestine State structures similar to those that existed during the internal armed conflict continue to exist, as do other structures which seem to be related to organized crime and which have corrupt ties to State apparatus, including the judicial system."⁴

The report went on to confirm that "in several of the cases mentioned, the authors of the threats used tapped telephone lines and vehicles with registration plates assigned to the Presidential General Staff and had the experience and the infrastructure necessary to terrify their victims. The high operational capacity demonstrated would seem to lend credence to the suggestion that State agents tolerate, acquiesce, and participate in such actions."⁵

In this context of serious impunity and violence in Guatemala, civil society and human rights organizations pressured authorities to adopt the necessary measures to combat the

illegal security forces and clandestine structures. With the support of the United Nations, they proposed the creation of the International Commission to Investigate Illegal Bodies and Clandestine Security Forces (CICIACS) in 2004.

This proposal was struck down by the Constitutional Court, which ruled that several aspects of the agreement violated the Guatemalan Constitution.

Two years later, in December 2006, the Guatemalan government and the United Nations signed an agreement to establish the International Commission against Impunity in Guatemala (CICIG), to assist authorities in investigating and dismantling these clandestine groups.

CICIG was a "sui generis" mechanism of international cooperation to strengthen the Rule of Law, constituting a sort of international prosecutor's office aimed at reinforcing and improving the investigative and prosecutorial capabilities of Guatemalan institutions.

Dismantling Networks of Corruption

Beginning in 2007, CICIG supported corruption probes that would eventually result in the indictment of a former president, Otto Perez Molina, and vice president, Roxana Baldetti; the prosecution of dozens of high-ranking government officials, including a Supreme Court magistrate, two former presidents,



members of Congress, and government ministers; the ouster of more than a dozen corrupt judges and thousands of police officers; and the detention of powerful drug traffickers.⁶

The effective fight against impunity and the progressive dismantling of CIACS led the criminal structures entrenched in state, political, and economic powers to perceive CICIG as a threat to their interests.

CICIG suffered constant campaigns to discredit its work and several attempts to end its mandate. Finally, in January 2019, President Jimmy Morales Cabrera unilaterally announced the end of the Commission and gave CICIG's personnel 24 hours to leave the country.

Morales, whose National Convergence Front (FCN-NATION) party was formed by a group of retired army officers, including veterans of the internal armed conflict, was himself being investigated by the CICIG for acts of corruption.

Repercussions for Justice in Guatemala Today:

The Persecution of Judicial Sector Workers

Since the closure of the CICIG, there has been an accelerated deterioration in human rights, the rule of law, and democracy in Guatemala. In 2021 and 2022, the Inter-American Commission on Human Rights (IACHR) placed Guatemala in Chapter IV.B of its annual report, due to setbacks in the fight against corruption and impunity and the systematic persecution against independent justice operators who worked with CICIG, such as the Special Prosecutor's Office against Impunity (FECI) and high-risk judges,⁷ as well as journalists, lawyers, and human rights defenders.

The European Parliament has also denounced the deterioration of human rights and justice in Guatemala. In its resolution of April 7, 2022, it condemned the criminalization of prosecutors and anti-corruption judges, independent journalists, and human rights defenders.⁸ In its resolution of September 14, 2023, it criticized the persecution and harassment by the Public Ministry against the Supreme Electoral Tribunal and the political party Movimiento Semilla, affirming that Public Ministry's actions jeopardized the electoral process and undermined democracy.⁹ One of the main figures responsible for the political persecution is Attorney General Consuelo Porras Argueta.



Women Gather Outside the Alaska Massacre Trial. GHRC

Since taking office in May 2018 Porras has hindered the fight against corruption by protecting corrupt government officials employed by the former administrations of Alejandro Giammattei and Jimmy Morales. The Attorney General has manipulated investigations that had been carried out by CICIG and FECl.

Porras has also used the Public Ministry to retaliate against prosecutors and judges who had investigated and prosecuted corruption cases during the CICIG period, with the intent of obstructing criminal proceedings and fomenting impunity. Approximately 13 former CICIG prosecutors have been forced into exile.

The Special Prosecutor's Office Against Impunity (FECl), formerly known as the Special Prosecutor's Unit attached to CICIG, was created in 2008 to carry out top-level investigations into acts of corruption. Due to the malicious misuse of criminal law by the Public Ministry, backed by the judiciary, 19 FECl prosecutors have had to go into exile. Other anti-corruption prosecutors have been criminalized, and some have left the country. Virginia Laparra, an anti-corruption prosecutor in Quetzaltenango, has been unjustly imprisoned on unfounded charges.

Among those who have been criminalized are magistrates from the Constitutional Court and the Supreme Court of Justice, the Public Ministry,

and investigators from the National Civil Police. Likewise, journalists, land defenders, human rights defenders, defense lawyers, members of civil society, and a Human Rights Ombudsman have all faced legal proceedings. Ten former anti-corruption prosecutors from FECl and former CICIG officials have been arbitrarily detained based on false and unfounded accusations.¹⁰

Among the approximately 50 justice operators who have had to leave Guatemala are former Attorney General Thelma Aldana, former Special Prosecutor Against Impunity Juan Francisco Sandoval, and several judges involved in transitional justice processes and corruption cases, such as Erika Aifán, Miguel Ángel Gálvez, and Carlos Ruano, who have had to go into exile due to persecution by the Public Ministry.¹¹



Attorney General María Consuelo Porras

To carry out her plan of political persecution and obstruction of justice, Consuelo Porras has de facto dismantled the FECl,¹² firing more than 140 career prosecutors and assistant prosecutors without justification.¹³ She has replaced them with inexperienced individuals lacking sufficient qualifications, individuals who are willing to carry out illegal criminal actions of political persecution against her opponents.

Additionally, Porras has disobeyed provisional measures dictated by the Inter-American Court of Human Rights ordering her to respect the prosecutorial career and to guarantee the independence, wellbeing, and personal integrity of the prosecutors.¹⁴ Despite that ruling, she has dismissed prosecutors such as Elena Sut¹⁵ and Carlos de León¹⁶ because they were investigating cases of serious human rights violations. These dismissals are illegal and violate domestic law and international standards on prosecutorial independence.



Criminalized Judicial Operators in Guatemala



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- ¹ Élités y relaciones político-empresariales en Guatemala: actores-red, co-ordenación y poder. José Antonio Melville. https://www.academia.edu/47804070/%C3%89lites_y_relaciones_pol%C3%ADtico_empresariales_en_Guatemala_actores_red_co_ordenaci%C3%B3n_y_poder
- ² <https://insightcrime.org/guatemala-organized-crime-news/ciacs>
- ³ <https://hrdag.org/wp-content/uploads/2013/01/CEHreport-english.pdf>
- ⁴ United Nations Verification Mission in Guatemala (MINUGUA), Guatemala City. 26 July 2000. *Eleventh Report on Human Rights of the United Nations Verification Mission in Guatemala*. https://en.wikisource.org/wiki/MINUGUA_-_Eleventh_report_on_human_rights
- ⁵ IBID
- ⁶ <https://www.wola.org/analysis/cicigs-legacy-fighting-corruption-guatemala/>
- ⁷ CIDH Annual Report 2021, Chapter IV.B. Guatemala. Available at: [IA2021cap4B.Guatemala-es.pdf](https://www.oas.org/en/cidh/docs/annual/2021/chapters/10-IA2021_Cap_4B_GU_ES.pdf) (oas.org).
CIDH Annual Report 2022, Chapter IV.B. Guatemala. Available at: [10-IA2022_Cap_4B_GU_ES.pdf](https://www.oas.org/en/cidh/docs/annual/2022/chapters/10-IA2022_Cap_4B_GU_ES.pdf) (oas.org).
- ⁸ European Parliament Resolution, April 7, 2022, on the situation of the Rule of Law and human rights in the Republic of Guatemala (2022/2621(RSP)). Available at [TA](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022R0261) (europa.eu).
- ⁹ European Parliament Resolution, September 14, 2023, on Guatemala, the situation after the elections, the Rule of Law, and Judicial Independence. Available at [TA](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023R0261) (europa.eu).
- ¹⁰ Among other prosecutors, Willy López Racanac, Allis Morán, Paola Escobar, Stuardo Campo, Carlos Vides, Siomara Sosa, among others, have been affected. Additionally, spurious arrest warrants have been issued against Attorney General Thelma Aldana Ramírez, former Head of FECl Juan Francisco Sandoval Alfaro, former Secretary General of the Public Ministry Mayra Veliz, and Secretary of Criminal Policy Rotman Perez.
- ¹¹ Vance Center, December 2022. The criminalization of justice operators in Guatemala. Available at <https://bit.ly/495tZhT>. Also, see the report of the Mission of Judges of the Latin American Federation of Magistrates and the International Union of Magistrates, "Attacks on Judicial Independence in Guatemala", October 2022. Available at <https://bit.ly/3SfILMO>
- ¹² See CIDH. ANNUAL REPORT Chapter IV b. Parr, 13. https://www.oas.org/en/cidh/docs/annual/2022/chapters/10-IA2022_Cap_4B_GU_EN.pdf
- ¹³ Joint Statement by Impunity Watch, DPLF, CEJIL, WOLA, and Kennedy Human Rights. July 12, 2022. NGOs condemn the arbitrary dismissal of prosecutors and the weakening of the Public Ministry of Guatemala. Available at: <https://bit.ly/3Si7Ab5>
- ¹⁴ Inter-American Court of Human Rights. Resolution of September 23, 2021. Valenzuela Avila Case and Ruiz Fuentes Case Compliance Supervision and Provisional Measures.
- ¹⁵ See Provisional Measures in favor of Elena Sut. Inter-American Court of Human Rights Resolution of November 22, 2022 Provisional Measures and Compliance Supervision of judgments in Bámaca Velásquez, Maritza Urrutia, Plan De Sánchez Massacre, Chitay Nech and Others, Rio Negro Massacres, and Gudiel Álvarez and Others ("Diario Militar") Vs. Guatemala.
- ¹⁶ Inter-American Court of Human Rights Resolution of September 23, 2021 Provisional Measures and Compliance Supervision of judgments in Valenzuela Ávila Case and Ruiz Fuentes Case and Others Vs. Guatemala.

[The persecution against judicial sector workers, journalists, and others exposing and fighting corruption and injustice in Guatemala continues. To read the original article in Spanish click here.](#)