

Guatemala's high court overturns dictator Rios Montt's genocide conviction

By Rafael Azul
21 May 2013

Guatemala's Constitutional Court on Monday overturned former dictator José Efraín Ríos Montt's 80-year sentence for genocide and crimes against humanity. The trial court's May 10 decision had found the ex-general, who ruled Guatemala during the dirty war of 1982 and 1983, guilty in the killing of 1,771 Mayan natives in the Department of Quiché—a fraction of all those that died during his term in office. The trial determined that the victims were brutally murdered in 15 separate bloodbaths.

The former general had taken power in March 1982 as a result of a military coup that overthrew president Romeo Lucas, another ex-army general. Seventeen months later, Ríos Montt himself was overthrown and replaced by his own defense minister, General Óscar Mejía Víctores, who in turn continued the same murderous policies and has been implicated in at least 11 massacres of rural villages.

In a 3-to-2 split, the five-judge high court panel ruled that the trial must resume at the point where it stood on April 19, when Ríos Montt's attorney was briefly expelled from the court for contempt after charging presiding judge Jazmin Barrios with bias against him and of conducting an "illegal proceeding."

According to the constitutional court's ruling, the trial should have been stopped on that date to consider the defense attorney's challenges. As a result, all of the trial after April 19 has been annulled and extensive testimony given by victims of the dictatorship as well as closing statements must now be repeated.

Ríos Montt's attorneys said that they would move immediately to secure the release of their infamous client from a military hospital where he was taken after fainting.

The overturning of the verdict is the latest episode in the tortuous legal action that began last February. Following the clash in the courtroom last April, another judge ordered proceedings halted based on procedural grounds raised by the defense. In the jurisdictional confrontation that followed, the Constitutional Court then ruled that the objections did not require that the trial be halted.

The ruling will likely mean that the remainder of the trial will have to be heard by a different judge, with the prospect that the verdict and sentence may also be different from those reached earlier this month.

While the basis for the overturning of the verdict was ostensibly a legal technicality, the prosecution of the ex-dictator has been relentlessly opposed by Guatemala's ruling oligarchy and leading elements within the political establishment and military command, all of which are deeply implicated in the crimes of his US-backed dictatorship. Public ads were taken out in leading daily papers by prominent former officials denouncing the charge of genocide, and there has been none too subtle pressure placed upon the judicial system.

The high court's decision was denounced by Guatemalan human rights groups as a miscarriage of justice and a defense of the crimes of the dictatorship. Amnesty International's investigator for Guatemala, Sebastián Elgueta, described it as a "hard blow to the victims of the grave

violations of human rights" committed under the dictatorship, adding that it placed "tremendous obstacles to being able to get justice and settle accounts for a heart-rending period of Guatemala's recent history."

On the other hand, Guatemala's big business association, CACIF (Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations) called it a "strengthening of due process" that was "good news for the country."

The ruling also affects Montt's co-defendant, his military intelligence chief José Mauricio Rodríguez Sánchez, who had been acquitted of all charges. The court accepted the dubious argument that the latter had not been part of the military chain of command that connected Ríos Montt and his commanders in the field.

In her May 10 ruling, presiding judge Jázmin Barrios determined that all of the destroyed towns were agricultural villages that had not participated in the guerrilla war. "The trial proved that the Ixil population was singled out for assassination, massacre, torture, degrading treatment, forced movements, and transference of children from one group to another. We, who sit in judgment today, are totally convinced," she said, "that the intention was the physical destruction of the Ixil group."

Barrios then ordered court security officers to detain Ríos Montt. The aging dictator was escorted to a waiting police vehicle that took him to jail. Before leaving, Ríos Montt announced that he would appeal the verdict and denounced the trial as an "international farce."

Following the sentencing, Judge Barrios declared: "We observed that witnesses that told of everything that happened in their communities, and how their family members demand that justice be done and that what happened will not be repeated. This is very much linked to the victims' right to the truth, to justice and that the events will not re-occur. For that reason we will convene a hearing on May 13, to make a decision on reparations for the victims." Ríos Montt, 86, collapsed at the reparations hearing.

The trial has also uncovered the complicity of the current Guatemalan president, retired general Otto Pérez Molina, who seems to have participated in at least one of the mass killings at the Ixtil community of Najab in September 1982. He was identified during the course of this trial by one of the witnesses, Hugo Reyes, an army mechanic. According to Reyes, Pérez Molina was then known as Major Tito Arias.

According to Cármen Ibarra of the Justice Movement, one of the plaintiff organizations, the Public Ministry has decided to continue the investigation, beginning with president Pérez.

Pérez denies that any genocide ever took place, and claims that Reyes mistakenly placed him at the scene of that massacre. He did confirm that he had operated in Ixil territory under a false name during this period.

Ibarra pointed out that there was widespread complicity with this genocide that extends beyond the actual perpetrators, and includes those sectors in the oligarchy and ruling class that supported the dirty war.

The killings in the early 1980s were only one episode in a protracted civil war. This war, which a 1999 United Nations Truth Commission

euphemistically described as an “internal conflict,” began in 1960, but its roots are in the democratic Revolution of 1944, the agrarian reform of 1952 and the CIA coup of 1954. That US operation overthrew the democratically elected government of Jacobo Arbenz and reversed the distribution of lands, leaving untouched banana plantations owned by United Fruit Company and preserving the feudal enslavement of agriculture workers and small farmers.

By the time the decades of civil war ended in 1996, over 250,000 had been killed, 45,000 had been kidnapped and never accounted for, and over 1.5 million had been turned into refugees. Eighty-three percent of the dead were Mayans. The other 17 percent were *Ladinos* (people of mixed Indian and European ancestry.) Six hundred sixty-seven massacres and the total destruction of 443 villages have been documented.

The eradication of villages considered friendly to the guerrillas of the Guerrilla Army of the Poor (*Ejército Guerrillero de los Pobres*, EGP) had begun before Rios’ term and continued after his removal from power. Carrying out this one-sided civil war were officers trained at the notorious Pentagon-run torture and terror institution, the School of the Americas (SOA). The list of commanders involved in this one-sided civil war on rural communities reads like a “who’s who” of SOA graduates. Included in this list are both Rios Montt and current president Perez Molina.

Of particular concern to the Guatemalan military were the villages located in the Ixil triangle—an area defined by the cities of Santa María Nebaj, San Gaspar Chajul and San Juan Cotzal in the highlands of northwestern Guatemala. Towns in that region were occupied by the military. Its inhabitants were forced to form so-called self-defense anti-guerrilla units.

Their subsistence economies were destroyed and those towns that collaborated became entirely dependent on government handouts, managed by the ultra right-wing, rabidly anti-communist US Protestants (the policy of beans and bullets.) Those farming communities and towns that resisted were exterminated. Villages whose inhabitants fled before the troops arrived were considered rebel supporters and destroyed.

The Rios Montt reign was the bloodiest of all the years of civil war, with 70,000 deaths taking place during those years. *Operación Sofía*, one of the first campaigns of his regime, was based in the counterinsurgency operations developed in Vietnam by the United States in the 1960s and 1970s. The object of the operation there was to “neutralize” civilian support for the Viet Cong through brutality, rapes and killings, including murdering everyone in a village. The massacre at My Lai in 1968, an infamous event that defined the character of US intervention in Vietnam, became the model to follow.

Typical of the Guatemalan government’s repression was the destruction of Dos Erres, a Ladino village, whose men refused to form self-defense squads.

On December 5 and 6, 1982, the military invaded the town and methodically began to kill everyone; women and girls were raped en masse before being killed. Children had their heads bashed against rocks and trees and then were thrown into a dry well in the middle of town, and their parents were executed with sledgehammer blows to the head and thrown in the same well. In all, 200 people were brutally murdered. Many years later, forensic scientists would discover and attempt to identify 167 bodies from the dry well alone.

On December 5, as troops were entering Dos Erres to begin their bloody work, US President Ronald Reagan was meeting and celebrating the Guatemalan tyrant. Ríos Montt, was “a man of great personal integrity,” commented Reagan, “totally dedicated to democracy.”

The US president’s rhetoric fooled no one even vaguely familiar with the interests of US imperialism across Central America, where Guatemala was an important component, or with Reagan’s support for Chile’s Pinochet and for the dictatorships in Brazil, Uruguay and Argentina.

Then, as now, feudal-like social relations dominated Guatemala;

impoverished peasant villages were forced to labor in coffee, sugar and banana plantations in slave-like conditions. Giant estates controlled 60 percent of the land—the best land. Alongside these existed mini-states, whose owners imposed a life of extreme misery on those forced to labor in the plantations.

The state and the army, which served, as it does now, as the private security force of the oligarchs, enforced this system. At the summit of this setup was US imperialism, which defended the interests of US corporations, mainly the United Fruit Company in this period. Any support for a more equitable distribution of land had to be extirpated.

President Rios Montt, speaking to a reporter about the ongoing massacres, made the analogy of parents punishing their children for disobeying their instructions. This bizarre comparison reflected, and still reflects, the ultra-reactionary views of the landlord class backed by Washington.

At Rios Montt’s trial, judges heard from over 150 witnesses, including more than 80 survivors. They described brutal acts of military terror against innocent civilians and their families, including people being forced into homes that were then set on fire. Some of the witnesses who had been children during the massacres lost their entire families.

The trial and sentence are not final. Rios Montt counts on support from both the national bourgeoisie and the oligarchy of landlords. Since the verdict of May 12, over 100 petitions have been sent to the court on Rios Montt’s behalf, demanding that the court reverse itself.

In response to this kind of support for Rios Montt from bourgeois and oligarchical elements, the Victims’ Network (*Red de Organizaciones de Víctimas*, ROV, an alliance of victims’ organizations and other human rights groups from across Guatemala) demanded on Friday that the courts not turn away from the verdict and sentence. An ROV press release warned civil rights organizations and defenders of democracy against the aggressive and threatening stance taken by supporters of Ríos Montt. These supporters include current government officials.

It is remarkable that it took 30 years for a trial court to formally, albeit partially, recognize the crimes of the Guatemalan military. The court verdict and sentence confirms what the whole world has known since the 1980s: in the name of anti-communism and “national security,” the Rios Montt government and the military in Guatemala carried out a deliberate policy designed to deprive the guerrilla army of a popular base through the brutal suppression and extermination of thousands of Ixil and others in northern Guatemala.

This was not a case of clandestine jails or death flights under the cover of darkness that provided a cover of deniability to military regimes elsewhere; the massacres and terror were carried out openly and in full view of international public opinion.

It is also an open secret that the Rios Montt’s regime was part of a string of puppet dictatorships, military and civilian, that carried out policies dictated by the US government, in this case, the administration of Ronald Reagan. With the overthrow of the Somoza dictatorship and the installation of a Sandinista government in neighboring Nicaragua, the bloodbaths multiplied.

In the context of the Cold War, the Guatemalan military repressed democratic and social rights that had been won in bitter struggles, targeting rural and urban workers, the poor and their supporters, even liberation theologians of the Catholic Church, and liberal parties.

It was the US government that trained Ríos Montt and his commanders. It was Washington that directly and indirectly armed the regime and whitewashed the military’s crimes. The policies of the Guatemalan military, including its campaign of extermination of the Ixil Mayans, were vetted and supported by Washington. They were a part of a continent-wide counter-insurgency campaign designed to destroy and atomize the urban and rural working classes.

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