

"The eyes of the dead will only close when justice arrives." –Miguel Ángel Asturias

Historic Sentence in First Forced Disappearance Case: A Partial Victory for Choatalúm

In 2003, members of the community of Choatalúm dared to do the unthinkable: they publicly denounced then-mayor Felipe Cusanero Coj for his responsibility as military commissioner for the forced disappearances of six family members between 1982 and 1984.

Forced disappearance, a kidnapping authorized by a State that refuses to provide information as to the individual's whereabouts in order to keep him/her beyond both the law and his/her rights, creates a climate of terror and unending suffering for survivors who are denied information about their loved ones. The UN-sponsored Historical Clarification Commission documented over 45,000 cases of forced disappearance committed in Guatemala during the internal armed conflict.



Lawyers meet with the victims committee

The Choatalúm trial opened in 2008 as the first forced disappearance case in Guatemala. Despite its dramatic debut, however, the case languished in the courts for over a year as the Constitutional Court determined whether Cusanero could be legally tried for the crime of "forced disappearance," which was not defined as a crime against humanity by the United Nations until 1996, more than a decade after the disappearance of the six family members in question. In July of 2009, the court resolved that "forced disappearance" is a crime that continues to be committed on an ongoing basis until the disappeared are found. Therefore, Cusanero's trial could move forward.

On August 31, 2009, the court sentenced Cusanero to 150 years in prison for his role in forcibly disappearing Santiago Sutuj, Alejo Culajay Ic, Lorenzo Avila, Filomena López Chajchaguin, Encarnación López López and Mario Augusto Tay. For the survivors in Choatalúm the sentence produced mixed emotions. Though Cusanero is now in prison, he refuses to provide any information as to the whereabouts of the disappeared. In the words of the survivors, "From the beginning, this is all we wanted." Nevertheless, the verdict marks the first time a member of the military has been held accountable for crimes committed during the internal armed conflict, and thereby sets an important precedent for future prosecutions of forced disappearances.

New Evidence of 1980s U.S. Government Funding and Knowledge of Forced Disappearances

"On March 17 the US-based National Security Archive published eleven declassified documents from the State Department's Bureau of Intelligence and Research, confirming that high-level US officials were well aware of the action of the Guatemalan security forces that the United States was arming and training at the time. 'Most of the disappeared have in fact been kidnapped by security forces,' reads one report from 1986. 'This tactic,' it continues, 'was successful.' The document concludes with one concern: 'A few highly publicized disappearances and killings...could easily undermine our efforts in Congress to assist Guatemala economically and militarily.'" – Excerpt from "Guatemala's Dirty War," by Michael Gould-Wartofsky and NISGUA accompanier Kelly Lee, published in The Nation

A Little Bit of Justice: The Case of Israel Carías

On June 22, 2009, the Sentencing Tribunal in Zacapa, Guatemala, found two men guilty of the 2007 murder of community leader Israel Carías Ortiz and his two sons Ledwin Anilson (age 9) and Ronald Aroldo (age 11). The sentence recognizes Carías was killed because of his leadership in the struggle to reassert legal rights to community land, and leaves the case open to further investigation of the intellectual authors of the murder: the *finqueros* (large land-owners) presumably responsible for contracting the assassins to protect their own interests.



Carías' widow marches for justice in the case

The timing of Carías' assassination coincided with an approaching three-month deadline requiring the *finqueros* to return usurped land to the community, and a nationwide increase in repression against communities asserting their rights to land and natural resources.

Minutes after the sentencing, Carías' widow

commented on the verdict: "It's a little." Today, the community is still waiting for the final document to settle the land issue, while leaders of local *campesino* associations, ACUS and ACIDEA, continue to organize under threat. Those close to Carías have begun the long process of commemorating his work and celebrating his life, overshadowed by his violent death and the murder trial.

The president of ACIDEA is now Carías' twenty-one-year-old niece, who knows intimately the responsibility and risk of the position. Inspired by her uncle, she

refuses to be silenced by fear. "[My uncle] knew that sooner or later he would be killed for his organizing. **But we all die. It is a question of dying on your knees or living standing up. We choose with our eyes open.**"

The U.S.-based Network in Solidarity with the People of Guatemala (NISGUA) supports individuals, organizations, and communities seeking justice in Guatemala with our accompaniment, education, and advocacy work. Visit our website at www.nigsua.org to sign up for our e-lists, participate in urgent actions, become an accompanier, or make a secure donation. Join NISGUA in our efforts to push for justice for crimes of the past and ensure the protection of human rights defenders.