

Impunity's Eclipse: The Long Journey to the Historic Genocide Trial in Guatemala

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The sun is at the center of Mayan cosmology: it rules their culture, their religion, their art and their science. By studying the sun, the Mayan people discovered the existence of several planets that, at different speeds and orbits, revolved around the sun. Together, they formed a system: the solar system.

Extraordinary things, like an eclipse, happen only very rarely and are the result of the confluence of many different cosmic bodies, elements, and forces in a particular place and time. This is what happened in Guatemala's genocide trial: the courage and resistance of the survivors, the loyalty of their lawyers and of human rights defenders, and the commitment of certain prosecutors and judges all had to align to secure a ruling that remains unique in the world.

This is the story of the 30-year struggle for justice in Guatemala and the people who, for a moment, were able to eclipse impunity.

Elena de Paz flattens corn tortillas with the palm of her hands while the sun sinks behind the accordion mountains that surround the Nebaj valley, the heartland of the Maya Ixil [pronounced ee-sheal] people of Guatemala. The fire where she heats the *atol*, a beverage made out of corn flour, warms her round face. Two rebellious curls frame her chubby cheeks, like the ones from the cherubs in the paintings. The rest of her hair, long and black, is braided with a rainbow-colored ribbon and surrounds her head, forming a cheerful cloth crown. Four pompoms, facing back, top her headdress. The flame is the only light in the kitchen, which also serves as a bedroom for two of her five children.

Limping, Elena lights a candle in the other room of the house. The trembling light scratches the walls, wooden planks covered with garbage bags to shield them from damage. The roof is made out of sheet metal and still emanates the heat it absorbed from the sun during the day. Dozens of ears of corn hang from the flimsy beams and walls. On the only mattress in the house, her two daughters, Jacinta and Josefina, do their homework. They shine light on their notebooks with the screens of their cell phones.

"Me, on the other hand, not a single letter," says Elena in her high-pitched, cheerful voice. "When I have to sign, I use my finger. It's hard."



Elena de Paz cooking a traditional Ixil dish, boxbol

She takes a jug of water from the ten that are lined up on the ground next to the wall. She washes her hands with soap and lets a stream of sudsy water spill onto the middle of the room, which the dirt floor slurps up. Sitting on a small, ankle-high stool is her 18 year-old son Francisco. His cell-phone plays "Redeemed," an evangelical pop song that the young man sings softly while smiling, his gaze drifting.

Dragging one of her legs, Elena distributes the dinner bowls: eggs, black beans, tamales and tortillas. The girls eat on the bed, the boys standing or sitting on the few small chairs scattered around the room. A pig grunts outside.

Not even Elena's children knew the cause of her limp until a short while ago. Nor did she ever tell her husband, who died 10 years ago from alcoholism.

She told her story for the first time in April 2013 as one of the nearly 100 victims who testified in the trial against former dictator Efraín Ríos Montt. Montt was charged with genocide perpetrated against the Mayan Ixil people during the bloodiest phase of the [civil war](#) in Guatemala, in the mid-1980s.

With her face covered for security reasons, Elena recounted, before the three judges and a crowded courtroom, how dozens of soldiers raped her mother first and then her, when she was 12 years old. Elena passed out at some point. When she recovered, blood poured from a gash in her right thigh. She has not seen her mother again and does not know what happened to her. "And people say you forget," she sighs. "But it won't go away. It just won't."

The history of abuse Elena suffered reverberated in the voices of the almost 100 women and men who testified during the trial. It was a choir of stories of systemic persecution, of massacres, torture, rape, murdered children and pregnant women, destroyed villages, scorched fields, and many more tragedies that are difficult to reconstruct with words. For many of the survivors, it was the first time they shared their story in public, before the expectant eyes of the audience that filled the courtroom and thousands more in Guatemala and the rest of the world who followed the trial live through the media.

Their testimonies, supported by documentary proof and forensic analysis, revealed the military forces' clear strategy: the extermination of the Mayan Ixil people.

In a [historic ruling](#), on May 10, 2013, the High-Risk Tribunal A of Guatemala declared Ríos Montt guilty of committing genocide and crimes against humanity against the Mayan Ixil people. It was the first time in history that a former head of state was tried in his own country for the crime of genocide. But this victory was not won after a few months of trial; it was the result of more than three decades of an unwavering fight for justice led by the victims and their families, activists and human rights defenders, lawyers and judges committed to their work.

I ask Elena if she has a copy of the ruling. Proudly, she starts rummaging through the plastic bags that hang from the walls. Her two older sons help her investigate the cardboard boxes piled up in a corner, full of traditional clothes that Elena resells to earn some extra money. She works for a private clinic, washing the blood from sheets after surgeries.

Francisco climbs on a chair and opens a wooden box placed on top of a crooked wardrobe. There it is. On the cover, under a thick layer of dust, there is a picture of the back of an Ixil woman in traditional dress and her rainbow crown, like the one Elena wears, swearing before the tribunal, her right hand raised in the air. Inside, the 718-page ruling that declares Ríos Montt guilty of genocide is scrawled in print so small that it's barely legible. But Elena doesn't care: she cannot read.

The 'Indian Problem'

The long journey to justice which culminated in the genocide trial did not begin in Guatemala City in 2013, but in places far from the capital. Places like the jagged mountains of the Ixil region, in the northwest of the country, in the mid-1990s. There, despite being in the middle of the tropics, altitude causes cold, damp nights. In the morning the fog weaves in and out of the trees just like the colorful ribbons in a women's hair. These dawns give the region a taciturn mood, as if it had not ever been able to expel the ghosts of its terrible past.

Like in other countries where the Cold War materialized into armed conflicts, Guatemala in the mid-1950s and 1960s endured a series of right-wing military dictatorships—[orchestrated](#) and backed by the United States— that resorted to terror to crush student and union movements, amidst the armed confrontation with leftist guerrillas. Here, the conflict also had an undeniable ethnic dimension.

[Guatemala](#) is the Central American country with the largest percentage of indigenous population (60% of the population), where more than 20 indigenous peoples coexist. The indigenous peoples were the focus of a campaign of violence during the civil war (1962-1996). It is estimated that more than 200,000 people died in the conflict, most of them during its most savage episode, between 1981 and 1983. According to investigations carried out by the Commission for Historical Clarification (CEH), more than 90% of the violations during the war were committed by state forces and more than 80% of the victims were indigenous people.

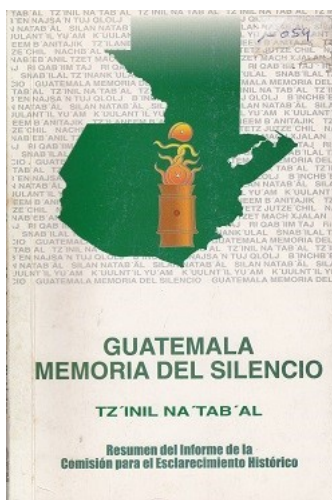
The terror against the indigenous peoples has far deeper roots than the civil war. Spanish colonizers enslaved the indigenous people and discrimination carried on well beyond Spanish occupation—indigenous people were forced to work without pay until 1945. Power has remained in the hands of a few landowning families for centuries, as the descendants of the colonizers have worked with the army to protect the status quo and favor the monopolies under their control.



Carlos Guzmán Boeckler

“The legacy of the Spanish empire is racism, there's no doubt about that, and it is deeply rooted in this society,” explained the [late](#) Carlos Guzmán Boeckler, one of Guatemala's most influential sociologists. “The empire's racism used physical appearance as a cover for ruthless exploitation. It continues to draw deep boundaries between those who have and those who should not have, so that they can be a permanent source of labor, as well as ignorant.”

The idea that indigenous people are a “burden for the country” persists to this day, asserted Boeckler. The elites coined a term for this: “the Indian problem,” as if it were something that had to be solved—or eradicated. Today [more than 80%](#) of the indigenous population in Guatemala lives in poverty in a country with some of the highest levels of inequality in Latin America. The situation is worse in rural communities, and even more dramatic for women.



Cover of CEH’s final report. You can read the full report [here](#).

In 1996, after more than three decades of armed conflict and several years of negotiations with the United Nations as mediator, the government and a coalition of leftist guerrillas signed the [peace accords](#). Aiming to prevent the recurrence of violence, the accords were meant to address structural problems in the country like the rights of indigenous peoples, land ownership, socioeconomic structures, the role of the armed forces, and the strengthening of civil society. Most of these proposals either never left the page or have made limited progress. The ones that were able to advance somewhat farther were the [Commission for Historical Clarification](#) (CEH), responsible for investigating and revealing the truth of the crimes that were committed, and a National Reparations Plan to manage reparations to the victims of the conflict.

Operating in a very fragile environment, the CEH conducted its investigations between 1997 and 1998. To establish an objective account of the human rights violations that had taken place during the conflict, the CEH collected over 7,000 testimonies and visited almost 2,000 communities in eight months. The CEH also faced some relevant limitations: it was not allowed to attribute any individual responsibilities in its [final report](#), which was issued in 1999.

Although the peace agreements did not foresee that perpetrators of war crimes would be brought before the courts—largely because during the negotiations the military were able to exert enough influence to secure their freedom—civil society and human rights organizations quickly began to mobilize to demand justice.

Attorney general Claudia Paz y Paz followed anxiously from the Attorney General’s office, keeping up with the news through her colleagues. Her first thought was for the victims: she wondered what they would be feeling. The second thought was quite different: how could she guarantee the safety of all those involved? The memory of Monsignor Gerardi’s murder, two days after presenting the REMHI report, was still very fresh in her memory.

That same night, wearing bullet-proof vests from the moment they left the courtroom, the prosecution lawyers left the country for a few days, for safety.

The response of the elites came fast. The day after the decision was handed down, CACIF called a press conference and demanded that the Constitutional Court void the ruling. The personal attacks, especially against Paz y Paz and judge Barrios, intensified. Several complaints were filed against the professionals, trying to discredit and disbar them.

Ten days after the landmark decision, in a ruling that most experts consider illegal, the Constitutional Court of Guatemala [ordered](#) that the trial be repeated. Since then, the proceedings have been trapped in a legal swamp, drowning in still-more legal stall tactics while the health of the elderly, 91-year-old dictator deteriorates. In this morass, it grew clear that the justice system is far from being able to withstand the enormous political pressure from the angered elite.

But that fact does not erase the moment when judge Barrios declared Ríos Montt guilty, marking a unique, historic victory for the survivors. Elena de Paz was elated when she heard the ruling and hugged her fellow survivors. “For us, justice was done,” she says. Antonio Caba, after 13 years of fighting, felt the taste of victory: “I felt very glad, very happy. We were proud of achieving justice. Because what we were doing was not revenge.”

The Trial's Shock Waves

In 2014, American scientists first [detected](#) the shock waves generated by the Big Bang, the explosion that gave origin to the universe more than 13.8 billion years ago. It was like hearing for the first time the echo of an event that changed everything. In Guatemala, the genocide's trial shock waves have already been felt: they resonate strongly in the streets of the country and will probably tremble for many years. Those who made the extraordinary eclipse possible are aware that it was the result of a collective sacrifice and effort.

“It is the work of many, many people who, thanks to destiny, God or the Mayan view of the universe, were there and were a part of it,” says Edgar Pérez, who continues to accompany the victims in trials for civil war crimes through his own law firm. “And I had to be there. I assisted and helped in something that many people have worked on.”

Judge Barrios, who has not stopped adjudicating civil war cases and believes that the justice system grew thanks to the genocide trial, also holds this view. “There are many actors and institutions—the Attorney General's office, the ‘querellantes adhesivos’—who have each done their part. One cannot take credit on one's own behalf, one must be humble. Each one has carried out what was pertinent within our own space.” For Francisco Soto, director of CALDH, the decision has contributed to the country's historical memory and is already extending its impact to other Mayan peoples: “There are many communities that ask for a copy of the decision, because although the sentence talks about what happened to the Ixil people, in the end it is what happened to the Achi people, to the Kaqchikel people. So the population, and especially the indigenous population of the country, sees its history reflected in this ruling.”

Former attorney general Paz y Paz highlights three consequences. First, for the survivors, she insists that the trial gave them back a citizenship that had been taken from them: “Denying them access to justice for so many years in such a serious case in a way took their status as citizens. And it also changed the way society saw them.”

Second, it awakened a sense of responsibility and empowerment among prosecutors and judges: “Officials who for many years may not have felt able to bring people like a former heads of state to court, they understood this legitimate power.”

And third, it instilled a degree of trust in the judiciary from Guatemalan society: “I’m not sure if everyone felt this way, but when everything was in jeopardy [in 2015], people said: ‘we’re going to lose something that works in our democracy’ and that’s why they took to the streets.”



People demonstrating in Guatemala City demanding president Otto Pérez Molina and vice president Roxana Baldetti to resign. (Sandra Sebastián/Plaza Pública)

Here, Paz y Paz refers to the mass demonstrations that paralyzed Guatemala City in 2015, under the motto “Quit Now,” which demanded the resignation of then-president of the country, Otto Pérez Molina, and vice president Roxana Baldetti, on grounds of large-scale corruption. Both Pérez Molina and Baldetti are now in prison on corruption charges. For Paz y Paz, the protests—which many consider to be the “Guatemalan Spring”—are connected to the genocide trial two years earlier. During one of the demonstrations in the central square of the capital, the leaders of the Ixil people joined the crowd. “Protesters created a corridor and began to applaud,” the former prosecutor explains. “They recognized their courage in demanding justice for all these years.”

For Antonio Caba, the fight for justice continues. AJR became independent from CALDH in 2012, and the organization has grown considerably in recent years. They have now expanded their work to other projects, always related to accountability: “Labenxe, the Mayan concept of justice, is change. It is a change the country needs and it is living in peace,” Caba says. “Because if there is no justice, there is no peace. If there is no justice, impunity continues to exist. The crimes they committed may be repeated.”

. Elena de Paz speaks to a neighbor in her village, Sajbutá

In the village of Sajbutá, on the outskirts of Nebaj, Elena de Paz believes justice has been served in the genocide case, but she wants the law to go further: “It was not just Don Ríos Montt.” She is not afraid to

testify again if the trial is repeated, because what she declared is true. Among her community, though, others are not so sure. Many women problems with their husbands when they decided to travel to the capital to take part in the trial. The husbands felt ashamed when their wives spoke about the abuses in public, they accuse them of “going with the soldiers.” The women have learned to respond to such comments by affirming that what happened to them was not their fault. To protect themselves, they have formed the organization Flor de Maguey.

On the way home, after grinding the corn, Elena pulls a few plants to feed the “cochito” [piggy]. Despite raising pigs, de Paz won’t dare to slaughter them. When it is grown, she will sell it or ask a neighbor to slaughter it for her. In fact, she prefers to eat vegetables.

De Paz requests permission to enter a neighbor’s land, from whose garden the whole village can be seen, sunk in a small valley. It used to be a military detachment. Between two trees hangs a piece of rusty, twisted metal. With a stone she picks up from the ground, Elena strikes the metal piece and it resonates throughout the valley. It is shrapnel from a bomb that the community has transformed into a bell. When something suspicious happens or a stranger enters the village, they make it sound.

“And do you know where your last name comes from, Elena de Paz [Elena of Peace]? Is your entire family called de Paz?” I ask.

“Yes. They’re called de Paz, yes.”

“It’s very beautiful.”

“Right?”



Antonio Caba Caba

The Boy Who Did Not Want to Forget

Ilom, the legend says, was the first village where the Ixil people settled. Large cracked slabs still trace the ancient paths, so steep and irregular that only horses and donkeys are able to traverse them. The soil is soft and fertile. Dozens of children play barefoot in the warm mud. Crops of maize, beans, and coffee cover the slopes of the beautiful valley that opens to the Ixcán jungle. A warm and humid breeze cuts through the first palm trees, heavy with bananas, hinting at the tropics beyond.

At 46, Antonio Caba Caba knows every single corner of the village. He wears jeans and a light-blue shirt, which contrasts with the traditional red vest of Ixil men he wears over it, with black stripes and embroidery. His coal-colored hair is rebellious and shoots up like a brush. He knows the village just as he knows its bloody history.



The ancient paths of Ilom, the first village where the Ixil people settled (Marta Martinez/ICTJ)

Although he was only a child in the early 1980s, when the military began terrorizing the village, Antonio remembers in detail the night the soldiers took Gaspar, Tomás, Salvador and 27 other neighbors. How their wives arrived at his father's the next morning asking for help. How Tomás' wife broke down, weeping, having been raped by more than 30 soldiers. Or when a month later, returning from planting corn with his father, they found a bloody hat on the road, and soon after Pedro's body. "The face was completely destroyed, he didn't have a nose anymore," recalls Antonio with his fist closed. As he speaks, his features tighten beneath his bushy brows, black and straight. He also remembers Elena, the woman who died amongst the flames, inside her own scorched house. Or Francisco Guzmán's wife, who was raped, kidnapped, and never seen again.

A large hammock crosses the only room in Antonio's house. In a corner, behind an old flower-patterned sheet, rests his sick wife. A rooster runs between the two low, randomly placed chairs. The soothing sound of a trickle, constantly falling into the sink in front of the house, seeps in between the wooden plank walls. A black hose, about 400 meters long, brings drinking water from his small plot on the outskirts of the village to his home, tangled through the tops of trees and poles.

In the kitchen, an adjacent wooden cubicle, Antonio dips a tortilla in black beans while he looks towards a big farmhouse on the other side of the valley. They are the plots of the Santa Delfina coffee farm, where Antonio and his family were forced to move for a year. During the war the army established their detachment on a bordering farm, the powerful La Perla, and from there they made incursions into the nearby villages where, arguing that they were chasing guerrillas, they robbed, raped, tortured, murdered and destroyed. On the dawn of March 23, 1982, on the same day that Ríos Montt took power by force in Guatemala City, Ilom's number was up. 95 people were killed that day. The survivors were forced to walk among the dead and dig the mass grave where they would be tossed. Afterwards, most of them fled to Santa Delfina. "The slaughter ended and they set the houses on fire. They burned the entire community. We were left without clothes, without food. That's how they disappeared our community," Caba says.



Antonio in the kitchen with his son

In Santa Delfina, living conditions were so deplorable that many did not survive. Men, women, and children were forced to work without pay. They often slept outdoors, spent hours in the rain and received no medical attention. In three months more than 300 children died, Antonio says, among them his nephew. A year later they returned to Ilom.

Although Antonio was only 14 years old, the army forced him to join the [Civil Self-Defense Patrol](#) (PAC), a paramilitary body of enforced recruitment for all men over 14 in the communities, often led by people trusted by the army. Their obligation was to watch their neighbors. During the military offensives, PAC members were often used as the first line of attack so the army could avoid losses. “Whoever didn’t want to join was the enemy, whoever didn’t want to join was kidnapped, punished, tortured,” explains Caba. “Many of us Ixils, in different ways, had to find ways to survive so that Ixil would not disappear. Some went to the mountain, others took refuge in Mexico, and we had to accept being slaves to stay alive.” Antonio remained in the PAC for nine years.

After the peace accords were signed, a pending debt continued to torment the hearts of the people of Ilom: to bury their loved ones with dignity. “Because they are Christians. They are human. They are not animals that can be left anywhere,” says Antonio.



Skeletal remains being analyzed at FAFG's lab in Guatemala City.

Reading the Bones

At the offices of the [Forensic Anthropology Foundation of Guatemala](#) (FAFG), in Guatemala City, the weight of the civil war can literally be felt. It is piled up in columns of four, five, even six boxes. On their sides they all have places, dates, codes: “Finca Tinajas, Panzós, A.V. FAFG 1463-IV-1.” There are so many that they no longer fit in the three storage rooms and now they have also taken over the hallways, as a second wall made out of cardboard bricks, threatening to collapse on passersby. Inside them, close to 2,500 skeletal remains are waiting to be delivered to their families.

One of the regions where FAFG has worked most in-depth is the mountainous Ixil area, in Quiché, where they have recovered [more than 1,500 remains](#) and opened more than 500 cases related to the civil war. In the genocide trial, FAFG presented 114 cases, documenting the violent deaths of hundreds of men, women, children and the elderly.

FAFG is a non-profit organization that carries out exhumations when the Attorney General’s office appoints them as experts. In the mid-1990’s, the lack of institutional capacity to carry out these tasks drove a group of anthropology students, currently led by Fredy Peccerelli, to create the Foundation. Instead of carrying out exhumations themselves, State institutions allowed independent bodies such as FAFG to carry out tasks that would typically be the responsibility of public institutions.



Thousands of boxes filled with skeletal remains crowd FAFG's storage rooms and hallways, waiting to be returned to their families.

In the exhumations, an anthropologist's work has two distinct parts. On the one hand there is the social work, which consists of interviewing the relatives of the victims to collect ante-mortem information: age, gender, height, specific physical characteristics, what clothes they were wearing the last time they were seen, information on the context in which the disappearance happened. On the other hand, there is the scientific work, which is conducted in laboratories, to identify the exhumed remains and try to discern the cause of death.

A dozen young anthropologists in white gowns focus on their work at FAFG's laboratory, while the afternoon sun filters through the glass wall. The coziness of the space contrasts with the activities that are being carried out. A young man wearing a ponytail and glasses scrutinizes a green tray for small bones, setting some to his left as if they were pieces in a puzzle. In the center, almost complete skeletons rebuilt bone-by-bone lie on long navy blue tables. A pink fluorescent stick pierces one of the skulls, entering through the right temple and exiting diagonally through the left cheekbone: it marks the trajectory of the bullet that killed that person. The most unsettling grouping is an amalgam of small, yellowish, brittle, worn out shells that occupy less than half the table. Anthropologists determined that it was a baby because the skull, still in the process of forming, crushed into pieces.

"What has hurt me the most are the children," explains Fernando Alonso, who for seven years worked as an anthropologist for FAFG and was an expert witness in the genocide trial. "Having to reconstruct the remains of children and to determine what their age was, when they died; not finding them or finding a tiny piece of bone."



Forensics work at FAFG's laboratory in Guatemala City

For Alonso, the work of the forensic anthropologist extends far beyond the lab, and also weighs on the shoulders of the people who carry it out: “Interviewing the relatives, listening to the testimonies, making people relive the things that happened to them during the conflict, what they had to suffer and continue to suffer—it’s very traumatic, it’s very painful. For me, while it is a privilege to have been able to accompany the relatives, at the same time it is something that should not have happened.”

Forensic anthropology investigations play an essential role when seeking justice before the courts, because they provide scientific confirmation that the person died violently: that it was a crime. But for the relatives there is often an even more urgent need: identifying a loved one to end the limbo which has lasted decades. “It is very important because disappearance processes never end,” Alonso says. “People are always hoping to find their relative, any way they can, and to be able to give them a decent burial, on their own terms, following their own cultural forms.”

"It is very important because disappearance processes never end. People are always hoping to find their relative, any way they can."

Alonso remembers cases, especially ones involving mass graves, where some communities buried the remains that could not be identified as if they were the remains of their missing relatives. They thought that, if someday one of their relatives was found in a different place but could not be identified, someone would do the same thing they did. “This kind of solidarity, or identification with what they went through during the war, I think it brings a lot of relief to people’s pain,” he reflects.

The conservative elites have tried to deny the story that forensic analysis tell. Associations like AVEMIGUA, formed by military veterans, presented its own evidence claiming that people who were buried in mass graves died as a consequence of an earthquake. “When you find people with their hands tied, with a bullet in their head, you cannot believe that it was rock that hit them,” Alonso says. “The evidence you find during the exhumation processes is important to determine the death causes.”

In the storage rooms and hallways of FAFG, packed in cardboard boxes, more than 2,500 skeletal remains are still waiting to return to the earth. They also contain crucial evidence that awaits to put those who killed them to trial, contributing to ending impunity one box at a time.

Digging for the Truth

The land, sacred to the Mayan people, was also violated during the war. Its fields, leveled and burnt. Its plants and animals, uprooted and killed. Its belly pierced to hide the bodies of the men, women, and children who were shot, tortured, cut up. The land in the Ixil region suffered some of the worst devastation: between 70% and 90% of the villages were completely destroyed in the early eighties.

During those years, when the army arrived to burn their homes, many Ixil people escaped to the mountains to survive. Then, the fog was their salvation. It allowed them to light a fire without arousing suspicion. They cooked malanga, a tuber similar to yucca that cannot be eaten raw. “The army did not know it, so they wouldn’t remove it,” recalls Juan Velasco, who spent years hiding in the mountains. When they were lucky they would hunt a cochomonte (wild boar) or even a jaguar.

In the Ixil capital of Nebaj, everybody knows Velasco as Juanito. He is thin, with gray hair and narrow eyes. He wears an enormous black sports jacket that gives him a frail appearance. Velasco works for the Center for Legal Action in Human Rights (CALDH), the main non-governmental organization that has been accompanying victims throughout the long legal ordeal up to the genocide trial. In the years leading to the trial, Velasco was responsible for being in close touch with the victims in the Ixil region, answering their questions and helping them with logistics when they had to travel to the capital to testify.

“It was very difficult to locate people, sometimes they would give the name of a village that doesn’t exist, or the reference point would be a tree, or they wouldn’t provide the correct information due to lack of trust,” Velasco explains sitting in CALDH's office in Nebaj, a large room with recently painted, mustard colored walls where the scarce furnishings exaggerate the sounds.

CALDH was founded in 1992 in the United States by [Frank La Rue](#), a Guatemalan lawyer working in exile in Washington, D.C. The focus of the organization was to promote human rights protection through submitting legal cases to the [Inter-American Commission and Court](#). It was a regional judicial body created by the Organization of American States to ensure protection of human rights in the Americas. The court had recently begun to make an impact with its [first decisions](#) in relation to unlawful amnesties and [forced disappearances](#).

In 1994, almost three years before the war was formally over, CALDH opened an office in Guatemala City and began documenting violations and preparing cases to submit them to the Inter-American Commission. Among other human rights cases—like torture or forced displacement—CALDH began preparing investigations into some of the biggest massacres that had been committed in the war by the army against the indigenous population.

The genocide trial was born from the soil. The relatives of the victims wanted to unearth their relatives, who remained trapped, so that they could bury them properly. For the Mayan peoples, burials carry a great meaning. In their culture there is a deep bond between the living and the dead, and having a sacred place where family members can mourn the dead is fundamental to their beliefs.

“For most of them, their desire for justice was motivated by a sense of duty to the dead, rather than focusing on punishing the people who did it,” recalls [Paul Seils](#), current Vice President of the International Center for Transitional Justice (ICTJ). Seils, a Scottish criminal lawyer, arrived in Guatemala in 1997 to lead CALDH’s legal strategy. By then, the organization had already submitted the case of the [Plan de](#)

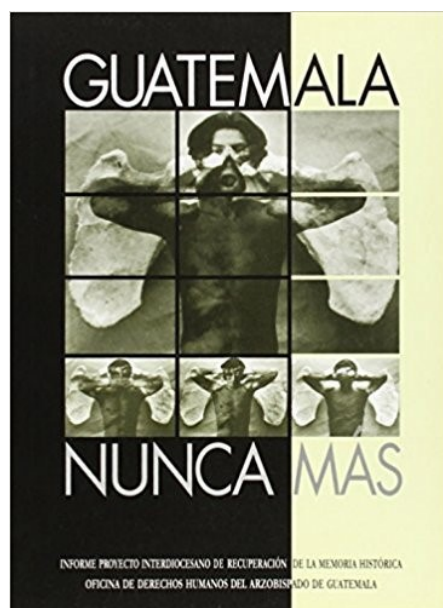
[Sánchez massacre](#) to the Inter-American Commission after years of investigation. The case was moving slowly within the Inter-American system: it took over two years to get past the first admissibility stage. Seils felt that while the Inter-American system was vital for the protection of human rights in Guatemala, it was not necessarily where the initial focus of the investigation into the massacres should be. “For me there were two issues that had to be considered,” Seils adds. “First, what kind of efforts did victims think would lead to a meaningful kind of justice, and second, the idea that the national justice system should be tested to see if it could be trusted to protect and defend the violated rights of the victims.”



A woman in Ilom, a village in the Ixil region

The Inter-American system was limited because it could only find the State responsible, not individuals, and going first to the Commission would not present a test to the national system either. CALDH wanted to try to force the state to investigate and to go beyond a limited finding that “the state” responsible. It wanted to identify the authors of genocide. “The State had to recognize what it had done and its institutions had to deliver justice for the historically marginalized, second-class indigenous population”, says Seils. That’s why in June 1997 CALDH made the decision to file cases before the national courts.

It was a risky decision. Judicial institutions in Guatemala were still very weak after the war and lacked credibility. It would be very difficult to advance serious cases involving violations committed by state forces themselves through an institutional structure whose complicity with those in power during the conflict had been demonstrated by independent bodies such as the CEH. In its final report, the commission concluded that judicial bodies in Guatemala “allowed impunity to become one of the most important mechanisms for generating and maintaining a climate of terror.”



Cover of report “Guatemala: Never Again,” also known as the REMHI (Recovery of Historical Memory) report. Read the report in Spanish [here](#).

The victims wanted justice for the atrocities they suffered during the conflict, but how could they trust a judiciary that had never considered them people with equal rights? Why play according to the rules of those who had massacred them just a few years before? And it was not just that the case could become forever stalled. Talking about what had happened and sharing what they knew about the brutalities they had experienced with lawyers, forensic experts and prosecutors was an enormous risk for those who decided to move forward with the fight for justice. In most cases it meant putting their lives in danger, and they needed to be aware of the risks. “For us, it was impossible to guarantee their protection,” explains Seils. “We had to be honest with them about that and the risks involved, and let them decide how they wanted to proceed”.

The dangers were very serious. In April 1998, while the CEH was still conducting investigations, human rights defenders issued the report “Guatemala: Never Again,” also known as the [REMHI \(Recovery of Historical Memory\) report](#), which collected thousands of testimonies from civil war victims and perpetrators and documented 422 massacres. The person who led this courageous project against oblivion was the respected bishop [Juan Gerardi](#), a very influential figure in the country. Two days after presenting the report, Gerardi was brutally murdered in his parish by an unidentified man. Years later, a trial confirmed that his assassination was ordered by the military leadership and executed by the Guatemalan intelligence services. If they had been able to go as far as to kill Monsignor Gerardi, what would they not be able to do to those who had always been marginalized?

The Road to Justice

To get a sense of survivors’ opinions on the possibility of seeking justice before the national courts, a team of CALDH investigators conducted extensive consultations with 70 Mayan communities between 1997 and 1999, focusing their work on several regions where massacres had taken place during the war. It was essential to explain very clearly the timeframe of the judicial proceedings—that it could be a long process—if it was pursued, as well as the risks involved for those who decided to testify.

Of the 70 communities that were consulted, over two thirds believed that going down the road of national courts was too risky, that it would only lead to more deaths. But 22 communities said yes— they wanted to demand justice and they wanted to do it before the Guatemalan courts.

. Francisco Soto, Director of CALDH

To build the cases, CALDH hired a team of 15 investigators and lawyers, composed of both nationals and internationals. Among them there was [Francisco Soto](#), who is now CALDH's director. He had previously worked on investigations with Archbishop Gerardi's [Office of Human Rights of the Archdiocese of Guatemala](#) (ODHAG). From the beginning he was involved in going to villages, carrying out the long consultation and information process, and helping villages to come to decisions about whether or not to participate in the cases. Part of that process also involved facilitating the work on the exhumations of mass graves.

“In those years [mid-late 1990's] CALDH started receiving a series of complaints about clandestine cemeteries, especially in the western part of the country, where indigenous peoples lived,” Soto explains. Edgar Pérez was one of three national lawyers CALDH hired to help with exhumations in the communities and to develop the legal arguments for the cases before the national courts. “People trusted me and told me their stories,” Pérez explains. “And based on their stories, we were able to more or less locate the graves. Then with all that, we drafted a complaint to submit to the Attorney General's office and accompanied the victims.”

It sounds easy, but in reality this was an arduous process. Many of these communities were in the most remote corners of the country, and could only be reached on a donkey or by foot. “Some of these communities had never seen a lawyer,” Pérez says. CALDH investigators first had to gain the community's trust and talk to the leaders before asking if they could speak to the victims. But in many of these communities the only language they spoke was one of the 20 Mayan languages, and all communication had to be done through an interpreter.

In the communities that decided to file complaints, CALDH's lawyers and investigators conducted a series of workshops to explain the steps of a judicial process without using technical terms. Many of the survivors did not know how to read, so they used graphic materials, illustrations and timelines to explain “the road to justice.” First, the complaint was submitted to the Attorney General's office, so it would approve the exhumation; then the exhumation was conducted and a report that identified the victim and the cause of his or her death was ascertained (when possible); next, the authorities collected survivors' statements, where they described what they had gone through and witnessed; once the evidence was collected, the case was presented to the Attorney General's office, which would decide whether to continue the investigation or not. If the Attorney General's office decided to continue, it would present the case to the judges so they would consider if there was enough evidence to bring the accused to trial.

For Pérez and other Guatemalans on the team, working with CALDH's international lawyers to build cases involving the most serious crimes recognized by international law, such as genocide and war crimes, was also a learning process. “I did not know anything about international law, and Paul [Seils] started talking about [legal concepts like] *jus cogens* and I didn't understand much,” recalls Pérez with a laugh. The learning process was also focused on how to investigate these kinds of crimes – something that had never been done in Guatemala. It was about understanding patterns and structures. “For example, community X was in Baja Verapaz, and community Y in Huehuetenango, at a distance where there couldn't be a

connection, but it was exactly the same," Pérez explains. "There were patterns of conduct that were completely the same in all the facts we were following."

Something unprecedented in Guatemalan history was taking place: the downtrodden were about to face the most powerful and bring them to account for atrocities that they had committed.

In the mornings in front of the mirror, as he got ready to visit the communities, Pérez would think: I wonder what they'll tell me today. Pérez has heard all sorts of stories. Very hard stories. He especially remembers a woman in Rabinal, a town in the center of the country where the army was merciless with the Achí Mayans. Between 1981 and 1983, military and paramilitary groups killed more than 4,400 people in Rabinal, and 99.8% of the victims were Maya Achí.

In her interview with Pérez, recalling one of the massacres, the woman said:

"Yes, that's what we deserve."

"Nobody deserves to be wrongfully killed because somebody mistook him for a guerrilla member. Nobody," replied the lawyer.

"Then for being indigenous and poor," continued the woman.

"You can't say that," answered Pérez, who could not believe what he was hearing. "On the contrary, the State should have protected you for being indigenous and poor."

Through countless conversations like this one, indigenous peoples began to confront hundreds of years of discriminatory beliefs, which had taken root even within their own communities. Slowly, they began to assert their rights in a way that they had never been able to do before. Something unprecedented in Guatemalan history was taking place: the downtrodden were about to face the most powerful and bring them to account for atrocities that they had committed.



Antonio Caba addresses AJR members at an assembly meeting. (Photo courtesy of Antonio Caba)

A Constellation Emerges

Forensic experts, lawyers, human rights organizations came to Ilom and began documenting the exhumations. For the villagers, it was all unknown, explains Antonio Caba: "We never thought that through the exhumation we could start a trial."

But in 1998, as professionals from the capital, and even other countries, arrived to assist in the exhumations and provide protection, the military also began to show up in Ilo. They wanted to manipulate the community, Caba remembers. “When the internationals came to accompany us, [the military] said they were foreign guerrillas, who came from Cuba and Nicaragua.” The military pressure worsened as the Ixils began to share their stories with the lawyers. The survivors were becoming increasingly aware that the purpose of the persecution they suffered was none other than their extermination.

The same as in Ilo, CALDH was documenting exhumations and collecting testimonies in dozens of communities in other regions. The registry of horrors grew without pause. The weight and definition of the crime were undeniable: genocide.

The questions now were: Whom should the cases target? The high commands alone or the lower ranks too? Should each village present its own case or should they be united in one case? Opinions were divided within CALDH’s legal team. Finally, they decided to draft two cases for genocide, crimes against humanity and war crimes against the highest commands of the bloodiest period of the war. Each case included a dozen massacres from different regions to reflect the systematic nature of the crimes and the fact that they were a State policy decreed from the highest ranks. One complaint accused the high commands under the regime of former Army Chief of Staff [Fernando Romeo Lucas García](#), as the most responsible for the crimes committed during the period when he was president of Guatemala between 1978 and 1982, which included massacres such as the one in Ilo. The other complaint accused the high commands under General [José Efraín Ríos Montt](#), who seized power from Lucas García on March 23, 1982, until August 1983, and it included another dozen massacres and crimes against humanity, such as the sexual violence Elena de Paz suffered.

“Meeting other communities gave us strength, gave us motivation, gave us the power to step out in public and denounce the crimes. Because if I had been alone, I couldn’t have done it.”

But the lawyers would not be the ones filing the complaints before the Attorney General’s office, it was the victims from those communities. How would they organize from now on? “It was their story, not mine,” recalls Edgar Pérez. “They had to become empowered in the case.” CALDH decided that in order for victims’ interests to be best represented before the court, a victims’ association should be created. A studious effort was undertaken to circumvent all legal obstacles imposed by the state and set up an association which could be the plaintiff in the legal proceedings over the serious human rights violations suffered by the Mayan people during the armed conflict. This is how the Association for Justice and Reconciliation (AJR) was born.

In 1999, twenty-two communities from five regions and diverse Mayan ethnic groups met in Nebaj to launch the association. There were victims from Rabinal, Chimaltenango, Huehuetenango, Ixcán and Ixil, Antonio recalls. Although Ilo is also part of the Ixil region, Antonio has to travel more than three hours by bus to get to Nebaj, circling slopes so steep that one doesn’t know what lies beyond the next zigzag curve. Once they had all gathered in the Ixil capital and shared their experiences, the movement took on another dimension. “It helped us a lot because I realized that I wasn’t the only one who went through this situation, but that there are others who have lived the same, who were children like me,” recalls Caba. “Meeting other communities gave us strength, gave us motivation, gave us the power to step out in public and denounce the crimes. Because if I had been alone, I couldn’t have done it.”

For Paul Seils, generating that union was the most important and rewarding part of it all. “It changed their own relationship with the past. They began to understand that what happened to them was part of something bigger and had very little to do with them. Actually, it had to do with what other people thought of them.”

Antonio Caba recalls that during that year they had to work hard and fast to legally establish the association. At the end of this laborious process, in 2000, AJR—with CALDH’s legal support—filed the first lawsuit before the Guatemalan courts against Lucas García. A year later, on June 6, 2001, came the lawsuit against Ríos Montt for genocide, crimes against humanity, and war crimes. Now it was the Attorney General’s office’s turn to take over: it had to investigate the accusations and build the case to then present it before the judges, who would decide whether there was enough evidence to open a trial.

The members of AJR knew that it was not going to be an easy or quick process. It was the first time that a genocide lawsuit had been brought before the Guatemalan judicial system, accusing those who had been—and still were—in power. In the communities, trainings continued to explain the pending steps in the judicial proceedings that many still did not understand: what was the role of a prosecutor, what was the role of a judge, why they had to offer their testimony again. The endless conversations with psychologists, anthropologists, and lawyers made them relive time and time again the pain of what happened. Meanwhile, the Attorney General’s office remained lethargic.

“During those years, the investigations by the Attorney General’s office were really deficient,” explains Francisco Soto, director of CALDH. “It only occupied itself with taking the first witness statements and did not organize any other investigative activity in the proceedings.”

Thus, all the investigative work to build the case fell on CALDH and AJR. The legal status of the “querellante adhesivo” (similar to civil party) played an essential role in advancing such complex cases, especially when they targeted powerful perpetrators. The Guatemalan code of criminal procedure allows for a complainant to be part of the accusation if the judge considers it an affected party—for example an NGO or a human rights organization. The “querellante adhesivo” can have its own lawyer, conduct its own investigations, present evidence, question the accused, and present arguments before a tribunal. In the genocide case, AJR, with its team of lawyers including Edgar Pérez, and CALDH, with its team of lawyers including Francisco Soto, performed as “querellantes adhesivos”.

If they wanted the case to survive, they would have to breathe new life into it. During the following five years they gathered more testimonies, continued with the exhumations and, especially, organized street mobilizations and protests to obtain a crucial piece of evidence: the military operations plans.

The Battle for Documents

The arrival of peace did not satisfy Ríos Montt’s hunger for power. After being overthrown by another military leader in yet another coup in the summer of 1983, a little over a year after he seized power in the same manner from Lucas García, Ríos Montt swapped his military uniform for a suit and tie and tried to regain control through politics. His methods were still far from democratic.

On [two occasions](#), his attempts to stand in the presidential election were stopped by the judiciary over his role in the 1982 coup: in spite of his new image, his rhetorical talent and his fervent dedication to the evangelical church, the former dictator had not been able to cleanse his past entirely. But Ríos Montt

persisted, creating his own party that brought together many retired members of the security forces, the Guatemalan Republican Front (FRG). In 1994 he gained another presidency: the presidency of the Congress of the Republic. This was a double victory for Ríos Montt: in addition to the political achievement, this position afforded him parliamentary immunity, and therefore he could not be prosecuted for any crime he had committed.

Ríos Montt remained shielded in his parliamentary seat for ten years. The former dictator did not give up in his quest for the presidency of the country and presented his candidacy again in the 2003 elections. For the third time, the judicial authorities denied it. But Ríos Montt did not hesitate in turning to the method that had always worked best for him: generating terror. In July of that year hooded FRG supporters took to the streets of capital to [stir up chaos](#), laying siege to the Palace of Justice before the passive gaze of the national police and attacking the media with incendiary bombs and physically assaulting journalists. Ríos Montt got what he wanted: his candidacy for the presidency of the country was approved by the Constitutional Court—and, incidentally, exposed the fragility of the judicial system. But this time it was Guatemalans, not firearms, who had the last say about who was going to be their next president. The former dictator did not receive enough votes to proceed to the second round. It was a dark campaign marked by violence: 29 militants, leaders, and candidates from opposition parties were murdered.

By then, the calls for justice could no longer go unnoticed even by Ríos Montt himself. In January 2004 the former dictator lost the warm refuge of parliamentary immunity. A few months earlier, Antonio Caba had become the president of AJR: the first one from the Ixil people.



Antonio Caba speaking at an AJR demonstration (courtesy of Antonio Caba)

The passionate young man was well aware of the opportunity that was opening up for their demands for justice. They had the declassification of the military archives in sight. “We had to speak out publicly, hold marches, file claims so they would give us that right,” Caba said. During that period he traveled to the capital every two weeks, a journey that in one direction took more than 12 hours on three buses, sometimes two full days.

All these very visible activities generated other, less positive reactions: intimidation, political accusations, and even threats. Caba especially remembers what happened to the lawyers: “They found papers in their car telling them to change jobs because otherwise they would be killed.” But that did not stop the members of AJR. “There have always been threats, but we had to keep going to accomplish what we wanted,” says Caba. The fight took him as far as Spain. In 2006, in response to a genocide lawsuit filed years earlier by the indigenous rights leader and Nobel Peace Prize winner Rigoberta Menchú, Spain’s National Court decided to investigate the [case](#) in exercise of universal jurisdiction—the principle that holds that certain crimes are so serious that they can be tried anywhere. A Spanish judge issued an international arrest warrant against the eight accused, including Ríos Montt, blocking them from leaving Guatemala. In Madrid, Antonio Caba shared his experience: it was the first time a judge listened to his story with attention. Caba remembers the trip with pride. He also remembers how he missed his corn tortillas—he usually eats at least 12 every day. Among the experts, opinions are divided regarding the extent to which proceedings in Spain directly influenced the development of the genocide case in Guatemala. For Francisco Soto of CALDH the most important thing was its repercussion in the public sphere: “What this does is it puts the issue of genocide in the mass media, it places it more strongly before society.” Guatemala’s Constitutional Court refused to extradite the accused to Spain, which at first seemed like bad news for those who sought justice. But for Soto there was a positive consequence: the Court ruled that the crime of genocide should be tried in Guatemala. This was a signal for CALDH and AJR to intensify their work on the case.

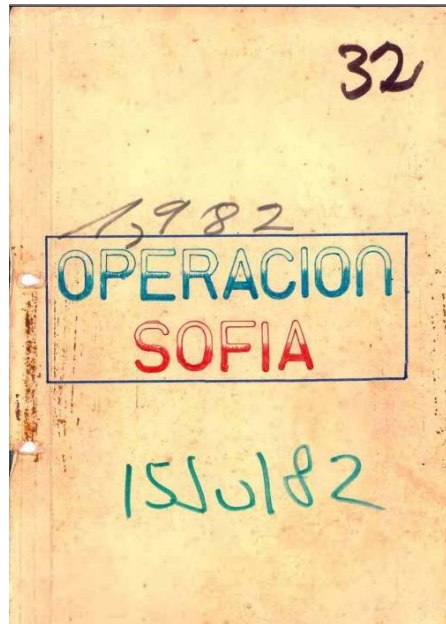
When building a genocide case, the key element—and probably the most complicated one to prove—is intent. That is, that the crimes were committed with the specific intent of totally or partially destroying a certain group of people. The army campaign plans, which established the objectives and strategies of the counterinsurgency operations carried out by soldiers in the early 1980’s, were the best tool for proving, in the perpetrators’ own words, the motivation of their ruthless actions. Human rights defenders knew that these documents existed because the CEH had had access to some of them. In some cases they had even obtained copies, but the original documents were still secret. On several occasions, the Ministry of Defense had even denied their existence.

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These valuable documents were also essential to corroborate another aspect of the case: the chain of command confirming that Efraín Ríos Montt, as the highest authority at the time, was not only aware of what was happening on the ground but had also ordered the execution of the acts of genocide. Human rights organizations redoubled the pressure to bring the documents to light. It was hard work because they had to contend with the defense putting spokes in their wheels. “This is when we began to experience the defense’s strategy of obstruction: to block by legal means,” says AJR lawyer Pérez. It appeared the Attorney General’s office was not very willing to help the victims either. With a copy of the documents in hand, and as president of AJR, Antonio Caba went before the institution to demand that they summon Ríos Montt to testify about the operations plans. Instead of responding to Caba’s request and continuing to investigate, the Attorney General’s office said it would prosecute the survivors’ lawyer for the manner by which they had obtained the documents. Caba could not believe what was happening. He said to the prosecutors: “Sirs, I came to request you summon Ríos Montt, not so you could summon me. I came so that you would do justice. I am a survivor. Ríos Montt is the one who committed the crime. You’re acting like a crab, you’re walking backwards.”

AJR and CALDH had to go directly to the investigating judge to make progress. Finally, a ruling from the Constitutional Court forced the Ministry of Defense to declassify a series of plans for counterinsurgency

operations that were crucial for incriminating Ríos Montt for genocide: Plan Victoria 82, Plan Firmeza 83, Operation Sofia, and Operation Ixil.



Cover of the counterinsurgency plan Operation Sofia

“Plan Victoria 82 was the only one the Ministry of Defense provided in full,” explains Soto of CALDH. The government argued that [Operation Sofia](#) and Operation Ixil had disappeared from their facilities. Not long after the full report on Operation Sofia, more than 350 pages, arrived in a yellow folder at CALDH’s office and it then made its way to the National Security Archive of the United States.

On its yellowing pages, blurry typewriter letters clearly detail the objective of Operation Sofia, which begun on July 1982 in the Ixil area for a period of one month and three days: “to exterminate the subversive elements in the area.” The document also identifies the Ixil people as guerrillas: “For more than 10 years, subversive groups that have operated in the IXIL Triangle area, carried out widespread ideological awareness work amongst the entire population, having reached one hundred percent support. (...) All the villages in the region are organized.”

In their reports to their commanders, military units described their daily activities in detail. For example, one of them reported how they had found a woman hiding in a creek and had shot her, “eliminating her and two chocolates,” the word used to describe children.

The document also showed that the highest officials in the Army—Generals Ríos Montt and Mejía Vítores at that moment—were aware of everything that happened on the ground.

Around that time, in late 2008 the arrival of a new attorney general, Amílcar Velázquez Zárate, thawed the relationship between the Attorney General’s Office, CALDH and AJR. Once victory was won in the battle for documents, the lawyers sat down to analyze and recalculate their strategy. The defense had already started setting up roadblocks with legal amparos, jurisdictional conflicts, and other procedural tricks to slow the progress of the case. The prosecution lawyers—including those from the Attorney General’s office, CALDH and AJR— immersed themselves in years of evidence, testimony, forensic reports, and collected documents

to discern where they were strongest, recalls Pérez. There was no doubt about it: the strongest evidence came from the Ixil area.

But when it looked like Ríos Montt was to finally face justice, he got a hold of a new parliamentary life preserver: in 2008 the former dictator again managed to win a seat in Congress, and the four years of impunity that came with it.



Former Attorney General Claudia Paz y Paz (Sandra Sebastián/Plaza Pública)

The Surprise Prosecutor

Claudia Paz y Paz Bailey enjoys strolling along the peaceful, tree-lined streets of Washington, D.C., where she now resides. This is something she could not do in Guatemala City when she was the attorney general. Back then she had to be escorted by bodyguards and observe the streets through the tinted glass of a high-security car. This petite woman, with a sweet and calm demeanor, dark orange curls and a freckled face, was the first to hold the highest post in the Guatemalan Attorney General's office (Prosecutor's Office). "It is a privilege to be able to walk safely, to take my son to school, but that does not mean that I do not miss my country very much," says the former prosecutor in a soft voice, full of long pauses. Paz y Paz did not leave Guatemala because she wanted to. And the genocide trial [had much to do with that](#).

One year after the verdict that convicted Ríos Montt was handed down, the Government forced Paz y Paz out of the Attorney General's office, shortening the length of her term. At the same time, the conservative elites began to file all kinds of lawsuits against her. "Totally spurious," she says, but they buried her career in the Guatemalan judiciary. "If I currently wanted to apply to public office in my country I would have [30 open cases](#) against me, each one sillier than the last," says the former prosecutor with a bitter laugh. "But it is a way of punishing an official who does their job and of dissuading others from doing so, because that will be the consequence."

Paz y Paz has not been the only one targeted by the Guatemalan elites. Most of those who played any role in the genocide trial have been targeted with accusations and defamation campaigns, such as the prosecutor [Orlando López](#), who represented the Attorney General's office in the genocide case.

As a lawyer and university professor, Paz y Paz closely monitored and analyzed the Guatemalan justice system throughout her career. Her professional choices are a reflection of her commitment to making the country a more just society. It began at the [Office of Human Rights of the Archdiocese of Guatemala](#) (ODHAG), under the wing of Bishop Gerardi. She then documented the serious human rights violations that had occurred during the conflict and that would later culminate in the CEH report. Years later, after completing her doctorate, she focused on monitoring and analyzing victims' access to justice and ensuring that the rights of people subject to criminal proceedings were respected.

Becoming the attorney general seemed like a logical step in her career, but the thought had not crossed her mind until one afternoon in 2010, while attending one of the public hearings for the election of the next head of the Attorney General's office.

"Look, there's only men," said Claudia to a colleague. "See? The ones deciding are men, the ones applying are men."

"Well, that's because women don't participate," replied her colleague. "You should submit an application." Paz y Paz was left wondering. That night she spoke with her family: "It was not a simple decision at all because it changes your life. In fact, that's what happened." The former prosecutor precedes her answers with long silences and sighs. She avoids talking too much. Experience has taught her that she has to measure each word with a microscope, in and out of the courtroom.



Claudia Paz y Paz being sworn in by President Álvaro Colom (Sandra Sebastián/Plaza Pública)

The fact that President [Álvaro Colom](#) appointed her attorney general in December 2010 was not only a surprise to her, but also for the vast majority of Guatemalans, especially for human rights defenders suspicious of the justice system. Paz y Paz had a clearly progressive profile and was committed to human rights. Given her experience, it was logical that she would want to dust off the cases related to war atrocities. The question was whether the country's elites would allow it.

“My first priority was to reduce impunity for crimes against life, because there was an extremely serious homicide situation in the country,” explains Paz y Paz, “but also the human rights agenda, where I came from, could not be indifferent to me.” The former prosecutor also mentions external factors that compelled her to focus on these type of cases, such as several rulings of the Inter-American Court of Human Rights that ordered the Guatemalan judicial system to investigate and prosecute forced disappearances and massacres that took place during the war. “It was an internal commitment with the victims but also a commitment at an international level.”

Paz y Paz wasted no time to demonstrate that the Attorney General’s office had changed course. In less than three years she brought to justice some of Central America’s most feared criminal gangs and more than 100 local and regional drug traffickers. Once again, logic and her commitment to her duties as attorney general indicated that she would take the same approach with the cases against those who committed atrocious crimes during the war, even if they had been heads of state.

Ríos Montt’s second immunity buoy deflated in January 2012, when he left his parliamentary seat. The Attorney General’s office’s reaction was swift. A few days later, Judge Carol Patricia Flores summoned the former dictator to the tribunal and he was placed under house arrest. Ríos Montt’s lawyers were able to delay the proceedings for a year by filing more than 90 legal excuses, but finally a date was set to start the trial: March 19, 2013.

“A case with such an important political dimension, a trial that was historic: it had to be flawless.”

When Paz y Paz arrived at the Attorney General’s office, the strategy of focusing on the Ixil region had already been adopted. For some human rights defenders, narrowing the scope of the genocide case to only one of the Mayan ethnic groups diluted the fact that the Army carried out a much broader and systematic extermination policy, which it included other communities in the country. For the former prosecutor it was obvious that, given the difficulty of proving a crime like genocide, they should start with the region where the crimes and the perpetrators’ intent was most thoroughly documented. They had to prioritize. For Paz y Paz, the most important effort by the Attorney General’s office was rebuilding trust relationships with the victims. After demanding justice for a decade before an Attorney General’s office that turned its back to them, prosecutors were at risk of losing their most important source of support and an essential evidentiary element in the case: the survivors’ testimony.

“CALDH played an essential role because it was the bridge between AJR and the victims,” explains Paz y Paz. “Having survivors believe that it made sense to go to this courtroom and give their testimony, after so many years—of decades—of being ignored by justice was one of the most important issues.”

Security was one of the former prosecutor’s biggest concerns. The Ministry of Justice had the duty to provide protection to the people who were going to testify at the trial, but because of the existing mistrust, the Peace Brigades—an international NGO—were responsible for ensuring their safety in the communities. The role of the National Police was limited to protection and transfers in the capital.

The Attorney General’s office interviewed 160 survivors to build the genocide case and selected about 100 of them to testify before the judges.

The days before the trial started were full of work and tension, remembers Paz y Paz. But this didn't make her lose sleep, because she knew they had a very solid case. "A case with such an important political dimension, a trial that was historic: it had to be flawless."



An Ixil woman testifying at the genocide trial (Sandra Sebastián/Plaza Pública)

For the former prosecutor, the witness statements of the survivors were the most valuable part of the trial. In addition to their probative value, making their voices heard in the courtroom was a political and moral accomplishment. She was especially moved by the stories of the women who declared about sexual violence, such as Elena de Paz. It was the first time that Guatemala heard the chilling stories of the Ixil women, of unimaginable cruelty they suffered, in their own words. Their presence, despite their faces being covered for their protection, exposed one of the most shameful faces of the country.

Elena de Paz was not afraid when she testified before the tribunal, but she could not hold back her tears. The broken voice of her testimony in her native Ixil gave her away. "Because when I gave my testimony, it was like they were doing it to me now, that is what people feel, it hurts." She did not feel the need to hide, but decided to cover herself with a scarf to show solidarity the other fellow women survivors. "I was not afraid because it's the truth, and it's good and it has to be told because it was not just me, there are many more, not just us who went to testify." De Paz gets upset when she remembers the reaction of Ríos Montt's lawyer, and it is those kinds of comments that make her want to testify again if necessary: "He says that nothing happened, that it was a lie, but, why would we come here to lie?"

Going over other essential evidence in the case, the former prosecutor highlights the conclusiveness of the military documents. Campaign plans like Operation Sofia were invaluable: "Those of us who work with comparative law and who have seen other cases, you don't expect to find a document that says '100% of the Ixil people support the guerrillas'; that is very strong evidence of intent." Also crucial was the forensic evidence that was accumulated over the years, as well as the expert witnesses who connected the facts with the historical racism in the country, with the consequences for the Mayan culture and traditions, and with the internal operation of the Army in the systematic execution of the crimes. "I think it was a very well-built case," concludes Paz y Paz.

In fact, during the under two-month trial, the defense never attacked the hundreds of pieces of evidence presented by the Attorney General's office. They restricted themselves to questioning the procedure, using legal delay tactics, and launching personal attacks mocking those involved in the trial—they even threatened the judges. The struggle was not over the facts, but over who had the power to determine the account of what had happened.



Judge Yassmín Barrios in her office

The Devout Judge

Judge Yassmín Barrios, president of the three-judge tribunal that convicted Ríos Montt of genocide, does not remember seeing the main courtroom so full since the trial for the murder of Monsignor Gerardi, the creator of the REMHI report. She also presided over that trial, which found that the State intelligence services had murdered the esteemed human rights defender. The night before the Gerardi trial started, two grenades exploded in the garden of the judge Barrio's house, in one of the working-class neighborhoods of the capital where this pint-sized woman, with curly black hair and a restless gaze, lives with her mother. The morning after the attack, Barrios promptly opened the trial with her gavel.

In her bright office on a high floor in the tower of the Palace of Justice, Barrios keeps two gavels she received as a gift. The lighter-colored one is the one she used for the Ríos Montt trial. "I broke the first one because I hammered it too hard," explains the judge, who wears a bubblegum pink pantsuit and matching lips. Fastened to her lapel is a Guatemala flag pin. "The truth is that's how I am, very energetic."



The gavel judge Yassmín Barrios used for the genocide trial against Ríos Montt

Her appearance and flute-like voice, always intoned as if she were reading a ruling or a paragraph of the Constitution, can be misleading, but this woman has tried the most critical and dangerous cases in Guatemala in her more than 20 years of professional life. From military commanders to the worst criminal gang and drug trafficking leaders, nothing seems to frighten the petite judge who says she's just doing her job. "Well, I'm very formal and when I was sworn in, I swore that I would try to apply justice promptly and effectively, and the days and years have gone by as I 'keep trying,'" says Barrios. In the genocide trial she proved she was a woman of her word: in less than a month the tribunal had heard more than 150 survivors, expert witnesses and defense testimonies. Three weeks later, Barrios read a summary of the 718-page sentence issued by the three-judge panel.

It is impossible to hear a vain comment leave Barrios' mouth despite the many feats in which she has played a leading role. From judging the most important cases involving the civil war—the murders of bishop Gerardi, student Myrna Mack, lawyer Rodrigo Rosenberg, the Plan de Sánchez massacre or the sexual violence at Sepur Zarco—to contributing, trial by trial, to establishing the truth of the darkest years of modern Guatemala, she has left an indelible mark on her country's history. But she always speaks of her professional achievements as the result of collective efforts and the responsibility of carrying out her work. On her desk, next to a bouquet of fuchsia roses, there is a large golden scale of justice. On the other side of the table, a sculpture of a blindfolded woman holds another small scale. On the wall behind her hangs an image of Jesus Christ. For Barrios, justice is a matter of devotion.

Her approach to the work of a judge also demands sacrifice. The judge cannot go anywhere alone. Bodyguards are with her at all times, even when she goes shopping at the supermarket or when she wants to go out to exercise, an activity she enjoys very much but cannot do often because, for safety reasons, she cannot develop routines. In the end, she settled for a stationary bike so she can exercise at home. The judge insists she approached the genocide trial as she would any other: "I am not the one who selects the cases that arrive in my courtroom, the cases come to us and then as judges we have the obligation to judge them, that's all. We put all our effort, our dedication, our work. We three judges gave the best we had to give."

After the peace accords, the international community put a special emphasis on the reconstruction of the justice system in Guatemala to strengthen its independence. Faced with a political landscape that was little

more than a façade, many believed that the only way to purge the institutions was to begin with the judiciary. With this in mind, a hybrid body was created in 2007: the [International Commission against Impunity](#) (CICIG). It was a body composed of international and national lawyers to assist the Attorney General's office in investigating and prosecuting cases related to organized crime and present them before the national courts. CICIG contributed to the establishment of the High Risk Tribunals, charged with judging the most complex cases, such as large-scale corruption and genocide. Barrios presides over the First High Risk Tribunal.



Detail of the hallways of the Palace of Justice

Barrios says she remembers all the witness statements she heard during the genocide trial, but one that has stayed with her is from a woman forced to flee with her baby in her arms along with other members of her community. The little boy, who was only a few days old, began to cry during the escape and his mother covered his mouth with a diaper so the group would not be discovered. “In her effort to protect the people of her community, the poor woman does not realize that she is not letting the child breathe and after they have walked several kilometers and feel they are far from the people who are chasing them, she removes the diaper and the child is dead,” explains the judge in a lower-pitched voice than usual. “Even now when I remember, it makes me sad: a woman who has had to keep that in her heart for years, how much she must have suffered?”

In the judge's opinion, the genocide trial strengthened the justice system: “I still believe in judicial independence. We judges breathe life into that independence with our daily actions and the decisions we issue.”

But there is still much work to be done. Far from having cleared the judiciary in a structural way, in Guatemala the outcome of a case is still at the mercy of the individual action of the judge who will hear the trial.

There is still a tangle of appeals pending in the genocide case, but Judge Barrios remains steadfast about her tribunal's decision and the impact it made. “We continue to think what is described in our sentence, it contains our entire assessment and logical-legal analysis that led us to make the determination. Even if the

Constitutional Court annulled the ruling that we delivered, the ruling lives. It lives in the heart of Guatemalans and of all citizens at an international level, because when dealing with a genocide case, it is aimed at the population of the whole world. It has validity.”



Scene from the Ríos Montt trial. (Sandra Sebastián/Plaza Pública)

The Two Guatemalas

A spine-like skylight supports the main courtroom of the Guatemala Palace of Justice. The copious light that flows through the ceiling gives the space an air of almost religious solemnity. During the genocide trial, it was in this spacious, windowless room, with warm wooden walls and floors, that the “two Guatemalas” materialized like never before.

On the right side, facing the tribunal’s imposing dark marble table, sat the Attorney General’s office and the “querellantes adhesivos,” CALDH and AJR, representing the victims and survivors. On the same side of the spine, in the public seating area, there were several rows of indigenous women wearing traditional Ixil dresses, with modern headphones resting on their headdresses, listening to the simultaneous interpretation. There were many Ixiles among the attendees, but also members of other Mayan communities and non-indigenous Guatemalans who had come to support them. Many more came to the Justice Palace but were not able to get into the building.



Ixil women following the trial on first row, through simultaneous interpretation (Sandra Sebastián/Plaza Pública)

Antonio Caba was in the courtroom. Despite being a member of the Ixil ethnic group, the former president of AJR could not testify at the trial because the Ilom massacre occurred under the orders of Lucas García, the dictator overthrown by Ríos Montt on the same day the killings took place in the village. Still, Caba was proud of being in the room and of being part of that collective battle: “I felt a little annoyed because I was not going to testify, but it also occurred to me that I am also testifying, because my fellow Ixil survivors are testifying.”

On the left side of the courtroom, were the defense lawyers and the two former generals on trial: Efraín Ríos Montt and Mauricio Rodríguez Sánchez—who was head of intelligence under Ríos Montt’s de facto regime. The space behind the prosecution’s table was packed with boxes full of documents and assistants moving up and down arranging papers, while austerity reigned on the military’s side. The absence of preparatory documents and of a support team, as well as the short witness list—most of whom did not even show up—underlined the arrogance of the most powerful Guatemala: they never imagined that the case would get so far. They thought there was no case to answer.



Prosecutor Orlando López carrying boxes of documents and other evidence into the hearing room (Sandra Sebastián/Plaza Pública)

“In my opinion, the defense made a mistake,” explains AJR lawyer Édgar Pérez. “They let us prepare very well.” The lawyer recalls that during the first hearings, before the trial began, the relatives of the military criticized him after hearing his intervention. “Ah, that lawyer, they sent him to study abroad and they pay him millions of quetzales.” On the contrary, Pérez explains: “No one paid for me to take any courses on anything.” But all those years he had been working on several human rights cases from the civil war, like the massacres in [Río Negro](#), [Dos Erres](#) or [Plan de Sánchez](#). “All those prior years gave me the opportunity to prepare and understand not only international law, but also how international law is a part of domestic law. By 2013 I was ready for a trial of that magnitude,” Pérez says.

On the left side of the audience, some political figures stood watch, including the daughter of the former dictator Zury Ríos, and many men in suits and ties. But the indigenous people—like in the population statistics—overwhelmed them in numbers.

Yet, the strongest arm of the defense did not display its muscle in the courtroom, but in the national media. The political and economic elites, banded together in associations like the Foundation against Terrorism or the Coordinating Committee for Agricultural, Commercial, Industrial and Financial Associations (CACIF), began campaigns to discredit the judicial proceedings and directly targeted the people who were conducting them. They argued that the trial would jeopardize the peace accords and the country’s future, that it would only contribute to awakening a new war, that it was the result of an international conspiracy. Frequently, their advertisements featured photographs of the attorney general or the presiding judge.

The tension was enormous on May 10, 2013. Although it was a Friday afternoon, the judges decided to read the verdict a few hours after the defense had presented its closing arguments. There was no time to lose. “The last days were a race against time,” says lawyer Pérez. In its persistence on suspending the trial, the defense had tried to open all kinds of parallel sub-proceedings that bifurcated to the point of lacking any logic. It caused judges from other courtrooms to decide on claims filed by the defense while the genocide trial continued in the main chamber, all with the sole purpose of preventing a verdict. Lawyers even had to run from courtroom to courtroom to avoid missing the latest developments in that wicked legal game.



The prosecution team (from left to right) Orlando López of the Attorney General's office, Francisco Soto of CALDH and Edgar Pérez of AJR, responding to one of the appeals submitted by the defense. (Sandra Sebastián/Plaza Pública)

That Friday afternoon the suffocating room, a scrum of journalists, security guards, lawyers, and an audience crowding all corners—sitting on the alleys, standing in the back like a choir— broke into chants of “justice” when the three judge-panel, led by Yassmín Barrios, declared Ríos Montt guilty of all the charges. “Yes, we can,” attorney Pérez said to his colleague Francisco Soto of CALDH, while shaking hands. Until then, they both had doubted if the system would be strong enough to reach the end.