

*Excerpt by NISGUA staff member Phil Neff.
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A crowd gathers in front of the court during the hearing.

January 2012 - A cold evening fog had fallen over the Plaza of Human Rights outside Guatemala City's Court Tower, where two hundred survivors of massacres perpetrated by the Guatemalan Army waited, exhausted and anxious, for Judge Patricia Flores to deliver the court's verdict. *Would former dictator Efraín Ríos Montt be charged with genocide?* As Judge Flores called the courtroom into session in the tower, techie activists in the plaza struggled to provide a clear video feed for the crowd below. The fragments we heard raised waves of hope; incomprehensible, unbelieving hope.

The Judge described testimony of rape, forced labor, torture, and assassinations. "We can establish," she said, "that these are acts so degrading, so humiliating, that there is no justification...We agree with the prosecutor's argument that you, Señor Efraín Ríos Montt, probably participated in these acts of genocide." With the judge's statement, history was made: Efraín Ríos Montt will stand trial for genocide in Guatemala.

The expectant silence of the plaza below erupted in applause and shouts of "Jail, jail!" Hugs and handshakes exchanged as a bandolier of firecrackers exploded, scattering the pine needles of a large ceremonial carpet that spelled out "Impunity: Not yesterday, not today." I watched as members of the survivors' Association for Justice and Reconciliation (AJR) reacted to the culmination of their decades-long campaign for justice. Emilio, a former president of the AJR, gripped the hand of current president Benjamin, saying, "Tomorrow we will celebrate...Our struggle has become reality."

The Case against Efraín Ríos Montt

On January 14th the courts gave Guatemala's Public Prosecutor's Office 8 working days to prepare the case against Ríos Montt. The extensive case presented on January 26th, however, shows years of careful investigation and collaboration between the state prosecutor, the AJR and legal advocates at the Center for Human Rights Legal Action (CALDH).

In this case, Ríos Montt was accused of more than 1000 deaths occurring in the Ixil region between 1982 and 1983. Military documents outline both the detailed information communicated between field units and commanders and the general counterinsurgency strategy that identified the indigenous Maya Ixil population as an "internal enemy" allied with the leftist guerrillas the military sought to annihilate. The use of forced labor, local patrols, re-education camps, the prohibition of indigenous languages, and the persecution of the internally displaced also proved integral to the army's project of genocide in the region.

To the disappointment of many, Judge Flores sentenced Ríos Montt to house arrest after he posted \$65,000 in bail, despite the express prohibition in Guatemalan law on such allowances for those accused of genocide.



Ríos Montt listens to charges against him.

A "Challenge" for the President

While Ríos Montt himself declined to testify in court - a friend who was in court said that he spent most of the day smiling, until Judge Flores read her verdict - his defense team presented arguments to divert responsibility for the abuses committed under his regime.

The defense's argument that local commanders were responsible could implicate current Guatemalan President Otto Pérez Molina, who served as a commander in the Ixil region during Ríos Montt's regime. Pérez Molina's own explanation of his time in the Ixil between July 1982 and March 1983 emphasizes his role in "recuperating" the internally displaced population.

Why Try Crimes of the Past?

Given the contemporary social problems Guatemala faces, why try an 84-year-old

strongman in the twilight of his power? One might note that pursuing justice for crimes of the past or present injustices are hardly dichotomous alternatives. The complexity of research and legal logistics required for the genocide cases could strengthen the justice system for the far more numerous cases of current gang, gender and drug-related violence.

The claim that prosecution of crimes of the past will prevent their repetition in the future is also more than a rhetorical flourish. Academic studies have identified greater accountability in countries that have prosecuted human rights crimes and the cases could serve to strengthen respect for international law.

Above all, though, is the human justification for trying these crimes. As the AJR president told me, "We hope that Ríos Montt will be jailed for the massacres of our families. ...We want to achieve justice so that our children will never experience massacres." Validating the historical memory of survivors and victims through a serious attempt to hold perpetrators and intellectual authors responsible is in itself an important step towards reconciliation and the creation of a more just society for future generations.

NISGUA needs you! NISGUA's historic role in denouncing the U.S.-supported genocide in Guatemala has led us to accompany efforts for justice. NISGUA currently accompanies over 100 participants in the genocide case in over 20 rural and urban communities. Please donate today to help us sustain accompaniment this year or contact us to volunteer.

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