

# The Rodríguez Sánchez Genocide Retrial: Highlights of the Proceedings

The trial of Mauricio Rodríguez Sánchez on charges of genocide and crimes against humanity is nearing its conclusion. Rodríguez Sánchez served as chief of military intelligence under former dictator Efraín Ríos Montt. The two were tried together in 2013; Rodríguez Sánchez was acquitted and Ríos Montt was [convicted](#), but a controversial, and some say illegal, Constitutional Court [decision](#) resulted in the verdict being vacated. After many false starts and delays, a retrial finally started in [October 2017](#). While the case against Ríos Montt was closed following his [death this past April](#), the retrial of Rodríguez Sánchez is in its final stages, with a verdict possible at the end of August or September. This post provides a brief background into the complex judicial process, along with some highlights of the Rodríguez Sánchez trial to date.

## Background

Ríos Montt came to power in a military coup d'état on March 23, 1982 and was deposed 17 months later, on August 7, 1983, in a military coup orchestrated by his Minister of Defense, Oscar Humberto Mejía Víctores. Rodríguez Sánchez served as Director of Military Intelligence (G-2) under Ríos Montt.

The short 17 months in which Ríos Montt ruled Guatemala were the most brutal of the conflict. Human rights organizations estimate that [10,000 people](#) were killed in the first three months of his government alone. During the first eight months of his government, there were [19 massacres each month](#), and more than 400 indigenous communities were destroyed. According to the Commission for Historical Clarification (CEH), 83 percent of the victims of the conflict were indigenous. Based on these and other indicators, the CEH determined that the counterinsurgency strategy deployed during the Ríos Montt years constituted “acts of genocide” against the indigenous population in five regions of the country. The 2013 trial against Ríos Montt and Rodríguez Sánchez marked the first time senior military officials faced trial for grave human rights violations committed during the conflict. With the Constitutional Court decision of May 20, 2013 that resulted in the vacating of the conviction of Ríos Montt and the acquittal of Rodríguez Sánchez, the courts determined that the case would be retried. Ríos Montt was freed from prison and returned to house arrest; Rodríguez Sánchez, who had been freed, was returned to the military hospital.

The retrial of both Ríos Montt and Rodríguez Sánchez was [set to begin in January 2015](#), and again in [August 2015](#), then [January 2016](#). However, due to legal challenges raised by the defense lawyers, the [proceedings did not get underway until March 2016](#). At that point, Ríos Montt had been [diagnosed with dementia](#), leading the court to apply special measures to the proceedings: the court determined that the trial against both defendants would not be open to the public or the press; Ríos Montt would not be required to be present; and even if found guilty, no punishment would be handed down. After dozens of hearings, [those proceedings were also suspended](#) after a court determined that Rodríguez Sánchez had the right to an open, public trial.

Finally in October 2017, [the retrial began again](#). The court overseeing the proceedings—High Risk Court “B,” composed of presiding judge María Eugenia Castellanos Cruz and judges Sara Gricelda Yoc Yoc and Jaime Delmar González Marín—determined that it would only hear the case one day a week. [Closed-door proceedings](#) against Ríos Montt were held on Friday mornings, followed by the public proceedings against Rodríguez Sánchez in the afternoons. After the [death of Ríos Montt](#) in April, the court scheduled day-long hearings for Rodríguez Sánchez every Friday.

## **The Trial Against Mauricio Rodríguez Sánchez**

The testimony of several survivor-witnesses who testified in the hearings held during March and April 2016 were incorporated into the current proceedings. [Survivor testimonies](#) continued in October 2017, as previously reported by International Justice Monitor. A total of 107 witnesses have testified during the retrial, according to Edwin Canil, president of the Association for Justice and Reconciliation (AJR), an association of survivors and families of victims from five regions of the country. Canil told IJ Monitor that virtually all of the survivor-witnesses who testified in 2013 returned to testify in the retrial proceedings, except five witnesses who have passed away and one who declined to testify again. In February 2018, the court convened hearings over the course of three days in Nebaj, Quiché, the heart of the Ixil region, so that witnesses who had difficulty traveling to the capital city due to illness or other incapacity could testify. In a show of solidarity with the survivors and families of the victims, human rights organizations accompanying the victims organized photography exhibits of the 2013 trial and exhumations, public events, and commemorative ceremonies.

Also present were several former military commissioners and retired military officials, members of the Association of Military Veterans of Guatemala (Avemilgua). In menacing tones, they shouted into microphones connected to loudspeakers, justifying the massacres, attacking the witnesses, and vociferously denying that the Ríos Montt government was responsible for genocide. At times they were so loud that it was difficult to hear the testimony of the victims inside the makeshift courtroom set up near the plaza. The Avemilgua members also sought to intimidate those present at the proceedings, taking photographs with their cell phones and cameras. The National Police were called in to avoid any confrontation. The court has heard the testimony of several expert witnesses, the majority of whom participated in the first genocide trial. Peruvian retired army general Rodolfo Robles discussed the role of military intelligence in characterizing the enemy, and noted that in the military Plan Victoria, the Maya Ixil population is characterized as the “internal enemy.” Forensic anthropologist and president of the Forensic Anthropology Foundation of Guatemala (FAFG), Fredy Peccerelli, also testified about the work conducted by his organization in the Ixil area. Statistician Patrick Ball presented the statistical research he carried out for the Commission on Historical Clarification, which demonstrated that indigenous people were eight times more likely to be killed than non-indigenous people during 1982 and 1983. Geographer Liz Oglesby discussed her research on forced displacement in the Ixil region during the Ríos Montt-Rodríguez Sánchez years. Historian Marta Elena Casaús discussed her research on racism and genocide.

A series of documents, including military documents, the report of the Historical Clarification Commission, and others, have also been presented as evidence. Erick de León, lead prosecutor for the Attorney General’s Office, has also presented new evidence and new witnesses in the retrial proceedings, including Jennifer Schirmer, author of *The Guatemalan Military Project: A Violence Called Democracy*, and Allan Nairn, who famously interviewed ex-president Otto Pérez Molina while he was a commander in Nebaj in 1982. This will be examined further in a future post.

The defense has offered only a handful of witnesses. On June 22, defense counsel called on José Luis [Quilo Ayuso](#) to testify. He was a special forces Kaibil soldier, trained in counterinsurgency operations, expert in demolitions and psychological operations, and a founder and current president of Avemilgua. Quilo Ayuso served as vice minister of defense, commander of military zones, and was a member of the Army General Staff. He is also a founding member of the ruling party, National Convergence Front (FCN). His expert testimony focused on the chain of command in the Guatemalan army and the functions of the members of the Army General Staff. Quilo Ayuso also testified for the defense in the [2013 genocide proceedings](#); curiously, the trial court relied on his testimony in its determination that Ríos Montt, as de facto head of state, “knew about all [the crimes] that were occurring and did not stop them despite having the power to do so.” On July 13, the defense called on congressional deputy Manuel Conde Orellana to testify. Conde Orellana belongs to the National Action Party (PAN) of Fernando Linares Beltranena; Linares Beltranena is the force behind the [congressional bill](#) to modify the National Reconciliation Law of 1996 to allow amnesty provisions for genocide and other international crimes. Conde Orellana was the president of the government commission in charge of negotiating the peace accords

between 1991 and 1993. He was the secretary general of President Jorge Serrano Elías, infamous for his failed “self-coup” attempt in 1993, and he has been an advisor to a number of Latin American presidents, include Alvaro Uribe of Colombia, Arnoldo Alemán of Nicaragua, and Alfredo Cristiani of El Salvador. He testified that his father and grandfather were killed by members of the Guatemalan National Revolutionary Unity (URNG). Further, he denied that the internal armed conflict was directed against a specific ethnic or religious group, and asserted that the reports of the Historical Clarification Commission and the Recovery of Historical Memory (REHMI) were biased and inaccurate.

### **Growing Intimidation**

There have been several incidents during the proceedings that could be characterized as intimidation. For example, during the hearing in which Fredy Peccerelli testified, Rodríguez Sánchez’s defense attorney repeatedly interrupted the expert witness, which the court rebuked. During a recess, in the hallway outside the courtroom, the defendant approached Prosecutor De León and some of the civil party lawyers in an intimidating manner, violating their personal space and hurling insults and pejorative comments against human rights organizations. When the hearing resumed, Prosecutor De León denounced this to the court. Civil party lawyer Edgar Pérez told the court that the defendant said: “If I could call you sons of bitches, I would do so.” In allusion to the expert report presented by the FAFG, he also stated that he “would like to create a human rights NGO, because they bring in the money.” The presiding judge called on the accused to refrain from such behavior. In response, his lawyer claimed that she and the defendant were harassed by the press.

On several occasions, Rodríguez Sánchez has approached the civil party lawyers to make a comment about the witnesses. At the hearing on Friday, April 13, the accused approached one of the Mayan women who was with the civil party lawyers, questioning her about the origin of the indigenous dress she was wearing. He also approached a journalist, asking why she did not say goodbye to him at the end of the hearing.

Particularly since the death of Ríos Montt, which resulted in an acceleration of the Rodríguez Sánchez proceedings, the climate of intimidation has increased in the courtroom. Rodríguez Sánchez’s defense counsel has been more aggressive in her cross-examination of witnesses and experts called by the plaintiffs, and has made comments aimed at discrediting the qualifications of the witnesses, earning her several rebukes from the court.

Retired military officials belonging to AVEMILGUA also became more frequent visitors of the courtroom. During the hearing on May 25, when expert witness Marta Elena Casaús was testifying, Ricardo Méndez Ruiz, president of the Foundation against Terrorism, and Karen Ness, of the Pro-Patriot League, made an appearance the hearing. Ness has interrupted the hearings on several occasions, shouting that the courts are biased. At one point, Méndez Ruiz walked over to the defense lawyer in the midst of her cross-examination to correct her, leading the judge to rebuke Méndez Ruiz and informing him and other members of the public that if they did not comply with the rules of the court, they would be removed from the courtroom.

During some of these hearings, a group of individuals dressed as Maya Ixil came to observe the proceedings, but proceeded to confront members of the Maya Ixil connected to the case. The civil party lawyers denounced this aggression before the court, noting that some of those present were not Ixiles and were known in the Ixil region for their aggressive behavior. Some of them, they said, are former military commissioners.

It is expected there will be only one or two more hearings in which evidence is presented by the parties, after which the court will hear closing arguments and deliver its verdict.

*[Jo-Marie Burt](#) is an Associate Professor of Political Science and Latin American Studies at George Mason University. She is also a Senior Fellow at the Washington Office on Latin America (WOLA). Paulo Estrada is a human rights activist, archaeology student at San Carlos University, and civil party in the Military Diary case.*