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[Opinion](#)

The long arc of justice in Guatemala

Although an eventual conviction of Rios Montt would be cathartic, it still won't solve the troubles plaguing Guatemala.

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Former Guatemalan dictator Jose Efraim Rios Montt is standing trial on charges of genocide [AFP] Thirty years ago, a "scorched earth" counterinsurgency strategy in the Quiche region of Guatemala left 1,771 Maya Ixil dead, tens of thousands displaced, and ruptured the social fabric of the community. This ruthless campaign of state repression was carried out by General Jose Efraim Rios Montt during the darkest chapter of the 36-year conflict, in which 200,000 Guatemalans died, the vast majority of whom were indigenous Mayans, and another 50,000 disappeared. Today, despite a pervasive culture of impunity in Guatemala and a veil of silence still surrounding those years, Rios Montt and Jose Mauricio Rodriguez Sanchez, his chief intelligence officer, are being prosecuted in Guatemala for genocide and other crimes against humanity, a day many never thought would come.

The selection of intrepid [Attorney General Claudia Paz y Paz](#) in 2010 ushered in a new era in Guatemala's struggle against impunity. Long accused of atrocities, Rios Montt [enjoyed immunity from prosecution](#) as a member of Congress for 20 years, but was charged shortly after his departure from office in 2012. His prosecution sets a [historic precedent](#) for the people of Guatemala and the global community, representing the first time a head of state stands trial in a national court for the crime of genocide.

At the front of the cavernous courtroom, three judges sit closely together, occasionally huddled in conference, along a substantial wooden bench that stretched the length of the courtroom. On the wall above hangs the Guatemalan coat of arms: crossed rifles to signify defence of territory, swords emblematic of honour, and the date of Guatemalan independence from Spain etched across a scroll upon which a quetzal is perched, all against a backdrop of bay leaf branches symbolising victory. These lofty symbols however are imbued with a more ambiguous meaning to the vast majority of Guatemalans.

Support for Rios Montt

One of the most savage periods in the internal conflict occurred after the bloodless coup that installed General Rios Montt as military leader on March 23, 1982. During his 17 month tenure, Rios Montt escalated and systematised a reign of terror initiated by his predecessor [Lucas Garcia](#). By the time Rios Montt was deposed in a subsequent military coup, a grisly trail of blood laid bare his ruthless

counterinsurgency strategy of murdering of men, women, children, the frail, and the elderly, accompanied by the calculated destruction of the fabric of their ancestral communities.



Genocide trial of Guatemala ex-leader opens

Unable to easily crush the small armed insurgency and the widespread popular movement among many of Guatemala's marginalised people that seemed to escalate along with the repression, Rios Montt developed a new strategy to crush the guerrillas: "[If you cannot catch the fish, you must drain the sea](#)". Based on the manipulated assumption that sympathetic indigenous populations provided logistical and ideological support for the insurgents, Rios Montt set out to decimate those communities. This strategy was developed and implemented with both tacit and overt US support: training in counter-insurgency tactics at the [School of the Americas](#), and intelligence and military aid and assistance. [Ronald Reagan continued to provide support](#) to the Guatemalan military even after widespread reports of atrocities, [claiming](#) that "President Ríos Montt is a man of great personal integrity, and commitment... I know he wants to improve the quality of life for all Guatemalans and to promote social justice".

Documents declassified during the late 90s, however, prompted then US President [Bill Clinton to apologise](#). Recognising the evidentiary weight and power of both the declassified documents that contained categorical evidence of US complicity in the atrocities and the [UN Historical Clarification Commission's](#) nine-volume report, Clinton stated, "It is important that I state clearly that support for military forces or intelligence units which engaged in violent and widespread repression of the kind described in the report was wrong." Some critics denounced the apology as hollow and misleading for failing to acknowledge that American support for Guatemalan military repression was an intentional effort to advance its own political and economic interests, despite the unspeakable and incalculable suffering it engendered.



Inside Story Americas - Efraín Ríos Montt - Justice in limbo

After the conflict's end, the Historical Clarification Commission concluded that the military was responsible for 93 percent of the deaths, and that in four areas, the State of Guatemala committed genocide against its indigenous Mayan population. The Recovery of Historical Memory [report](#) [SP] of the Catholic Church echoed those findings. The department of Quiché was home to the Maya Ixil, considered

by the military to be courageous and recalcitrant, and unusually resistant to dispossession from their ancestral lands. The military concluded that the insurgents had succeeded in the [complete indoctrination of the Ixil](#), enjoying the support of 100 percent of the population in that area, though the reality was far more complicated and nuanced. Unable to easily suppress the resistance, the military fixated on the [annihilation](#) of the "internal enemy" through killing zones, a strategy documented by witnesses and memorialised in detailed military plans, including [Operation Sofia](#).

'Scorched earth'

In the early days of the genocide trial, survivors of Rios Montt's "scorched earth" policy testified in harrowing detail about the abuses they suffered and the horrors they witnessed. Supporters populated the court to bear witness to the testimony of their companions, mere yards from the man accused of devastating their communities. Experts testified about their painstaking forensic work that documented causes of death and helped grieving families reclaim and rebury their loved ones. After weeks of gut-wrenching testimony, the next phase of the trial centred on demonstrating the carefully designed military plan of the Guatemalan military to "[exterminate the subversive elements](#)" of the Ixil. To achieve that goal, the military killed men, women, children, infants, aged and infirmed people, and deliberately ruptured the fabric of their communities by burning crops, slaughtering animals, destroying cultural artifacts and severing sacred spiritual connections to their ancestral lands.

The past was inextricably linked to the present, when Hugo Ramiro Leonardo Reyes, a former army mechanic, testified by video from an undisclosed location, fearing reprisal. The witness [elicited audible gasps from the audience](#) by implicating sitting president Otto Perez Molina in the crimes committed in Quiche in 1982, when he served as a field commander. [This echoed other accusations](#) from human rights groups that Perez Molina was complicit in war crimes in that region. These allegations are substantiated by a [video](#) of Major Tito, the *nom de guerre* of Perez Molina, standing over the bodies of guerrillas who witnesses say were tortured before being summarily executed in Nebaj in 1982. [Perez Molina confirmed to the Prensa Libre](#) in 2000 that Major Tito was his pseudonym, though he later denied the connection.

The US supported brutality was contextualised by various witnesses as occurring in the panic after the [Cuban Revolution](#) and the Cold War, when the US was particularly apprehensive about the geopolitics of the hemisphere. The US-sponsored coup in 1954 overthrew democratically elected Jacobo Arbenz, whose incipient agrarian reform efforts inflamed US concerns that Guatemalan land reform would compromise US military and political hegemony and private commercial interests in the region. Many analysts condemn the US's "[wretched record of military cooperation](#)" that led to deadly state repression against its own people throughout Central America during that era, a [charge that continues to this day](#).



Integrity of Guatemala courts on the line

The defence endeavoured to exculpate Rios Montt on several substantive grounds, and engaged in an orchestrated strategy to delegitimise the trial. Denying that genocide occurred, defence witnesses attributed many of the atrocities to the insurgents themselves, while other deaths were characterised as

unintentional collateral damage in the internal conflict for which Rios Montt bears no responsibility. Moreover, the defence argued that groups were targeted for ideological reasons, and politically motivated repression does not constitute genocide. The defence further claimed that Rios Montt did not exercise [command responsibility](#) over those on the ground in Quiche and elsewhere, and that he was unaware of and could not control rogue members of the military who perpetrated massacres. Rios Montt's own words, memorialised in an interview by Pamela Yates in 1982, came back to haunt him: while the notably less vigorous Rios Montt sat passively at the defence table, a younger, smiling and animated version played on a screen above his head, confidently declaring in response to a question of his control that "[if I can't control the Army, then what am I doing here?](#)"

A protracted trial

Amplifying the voice of the victims is important and meaningful, and their testimony has reinvigorated a historically stunted national dialogue about the dark side of Guatemala's recent past. But progressive elements of Guatemalan society are not sanguine about the transformative potential of a conviction. Survivors, lawyers, judges, witnesses and human rights defenders continue to receive threats. A conviction would clearly not be the end of the tortuous legal road on which this sordid story has travelled. Even before the trial's inception, defence attorneys have engaged in dilatory tactics and have been carefully laying the groundwork for multiple avenues of appeal, voicing their objections at every stage of the proceedings and engaging in a what critics characterise as a deliberate campaign to undermine the legitimacy of the trial. The appeals process could easily outlast an ageing Rios Montt's natural life, and would certainly endure past Paz y Paz's tenure as Attorney General.

Despite international condemnation of the genocide and the recent publicity engendered by the trial, many Guatemalans are either unaware of or deny that genocide occurred, including [President Perez Molina](#) and members of the [business elite](#). Some who were hopeful that the public spotlight of trial would advance truth, memory and justice are sobered by the tenor of the regressive discourse it has generated. As we sat in the courtroom, the founder of the Foundation Against Terrorism was surrounded by press photographers, posing with a copy of the [20 page document](#) he paid to distribute in the national newspaper that day. Replete with photographs, the gruesome document presents a starkly different narrative of the past, accusing the insurgents and their supporters of committing the atrocities and inflaming an already bitterly divided populace. The next day's newspaper sported a full page advertisement, decrying the trial and accusing survivors and their advocates of polarising the country and rubbing raw old wounds, a narrative many feared would incite violent reprisals. A reckoning will not come easily to Guatemala.

Some people believe that irrespective of the trial's outcome, members of ravaged Ixil communities have finally been provided with a public forum to recount their excruciating truths and honour the memory of their dead. As I sat with a group of massacre survivors around a long table draped with traditional artisanal cloths, my belief in the importance of reconciliation was deepened. The group thanked us for accompanying them in their struggles, told us they drew strength from our solidarity, and shared their stories of profound sorrow and incalculable loss. We absorbed their anguish and horror, and were humbled and inspired by their fortitude, dignity, faith and steely determination to unearth truth, preserve memory and seek justice, to honour the dead and to ensure that history never repeats itself. As tears trickled down my cheeks, a soft-spoken man across the table held my gaze, and with the poignant gesture of a gentle nod and a subtle smile, conveyed his appreciation that we had come to bear witness and affirmed our shared humanity.



Inside Story Americas - Guatemala: Struggling for justice

The survivor's unwavering faith in ultimate justice would be tested only hours later, when the judicial process took a turn that shocked even hardened observers. The initial judge to hear the charges had just annulled the proceedings, a decision poised to cost survivors and their lawyers even more time and strain already depleted financial and emotional resources. When Judge Jazmin Barrios indicated that the proceedings would continue, prompting defence attorneys to stage a theatrical walkout, in violation of their professional and ethical responsibilities.

At the much anticipated session in court the next morning, an unflappable and resolute Judge Barrios electrified the packed courtroom as she read her eloquent and impeccably supported legal arguments, declared her commitment to uphold the rule of law, and vowed that the trial would continue. Given the legal and political manoeuvring, Judge Barrios suspended the proceedings pending a final decision from the Constitutional Court. Court observers erupted into elated applause, and gathered outside to march to the Constitutional Court, amid the rhythm of drums and banners of solidarity proclaiming that "We are all Ixils". In a process marked by irregularities and setbacks, it is hard to predict what comes next. But one thing is clear: justice may be delayed yet again, but the resilient survivors, fiercely determined lawyers and their supporters will continue to wage this struggle.

No panacea, but cathartic

While symbolically important, no one believes that Rios Montt's ultimate conviction would be a panacea. Guatemala faces seemingly insurmountable challenges, and a guilty verdict would not curtail the [violence plaguing the country](#), nor dismantle the country's deeply entrenched structural inequality, legendary impunity, endemic racism, [pervasive and severe poverty](#), [corrupt institutions](#), [ongoing land rights struggles](#), [femicide](#), [targeted killings of community leaders](#), or mayhem attributed to [drug trafficking](#) and [gangs](#). But truth, collective memory and healing are essential for survivors of atrocities and for the country as a whole, as societies that do not reckon with a violent past will continue to suffer from its enduring legacy.

It is remarkable that survivors who lost everything but their humanity somehow possess the grace, courage and unshakable faith that despite everything, justice will be served. For a country with a notoriously corrupt judicial system, Judge Barrios is an inspiring beacon of integrity, impartiality, independence and professionalism. The next weeks will be perilous for human rights defenders, survivors and their supporters, as threats to unleash violent reprisals intensify. In these harrowing times, the accompaniment and solidarity of the international community can make a measurable and meaningful difference for the morale and safety of these brave and irrepressible souls.

The arc of history is long in Guatemala, but perhaps the survivors will be vindicated in their unwavering belief that charges against Rios Montt will bend the future towards justice.

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