

Justice for Genocide in Guatemala



Photo by James Rodríguez, www.mimundo.org

Over 150,000 people dead and another 50,000 disappeared: The death toll in the Guatemalan war exceeded that of El Salvador, Nicaragua, Argentina, and Chile combined. Independent reports, including the United Nations-sponsored Historical Clarification Commission, have concluded that genocide was committed against indigenous Maya peoples. The intensity of ethnic cleansing that took place in Guatemala over the 36-year-long conflict was equal to, or arguably worse than, that of Bosnia.

Guatemalan government forces – buoyed by financing and training from the United

States – committed over 90% of the human rights violations during the war (1960-1996).

While survivors of the conflict bear physical and psychological wounds to this day, the masterminds behind the crimes walk free. In fact, many of them continue to wield power in high places, exploiting their influence to prevent prosecution. Far from

standing trial or serving jail time for his offenses, former dictator Efraín Ríos Montt – who ruled during the bloodiest period of the war, 1982-83 – currently holds a seat in the Guatemalan Congress.

Undaunted by the stranglehold that Ríos Montt and his cronies hold on the country's political system, a courageous group of war survivors from 22 indigenous communities are demanding justice. In 2000 and 2001, their Association for Justice and Reconciliation filed charges of genocide, crimes

“After having killed our wives, they brought out our children. They grabbed their feet and beat their heads against the house posts. I had six children. They all died, and my wife as well.... All my life my heart will cry because of it.”

– sole survivor of the San Francisco massacre in Huehuetenango, Guatemala

against humanity, and war crimes against former military dictators Romeo Lucas García and Ríos Montt and their military high commands. Years later, these cases are languishing in the Guatemalan court system due to a lack of political will to bring the accused to justice.

Legitimately concerned that the rampant impunity in Guatemala's judicial system would block justice at home, some war survivors turned to the international arena. In 1999, Nobel laureate Rigoberta Menchú Tum petitioned the Spanish National Court to try Guatemala's military high command for the crimes of genocide, terrorism, and torture. After years of legal back-and-forth in the courts, the Spanish Constitutional Court ruled in 2005 that cases of genocide committed abroad could be tried in Spain. The judges cited the principle of universal jurisdiction, which holds that some crimes are so heinous that they are committed against humanity as a whole and can be prosecuted in the courts of any country, regardless of where the crimes occurred.

On a momentous day in July 2006, Spanish judge Santiago Pedraz issued international arrest warrants against three former Guatemalan presidents and five other former officials and ordered the freezing of their assets. Even though the Guatemalan Constitutional Court has since ruled that the Spanish case is not binding in Guatemala, the pending arrest warrants are still in effect for any countries with an extradition agreement with Spain, including the United States and Mexico.

A hopeful moment came in March 2008 with an official order to declassify military files. Army plans will reveal the role of the upper echelons of Guatemala's military in crimes against Maya communities.

Meanwhile, although Pedraz has been blocked from continuing his investigations on the ground in Guatemala, Guatemalan Judge Eduardo Cojulun is receiving declarations from witnesses in order to share them with the Spanish court. On April 17, 2008, for the first time in history after years of enforced silence and repression, a war survivor gave public testimony in a Guatemalan court about the genocide committed against Maya peoples. With the domestic genocide cases languishing for years with little to no movement and the successes of the Spanish genocide case thwarted by numerous appeals and injunctions, the witnesses are finally having their day in court.

What You Can Do to Support Justice for Genocide

- Sign on to NISGUA's **Action Alert!** Access the action at www.nisgua.org, under "Get involved."
- Become a **human rights monitor** for the witnesses involved in these precedent-setting cases! Visit www.nisgua.org/get_involved/join_gap
- Ask your **elected officials** to:
 - urge the Guatemalan judiciary to move forward with the genocide cases
 - petition the Department of Justice to **enforce the international arrest warrants here in the U.S.**
- See www.nisgua.org for **talking points when raising awareness** or contacting the press or elected leaders regarding the Guatemalan genocide (go to Themes and Campaigns - Impunity - Precedent-Setting Human Rights Cases - Genocide Case)
- Check **www.nisgua.org** for the latest information and action alerts

Even as the human rights movement celebrates these hard-won advances, our vigilance cannot falter. In Guatemala, those who speak out against the powers-that-be are often the target of threats and attacks. International attention and support are crucial in ensuring that these ground-breaking genocide cases succeed so that war survivors can see justice served in their lifetimes.

The U.S.-based Network in Solidarity with the People of Guatemala (NISGUA) employs strategic, creative, and coordinated grassroots activism and advocacy to pursue justice for crimes committed during Guatemala's war. Through its Guatemala Accompaniment Project (G.A.P.), NISGUA provides human rights monitors, known as "accompaniers," as a deterrent to violence. Accompaniers live in rural indigenous communities alongside genocide case witnesses whose unwavering work in speaking the truth puts them at risk of human rights violations.
