

## **“Genocidal” General Wins Presidential Elections In Guatemala**

By Annie Bird, November 7, 2011

Otto Perez Molina, a former general who was in charge of the Nebaj, Quiche military base during Guatemala’s genocide from mid-1982 to mid-1983, has won the presidency.



As evidence grows of Perez Molina’s participation in crimes against humanity and genocide, the question of how the international community will respond to this head of State - accused of being an intellectual and material author of torture, disappearances, executions, massacres and indeed genocide - becomes urgent. As of yet, no State or public official in Guatemala, or elsewhere, has publicly discussed the issue of the war crimes and genocide charges against Perez Molina.

Electoral authorities reported that Perez Molina finished with 56% of the vote; Manuel Baldizon finished with 44%, in the November 6th run-off elections. Perez Molina will take office the first week of January. The U.S. embassy released a statement congratulating him.

This article looks more closely at who Perez Molina is. This article does not provide broader analysis of how Guatemala continues to be a fundamentally undemocratic country, wherein the institutions and democracy and the rule of law are corrupted and/or dominated by the traditional powerful elite sectors. Rights Action believes that, in many ways, the “elections” themselves serve to cover-up the underlying lack of democracy and rule of law.

## HEAD OF STATE ACCUSED OF GENOCIDE AND OTHER CRIMES AGAINST HUMANITY

Most of the crimes general Otto Perez Molina is accused of occurred before the creation of the International Criminal Court, making difficult prosecution through the international court created to try war criminals. However, international law establishes that nations have the responsibility to prosecute grave human rights abuses – including war crimes and genocide - and that there is no prescription period for their prosecution.

The Spanish National Court that is investigating the genocide in Guatemala, through this principal of universal jurisdiction, is investigating the role of Perez Molina in the genocide. The court has received testimony concerning Perez Molina’s military ranking and concerning his participation in war crimes in Nebaj.

Jennifer Harbury, a US citizen whose husband, guerrilla commander Efraim Bamaca, was illegally detained in a secret detention center, tortured and eventually killed in the early 1990s, initiated a case in March 2011 against Perez Molina after Guatemalan courts violated due process and the right to access to justice in an earlier complaint initiated against lower ranking officers who had been under Perez Molina’s command.

Otto Perez Molina was reported to be on the CIA payroll when, as head of the military’s G2 intelligence unit, he allegedly ran a secret torture center on the Mariscal Zavala military base.

In September 2011, a complaint (a formal Allegation Letter) was submitted to the United Nations Special Rapporteur on Torture calling for an investigation into the role that Perez Molina played in the commission of genocide, torture and disappearances in Guatemala during the worst years of State repression and terrorism in the 1980s.

## GENOCIDE DENIAL

Perez Molina has denied not only participation in war crimes but has also publicly claimed that genocide did not occur in Guatemala.

In 1999, the United Nations released its Truth Commission report (Memory of Silence) concluding that over 93% of the atrocities were carried out by the military, police and paramilitaries; that the military conducted genocide against the Mayan population in certain areas, including the Nebaj region where Perez Molina was a high ranking officer; that at least 200,000 people were killed, over 45,000 people are disappeared, more than 600 massacres were committed and that over 1,000,000 were forcibly displaced from their homes.

In April 2008, the Catholic Church released its own report (Recovery of the Historic Memory) detailing decades of State repression and terrorism against the mainly indigenous Mayan people of Guatemala. The night following the release of the Church report, the person in charge of the investigation, Bishop Juan Gerardi, was bludgeoned to death, and his body left for all to see. While two former military officers are serving sentences for the assassination of Gerardi, investigators claim that evidence points to Perez Molina's involvement in the Gerardi killing, placing Perez Molina at the scene of the crime on the night of the killing.

## POLITICAL CAMPAIGN FOCUSED ON "SECURITY" AND "JUSTICE"

The central theme in the elections in Guatemala was security and justice. Guatemala's homicide rate in March 2011 was reported to be 42 murders per 100,000 residents. Guatemala - like neighbors El Salvador and Honduras - has among the highest murder rates in the world, though Honduras' murder rate is currently double Guatemala's. This violence is attributable to Guatemala's historic and deep seated inequality, repression and impunity in general, and more recently to organized crime, particularly the drug trade.

## RECENT WAR CRIME PROSECUTIONS

Guatemala's first female Attorney General, Claudia Paz, has become something of a celebrity for the effective prosecutions she has led of against both organized crime kingpins and those accused of crimes against humanity in the 1970s, 80s and 90s. She took office in 2010 after a recently named Attorney General was fired following scandals that associated him with organized crime.

During her time in office, two top organized crime kingpins have been arrested, after they had operated for decades with the protection and involvement of some military, political and legal authorities, and a slew of war crimes have started to move ahead (slowly) in a way never seen before.

A former head of the national police was arrested, tried and convicted in July 2011 for the war crime of forced disappearance. Military officers involved in the gruesome (and typical) Dos Erres massacre received extended sentences. On June 20, 2011, former General Hector Mario Lopez Fuentes was arrested as an intellectual author of genocide against the Ixil people, in the Nebaj region, between 1982 and 1982. On October 12, 2011, Jose Mauricio Rodriguez Sanchez, head of military intelligence accused of genocide against the Ixil people, was arrested.

The Nebaj Military base was the center of the Mayan Ixil genocide. Former military head of State from 1983 to 1985, 70 year old Oscar

Mejia Victores, is now in a military hospital under evaluation for his ability to stand trial. He is also accused in the Ixil genocide.

As these genocide trials advance (almost 30 years later) against the highest ranking officers accused of genocide in the Mayan Ixil region, the circle closes in around Perez Molina, who was also a high ranking officer in the Ixil region at that time.

## FIRE THE ATTORNEY GENERAL?

A frequent question during the elections was who would let the attorney general stay on, and both candidates promised to keep her on. However, growing reaction against the prosecution of former military officers, by former military officers, has led to concern over repression against lawyers and human rights defenders, and concern that the Attorney General will be replaced with someone who continues the longstanding tradition of impunity, illegally blocking prosecutions of both war criminals and organized crime figures.

Ever since the “peace accords” of 1996, the growing organized crime networks that generate violence and terror in Guatemala have been directly and indirectly linked to military and former military personnel, particularly military intelligence officers, as well as to people working in the institutions of the State and legal system.

The Attorney General's office has expressed their intention to continue prosecutions and enjoys the political and financial support of the international community, but signs of the kind of pressure and manipulation they will be subjected to are already appearing.

On November 2, 2011, a former military colonel submitted a complaint against 26 well-known figures, including leading human rights advocates, academics, and politicians. Some of those named in this complaint are recognized as former members of

revolutionary movements. He accuses them of participating in his kidnapping when he was a university student while his father served as the Minister of Governance during the regime of Efraín Ríos Montt, another former military dictator and intellectual author of Guatemala's genocide.

Named in this complaint are two cousins of the current Attorney General, one of whom is deceased and the other has publicly denied any association with incident, explaining she was in exile at the time and that the motivation for her inclusion in the list was clearly due to her family ties to the Attorney General.

## CONTINUING WITH THE VIOLENCE OF THE 1980s, WITH THE HELP OF THE UNITED STATES

The election of Pérez Molina as president, just as Guatemala was making its first advances in some prosecutions (30 years later) to do justice for the State repression and genocide of the past and present, is another step backwards for the people of Guatemala in the struggle to live in a democratic country governed by the rule of law.

The violence and repression of the past and present are directly linked, rooted in the entrenched mechanisms of impunity. The crime networks that terrorize Guatemala today grew out of the State security forces that committed the genocide and atrocities of the 1970s, 80s and early 1990s.

These networks of war criminals (many being former military officers) benefited directly from widespread support from the United States during the "cold war". They continued to exercise political and economic control of the nation during the so-called "transition to democracy" in the 1990s. They maintain firm control over many State institutions today.

## UNADDRESSED LEGACY OF GENOCIDE

From the actual genocides of the 1970s and 80s, through the dominance of the FRG political party (headed by former genocidal general Efraim Rios Montt) in the late 1990s and the 2000-2004 presidency, to the ascendancy of Perez Molina, Guatemala continues to grapple with and suffer from the legacy and lack of justice and accountability for genocide.

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