

Rights Action
March 10, 2013

GENOCIDE ON TRIAL IN GUATEMALA: Genocide Trial Against Rios Montt To Begin March 19th

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U.S. President Ronald Reagan met with General Rios Montt after he came to power in 1982 via a U.S.-backed military coup. Since the U.S.-backed military coup in 1954, and particularly through the worst years of State terrorism and genocide (late 1970s, 80s, early 90s), the U.S. funded, trained, armed and operated with successive Guatemalan military regimes. President Reagan said (December 4, 1982): "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." [<http://nacla.org/news/2012/3/23/central-america-between-past-and-present>]

COMMENTS / QUESTIONS:

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NEW DOCUMENTS SHOW REAGAN GAVE GO-AHEAD TO MAYAN GENOCIDE

Feb. 28, 2013, by Susie Madrak

<http://crooksandliars.com/susie-madrak/new-documents-show-reagan-gave-go#sthash.IX7LRnyT.gxZdV3BU.dpbs>

Robert Parry, on a newly-released document that spells out how President Ronald Reagan promoted genocide in Central America (<http://consortiumnews.com/2013/02/21/how-reagan-promoted-genocide/>):

Soon after taking office in 1981, President Ronald Reagan's national security team agreed to supply military aid to the brutal right-wing regime in Guatemala to pursue the goal of exterminating not only "Marxist guerrillas" but their "civilian support mechanisms," according to a newly disclosed document from the National Archives.

Over the next several years, the military assistance from the Reagan administration helped the Guatemalan army do just that, engaging in the slaughter of some 100,000 people, including what a truth commission deemed genocide against the Mayan Indians in the northern highlands.

Recently discovered documents at the Reagan Presidential Library in Simi Valley, California, also reveal that Reagan's White House was reaching out to Israel in a scheme to circumvent congressional restrictions on military equipment for the Guatemalan military.

In 1983, national security aide Oliver North (who later became a central figure in the Iran-Contra scandal) reported in a memo that Reagan's Deputy National Security Advisor Robert McFarlane (another key Iran-Contra figure) was approaching Israel over how to deliver 10 UH-1H helicopters to Guatemala to give the army greater mobility in its counterinsurgency war.

According to these documents that I found at the Reagan library – and other records declassified in the late 1990s – it's also clear that Reagan and his administration were well aware of the butchery underway in Guatemala and elsewhere in Central America.

The relaxed attitude toward the Guatemalan regime's brutality took shape in spring 1981 as Reagan's State Department "advised our Central American embassies that it has been studying ways to restore a closer, cooperative relationship with Guatemala," according to a White House "Situation Room Checklist" dated April 8, 1981. The document added: "State believes a number of changes have occurred which could make Guatemalan leaders more receptive to a new U.S. initiative: the Guatemalans view the new administration as more sympathetic to their problems [and] they are less suspect of the U.S. role in El Salvador," where the Reagan administration was expanding support for another right-wing regime infamous for slaughtering its political opponents, including Catholic clergy.

"State has concluded that any attempt to reestablish a dialogue would require some initial, condition-free demonstration of our goodwill. However, this could not include military sales which would provoke serious U.S. public and congressional criticism. State will undertake a series of confidence building measures, free of preconditions, which minimize potential conflict with existing legislation," which then barred military assistance to Guatemala because of its long record of human rights crimes.

The "checklist" added that the State Department "has also decided that the administration should engage the Guatemalan government at the highest level in a dialogue on our bilateral relations and the initiatives we can take together to improve them. Secretary [of State Alexander] Haig has designated [retired] General Vernon Walters as his personal emissary to initiate this process with President [Fernando Romeo] Lucas [Garcia].

"If Lucas is prepared to give assurances that he will take steps to halt government involvement in the indiscriminate killing of political opponents and to foster a climate conducive to a viable electoral process, the U.S. will be prepared to approve some military sales immediately."

But the operative word in that paragraph was "indiscriminate." The Reagan administration expressed no problem with killing civilians if they were considered supporters of the guerrillas who had been fighting against the country's ruling oligarchs and generals since the 1950s when the CIA organized the overthrow of Guatemala's reformist President Jacobo Arbenz.

GENOCIDE ON TRIAL IN GUATEMALA, SETTING MODEL FOR REGION

Mary Jo McConahay, Mar. 4, 2013

<http://ncronline.org/news/global/genocide-trial-guatemala-setting-model-region#.UTSqnbF2Rok.twitter>

For the first time in history a former head of state, Guatemala's Gen. Efraín Ríos Montt, is on trial for genocide in the country where the crime occurred. Two hundred thousand died over 36 years of armed conflict in the Central American nation, mostly Maya indigenous noncombatants at government hands.

The unfolding judicial process has global repercussions, strengthening possibilities for prosecution of other prominent human rights cases. Next door in El Salvador, no ranking officer has been charged with war crimes, not even those known to have given the orders to kill six Jesuit priests, their housekeeper and her daughter in 1989.

After a CIA coup overthrew Guatemala's democratically elected president, Jacobo Arbenz, in 1954, years of military rule included Ríos Montt's dictatorship from March 1982 to August 1983. It was a particularly frenzied epoch of bloodletting. The army, by its own accounting, annihilated entire villages, lest residents support left-leaning guerrillas.

Even as the army remained untouchable, family members of the dead and disappeared gathered evidence and testimony, holding faith that someday they might see justice, recover the remains of loved ones or know their fates. Carefully exhumed remains from sites across the country now number in the thousands, many positively identified after painstaking work.

In February, before a courtroom including grim-faced survivors, some in traditional, brightly woven Maya dress, a judge accepted some 900 elements of evidence, including every death certificate and expert witness proposed by government prosecutors, despite virulent objections from the defense. Ríos Montt, pale-looking at age 86, wearing a dark blue suit and with a full head of salt-and-pepper hair, wrote notes on a white pad, appearing not at all a defeated man. Indeed, a guilty verdict on the genocide charge is far from assured.

Some Guatemalans believe what the army has long averred, that it saved the country from falling into rebel hands. Many do not care about the recent past; most of the population was born after the regime, and schools barely mention the war. Still others see through an arguably skewed glass. In 1982 in Guatemala City, U.S. President Ronald Reagan met with the fiercely anticommunist Ríos Montt, characterizing him as "a man of great personal integrity" who was getting "a bum rap."

"There is celebration globally about the Ríos Montt trial, which is advancing issues in law and human rights," said Amy Ross, a University of Georgia geography professor who has written widely on international rights trials. She calls the Guatemala proceedings "uncharted waters."

Risks to witnesses and dangers to the court system are greater when holding a war crimes trial in the country where the violence occurred, instead of at an international tribunal. Nevertheless, the anticipated months of argument, testimony and public airing of evidence may help to reinforce Guatemala's own judicial system, long weakened by an overweening military, corruption and the assassination of judges.

Attorney General Claudia Paz y Paz, with diminutive stature and youthful appearance, does not look like any country's top cop, but for three years she has indefatigably pursued organized crime, drug lords, and now one of the most fearsome dictators in the history of the region.

Corroboration of mass killing may be plentiful, but to win its case the government must prove the very specific charge of genocide, defined as the intent to destroy, in whole or in part, a group of people based on its nationality, ethnicity, race or religion. The Historical Clarification Commission, created during the peace process that led to signed accords in 1996, found deliberate "acts of genocide" in counterinsurgency operations. Prosecuting attorney Orlando López has said documentation shows Ríos Montt called the Ixil Maya, one of 22 Guatemalan Maya groups, "the internal enemy." López said in court that 33 percent of Ixil Maya died in the killing. The government is citing massacres of Ixiles in highlands where guerrillas maintained a presence. Ríos Montt denies he ordered mass killings.

The Ríos Montt trial resonates with human rights processes worldwide by its example -- the power of a model, a precedent -- and also for its pioneer strategies drawing on international collaboration. In 2006, the Center for Justice and Accountability, a small nonprofit law firm in San Francisco, created a legal team to build a case against Guatemalan war criminals. Attempts to bring perpetrators to justice inside Guatemala were unsuccessful. With a partner rights organization in Madrid, the center filed a case against the general and other military figures in the National Court of Spain. The Spanish court had taken up pleadings, such as against Chile's late Gen. Augusto Pinochet, based on the principle of "universal jurisdiction," which holds some crimes against humanity are so egregious they can be prosecuted anywhere. The center brought more than 40 Guatemala survivors to the ongoing Spanish process, prepared expert witness testimonies, and accumulated other evidence. All of it is now available to prosecutors in the Guatemala Ríos Montt trial.

Oral arguments in the Ríos Montt trial are to begin March 19.

Like a wave hitting a beach, news of the general in the docket is breaking upon El Salvador next door, where no ranking officer has been held to account for the 1980s civil war deaths of 70,000 persons, most of them noncombatants. "Here we don't have such experience," said an editorial in El Salvador's prize-winning digital newspaper El Faro. Every attempt to expose Salvadoran war crimes has met with obstruction, the editorial said in some admiration of the process in Guatemala.

In 2008, the Center for Justice and Accountability brought a case against officers charged with ordering the 1989 assassination at Central American University in San Salvador of six Jesuit priests, their housekeeper and her daughter by soldiers of a U.S.-trained elite brigade. Investigators found two of the officers were working in the United States, one for the Transportation Security Administration. The other, Inocente Orlando Montano, has been

convicted of lying on immigration documents. After March 15, a judge will decide to what extent the alleged war crimes will be brought to bear when he sentences Montano.

It is not clear whether the synergy created by national and international collaborations, popular pressure and the growing cascade of global human rights trials may pressure the Salvadoran government to bring the country's own history into the courtroom. The Center for Justice and Accountability and its collaborators accumulate testimony and evidence for the Spanish trial, ready for use in El Salvador if and when that moment comes.

"There have to be trials," said a former centrist Salvadoran congress member who has served as a diplomat abroad. "People remain divided because we don't have the truth about the war, so we have no reconciliation. Some say trials would open wounds, but the wounds have never closed."

[Mary Jo McConahay is the author of *Maya Roads: One Woman's Journey Among the People of the Rainforest*. She covered the wars in El Salvador and Guatemala for several publications.]

GHRC IS HELPING TO COORDINATE INTERNATIONAL OBSERVATION OF THE GENOCIDE TRIAL

From: Kelsey Alford-Jones [kajones@ghrc-usa.org]

Sent: Wednesday, March 06, 2013

Dear Friends,

GHRC is helping to coordinate international observation of the genocide trial, and I wanted to follow up with more information.

What's underway: International organizations are working to ensure that there is international observation and publicity around the upcoming genocide trial. The coordination effort includes organizations and lawyers associations from the US, Canada and Europe.

Why: International observation supports the judge's ability to make independent rulings based on the rule of law; it provides support for the prosecutors, lawyers, witnesses and survivors who will be participating in the trial; and it shows the international community is paying attention to this historic proceeding!

What Guatemalan organizations have asked of us: To have international presence throughout the trial, including experts that can give statements to the media, write articles, and participate in press conferences. There are already a number of internationals who have committed to being present on the 19th (though more are always welcome), so if you are able to travel later in the month, or in April, that would be helpful.

- **If you are interested in observing part of the trial, please let me know** when you could arrive and how long you plan to stay, and I can plug you into the coordinating efforts happening on the ground. I may also be able to help provide suggestions about dates that might be particularly important. (We are also making an attempt to coordinate -- if at all possible -- internationals who are experts on issues of sexual violence, chain of command, etc, who could be present on the days of the testimonies of expert

witnesses who testify on those same issues...and give statements to the press after to provide their expert analysis.)

- The trial is estimated to last until the end of April. There are approximately 140 survivor witnesses and 70 expert witnesses who will participate.
- As Jennifer mentioned, **GHRC has launched a grassroots campaign asking the US Ambassador to attend the trial.** You can send him an email [here](#). (You can also access directly this from our [website](#), under Urgent Actions.)

Resources for the international community: Organizations are working on creating a blog that can be a forum for information and updates about the trial. There will also be efforts to do live tweets during the trial. I will email these links when I have them so we can all help spread the word.

Please don't hesitate to contact me with questions or to let me know how you're interested in getting involved!

Warm regards,
Kelsey

Kelsey Alford-Jones
Director
Guatemala Human Rights Commission/USA

WHAT TO DO?

MEMORY, TRUTH & JUSTICE FOR STATE REPRESSION & GENOCIDE

Since the early 1990s, Rights Action continues to fund and support:

- mass grave exhumations carried out by the FAFG exhumation team
- justice for the Rio Negro massacre, the Plan de Sanchez massacre, the Dos Erres massacre
- justice for the genocide cases
- reparations and justice for the Chixoy hydro-electric dam harms and massacres

TO MAKE TAX-DEDUCTIBLE DONATIONS (in Canada and the U.S.) to support this work, make check payable to "Rights Action" and mail to:

UNITED STATES: Box 50887, Washington DC, 20091-0887

CANADA: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8

CREDIT-CARD DONATIONS can be made (in Canada and U.S.):

<http://www.rightsaction.org/tax-deductible-donations>

be a monthly credit card donor (Canada and U.S.)

to donate stock, contact: info@rightsaction.org

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- **SPEAKERS:** Contact us to plan educational presentations in your community

- JOIN A DELEGATION: Form your own group or join one of our delegation seminars to Guatemala and Honduras to learn first hand about community development, human rights and environmental struggles
- BALANCED DAILY NEWS SOURCES: www.democracynow.org / www.therealnews.com / www.upsidedownworld.org / www.dominionpaper.ca / www.rabble.ca / www.fsrn.org /
- GOOD READING: Eduardo Galeano "Open Veins of Latin America" / Howard Zinn "A People's History of the United States" / James Loewen "Lies My Teacher Told Me" / Ronald Wright "Stolen Continents" / Naomi Klein "The Shock Doctrine" / Dr Seuss's "Horton Hears A Who" /

COMMENTS / QUESTIONS:

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