

Rights Action  
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[info@rightsaction.org](mailto:info@rightsaction.org)

## **GENOCIDE IN GUATEMALA - PARTIALLY "MADE IN THE U.S.A.": The Responsibility of the United States Going Forward**

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### **TRIAL ON GUATEMALAN CIVIL WAR CARNAGE LEAVES OUT U.S. ROLE**

By ELISABETH MALKIN, May 16, 2013, New York Times

MEXICO CITY — In 1999, President Bill Clinton went to Guatemala and apologized. Just two weeks earlier, a United Nations truth commission found Guatemalan security forces responsible for more than 90 percent of the human rights violations committed during the country's long civil war. Mr. Clinton's apology was an admission that the Guatemalan military had not acted alone. American support for Guatemalan security forces that had engaged in "violent and widespread repression," the president said, "was wrong."

But that long history of United States support for Guatemala's military, which began with a coup engineered by the Central Intelligence Agency in 1954, went unacknowledged during the genocide trial and conviction of the man most closely identified with the war's brutality, the former dictator Gen. Efraín Ríos Montt. During a month of testimony before the three-judge panel that found General Ríos Montt guilty last Friday, the prosecution never raised the issue of American military backing in the army's war against leftist guerrillas. The 86-year-old former dictator barely mentioned the United States when he argued in his own defense that he had no operational command over the troops that massacred and terrorized the Maya-Ixil population during his rule in 1982 and 1983.

"This was a trial about Guatemala, about the structure of the country, about racism," said Kate Doyle, a Guatemala expert at the National Security Archive in Washington, an independent research organization that seeks the release of classified government documents. Adrián Zapata, a former guerrilla who is now a professor of social sciences at the University of San Carlos of Guatemala, said that to prove a genocide charge, "it was not pertinent to point out the international context or the external actors."

But Washington's cold war alliance with General Ríos Montt three decades ago was not forgotten in the giant vaulted courtroom, where the current American ambassador, Arnold A. Chacon, sat as a spectator in a show of support for the trial. "Part of the burden of that historical responsibility was that the United States tried to use Guatemala as a bulwark against Communism," Ms. Doyle said. "The U.S. played a very powerful and direct role in the life of this institution, the army, that went on to commit genocide."

Back in 1983, Elliott Abrams, the assistant secretary of state for human rights under President Ronald Reagan, once suggested that General Ríos Montt's rule had "brought considerable progress" on human rights. Mr. Abrams was defending the Reagan administration's request to

lift a five-year embargo on military aid to Guatemala. Brushing off concern from human rights groups about the rising scale of the massacres in Mayan villages, Mr. Abrams declared that “the amount of killing of innocent civilians is being reduced step by step.” Speaking on “The MacNeil-Lehrer Report,” he argued, “We think that kind of progress needs to be rewarded and encouraged.”

After the 1954 coup deposed the reformist President Jacobo Arbenz, the United States supported a series of military dictators, particularly after the victory of the Cuban revolution in 1959. But an emphasis on human rights by President Jimmy Carter’s administration led to the cutoff of military aid in 1977. Even though after 1981 the Reagan administration became intensely involved in supporting El Salvador’s government against leftist guerrillas, and contra rebels against the leftist Sandinista government in Nicaragua, the Guatemalan government was so brutal that Washington kept it at arm’s length for a time.

When General Ríos Montt was installed in a coup in March 1982, Reagan administration officials were eager to embrace him as an ally. Embassy officials trekked up to the scene of massacres and reported back the army’s line that the guerrillas were doing the killing, according to documents uncovered by Ms. Doyle.

Over the next two years, about \$15 million in spare parts and vehicles from the United States reached the Guatemalan military, said Prof. Michael E. Allison, a political scientist at the University of Scranton who studies Central America. More aid came from American allies like Israel, Taiwan, Argentina and Chile. In the 1990s, the American government revealed that the C.I.A. had been paying top military officers throughout the period. “It was like a monster that we created over which we had little leverage,” Professor Allison said.

During a hearing on reparations for the Ixil on Monday, the tribunal that convicted General Ríos Montt ordered the Guatemalan government to apologize in the main Ixil communities. President Otto Pérez Molina, a former general who served in the region but denies any role in atrocities, said he was willing to make the apologies. Meanwhile, Guatemala’s highest court has postponed rulings on a dozen procedural challenges from the defense that some experts say could ultimately annul the trial. The country’s conservative leaders, represented by a business association known as Cacif, called on the constitutional court to “amend the anomalies” in the trial and complained that the world now viewed all Guatemalans as similar to Nazis.

For some in Guatemala, the virtual invisibility of the American role in the trial was disturbing. “Who trained them?” asked Raquel Zelaya, a former peace negotiator for the government who now runs a research institute, referring to American support for the military. The trial seemed to be removed from all historical context, she said.

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## **FOLLOW GUATEMALA'S LEAD: CONVENE A GENOCIDE CASE GRAND JURY**

[www.allannairn.org](http://www.allannairn.org), May 15, 2013

A Guatemalan court has ordered a criminal investigation of all others involved in the Rios Montt crimes. It won't be easy. Prosecutors and judges will be risking their careers and lives. Witnesses will know that they might die if they come forward to give evidence. But Guatemalans have already shown great courage in advancing the Rios Montt case. It's time for Americans to do the same and convene a US grand jury on Guatemala.

US prosecutors could aid law enforcement in two fundamental ways: first, with information and second, if warranted, with indictments. The US, which supported Rios Montt's army, has vast stores of information. It should all be turned over to the prosecutors in Guatemala. A proper disclosure would include still-classified White House, Pentagon, NSA, CIA and State Department documents, as well as US intercepts of communications among General Rios Montt and his army.

It's important to remember that at the time of these crimes, as now, the US was not a mere outside observer: it was a full-fledged participant. US bombs were dropped from US-supplied aircraft on fleeing Mayan villagers. US personnel were present in Guatemala, training and giving advice to the Rios Montt army. US personnel were inside the G-2, the notorious military intelligence and targeting unit. The CIA carried many top Guatemalan army commanders on its payroll. And Rios Montt, as he was committing the crimes, got political support from President Reagan, personally.

So the US has responsibilities here, moral and political but also legal. The US should now confess to Guatemalan law-enforcement. It should tell them everything: what it knew, what it did, who it paid. And the US should also indict and try any current or former US official who was accessory or accomplice -- or worse -- to the Rios Montt crimes. And, of course, it should also be ready to comply with its responsibilities by being willing to extradite any US officials charged in Guatemala.

US prosecutors have an obligation to take these steps. This case involves crimes of the highest magnitude. US law enforcers who step forward might indeed run some career risk. But unlike so many Guatemalans so far, they can be pretty sure they'll live.

Allan Nairn

(For some references re: the US role, see posts of April 18 and May 9, 2013, [www.allannairn.org](http://www.allannairn.org))

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## **VICTORY IN GUATEMALA? NOT YET**

By VICTORIA SANFORD, New York Times, May 13, 2013

THE conviction last Friday of the former Guatemalan dictator Efraín Ríos Montt on charges of genocide and crimes against humanity is of monumental significance. It was the first time in history that a former head of state was indicted by a national tribunal on charges of genocide. It offers hopes to those similarly seeking justice in El Salvador, Honduras and Nicaragua.

But it's too soon to declare victory in Guatemala. There is serious evidence that the current president, the former military commander Otto Pérez Molina, who took office in January 2012, may have been involved in the same mass killings for which General Ríos Montt has now been convicted.

During the 17-month dictatorship of General Ríos Montt, from April 1982 to July 1983, as much as 5.5 percent of the indigenous Maya Ixil population was killed, according to testimony presented in court. In September 1982, during the dictatorship, Mr. Pérez Molina, then a major in the Guatemalan Army, was filmed by a Finnish documentarian, Mikael Wahlfors, standing amid dead men, as soldiers were kicking their bodies, in a Mayan area known as Nebaj. One soldier says in the film that the soldiers had taken the men to Mr. Pérez Molina for interrogation, but that the men gave no information. The soldiers do not explain how the men were killed.

Mr. Pérez Molina has acknowledged that atrocities were committed during the country's civil war, which lasted from 1960 to 1996 and left up to 200,000 people dead or missing. He has, however, denied committing atrocities. He won election in 2011 on a law-and-order platform that pledged to curb drug- and gang-related violence.

For many years, General Ríos Montt, who was a member of Guatemala's Congress after he was dictator, hid behind legal immunity. He left Congress in January 2012, and that same month was charged by the tribunal. Mr. Pérez Molina is similarly hiding behind the immunity that comes with the office of president.

The Obama administration should call for Mr. Pérez Molina's resignation and rally support among other members of the Organization of American States to join this call. This kind of action is not without precedent. In June 1979, with backing from the Carter administration, the O.A.S. successfully demanded the resignation of the Nicaraguan dictator Anastasio Somoza Debayle.

What made the Ríos Montt conviction possible was not only pressure from the international community, which had raised the possibility of an independent tribunal along the lines of the panels responsible for investigating war crimes in Rwanda and the former Yugoslavia, but also the rise of a new generation of Guatemalans committed to the rule of law. As General Ríos Montt's trial moved forward haltingly over 17 months, it was nearly derailed by threats to witnesses, objections by the defense's lawyers, and even criticisms by Mr. Pérez Molina, who denied that there was genocide. Prosecutors and judges repeatedly pushed the case back on track.

At one point, when the trial proceedings were stuck, Stephen J. Rapp, the United States ambassador at large for war crimes issues, tweeted the American government's support for the proceedings: "Identification of those responsible allows for peace."

Upon sentencing General Ríos Montt to 80 years in prison, Yasmín Barrios, one of the three judges on the tribunal, declared, "Justice must exist before there can be peace." She then ordered the court to reconvene to consider reparations to the victims. Significantly, she also ordered prosecutors to investigate any other individuals who might have participated in the genocide.

The problem with trying people for genocide and crimes against humanity is usually not a lack of evidence. The issue, throughout Central America, is how to bring war criminals to justice when they continue to hold significant political power. In Guatemala, Mr. Pérez Molina is not the only former general who could be held to account. Another likely candidate is former general José Luis Quilo Ayuso, whose expert witness testimony for the defense ended up providing evidence of General Ríos Montt's "command responsibility" for the genocide. (Under the legal doctrine of "command responsibility," a military commander is responsible for failing to prevent or punish war crimes committed by his subordinates.)

Similar trials in El Salvador could result in the trials of the former military officers Inocente Orlando Montaña and Guillermo Alfredo Benavides. In Honduras, Juan Carlos Bonilla could be a candidate for prosecution, as could Alesio Gutiérrez in Nicaragua.

None of this is to detract from the significance of General Ríos Montt's conviction. On Monday, the tribunal ordered that March 23 — the day he came to power through a military coup — would be known as the National Day Against Genocide. Reaffirming the findings of a 1999 Truth Commission, the tribunal also recommended the construction of education centers and

monuments in the Maya Ixil area, and ceremonies to remember the victims. They also directed the government to offer a formal apology to Maya Ixil women who survived sexual violence.

The trial has opened the possibility that Guatemalan society will reconcile itself with its own history of exclusion and genocide. It has strengthened Guatemala's democracy by making domestic courts a preferable venue for these types of crimes to international or hybrid models that lack deep roots in the countries where they work.

Still, the lesson of Guatemala may be that the only way to get the generals to a local court is by first prosecuting them everywhere possible. The Ríos Montt case came about only after the Inter-American Court of Human Rights ruled in 2004 that genocide in Guatemala had occurred and that the Ríos Montt regime was responsible, and an international arrest warrant was issued by a Spanish judge in 2006. No doubt, it is the relentless dedication of survivors that brings war criminals to justice.

Appeals in the Ríos Montt case will be inevitably be filed, and there will be much political wrangling about Mr. Pérez Molina's presidential immunity if charges against him are pursued.

Aside from Ambassador Rapp's visit to Guatemala in April, during the trial, the Obama administration has departed little from Bush-era foreign policy in Central America, supporting free trade and development, giving financial aid to grow the legal system, and providing equipment and training to police and military units to reduce the flow of drugs and migrants to the United States.

Mr. Pérez Molina has been lobbying the United States for direct military assistance to aid his war on drug traffickers — whom he claims to see everywhere he finds opposition to his policies. Earlier this month he declared a "state of siege" and suspended civil liberties in response to an environmental protest in four mining towns. How can the Obama administration possibly justify sending military aid to a president who does this, let alone a president who might be guilty of genocide?

[Victoria Sanford, a professor of anthropology and director of the Center for Human Rights and Peace Studies at Lehman College, City University of New York, is the author of "Buried Secrets: Truth and Human Rights in Guatemala."]

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