

Rights Action
July 25, 2015

Guatemalan Court Orders Former General Rios Montt Transferred to National Mental Hospital to Evaluate Whether Dictator Mentally Fit to Face Genocide Trial

by Emi MacLean & Sophie Beaudoin

July 24, 2015

<http://http://www.ijmonitor.org/2015/07/guatemalan-court-orders-rios-montts-transfer-to-national-mental-hospital/>

Yesterday, Guatemalan courts again took up the question of whether octogenarian former dictator Efraín Rios Montt, and his then head of military intelligence, could be tried for genocide and crimes against humanity for 1980s massacres that wiped out Mayan Ixil villages.

Yesterday's hearing focused on whether the former head of state is mentally fit to face a trial. Against his strong pleas, the court ordered Rios Montt to the national mental institution for a week-long evaluation.

The courtroom was packed early with Guatemalan civil society, military supporters, and international observers, including the US ambassador. Rios Montt did not appear physically at the hearing but participated via video conference from his bed at home. Technical difficulties repeatedly suspended the hearing until the connection with the Rios Montt residence finally went dark at the end of the afternoon, and Rios Montt was represented by his attorneys to avoid forcibly transporting Rios Montt to court. Co-defendant Mauricio Rodriguez Sanchez was at the hearing, accompanied by his wife and son.

Rios Montt's defense attorneys argued that he was not mentally competent to stand trial. They relied on a [medical report](#) by the National Forensic Institute (INACIF) that concluded that Rios Montt is senile and his health is deteriorating, limiting the need for any further examination.

Prosecutors contested this evaluation because it was undergone while the head of state was sedated. In addition, they noted that the evaluation had been ordered by a judge no longer linked to the case and implicated in a corruption investigation.

The high-risk court quickly rejected the legality of the medical report. Prosecutors challenged INACIF's impartiality to conduct a subsequent medical report in light of the first one, which, according to prosecutor Hilda Pineda, violated the institute's own officially established protocol.

Prosecutors provided a written expert opinion from Federico Castellanos Gutiérrez, the head of forensic psychiatry at the Federico Mora National Mental Hospital, that an effective psychiatric evaluation requires that a patient not be medicated for the prior 48 hours. Castellanos Gutiérrez asserted that the medicines Rios Montt was taking at the time of the psychiatric evaluation would have sedated him. One of the medicines — olanzapina — requires a prescription that does not appear to have been provided and would have increased his risk of stroke.

Prosecutors, supported by the civil parties, requested that the court order the defendant's transfer to Federico Mora Hospital to undergo an independent psychiatric evaluation and ensure his appropriate psychiatric care. By late afternoon, after deliberation, the court agreed.

Judge Maria Castallenos, presenting the unanimous decision of the three-judge panel, identified the court's concerns about ensuring Rios Montt's health and safety and an effective review of whether he is fit for trial. They ordered that he be transferred on Saturday at 9:00AM and remain for eight days for evaluation.

Rios Montt's defense lawyers strenuously objected to the order — asserting that the general could not be moved, and if he needed to be moved, it should be to a private medical institution given his status as a former head of state. They also accused the judges of bias, a claim rejected by the court that confirmed the finality of the transfer order.

Federico Mora Hospital has been noted for its deplorable conditions. A recent [BBC](#) report, relying on evidence collected by Disability Rights International, depicted Federico Mora as the “worst psychiatric hospital in America.”

In a [historic verdict](#), Rios Montt was convicted in 2013 of genocide and crimes against humanity for his role in the massacres of 1,771 Mayan Ixiles between March 1982 and August 1983 when he served as military head of state in one of the most brutal periods of the country's 36-year armed conflict. This was the first genocide conviction in a domestic court. In the same trial, Rodriguez Sanchez was acquitted. Ten days later, the Constitutional Court, in a divided judgment, [annulled](#) the verdict and ordered a new trial. Efforts to retry the general have been challenged and [delayed](#).

The next hearing is scheduled for August 4 at which time judges will announce the results of the psychiatric evaluation and determine whether or not the trial will advance.

Rights Action

info@rightsaction.org

Get on/off listserv: www.rightsaction.org

www.facebook.com/rightsaction.org

<https://twitter.com/RightsAction>, @RightsAction
