

Courageous, Never-Ending War Crimes Trials in Guatemala: the Dos Erres and Chichupac massacres

(View in browser: <http://us9.campaign-archive2.com/?u=ea011209a243050dfb66dff59&id=c58061ab0d>)



(Massacre dumping ground in Rabinal, being exhumed in 2005 by the FAFG (Guatemalan Foundation of Forensic Anthropology) in conjunction with Mayan Achi genocide survivors from the Rabinal area. Photo @ Rights Action/UNBC field studies programme)

Below:

- Jo-Marie Burt update: Dos Erres massacre trial and role of General Efraim Rios Montt
- Rabinal Legal Aid Clinic update: Chichupac massacre sentence from Inter-American Court of Human Rights

This is how long work and struggle for truth and justice take in Guatemala. These war crimes were committed against the Guatemalan people in the 1970s and 80s by a series of U.S. and western-backed military regimes. Today, the war crimes trials are taking place in the context of the U.S., Canada and Europe – including the World Bank, etc. – maintaining full military, economic and political relations with the corrupted, undemocratic and repressive government in power.

These war crimes trials are as much about the economic and military elites that have long dominated and abused Guatemala, as they are about their international business, military and political supporters and partners.

No Answers on Whether Ríos Montt Will Go to Trial for Dos Erres Massacre

by Jo-Marie Burt, February 10, 2017

<https://www.ijmonitor.org/2017/02/no-answers-on-whether-rios-montt-will-go-to-trial-for-dos-erres-massacre/>

While a court has rejected efforts to dismiss charges against former dictator José Efraín Ríos Montt in relation to the 1982 Dos Erres massacre, it has yet to determine whether the case will be heard using the special procedures outlined in Guatemalan law for individuals like Ríos Montt, who suffer mental incompetence, as solicited by the Attorney General's Office. The court was scheduled to make this determination in a hearing yesterday but failed to do so.

Judge Claudette Domínguez of High Risk Court A is overseeing the Dos Erres case, which was reactivated when Santos López Alonzo, a former Kaibil accused of direct participation in the massacre, was deported from the United States in August 2016. Last November, Ríos Montt's lawyers sought unsuccessfully to have the charges against Ríos Montt in relation to this case, which were brought years earlier, dropped.

Judge Domínguez determined that she would not rule on the plaintiff's motion at this time because after reviewing the case file, she realized that there were a number of other motions from previous years, dating back to 2012, which had not yet been resolved.

Edgar Pérez, a human rights lawyer representing the victims in the case, challenged the judge's ruling in court yesterday. He argued that the motions the judge is referring to were filed during an earlier phase of the proceedings and cannot be revisited because the case is now in the intermediate phase. As a result, he filed a motion of defective procedural activity against the judge's decision.

The judge asked Pérez if he was renouncing the petitions previously filed on behalf of the victims. Pérez responded that in his view, the law establishes that motions presented in the preliminary phase cannot be reviewed now that the proceedings are in the intermediate phase. He said, nevertheless, that he would renounce all petitions so that the proceedings can move forward.

Judge Domínguez rejected Pérez's motion, stating that she was required to guarantee due process. She also said that she is required to review all the motions filed in the case. In the meantime, Ríos Montt's defense attorneys requested a copy of the entire case file and, saying they needed additional time to review its contents, called for a suspension of the hearing.

The judge granted the defense request and suspended the hearing. A new hearing was scheduled for March 31, 2017. At that time Judge Domínguez said she would review all pending motions and rule on the Attorney General's Office's request to apply the special security measures to Ríos Montt in this case.

In response to the suspension, José González Sierra, a lawyer representing the Guatemalan Association of Disappeared Persons (FAMDEGUA), which is a civil party to the case, noted, "The Inter-American Court for Human Rights has established that judges must be guarantors of due process, but they must also guarantee access to justice and avoid undue delays in the proceedings by appealing to formal procedures that in the end favor impunity. Considering Ríos

Montt's ill health, such appeals may be designed to further delay the proceedings so that they never reach trial stage."

Ríos Montt is 90 years old, and his family reports that his health is extremely delicate.

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Chichupac Massacre: Open Letter To Guatemala And International Community

(Translated for Rights Action by Lori Berenson)

Once again, the Inter-American Court of Human Rights ruled condemning the Guatemalan state for multiple and serious violations of rights committed against the the civilian and non-belligerent Maya-Achi population, in the communities of Chichupac, Xeabaj and Chijom, Rabinal, Baja Verapaz, during the internal armed conflict.

The victims and family members of victims - who survived harassment, persecution, rape, disappearance, executions, forced displacement and the massacres of Chichupac, Rabinal, Baja Verapaz - and the Rabinal Legal Aid Clinic declare:

Our satisfaction with the sentence of the Inter American Court of Human Rights (dated: November 30, 2016) condemning the Guatemalan government for the massacres and other war crimes committed against the Maya-Achi population of Chichupac and neighboring hamlets, which proves the validity of the accusations we presented and our suffering, and also dignifies us as a people and victims.

As the IACHR ruling affirms, we the Maya-Achi inhabitants of Chichupac and neighboring communities, were forced to flee from our territories after the massacre of January 8, 1982 and the violence that was carried out in the area, including massacres, executions, disappearances, rape and persecution by the military and security forces who burned our homes, stole our belongings and food, destroyed our crops and harvests, and robbed or killed our animals.

Thirty-five years have passed and we have only found justice today, in the Inter American Court of Human Rights, based in Costa Rica - justice that was denied to us in our own homeland (Guatemala) where they continue to deny the truth.

That is why we demand full compliance with the IACHR ruling, without delays, particularly with respect to the state's obligation to remove all obstacles that maintain impunity in this case and to push forward with the necessary investigations to identify and, once identified, to punish those responsible for the human rights violations addressed in this case.

Lastly, we manifest that we want a Guatemala in peace, free of impunity, racism and discrimination; with justice, truth, reparations and dignity to all the victims of the armed conflict that in our municipality of Rabinal, where there was truly a genocide.

FOR LIFE, JUSTICE AND PEACE.

Rabinal, Baja Verapaz, Guatemala

December 27, 2016

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Rights Action (U.S. & Canada)

Rights Action funds grassroots human rights, environmental and development organizations in Guatemala and Honduras. We expose and hold accountable the U.S. and Canadian governments, companies and investors, and other international actors (World Bank, etc.) that help cause and profit from the repression, environmental harms and human rights violations.

Get Informed / Get Involved

- Speakers: Invite us to give presentations about these issues and struggles
- Delegations: Join educational, human rights delegations to Guatemala and Honduras to learn firsthand about these issues and struggles
- Recommended Daily News: www.democracynow.org, www.upsidedownworld.org, www.telesurtv.net/english, www.rabble.ca,
- Recommended Books: "Open Veins of Latin America", by Eduardo Galeano; "A People's History of the United States", by Howard Zinn; "This Changes Everything: Capitalism versus The Climate", by Naomi Klein

Why So Many Central Americans Flee North, Decade After Decade

The exploitation and poverty, violence and government repression, corruption and impunity of Honduras and Guatemala are "American" and "Canadian" issues. The U.S. and Canadian governments, the World Bank and Inter-American Development Bank, and North American companies and investors (including pension funds) maintain profitable economic and military relations with the Guatemalan and Honduran regimes, turning a blind eye and/or directly contributing to environmental harms, exploitation, repression, corruption and impunity that are the norm in these countries, that force so many to flee.

Keep on sending copies of this information, and your own letters, to your politicians and media, to your pension and investment funds, asking: Why our governments, companies and investment firms benefit from and turn a blind eye to the poverty, repression and violence, and environmental and health harms in Guatemala and Honduras?

Tax-Deductible Donations (Canada & U.S.)

To support community, human rights and environmental defense organizations in Honduras and Guatemala, working and struggling for justice and for fundamental change from the local to global levels, make check payable to "Rights Action" and mail to:

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