Left: Rios Montt, May 2013, a free man.
In May, the Constitutional Court in Guatemala overturned the genocide conviction of the former dictator José Efraín Ríos Montt. The ruling is a blow to those fighting for justice following Latin America’s ‘dirty wars’. The general had earlier been sentenced to 80 years in prison for complicity in the deaths of 1,771 people. Siobhán Lloyd looks at the country’s troubled past and present...

I first went to Guatemala in the summer of 2002 to volunteer at the Centro para la Acción Legal en Derechos Humanos (CALDH), a well-known human rights legal centre in Guatemala City. I recall that on one of my first days there, the legal director explained that Guatemala was like a Gabriel Garcia Marquez novel. Some things changed as new characters entered the story but no matter how many advances people thought they had made, history repeated itself and everything returned to the way it had been before.

Guatemala is a spectacularly beautiful country. Its indigenous people make up approximately 39 per cent of the population, the vast majority of whom are Maya and whose cultures and traditions have been preserved since the Spanish conquest.

During the Cold War, Guatemala, like many countries, was caught between the West and the Soviet Bloc. In the 1950s, a reformist government attempted to introduce some land reform by appropriating land from wealthy landowners and redistributing it. However, the President, Jacobo Arbenz, was ousted from power in 1954 by a CIA backed coup. Following this, a number of left-wing guerilla movements began to form and a civil war ensued between 1962 and 1996.

Over 200,000 people died during the conflict. By far the most violent part of the war took place between 1978 and 1983 under the presidencies of Lucas Garcia (1978-82) and Efraín Ríos Montt (1982-1983) who had overthrown the former in a military coup. According to the Inter American Court of Human Rights, their counterinsurgency policy was characterised by ‘military actions geared toward destruction of groups and communities as well as the forced displacement of indigenous communities when they were considered potential supporters of the guerilla forces.’ The Guatemalan army identified the Mayan indigenous people as ‘domestic enemies’ as they were deemed to be the social base for the guerillas and its ‘scorched earth’ policy entailed the massacre and forced displacements of many of their communities.

One such massacre took place in the village of Plan de Sánchez in Baja Verapaz. The villagers were accused by the military of belonging to the guerilla after they refused to participate in the Civil Defence Patrols (PAC). In early July 1982, a plane flew over the village and bombed places near the inhabited areas. Then on 18th July 1982, a group of approximately 60 people, including members of the army, military commissioners, members of the PAC and possibly members of the judiciary entered into the village. The men, women and boys were separated from the girls and young women. Approximately 20 girls aged between 12 and 20 were mistreated, raped and murdered. The other boys...
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and girls were beaten to death. Others were forced to gather into a house and its yard. Once they were there, members of the commandos threw two hand grenades and fired indiscriminately at their victims. It was estimated that 268 people were executed that day. Those who survived fled the village.

This pattern was repeated across certain areas of the country. Some 200,000 refugees crossed the border with Mexico between 1981 and 1984. However, this did not stop the Guatemalan army, which sent aircraft and soldiers in to Mexico to harass and kill the refugees who had fled from Ríos Montt’s brutal regime.

The civil war ended in 1996 following lengthy peace negotiations. As part of the peace accords, the constitution was amended so that Guatemala’s Mayan population and their lifestyles traditions and customs were to be protected (Article 66) and no one who had come to power through a coup could become president (Article 186).

In 1998, the Dioceses of Guatemala, under Archbishop Gerardi, published *Guatemala: Never Again*, a report documenting the atrocities committed by both State forces and the guerrillas during the civil war. The report found that the vast majority of the violations had been committed by the Guatemalan army, paramilitary forces and other State actors. Two days later Archbishop Gerardi was brutally murdered.

The following year, the Commission on Historical Clarification produced a report: *Guatemala: Memory of Silence*, in which it found that approximately 200,000 people had been killed during the civil war but that acts of genocide had been perpetrated against certain Mayan communities between 1981 and 1983 when 81 per cent of the grave human rights violations had been committed.

CALDH’s legal department was the representative of the Asociación para la Justicia y Reconciliación, an association of survivors of some of the worst massacres committed during Lucas García and Efraín Ríos Montt’s regimes. At the time I was there, the legal department was in the process of collating evidence from the survivors and trying to convince the State authorities that it should investigate allegations of crimes against humanity and genocide perpetrated by Lucas García, Ríos Montt and their military high command, as well as taking cases, such as that of Plan de Sánchez, to the Inter American Court of Human Rights. The lawyers and others in the organisation were followed and threatened. Many of them had already spent some time in exile in Mexico or the USA themselves during the civil war.

I returned to Guatemala in the summer of 2003. Ríos Montt had been nominated by the ruling Guatemala Republican Front (FRG) to be their candidate in the presidential elections that were to be held in November 2003. His candidacy had been rejected by the Supreme Court of Justice on the basis that he was constitutionally barred having come to power through a military coup. The Constitutional Court then overturned that decision on the basis that the constitution had been drafted after he had come to power. However, in what felt like a game of judicial ping-pong, the Supreme Court then suspended his candidacy while it heard another complaint only to be overruled by the Constitutional Court once again. Meanwhile, on 24th July 2003, approximately 35,000 of Montt’s supporters took to the streets of Guatemala City where they attacked the buildings and offices of opponents of his candidacy. A journalist was killed. CALDH’s offices were closed down as everyone fled to safety in a nearby district.

Although the mobs left the streets the following day, there was a harrowing sense of fear everywhere and people were extremely concerned about what could happen if Ríos Montt actually came to power.

Fortunately, the Guatemalan electorate rejected his bid to become president and he only won 11 per cent of the vote. He was then placed under house arrest and investigated for the manslaughter of the journalist who had been killed during the earlier unrest. The charges were dropped in 2006. Montt was then elected as a congressman and benefited from immunity until he stepped down in 2012. Within weeks he was summoned to court and charged with genocide and crimes against humanity.

On 10th May 2013, 86 year old Ríos Montt was convicted of genocide and sentenced to 80 years’ imprisonment by a Guatemalan court. However, his conviction was set aside only 11 days later by the Constitutional Court which annulled all proceedings that had taken place since 19th April 2013 when the General had been temporarily left without a defence lawyer.

Lucas Garcia died in exile in Venezuela in 2006 before his victims were able to see him convicted for the heinous crimes he was alleged to have committed. Let’s hope that history does not repeat itself.

Siobhán Lloyd is a barrister at 1 Mitre Court Buildings.