

CINE LATINO

Sand in the Gears of Impunity

by Sarah Weber

They tortured; they murdered; they raped. Their victims included men and women, seniors and newborn babies, activists and priests, leaders and poor peasants; everyone was suspected of being subversive. The killers? The U.S.-backed Guatemalan military. Thirty-six years of civil war and terror left 200,000 people dead, of whom 50,000 were “disappeared.” State forces and related paramilitary groups were responsible for 93 percent of these deaths. Their scorched earth strategy, targeting primarily Mayans living in the countryside, resulted in 626 massacres and the destruction of 440 villages in what the United Nation’s Historical Clarification Commission called a genocide.

How does a country recover from such a devastating experience? In “Granito: How to Nail a Dictator,” director Pamela Yates tries to answer that question as she interweaves the stories of 10 Guatemalans and foreign professionals who have been working together, each adding their *granito de arena* (grain of sand) to the struggle for justice in Guatemala.

In part a documentary about the Mayan genocide case and in part Yates’ personal reflection on her role and trajectory as a filmmaker, the film is split into three segments. The first, “A Chronicle Foretold,” shows Yates’ first involvement in Guatemala, shooting footage for “When the Mountains Tremble.” Motivated by her anger at the United States for being on the wrong side of so many conflicts, Yates went to Guatemala in 1982 in order to make a documentary about a hidden war, not realizing that what she would be filming was genocide. Over a period of six dangerous months, Yates succeeded in documenting not only military operations but also the armed uprising of the Ejército Guerrillero de los Pobres (Guerrilla Army of the Poor, EGP).

The EGP and other guerrilla forces began an armed revolution in Guatemala in 1960, a time when peaceful change seemed impossible. Guatemala’s democratically elected government had been overthrown in 1954 in a CIA-orchestrated coup, justified in the Cold War context by the claim that the country was becoming communist under President Jacobo Arbenz. The generals who came to power revoked the reforms enacted during 10 years of democracy and began to militarize the country. As a result, in the words of Gustavo Meoño, a former guerrilla

leader interviewed for the film and one of the founding members of the EGP, “the path of armed struggle became my only option.”

With the Sandinistas in power in Nicaragua and a strong revolutionary movement in El Salvador, change in Central America seemed possible, and Yates found that support for the Guatemalan insurgents was extremely widespread. However, this optimism was soon crushed as the military stepped up its violence into full-blown genocide. “None of us imagined how extreme the reaction of the system would be,” Meoño says, “how far they would go, attacking entire communities to preserve the status quo.”

According to Kate Doyle, the forensic archivist working on the genocide case and an expert in declassifying secret government documents, the Mayan genocide was caused by racism, fear and greed for power and land. And while she believes it was “fundamentally a Guatemalan product,” the United States “helped create the machine that would go on to make the massacres” through its training of and economic aid to the Guatemalan military. CIA documents prove that the U.S. government was aware of the actions of the Guatemalan military, Doyle asserts in the film, adding that General Efraín Ríos Montt, president of Guatemala from 1982 to 1983, issued orders that his soldiers were “free to apprehend, hold, interrogate and dispose of suspected guerrillas as they saw fit.”

What that meant on the ground is made clear by a soldier who laughingly tells the camera, “We’ve got a list, and if they appear on this list... they die.” If an entire village was suspected of subversive activities, everyone was killed, and the village itself was burnt to the ground.

In order to document this brutality, Yates worked her way up the military chain of command, finally gaining permission from General Benedicto Lucas García to join him on an army helicopter mission to the highlands. Shot down by guerrilla soldiers, their shared near-death experience convinced General García that Yates had, as she describes it, “earned the right to go out with the army on their field operations.” There, she was able to directly film military violence throughout the countryside until the situation grew too dangerous, and she had to stop filming.

The resulting documentary, “When the Mountains Tremble,” became part of an unsuccessful campaign to



Photo by Dana Lixenberg.

A Mayan family in front of their home in the Ixil highlands of Guatemala.

stop U.S. involvement in Central America. Unsatisfied with the result, Yates still wanted to see the perpetrators brought to justice. Her chance came in 2005, when she was contacted by Almudena Bernabeu. A lawyer at the Center for Justice and Accountability, Bernabeu became the lead counsel on the Guatemalan genocide case because, as she explained in her talk following the documentary, “I was the only suicidal lawyer.” She thought that footage from “When the Mountains Tremble” could provide evidence for the genocide case. Beyond showing military brutality, two of the defendants in the case, General Ríos Montt and General Lucas García, were interviewed in the documentary.

The second segment of “Granito,” entitled “Genocide on Trial,” chronicles the building of the genocide case. The peace agreement that ended the civil war stipulated that the

United Nations would create a truth commission to investigate human rights violations perpetrated by both sides during the conflict. On February 25, 1999, the UN published a report finding that “agents of the state committed acts of genocide against groups of Mayan people” and that “state forces and related paramilitary groups were responsible for 93 percent of the violations documented.” Due to a blanket amnesty agreed upon during the peace process, the report named no names and included no mechanism to bring the perpetrators to justice.

However, a few months before the report was released, the Spanish judge Baltasar Garzón had begun experimenting with the limits of universal jurisdiction, which Yates explains as “the right to prosecute the worst crimes, even if they take place in another country.” On October 10, 1998, he indicted former Chilean strongman

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Augusto Pinochet for his role in the human rights violations carried out by his regime. Seeing an opening, Guatemalan human rights activist Rigoberta Menchú used the truth commission's findings to initiate a genocide case in the Spanish National Court in 1999.

After the case was saved on appeal, litigation began in 2006. The legal team led by Bernabeu, which had conducted an in-depth investigation in Guatemala, brought 30 witnesses and experts to Madrid. There, they gave more than 60 hours of testimony in order to convince Judge Santiago Pedraz that genocide had indeed been perpetrated against the Mayan people. What proved to be more difficult, however, was establishing that high-level military generals, including Ríos Montt, were responsible for the genocide so that arrest warrants could be issued.

The first half of this problem was solved when Yates found outtakes of her interview with Ríos Montt in which the general takes full responsibility for the military and its actions. While denying allegations of army repression,

he goes on to state that “our strength is in our capacity to make command decisions. The army is ready and able to act, because if I can't control the army, then what am I doing here?”

The last evidence needed came from Doyle, who was anonymously given a collection of papers documenting Operation Sofia, a counterinsurgency sweep that took place in July and August of 1982 in central Quiché, the region that suffered the worst violence. In these papers, the operation's mission is clearly stated to be the “extermination of subversive elements in the area.” In addition, the papers include patrol reports which, according to Doyle, prove that there was a “two-way flow of information” and “that the high command were [sic] not ignorant of what the patrols on the ground were doing.”

Armed with Yates' footage from “When the Mountains Tremble,” Doyle's analysis of government documents and forensic findings from Fredy Peccerelli's excavation of a mass grave in La Verbena cemetery in Guatemala City,

[General Benedicto Lucas García, head of the Guatemalan Armed Forces, 1982.](#)



Photo by Susan Meiselas.

Bernabeu presented systematic evidence that the genocide had occurred — further substantiating what the witnesses had chronicled in their testimonies — and clearly linked responsibility for the crime to the military high command. As a result, Judge Pedraz issued six arrest warrants, including one for Ríos Montt, believing that “the case is moving forward to a sure conclusion, above all to get the people ultimately responsible for the crimes.” Similarly, Bernabeu was entirely certain that, when Ríos Montt was confronted with the evidence during trial, he would be unable to escape justice.

One last hurdle remained: bringing Ríos Montt and the other defendants to Spain. That proved difficult, however. Back in Guatemala, Ríos Montt was still powerful enough to convince the Constitutional Court to block the Spanish arrest warrant. “When the Spanish case was blocked, it felt like all was lost,” narrates Yates at the beginning of the third segment of the documentary, “Grains of Sand.”

Though unsuccessful in convicting high-level generals, the genocide case in Spain was not a failed effort. It started “a process that is now fueled by thousands and thousands of families who are not going to be scared anymore, who are not going to be pushed into being quiet anymore,” Peccerelli comments in the documentary.

Indeed, some of those families initiated national cases, making use of the pressure that the genocide case in Spain had placed on the Guatemalan justice system to stop impunity. Evidence for these cases remained sparse until 2005, when a trove of police archives was found. The archives contain police records from the early 1980s, when the police were used as an instrument



Photo by Newton Thomas Sige.

Pamela Yates during the filming of “When the Mountains Tremble,” 1982.

of terror and repression by the Guatemalan government. They are meticulously detailed, Doyle says, and similar to the intelligence files of the Stasi (Ministry for State Security) in East Germany.

The clear documentation within these archives began “to have practical and concrete outcomes in the justice system,” according to Meoño, the former EGP leader who now is the director of the archives. The first case to successfully use this evidence

concluded on October 28, 2010, when two members of the National Police were sentenced to 40 years in prison for the disappearance of Fernando García, a student leader in the early 1980s. This landmark case marked the beginning of a formal movement within the state system towards justice. Since then, the active promotion of human rights trials by Guatemala’s Attorney General, Claudia Paz y Paz, has led to the indictment of 48 other military leaders.

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The most recent — and dramatic — indictment was of Efraín Ríos Montt himself. In January 2012, a Guatemalan judge ordered the former dictator to stand trial on charges of genocide and crimes against humanity based in large part on evidence that was first presented in the Spanish case.

“The intention of the Spanish case was always to precipitate prosecution in Guatemala,” Bernabeu said in a March 2012 interview. Although, she admitted, “I didn’t expect it to be this fast.”

While it remains to be seen what will come out of the Ríos Montt trial, many people in Guatemala continue to push forward, each adding their piece to the transformation of society. In the narration at the end of the film, Yates sums up their efforts as “a lifetime of working at what you can contribute, an idea called granito de arena.” A metaphor that permeates the film, granito de arena “means to say, I alone can’t change things, but I can help to change things,” Rigoberta Menchú explains. “Because what I give is only a tiny contribution, a grain of sand, because there is so much sand.” “Granito: How to Nail a Dictator,” show Yates’ grain

of sand joining with many others in the struggle to rebuild Guatemala into a nation defined by justice, equality and respect for human life.

“Granito: How to Nail a Dictator” was screened by CLAS and the Berkeley Law School on November 2, 2011. Almudena Bernabeu, the lead counsel on the Guatemalan genocide case and a lawyer at the Center for Justice and Accountability, introduced the film. UC Berkeley Professor Beatriz Manz was one of the expert witnesses who gave testimony in Spain.

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Almudena Bernabeu (far left) with the Guatemalan witnesses who traveled to Spain to testify.



Photo courtesy of Pamela Yates.