



Photo by José Antonio Castro

Former dictator Efraín Ríos Montt is led away following his conviction.

GUATEMALA

The Firm Hand Loses Its Grip

by Anthony Fontes

On May 10, 2013, ex-general Efraín Ríos Montt, who as military dictator oversaw the bloodiest years of Guatemala's long civil war, was found guilty of genocide and crimes against humanity in a Guatemalan court. Human rights activists in Guatemala and the world over have pushed for this sentence for more than a decade. The case finally gained momentum in January 2012, when Ríos Montt lost the judicial immunity he had enjoyed as a member of Congress. The trial began in mid-March 2013 and continued in fits and starts, with Ríos Montt's defense team trying to derail the proceedings at every turn. During the trial, they filed more than 100 appeals, and despite the recent court ruling, the legal process could drag on for months or even years.

Those who wanted to see Ríos Montt charged say his supporters tried to make a mockery of justice by catalyzing procedural drama that insulted and sometimes even overshadowed the human tragedy this trial was supposed to bring to light. As the lawyers for the prosecution said in their opening statement, the trial was about making public

the "truth of the Maya Ixil" in the hope that it would become a national truth. Many commentators deeply invested in the triumph of human rights over the impunity and prejudice that continue to dominate Guatemalan life also see the trial as setting an important precedent. After the court found Ríos Montt guilty, the president of the International Center for Transitional Justice called the trial "...a great leap forward in the struggle for justice in Guatemala and globally. Today will be carved into the history of the fight against impunity for mass atrocities as a victory for victims in this country, and for all who care about the state guaranteeing, rather than abusing, the fundamental rights of citizens."

While many celebrate what the guilty verdict could mean for the future, this trial is fundamentally about how Guatemala remembers and judges the violence of its past. It is about changing what counts as "truth." Shortly after the official conclusion of the civil war in 1996, the United Nations and the Catholic Church each published reports that found that the Guatemalan military had perpetrated

more than 90 percent of the conflict's atrocities. Most international observers and human-rights advocates consider these reports incontrovertible. Guatemalan human-rights groups have for years pushed the slogan "*Sí, hubo genocidio*" (Yes, genocide happened) to convince the Guatemalan populace of the military's guilt.

Despite these efforts, a dominant "truth" in Guatemalan society today is that the two parties to the conflict — the military and the guerrilla — victimized the poor indigenous population caught between them. War is hell, and both sides did terrible things, and that's that. By highlighting the Guatemalan military's incredible excesses — and the depth of indigenous suffering — the trial may destabilize this entrenched misperception. We shall see. But what has been lost in the fanfare surrounding this historic event is another legacy of war that continues to rupture the present: the everyday violence and poverty that dominate large swathes of the country and that color people's perception of what this trial means. As a waitress working in a Guatemala City restaurant said, "I'm more interested in the gangster who killed my cousin last week than in something that happened 30 years ago." Worse still, some individuals implicated in the past atrocities today are widely regarded as Guatemala's best chance for

diminishing the out-of-control crime and violence that have been the most conspicuous gifts of so-called peace and democracy.

Violence Past and Present

Roberto is 54, though he is bent and withered and looks much older. During the worst years of the civil war, he served in the Guatemalan military in El Quiché, the region where the indigenous witnesses in the Ríos Montt trial lived. Like many Guatemalans, Roberto is convinced that the Ríos Montt trial is ridiculous, orchestrated by former *guerrilleros* who want vengeance and foreigners interfering with Guatemalan politics.

And yet, in the course of the interview he exclaims, "We suffered, too! We suffered, too." He remembers it clearly, like a nightmare that won't go away. "It was terrible what happened up there. We had to kill everyone. Everyone. Using machetes. We would go into a village, and there would only be women and children, and we would start killing everyone. The lieutenant sat with six bodyguards in a jeep behind us, all of them with guns. If we didn't do it, they would shoot us. It was the law. It was the orders of Ríos Montt, so we had to carry it out. I remember there were two little children I found. The lieutenant told me to

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The courtroom audience watches the trial proceed.



Photo by Anthony Fontes.

kill them, and I said no. Perhaps they could be taken from this village. Perhaps they could be raised by another family and grow up to be good Guatemalans. The lieutenant made us tie them to a tree, and then he shot each of them in the head. They were stained with the guerrilla, he said. They had to be killed with all the rest. It was terrible.”

A clearer indictment of the military’s atrocities — and the guilt rising up the chain of command — would be difficult to find. Still, Roberto blames the guerrilla for teaching today’s criminal gangs how to run extortion rackets. “These gangs do the same thing to poor people as the guerrilla once did,” he says. “Extorting and brainwashing them for their own destruction.” The belief that the military is still the best safekeeper of Guatemalan society is why he, like so many Guatemalans, supported Ríos Montt’s party for the decade after the war. It is why he voted for ex-general Pérez Molina — one of Ríos Montt’s former commanders in the field — and why this trial appears to him to be a political act of vengeance by disgruntled leftists rather than the stunning justice so many perceive it to be.

El Portal, Zone 1, Guatemala City

They say Che Guevara came to this bar when he visited Guatemala. Photos of the revolutionary adorn the walls alongside images of Guatemala’s most famous author, the Nobel laureate Miguel Ángel Asturias, known for his opposition to dictatorships. However, the bartender is wearing an orange Partido Patriota (Patriotic Party) T-shirt in support of President Pérez Molina. It features the clenched fist of the Mano Dura that has come to define anti-crime hawkishness in Guatemala over the past 10 years. Before backing Pérez Molina, he supported Efraín Ríos Montt in his campaigns for the presidency. The reason? He voted for them because they are military men.

He tells me the story of a neighbor who called him at 2:30 a.m. begging for help. The man’s whole family was standing outside the bartender’s house with their bags and mattresses in a crazy pile. Extortionists claiming affiliation with the Mara Salvatrucha had demanded payments that the family could not afford, so the thugs shot up their house in a drive-by. They had to flee in the middle of the night. “This would never have happened when Ríos Montt was leader of this country,” he said. “Back then, a *marero* seen was a *marero* dead. They would see a guy wearing gangster clothing, ask him for his papers, and if he had a serious record, blam, they would disappear him. The military and paramilitary organizations that wielded such power during the conflict would not tolerate the present situation.”

Today, even among the communities most violated by civil war atrocities, the fractures and overwhelming

concerns of the present moment often trump the crimes of the past. As political analyst Megan Thomas observed, in El Quiché, “people from the left, who suffered massacre and continue to be dirt poor... they went over to [General Pérez Molina’s party] because the [opposition] mayor left them out in the cold. You look at their faces, and they are so worn. They are so desperate and tired of all this.”

Ríos Montt’s defense team has pandered to this sentiment. Once Judge Barríos finally forced the defense to begin their opening statements, Ríos Montt’s lawyer went into a tirade at the prosecution’s effort to “confuse” the Guatemalan people by blaming his client for violence that occurred when he was in power. He drew a parallel between civil-war violence and today’s criminal threat: “Who today isn’t afraid to walk in the street? Who hasn’t felt that fear? Do we call this genocide? Are we going to indict President Otto Pérez Molina for genocide because we fear to go in the street? ...Let’s not confuse ourselves!” The illogic of this courtroom hyperbole does not stop it from ringing true for the millions living under the pressure of extreme insecurity today.

Meanwhile, rallies and marches against the trial have been staged in the capital as well as in the Quiché region, home to the indigenous population Ríos Montt is accused of massacring. Anonymous donors have paid for 20-page inserts to be published in the country’s most widely read newspapers defending the general’s wartime policies. Conservative politicians and pundits have denounced the trial for bringing up the old hatreds and divisions that inspired years of civil war violence. Better to bury the past, they claim, than to reenact its nightmares on the national stage.

Finally, there is the painful fact that, for a great part of the middle class, this trial and this fight over history simply does not track. After the opening day of the trial, I asked a group of Guatemalan university students whether they thought Ríos Montt should be found guilty. They gave me blank looks, and one replied. “Sorry, who is Ríos Montt?”

The Limits of Justice

Oscar Romero — the Catholic archbishop who stood up for El Salvador’s poor during the worst years of that country’s civil war and was assassinated by the Salvadoran military — once said, “Justice is like the snake: it only bites the bare foot.” While the Guatemalan justice system is weak and corrupt, especially when it comes to confronting the moneyed powers-that-be, it has a rather surprising track record of incarcerating public officials who abuse their powers. For instance, former President Alfonso Portillo (2000–04) is currently in jail awaiting extradition to the United States on embezzlement charges. In the past decade, five ministers of government — who oversee the



Photo by Johan Ordoñez/AP/Geety Images.

Residents of this Guatemala City neighborhood formed their own armed gang to protect themselves from the Mara Salvatrucha.

police and prison systems — have been thrown in jail for corruption and criminal negligence. Like Ríos Montt, none of these men can be considered “barefoot.” However, upon their arrest, they all found themselves cornered, virtually friendless, and scapegoated for committing crimes that are widely considered to be normal behavior for powerful public servants. Their punishment, then, must be understood as more symbolic than precedent setting — public spectacles that allow the law to pay lip-service to justice while the everyday abuses of power continue unabated. Given this context, the question becomes: Is the Ríos Montt indictment and trial any different?

In some ways, of course, it is. Ríos Montt has been found guilty of genocide, not mere corruption. And through him, the entire military establishment, and perhaps even the oligarchy itself, come under attack. Perhaps. But in some ways, Ríos Montt has himself become a victim of history — though many would argue that he richly deserves his fate — in that he seems to have been abandoned by his former comrades. As the conservative editorialist and witness for the defense Alfred Kaltschmitt noted weeks before the trial opened: “*Callados están los agroindustriales y empresarios que celebraron con tanta fanfarría el final de una larga noche bélica y el inicio de una*

era de paz ganada a pulso contra el terrorismo subversivo.” (Quiet are the agro-industrialists and businessmen who celebrated with such great fanfare the end of a long night of war and the beginning of an era of peace won with bare hands against subversive terrorism.) In this sense, Ríos Montt, the doddering octogenarian who frequently had to ask the judge for permission to use the bathroom before all the world, is a victim of a symbolic justice whose ultimate “truth” remains up for grabs.

In the end, the law is a mere calculation — a means of measuring guilt and innocence — while justice itself is incalculable. Ríos Montt’s crime, as Hannah Arendt wrote of the Nazi’s everlasting crimes against humanity, “explodes the limits of the law... no punishment is severe enough.” Ríos Montt’s victims know this. The past cannot be undone. We can only hope to rewrite its remembrance.

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