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# GUATEMALA –WAS IT GENOCIDE?

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 Earlier this year ninety-five witnesses, most of them Ixil Mayas, testified against a former Guatemalan dictator. Efraín Ríos Mont was on trial for genocide. This is the first time an ex-chief of state has been tried for this heinous crime in his own country. A panel of three judges found him guiltyand sentenced him to eighty years in prison. The conviction was quickly overturned on a technicality; Ríos Montt is 86 years old and, even if a new trial confirms the verdict, the closest he will get to prison is a military hospital.

 But human rights groups celebrated the verdict as a moral victory. So did Mayan Indians and other Guatemalans. “When the news came,” reported a Guatemalan immigrant in Massachusetts, “we jumped with happiness.”[[1]](#endnote-1) Among the Ixil Mayas who were Ríos Montt’s victims, many were also jumping—some with joy but others to Rós Montt’s defense. During the trial in Guatemala City, dozens of buses arrived from Ixil country and disgorged at least five hundred Ixil protesters whose banners read “I am Ixil and I want to testify” and “there was no genocide.”[[2]](#endnote-2)

 I do anthropological research in the Ixil Maya town of Nebaj. Thirty years ago Nebaj and two other Ixil towns, Chajul and Cotzal, were picturesque and poverty-stricken. Most Ixils lived in adobe houses without chimneys, cultivated maize on mountainsides, and labored on coastal plantations for pitiful wages. When local power brokers were assassinated by a group calling itself the Guerrrilla Army of the Poor (EGP), it came as little surprise. Of all the Central Americans joining Marxist insurgencies against U.S.-backed dictatorships, the Ixils seemed like prime candidates, and the EGP claimed to represent them. Soon reprisals by Guatemala’s powerful military turned Ixil country into a war zone in which most of the casualties were Ixil peasants.

 By 1982 the army clique running Guatemala was so discredited that it succumbed to a coup d’etat. Placed in charge by junior army officers was a retired general with a certain manic charm. Ríos Montt had run for president eight years before and won the election, as a centrist Christian Democrat, only for the army high command to impose its own candidate. And so he became one of Guatemala’s many defeated reformers, until the night of the March 23 coup when, once again in military uniform, he informed Guatemalans that God had chosen him to save them from corruption and communism. It turned out that, during his exile from political life, Ríos Montt had joined a pentecostal church. Now he brought his church elders into the presidential palace and became known for his finger-wagging pronouncements. Some of his innovations--such as obliging all civil servants and soldiers to swear “I do not rob, I do not lie, I do not abuse”—did not go down well with the officer corps and other power groups. After only seventeen months in the national palace, his administration succumbed to another coup.

 During this same period, however, the guerrilla movement went into sharp decline. Evangelical churches sprouted everywhere; although nothing new to Guatemalans, and already growing rapidly, they now benefitted from the army’s persecution of Catholic clergy. Among the Ixils, a handful of pre-war congregations multiplied into hundreds and the majority of leaders turned evangelical. Even worse from the point of view of the defeated revolutionaries, in the 1990s many Ixils welcomed Ríos Montt ‘s political renaissance. Now he was the leader of a new rightwing populist party, the Guatemalan Republican Front (FRG), and to his followers he was the incarnation of rectitude.

 Only a constitutional provision against past coup-participants prevented Ríos Montt from being elected president. But his aura dissipated after the FRG’s victory in the 1999 presidential election. The man he made president, Alfonso Portillo Cabrera (2000-2004), is currently incarcerated in New York on charges of money-laundering. When FRG mobs and other dirty tricks pressured the judiciary into accepting Ríos Montt as a presidential candidate for the 2003 election, the party collapsed at the polls—except among the indigenous populations who had been organized by the EGP and then repressed by the army. In the same election that washed away the FRG on the national level, Ixils chose its candidates to lead all three of their town halls.

No one in Guatemala arouses more disagreement than Ríos Montt. Defeating the guerrillas became his signal accomplishment for the many Guatemalans who feared a takeover by admirers of the Cuban and Sandinista Revolutions. For other Guatemalans who hoped that a social revolution would deliver them from poverty and opression, Ríos Montt is the demon incarnate, who sums up all the military regimes that preceded and followed him. Finding evidence to attack his reputation is not difficult because, in addition to the professions of faith that made him the first born-again dictator in Latin American history, the most startling feature of his regime were army massacres. Was the reason for his electoral victories in the 1990s the butchery over which he presided in the 1980s?

 The trial in Guatemala City, from March 19 to May 10, 2013, was a media circus. Ríos Montt’s defense team tried to obstruct the proceedings; neither they nor presiding judge Yasmínn Barrios concealed their contempt for each other. Day after day the aged defendant was seated in the middle of dozens of photographers who snapped away as if he was a zoo animal. Foreign human rights activists were much in evidence. When Judge Barrios announced the verdict, most of the audience leaped to their feet, cheering and applauding, and broke into a song about justice. Judge Barrios returned the applause.

 But if the trial sometimes seemed like a travesty, what the witnesses had to say was not. I heard many similar stories in the 1980s. Never did I expect them to reach a courtroom—the Guatemalan army’s supremacy seemed eternal, the officer corps immune from prosecution. Now witnesses with limited Spanish spoke through translators and stumbled out details that lent credibility. Jacinto Brito Corio (#22)told of soldiers killing his father, then being pursued by a house in the air that went in circles—a helicopter. To hide from soldiers, Maria Cedillo Cedillo (#61) silenced her one-year-old by stuffing its mouth with a rag, which killed it. Women covered their faces as they told of being raped.

 Another witness who made a big impression was Tiburcio Utuy (#87). On January 5, 1982 the army killed five families in his mainly K’iche’ Maya settlement of Xix. In a second attack on February 16, soldiers killed two women with machetes, set fire to a house with a family inside it, and killed the village’s mayor and Catholic catechist along with their families. The army’s third attack came eight or nine days later, when the only available targets were five families who had sought refuge with the military commissioner. The commissioner was the army’s own representative in Xix, who helped it round up youth for military service. The commissioner thought he would be safe; now it was his turn to die, along with fourteen of his relatives.

 Utuy went on to describe how a multitude of refugees from different villages, pursued by army patrols and under cover of night, escaped through the mountains. He also told how, after being captured a year later, he was tortured through one army post after another. In court he lifted up his shirt to show the scars on his abdomen and asked, is this not genocide?[[3]](#endnote-3) Such a question has emotional and legal answers that are not necessarily the same. In the case of the three massacres described by Utuy, they are corroborated by other sources but, for the purpose of convicting Ríos Montt, they occurred before he took office on March 23, 1982—a problem which both the judges and the defense team failed to note*.*

# The long road to the trial

 Never has anything like this amount of horrifying testimony reached the Guatemalan public. It seemed like the entire country—or at least the entire political class—was holding its breath. Upon exhaling, commentators to the left cheered on the verdict, those to the right said it was nonsense, and some in the middle agreed that the army had committed terrible crimes but questioned whether it was a good idea to put Ríos Montt on trial, or to call what happened genocide.

 When peace accords ended the army-guerrilla confrontation in 1996, commanders on both sides wished to avoid being prosecuted for crimes against civilians. The army was infamous for the village massacres of the early 1980s. Guerrilla massacres were less frequent but equally indictable. An amnesty passed by the Guatemalan congress was supposed to protect both sides from prosecution. But because Guatemala signed the international convention on genocide, this offense could not be subject to amnesty—hence the attraction of genocide for human rights activists who wished to indict the army.

 In 1998 a Catholic truth commission decided against characterizing the army’s crimes against noncombatants as genocidal. True, the army butchered indigenous villagers when it suspected them of supporting the guerrillas. But it could be just as brutal to non-Indians. The most infamous occasion was at Dos Erres, Petén, where soldiers killed more than two hundred campesinos who happened to be ladinos--a term for people whose first language is Spanish. If the army targetted noncombatants for their presumed political loyalties, the crime does not fall under the international convention on genocide, whose definition requires the intent to destroy a group based on ethnicity, race, nationality or religion.

The following year, the UN-affiliated Commission for Historical Clarification (CEH) concluded that the army had committed genocide. One reason was a startling statistical extrapolation. Based on sampling techniques by the statistician Patrick Ball, the CEH estimated that the death toll from 1962 to 1996 was “more than 200,000”—a figure three times higher than previous mid-range estimates. Journalists and solidarity activists now echo the 200,000 figure as an authoritative minimum estimate and use it to project even higher numbers. In actuality it is a high-end estimate because it is 6.7 times greater than the 23,671 victims of arbitrary executions and 6,159 victims of forced disappearances that the CEH could actualy compile.

 Emboldened by the 200,000 number, the CEH concluded that “the reiteration of destructive acts, directed systematically against groups of the Mayan population" and including "the elimination of leaders and criminal acts against minors who could not possibly have been military targets, demonstrates that the only common denominator for all the victims was the fact that they belonged to a specific group and makes it evident that these acts were committed 'with intent to destroy, in whole or in part' these groups." From 1981 to 1983, the CEH concluded, the army committed “acts of genocide” against the Ixil Mayas and three other of Guatemala’s twenty-two Mayan language groups.

 Ever since, human rights groups and their lawyers have been building cases against Ríos Montt and other high-level functionaries. Nobel peace laureate Rigoberta Menchú led a campaign in the courts of Spain, to apply universal jurisdiction, but it succumbed to the Spanish government’s increasing reluctance to host such efforts. A parallel campaign to press charges in Guatemalan courts, led by the Center for Human Rights Legal Action (CALDH), seemed even more quixotic. Yet in 2012 Guatemala’s attorney general Claudia Paz y Paz—a diminutive figure who comes across more like a graduate student than a power broker—brought the indictment against Ríos Montt. Paz was allowed to persist in this bold endeavour by yet another retired general, Otto Pérez Molina, who had just won the 2011 presidential election. Twenty-nine years before, Pérez Molina was Ríos Montt’s commander in Nebaj.

# Competing views of the trial

 Nowadays, Nebaj is a bustling hub of non-governmental organizations and undocumented migration to the U.S. Thanks to remittances and microcredits, the economy booms and busts in rough synchrony with the U.S. economy. However much of the population died in the war, a high birthrate means there are now twice as many people in Ixil country as before.

 Two months after Ríos Montt’s conviction, in July 2013, I spent two weeks in Nebaj. Whenever possible I asked Nebajenses, what do you think of the trial? What do you think of the genocide conviction? If the person wished to respond—and all but two did—I asked how they fared during the war.[[4]](#endnote-4)

 Of the forty-five Ixils I asked, twenty approved of the genocide verdict, fourteen did not, six leaned toward disapproval, and five were either neutral or did not care to respond. Of the six ladinos and four K’iche’ Mayas who gave me their opinion, none approved of the genocide verdict; together, these two ethnic groups make up about 20% of the town’s population.[[5]](#endnote-5) Nebajenses have never been given to throwing around the term genocide. But now a wide range of Ixils, including three of the four evangelical pastors I interviewed, told me that genocide was an accurate description of what they and their town experienced.

 One former refugee, now a shopkeeper, could not contain his glee. “Genocide it truly is! If soldiers came across a person on a path, they tied him up, beat him, killed him, and left his body there. They also dropped five-hundred pound bombs on us. Ríos Montt should go to jail because it didn’t happen just here, and he was the general.” Others spoke in the low voices which have long been customary for dealing with this subject. “Ríos Montt is guilty,” another former refugee told me. “He said there was an amnesty but it was a lie because there were many more massacres.”

 Then I began to hear echoes of what many Nebajenses told me in the 1980s. “I’m only alive thanks to Ríos Montt!” one said. “If Ríos Montt had not come to power, who knows!” said another. “Maybe half the pueblo would have died.” Several of my interviewees had gone to Guatemala City on the bus caravan, to protest the trial, and they were quick to point out an obvious omission in the proceedings. Few of the witnesses mentioned the guerrillas, and none gave the guerrillas the protagonistic role they usually occupy in Nebajense stories. Ríos Montt’s defenders were also quick to accuse the guerrillas of bearing equal responsibility for the war, or even of starting it. Of her childhood before the war, an Ixil woman said: “Back then there were no police, there were no soldiers, we went out at night without fear. It wasn’t the army that began the war, it was the guerrillas, they began it!”

# Benedicto’s speech

Another startling omission from the trial was a very public occasion, the only one I know of, in which an army commander announced his willingness to destroy Nebaj. In December 1981, following a heavy EGP attack on the army garrison there, General Benedicto Lucas García touched down in a helicopter. Always referred to by his first name, to distinguish him from his older brother, President Romeo Lucas García (1978-82), Benedicto ordered his men to round up the town’s male inhabitants. This could have been the prelude to another massacre. Instead, Benedicto wished everyone a merry Christmas and said that, if they did not refrain from further acts of subversion, he would burn Nebaj to ashes. "If this town doesn't clean up its act (componerse) in a month," he continued, "I'm going to put myself at the head of 5,000 men, start at Chimaltenango, and finish off (acabar con) the entire population if I have to!"[[6]](#endnote-6)

 Neither this statement nor the man who made it ever came up at Ríos Montt’s trial. For townspeople who survived the next year, including seven whom I interviewed this July, Benedicto’s speech marked the difference between the regime of Romeo Lucas García and that of Efraín Ríos Montt. “Here bullets were flying day and night when President Lucas’ brother Benedicto gave us 72 hours to stop the guerrillas from using the pueblo to attack the army,” one man told me this past July. “If not, planes would bomb the town. Two days later was the coup d’etat, Ríos Montt came to power and removed Benedicto from command.”

 In actuality, three months went by before Ríos Montt evicted the Lucas García brothers from power. During those three months, mayhem continued to rule. The army’s most effective innovation was to organize militias called the civil patrols, to hunt down the EGP’s sympathizers in the civilian population. Some patrollers were conscripts; others were volunteers whose relatives had been assassinated by the EGP. Their job was to pull suspected guerrillas out of their beds and kill them. Soldiers had been conducting these extrajudicial executions for years, often based on false accusations by a man’s personal enemies.

 One survivor attributes his near-demise to cousins who had stolen a family inheritance. Only they, he figures, would have invented the false story that he was a guerrilla. “The soldiers came through at night and we were scared. They were taking so many people! Every night we could hear shouting, we couldn’t go out, and in the morning we would see the dead, perhaps two every night. One night they took away a nice young man who lived near us. I was trembling so hard I couldn’t speak. When I arrived at work, patrollers who were friends warned me that the soldiers were looking for me. Be careful, they said, don’t go back to your house. That night sixty soldiers and forty patrollers arrived to capture me.”

 When Ríos Montt took power on March 23, 1982, his invocation of God and promise of big changes may have reassured some Nebajenses. But that same day and over the next two weeks, in a plantation zone north of town, soldiers and civil patrollers killed as many as 385 unarmed men, women and children in the settlements of Ilom, Estrella Polar, Chel, Jua and Covadonga. Much closer to Nebaj, on April 22, soldiers executed twenty-five men in the village of Acul. On May 3 or 4, after discovering an EGP supply cache at Tu Chabuc, soldiers arrested twenty-nine men, women and children who were nearby and slit their throats.[[7]](#endnote-7)

# Ríos Montt’s amnesty, who it helped and who it didn’t

 On May 27, 1982 Ríos Montt announced an amnesty for guerrillas and their supporters. Even Ixils hiding in the mountains heard of it over transistor radios, but few if any dared give themselves up. Then on the night of August 3, an evangelical pastor named Tomás Guzaro led the escape of 228 men, women and children from the EGP-controlled village of Salquil Grande. They were pursued by guerrillas, then arrested by civil patrollers, until the army realized they were fleeing the EGP and gave them safe passage to a nearby town. Here they were interviewed by Ríos Montt’s new commander in Nebaj, a personable major whose nom-de-guerre was Tito Arias, who realized that he could use the refugees to bring the amnesty to life.

 Working together with the Salquil refugees, Major Tito a/k/a Otto Pérez Molina, now president of Guatemala, sent Ixil broadcasters aloft in small planes. He sent Ixil civil patrollers and translators to accompany his ground troops to Salquil. By persuasion or force, his troops were able to collect another 1,740 refugees, who they escorted back to Nebaj and settled in a new refugee camp at the Nebaj airstrip.

 From this point onward, most refugees who surrendered to the army survived the experience. Some still extoll Ríos Montt’s amnesty, such as a K’iche’ Maya who told me: “The soldiers burned our house, they killed our animals, we lost everything and were hiding in the montaña between Xexoxcom and Chuatuj, suffering from hunger and cold, living under pine needles like pigs. Soldiers would approach and shoot at anything that moved, three times I escaped under a hail of bullets. Once the only thing that saved us was a downpour; the soldiers stopped shooting and left. Then came Ríos Montt’s amnesty, we heard the planes above with loudspeakers, that we could come to Nebaj. We were dying of hunger. If it hadn’t been for the amnesty, we would have died. We went to Nebaj, they gave us food and clothing, and it turned out well.”

 Unfortunately, not everyone who surrendered turned out well. One of this year’s witnesses against Ríos Montt was Elena de Paz Santiago (#68) who, as a twelve year-old, heard the airplanes offer amnesty and surrendered along with her mother. At the army’s Tzalbal garrison, she and her mother saw a dead man and woman stacked atop each other. The soldiers raped her mother, then “grabbed my hands and grabbed my feet and opened me.” She never saw her mother again.

 On June 17, 1983, according to a man I interviewed in Nebaj, his father gave himself up near Tzalbal along with his wife and four daughters. He was under suspicion by the EGP because of his ability to keep his family supplied with sugar and salt—necessities which the EGP thought should be collectivized. Another reason he decided to surrender was that his women were running out of clothing. Once they were in army hands, a captured guerrilla identified him as a logístico or nocturnal trader with army-controlled settlements. As soldiers molested his fifteen year-old daughter, he objected, only to be taken away and hung from a tree as his daughter was raped.

 One massacre occurred just as Pérez Molina was using Ixil guides from Tomás Guzaro’s escapees to persuade more refugees to surrender. Before dawn on August 14, 1982, troops from the neighboring department of Huehuetenango caught the EGP-administered hamlet of San Francisco Javier off guard by attacking from the west. Even though no one in the hamlet was armed and everyone fled, the soldiers and patrollers slaughtered the people they could catch--36 of them.

 Even Pérez Molina’s own troops did not necessarily respect the lives of prisoners. According to a weaver who defends Ríos Montt, her estranged first husband showed up in the army-escorted procession of refugees from Salquil Grande to the new refugee camp. But he was clearly a prisoner; his hands were tied behind his back, and his hands were also tied to a small tree dragging behind him. Clearly he was being punished, perhaps because he was an abusive drunk or perhaps because his brothers were guerrillas. Whichever was the case, within days he was dead.

 The amnesty’s most obvious limitation was that it did not curtail the army’s scorched-earth policy, to cut off the guerrillas from their declared subsistence base in Ixil villages. Not only had the EGP failed to conceal its use of the Ixils in this regard; it boasted of it, as proof that it represented the Guatemalan people. Now the army took the guerrillas at their word, to the point of destroying every habitation in Ixil country outside the three municipal seats and two plantations. Soldiers and civil patrollers killed or carried off all the farm animals; they destroyed all the crops; and they did this again and again--every time refugees managed to reestablish themselves in the montaña, that is, the mountains beyond preexisting settlements.

 And so for the many Ixils who were too afraid of the army to chance the amnesty, who continued to flee from soldiers and civil patrollers, Ríos Montt’s army was indistinguishable from the army of the Lucas García brothers. If anything, the destruction of peasant livelihood intensified. Scorched-earth means, starve people until they die or surrender, from which it is easy to conclude that Ríos Montt wanted to exterminate the Ixils—a logic which is very obvious in the Ixils who have just testified against him.

 Even as the tide turned against the EGP, it continued to attack

the army. Occasionally it was able to trap and kill a squad of soldiers or patrollers—not enough to shake the army’s iron grip on the majority of the population, but enough to reinforce army officers’ code of kill or be killed. As in any irregular war in which the weaker side seems to fade back into the civilian population, the stronger side continued to hunt for infiltrators among the people under its control. For Ixils whose brother or husband was taken away, who never returned or who was found dead, Ríos Montt’s amnesty was not very convincing.

 What about Ríos Montt’s defenders? Given how easy it is to collect stories of army killings under Ríos Montt, it is distressing to hear some Ixils engage in what sounds like denialism. How can any Ixils persist in viewing Ríos Montt as a folk hero? One reason is a deep rejection of the guerrilla movement’s version of history, because they see it as a destructive intervention in their people. Another is that the army allowed Ixils to return to farming their own land if they agreed to do so on army terms—by returning as civil patrollers and living in so-called model villages. Model villages were not great places to live. Hundreds of families were jammed together in rows of wooden huts and men were forced to do guard duty, to keep the guerrillas at a distance. What was good about the model villages is that they were within walking distance of fields and firewood. Residents could also leave for several months a year to earn cash on plantations—a necessity for Ixil peasants that the EGP prohibited for the refugees still under its control. So for Ixils who were able to return to a semblance of their former lives in the model villages, this was not the destruction of their former way of life. Given the two warring parties, it was the closest they could get to reestablishing it.

# Did killing under Ríos Montt increase or decrease?

 During the first months of the Ríos Montt administration, human rights groups documented an escalation of army killing.[[8]](#endnote-8) Some of the war’s largest massacres took place during his first nine months in office. West of Ixil country, in Nentón, Huehuetenango, troops killed 376 Chuj Mayas at the Finca San Francisco on July 17. To the southeast, in Baja Verapaz Department, troops killed some 79 refugees at Los Encuentros on May 14; more than 250 at Plan de Sánchez on July 14; and 92 at Agua Fria on September 14. On December 6-8, soldiers killed more than 200 non-indigenous villagers at Dos Erres, Petén.

 But what about Ixil country, which supplied the witnesses for the genocide trial? Ríos Montt’s defenders in Nebaj have long claimed that, during his period, army killing there diminished. Thanks to the genocide prosecution against him, we can now test this issue by looking at the dates provided by ninety-five indigenous witnesses.

 Thirty years later, the dates are not necessarily accurate, but if we put them into chronological order, thirty-two refer only to 1982 or 1983. Of these, three clearly refer to Ríos Montt-era massacres. Of the remaining twenty-nine, some probably refer to events before the March 23 coup that put Ríos Montt in the national palace or after the August 10 coup that removed him. But as a group they fit all too well into the pattern of violence established by the other witnesses. Of the sixty-three witnesses who provide more precise dates, as many as seven refer to crimes before Ríos Montt took office. Of these, the worst is the February 1982 massacre in Chisis, Cotzal, the most lethal incident of the war in the Ixil area, with 264 dead on a single day (#32), as well as the afore-mentioned massacres in Xix, Chajul that wiped out fourteen families.

 Of the fifty-six remaining witnesses, twenty-five describe events that occurred between March 23 and June 9, 1982—the date Ríos Montt deposed two fellow triunvirs and became chief of state. These include the string of massacres in the north of Ixil country, in Acul and in Tu Chabuc, with as many as 439 dead. Excepting one ambiguous in-between date for June 1982, the final thirty witnesses describe massacres and other depredations during the final fourteen months of Ríos Montt’s administration. The worst consist of the afore-mentioned massacre at San Francisco Javier which killed as many as thirty-six people; then the burning of 50 to 75 people in their houses at Secal, Cotzal; then the execution of 22 people in Santa Marta; and also repeated attacks against Sajsibán that killed several dozen noncombatants.

 In the eleven testimonies dated to 1983, the army is still wreaking havoc. Houses are burned, women are raped, helicopters kill and Juana Reynoso Chávez (#58) says the army killed “many” and “innumerable” people in an attack on the montaña refugees at Visumal. Aside from her testimony, the largest stated death toll for any incident is nine. The 1983 testimonies give the lie to any claims that Ríos Montt ended abuses against noncombatants. But their diminishing frequency, and the diminishing death tolls, do corroborate the argument that violence against civilians diminished in the second half of his administration.

It is not easy to do justice to the opposed perceptions of the Ixils. Hopefully some will come forward to strike a balance, but currently the most outspoken on each side accuse the other of being impostors. Trial supporters accuse trial critics of betraying the dead in exchange for favors from the government of Otto Pérez Molina. They say that Ixils protesting the trial came to the capital only because they were offered free fertilizer. Ixils who reject the genocide conviction say that supporters are former guerrillas, that they are seeking to distract attention from their own crimes, and that witnesses made up their stories.

 Outside organizations are heavily involved on both sides. Helping organize the Ixil protest against the trial on April 22 was the Fundación Contra El Terrorismo, a group of retired army officers and their relatives who deny the army’s abuses by labelling the guerrillas as terrorists.However, what most impressed me is that I could not predict what Ixils would say based on their religious or political affiliation. There are Catholics who defend Ríos Montt and evangelicals who lambast him. The four ex-soldiers I interviewed were not as dismissive of the genocide indictment as I expected; each acknowledged that the army committed atrocities and merely argued that the guerrillas did so as well.

 Of the three ex-guerrillas I interviewed, one defended the genocide indictment, another declined comment and the third said “it’s all the same to me. As far as I’m concerned, there were two groups, there was a confrontation, a war, both sides are at fault. Ríos Montt arrives, offers an amnesty so people will come (opens arms wide), what more do you want? People were confused between the two groups, some went with the government and others with the guerrilla, and many people died. The army is responsible for many bones and so are the guerrillas.” Judging from my interviews in July, what best predicts how Nebajenses feel about convicting Ríos Montt of genocide is how they fared under his amnesty.

# Did Ríos Montt commit genocide?

 Given the gravity of what occurred, and the longstanding immunity of Guatemalan army officers, making Ríos Montt accountable in a court of law was quite an accomplishment.His confidence in his own righteousness, which has always impressed some Guatemalans but outraged others, makes it seem appropriate to hold him responsible for what happened. But is he really guilty of genocide?

 Legally speaking, genocide is famously difficult to prove because it requires the “intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” The three judges found this intent, and Ríos Montt’s responsibility for it, in their interpretation of declassified army planning documents. Unfortunately, the so-called “Plan Victoria 82” and “Operación Sofia” do not include directives to exterminate a population or even kill noncombatants. All they do is identify the civilian population as a military objective, which is hardly surprising given the EGP’s announcements that the Ixil people had become its logistical base.

 During Ríos Montt’s seventeen months in the national palace, he denied all the evidence that his troops were committing massacres. He also claimed to be in full control of the army--a claim that he was obliged to make because his authority was so tenuous. The army’s code of institutional solidarity and a single chain of command has often been belied by deep factionalism. Local commanders tend to become autonomous, not all agreed with Ríos Montt’s amnesty, and some may have committed massacres in order to undermine it. Given the euphemisms that the Guatemalan army has always used to refer to massacres, I will be surprised if orders to kill non-combatants ever surface.

So if no one has proven that Ríos Montt ordered massacres, does this leave him off the hook legally? Not necessarily. The doctrine of command responsibility dates back centuries. It was used against Nazi and Imperial Japanese commanders after World War II. Commanders become legally responsible for systematic abuses by their troops if they do not try to stop the abuses. As president in 1982-83, not as army chief of staff or a theater commander, Ríos Montt may be shielded from command responsibility by Guatemalan law. But even if this is the case, Ríos Montt still could have command responsibility under international law.

Field officers definitely do have command responsibility, as confirmed by a Guatemalan court in 2009 when it sentenced a colonel and three military commissioners to 53 years in prison for disappearing eight people from El Jute, Chiquimula in October 1981. In the same El Jute case, Guatemala’s highest court recognized that certain crimes are excluded from the 1996 amnesty and can be prosecuted decades later. As I write toward the end of 2013, a Guatemalan court has sentenced a former national police chief to forty years in prison for the disappearace of a student union leader in 1984.

Regardless of the shortcomings of the Ríos Montt trial, it attracted so much international attention that it will surely deepen the investment of human rights activists in the genocide paradigm. Guatemala is the kind of country that tends to be ignored except when it can be staged as a moral drama. But moral dramas require so much editing of inconvenient facts that this one guarantees a counter-narrative by Guatemalans who perceive that their side of the story has been left out.

“There’s a ton of internationalists who show up here and have the gall to organize people for their own objectives,” an Ixil administrator told me. “As an Ixil who experienced the war, who suffered from it, I don’t like foreigners who claim to speak in the name of my town. What really bothered me is that, twenty days ago, for Ixil Day, there were foreigners marching down my street shouting ‘Ríos Montt is an assassin, Ríos Montt is a genocidalist, send him to jail!’ They were even painting slogans on the walls of houses. In the group that organized this, FUNDAMAYA, the majority of the members are ex-guerrillas. [Ex-Guatemalan congressman] Pablo Ceto, and those who call themselves indigenous alcaldes, used to belong to the National Guatemalan Revolutionary Union. Accusing the army of genocide is all too convenient for them.”

It is no stretch to conclude that, on the days when it was massacring unarmed peasants, the army aimed to exterminate indigenous peasants who supported the guerrillas. There were many such days before Ríos Montt took power, and also during the first nine months of his administration. However, this is genocide only if we stretch the international convention’s protected classes of victims from racial, ethnic, national and religious groups to political groups. This is precisely how genocide activists would like to expand the crime’s scope, to include victims of mass political killings, and this might be a good idea, but my understanding is that this has yet to become international law.

The other way to apply genocide to Guatemala is to focus on the genocide convention’s reference to “extermination in whole or in part”—in which case the Guatemalan army committed genocide by seeking to exterminate the part of the Ixil population who supported the guerrillas. This is where my fellow anthropologist Ricardo Falla makes his argument, based on his many years of research on the violence. Thus “a massacred village can be a destroyed ethnic microgroup,” he argues.[[9]](#endnote-9)

But if this is how the Guatemalan army’s crimes constitute genocide, then the same reasoning makes the Guerrilla Army of the Poor guilty of genocide—for targetting thepart of the Ixil population who objected to its political agenda, considerable numbers of whom it accused of serving as spies for the army and whom it executed without judicial procedure. In the single worst incident, on June 15, 1982, the EGP killed more than a hundred men, women and children in the Ixil village of Chacalté.

If the EGP’s victims in Chacalté are “a destroyed ethnic microgroup,” accomplices to genocide will include, not just the Guatemalan army, its civil patrols and the many civilians who collaborated with it, but the many Guatemalans and foreigners who belonged to the guerrilla movement or supported it, including some of the lawyers and other activists who brought Ríos Montt to trial.

Personally, I don’t think anyone in Guatemala is an accomplice to genocide because I don’t think this is an accurate description of what happened. But there is no shortage of former officers and commandantes who can be prosecuted for war crimes, that is, for violating the Geneva conventions that protect the lives of non-combatants and prisoners. Prosecuting war crimes requires no labored arguments to demonstrate the intent to exterminate. All it requires is proof that the crime occurred. It focuses responsibility on the authors of particular incidents. And it can be applied to both sides without discrimination. I think this would be welcomed by many Nebajenses and other Guatemalans.

David Stoll’s most recent book is El Norte or Bust!  How Migration Fever and Microcredit Produced a Financial Crash in a Latin American Town (https://rowman.com/ISBN/9781442220683).

1. Simon Ríos, “Local Guatemalans celebrate genocide verdict against former dictator,” South Coast Today, May 19, 2013. [↑](#endnote-ref-1)
2. “Manifestantes reiteran su rechazo a juicio por genocidio,” Prensa Libre, April 23, 2013. [↑](#endnote-ref-2)
3. Courtroom testimony, “6 Parte Sentencia” through “8 Parte Sentencia,” https://drive.google.com/folderview?id=0BxOjd8OI5wmhcUhNU3ZMQy1TeUU. [↑](#endnote-ref-3)
4. Four respondents were too young to have their own experiences and relayed an opinion derived from their elders. [↑](#endnote-ref-4)
5. Because I was not sampling randomly, this is not a representative cross-section and does not predict who would win a referendum. [↑](#endnote-ref-5)
6. P.98-99, David Stoll, Between Two Armies in the Ixil Towns of Guatemala (1993, Columbia University Press). [↑](#endnote-ref-6)
7. P124, Tomás Guzaro and Terri McComb, Escaping the Fire: How an Ixil Mayan Pastor Led His People out of a Holocaust During the Guatemalan Civil War (2010, University of Texas Press). [↑](#endnote-ref-7)
8. Amnesty International, “Guatemala: Massive Extrajudicial Executions in Rural Areas Under the Government of General Efrain Ríos Montt,” special briefing, July 1982. [↑](#endnote-ref-8)
9. Ricardo Falla, “¿Cómo que no hubo genocidio?” Plaza Pública, March 19, 2013 (<http://www.plazapublica.com.gt/content/como-que-no-hubo-genocidio>, accessed September 15, 2013). [↑](#endnote-ref-9)