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Hard National Security Choices

Book Review: The Murder of Guatemala's Bishop Gerardi: Muerte en el vecindario de Dios by Julie Lopez

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Reviewed by David Stoll
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Gerardi: Muerte en el vecindario de Dios
Julie LÃ³pez

F&G Editores (Guatemala City 2012)

The Art of Political Murder: Who Killed the Bishop?
Francisco Goldman
Grove Press (2007)

Quien Mato Al Obispo?: Autopsia de un crimen polÃtico
Maite Rico and Bertrand de la Grange
Editorial Planeta Mexicana (Mexico City 2003)

I

A cautionary tale of criminal investigation and human rights reporting

One crime can define a country and the issues it faces over the next generation. In Guatemala it was the murder of a Catholic bishop in his residence a few blocks from the presidential palace.

Two days before his death, Monsignor Juan JosÃ© Gerardi delivered the first comprehensive investigation of Guatemalaâ€™s civil war. Sixteen years later, his death continues to reverberate because, like no other event, it dramatizes the failure of peace accords, human rights and democratic elections to make Guatemala a safer, happier place. Gerardiâ€™s death also continues to reverberate because his killers have never been identified. Beyond Guatemala, the debate about who killed him illuminates choices that human rights activists continue to face in other countries as well.

One thing is clearâ€”Bishop Gerardi succumbed to Guatemalaâ€™s secret, tangled underworld of soldiers and thugs, factions and gangs. Human rights activists, non-governmental organizations and foreign embassies have little purchase on this world. Guatemalaâ€™s political and criminal networks are so byzantine that investigators can have a hard time even figuring out what has transpired, let alone how to affect it. But many of *Lawfare*â€™s readers will be familiar with similar situations in Iraq and Afghanistan, Iran and Pakistan, Syria, Colombia, Haiti and elsewhere.For human rights groups seeking to end impunity, such places force difficult choices between seeking justice for past atrocities and building up political authority for dealing with current threats.

II
One of Latin Americaâ€™s longest civil wars

Guatemalaâ€™s internal armed conflict began in the early 1960s, reached its crescendo in the early 1980s and dragged on until a formal peace agreement was signed in 1996. Like many Latin Americans across those decades, Guatemalans could choose between two unappealing alternatives: U.S.-supported dictatorships or admirers of the Cuban Revolution. In Guatemala the guerrillas justified their struggle by pointing to the U.S. governmentâ€™s overthrow of a democratically elected government in 1954. The first guerrilla organizers were dissident army officers, appalled by their countryâ€™s subservience to U.S. interests, and then university intellectuals, shut out of electoral politics by state repression of the left. These mainly urban revolutionaries had little success communicating with Guatemalaâ€™s indigenous peasants until the late 1970s, when entire villages suddenly began to join them.

Ironically, by the time Guatemalaâ€™s guerrilla organizations were approaching their apogee, the U.S. government had cut off public military assistance to the Guatemalan army. With the Carter administration

embracing human rights, U.S. diplomats could not help but acknowledge the armyâ€™s barbaric behavior against opponents. The Central Intelligence Agency continued to work with army officers, and Israeli and Argentine advisers may have served as proxies, but the U.S. role in the Guatemalan bloodshed of the 1980s was small compared to its role in El Salvador and Nicaragua.

Unfortunately for indigenous peasants living in contested areas, the armyâ€™s minimal reliance on U.S. military aid also freed it from the conditions attached to that aid. And so the Guatemalan army carried out what may have been the most brutal counterinsurgency campaign in Latin America. Hundreds of villages were destroyed, tens of thousands of noncombatants were killed, and hundreds of thousands more were driven off their land. This was accompanied by a ferocious campaign of disappearances and repression in the capital.

Bishop Gerardi was a paradigmatic figure in these tragic years. In 1980 he was presiding over the Catholic diocese of El QuichÃ©, the department in the western highlands where the guerrillas first began to boast that indigenous peasants were supporting them. When several of Gerardiâ€™s priests secretly joined the insurgency and helped the guerrillas recruit their parishioners, the army blamed him. He was strongly opposed to turning church organizations into guerrilla fronts, because it exposed the entire church to reprisals, but he was unable to prevent it. As the army killed more and more suspected guerrillas, the victims included dozens of Gerardiâ€™s catechists and then two of his Spanish priests. His denunciations of army behavior became more and more public, to the point that he himself was forced to escape army assassins. Finally he announced the closure of his diocese and was forced into exile.

The killing in the highlands was most intense in the years from 1980 to 1983. The guerrillas had been promised armaments by the Cubans, but these never arrived, so they were unable to defend their supporters. The war was largely over by 1985, with the army in firm control of most of the population.

The army now permitted the transition to an elected civilian presidentâ€”subject to repeated coup attempts by hardline officers who were averse to any concession to democracy. The army also agreed to enter peace negotiations with the guerrillas, but both sides were far more interested in propping up their competing claims to represent the Guatemalan people than in making concessions. So for most of the next decade, Guatemala seemed frozen in an earlier era of the Cold War, with peace overtures going nowhere. Tens of thousands of survivors were still stuck in Mexican refugee camps; the army continued to kill anyone it suspected of guerrilla ties, but in much smaller numbers than before.

Gerardi was allowed to return from exile and became the first director of the Archbishop's Office on Human Rights (ODHA). In 1994, two years before the United Nations was finally able to broker a peace agreement between the government and the guerrillas, Gerardi and ODHA launched a nationwide â€œproject for the recovery of historical memory.â€ Published just before Gerardiâ€™s murder, the four thick volumes of *Guatemala: Never Again* documented 30,000 deaths and disappearances, ninety percent of them by the army and other government security forces.

III
The usual suspects

Guatemala's Catholic clergy and its human rights groups have long enjoyed the reputation of David fighting Goliath. Goliath is the army because, until recently, its officer corps has been above the law. A few blocks from the rectory where Gerardi died was the presidential palace and the headquarters of the Presidential Military Staff (EMP). When Guatemala returned to civilian government in 1986, the EMP seemed to become

a Praetorian Guard, mounting operations without the knowledge of the civilian presidents it was supposed to serve. In 1998, as part of the peace accords, it was scheduled to be disbanded.

The guerrillas and the army had agreed to an amnesty for both sidesÂ as part of the peace deal. But human rights activists did not conceal their wish to prosecute army officers for village massacres. And so officers, or at least those with blood on their hands, had an obvious interest in intimidating them. What better way than to murder the head of the Catholic truth commission?

Following Gerardiâ€™s sudden and horrific end on the night of April 26, 1998, only rumors pointed in the army's direction. But this was only to be expected. Army operatives were notorious for their ability to set up deniable crime scenes, to make assassinations look like crimes of passion, suicides or robberies. So it was easy to believe that the armyâ€™s dreaded capacities for intrigue explained two of the caseâ€™s strangest features.

First, Bishop Gerardiâ€™s own parish assistant, Padre Mario Orantes, claimed to have been in his bedroom and oblivious as his housemate was murdered twenty meters away. Anyone other than a clergyman would immediately have been a prime suspect. But Orantes remained at large until luminol tests showed that blood or another organic substance had been mopped up in the corridor outside his bedroom door.

Second, the Gerardi case confounded the reputations of two successive presidential administrations. Sixteen months before the murder, President Alvaro ArzÃº (1996-2000) signed the peace agreement that formally ended the war. Until Gerardiâ€™s death ruined ArzÃºâ€™s reputation, his administration was arguably the most effective in a long time. The president and his political team were neoliberal businessman who had inherited their wealth and who wanted to be problem-solvers, not rightwing ideologues. It was ArzÃº who purged army hardliners because they were profiting from the war and opposed peace. It was ArzÃº who had just persuaded the United Nations to take Guatemala off its blacklist. International aid was pouring into the country.

Was this a president who would order a bishopâ€™s murder? No one seriously suspected ArzÃº himself. The question was instead: Without his knowledge, would his military staffâ€”men he had promoted for supporting the peace accordsâ€”set up a high-profile assassination for which they would probably be blamed? When the Gerardi investigation finally led to a trial and convictions, it was under ArzÃº's successor, President Alfonso Portillo (2000-2004). Portillo was the protegÃ© of EfrÃ¡in RÃos Montt, the retired general and former dictator who in 2013 would be briefly convicted of genocide. Oddly, while Portillo vowed to identify and prosecute Gerardiâ€™s murderers, it was under Portillo that the same army hardliners retired by the ArzÃº administration recovered their influence.

IV
Human rights victory or miscarriage of justice?

The Guatemalan judiciary is notoriously vulnerable to political pressure, most often from the executive branch, business interests and the army. So in the investigation of Gerardiâ€™s death, human rights groups, the Catholic Church and European and U.S. diplomats became a counter-lobby. Guatemalan prosecutors have so little budget and personnel that they can become heavily dependent on outside groups. In this case, Gerardiâ€™s own beloved ODHA played a central role in developing witnesses against three military menâ€”a father-and-son pair of army officers plus a sergeant. Volleys of threats against judges, prosecutors and witnesses seemed to confirm that the prosecution was on the right track. And so in 2001 the three soldiers were found guilty of â€œco-authorshipâ€ of the murder and sentenced to thirty years in prison. Padre

Orantesâ€"Gerardiâ€™s own parish assistant and housemateâ€"was found guilty of â€œcomplicityâ€ and sentenced to twenty years.

The human rights community celebrated the convictions of the three military men. Finally the courts were breaking the longstanding immunity of army officers from prosecution. Yet the evidence against the soldiers was sufficiently scant that none of the three were convicted of actually killing Gerardi. Then a pair of foreign journalistsâ€"one a correspondent for *Le Monde* and the other for Spainâ€™s *El PaÃs*â€"scandalized trial supporters and the human rights community with a withering review of the prosecutionâ€™s case. In a book called *QuiÃ©n MatÃ³ al Obispo?*Â (“Who Killed the Bishop?”),Â Maite Rico and Bertrand de la Grange argued that the three military men had been framed. Perhaps because Rico is Spanish and de la Grange French, they were not constrained by the reverential view of the Catholic Church that usually prevails in human rights circles.

Still, showing that the evidence against the three convicted soldiers was extremely weak was not the same as proving they were innocent or identifying who in fact killed Bishop Gerardi. And here is where things began to get very strange. According to Rico and de la Grange, Gerardi was murdered by:

> **(i)** a clandestine faction in the army's intelligence networks which wanted to discredit the ArzÃº administration, *and*
> **(ii)** a criminal gang led by the daughter of an influential Catholic priest, Monsignor EfraÃn HernÃ¡ndez.

To readers unfamiliar with Guatemala, this may sound like a plot from a bad *telenovela* (the soap operas which transfix so many Latin Americans). The daughter of a Catholic monsignor? Leading a criminal gang? Working with army operatives who wished to discredit the president? How could this be a persuasive theory of Gerardiâ€™s murder?

Yet ODHAâ€™s rebuttal of Rico and de la Grange was not very convincing. The job of defending its case against the three military men fell to Francisco Goldman, an American novelist whose mother is from Guatemala, who has spent considerable time there and who sometimes turns to journalism. In 1999 Goldman reported on the Gerardi investigation for the *New Yorker* and in 2007 he published *The Art of Political Murder: Who Killed the Bishop?* Unlike Rico and de la Grange, whose book has never been translated into English, Goldman is well-connected in New York. His book was widely and favorably reviewed. As a result, many American observers continue to view the conviction of the three military men as a victory for human rights.

Guatemalans are far more skeptical. Now a new, scrupulously careful review of the evidence has been published by a Guatemalan journalist. Julie LÃ³pez is best known for her fearless reporting on Guatemalaâ€™s drug wars, but she has been covering the Gerardi case from the beginning. Her *Gerardi: Muerte en el vecindario de Dios* (â€œDeath in Godâ€™s Neighborhoodâ€) guides readers through the gales of information and disinformation that came at prosecutors. Of the three books on the murder and the trial, it is the most up-to-date and respectful of the evidenceâ€"and of its limits. Of the three books, it is also the least willing to pound the gavel and solve the mystery.

This may mean that, of the three, it will be the least read outside Guatemala. If so, this is a pity. International human rights groups, with so many fish to fry all over the world, have long moved on from the Gerardi case. They should take another look.**Â**

V
Army hit or clerical scandal?

Bishop Gerardi was a man of culture and many jokes who minimized threats to his safety. He was seventy-five years old, but still a large man and not frail, when he returned from his usual Sunday dinner with his sister, parked his car in the rectory garage around 9:50 pm, and closed the garage door behind him. Judging from various bits of evidence summarized by Julie LÃ³pez, he was already aware that something was amiss inside the residence. By the time he reached Padre Orantesâ€™s bedroom, he had definitely seen something that he was not supposed to see, because there was an altercation and he was wounded on the left side of his face. Bleeding on his shirt and jacket, he retreated to his car and the driverâ€™s seat, only to be pulled out again and hit four times on his head with an object like a pipe.

By around 10 pm this hefty old man was face down on the garage floor but still very much alive. He was then half carried and half dragged next to another car. Here he was flipped over and, judging from blood spatter on the wall, attacked a third time. In this third attack the front of his face was destroyed and, about an hour later, he finally expired. There were at least two assailants. One was sufficiently sloppy to track blood into the kitchen with his Nike shoes, and sufficiently at ease to leave a half-eaten sandwich on the counter. In addition to the blood (or luminol evidence of same) in Padre Orantesâ€™ bedroom, along the corridors and in the garage, there were also bloodstains in an office and papers in disorder.

The rectory where this brutal killing occurred, although close to the presidential palace, was in a decrepit area populated by street gangs and homeless men. The indigents who slept in front of the garage door every night were immediate suspects, as was a young man whom two of the indigents said they had seen exiting the garage without a shirt.

The report of a nude male torso prompted speculation that Gerardi had stumbled upon a sex scene. His housemate Padre Orantes was rumored to be gay. In *The Art of Political Murder*, Frank Goldman speculates that a sexual affair may have opened the rectory to the killers. But Orantesâ€™ sex life has never been documented. Even if it existed, he was very familiar with the bishopâ€™s schedule, knew Gerardi would be coming home exactly when he did, and could easily have avoided such a confrontation. Whatever happened caught both housemates off-guard.

The report of a shirtless young man also bore an uncanny resemblance to the cover illustration of Gerardiâ€™s massive report, *Guatemala: Never Again*. It is a haunting angel-like figure with a nude torso who is calling out to the reader with cupped hands. The angel's wings are composed of hip-bones like the ones being dug out of clandestine cemeteries. Was the shirtless young man spotted coming out of the garage a cleverly veiled warning to all the human rights activists who wanted to put army officers on trial? Or did a killer simply exit the scene without his sweatshirt because, like the one found inside, it was stained with blood?

Padre Orantes received considerable attention in Goldmanâ€™s first reporting on the case, for the *New Yorker* in March 1999. To forensic experts, the extreme violence to Gerardiâ€™s face suggested a killer driven by personal hatred or high on drugs. Deepening suspicion of Padre Orantes was an odd clerical triangle. It consisted of Padre Oranteâ€™s patron, Msgr. EfraÃn HernÃ¡ndez; this figureâ€™s cook Imelda Escobar; and their unacknowledged daughter Ana LucÃa Escobar. Imelda had a reputation for stealing art from colonial churches; the innocent-looking Ana LucÃa ran with a gang which robbed homes and churches as well as stole cars.

Msgr. HernÃ¡ndez and his daughter were already at the rectory when first-responders arrived; they were

caught in several lies to investigators; and luminol tests showed that the crime scene had been altered by wiping up an organic substance along the corridor to Padre Orantesâ€™ bedroom. So it wasnâ€™t just Padre Orantes who had lots of explaining to doâ€”so did Msgr. HernÃ¡ndez. Even worse, as chancellor of the archdiocese, he was an important figure in the Catholic hierarchy.

Goldman reported all this in 1999â€”but in his book eight years later he dismissed it as a false trail, for reasons that are not completely convincing. Take the puncture wounds on Gerardiâ€™s hand and skull that the first Guatemalan prosecutors and a Spanish pathologist traced to Padre Oranteâ€™s excitable German shepherd. To destroy the pathologistâ€™s credibility, Goldman goes over every misstep in the manâ€™s career. Â So what?

The German shepherd is still the most likely source of the puncture wounds on Gerardiâ€™s ear and hand, as if he was trying to protect his face from an attack. But as the investigation narrowed to Padre Orantes and his dog, as well as to Msgr. HernÃ¡ndez and his daughter, Guatemalaâ€™s Catholic hierarchy cried foul. Obviously two of its clergymen were being set up to take the blame for a carefully disguised army assassination. The armyâ€™s reputation was so bad that many Guatemalans and foreigners were swayed by this argument.

In the end, Msgr. HernÃ¡ndez and his daughter were let off the hook by changes in the prosecution team, then by the defeat of President ArzÃºâ€™s political party in the 1999 election and the arrival of the Portillo administration. The monsignor and his daughter were also let off the hook by Goldman; his 2007 book is an extended defense of the â€œUntouchablesâ€â€”the ODHA investigators who he courted during the investigation and who went on to build the case against the three military men.

VI
The key prosecution witness

The night that Gerardi died, the only evidence of army involvement consisted of three presidential military staffers in the crowd who flocked to the crime scene. The three included an EMP photographer who tried to deny his affiliation. Since the rectory was within the security perimeter of the presidential palace, its military staff had every right to be there, but by this stage in Guatemalan history, neither army officers nor human rights activists had any reason to trust each other.

One of many rumors reaching ODHA was that a retired colonel and hardliner, Colonel Byron Lima Estrada, had sworn vengeance against the bishop in a meeting with other retirees. The information came from a Guatemalan human rights activist who heard it from her mother who heard it from her sister who was married to Colonel Lima. This was just hearsay, like most of the information reaching investigators. But it was taken seriously because Colonel Lima was the father of an EMP staffer, Captain Byron Lima Oliva, who had worked in the EMPâ€™s secret anti-kidnapping unit and who was now serving as President ArzÃºâ€™s aide-de-camp.

In a confusing incident fourteen months before, Captain Lima had interposed his horse between the First Lady and a motor vehicle careening into a presidential riding party. The man driving the vehicle failed to obey an order to stop, but was apparently trying to turn around and beat a retreat, when he was interpreted as an assassin and shot to death by another presidential security guard, Sergeant Obdulio Villanueva. The suspected assassin turned out to be a drunken milkman with a history of aiming his vehicle at a local horseman with whom he was feuding. Captain Lima and Sergeant Villanueva were commended for bravery, but ODHA decided the killing was a murder by state security forces. So it persuaded the Guatemalan

judiciary to convict Villanueva of manslaughter, thanks to which he was in prison (or at least supposed to be in prison) the night Gerardi was killed.

These, then, were the three military suspects. Two were members of President ArzÃºâ€™s military staff, on whom ODHA and government prosecutors were already focusing when the ArzÃº administration was replaced by the Portillo administration. Unfortunately, there were no witnesses that either of the Limas or Villanueva had been at the rectory the night Gerardi died.

Typical of the straws grasped by the prosecution was a P-3201 license plate, the digits indicating government ownership, which a taxi driver supposedly had spotted on a vehicle outside the rectory. The number was traced to the Chiquimula army base which Colonel Lima had commanded ten years before. Now the license plate was held to demonstrate Colonel Limaâ€™s presence on the night of the crimeâ€”as if army hit squads drove up in vehicles with traceable government license plates.

The lack of witnesses at the rectory was no surprise because few Guatemalans in their right mind will admit to witnessing a murder. Theyâ€™re afraid they will be the next victim, of the killer or his accomplices, and with good reason. Few murders in Guatemala lead to convictions. Even when they do, witnesses sometimes pay with their lives.

The only witness who put the three military men at the scene of the crime, Julie LÃ³pez explains, was a homeless car washer named RubÃ©n Chanax. Chanax was one of seven or so men sleeping outside the rectory, and one of only two who were sober enough to remember anything. In his initial declarations, Chanax said that a shirtless young man with a military-style haircut stepped out of the pedestrian door in the garage door and walked away. Minutes later, the youth reappeared, buttoning a shirt, and asked another indigent to sell him two cigarettes.

VII
Which version do you prefer?

But this was just the first of more than a dozen versions from Chanax. The most obvious problem with his testimony is how it grew to accommodate every new stage in the prosecutionâ€™s theory. At first Chanax remembered little more than the young man stepping through the door. Soon he was in protective custody and, as the spotlight of suspicion fell on the two Limas and Sergeant Villanueva, Chanax brought them into his story as well. His successive revelations according to Frank Goldman:

> â€¢the morning before the murder, Sergeant Villanueva ordered him not to hang around the area at ten at night, despite which he was there at ten;
> â€¢now he could identify the shirtless man, who worked for the EMP and was known as Hugo;
> â€¢Captain Lima and Sergeant Villanueva drove up in a Cherokee jeep with the P-3201 license plate, video-taped the body and rearranged it;
> â€¢Captain Lima and Sergeant Villanueva ordered him to help them rearrange the body, after which he ran away and hid, but only briefly before returning to his position in front of the garage door and going back to sleep;
> â€¢Just before the murder, he spotted Colonel Lima (that is, the father) drinking a beer in front of a nearby store along with two men he didnâ€™t recognize;
> â€¢Colonel Lima had contracted him as an informer for army intelligence two years earlier.

Following conviction of the three soldiers, according to Goldmanâ€™s account, Chanax further revealed

that:

> â€¢The second of the three men he saw drinking beer the night of the murder was former EMP head General Otto PÃ©rez Molina (who, that particular night, was enrolled at the Inter-American War College in Washington, D.C.);
> â€¢the day before Gerardiâ€™s murder, he met with Colonel Lima and Padre Orantes to plan the operation; and
> â€¢he had been paid to confuse the prosecution all along.

As for other prosecution witnesses, one was a jailhouse informant who swore that Sergeant Villanueva was not in prison on the day of Gerardiâ€™s death. The court decided to take his word over that of the prison records, officials, and cellmates who documented Villanueva as a fulltime prisoner.

Another prosecution witness was an EMP enlisted man who claimed to have witnessed incriminating movements on the night of the murderâ€”except that months earlier he had been demoted from the EMP for selling food from the presidential larder. Neither of these witnesses was cross-examined by lawyers for the defense because, after giving their testimony, they were whisked off to foreign countries with witness-protection visas.

Chanax was a former soldier, so itâ€™s conceivable an army officer would hire him as an informer. But why would an army hit squad rely on an indigent blabbermouth for a high-profile assassination, then let him shift for himself until investigators put him into protective custody?

Few Guatemalans put much faith in Chanax or the verdict. They didnâ€™t think that, if the accused included a Catholic priest, the Catholic agency ODHA should have played a central role in the prosecution. Among the many Guatemalans dissatisfied with the verdict were, ironically, the prosecution and ODHA. They announced that the material and intellectual authors of the crime were still at large. A decade later they were still investigating ex-president ArzÃºâ€™s military staffers.

VIII
So who killed Bishop Gerardi?

The most elegant solution is still the one proposed by Rico and de la Grange. Dismissing Padre Orantesâ€™ alleged homosexuality, they focus on Msgr. HernÃ¡ndezâ€™s daughter and her friends. Ana LucÃa Escobarâ€™s associates suffered an interesting rash of fatalities following Gerardiâ€™s death. According to a survivor, she and her cohorts were lured to the rectory by a rumor that was both planted and falseâ€”that the bishop had received a large cash donation from a foreign country and that he would be absent that night. When Gerardi came home, he confronted the intruders, with Padre Orantes unhappily in the middle, and Ana LucÃaâ€™s boyfriendâ€”prone to rage when high on crackâ€”stomped on his face.

Based on other lines of evidence, Rico and de la Grange argue that Ana LucÃa and her gang were set up for the crime by a clandestine network of cashiered army officers who were angry with President ArzÃº for purging them, and who then duped ODHA and prosecutors into focusing on three army fall-guys. It was this clandestine network which planted the idea that cash was stashed at the rectory, that Gerardi would be gone, and that his housemate Orantes would be vulnerable to extortion.

In particular Rico and de la Grange point to three retired officers who became advisers to the next presidentâ€”General Francisco Ortega Menaldo, Colonel Jacobo Esdras SalÃ¡n SÃ¡nchez, and Colonel NapoleÃ³n

Rojas MÃ©ndez. Unfortunately for this theory, Rico and de la Grangeâ€™s pathway to these figures is hypothetical. And one of their key informants on Ana LucÃa Escobar is anonymous.

Like Frank Goldman and myself, Rico and de la Grange assume that it will be possible to establish exactly who killed Bishop Gerardiâ€”perhaps not right now, but eventually. Itâ€™s no coincidence that the four of us are foreigners; Guatemalans are less likely to assume that the killers will ever be identified. Julie LÃ³pez is in this latter camp. She agrees with Rico and de la Grange that the murderers were not professional killers. Professionals would not have tried to mop up blood that they knew could be detected by luminol. Nor would they have left behind obvious clues such as Nike footprints in blood. Professional killers who wanted to confuse the crime scene would have done a much better job.

Like Goldman, LÃ³pez is very attentive to inconsistencies in EMP testimony, and so she suspects that presidential military staffers were involved on the fatal nightâ€”but probably in a cover-up of the murder rather than the murder itself. She thinks the murder was unplanned and happened for reasons that may never be confirmed. Various robbery scenarios, including the one proposed by Rico and de la Grange, are possible. So is a rumored but never-proven fracas involving President ArzÃºâ€™s son Diego, a friend of Padre Orantes, which might explain why Captain Lima was brought into the picture. But if so, Captain Lima would be a clean-up man for an unplanned murder, and on such short notice that he would have been unable to do a good job.

Even if no one in the army or politics planned Gerardiâ€™s death, LÃ³pez points out, it gave cashiered army officers a golden opportunity to get even with the ArzÃº administration and its military staff.

IX
The army, but which faction?

Human rights activism is most important and difficult when it occurs in the absence of reliable judiciaries. Human rights groups must evaluate conflicting information, decide who is believable, choose sides and publish denunciations â€“ almost always before these can be tested in court, or at least a court with much credibility. Courts digest probabilities but pronounce categoricalsâ€”guilty or innocent. Deciding whom to believe is therefore central, but in Guatemala this issue has seemed deceptively simple because the army is such an international pariah.

The army dominated political life from the 1960s to the 1990s. Together with other security forces, it was responsible for a large majority of political killingâ€”ODHAâ€™s estimate of ninety percent is a reasonable one. The army's victims included more than twenty Catholic clergy. Even though a few were guerrilla combatants at the time, the Catholic hierarchy has far more credibility, not just with human rights groups, but with the foreign governments who provide credits and hold Guatemala's mortgage to the international financial system.

Without the Catholic Church and human rights groups, and the diplomatic pressure they were able to solicit from Europe and the U.S., the three military men might never have been put on trial. And yet, had the two Limas and Sergeant Villanueva been prosecuted in the U.S. or any European country, the witnesses against them would have been cross-examined by defense lawyers. Nor would any U.S. or European court have taken Chanax as seriously as the Guatemalan court did.

The Guatemalan officer corps is such a murky subject, surrounded by so much rumor and dread, that opponents can project their paranoia into it without fear of refutation. For so long, after all, paranoia about

the Guatemalan army wasnâ€™t necessarily paranoid. And so human rights activists became accustomed to blaming the army for a wide range of strife. When a market crowd of Mayan Indians in the rural highlands kills a tourist as a suspected organ-snatcher, the army's secret hand is at work. When Mayan mobs soak criminal suspects with gasoline and set them on fire, the army must be to blame for that too. And it must be to blame for the extortionists who, from 2006 to 2010, killed more than 800 bus drivers and fare-collectors for failing to pay protection money.

Even sophisticated analysts refer helplessly to the "hidden powers" that turn the Guatemalan state into a shelter for organized crime, siphon off government revenues, and hamstring criminal investigations. Retired army officers have indeed hooked up with Colombian and Mexican drug cartels moving their product north. Yet because the national police are so corrupt and ineffectual, many Guatemalans think that only the army has the credible force needed to fight the postwar crime wave that, by some measures, takes more lives than the war did.

Human rights groups have long recognized factions in the officer corps, then minimized their significance. They are reluctant to acknowledge that one army faction might be preferable to another. The usual human rights view of the army is that it is like a rotten police precinct. If no one in the precinct will cooperate with an investigation, then all members of the precinct must be complicit.

The actual picture is more complicated because army factions have long conspired against each other, not just against external enemies. Like members of any institution, army officers are reluctant to make public accusations against their peers. But they often have only a dim idea of what other factions in the officer corps are up to. And so suspicion rules the roost, giving rise to the culture of the *anÃ³nimoâ€"*the anonymous denunciations that singled out the two Limas and Sergeant Villanueva with such awful results.

Army factionalism complicates the question of why Gerardi was killed. To intimidate activists and investigators is the reason presumed by the human rights community. If die-hard officers can kill a bishop and get away with it, they can kill anyone. But if such individuals planned Gerardiâ€™s death, they did not just succeed in intimidating human rights activists. If we ask who, in a broader political sense, was hurt by the crime and who benefittedâ€"the guiding question in Rico and de la Grangeâ€™s investigation–it was also a sharp blow to the reformist ArzÃº administration. And it yielded a bountiful harvest for the rightwing populist Guatemalan Republican Front (FRG), which brought Alfonso Portillo to power (2000-2004).

X
Whatâ€™s the most important human rights issue in Guatemala today?

Seven years after Gerardiâ€™s death, in 2004, a new Guatemalan administration, led by many of the same neoliberal politicians who served in the ArzÃº administration, carried out an important provision of the peace accord by chopping the army in half, to 17,500 members. The political capital for this important step was generated by the spectacular corruption of the FRG administration led by President Portillo. After it was voted out of office, some of its leading figures ended up in the same prison wing as Padre Orantes. Ex-president Portillo became a fugitive from justice and is currently incarcerated in New York on charges of money laundering. Padre Orantes has been released for good behavior; Colonel Lima has been released for old age; only Captain Lima is still in prison. As for Sergeant Villanueva, he was attacked by fellow prisoners and beheaded.

More than one lesson can be drawn from this terrible story. One is that outsidersâ€™ monolithic views of the army can make it easier for criminal officers to set up other officers as scapegoats. That Chanaxâ€™s

testimony became the pivot of the prosecutionâ€™s case shows how much politics weighed in the trial outcome. This was a crime that could not go unpunished!

And so the Catholic hierarchy, foreign diplomats, human rights groups, and different army factions jumped into the fray. Once the three military men had been indicted, a guilty verdict was the only acceptable outcome even though there was no hard evidence they were at the scene of the crime. Of the three church-connected people who were definitely at the scene of the crime and manifestly not telling the truth, only oneâ€”Padre Orantesâ€”paid the consequences.

The conundrums of the Gerardi case mirror a shift in the challenges facing the human rights movement worldwide. A human rights violation is an act of commission or omission by the state. Human rights activists have always seen their fundamental mission to be stopping strong-arm regimes from jailing or killing political opponents. Time and again, however, from Guatemala to South Africa, activists learn that ordinary citizens are less interested in protecting civil liberties than obtaining law-and-order crackdowns on criminals whom they view as a more serious threat to their personal security. What these citizens want is more state authority, not less. And one of the places they are likely to seek itâ€”however paradoxical or perverse this might seem to outsidersâ€”is the army.

So is the most important human rights issue facing Guatemalans *still* the army? Or is the most important human rights issue in 2014 the lack of state authority, and the resulting rampant criminality and corruption– which then pressures so many Guatemalans to look to the army as the only guarantor of stability? According to survey research, seven months after the May 2013 genocide conviction of the former 1980s dictator General EfraÃn RÃos Montt, 81% of Guatemalans thought the army was doing a good jobâ€”6% more than before the trial (*Prensa Libre,* January 16, 2014).

True, most of this seemingly exalted status could be due to the low regard in which Guatemalans hold their police and courts. Nor are opinion polls an argument against putting military men on trial for the war crimes of the 1980s. Even if the genocide conviction of RÃos Montt was quickly overturned, it had an impact on how Guatemalans view their history. There will be quite an audience for future trials. But for most Guatemalans today, the war crimes of the 1980s pale in comparison with the dangers they face from extortionists and kidnappers, few of whom are in uniform.

If we assume that Guatemalaâ€™s crime-wave today is just another manifestation of the armyâ€™s limitless capacity for conspiracy, we are downplaying the forces of disorder and order that operate among ordinary Guatemalans. The insistence that evil comes directed from on high, that it can be vanquished by just the right application of pressure from abroad, is analogous to another recent misadventure by high-minded foreigners. Prior to the invasion of Afghanistan and Iraq, the Bush administration downplayed the potential for chaos in these two countries and overestimated its ability to implant the rule of law. In such cases, and in others such as the Ukraine, it is all too easy for strong-headed foreigners to bask in their own moral certainties rather than acknowledge the limits of their knowledge and their solutions.

In Guatemala, the nagging question of â€˜Who killed the bishopâ€™ has become a mirrorâ€”or perhaps a political Rorschach testâ€”for how one defines the challenge of law and order. Frank Goldman looks in the mirror and sees the â€œart of political murder.â€ In that case, Msgr. Gerardi was the victim of a superbly efficient army killing machineâ€”and in that case Guatemala has not changed much from the darkest days of the 1980s.

For Maite Rico and Bertrand de la Grange, the mirror shows that Gerardi succumbed to a particular army

factionâ€™s skill in exploiting the private lives of Catholic clerics. This faction then fooled the human rights movement into withdrawing its support from a relatively responsible administration, one that was more or less committed to the peace accords, and implicitly giving its support to an administration that wrecked the peace accords.

For Julie LÃ³pez, finally, the assassination of Msgr. Gerardi is an x-ray into the bottomless intrigue of Guatemalan political life. But not an x-ray that tells us who killed him. Or why.

Not surprisingly, it is LÃ³pez who lives in Guatemala.

(David Stoll is an anthropologist who teaches at Middlebury College; he has conducted field work in the Guatemalan highlands for several decades. His most recent book is El Norte or Bust! How Migration Fever and Microcredit Produced a Financial Crash in a Latin American Town.)

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