

**An Opportunity in Guatemala: Deciding the Ríos Montt Case** International Crisis Group 10 April 2013

A historic case is unfolding in a Guatemalan courtroom: the trial of former military president José Efraín Ríos Montt on charges of genocide and crimes against humanity. The case sets a precedent not only in a nation whose justice system has barely begun to investigate abuses committed during the 1960-1996 armed conflict, but also internationally. This is the first time an ex-head of state has faced genocide charges before a national rather than an international court and is a key test of judicial independence for a still fragile democracy.

Crisis Group's Guatemala Project has been attending the trial. We spoke with Senior Analyst Mary Speck about the case and its significance for Guatemala's justice system.

***Q: What exactly are the charges against Ríos Montt?***

Prosecutors accuse General Ríos Montt of ordering counter-insurgency operations that resulted in the deaths of at least 1,771 people from Maya-Ixil communities in the north-western department of Quiché, as well as many rapes and torture and the forced displacement of some 29,000. They argue that Ríos Montt and his military intelligence director, José Mauricio Rodríguez Sánchez, who faces the same charges, targeted indigenous villages for destruction, burning homes and crops and killing and brutalising men, women and children in a scorched-earth campaign against leftist guerrillas.

These massacres not only were crimes against humanity, prosecutors say, they also were genocide, a crime incorporated into Guatemalan law after ratification of the 1948 UN convention. According to the indictment, Ríos Montt is responsible for authorising and implementing military operations that defined the Maya-Ixil population as the "internal enemy" and thus targeted the entire group for elimination. Conviction on the genocide charge alone could mean 30 or more years in prison. (...)

***Q: Why is this trial only taking place seventeen years after the peace accords that ended the conflict?***

Ríos Montt was a member of the Congress for nearly twenty years, including several terms as its president, so had immunity from prosecution. (...)

Two other changes helped bring the case to trial. In 2009, Congress approved legal reforms proposed by the UN-sponsored Commission Against Impunity in Guatemala (CICIG), including the creation of “high risk courts” to provide extra security for judges, prosecutors and witnesses. And at the end of 2010, Claudia Paz y Paz, a human rights lawyer, became attorney general. (...)

***Q: What is the reaction among the Guatemalan public?***

The media are covering the trial, but not in great detail. Relatively few Guatemalans are hearing the witness testimony. This is the first time many of the now elderly victims – who address the court in their native Ixil through interpreters – have recounted these atrocities in public.

There have been a few small demonstrations outside the palace of justice, where human rights activists have put up a quilt with the names of victims. Army supporters have protested the proceedings with signs denying there was genocide and accusing the guerrillas of terrorism. But by and large the response is muted. That could change, of course, after the verdict, expected by the end of April.

***Q: What are the implications for Guatemalan democracy and its justice system?***

This trial is hugely important, both for the victims and for a country that still has not reached consensus over what happened during the armed conflict and why. But it is not the only measure of progress in Guatemala. Last year, five soldiers were convicted for the massacre of some 200 people in the village of Dos Erres in northern Guatemala. (Ríos Montt faces a separate trial for that massacre.)

Genocide is hard to prove; the court could conclude that prosecutors failed to show that Ríos Montt and Rodríguez planned and/or ordered the extermination of Maya-Ixil communities. A separate result is possible on the charges of crimes against humanity. No matter what the specific judgment is, it is important that all respect the judicial process, even if not satisfied by the results.

The key question is whether Guatemalans trust courts to rule impartially on a conflict that inflicted such horrible losses. Many appear to believe there is no justice in their country, that most police, prosecutors and the courts are intimidated or corrupted. This case may help prove them wrong.

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