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History on hold for victims of Guatemalan genocide

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Guatemala's former military ruler Efraín Ríos Montt was the first in the continent to face genocide charges in court.

But the historic process is now in jeopardy. According to press reports, the Central American country's Constitutional Court is considering granting him an amnesty. The move could see him cleared of all charges and free from facing trial ever again. Amnesties are a tragedy for victims as they block truth, justice and reparation.

Juan Francisco Soto knew he was watching history in the making as he saw the retired General sitting in the door of a packed courtroom in May. He was on trial at last for the killing of nearly 2,000 people.

"I thought that justice had taken a long time but that it had finally arrived. Ríos Montt had to face justice, listen to each victim describe what he had ordered be carried out. It was very important for the victims and for all the population to know that no one is untouchable," Juan Francisco told Amnesty International.

Following the trial, in May this year the court ruled that the former dictator was guilty of genocide after ordering the killing of 1,771 Ixil indigenous people. He was sentenced to 80 years in prison in a historic ruling.

But hopes for justice were crushed when, only 10 days later, the Constitutional Court overturned the verdict based on a technicality. The ruling called for the proceedings to be set back to the day, near the end of the trial, when Ríos Montt's defence lawyers walked out of the court room.

Human rights organizations are pressing for the trial to re-start as early as April 2014. But what will happen, and whether justice will be done, is still unclear as events continue to rapidly change.

'Extermination'

Efraín Ríos Montt ruled Guatemala between 1982 and 1983, one of the bloodiest periods of the country's 36-year-long internal armed conflict, which ended in 1996.

Tens of thousands of people were massacred, raped and disappeared during the conflict, among them 1,771 Ixil people whose killings were covered in the Ríos Montt trial.

Months after the conflict ended, the Centre for Legal Action in Human Rights (CALDH), where Juan Francisco works, approached Ixil survivors to help them take those responsible, including Ríos Montt, to the courts.

The strategy, Juan Francisco explains, was to ensure that those at top of the chain of command do not evade justice.

"What happened in Guatemala was so huge: 200,000 dead, 45,000 missing, a million displaced. It is practically impossible to take everything through the courts or to find a judicial system capable of dealing with that number of human rights violations. This is where the issue of strategic litigation comes into play."

"The Ríos Montt period was short but with a terrible level of human rights violations, with a very high

human cost. At least five per cent of the Ixil population were killed in those 20 months. It was an extermination.”

‘Never again’

Juan Francisco got involved with human rights organizations when the internal armed conflict in Guatemala had ended and reports emerged of the terrible abuses that had taken place.

“At the beginning when I was listening to the cases I was surprised. You can never imagine that this could happen, that a human being is capable of doing this. But then, with time, you see the reality and decide that you have to do something to change the situation,” he explains.

Despite the overwhelming testimony from survivors and evidence of abuses – including the mass graves that were found and exhumed across the country -- bringing those responsible to justice proved an incredible challenge.

“We were able to bring some cases to justice, although it has been very difficult. The judicial system in Guatemala owes the victims an enormous debt. Victims have been waiting for justice for over 30 years and say they are willing to wait, no matter how long it takes. They want to know this will not happen again,”

For those who have had the courage and strength to testify against Ríos Montt, the question will they ever see justice done?