

Genocide Denial in Guatemala

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Guatemala's Constitutional Court has overturned the Ríos Montt guilty verdict of May 10th, setting the legal proceedings back to April 19th - after the evidence was presented but before Ríos Montt was declared guilty. The 3 to 2 decision relies on a technicality brought into play when Ríos Montt's lawyers walked out of the court leaving him temporarily without representation. The New York Times reporting suggests the business federation, Cacif, brought extreme pressure to bear on the Constitutional Court.

The highest court's nullification of the guilty verdict diminishes neither its truth nor effect, but undermines the ability of a nation's courts to deal with its own mass atrocities. Because this crime of genocide is a crime of policy, approved by President Reagan among others, it is an inconvenient atrocity for Washington and for business. International public opinion may simply reject the impunity of legal manoeuvres used to cover the crime so far. Because the arrogance of the privileged appears to be un-teachable - a genocide warning continues for Guatemala's Mayan Indians.



The Guatemalan people are locked in a struggle for very basic human rights. On one side is the oligarchy, its former Kaibiles[1] President Molina, his Kaibiles appointees, the military which serves them, the U.S. underwriting which trained, armed and advised them, the U.S. corporations which employ them, the mining interests which enrich them, the European traditions which nurture them, and the old order of terror they once ruled by under the veneer of privilege.

On the other is a standard of what human beings must not do to each other. It is the people struggling to assert a norm shredded and manipulated since the U.S. takeover in 1954, balancing the madness of psychotic rulers with the people's right to live their daily lives without being murdered.

There are so many guilty, trained into lethal madness by **the School of the Americas**. The

atrocities by the Guatemalan military as commanded by Ríos Montt presents a group and cumulative crime so overwhelming, and conclusively single-minded in denying the humanity of Ixil Indians, as well as dissidents, labour leaders, and leftists, that the crime was recognized globally, as genocide. After the guilty verdict Guatemalan President Molina, implicated in the conviction of Ríos Montt, publicly denied that the military agenda to massacre hundreds of thousands of Ixil Indians was a genocide.

The elite found the guilty verdict outrageous, putting forth numerous legal cases, procedural points as objections, threatening and publicly defaming Judge Jasmin Barrios, and proceeding with no humility before the crime which speaks for them. It is as if Ríos Montt's supporters, the elite, the military, their defence lawyers, and business interests have no comprehension of the inhumanity of what provably happened, of the meaning of the charges themselves, of the ultimate meaning of the tribunal court's judgement, which can't be contained by the Constitutional Court, or the Guatemalan oligarchy or its mentors throughout the world whose objections show no contrition, humility or shame.



Tangled finally in a justice system of its own making the elite has lost its balance, as if atrocities are only a matter of spitting on the street. As if the thousands of individual lives and irreparable suffering and the lifelong fear brought on the Ixil people and those who believed in the basic rights of human beings, are of no concern to privilege. Historically, this separation of those in service to the rulers, from the victim group they would continue to strip of human value, becomes terminal.

Warning of the Constitutional court decision was offered by Mary Anastasia O'Grady, editor and writer for the Wall Street Journal who prepared business readers for a genocide denial by the Constitutional Court, with her own, upholding defence testimony to purvey the crime as a military tactic required by resistance infiltration, while the trial itself is belittled as a "leftist" way to get back ("The Left's Cold War Revenge in Guatemala," May 19, 2013, Wall Street Journal). With remarkable lack of concern for the murdered, Ms. O'Grady found the U.N.'s "so-called-human-rights experts" who approved the verdict "also come from places like China, Cuba and Syria."

While the genocide under Ríos Montt may pre-date current direct authority of the International Criminal Court, impeding a genocide trial or obstructing the result of its verdict after Guatemala's accession to the Rome Statute, may not. Rationally, Guatemala's Constitutional Court risks contemporary complicity in the crime by overturning a verdict on the grounds of a staged technicality. It isn't likely the world's signatories will suddenly honour the Convention on Genocide, by charging the court's justices, because most world leaders participate in the same elite.

The Constitutional Court's decision places Guatemala's human rights community, judges, witnesses, and entire legal system at risk. So far, North American prevention-of-genocide organizations, the strongly funded and corporate NGO's, have shown no overt support for Guatemala's judges who dared faithfulness to the Convention on Genocide. North American anti-genocide mechanisms should be assuring the safety of the justices and prosecutors, human rights workers and witnesses, and their families currently under threat of a violence taught Guatemalan society by Kaibiles atrocities. Guatemala should be monitored by the International Criminal Court for any current encouragements to genocide against the Mayan

population.

During the trial four Xinca Indian leaders opposed to a Canadian Tahoe Resources Mining project were abducted March 17th and one of them murdered. President Molina gathered a substantial military force to protect the San Rafael Region Tahoe Resources mine from protesters. A soldier was killed. Troops were dispersed after tape recorded evidence was provided of the mining security chief, Alberto Rotondo, giving orders to kill native protestors. He was subsequently arrested trying to leave the country. Tahoe Resources of Canada, partially owned by Goldcorp Canada, has offices in Vancouver B.C. and Reno Nevada.

The Guatemalan oligarchy is not an isolated or singular elite. The United States is directly challenged by war crimes trials in the Americas since the crimes are often committed under the covert influence of American advisors. The worst atrocities have become a signature of training by the School of the Americas (WHINSEC). Court cases in Argentina, Chile and Guatemala so far have stopped short of the inevitable next step which is to call the U.S. government to account.

In Argentina the elite's former dictator **Jorge Rafael Videla** was recently returned to trial among 25 charged with the excesses of Operation Condor, a multi-government effort to kill dissidents, communists, trade unionists, wherever they were, in a program with some parallels to U.S. policies in the current "war on terror."



Videla was previously imprisoned for life by his country's courts due to atrocities / war crimes, then pardoned, then charged and convicted for his policy of kidnapping children of his murdered prisoners and raising them in a manner the Argentine elite deemed proper. After a recent court appearance Videla called the trial illegal, much as Ríos Montt has in Guatemala, and threatened Argentina with a military uprising if the trial continued.

Yet the Operation Condor trial in Argentina has resumed despite the inherent obstacles, and among them: the U.S. provided military assistance to all the countries involved in Operation Condor; the proceedings fell from international news pages as Francis of Argentina became the new Pope and King Willem-Alexander of the Netherlands was crowned; the wife of the new King is from Argentina's elite and her father's service to the Videla dictatorship both as a junior minister and from 1979 to 1981 as Videla's Minister of Agriculture, proves an ongoing embarrassment. There is an unset compound fracture at the interface with a regime where privilege claims the right to atrocity. On May 17, Videla is reported to have died in prison of natural causes.

Within this context, Efraim Ríos Montt has been well cared for by the Guatemalan people. A

victor's military court would have shot him after conviction. A Nuremberg court would have had him hung. The restraint of those in Guatemala who are not of the elite is admirable and should assure honour and safety to all who have attempted justice through law. Beyond the oligarchy's understanding they want justice rather than revenge, and they teach endurance until justice is done, as we consider the crimes of our own elites.

Note

[1]The Kaibiles are an elite Guatemalan commando unit known for extremes of atrocity and degradation of their victims.

Partial online sources for this article:

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