



The Genocide Retrial

The retrial of the Ixil people's genocide case, which occurred during the internal armed conflict, began on March 16, 2016. In May 2013, the Constitutional Court arbitrarily annulled the first trial against the former Head of State Efraín Ríos Montt and the former head of Intelligence José Mauricio Rodríguez Sánchez, arguing that procedural errors had taken place during the first debate.

However, the hearings for the second trial were blocked on May 4, 2016, by an appeal filed by the victims' representatives and by defense lawyers, who argued that Ríos Montt y Rodríguez Sánchez should be tried separately. Ríos Montt should be judged in a closed-door trial "for the exclusive provision of safety measures" due to his senile dementia. Meanwhile, Rodríguez Sánchez should face a public trial because he was in good health.

On May 18, 2017, the Constitutional Court adjudicated the separation of both trials when it stated that: *"...the criminal case against the person who has been declared incompetent ... shall be processed specifically by trial for the exclusive application of security and corrective measures, independently of any other trial ...*

*even though there may be more defendants in the same case"*¹.

In consequence, on October 13, 2017, hearings were recommenced separately. The Ríos Montt's trial takes place behind closed doors on Friday mornings and the Rodríguez Sánchez case is tried in public that same day, in the afternoon. Both cases are tried by the Court of Major Risk B.

Court B is integrated by judges María Eugenia Castellanos Cruz (President), Sara Griselda Yoc Yoc and Jaime Delmar González Marín. The latter, who is an interim judge of the Secretariat of the Supreme Court (CSJ by its Spanish initials), was called to join the Court after judge Irma Jeannette Valdés Rodas, who originally presided judiciary, was recused by Ríos Montt's defense because she had written a masters' thesis on the best criteria for a better adjudication in a case of genocide².

Between October and November hearings have taken place once a week because all three

¹ CC. File 2234-2016, resolution of May 18, 2017, page 18.

² Plaza Pública. "Judge Valdés wrote her master's thesis on the genocide", 24/06/2013, <https://www.plazapublica.com.gt/content/la-juez-valdes-escribio-su-tesis-de-maestria-sobre-el-genocidio>.

judges belong to different courts and are trying other penal cases. Recently, judge Sara Griselda Yoc Yoc was appointed presiding judge of Major Risk Court D. However, daily hearings have been schedule from December 20th until January 5, 2018.

Eight hearings have taken place until now³; there was a gap of two weeks between the first two. Around 15 witnesses and an expert from the Forensic Anthropology Foundation (FAFG, for its initials in Spanish) have given statements at the public trial, around 10 documents have been incorporated, of which the following stand out: The Counterinsurgent War Manual, Campaign Plan Victoria 82, the Fénix instructional manual pertaining to the functions of the Military Chief of Staff Department, the document titled “Review of Civilian Matters (G-5) for the Ixil Area” which is part of a Military Magazine of 1982, and the document titled “Ixil Operation. Civilian Matters Plan for the Ixil Area,” published in a Military Magazine of 1983.

It is important to remember that during the first trial in 2013, 102 witnesses and 57 experts gave statements, 760 documents were incorporated, and other evidence such as videos and ballistic evidence was presented. The perpetration of 15 indiscriminate massacres, the murder of 644 people, and the rape of 12 women were proven during the first trial, among other horrific actions perpetrated against the Ixil population. Therefore, given the pace of the hearings currently, it is estimated that the trial could last until June 2018.

In the hearings that have taken place up to now, witnesses and survivors have described the massacres perpetrated by the Military, the death of their relatives and how they took refuge in the mountains to escape the

repression. One of the witnesses narrated how the Military killed a 10-month-old baby.

They have also explained that men from the community were forced to join the Civilian Self-Defense Patrols (PAC, by its Spanish initials) and to burn the maize fields of their neighbors, who had abandoned their homes due to constant harassment by the Military.

Survivors and relatives of the victims, representatives of the Association for Justice and Reconciliation (AJR, for its Spanish initials), the Center for Legal Action in Human Rights (CALDH, for its Spanish initials) and lawyers from the Human Rights Law Office, have participated in the hearings. Furthermore, the Human Rights Procurer, representatives from the Office of the High Commissioner of Human Rights, human rights activists and national and international support organizations have also attended.

It is expected that a group of women victims of sexual violence will testify in the upcoming hearings. Public hearings of the Rodríguez Sánchez trial are broadcast live and can be viewed through the following blog www.paraqueseconozca.blogspot.

Photos: Cristina Chiquín, Mujeres Ixchel, Udefegua.

³ Dated October 13 and 27, and December 3, 10, 17, 24, 1 and 8.