



The Genocide Trial against the Former Head of Intelligence of Guatemala Enters its Final Phase

After two and a half years, the trial for genocide against the former head of military intelligence, Mauricio Rodríguez Sánchez, has reached its final phase. The Court of High Risk “B” of Guatemala will issue the sentence in the coming days.

Rodríguez Sánchez faces charges of genocide and crimes against humanity against the indigenous Ixil people of Northern Guatemala, perpetrated while he was head of military intelligence under Ríos Montt dictatorship from 1982 to 1983.

This trial began on 16 March 2016, but, due to a series of appellations and incidents, the process was extended for over 30 months. This is one of the largest trials in the history of Guatemala.

It is important to remember that on 10 May 2013, the Court of High Risk “A” sentenced Ríos Montt to 80 years in prison for genocide and crimes against humanity and absolved Rodríguez Sánchez. However, 10 days later, the

Constitutional Court ordered a retrial due to procedural problems.

In April 2018, Ríos Montt died from cardiac problems while he was under house arrest. As a result of his death, the sentence against Mauricio Rodríguez Sánchez is the only one that remains pending.

Background

Initially, the retrial was planned for December 2014, but Ríos Montt’s lawyers motioned that the presiding judge of the new court, Irma Jeannette Valdés Rodas, recuse herself, arguing that she had cited the crime of genocide in her academic thesis. Additionally, they argued that Ríos Montt was mentally ill and was not in a condition to face a second trial.

This situation prolonged the process for several months until August 2015, when the Sentencing Court “B”, ordered a special trial for Ríos Montt, “a trial for the exclusive application of security measures”, and ordered that, for

matters of procedural economy, his head of military intelligence, Mauricio Rodríguez Sánchez, be judged in the same special procedure.¹

Consequently, the retrial began on 16 March 2016. However, the hearings got stuck on 4 May 2016, by an appeal filed by the victims' lawyers, who were opposed to the two defendants being tried behind closed doors, without the participation of the public or the media.

The main argument to present the constitutional act was that the special procedure was only for Ríos Montt, because he was suffering from dementia, but that Rodríguez Sánchez was fit to face a public trial.

Finally, on 18 May 2017, the Constitutional Court ordered that the trials take place separately.² The resolution permitted, starting on 13 October 2017, the hearings of the specific process against Ríos Montt to recommence and that the trial against Rodríguez Sánchez take place in public.

The hearings have taken place once weekly, which has lengthened the trial. However, this has resulted in wearing down and placing heavy a physical and emotional burden on the witnesses, who had to testify against both of the defendants.

From 6 to 9 February 2018, the Court was moved to Santa María Nebaj to hear the witnesses who could not travel due to advanced age or illness. Moreover, the Court

heard the heartbreaking testimonies of women who were victims of sexual violence.

Over 60 hearings have been held to date, in which close to 90 witnesses and 50 experts have testified. 760 documents were presented, among which the Counterinsurgent War Manual, the Campaign Plan Victory 82, the Campaign Plan Firmness 83, the Sofía Plan, the Report of the Commission for Historical Clarification (CEH for its initials in Spanish), the REMHI report, as well as reports by the Inter-American Commission of Human Rights on the situation in Guatemala during the bloodiest years of the internal armed conflict, and several other evidentiary materials.

Testimonies

During the trial, the survivors and witnesses narrated out loud, in the Ixil language, the terrible ordeals they suffered under the military in their communities: “[...] *we go hide in the mountains, because the soldiers are coming, and they are coming to kill us*”.³

The testimonies evidence the atrocities perpetrated by the military against the population of Ixil communities, which caused mass displacement of people who had to seek refuge in the mountains or other regions of the country to avoid being massacred.

In the second trial, it was not possible for 13 witnesses to testify; five had died due to their advanced age and the Public Prosecutor's Office was unable to locate the remaining eight witnesses.⁴

¹ Prensa Libre. *Ríos Montt Will be Processed in a Special Trial*, news item published 25 August 2015, retrieved from: <https://bit.ly/2xhoLPU>.

² CC. File 2234-2016, resolution of 18 May 2017, page. 18.

³ Extract of a witness' testimony in the hearing of 9 February 2018.

⁴ Verdad Justicia (24 August 2018). Tweet retrieved from: <https://bit.ly/2OxX37L>.

Harassment against Victims and Attorneys

Throughout the second trial, human rights organisations have publicly denounced the harassment and attacks by pro-military groups against the witnesses and victims' attorneys.

These groups generally attend the hearings and yell that “there was no genocide in Guatemala”⁵ or accuse the victims of being “terrorists”. These phrases were also heard in Santa María Nebaj, outside the room where the hearings were taking place. As if this were not enough, on one occasion, a car drove around the town at night, broadcasting defamatory messages.⁶

On several occasions, the military sympathisers hung banners outside of the Court building, which read: “*These are the real murderers [...]*”, “*Our military comrades are unjustly accused and persecuted [...]*”, and “*I want all who pass themselves as grandchildren, children or lovers of the disappeared to go to jail [...]*”, among other, clearly denigrating and hateful phrases. Furthermore, several members of the Association for Justice and Reconciliation (AJR) were insulted and intimidated by pro-military individuals when the hearings were over.

A smear campaign was maintained on social media against the victims seeking justice in this case, through written and visual content that depicted them as “parasites of the conflict” or “terrorists”.⁷

⁵ Santiago Botón (8 February 2018). Tweet retrieved from: <https://bit.ly/2MLRdOD>.

⁶ Acoguate. *The hard work for the acknowledgement of the Maya Ixil genocide*, article published 28 August 2018, retrieved from: <https://bit.ly/2QKGRGQ>.

⁷ *Loc. cit.*

The Current Crisis in Guatemala

The latest sentence against in the genocide case against Rodríguez Sánchez will be dictated amidst the grave ongoing political crisis that Guatemala is facing. Recently, the Government of Guatemala announced that it would not renew the agreement with the International Commission against Impunity in Guatemala (CICIG) and that it will not allow its Commissioner, Iván Velásquez, to (re-)enter the country. Furthermore, surrounded by military officers, the president warned that it would not obey the resolutions of the Constitutional Court.

The CICIG proposed the creation of the High Risk courts “for the assignation of cases that are particularly sensitive due to their links to organised crime, so that better protection could be provided to the magistrates, witnesses and lawyers litigating such cases”.⁸ The anti-CICIG campaign may thus affect the Courts of the High Risk system, which not only try high impact cases on organised crime, but also cases of corruption at the highest levels of government, and of grave human rights violations.

On the other hand, some High Risk judges have denounced surveillance and harassment. Recently, there was an attempt to take away the car assigned to Judge Erika Aifán for her use,⁹ and Judge Pablo Xitumil denounced that he was photographed from a National Police patrol car (PNC for its initials in Spanish);¹⁰

⁸ Plaza Pública, *The Anti-CICIG campaign: It's impact reach*, article published 10 October 2017, retrieved from: <https://bit.ly/2O0UVsj>.

⁹ El Periódico, *CSJ Tried to Take Away Armored Vehicle from Judge*, news item published 18 September 2018, retrieved from: <https://bit.ly/2NRmuEv>.

¹⁰ Presa Libre, *Judge for the 'Magical Water' case denounces that he was insulted by man and photographed by police officers*, news item published on

these and other facts can intimidate the work of the Court that must issue a sentence in the genocide case.

Expectations of the sentence

After over 18 years since the genocide lawsuit was filed, the victims still wait for justice. Edwin Canil, president of the AJR, awaits *“a guilty verdict for the gravity of the crimes that were committed”*.¹¹ To him, the trial is meaningful because, *“it is a legacy for future generations [...] a precedent that may protect them in the future from a criminal government official, such as the one being judged now”*.¹²

Canil’s words are the words of a child who survived the barbaric acts executed by the military under the leadership of Ríos Montt, during the armed conflict.

Héctor Reyes, an attorney for the Centre for Human Rights Legal Action (*Centro Para la Accion Legal en Derechos Humanos* or CALDH), also expects a guilty verdict for genocide as well as for crimes against humanity, being that witnesses and experts *“have been very emphatic in determining the responsibility held by a military intelligence officer”*.¹³ He explains that the evidence attributes *“direct participation in the events”* to Rodríguez Sánchez, *“It was he who was in charge of describing who the ‘internal enemy’ was; it was he who described the civilian population as such”*.¹⁴ Therefore, he bears direct responsibility for the genocide.

On 26 September 2018, the trial will be transmitted by:

www.paraqueseconozca.blogspot.

Photos: Impunity Watch, and Verdad y Justicia.

14 September 2018, retrieved from: <https://bit.ly/2PSwBGt>.

¹¹ Interview with Edwin Canil on 31 August 2018.

¹² *Loc. cit.*

¹³ Interview with Hector Reyes on 31 August 2018.

¹⁴ *Loc. cit.*

