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Myrna Mack Murder Trial Begins

by LADB Staff

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It has been 12 years since Guatemalan anthropologist Myrna Mack Chang was stabbed to death. On Sept. 3, the military officers accused of ordering and planning her murder finally came before a court of justice to defend themselves. The trial is a test not only of the guilt or innocence of the accused officers, but of the institution of justice in the country as well, according to statements from the UN mission in Guatemala, MINUGUA. One of the tasks of the mission is to verify due judicial process.

Prior to the opening of the trial, the mission released a statement expressing its concern about tension surrounding the legal proceedings and the death threats sent to potential participants in the days leading up to the trial date. The statement was later joined by one from the Inter-American Commission on Human Rights (IACHR), an organ of the Organization of American States (OAS), following threats and a storm of bullets fired around the residence of one of the lawyers for the prosecution.

Mack, who was murdered on Sept. 11, 1990, was an anthropologist whose studies of indigenous people focused on the army's abuse of them during a time in the 1960-1996 civil war when there was little public knowledge in the capital of the massacres occurring in the interior of the country. For this, she was allegedly considered a threat to national security, and killed. The murderer, Noel de Jesus Beteta, a sergeant in the Presidential Guard (Estado Mayor Presidencial, EMP), was convicted and sentenced to 25 years in prison in 1993, but the officers who allegedly ordered the murder, Gen. Edgar Augusto Godoy and Cols. Juan Valencia and Juan Oliva, were never brought to trial. Eight years ago, they were formally accused but were allowed to remain free on bail.

The EMP, of which Godoy was chief, had within it a unit called the Archives, a political police force, which was in fact the army unit assigned to keep aware of, and to dispose of, individuals thought to be enemies of the state. The accusers in this trial, led by the victim's sister Helen Mack, were upbeat as the date approached, regardless of the threats. The murder of Myrna was a life-changing event for Helen. Soon after the murder, she founded the Fundacion Myrna Mack, and, supported by grants from nongovernmental organizations (NGOs) and the Right Living Award from Sweden, has been working for this moment ever since. Helen told the press, "We're going to beat them, the proof is so evident that they can't escape conviction." The three stand accused of being the intellectual authors of the murder.

The trial opened on Sept. 3 at the Corte Suprema de Justicia (CSJ) building without violent incident, but with large street crowds demonstrating for conviction and a smaller group in support of the accused. Inside, the courtroom was packed with about 400 observers, among them Director Tom Koenigs of MINUGUA and high officials of organizations militating for justice and institutionality in the country. It would seem that, at least at the outset, the justice system was passing the test that this trial represents.

In a move that greatly surprised the defendants, their long-standing bail was revoked and they were remanded to prison as flight risks at the end of the day. This decision, while purportedly on the merits, also represented a return to power of the system. In 1994, when the court ordered the defendants to stand trial, a military court quickly overruled them, granting the officers the right to pay their way out of incarceration. It was this decision that the court overturned.

The defense opened with what one reporter characterized as an "academic" argument, of five hours duration, stressing the command structure of the military unit with an eye toward showing that a direct order from the accused to the murderer did not occur. Rather, went the argument, the EMP functioned with individual autonomy guided by its mission to protect the president and his family.

Defendant Oliva later gave some indication where this defense was headed by telling the Spanish news agency EFE reporter later, "Simply, we gave no order, we were the Presidential Guard of the first civil and democratic government, and [then President] Vinicio Cerezo was not going to order something like that."

Cerezo is slated to be a witness. It would appear from this opening gambit that the idea is to wrap the military establishment in the mantle of civilian government, so that, if the prosecution intends to lean on chain-of-command as definitive of guilt, it would leave open the possibility that the president himself gave the order for the murder. Five former generals are also named to give testimony.

One further hint of defense strategy came during the marathon declaration by Valencia. Using charts and photographs, he sought to put in doubt Beteta's conviction, hanging his assertion on the fact that the convicted sergeant had an injured finger at the time of the murder and might not have been physically capable of the act. The finger theory, however, was covered in detail nine years ago at Beteta's trial and was shot down by expert medical testimony. The prosecution objected.

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