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## Landmark Trial Convicts Racists In Guatemala

by LADB Staff

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Guatemala's first-ever racism trial ended with a victory in a battle against the anti-indigenous prejudices whose roots go back to the conquest. Five very prominent and politically well-connected people made a big mistake when they chose indigenous leader and Nobel Peace Prize winner Rigoberta Menchu Tum as the object of their loud, public invective. The court sentenced them to three-year prison terms for their actions, although Guatemalan law allows them to buy their way out of jail by paying a nominal sum for each day of the sentence. Each of them also must pay a US\$400 fine.

The crime for which they were convicted occurred in October 2003 outside a courtroom hearing the case of whether Gen. Efraim Rios Montt was eligible to run for president (see NotiCen, 2003-07-17). The Constitution bars one who has become the head of government through a coup from standing for the office of president. Rios Montt assumed the presidency (1982-1983) following a coup that unseated President Romeo Lucas Garcia (1978-1982). Menchu was at court to testify against Rios.

As she left the courthouse, the general's supporters yelled insults including, "Go sell tomatoes at the market, Indian." Racist epithets like this are in frequent use in Guatemala, both as taunts to indigenous people and among ladinos (the mestizo middle class) and criollos, for whom the phrase, "No seas indio" is a common way of saying, "Don't be stupid."

### *Big names, small minds, captured on film*

The guilty five are Rios Montt's grandson Juan Carlos Rios, congressional Deputy Enma Samayoa, Parlacen Deputy Ana Lopez, and two members of the Frente Republicano Guatemalteco (FRG), Mirna Orellana and Elvia Morales. Rios Montt is founder and leader of the FRG. The trial was a grueling affair of a month's duration. Menchu's side, the prosecution, showed video footage of the scene at the Corte Constitucional (CC) in which the offending phrases could clearly be heard. Despite the hard evidence, and despite the fact that the sentence is subject to commutation at a reported cost of US\$8.66 per day, at least one of the defendants will appeal. Juan Carlos Rios' grandfather, the general, said he would appeal.

The prosecution's elation at the verdict was not dampened by the commutation. Said Menchu's lawyer Benito Morales, "We always knew that the court would not hand down a sentence that implied jail, but all the elements demonstrating that the attitudes they manifested were racist and discriminatory were supported." This had never happened before in the national courts. Ricardo Cajas, director of the Comision Presidencial Contra la Discriminacion y el Racismo (CODISTRA), said the decision reaches beyond Guatemala. He said that it "has established a precedent not only in Guatemala, but also in Latin America." Cajas is of Quiche ethnicity.

The Quiche people live mostly in the western highlands of the country. Cajas said that, while the case was an important step, the state must now undertake structural changes to eliminate the discrimination that most indigenous suffer. Indigenous people make up 60% of the population of some 12 million. Menchu, an indigenous woman first Rigoberta Menchu gave every indication that this trial was not just the action of a concerned Nobel Prize winner or even the duty of a government official as goodwill ambassador she is a member of the government.

She testified in March, at the beginning of the trial, through the tears of an indigenous person deeply hurt by the offense. She told the Tribunal Decima de Sentencia, "I felt the avalanche of people that rose up behind me. They started to insult me. All around I heard, 'Indian, dirty Indian, what are you doing here!' It struck me in that moment that the slogan was used exactly to denigrate me as an indigenous woman, denigrate me as a Mayan. It had absolutely nothing to do with the reason for which I was in that court." Menchu continued, "A man in a green shirt spit on me, and another woman beside me spit on me. I felt they moved in to spit at me at close range. This young man [Juan Carlos Rios] was yelling, 'daughter of a whore.' I noted that the attack on me just for being indigenous was absolutely irrational." She also testified, "Perhaps what hit me hardest was that I never thought that at this point I would relive the insults that my mother received, and that I received as a child, and much less that it would be in that court."

Adding to the insult, the defendants also taunted her for her native dress. Menchu always dresses in traje, the indigenous traditional long woven skirt and embroidered blouse, tied at the waist with a woven sash. The patterns and colors are specific to the locale from which the woman comes. She said this "is an offense that is more than any wound with a knife, because it is the dignity of a woman." Menchu endured three hours of this testimony, amid objections from the defense, who wanted to prevent testimony not directly bearing on the facts of the case.

The trial over, the government announced it was "highly satisfied" with the verdict. Vice President Eduardo Stein told reporters, "We are extremely pleased and satisfied, because it is about a historic precedent that goes beyond the specific incident that was adjudicated and because the rich debates have been a legal quest that creates jurisprudence."

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