

1-4-2007

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Mike Leffert

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## Recommended Citation

Leffert, Mike. "Spain Petitions Guatemala For Extradition Of War Criminals on Tenth Anniversary ff Civil War's End." (2007).  
<https://digitalrepository.unm.edu/noticen/9471>

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## **Spain Petitions Guatemala For Extradition Of War Criminals on Tenth Anniversary of Civil War's End**

*by Mike Leffert*

*Category/Department: Guatemala*

*Published: 2007-01-04*

Coincident with the tenth anniversary of the signing of the Peace Accords of Dec. 29, 1996, the government of Spain has requested that Guatemala extradite seven former leaders accused of war crimes in the prosecution of the 36-year civil war. On Dec. 22, the Spanish Consejo de Ministros asked Guatemala to give up former presidents Gens. Jose Efraim Rios Montt (1982-1983) and Oscar Humberto Mejia Victores (1983-1986), as well as Gens. Benedicto Lucas Garcia and Angel Guevara Rodriguez, Col. German Chupina Barahona, and two civilians, Pedro Garcia Arredondo and Donaldo Alvarez Ruiz.

The seven have been under investigation since 1999 by Spain's Audencia Nacional (AN), on a complaint filed by Guatemala's 1992 Nobel Peace Prize winner, Rigoberta Menchu Tum. Menchu charged them with genocide, state terrorism, kidnapping, and torture committed against thousands of Guatemalans during the war. Last November, a Guatemalan court, at the request of the AN, ordered the arrest of Guevara Rodriguez, Mejia Victores, Garcia Arredondo, and Chupina Barahona. Only Guevara and Chupina are in custody. Mejia Victores had his arrest order nullified by a higher court. Alvarez Ruiz was declared a fugitive from justice in 2004 and remains so, while Garcia Arredondo has not been detained. Rios Montt and Lucas Garcia are free on technicalities after a court ruled the Spanish petitions contained "errors of form."

The Fundacion Rigoberta Menchu issued a statement saying that the government of Guatemala "must assume the petition made by Spain with responsibility." Fundacion director Eduardo de Leon said separately that "the government must respond immediately to the petition, to demonstrate its political will and make sure the organs of justice fulfill their role." De Leon described the Spanish action as "a political call that has the weight of a state resolution. The Guatemalan government cannot minimize or ignore this petition. It must demonstrate its political will supporting the judicial process."

The government, however, responded more with surprise than with taking responsibility. Vice President Eduardo Stein denied having received any official notice. "I don't know the text of the resolution, and since we have not received it in an official manner, by way of the Foreign Ministry, it is difficult for me to comment on the matter," was his only statement. The Spanish government sent new requests for arrest leading to extradition on Dec. 28, the day before the Peace Accords anniversary. An unnamed Guatemalan judicial official told the media that the Foreign Ministry immediately turned the new petitions over to the Corte Suprema de Justicia (CSJ) for further action. The source explained to the press that the new documents corrected the errors of the previous ones, which allowed Rios Montt and Lucas to walk.

This time around, the government at least acknowledged the requests. Foreign Minister Gert Rosenthal confirmed, "Yes, we received it this afternoon [Dec. 28] and sent it to the Corte Suprema."

But this time, it was the CSJ that claimed no knowledge of the petitions. Officials said the reason for this was that there were no magistrates on hand to deal with it. CSJ spokesman Guillermo Melgar said the case would be resolved the first week of 2007, but that did not happen.

Rios Montt, who has fended off allegations of criminality for decades, called the Spanish move "political pressure." His attorney Francisco Palomo said, "The Spanish government can request whatever it wants to, but it cannot solicit extradition." But Ruth del Valle of the Movimiento Nacional de Derechos Humanos thought otherwise. She called the Spanish action "a challenge for the country's justice," and said, "Now the government is obligated to hear the petition of extradition and must demonstrate the will to resolve the case." Rios, however, has an additional card to play in his battle to avoid the reach of international law.

By becoming a candidate for the presidency in the presidential election set for September 2007, he could gain immunity from the extradition that the Audencia Nacional seeks. Therefore, on Jan. 2, it was announced that he would begin to campaign as the "natural presidential candidate" of the Frente Republicano Guatemalteco (FRG), the party he founded and has led. Aristides Crespo, chief of the FRG congressional delegation, told the press that Rios would begin the new year with trips to the interior to shore up his bases. The move puts Rios' fate in the hands of the party. If they accept him as a candidate, he might be home free, at least until the election runs its course. If the last election is any guide, the general stands small chance of actually winning (see NotiCen, 2003-07-17, 2003-08-07), but this strategy could give him a reprieve.

Crespo pointed out that the FRG continues to maintain strength in rural Guatemala and said that Rios would be visiting some 50 or 60 different communities. "We are the party with the greatest number of mayoralties," he said, "and we retain a good number of affiliates." Carmen Aida Ibarra of the Fundacion Myrna Mack agreed that a new Rios Montt candidacy would present a significant "headache" for the institutions and sectors interested in seeing the general face justice. Rios Montt would, if his plans succeed, be the third of the original group to evade justice.

In addition to Mejia Victores, Garcia Arredondo also appears to have escaped for the moment. As the year drew to a close, the Tribunal Quinto granted the ex-police official provisional protection from extradition.

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