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Guatemalan Congress Votes to Deny Genocide

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On May 13, Guatemala’s Congress approved a nonbinding resolution that denies that genocide was committed during the country’s 36-year civil war and calls for "national reconciliation." The legislators who proposed the resolution argue that claims that "acts of genocide" were perpetrated against the country’s indigenous population fuel ethnic and social divisions within Guatemalan society. However, victims of wartime atrocities and the human rights organizations that support them regard this as an attempt to influence the trial of former dictator Gen. Efraín Ríos Montt (1982-1983), which is due to resume in January 2015.

The resolution (punto resolutivo 3-2014) was put forward by Deputy Luis Fernando Pérez, a legislator for the right-wing populist Partido Republicano Institucional (PRI), originally named the Frente Republicano Guatemalteco (FRG) and founded by Ríos Montt.

In May 2013, Ríos Montt was convicted of genocide against the Mayan Ixil people and crimes against humanity during his 1982-1983 de facto rule (NotiCen, May 9, 2013). However, the Corte de Constitucionalidad (CC) controversially annulled his 80-year sentence based on a technicality and ordered the trial to be restarted (NotiCen, May 29, 2014). The trial was initially scheduled for April this year but it has been pushed back to January 2015, when Ríos Montt will be 88 years old.

Although the four-page document does not explicitly mention Ríos Montt by name, it states that "a court case known as the trial of the century" has ignited a debate about genocide "that has caused a fraternal divide, creating conditions contrary to peace and hindering a true national reconciliation."

The resolution goes on to stress the importance of judicial independence and reiterates that the Constitution overrides any treaty or agreement that the country has signed. It also refers to the need to prevent "sectoral influences" from affecting the outcome of the country's judicial processes and "urges all citizens to behave fraternally and prevent social conflicts that prevent Guatemala from developing as a nation."

Eighty-seven legislators voted in favor of the resolution: 10 from the Partido TODOS, led by Roberto Alejos, former president of Congress; one from the center-right Compromiso, Renovación y Orden (CREO); 25 from Libertad Democrática Renovada (LIDER), Guatemala’s main opposition force, led by Manuel Baldizón; seven independent legislators; two from the Partido Republicano Institucional (PRI); and one from Unidad Nacional de la Esperanza (UNE).

On the other side were members of the left-wing Unidad Revolucionaria Nacional Guatemalteca (URNG), the indigenous Partido WINAQ, and most of the UNE, which held a majority in Congress in the previous legislature but whose numbers have dwindled after most of its members defected to TODOS, LIDER, and CREO. Those who opposed the resolution said that it amounted to denying that genocide was committed in Guatemala.

Following the approval of the resolution, legislators engaged in a debate for and against the motion. Whereas URNG Deputy Walter Félix argued that the resolution "amounts to turning one’s back on
the victims of the armed conflict," Deputy Pérez dismissed this argument and said it came from "the obsolete left."

**The genocide debate**

In 1999, three years after the Peace Accords were signed, the UN-sponsored Comisión de Esclarecimiento Histórico (CEH) concluded that "acts of genocide" were perpetrated by the armed forces against Guatemala’s indigenous communities (NotiCen, March 4, 1999, and April 15, 1999).

Under the previous UNE administration, important steps were taken toward admitting wartime atrocities, and on a number of occasions former President Álvaro Colom publicly apologized on behalf of the state for a number of human rights violations such as the murder of student leader Oliverio Castañeda (NotiCen, Feb. 19, 2009, and March 26, 2009), which occurred in 1978 under the regime of Gen. Romeo Lucas García (1978–1982).

Under the Colom administration, the Peace Secretariat (Secretaría de la Paz, Sepaz) also published the files on Operación Sofía, a historical document that details official responsibility for the acts of genocide attributed to Ríos Montt and a crucial piece of evidence during last year’s trial. Colom also stunned many observers when he named Claudia Paz y Paz, who played a crucial role in bringing Ríos Montt to trial, as attorney general.

However, President Otto Pérez Molina, a retired army general, has repeatedly denied that genocide was committed in Guatemala. "Prove to me that genocide was committed," he said defiantly during an interview with a local media outlet during the 2011 elections.

The issue is particularly sensitive for Pérez Molina given that his role during the armed conflict was mentioned at a crucial moment during the trial when Hugo Ramiro Leonardo Reyes, a former Army mechanic who testified via video link, said that Pérez Molina, known during the armed conflict by the pseudonym Tito Arias, was responsible for the annihilation of several villages.

More recently, during a conference in Chatham House, London, Interior Minister Mauricio López Bonilla stated that genocide was not committed in Guatemala as "no ethnic groups were systematically exterminated."

The CEH as well as prosecutors and expert witnesses who testified during Ríos Montt’s trial have argued that 2,147 Mayans of the 38,902 that inhabited the Ixil region were killed under Ríos Montt’s de facto rule, whereas 41 nonindigenous Guatemalans out of a total of 5,882 were killed, a widespread extermination that was made possible because of the deeply seated racism in Guatemalan society.

The armed forces and its supporters have not disputed these figures but have argued that the Ixil people and other Mayan groups were massacred because they were insurgents who championed the communist cause, not because they belonged to a particular ethnic group.

Although the congressional resolution is not legally binding, its approval following the suspension of the Ríos Montt trial and the removal of Paz y Paz as attorney general despite her impeccable track record (NotiCen, March 6, 2014) has bolstered the perception that the Guatemalan political establishment is on an all-out mission to delay the resumption of Ríos Montt’s trial and possibly even secure him amnesty.