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Spanish Court Dismisses Complaint Against Guatemalan Gen. Efraim Rios Montt

by LADB Staff

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On Dec. 13, the Spanish National Court dismissed a complaint brought by Nobel laureate Rigoberta Menchu against former Guatemalan dictator Efraim Rios Montt. In December 1999, Menchu asked the court to hear charges of torture, state terrorism, and genocide against Rios Montt and seven other military officers and government officials stemming from the brutal anti-insurgency policies used against Mayan villagers during the civil war that ended in 1996. Rios Montt led a military government (1982-1983) after the overthrow of President Romeo Lucas Garcia (1978-1982).

Specific incidents cited in Menchu's complaint included a military attack in 1980 on the Spanish Embassy in Guatemala causing 37 deaths, including three Spaniards and Menchu's father, Vicente Menchu.

The court refused to hear the case saying it should be heard in a Guatemalan court. The ruling said that, since there was no evidence that Guatemalan courts were unable to hear the case because of intimidation, acceptance of the case in a Spanish court would be an intrusion in Guatemalan judicial affairs. This is the same Spanish court that heard the case against former Chilean dictator Gen. Augusto Pinochet (see NotiSur, 1998-12-23).

Rios Montt, who is now president of the Guatemalan Congress, said the decision did not surprise him. In a news conference the day of the ruling, he said that the accusations of genocide came from "dirty mouths" and that his name was clean. Rios Montt, 75, said he was considering leaving his congressional post. He also said he would not seek the presidency. In 1990 and 1995, he was ruled ineligible for candidacy by the Tribunal Supremo Electoral (TSE) because he came to power in 1982 as the result of a coup (see NotiSur, 1995-09-29).

Claudia Samayoa, director of the Fundacion Rigoberta Menchu, said the foundation would appeal the decision to the Tribunal Supremo de Espana. She said the foundation's position was that there was universal jurisdiction in human rights cases. She said the foundation might also take its case to courts in Canada, France, or other countries.

Commenting on the decision from Mexico City, Menchu suggested that race may have played a role in the ruling. She said that, since the case dealt with 200,000 indigenous people, the court might have thought it better "to leave them in their common graves in Guatemala." Samayoa told the Guatemalan daily Prensa Libre that Menchu had decided to remain outside of Guatemala for a while because of death threats she has received. [Sources: CNN, Notimex, 12/13/00; Prensa Libre (Guatemala), 12/15/00; Spanish News Service EFE, 12/13/00, 12/17/00]

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