

Peace without Social Reconciliation? Understanding the Trial of Generals Ríos Montt and Rodríguez Sánchez in the Wake of Guatemala's Genocide.

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Abstract

This article argues that the legal trial against Generals Efraín Ríos Montt and José Mauricio Rodríguez Sánchez for genocide and crimes against humanity has evidenced the interplay between the complex factors shaping post-conflict reconstruction and social reconciliation in post-genocide Guatemala, and, ultimately, the disjunctive impact of the country's peace process. The 'genocide trial' then is about more than a legal process, but rather represents a thermometer for Guatemala's peace process and, ultimately, for testing the nature and stability of the post-genocide / post-conflict conjuncture. Acknowledgement and interiorisation of human rights frameworks and justice mechanisms by indigenous and human rights activists, including of the Genocide Convention, has consolidated a partial rights culture. However, the trial and the overturning of its verdict have simultaneously evidenced the instability, fragility and disjunctive nature of post-conflict peace and the continuing impact of the profound legacy of the genocide and of social authoritarianism. The article argues that whilst the trial has wielded broad impact within both state institutions and society, ultimately consolidating indigenous political actors, it has simultaneously fortified spoilers and evidenced indigenous collective memory as a contested sphere, characterised by fractures within indigenous experience and recollection.

Introduction

In March 2013, Generals Efraín Ríos Montt and José Mauricio Rodríguez Sánchez were put on trial in Guatemalan domestic courts for genocide and crimes against humanity. The trial lasted only 53 days, ending in the indictment of Ríos Montt and the acquittal of Rodríguez Sánchez. This article argues that the legal trial against Generals Efraín Ríos Montt and José Mauricio Rodríguez Sánchez has evidenced the interplay between the complex factors shaping post-conflict reconstruction and social reconciliation in post-genocide Guatemala, and, ultimately, the disjunctive impact of the country's peace process. The 'genocide trial' then represents more than a legal process, but rather, acts as a thermometer for Guatemala's peace process and, ultimately, for testing the nature and stability of the post-genocide / post-conflict conjuncture.

It is argued here that, in the wake of genocide, the peace process consolidated a negative peace within which a degree of institutional reform and strengthening was implemented, including within the security sector. Simultaneously, human rights, victims' and, emphatically, indigenous organisations were strengthened by the peace process (which organisations themselves shaped), ultimately resulting in the unprecedented visibility and empowerment of indigenous actors. The context of the peace negotiations has precipitated the acknowledgement and interiorisation of human rights frameworks and justice mechanisms by indigenous and human rights activists, including of the Genocide Convention, building upon the partial rights culture constructed through the collective political action of social movements and armed struggle predating the peace process. This, in turn, has led to recognition of the

irreversibility of rights (demands) for certain sectors. These factors, combined with changes within the Public Prosecutor's Office (MP), were critical in generating the conditions for, and carrying out of the 'genocide trial'.

However, the annulment of the trial has simultaneously evidenced the instability, fragility and disjunctive nature of post-conflict peace and the continuing impact of the profound legacy of the genocide and of social authoritarianism. The limitations of the peace accords were important in this regard, including lack of recognition of the genocide as an episode in the conflict, the absence of transitional justice mechanisms that would guarantee justice for past crimes, and restricted engagement with the causes of the conflict. These factors have strengthened the position of spoilers and, combined with acute ongoing racism, deep polarisation and elite intransigence to distribute wealth and permit challenge to their historical racial privileges, have come to represent the key obstacles for social reconciliation in Guatemala. The article argues that whilst the trial has wielded broad impact within both state institutions and society, ultimately consolidating indigenous actors, it has simultaneously fortified spoilers and evidenced indigenous collective memory as a contested sphere. Moreover, it is argued that impunity for the genocide demonstrates how Guatemalan society has yet to 'recognise' the indigenous population as 'deserving of humanity', neutering the power of rights claims and *validating* the genocide. The article is composed of four sections. Firstly, a brief exploration of the political and social conditions that led to the genocide, turning subsequently to a description of the genocide itself. Secondly, the article examines the relevance of the peace process to the genocide trial. The research subsequently explores the dynamics that led to the legal investigation and prosecution and presents

an analysis of the trial's impact. The article closes with final considerations relating to the meaning of the trial in the post-genocide context.

Research is based upon direct experience as part of the original team that prepared the evidence against Ríos Montt and fieldwork carried out in Guatemala in the wake of the trial. The theoretical framework employed brings together the disciplines of critical peace studies, genocide studies and political science.

The Guatemalan Genocide

Guatemala's armed conflict (1960-1996) was precipitated, when, in the wake of the 1954 CIA-orchestrated coup against reformist President Jacopo Arbenz, the first guerrilla emerged to oppose the closure of formal political channels and challenge the control of economic resources by a racist, non-indigenous, Spanish-descended oligarchy. As Casaús Arzú has eloquently evidenced, it was the protection by the armed forces of this caste system of economic and political privilege that would undergird and determine the course of the conflict and genocide. Structural racism against the indigenous population played a key role here.ⁱ In the wake of the overthrow of Arbenz, Guatemala became an anticommunist model in the Hemisphere, a development crucial for understanding the roots of the counterinsurgency extermination plans. However, whilst the conflict was shaped by the political, economic and ideological logic of the Cold War, however, Guatemalans themselves decisively sculpted the trajectory of the conflict and nature of the violence, bestowing upon it its systematic brutality, a dynamic commonplace throughout the broader Latin American region, as Grandin has convincingly argued.ⁱⁱ

The armed conflict was characterised by a series of phases, with the background to the genocide explicitly embedded within counterinsurgency operations implemented during the early 1980s. At this time, as a result of a successful urban campaign against the guerrilla, the military had gathered what it believed to be reliable intelligence evidencing insurrection by a mass social base – allegedly of over 200,000 people – and liberated zones in the indigenous western highlands of the country.ⁱⁱⁱ It had been here where, for almost a decade, the *Guerrilla Army of the Poor* (EGP), and later, the Revolutionary Organisation of People in Arms (ORPA), had begun to incorporate the indigenous population en masse into its ranks and contrive its social base. In the wake of the 1979 victory of the *Sandinista National Liberation Front* (FSLN) guerrilla in Nicaragua, as the insurgency increasingly gained a foothold in the country, Guatemala's military machine – trained and financed by the United States, Chile, Argentina and Israel – prepared its strategic response. Guatemala was not to be another Nicaragua.

During the administration of General Lucas García (1978-1982), the logic of mass violence focused on both indigenous and non-indigenous populations evolved. Lucas sought to consolidate control over an increasingly powerful guerrilla by subordinating the state to militarized security and embedding the practice of mass killing into state policy. The indigenous highlands increasingly became a central zone of contention in the theatre of war and indigenous communities became key targets of the counterinsurgency violence. However, the military did not unleash its demons immediately. Rather, it initiated intelligence gathering visits to indigenous communities with the aim of winning hearts and minds, including by building schools and health centres. Simultaneously, the army perpetrated arbitrary acts of violence in

said communities as it pressured for intelligence concerning the insurgents.^{iv} As this strategy proved increasingly ineffective against the guerrilla, military actions evolved. A strategy of selective repression (threats, disappearance, killings) was subsequently employed, which, however, only served to push substantial numbers of civilians toward the guerrilla.^v In this context, a campaign of collective repression, culminating in genocide, followed, orchestrated through the Central Command structure, as Guatemalan generals learnt from their US counterparts the lethal efficiency of ‘draining the sea to kill the fish’.

Consequently, under then dictator General Ríos Montt, between 1982 and 1983, campaign *Victoria 82* imposed a top-down, systematic scorched earth policy of extraordinary brutality against indigenous communities identified as the internal enemy through the framework of the US National Security Doctrine.^{vi} Targetting indigenous regions, the campaign sought to wipe out the guerrilla’s support base by burning down villages, killing animals and destroying crops (to starve communities out), torture and forced sterilisation of and mass public sexual violence against indigenous women and young girls.^{vii} The cornerstone of the systematically planned strategy, as would be demonstrated in the trial, became the massacres committed against unarmed indigenous communities identified as zones of guerrilla support. Over 1000 massacres following the same pattern were perpetrated, carried out typically on Sundays or holidays, when there would likely be a higher concentration of villagers present. In the Ixil region, an indigenous region where the guerrilla commanded high levels of indigenous participation, the massacres and the displacement precipitated by the violence were of extraordinary brutality, and led to a 26% reduction in the population.^{viii}

The unequivocal consequence of the genocidal scorched earth campaign was the rapid and effective strategic defeat of the insurgency by mid-1984, as, bereft of its social base, the guerrilla retreated to strategic zones and neighbouring countries. A return to (military-controlled) civilian rule followed in 1986. The genocide left indigenous rural Guatemala devastated and highly militarised. The CEH concluded that the acute ethnic dimension of the armed conflict was evidenced through the fact that 82% of the 200,000 victims had been indigenous.

The genocide under Ríos Montt represented an albeit brief episode within the broader framework of the country's internal armed conflict and counterinsurgency, supporting insight from wider scholarship that genocide has historically tended to occur within the context of war and counterinsurgency.^{ix} In Valentino's words, 'mass killing is often a calculated military strategy used by regimes attempting to defeat major guerrilla insurgencies'.^x Leiby has argued that the function of the violence, particularly the sexual violence, had been to disincentivise (potential) guerrilla supporters, many of whom were indigenous.^{xi} In this regard, mass killing emerged precisely 'when powerful groups come to believe that it is the best available means to accomplish certain radical goals, counter specific types of threat, or solve difficult military problems'.^{xii}

As a former advisor to the Guatemalan Peace Commission has stated, 'The war let all the demons free, instrumentalising the army and demonstrating the oligarchy's deep fear of losing its power and privilege'.^{xiii} Mass killing and unhinged cruelty in this context represented the central strategy through which the armed forces would defend

elite economic interests against the direct threat of the guerrilla and the wider perceived threat posed by the impoverished majority indigenous population that came to embody the guerrilla's social base; in short, the 'indian threat'. Significantly, the economic elite itself played an explicit role in the violence, initially organising and controlling urban death squads in the 1970s, subsequently financing military operations and, allegedly, placing its property and private helicopters at the service of the armed forces, in the latter case including during massacres.^{xiv} Whilst the economic elite and Guatemalan state did indeed face an imminent existential threat from the guerrilla, historical conditions of structural and institutional racism concurrently left the indigenous population vulnerable to mass violence.^{xv} As Midlarsky has convincingly argued, 'Any process that simultaneously increases both threat to the state and its vulnerability, as well as the vulnerability of a targeted civilian population, also increases the probability of genocide'.^{xvi} Framed within the geopolitical dynamics of Latin America's Cold War, where decisive US support endorsed the regional anti-communist struggle *by any means necessary*, genocide became an imaginable and practicable option.

The motive behind Guatemala's genocide was intimately shaped by the counterinsurgency campaign. However, the essentialist violence characterising the genocide also served a nation-building function. The inter-ethnic violence perpetrated by the military against indigenous communities can be understood as representing those actions deemed necessary to purify and construct a consolidated whitened, homogeneous nation-state, as Semelin has explored in his scholarship.^{xvii} Mass killing was determined by 'the quest for purity' and wielded through an 'eliminationist ideology',^{xviii} aimed at engineering a 'permitted indian', civil, modernised and passive,

within a re-engineered nation-state.^{xix} Key to this process was the mobilisation of an ideology of ethnic hatred by ‘ethnic entrepreneurs’,^{xx} in this case the military high command. Said discourse sought to generate the belief in the natural and immutable inferiority of sub-human indigenous peoples, based upon invented criteria of biological, cultural and moral difference. As Ignatieff has evidenced elsewhere, dehumanisation in this case also sought to make the killing easier;^{xxi} from this perspective, the indigenous were sub-human, nothing more than savage. Concurrently, the discourse operationalised by the military high command constructed and instrumentalised a framework of ‘moral grievance’ against the targetted group. Troops were motivated to believe that the massacres represented a legitimate mechanism through which to ‘struggle against the perceived deviance’ of the subversive indigenous other, representing, in part, violence as punishment.^{xxii} In the aftermath of the armed conflict and, significantly, during the trial itself, the dehumanisation of the threatening and deviant indigenous other has remained a prevalent and socially legitimate discourse, representing a central facet of the legacy of genocide. As the prosecution of Montt evidenced, for the economic and political elite, the perceived ‘indian threat’ remains very real.

The Peace Process

Guatemala was returned to civilian rule after the political transition (1983–85) ended and civilian President Vinicio Cerezo assumed office in January 1986. However, the military, jubilant and institutionally consolidated in the wake of the counterinsurgency’s strategic victory, never meaningfully relinquished power. The early stages of Guatemala’s peace process began only shortly afterwards, linked to the

onset of the regional peace process, Esquipulas II, in 1987. With the end of the Cold War, the search for peace began in earnest, the national process being consolidated in 1994 with the established presence of the United Nations Verification Mission in Guatemala (MINUGUA).

Between 1994 and 1996, seventeen peace accords addressing operative and substantive themes were signed between successive governments and the URNG, and subsequently monitored and verified by MINUGUA. The peace process successfully orchestrated the end to formal hostilities, legitimised victims' demands relating to human rights and indigenous rights, and facilitated the empowerment of civil society organisations. The accompanying consolidation of a partial rights culture opened a space for growing demands from increasingly visible civil society actors, including victims of the genocide, for justice, truth and reparations relating to the past violence. Victims learnt human rights frameworks, including those relative to international crimes such as genocide and crimes against humanity. They subsequently came to recognise the irreversibility of their rights and the state's correlative obligations in this regard. As one human rights leader stated, 'We have learnt our rights, and we can not unlearn them: central to our struggles are now is the demand for their recognition'.^{xxiii}

Provisions related to institutional strengthening also guaranteed partial transformation of the justice system, including, specifically, the establishment of units within the Public Prosecutor's Office to investigate past human rights violations. Said conditions were key to the development of the trial.

At the same time, the peace process sought to engineer the establishment of those conditions to bring about a definitive end to the causes and consequences of the conflict. Limited implementation of the accords, however, restricted their possible

impact in this respect. Moreover, the design of the process itself ultimately thwarted possibilities for effective post-conflict reconstruction and sustainable peace. As a result of the systematic reticence of Guatemalan elites to engage directly with the structural causes of conflict (unequal distribution and control of land; horizontal inequalities), the accords excluded relevant provisions in this regard, subsequently impeding enduring transformation.^{xxiv} Furthermore, and significantly, no recognition of the genocide by the parties to the conflict was formally given. The genocide was not referred to in the accords, nor did they establish mechanisms through which to bring its perpetrators to account, unlike in Rwanda or the former Yugoslavia. Arguably then, despite considerable reference to victims of the conflict, the peace process showed disdainful disregard for the genocide and its victims, strengthening the regime of denial assumed by state, political and economic elite actors for whom the genocide remained a fiction.

Transitional Justice Mechanisms

During the peace process, two amnesty laws were passed, in 1986 and 1996 respectively. The first law gave amnesty provision to those accused of political or related common crimes. The second law, the National Reconciliation Law (1996) consecrated ‘total release from penal responsibility for political crimes committed during the armed internal confrontation’ and ‘the total release from penal responsibility for common crimes ... connected to’ such political crimes (Articles 2 and 4). However, and significantly, the law also stated ‘The release from penal responsibility ... does neither apply to crimes of genocide, torture and forced disappearance nor to the crimes which are not subject to limitations’ (Article 8). Ríos Montt and Rodríguez Sánchez have systematically appealed to the provisions of the aforementioned amnesties, a tactic that has continually impeded advances in the case.

Significantly, after El Salvador, the Guatemalan case represents one of the first of its kind where broader transitional justice mechanisms, historically embedded in Latin American experience since the publication of the Argentinian truth commission report *Nunca Más* in 1984, became central to a formal peace process.^{xxv} In this respect, the country's Historical Clarification Commission (CEH), established through the Oslo Accord (1994), was mandated to clarify human rights violations and acts of violence, prepare a report documenting said findings and 'formulate specific recommendations to encourage peace and national harmony'.^{xxvi}

The final report of the CEH, *Guatemala: Memory of Silence*, was presented in Guatemala in 1999. At its official launch, then President Alvaro Arzú refused to accept and thus acknowledge the report publicly, likely due to the conclusions presented therein. The report found that the military had been responsible for 83% of the human rights violations perpetrated during the conflict and that the state had been responsible for carrying out *acts of genocide* in four regions of the country between 1981 and 1983, crimes allegedly committed during the wider counterinsurgency campaign. Of significant importance in this regard was the CEH's recommendation to 'prosecute, try and punish' those crimes not extinguished by the 1996 amnesty law, including particularly genocide, torture and forced disappearance'.^{xxvii} Whilst the mandate of the CEH prevented the individualisation of responsibility and use as direct evidence in judicial cases, its findings and corresponding recommendations undergirded the justification for and development of the genocide case.

Arzú's reaction personified the profound contempt that the political and economic establishment felt towards the victims of the conflict and the genocide narrative itself. Arguably, the public rebuttal of the CEH, and the killing by military officials of Bishop

Juan Gerardi in April 1998, only hours after the publication of the Catholic Church's truth commission, *Guatemala Never Again*, which Gerardi directed, were key markers in Guatemala's post-genocide trajectory. Both events exposed the lengths to which those involved (in-) directly in the perpetration of the genocide would go to deny it, repudiate its victims, and silence their advocates, conduct that would subsequently be replicated during the genocide trial. Moreover, whilst in the aftermath of the genocide the country's past logically remained contested, the brutal refutation of subaltern truth implicating military, political and economic elites in mass killing demonstrated the absurd and fictitious nature of Guatemala's post-war reconciliation. Nevertheless, and significantly, it was within this fragile and violent post-conflict scenario that the foundations were established to bring the former generals to trial.

The Case Against Ríos Montt and Rodríguez Sánchez

On 19 March 2013, Ríos Montt and Rodríguez Sánchez went on trial for genocide, crimes against humanity and war crimes committed in the Ixil region between 1982 and 1983. The prosecution was not, however, an isolated case, but rather formed part of the 'justice cascade',^{xxviii} characterised in Latin America by wide-ranging domestic prosecutions for international crimes against former Heads of State and lower level military officials.^{xxix} In the case of Guatemala, as elsewhere, the push, at least initially, to investigate past crimes was not state-driven; civil society organisations filed legal cases in Guatemala, as well as in Spain and Belgium. Given the absence of state-led initiatives and the fragility of state institutions, human rights and victims' organisations assumed the central role in 'building criminal cases and providing services and security for victims'.^{xxx} Ongoing struggles for justice built upon the demands of indigenous and

human rights organisations that had emerged prior to the peace process, for example of the *Ethnic Council Runujel Junam* (CERJ) and the *Mutual Support Group* (GAM), shaping new forms of political agency from within civil society.

Two civil society organisations led the genocide investigation as *querellantes adhesivos* (*partie civil* in civil law systems): the *Association for Justice and Reconciliation* (AJR), an organisation of indigenous genocide survivors established in 2000 representing 22 communities, and the *Centre for Human Rights Legal Action* (CALDH), a human rights organisation formed in 1994 and based in Guatemala City. AJR-CALDH initially presented two cases for genocide, crimes against humanity and war crimes. The first case against former President Romeo Lucas García and his military high command was presented in 2000, with the case against Ríos Montt and his high command subsequently presented in 2001.

Key to the development of the case was the mobilisation of over one hundred indigenous survivors of the genocide from five regions of Guatemala who organised through the AJR to formulate and present the evidence that would eventually represent the cornerstone of the Montt indictment. The initiative was consolidated by the interplay between the massacre survivors and the critical role played by national and international lawyers, academics and analysts working through CALDH to weave the case together. As a result of said dynamic, in the mid-2000s, a key decision was made by AJR-CALDH to focus strategically upon the Ixil as the geographical region for the case. Given the dimensions of the violence, the ethnic homogeneity of the region (97% ethnic Maya Ixil) and the convincing body of evidence gathered, it was agreed upon that a conclusive and compelling case could be argued for genocide in this region.^{xxxi}

As Kemp has correctly indicated, AJR-CALDH played a critical role in locating witnesses, taking testimonies, analysing documentation, commissioning expert witness reports, providing technical assistance to state prosecutors and delivering psychosocial support to victims.^{xxxiii} However, this formalist perception overlooks the role of AJR-CALDH in generating a facilitating environment in which victims of genocide came to acknowledge their history through the construction of a collective memory bank, learn and demand their rights and build a common struggle based upon their shared indigenous identity and legitimate claims to entitlement recognised within national and international human rights frameworks. As one survivor recalls, ‘the very act of organising through the AJR raised our self-esteem, gave us legitimacy. Human rights was a weapon we had, you might say, that empowered us’.^{xxxiii}

The effective organisation of AJR-CALDH was not an isolated incidence of civil society mobilisation. Rather, since the mid-1980s, human rights, women’s and peasants’ organisations in Guatemala had emerged as key actors, emboldened and legitimised by the peace process, which they would, in turn, shape.^{xxxiv} In this respect, the argument presented in this research is that the social and political processes that engendered the genocide trial, and the indictment of Montt itself, were moulded by the successful impact of the peace process in specific arenas. The trial would have been unthinkable without the empowerment of civil society actors and the corresponding partial rights culture that their mobilisations and advocacy engendered, both of which were embedded goals of the negotiations. Moreover, the struggles of human rights organisations precipitated key achievements within the courts leading to important sentences in cases of human rights violations, a process that emboldened the justice

system and weaved significant precedents for the genocide case.^{xxxv} As would become clear in the context of the trial, from the perspective of the economic and political elites, the process had, in no uncertain terms, created a Frankenstein.

The peace process also sought to precipitate long-term reform of the security and justice sectors, through the overall strengthening of state institutions, and, in particular, by creating specialised investigative units within the MP and high impact trial courts, such as the *Tribunal de Alto Riesgo A*,^{xxxvi} in which Ríos Montt was tried. Scholars have identified the importance of the contribution of capable, autonomous and legitimate governmental institutions for the consolidation of a secure and stable post-conflict environment. Brinkerhoff has further identified a set of core functions – security, state effectiveness and state legitimacy – as crucial to post-conflict sustainability.^{xxxvii} In a context marked by the absence of effective and impartial state institutions, civil society actors had assumed a key role in ‘building criminal cases’. Nevertheless, even once the genocide cases were presented, the fragility and lack of independence of the justice system continued to impede progress. As interviewees stated, after 2002, once testimonies in both cases were filed with the MP, ‘justice officials systematically obstructed any advances in the cases, at times intentionally, or otherwise due to negligence and lack of capacity’.^{xxxviii}

Without the meaningful operative response of state institutions, civil society efforts to bring former Heads of State and military officials to justice were severely hampered and the cases languished for several years within the justice system. In 2007, the International Commission Against Impunity (CICIG), a UN-supported initiative to strengthen the Guatemalan justice system, was established in the country. CICIG’s

mandate was to ‘support and assist domestic justice institutions in the investigation and prosecution of crimes committed by illegal entities and clandestine security apparatuses’.^{xxxix} Consequently, CICIG’s mandate excluded legal cases relating explicitly to human rights violations and its presence had no immediate or direct effect on the genocide cases. However, CICIG began to exercise an important impact within the MP, gradually ‘emboldening the justice system’. Building upon previous development cooperation, CICIG collaboration successfully strengthened the investigative capacity and independence of the MP. Moreover, in 2010, CICIG played a key role in successfully pressuring for the appointment of Claudia Paz y Paz, a respected human rights advocate, former magistrate and distinguished lawyer, as Guatemala’s Attorney General.^{xl} It would be under Paz y Paz’s mandate that the genocide trial would advance irreversibly: the Attorney General and her team of advisors demonstrated the necessary political will to push the case forward. As Kemp has eloquently argued, Paz y Paz’s appointment demonstrated a ‘political and institutional opening’ bolstered by ‘a bank of evidence, analysis and a case theory, as well as national lawyers with relevant experience... a strong domestic constituency with international networks ready to support prosecutors, judges and witnesses’.^{xli} In this context, and with the formal rejection by the trial court of the amnesty appeal in 2012, the date was set for the trial to go ahead.

The Verdict

The trial against Ríos Montt and Rodríguez Sánchez was expeditious by any standards, and particularly in a country where legal processes, in particular those relating to human rights violations, have been Sisyphean. The trial was met with unprecedented

levels of media coverage, both national and international. At the same time, and particularly during moments of temporary legal stalemate, international observers, including diplomats, academics and human rights advocates – such as high-level UN officials and the US Embassy – attended the trial. In fact, the US Embassy exercised continuing strategic support to Paz y Paz and to the trial more generally, support wielded within the framework of US development assistance towards strengthening of the justice system provided since 1996. Only 53 days passed between the commencement of the trial and the verdict, presented on 10 May by the team of judges led by Judge Jazmin Barrios. Rodríguez Sánchez, Ríos Montt's then head of Military Intelligence, was acquitted of all charges. Ríos Montt, however, was convicted of genocide and humanitarian crimes, a combination of crimes against humanity and war crimes, and sentenced to serve eighty years in prison. Montt's conviction represents the first of a former head of state in national courts in Latin America for genocide. The former dictator is also the highest level military official to be convicted in Guatemala after Colonel Juan Valencia Osorio's conviction for the murder of Myrna Mack in 1991.

However, and significantly, only ten days later, under unrelenting pressure from elite economic, political and military actors, the Constitutional Court (CC) annulled the verdict on grounds of due process, supporting claims by Montt's defence team that during the trial he had been left temporarily without legal defence. The trial was consequently returned to a prior phase.

The prosecution, driven and prepared in part by AJR-CALDH, presented a consolidated, exhaustive case, fielding a total of 97 witnesses, 39 forensic experts, and 16 expert

witnesses. Of extraordinary significance were the testimonies given by indigenous survivors of the violence, in particular those by women who had been victims of sexual violence. In harrowing spectacle, attired in traditional Ixil dress, indigenous women addressed the court and the accused generals directly in their own language, describing in detail the horrific sexual torture and violence to which they had been subjected by the Guatemalan military. Said testimonies evidenced the historical victimisation suffered by indigenous communities, simultaneously legitimising their historical narrative and empowering indigenous actors through singular acts of courage that forged their status as subjects of law. The testimonies, interlaced with profound physical and emotional distress, left an indelible imprint upon Guatemalan and international audiences alike and, ultimately, came to represent a central aspect of the body of proof against Montt. At the same time, the prosecution skillfully employed 16 expert witnesses (*peritos especiales*) who, on the strength of written reports submitted to the MP, testified on themes that were central to the legal charges presented.^{xlii}

Kemp has carried out an exhaustive analysis of the judgement against Ríos Montt,^{xliii} and it is not the intention of this article to replicate this. However, in itself, the detail of the judgement and the sheer extent of the acts perpetrated within the framework of genocide and crimes against humanity that it sanctions, merit mention. The Court identified a series of military plans (*Victoria 1982, Firmness 1983, Operation Plan Sofia*) within the framework of which operations were carried out, concluding that the content of said plans evidenced planning involving the military chain of command. The Court concluded that military operations under Montt caused the death of 1771 civilians, the forced displacement of 29,000 people, 41 rapes, the torture of 163 people, the bombing of 15 communities, and the forced concentration of 1,383 people.^{xliv}

The Court held that the attacks against the Ixil ethnic group were systematic, massive and indiscriminate, representing a strategy to terrorise, humiliate and destroy the social fabric of the Ixil people, which represented four of five constituent acts of the crime of genocide perpetrated against members of the Ixil ethnic group (Kemp 2014: 138).^{xlv} In this respect, military operations were determined by the intent to eliminate, in part, the Ixil ethnic group, a rationale central to the crime of genocide. However, of significant importance to the case were the modes of liability evidencing Montt's direct contribution to the crimes, as Kemp has demonstrated. Given his power of military command as 'maximum authority of the de facto government', the Court held Montt responsible for having contributed to the crimes, including through ordering the preparation of plans that aimed to precipitate the partial destruction of the Ixil ethnic group. Montt was held responsible for approving said plans and 'ordering and authorising their implementation', as well as for not preventing the crimes that were subsequently perpetrated (omission).^{xlvi}

The Impact of the Trial and Verdict

Analysis of the consequences of the trial should differentiate between the impact of the initial guilty verdict against Montt and the effect of the reactions to Montt's indictment that subsequently led to the annulment of the trial by the CC. These separate judicial decisions taken by distinct courts of law precipitated contradictory consequences, ultimately strengthening the opposing narratives and truths fielded by victims and perpetrators in the wake of the conflict and arguably exacerbating existing polarisation and the dangers of backlash. In this regard, the trial acutely evidenced Guatemala's yet

unresolved dilemma of how it should leave behind its legacy of massive and systematic human rights violations and consolidate democracy; in Elster's words, 'To move forward, we must first come to terms with the past and to move forward, we must resolutely ignore the past'.^{xlvii}

Units within the MP and the judiciary exerted a significant degree of independence throughout the Montt prosecution, evidencing important advances in capacity building within both institutions. The trial demonstrated that specific units within the MP have consolidated effective investigative techniques, learnt to apply international law to the Guatemalan context and formulate solid bodies of evidence for complex criminal cases. These skills were further reinforced by the guilty verdict, bolstering the confidence of officials. Whilst the malicious litigation employed so effectively by the Montt defence demonstrated the challenges that remain within the legal system, the MP has, in general, emerged strengthened as a result of the trial, its legitimacy as a competent state institution strengthened. In the words of an official from the MP, 'The MP demonstrated its capacity to carry out criminal prosecution, support victims of human rights violations and coordinate effectively between institutions, showing how it is possible to construct a functioning state in Guatemala'.^{xlviii}

Similarly, the process has bolstered specific authorities within the judiciary, in particular the High Impact Court in which Montt and Sánchez were prosecuted. However, the decision taken by the CC to annul the trial evidenced the lack of independence and politicised nature of the country's highest court, leaving the system itself discredited and delegitimised. According to one of Guatemala's most eminent lawyers, 'Despite the positive role played by the MP, the CC's decision consecrated

impunity, and set a precedent for the use of malicious litigation as a weapon to be employed in high courts and tribunals. The justice system has been profoundly weakened and the rule of law seen to be non-existent'.^{xlix}

Beyond the immediate impact in the legal system, the consequences of the trial extended outside of the juridical sphere, ebbing into and shaping broader and embedded social and political processes associated with the armed conflict and the peace negotiations. Political analyst and former guerrilla Miguel Ángel Sandoval defined the trial as 'the national striptease', given that it allegedly obliged actors from across the political spectrum, including on the extreme right, to assume a public position concerning the armed conflict, the genocide accusation and ongoing racism. In an interview, a functionary from the MP corroborated this position, stating how 'the far right never imagined there would be an Attorney General and judge that would allow the case to get to court, let alone commit the barbarity of permitting a sentence for genocide to stand. This forced the far right to dirty their hands in public, something they had never before done.'¹

A major impact of the trial in this respect then was to provoke national debate centring on truth and memory, a debate that represented, in effect, a struggle to define the country's recent history. Arguably, with the rebuttal of the CEH's final report in 1999, indigenous victims of past violence were publicly shunned, their experience repudiated and discredited. In this regard, the broader social impact of the CEH had been severely restricted. However, as Hamber and Wilson have observed, individual and social processes in the wake of mass violence, in fact *the past itself*, may become sites of social struggle around which society and state may reintegrate or fracture.^{li} In post-war societies

recovering from often protracted and brutal violence, consensus around issues relating to the perpetration of past crimes is rarely achieved expediently, particularly when the state itself is implicated as perpetrator. Rather, truth-seeking and recovery processes may be protracted and disjunctive. As these authors state, ‘The process of breaking a regime of denial, addressing and recognising repressed memories, compensating for loss, and ultimately arriving at some type of closure and reintegration of liminal subjects, works at different levels, i.e. individuals, truth commissions and criminal prosecutions’.^{lii}

The Montt / Sánchez prosecution represented a traumatic event, forcing Guatemalan society to face its most hidden and ferocious demons, demons that had remained in the shadows since the end of the peace process. At stake was more than legal truth; in the balance was the public etching of history, the assignation of responsibility, the validation of historical conduct. As one indigenous leader stated, ‘The genocide trial felt like we were transported back to the 1980s. The wounds had never really healed. It was like reliving the Cold War all over again. It brought to light the very foundations of history and nation’.^{liii} At their own behest, victims were obliged to confront, face to face, the architects of their suffering. For survivors from the Ixil, Montt represented the, hitherto untouchable, military institution’s most tangible and controversial figure, a symbol of the genocide, of historically entrenched racism.^{liv} For the victims, the trial and the guilty verdict brought catharsis, a sense of recognition and, to a degree, of closure. At the same time, those Guatemalans who had not faced the wrath of counterinsurgency, including other indigenous communities from the Ixil itself,^{lv} or had in fact been integral to it, were obliged, once again, ‘to encounter the deviant and subversive indigenous other, the communist, the one that puts a stone in the shoe of progress, modernisation and development’.^{lvi}

The trial evidenced fissures within indigenous experience, whilst revealing the fiction of reconciliation and the ongoing polarisation that continued to fracture the country along the lines of ethnicity, race, class and the rural/urban divide.^{lvii} However, thirty years after the massacres, the trial unequivocally forced open a space in which public debate on the armed conflict, genocide and sexual violence, muted in the immediate aftermath of the violence, was unavoidable. According to one interviewee, ‘Guatemalans did not read the CEH, it was never taken seriously. But the trial, that was different. Imagine how people felt, sitting down to drink a coffee and watch the evening news, seeing and hearing the witnesses testify to how they were raped by fourteen men, how their families were massacred. It was a national trauma that finally broke the silence. The acts became undeniable’.^{lviii}

In this context, the impact that the testimonies and evidence presented had upon the national imaginary was critical. As the prosecution unfolded its case, testimony after testimony graphically implicated the accused, and the military more widely, in the perpetration of egregious crimes. Gradually, the rightwing economic, intellectual and political elite, in fact President Pérez Molina himself, felt adequate pressure to respond, stating publicly on repeated occasions that, ‘whilst genocide had not been perpetrated, excesses were indeed committed within the framework of the armed conflict’.^{lix} Given that the military had historically sustained that its conduct had been exemplary and that it had not commissioned illegal acts or violations, this admission was of significant importance and partially fractured the regime of denial.

The Montt prosecution in this way surpassed the more limited impact of the truth commission, initially laying the foundations for the potential construction of a shared

collective memory of the armed conflict from the perspective of genocide survivors mobilised within the AJR and other similar victims' organisations, a truth negotiated as it had been within the context of the trial. The search for legal truth thus became a mechanism through which to contest and reshape a top-down truth imposed by military and economic elites, the undisputed victors of the armed conflict. Accordingly, the verdict against Montt represented a critical achievement for indigenous and non-indigenous victims of the conflict alike, although the specific nature of the crime and sentence were logically of extraordinary relevance for indigenous peoples. In the immediate aftermath of the sentence, human rights, indigenous and women's movements, whose historical struggles had demanded recognition of the violations perpetrated by the military and who had converged in the context of the prosecution, were vindicated. As one member of the human rights community stated, 'Indigenous victims sat in a court of law, on an equal footing to the former dictator. This court, part of a racist exclusionary state, heard their testimonies, and gave them probative value on the strength of which Montt was found guilty. This was the moment that forged profound unity amongst social movements'.^{lx} The trial served then, at least partially, to reintegrate liminal subjects, as Hamber and Wilson have suggested, to reconstruct citizenship.

Significantly, according to interviewees from human rights and indigenous organisations, a further impact of the process leading up to the genocide trial and of the prosecution itself was the creation and consolidation of a dense network of civil society actors, generating an alliance between diverse organisations and across ethnic groups not seen since the peace process (Brett 2008). After 2012, the articulation between human rights, indigenous, peasants and women's movements supporting the

prosecution created a critical mass, a 'cycle of protest', as scholar Sidney Tarrow defines it. According to Tarrow, cycles of protest are defined as phases of 'heightened conflict and contention across the social system', including rapid and widespread collective action and political mobilisation (1994: 122-125). A female indigenous academic commented how 'The Montt verdict represented a symbol and a rallying point for communities. In the context of the trial and longer-term organisational processes within indigenous communities confronting mega-projects, indigenous communities are now stating how this time they intend to defend their territory. During the conflict, they only saw a headless monster, an invisible state. Now they see who the monster is, and they know he is vulnerable. This is likely to bring a severe reaction'.^{lxi}

The Consequences and Impact of the Trial Annulment

The euphoria experienced by human rights and indigenous organisations in general, and the AJR-CALDH in particular, was never likely to remain anything other than fragile and, ultimately, ephemeral. Even prior to the verdict on 10 May, the trial proceedings had already precipitated a 'severe reaction' to subaltern empowerment: the mobilisation and resistance of those powerful and well resourced actors that had previously opposed the peace process and subsequently become key spoilers in its aftermath.

Members of the economic elite, in particular the heavyweight far right Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF), politicians from across the party spectrum, former members of the military organised through the Association of Guatemalan Military Veterans (AVEMILGUA),

right wing academics, above all from the Francisco Marroquin University, and journalists expressed consistent outrage at the prosecution, calling it a circus, a vengeful show trial. A non-governmental organisation established during the trial, the Foundation Against Terrorism (FAT), became a key vehicle for the extreme right. The FAT, whose businessman president Ricardo Méndez Ruiz had been kidnapped by the guerrilla during the conflict, has assumed a hardline approach to the trial. The FAT has continually defended the military, employing Cold War rhetoric classifying the prosecution witnesses and their legal representatives as deviants, terrorists and communists,^{lxii} a discourse that still holds sway in Guatemala. At a seminar with the private sector in March 2013, Guatemala's President, who had served in the Ixil region during the conflict, publicly assumed a position that genocide had not been perpetrated in Guatemala, a perspective reiterated by his Peace Secretary, Antonio Arenales Forno.

A key turning point in the trial that intensified the perfect storm that the guilty verdict would eventually confront was the declaration by Hugo Ramiro Leonardo Reyes, a former mechanic in the Engineer Corps in the Ixil region. In his testimony on 4 April, Reyes identified Guatemala's President Pérez Molina as having been responsible for giving orders carried out from the regional base, including those that culminated in executions. Interviewees stated how Reyes' declaration represented a point of no return: 'once implicated, the President was never going to permit a guilty verdict to stand, the trial from that moment was dead in the water, as the Molina leaned on related institutions'.^{lxiii}

Significantly, on 16 April, in the wake of the Reyes testimony, and as the possibility of a guilty verdict began perhaps to appear less unimaginable, a group of twelve respected

politicians, academics, and policymakers (the so-called *Twelve Apostles*), in many cases formerly linked to the peace process and perceived as moderate or left-of-centre, published an ominous press release. The press release, entitled ‘To Betray the Peace and Divide Guatemala’, indirectly resurrected the ‘indian threat’, declaring that the genocide accusation possessed no legal foundation and represented a ‘serious danger to the country’ that threatened to ‘exacerbate social and political polarisation’ and precipitate the ‘reappearance of political violence’.^{lxiv} The ‘national striptease’ had occasioned the emergence of an alliance of powerful and diverse actors that condemned the prosecution, bolstering the regime of denial. In the aftermath of the verdict, this alliance would become further consolidated.

The reaction of the far right to Montt’s sentencing was unanimous. The verdict could and would not be sustained: Guatemala was not Nazi Germany, as its detractors repeatedly stated in public and private.^{lxv} It was CACIF, the country’s alleged political and economic powerbroker,^{lxvi} that assumed the mantle. CACIF declared itself in permanent assembly, a rarely experienced expression of extreme dissent, until the verdict or trial were overturned, pressuring the CC to ‘respond to the violations of due process that had been committed during the trial and return the country to normality’.^{lxvii}

During interviews, the question arose as to why CACIF had exerted such public pressure on the judicial system, why it ‘publicly dirtied its hands’, given that historically there had been little evident sympathy between CACIF and Montt himself. Rodriguez has argued that CACIF’s own analyses during the trial indicated that, if Montt were convicted, there was a probability that the Council of State in session

during the Montt dictatorship (1982-1983), in which six prominent businessmen had participated, could be tried for its actions in support of the counterinsurgency. Rodriguez suggests that, in this regard, the organisation met with Zury, Ríos Montt's daughter and a prominent politician, as well as other military officials and their families during the trial to formulate strategies.^{lxviii} Interviewees similarly posited that the actions of CACIF were shaped by three mutually reinforcing fears. Firstly, that the Montt trial was only the beginning: as had been the case in Argentina, further trials would follow, pursuing not only the military themselves, but also the private sector that had provided decisive logistical support and economic resources for the counterinsurgency. The verdict then would potentially have legal consequences for members of the private sector. Secondly, the evidence presented in the trial further clarified 'the lengths to which the private sector would go to protect the economic model; this could bloody the names of the fathers of the nation, rewrite history'.^{lxix} In this regard, CACIF's reaction was shaped intimately by strategies to protect the honour of their families. CACIF's final fear was related to the economic consequences that a guilty verdict could precipitate, potentially unravelling an economic model that had hitherto been determined by racial entitlement. An interviewee from CACIF was extremely illustrative in this regard:

'The trial was determined by illegalities and violation of due process... However, we could have accepted a conviction for crimes against humanity. But some in CACIF felt that a genocide conviction would mean other countries would not want to do business with us, with genocidaires. Furthermore, it was felt the conviction could open a scenario for a series of public policies and paradigmatic laws relating to indigenous people that we have always opposed,

for example the rural development law, relating to land ownership, the law for sacred sites, that would oblige owners to permit access to land where indigenous sites existed, and the law for consultations to indigenous communities, including for projects relating to mining and resource extraction'.^{lxx}

This statement permits us to decipher why CACIF and perhaps other members of the political and economic elite, including the *Twelve Apostles*, were willing to accept a sentence for crimes against humanity, but aggressively opposed a genocide conviction. In this case, a genocide conviction would obligate the acknowledgement of racism in Guatemala; by acknowledging racism, a modern state should be compelled to make profound changes in public policy and legislation, changes that would challenge the hegemony of the country's racist oligarchy. The verdict brought the unravelling of Guatemala's historical, racially imposed order.

The impact of the overturning of the trial in this regard is as unequivocal as it is broad. Collins (2010; 2013) has argued that, elsewhere in Latin America, trials for past violations may not guarantee the repudiation of the guilty individual, much less of their political project. In Guatemala, post-authoritarian change had ultimately been limited; in this case, the overturning of the trial has polarised the country yet more profoundly and made the risk of losing further ground in human rights protection a reality. A critical impact of the trial in this respect has been the recrudescence of racism in Guatemala, a strengthening of the regime of genocide denial. Furthermore, the political and economic project that Montt represented has been consolidated as a consequence of the CC's decision. The alliance between economic, military and political elites has

been, albeit perhaps temporarily restored, and the actions of the military and private sector have once again gone unchallenged and unchecked, ultimately weakening the rule of law. The CC's decision has also further evidenced and arguably strengthened divisions within the justice system, bolstering and legitimising the lack of independence of the judiciary. Said processes have also debilitated what was already a fragile and incipient rights culture built up since the peace process. In consequence, the ultimate impact of the overturning of the trial has been to weaken post-authoritarian change and make further transformation yet more complicated, signifying that both the peace process and democratisation have suffered a dramatic rollback.

Final Considerations: the Meaning of the Genocide Trial

The contention in this research has been that recent developments within the legal system played a key role in forging the immediate conditions in which the genocide trial was held and the guilty verdict won. However, the fundamental driving force behind the case and ensuing prosecution were the social and political processes induced by indigenous and non-indigenous actors alike during, and in the aftermath of the peace process. Taking advantage of the political space engendered by the negotiations, collective mobilisations of the AJR-CALDH were able to interrupt the narrative of denial and disrupt the power dynamic imposed by elite parties and spoilers directly implicated in the perpetration of the genocide. Within this context, the achievement of a guilty verdict was all the more significant given that, as one interviewee observed, 'justice for genocide was achieved, albeit fleetingly, during the presidency of an ex-General implicated in the violence in the Ixil and against a military that had emerged victorious from the conflict, believing its actions in defeating the

guerrilla had been vindicated'.^{lxxi} The indictment attests then to the partial success of the peace process; to a seeming checkmate imposed upon the military by the human rights community.

Checkmate was soon inverted, however, and the annulment of the trial has both imperilled those advances achieved and consolidated the position of spoiling actors. It has also evidenced the incompleteness of the negotiations across two key aspects. Firstly, their failure to consolidate meaningful social and political transformation, in particular with regards to their objective of securing social reconciliation between conflicting parties and within society. In this context, it would not be an embellishment to state that the Cold War is still being fought in Guatemala. Three decades after the end of the massacres, the trial has exposed how Guatemalans have still not agreed upon the meta-narrative of the conflict: unsurprisingly, Guatemala's past remains contested. Secondly, the trial has demonstrated the failure of the accords and of the democratic system to guarantee, in general, the construction of the rule of law, and, in particular, that elites agree to and play by the rules of the game, a central aspect of both democracy and stable post-conflict scenarios. The annulment responds to a context in which indigenous communities, empowered in the aftermath of the negotiations, had begun to challenge their historical exclusion, to flatten the proverbial playing field. As an indigenous leader explained, 'The finca economy still imposes itself, but we have started to consolidate both models of citizenship and the emergence of indigenous presence across small business, education, politics and state bureaucracy. They still won't let us be Ministers or bosses, but the spider's web, the ivy, is consuming the building slowly. But this indigenous empowerment represents a threat'.^{lxxii}

If, at all, a legal trial may have a bearing upon national identity, then the Montt prosecution has done just that, exposing how the struggle to clarify historical and legal truth is related intimately to the discursive construction of the imagined community. In this case, the guilty verdict wrote indigenous victims into history, legitimised their claims, their selfhood; the annulment of the trial sought to annihilate this presence, to obliterate indigenous collective memory, to disrupt political agency.^{lxxiii} The Montt prosecution became, symbolically, a theatre of war in which the battle was waged both to delineate Guatemala's past and to demarcate and circumscribe the country's hitherto racially defined economic and political trajectory and, specifically, the role of the indigenous other in that future. The economic and political elite continues to refuse to relinquish its racially determined privileges to entitlement. In this respect, the actions to annul the trial were an extension of the genocide itself, representing 'a radical solution to the perception of an unacceptable, indeed intolerable, historical circumstance'.^{lxxiv} Order thus shall not be undone.

According to a CALDH employee, 'The annulment does not take away the verdict from us, from the victims. Montt was indicted; genocide was proved in a court of law. That is historical fact'.^{lxxv} However, the implications of the annulment of the trial may, in fact, be significant, extending beyond the albeit crucial collective perceptions of truth and justice. Midlarsky has argued that the 'validation' of mass violence may increase the possibility that atrocities reoccur in the future. According to Midlarsky, 'Validation occurs when morally repugnant and heinous behaviours result in few, if any, negative consequences for the perpetrators'; in short, when 'egregious acts are ignored, or there is an absence of consequences or punishment for them'.^{lxxvi} The message that the annulment of the trial sends to the military specifically, and society

more generally, is that risks for perpetrators remain minimal and, significantly, that violations against the indigenous community will not be punished, on the contrary, they have been validated. In this regard, the annulment has undermined and shattered the objective to dignify the victims of the conflict, so embedded in the accords.

The proclivity to write indigenous people out of history, to validate egregious violence against them, is acutely permissive in Guatemala because, as scholar Patrick Hayden has argued, ‘rights claims remain politically irrelevant or ineffective if they are unheard and unseen by others who do not recognise the claimant as sufficiently human’.^{lxxvii} The trial against Montt and Sánchez evidenced how, in the case of Guatemala, the basic condition of the ‘recognition’ of indigenous peoples has not yet been achieved, even in spite of the critical gains accomplished since the negotiations. As one indigenous leader stated, ‘In a country of indians, they massacred indians, not human beings. Today, little has changed.’^{lxxviii} The systematic massacres central to the genocide ended in 1984. However, indigenous Guatemalans today suffer extreme poverty, exclusion and disproportionate rates of maternal mortality and chronic infant malnutrition. Extractive projects, in turn, precipitate displacement and expropriation of traditional lands. Structural violence then is slowly eliminating indigenous selfhood and community. In the aftermath of the unearthing of Guatemala’s genocide, indigenous resistance struggles today look simultaneously towards the past, to break the regime of denial and etch justice, whilst looking forward, towards recognition and survival. In this context, the genocide ending still remains elusive.

Acknowledgments

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ⁱⁱⁱ See James Dunkerley, *Power in the Isthmus, a Political History of Modern Central America* (Verso, 1987).

^{iv} See Roddy Brett, *Una Guerra sin Batallas: del Odio, la Violencia y el Miedo en el Ixil y el Ixcán, 1972-1983* (F&G Editores, 2007).

^v See David Stoll, *Between Two Armies in the Ixil Towns of Guatemala* (Columbia University Press, 1993).

^{vi} See Jennifer Schimer, *The Guatemalan Military Project: A Violence Called Democracy* (University of Pennsylvania Press), Victoria Sanford, *Buried Secrets: Truth and Human Rights in Guatemala* (Palgrave MacMillan, 2003), Brett (2007), and Virginia Garrard Burnett, *Terror in the Land of the Holy Spirit: Guatemala Under General Efraín Ríos Montt, 1982-1983* (Oxford University Press, 2011).

^{vii} See Comisión de Esclarecimiento Histórico, *Guatemala, Memoria del Silencio* (CEH 1999).

^{viii} Brett, *Una Guerra sin Batallas*, 2007, and CEH, 1999.

^{ix} See Martin Shaw, *War and Genocide: Organised Killing in Modern Society* (Polity Press, 2003), Benjamin Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century* (Cornell University Press, 2004), Manus Midlarsky, *The Killing Trap: Genocide in the Twentieth Century* (Cambridge University Press, 2005).

^x Valentino, *Final Solutions* (2004: 66)

^{xi} Michelle Leiby, 'Wartime Sexual Violence in Guatemala and Peru', *International Studies Quarterly*, Vol. 53, No. 2, 2009, pp. 445-468. 447)

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^{xiv} Interview, Centre for Human Rights Legal Action, Guatemala City, 08/06/2013. See also <http://www.plazapublica.com.gt/content/los-militares-y-la-elite-la-alianza-que-gano-la-guerra>, Martin Rodriguez, accessed 19/08/2014. See also Dirk Kruijt, 'Exercises in State Terrorism, the Counterinsurgency Campaigns in Guatemala and Peru', in D. Kruijt and K. Koonings (Editors), *Societies of Fear: The Legacy of Civil War, Violence and Terror in Latin America* (Zed Books, 1999).

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^{xvi} Midlarsky, *The Killing Trap* (2005: 4)

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- xliv Judgement Against Ríos Montt (2013: folios 115-140; 698-699; 703-704), cited in Kemp (2014).
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