

The Inter-American Court Condemns Guatemalan Government for 1982 massacre and for the First Time in its History Condemns a Member State for Genocide

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23 July 2004

Exactly 10 years ago, anthropologist Kathleen Dill and I were digging up bones in the exhumation of a clandestine cemetery of massacre victims in Plan de Sanchez, an isolated, indigenous mountain village of Guatemala. This third exhumation in the country took place before the Guatemalan army and guerrillas had signed peace accords, before the Guatemalan army's civil patrols had been demobilized and before the United Nations Mission in Guatemala or any international NGOs had arrived.

In the midst of the exhumation, the Guatemalan Forensic Anthropology Foundation, the Human Rights Ombudsman and the survivors received threats – “Leave the Dead in Peace, Sons of Whores or the Violence of the Past will Return.” The survivors were undeterred. They knew the exhumation had to continue or they would lose what little political space they had. Mostly, they were concerned for our safety because the local army commander had publicly stated that all the “anthropologists, internationals and journalists in Plan de Sanchez are guerrillas.”

As we were brushing the earth away from the skeletons of their wives and children, I remember Erazmo, who had lost his wife, eight children and his 80 year old mother in the massacre, pointing to the open graves and saying, “There, there is no lie. There you are seeing the truth.” I asked what importance the truth could have 12 years after the massacre. Juan Manuel, who had also lost his wife and family, said, “We want peace. We want people to know what happened here so that it does not happen again - not here, not in some other village, department or country.”

Dr. Clyde Snow always says, “The bones don't lie.” Indeed they do not. The testimonies of survivors and the forensic analysis of the remains of massacre survivors provided evidence for a petition filed by survivors with the Inter-American Commission of Human Rights in 1995 requesting that the Commission pass the case on to the Inter-American Court. Over the years, in Plan de Sanchez, we have often discussed this case with survivors. While allowing for citizen petitions, the Inter-American process is slow. We would reassure one another that something was bound to happen – especially after we knew that the case had been passed on to the Court. Cases can take up to 10 years. “Sooner or later there will be justice” became the refrain for survivors.

The Inter-American Court recently condemned the Guatemalan government for the July 18, 1982 massacre of 188 Achi-Maya in the village of Plan de Sanchez in the mountains above Rabinal, Baja Verapaz. In this judgment, and for the first time in its history, the Court ruled that a genocide had taken place. The Inter-American Court attributed the 1982 massacre and the genocide to Guatemalan army troops. This is the first ruling by the Inter-American Court

against the Guatemalan state for any of the 626 massacres carried out by the army in its scorched earth campaign in the early 1980s - violence that took the lives of more than 200,000, mostly indigenous, Guatemalans. The Court has not yet announced the damages, expected to run in the millions, the Guatemalan state will be required to pay to the relatives of victims of the 1982 massacre.

Beyond the importance of this judgment for the people of Plan de Sanchez, the Court's ruling is particularly significant because the following key points were included in the judgment:

- There was a genocide in Guatemala
- This genocide was part of the framework of the internal armed conflict when the armed forces of the Guatemalan government applied their National Security Doctrine in their counterinsurgency actions
- These counterinsurgency actions carried out within the Guatemalan government's National Security Doctrine took place during the regime of General Efraim Rios Montt who came to power through military coup in March of 1982.

Further, regarding the massacre in Plan de Sanchez, the Court indicated that the armed forces of the Guatemalan government had violated the following rights, each of which is enshrined in the Human Rights Convention of the Organization of American States:

- The right to personal integrity
- The right to judicial protection
- The right to judicial guarantees of equality before the law
- The right to freedom of conscience
- The right to freedom of religion
- The right to private property.

The Plan de Sanchez case was considered by the Inter-American Court at the request of the Inter-American Commission which received the original petition from relatives of the massacre victims. These survivors requested consideration within the Inter-American Court because of the lack of justice in the Guatemalan legal system. Since the Plan de Sanchez case was initiated in 1995, there have been more than 200 exhumations of other clandestine cemeteries of massacre victims in Guatemala. Each of these exhumations has included the filing of a criminal case with forensic evidence against the Guatemalan army and its agents. To date, only the Rio Negro case has been heard in a Guatemalan court (in 1999) and no army officials were included in the case which found three low-ranking civil patrollers guilty.

The Guatemalan government is currently seeking military aid from the United States. Sadly, most Guatemalan political parties include former military officials implicated in the genocide - the most prominent being the powerful FRG party headed by Rios Montt. Moreover, the government has yet to fully purge the armed forces of the intellectual and material authors of genocide. Before sending guns or money to the Guatemalan army, the US government should consider the Guatemalan legal system's failure to address these army massacre cases as well as its failure to bring Efraim Rios Montt and other intellectual authors of genocide to justice.

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