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## RIGHTS-GUATEMALA:

### Army Records Spur Hopes for Justice

Danilo Valladares

**GUATEMALA CITY, Dec 11 (IPS) - Original Guatemalan army records on a scorched-earth campaign known as "Operation Sofía", presented as evidence in a human rights case in Spain, have bolstered hopes for justice among the relatives of victims of Guatemala's 36-year civil war in which more than 200,000 people, mainly Mayan Indians, were killed.**

The 359 pages of army records provide detailed orders given by military and civilian authorities as part of an army strategy carried out in the northwestern province of Quiché to eliminate indigenous people - men, women and children - seen as allies of the left-wing guerrillas, as well as their housing, crops and livestock, in the fight against "communism."

The documents include operational plans, directives, maps, telegrams and hand-written patrol reports.

Kate Doyle, head of the Washington-based National Security Archive's (NSA) Guatemala Project, obtained the documents and presented them to the Audiencia Nacional, Spain's highest criminal court - which is trying the case - on Dec. 2.

The records document Operation Sofía - just one part of the broader countersubversion campaign against the guerrillas - in which thousands of indigenous villagers were killed in July and August 1982.

Former de facto president Gen. Efraín Ríos Montt (1982-1983) and seven other top military and civilian officials are facing genocide charges in the case, originally filed in Spain in 1999 by Guatemalan Nobel Peace Prize-winner Rigoberta Menchú and other survivors of the atrocities committed during the 1960-1996 armed conflict in this Central American country.

Menchú herself is an indigenous woman from the mountainous Quiché province, where Operation Sofía was carried out. Her mother and brother were tortured and killed by the army, and her father died when the Spanish embassy, occupied by Vicente Menchú and other native activists, workers and students, was stormed by government forces and set on fire.

Since 2006, the California-based Center for Justice and Accountability has been lead counsel in the case. Victims are also represented by Spain's Asociación Pro Derechos Humanos de España (APDHE - Human Rights Association).

The trial is being held in Spain under the principle of universal justice, according to which the perpetrators of war crimes, torture, forced disappearance and other crimes against humanity are subject to international jurisdiction if no national court is able or willing to handle the cases.

The highest profile case of the application of universal justice by the Spanish courts led to the 1999 arrest of former Chilean dictator General Augusto Pinochet (1973-1990) in London on the basis of a warrant issued by Spanish Audiencia Nacional Judge Baltasar Garzón.

Early this year, Defence Minister Gen. Abraham Valenzuela said it was impossible to locate the documents or turn them over to a judge in Guatemala, as the Guatemalan Constitutional Court ordered in 2008.

#### Systematic policy of genocide

The 1999 report issued by the U.N.-sponsored Historical Clarification Commission found that 93 percent of the killings and other abuses were the work of the armed forces and their right-wing paramilitary allies, and described them as "a government policy of genocide" against the Mayan people.

The Historical Clarification Commission, or truth commission, was created by the peace deal signed in 1996 by the government and the Guatemalan National Revolutionary Unity (URNG).

Victims' relatives, many of whom have testified in the trial presided by Spanish Judge Santiago Pedraz, say the Operation Sofía documents strengthen their hopes for justice.

"This encourages me to keep fighting, to obtain justice for these communities and bring dignity to the victims," said Manuel Calel, who lost several family members in one of the 327 massacres committed in Quiché according to the U.N.-sponsored truth commission.

A total of 440 Mayan villages were razed to the ground in the 1982-1983 scorched-earth campaign that Operation Sofía formed part of.

"The rest of the people who were affected and myself are trying to bring to justice the people who committed the massacre in Lacamá II," he told IPS, referring to the slaughter of over 200 people in 1982 in his Chichicastenango community in Quiché province.

"We believe it will be achieved, as long as we have the support of the institutions, although sadly in Guatemala the attorney-general's office does not bring justice," he said.

The genocide case brought nearly a decade ago by Menchú has moved slowly. In July 2006, Pedraz ordered the arrest without bail of eight Guatemalan army generals and others on charges of torture, illegal detention, state terrorism and genocide.

The accused include former dictators Ríos Montt and his predecessor Romeo Lucas García and successor Óscar Mejía Víctores; former defence minister Ángel Aníbal Guevara; and former police chiefs Germán Chupina and Pedro García.

Of the eight, only Chupina, who died in 2008, and Guevara were arrested in 2006. But they were released in December 2007 when the Constitutional Court ruled that Spain's Audiencia Nacional had no jurisdiction to try people accused of crimes that took place in Guatemala. The rest were never arrested. Lucas García died in exile in Venezuela in 2006 without ever being brought to trial.

"The Operation Sofía documents delivered to Judge Pedraz are part of a strategy to provide evidence in the case, which along with other elements that are being incorporated is making the responsibility of the accused even more obvious," Benito Morales, a lawyer with the Mexico City-based Rigoberta Menchú Foundation, said to IPS.

According to Morales, the evidence in the files presented in the trial in Spain is overwhelming. "The problem here is that the Guatemalan state has staunchly refused to extradite these people," he said.

"In general, the state has assumed an attitude of covering up what happened, because if they wanted to move forward in line with the law they would have to arrest and extradite the accused, or try them (in Guatemala), but they are doing neither," said Morales.

Although no one has yet been brought to justice in the genocide case in Spain, sentences were handed down in the first two cases of forced disappearance to come to trial in Guatemala.

On Dec. 3, retired colonel Marco Antonio Sánchez became the first army officer convicted in connection with forced disappearances. He and three paramilitary officers - known during the civil war as "military commissioners" - were sentenced to 53 years in prison for the October 1981 kidnapping and disappearance of eight peasants.

And in August, another former "military commissioner", Felipe Cusanero, was sentenced to 150 years in prison for the kidnapping and disappearance of six indigenous peasant farmers between 1982 and 1984.

"This is the start of new times, in which there is some kind of light at the end of the tunnel," said Mario Polanco, head of the Mutual Support Group (GAM), a local human rights organisation.

Polanco told IPS that the presentation of the Operation Sofía documents in the trial in Spain, and the two sentences handed down for forced disappearances in Guatemala, are "an important contribution to justice in the country," because "they will help put an end to impunity.

"Although the conditions do not exist for achieving real justice in this country, this lays a foundation so that as international justice moves forward, national justice will continue to be strengthened," he added.

Miguel Ángel Alvisurez, head of the National Human Rights Movement, remarked to IPS that the sentences in the cases of forced disappearance have shown that it is possible to obtain justice, and said "we hope the same thing will happen with Operation Sofía."

The activist acknowledged the shortcomings of the justice system in Guatemala, where 98 percent of crimes go unsolved, but said that "if judges enforce the law and make a real or fair interpretation of the events of the past, we have hopes that justice can be achieved." (END/2009)

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