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Terror on Trial

Guatemala's Indians take their Former Army Tormentors to Court

By Mike Lanchin

El Tesoro, Guatemala --

Sabina Hernandez, a Mayan peasant, can never forget what the Guatemalan army did to her family and community 20 years ago.

“They burned down all our houses. They didn't see us as people,” she said. “They saw us as animals, as if we had tails or horns.”

Pausing only to take a breath, the 32-year-old Ixil Indian from Quiche state -- traditionally the most outspoken and most persecuted of Guatemala's 22 indigenous groups -- continued her vivid story of how soldiers burned her aunts and cousins alive:

“One of my cousins had just had a baby, and they killed her, too. All we found was the baby's head. My dad buried it. We were so afraid that we fled into the mountains.”

Pursued by the army in its bloody campaign to stifle indigenous support for leftist rebels during the most intense period of Latin America's longest-running civil war, Hernandez and her neighbors headed for the remote northern jungle along the border with Mexico. There they spent more than a decade in hiding, along with as many as 50,000 other refugees who came to be known as Communities of People in Resistance, or CPRs.

“We would walk day after day, hour after hour. We didn't have anywhere to live,” she said. “All we had to eat were roots and grass. Newborn children (she had five during her flight) had only roots to eat.”

Four years after a peace pact was signed between the Guatemalan government and guerrillas, thousands of Mayan survivors like Hernandez are struggling to remake their lives as the country stumbles along the road to postwar reconstruction.

As part of that process, some Mayans for the first time are taking their alleged tormentors to court, including three of the country's former military dictators.

“My dream is to stand up in court and defend the truth of my family and my people,” Rigoberta Menchu, Guatemala's best-known indigenous leader, said recently in a Spanish courtroom.

In March, Menchu, winner of the 1992 Nobel Peace Prize, took the unprecedented step of filing genocide charges in Spain against three former Guatemalan dictators: Generals Romeo Lucas Garcia, who ruled from 1978 to 1982, Efraín Ríos Montt (1982-1983) and Oscar Humberto Mejía Victores (1983-1986).

Menchu based her suit on three specific cases: the military assault on the Spanish Embassy in Guatemala City in 1980 to dislodge protesters, which resulted in the death of 37 people, including three Spanish citizens and Menchu's father; the slaying of four Spanish priests; and the torture and killing of other members of her family, including her mother.

Five aides to the defendants, including a former Cabinet minister and two senior police officers, are also accused of involvement.

In his defense, the 73-year-old Rios Montt, a born-again Christian who leads the ruling right-wing Guatemalan Republican Front and is president of Congress, has said: "I am only afraid of God. They (the Spanish prosecutors) can do whatever they want."

Yet in April, he canceled a trip to France for the Easter holiday to avoid arrest. Spanish prosecutors have said they would seek international arrest warrants if the accused do not appear in court.

Rios Montt's lawyers have counterattacked by charging Menchu in a Guatemalan court for treason, sedition and violation of the constitution for filing charges in a foreign court.

Nevertheless, Menchu's lead has been followed by other victims. The Guatemala City-based Center for Legal Action is representing 84 survivors of 10 massacres that killed at least 800 people. They have filed a class-action lawsuit in a Guatemalan court against the triumvirate that ruled at the height of the repression: Romeo Lucas Garcia; his brother and former chief of staff Benedicto Lucas Garcia and former Defense Minister Rene Mendoza Palomo.

Unlike Rios Montt, the Lucas Garcia brothers no longer wield the political power they once did, perhaps making them easier targets. The ex-president is believed to be suffering from Alzheimer's disease and is currently living in retirement in Venezuela.

“It is not a question of seeking vengeance or of a witch-hunt,” said Paul Seils, a Scottish lawyer who works with the Center for Legal Action. “We’re going after those who gave the orders, not those who pulled the trigger or wielded the machete.”

The class action is historic. It represents the first time in Guatemala's legal history that ordinary Mayans -- 65 percent of the nation's 12 million inhabitants are Indians -- have legally confronted high government officials over the atrocities committed against them.

“People need to see justice done. Without it, there is no possibility of future reconciliation,” said Seils.

“We would just be sowing the seeds for future discontent.”

Indeed, legal experts say there is no lack of evidence about what went on during Guatemala's bloody conflict, which began in earnest in the late 1970s after Marxist-inspired guerrilla groups started organizing among the downtrodden Mayan communities.

Inspired by the 1979 victory of the Sandinista National Liberation Front over dictator Anastasio Somoza in neighboring Nicaragua, thousands of Mayans swelled the guerrilla ranks in Guatemala.

The army responded ruthlessly. By the mid-1980s, the military had nearly wiped out the rebels' peasant support and had isolated the guerrillas in remote northern regions.

A 1999 report by a U.N. truth commission said some 150,000 people were forced to flee to Mexico after 669 massacres were carried out by Guatemalan military and paramilitary forces. Of those, almost 80 percent took place in densely populated Mayan regions, and 83 percent of all victims were Maya. The guerrillas are blamed for less than 3 percent of the estimated 200,000 deaths during the long conflict.

In recent years, dozens of hidden graves have been unearthed as survivors gradually have come forward to tell their stories.

Early this month, investigators uncovered the bodies of 12 Indian peasants, the seventh excavation this year of clandestine cemeteries in the highlands of western Guatemala. The cemetery, located in the village of Carrigal about 100 miles northeast of the capital, Guatemala City, brought to 65 the number of victims pulled from hidden graves this year in the mountainous state of Quiche.

Human rights workers are well aware of the continuing political influence of Guatemala's powerful army.

“At the end of the day, we are not under any illusions,” said Seils. “If the military decides that this cannot happen, it won't.”

But for Sabina Hernandez and other former refugees, the future is not only about justice.

Like thousands of survivors, she is now in a resettlement camp of 1,700 refugees called El Tesoro, located some 25 miles across a misty, pine-covered mountain range from Coban, a city northeast of the capital.

After paying for the initial land grants for resettlement, the Guatemalan government seems to have largely forgotten the refugees, who live in dire poverty.

“Of course we are tired after all these years of struggling. We need land for planting, and our children need schooling,” said Hernandez. “We don't want them to grow up as we did. It really was very sad, all that we went through.”