

Reading Remains and Imagining New Beginnings  
in Present Day Guatemala and Spain

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**Sally Scott-Sabo**

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*Reading Remains and Imagining New Beginnings in  
Present Day Guatemala and Spain*

By

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Following Huyssen's assertion in *Present Pasts* that the purpose of memory is to "break out of traumatic repetitions" (9) and imagine new beginnings, my dissertation examines civil war sites in Guatemala and Spain, as well as contemporary texts from both nations, to explore how they reveal the past, draw attention to historical memories, and ponder a path for moving forward. The memory sites that I discuss include a massacre tour offered by the Maya Achi in Baja Verapaz, Guatemala; the Forensic Anthropology Museum (el Museo de la Fundación de Antropología Forense) in Guatemala City; The Valley of the Fallen in the Cuelgamuros Valley of Spain; and the Mass Grave of Oviedo in Asturias, Spain. Although memory sites in Spain and Guatemala have challenged the nations' official histories of their recent pasts, there is continued contention about their meaning, as both states are reluctant to acknowledge and address the massive scale and scope of human rights violations for which they were responsible. Despite the resistance, in both nations, groups representing the vanquished continue to enunciate their memories in search of official recognition and justice. After years of being silenced by state repression and fear, these groups are thankful for small and partial victories and simply, that their stories are being told.

Huyssen, Andreas. *Present Pasts: Urban Palimpsests and the Politics of Memory*. Stanford: Stanford University Press, 2003.



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**by Sally Scott-Sabo**

**Table of Contents**

Introduction	1
Chapter 1: Exploring Memory Sites of Guatemala's 36-year Civil War: Glimpses of Hope Amidst Tragedy, Ambiguity, and Impunity	52
Chapter 2: <i>Insensatez</i> and <i>El material humano</i> : Searching for a Way through the Violence	116
Chapter 3: <i>Las espinas de la esperanza</i> : A Return to the Scorched Earth to Explore Racism's Role in the Violence and Search for a Way Forward	173
Chapter 4: The Stifling of Historical Memories at <i>El Valle de los Caídos</i>	204
Chapter 5: A Re-conceptualization of <i>El Valle de los Caídos</i> and the Mass Grave of Oviedo: Making Room for Multiple Memories	240
Chapter 6: Isaac Rosa's <i>El vano ayer</i> : Forging Pathways through Fiction to Uncover Spain's "Forgotten" Past	262
Chapter 7: Manuel Ruiz Marcos' <i>La memoria y el silencio</i> : Shared Guilt and Acknowledging Violence as a Means to Make Amends	296
Conclusion: Creating Spaces for Imagining New Beginnings	346
Bibliography	363

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Rogelio Chen Rojas

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Herminio García-Riaño Fernández, Communications Secretary, the Association of Relatives and Friends of the Oviedo Mass Grave (AFAFC); Oviedo, Spain  
Celestino Martínez González, President of the AFAFC; Oviedo, Spain

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## Introduction

### Reading the Remains and Imagining New Beginnings in Present Day Guatemala and Spain

In January of 1980, Guatemalan military police invaded the Spanish embassy in Guatemala City, launched an explosive fire, and let it burn until the cries of the occupants could no longer be heard. Red Cross representative Odette Arzú, who was at the scene, recounts that the police chief in charge, Pedro García Arredondo, declared to his men, “Que no salga nadie vivo” (Elías 3). Earlier that day, a group of approximately 30 individuals, mostly native peoples and a couple of university students, had occupied the building to protest military repression in the Quiché region, and demand that the bodies of several indigenous *disappeared* be exhumed.<sup>1</sup> Besides the protestors, Eduardo Cáceres Lenhoff, a former vice president of Guatemala, Adolfo Molina Orantes, a former Minister of the Exterior, and three Spanish dignitaries lost their lives in the blaze.<sup>2</sup> The only survivor was Spanish ambassador Máximo Cajal y López, who was protected from harm by Arzú as he exited the building, clothes in flames. Cajal’s testimony, which he shares in *¿Saber*

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<sup>1</sup>I use the term to refer to people taken away by state authorities and never returned. In the case of Spain and Guatemala, the great majority were executed and thrown in mass graves. In 2006, the Office of the High Commissioner for Human Rights (OHCHR) established the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). Signatory nations affirm that there is no justification for enforced disappearance, and that if they are cited, they will investigate reports of disappearances and bring the guilty parties to justice. Guatemala and Spain are both signatory nations, and have been the subject of investigations by the OHCHR’s working group.

<sup>2</sup> The Spanish citizens that perished were Cónsul Jaime Ruiz de Árbol, Chancellor Luis Felipe Sáenz, and María Teresa Vázquez (“España y Guatemala” 1).



*quién puso fuego allí?: masacre en la embajada de España* (2000), counters the official history that blames the fire on the protesters' Molotov cocktails, and suggests that the ambassador consented to the occupation beforehand.<sup>3</sup> Cajal explains that he wrote the text after close to twenty years of silence to recover “la memoria de quienes allí perdieron la vida, que quedaría para siempre salpicada, ensuciada, de imponerse las falacias propagadas por Guatemala”(19).

This dissertation examines civil war-related sites in Guatemala and Spain, and contemporary texts from both nations, to explore how they draw attention to historical memories to foster a more inclusive understanding of the past, with the goal of promoting recognition, justice, and a national “culture of consideration,” defined by Ricoeur as a space in which there is an acceptance to “understand those others whom history has made our enemies,” ultimately leading to a change in policies and institutions (“Memory” 477). Although memory sites in Spain and Guatemala have challenged the nations’ official histories of their recent pasts, there is continued contention about their meaning, as both states are reluctant to acknowledge and address the massive scale and scope of human rights violations for which they were responsible. Despite the resistance, in both nations, groups representing the vanquished continue to enunciate their memories, thankful for small and partial victories and simply, that their stories are being told.

Máximo Cajal y López’s account of the burning of the Spanish embassy in Guatemala City is an example of *historical memory*, a term that has evolved to

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<sup>3</sup> I define *official history* as the history of an event or time period created and disseminated by the state. Both the Francoist regime (1939-1975) and Guatemalan dictatorships during its 36-year civil war (1960-1996) had elaborate propaganda machines that through intimidation and censorship, kept a rigid control on the production and distribution of information provided to the public.

denote memories of state repression and atrocities that have been silenced by official histories and fear. Within this context, historical memories are voiced by survivors and/or their descendants to obtain public recognition of their past and strive for justice. Historical memories can take months, years, or in the case of Spain, decades to surface. As Jo Labanyi notes, historical memories require “suitable conditions of reception to exist” (“Language of silence” 28); there have to be people that want to listen, as well as safe spaces for sharing them. Besides the 1998 indictment of Chilean Dictator Augusto Pinochet for human rights violations by Spanish Judge Baltasar Garzón, which sparked a demand to expose the crimes of Spain’s Francoist past,<sup>4</sup> Ferrándiz explains that another crucial date for historical memory in Spain was the year 2000, with Emilio Silva’s publicized quest to find the remains of his grandfather, assassinated during the civil war. The public exhumation sparked a movement throughout Spain to identify “las fosas de la derrota” (“De las fosas” 164).

In Guatemala, discourse regarding historical memories surged with the development in 1994 of the Proyecto para la Recuperación de la Memoria Histórica, sponsored by the Archdiocesan Human Rights Office of Guatemala, and its ensuing report, “Nunca Más,” which provided accounts of thousands of human rights abuses that occurred during its civil war. Outside of a post-conflict context, however, historical memory is used synonymously with collective memory. Drawing from Halbwachs, Olick et al. explain that historical memory “refers to residues of events by virtue of which groups claim a continuous identity through time”(19). Similarly,

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<sup>4</sup> Garzón’s role in Spain’s historical memory movement will be discussed later in this introduction.

Ricoeur describes historical memory as an “assembling together in a unity the traces left by momentous events in the history of the group concerned” (“Memory” 476). According to this definition, historical memory is a collective memory of events, prior to lived experience, that gives meaning and cohesion to a group. Victims of state violence and their advocates have embraced the term *historical memory*, as collective memory has been interpreted to signify the memory of the dominating group, “the victors.” Martínez, referring to Guatemala’s REMHI report, describes that collective memory “no siempre refleja los registros históricos de lo que sucedió....la memoria colectiva puede reflejar interpretaciones, parcializaciones, olvidos o incluso la historización de cosas, hacerlas pasar como Historia...”(1). Here, collective memory is linked to official history, whereas historical memory represents “lo que sucedió” (Martínez 1), the denied experiences of the people.

Martínez’s commentary illustrates the ambiguity inherent in discourse regarding history and memory. At times, the terms are used interchangeably. I refer to Ricoeur’s reflections about history, and Labanyi’s regarding memory, to establish a differentiation for this dissertation. Historians, according to Ricoeur, create narratives to “establish the facts” (“Memory” 477) and search for causes and explanations. The historian “first assumes, in imagination, the absence of the presumed cause, and next asks himself what the probable course of historical events would have been, as compared to what actually happened” (477), and then frames the information in narrative form. History is a *re-presentation*, a *production* of events and time periods. Memory, according to Labanyi, “is not a ‘thing’ but a process which necessarily takes place in the present. If memory is a powerful political

instrument, it is because it links the past with the moment of recall, producing an engagement with the past in the present” (“Languages of silence” 25). As Olick et al, note, “In general, modern states solidify their power in part by manipulating assumptions about time and space, and they do so with both history and memory” (13-14). Memories can be used to counter and optimally, re-constitute official histories so that they are inclusive to once-marginalized and persecuted groups. As Silva remarks in his poem “Mi abuelo,” after placing a plaque marking his grandfather’s newly-found grave and just days before the exhumation, “la Historia es un poco más justa” (“Mi abuelo” 1).

The Spanish embassy tragedy in Guatemala City brought together two nations, devastated by civil war and repressive dictatorships for close to forty years. Spain’s authoritarian government ended with General Franco’s death in 1975; the Guatemalan Peace Accords, marking the official end to their armed conflict, was signed in 1996.<sup>5</sup> In both countries, official histories often distorted or denied the memories of citizens that suffered imprisonment, torture, displacement, and death at the hands of the state. Consequently, in Spain and Guatemala, the vanquished, casting fear and stigmatization aside, now seek out and create spaces to assert their histories in search of recognition, justice, and inclusion in the national recounting of their civil war and repressive pasts.

### **Survivors, their Families, and Communities Search for Justice**

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<sup>5</sup> The Franco-led Nationalist rebellion began in 1936; Guatemala’s civil war spanned from 1960 - 1996.

Survivors, their families and communities on both sides of the Atlantic have turned to the courtroom as a place for memory enunciation and justice. Trials can open official histories to questioning and re-interpretation, should the state and public be disposed. According to legal scholar Mark Osiel, trials of state-sponsored atrocities, “insofar as they succeed in concentrating public attention and stimulating reflection...indelibly influence collective memory of the events they judge” (468). Mexican Philosophy Professor Maria Pía Lara elaborates, “This is why we must link the idea of collective memories to accountability: it is through the framework of the law that language, procedures, and vocabularies of justice can play an important role in shaping our public opinion. Accounting for the past affects and constructs a distinctive view of justice. Learning from catastrophes relates the paradigm of justice to the paradigm of evil as they converge within the realm of law” (27). Trials lay bare the state-sanctioned violence for the world to see, releasing victims and their families from the stain of culpability once cast upon them. Unfortunately, in both Spain and Guatemala, there is a reluctance to recognize the human rights violations that occurred during their periods of civil war and dictatorship(s), as many of the intellectual authors and perpetrators remained in positions of power during the transition to non-war.<sup>6</sup> Court initiatives seeking justice undertaken by victims, their families and community leaders have been thwarted by a power network that would rather keep the guilty parties from being exposed. A brief history of the fight for justice in both nations illustrates the magnitude of resistance

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<sup>6</sup> I hesitate to use *peace* here, as violence continues to plague Guatemala, and Spanish families affected by the Franco regime remain outraged due to a lack of public recognition of state-sponsored atrocities.

facing the vanquished as they struggle for recognition and a re-framing of their nation's recent past.

In Guatemala, the 2015 conviction of García Arredondo<sup>7</sup> for the burning of the Spanish embassy twenty-seven years earlier is a rare exception of justice achieved in a country that is famous for *impunidad*, defined by Smith as “the ability of the political, commercial and military elites to stand above the law. Impunity renders the legal system unreliable and the legislative process dysfunctional” (66). Legal rulings (or lack thereof) in Guatemala have also favored organized crime.<sup>8</sup> Smith claims that Guatemala's *impunidad* dates to the CIA-backed 1954 coup, in which democratically-elected leftist Jacobo Arbenz was overthrown, resulting in the 36-year civil war. He writes, “*Impunidad* turned the ordinary conditions of Guatemalan life – uncertainty, anxiety, exposure without protection – into a climate of terror” (67). In Spain, the 1977 Amnesty Law prohibits the prosecution of any crime during the civil war and dictatorship. After Franco's death in 1975, the law was deemed necessary by both the Left and Right to help ensure a peaceful transition to democracy. Although the “pact of forgetting” (Guarino 61) helped cement Spain's democratic transition, it was, according to Golob, “reconciliation without truth, transition *without* transitional justice” (127). Of note, days before the signing of the Peace Accords in 1996, the Guatemalan Congress passed la Ley de la

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<sup>7</sup> The court decision came too late for Cajal, who passed away months before it was announced. However, his text and video testimony were crucial for Arredondo's conviction. The ex-police chief was sentenced to 90 years in prison for the embassy massacre, and for killing two university students.

<sup>8</sup> See Ramsey, Geoffrey. “CICIG Names 18 judges of impunity in Guatemala” 04 Dec 2012, insightcrime.org).

Reconciliación Nacional, which offers amnesty for political crimes, but excludes the crimes of genocide, enforced disappearance, torture, and other crimes against humanity (Burt and Estrada 1). In November of 2017, Congressman Fernando Linares Beltranena, arguing *for* a “pact to forget,” introduced a proposal to eliminate the exclusions, citing that “to achieve true peace and reconciliation there must be general amnesty for all actors of the armed conflict”(1).<sup>9</sup> At this point, the measure has not moved forward. Burt and Estrada comment that thus far, the Guatemalan courts have ruled that neither statutes of limitations nor amnesty are applicable to crimes against humanity. There exists a space for achieving justice, but impunity and the threat of violence discourage court proceedings and guilty verdicts.

The transitional justice movement that emerged during the late 20<sup>th</sup> century encouraged citizens of both nations to speak out against the state-sponsored violence that plagued their pasts. Golob explains that a transitional justice culture arose from the worldwide activism of human rights groups and their allies in government and academia, equating democracy with a “rejection of impunity, confrontation of the past, prioritizing state accountability and... a broader inclusion of past regime victims” (127). Citizens of democracies arising from post-authoritarian states throughout the globe gave voice to the repression and tragedy that they endured. They were bolstered by the establishment of the International Criminal Tribunals to investigate genocide in Yugoslavia (1991) and Rwanda

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<sup>9</sup> Beltranena’s argument for a “pact to forget” bears a striking resemblance to Spain’s 1977 Amnesty Law, which has not achieved reconciliation; the Amnesty Law will be discussed later in this introduction.

(1994), and by the founding of the International Criminal Court (ICC) in the Hague (2002).

Within this climate of empowerment, in 1996, Spanish Lawyer Juan Garcés and a team of lawyers filed charges in Spain against Chilean ex-dictator Augusto Pinochet, representing nearly 4,000 survivors and families of victims who were executed during Pinochet's regime.<sup>10</sup> The families had turned to Spain to launch a case against Pinochet, as an Amnesty Decree passed by the ex-dictator's government prohibited the prosecution of those accused of committing human rights violations from 1973-1978. In 1985, the Spanish Parliament passed the Organic Law of Judicial Power, "giving universal jurisdiction to Spanish tribunals and allowing Spanish judges to consider the prosecutions of certain international crimes such as genocide, terrorism, torture...regardless of the nationality of the perpetrators or victims" (Hernandez and Aird 1). As a result, in 1998, Spanish Judge Baltasar Garzón issued an arrest warrant for Pinochet, on behalf of victims that had been tortured or killed during his dictatorship (1973-1990). Garzón cited the principle of universal jurisdiction, "that certain crimes are so egregious that they constitute crimes against humanity and can therefore be prosecuted in any court in the world" (Jonas 36). A year later, Nobel Peace Prize Winner Rigoberta Menchú Tum and other victims of Guatemala's civil war regimes seized upon this precedent to file a suit in the Spanish National Court against eight former heads of state and government officials, including Efraín Ríos Montt, for committing acts of genocide (Doyle 2). The case

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<sup>10</sup> Figure provided by Hernández and Aird. Garcés was a political advisor of democratically elected president Dr. Salvador Allende, who was overthrown by a CIA-backed coup supporting Pinochet in 1973.



moved forward in 2005, when the Spanish Supreme Court ruled that it could prosecute, based on universal jurisdiction.

The Chilean and Guatemalan peoples' quests for justice on Spanish soil spurred Spanish citizens whose families had been persecuted under the Franco regime to question the silence imposed upon *their* nation's past. The demand to recognize the crimes against humanity committed by the regime gained momentum from a movement throughout Spain to locate and mark the mass graves containing the remains of *disappeared* supporters of the Republic.<sup>11</sup> Guarino and Labanyi cite the founding by Emilio Silva in 2000 of the Asociación para la Recuperación de la Memoria Histórica (ARMH), a non-profit organization that identifies and exhumes mass graves, as critical in garnering support for the recognition of Franco-era atrocities.<sup>12</sup> Ferrándiz reports that although the term *desaparecido* surged in discourse in the late 20<sup>th</sup> century due to initiatives to address disappearances during the Chilean and Argentinian dictatorships, the term's use in Spain dates to the civil war. He cites an official bulletin, signed by Franco in 1936, which mentions that "una situación tan excepcional como una Guerra demanda que se facilite la inscripción de ausencias, desapariciones o fallecimientos" ("De las fosas comunes" 170). Media coverage of the exhumations organized by ARMH, and of other

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<sup>11</sup> Crimes against humanity were named during the Nuremberg trials as "murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds...whether or not in violation of the domestic law of the country where perpetrated" (Dodd 36).

<sup>12</sup> As mentioned earlier, Emilio Silva uncovered the mass grave of his *disappeared* grandfather in 2000. According to the ARMH Website, <http://memoriahistorica.org.es>, to date, the organization has uncovered 150 mass graves containing the remains of 1,400 *disappeared* by Nationalist forces and the dictatorship.

grassroots groups erecting memorials at mass graves, including the Family and Friends of the Mass grave of Oviedo (the AFAFC),<sup>13</sup> were key to the development of Spain's 2007 Law of Historical Memory, the first official document condemning Nationalist violence during the civil war and dictatorship. The Law calls for the removal of Francoist symbols in public places, including street names that pay tribute to the regime, and the dedication of state funding to identify and exhume mass graves.<sup>14</sup> Just a year after the passage of the Historical Memory Law, Judge Baltasar Garzón opened an investigation into the disappearance and murder of 114,000 Spanish citizens during the Franco era, accusing the dictator and thirty-four of his generals of crimes against humanity.

### **The Fight to Suppress Damaging Histories**

As mentioned earlier, in both Spain and Guatemala, victims' efforts to obtain recognition and judicial closure have been thwarted. In Spain's case, the political Right maintained that Garzón's investigation of the Republican *disappeared* was opening old wounds that were better left alone. State prosecutors appealed the judge's jurisdiction over the crimes, arguing that the 1977 Amnesty Law prohibited their investigation. In addition, the prosecutors maintained that as the crimes were

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<sup>13</sup> The origin and advocacy of AFAFC will be discussed later in this dissertation.

<sup>14</sup> The first and second governments led by Prime Minister Mariano Rajoy refused to dedicate state funds to help locate and uncover mass graves. Article 12 of the Ley de la Memoria Histórica states that "El gobierno, en colaboración con todas las Administraciones Públicas, elaborará un protocolo de actuación científica y multidisciplinar que asegure la colaboración institucional y una adecuada intervención en las exhumaciones. A si mismo, celebrará los oportunos convenios de colaboración para subvencionar a las entidades sociales que participen en los trabajos." "Legislación consolidada," [www.memoriahistorica.gob.es](http://www.memoriahistorica.gob.es).

committed more than 70 years ago, they could not be investigated, due to Spain's statute of limitations (the accused were dead). In presenting the case, Garzón argued that the statute of limitations did not apply to the crimes, as they are ongoing -- the bodies of the *disappeared* have yet to be found. He also maintained that crimes against humanity, prosecuted under international law, are not subject to statutes of limitations. Although Garzón dropped the case due to the appeal, he was soon the target of two investigations, in what his supporters consider to be politically motivated attacks. In 2012, he was tried and convicted for overstepping his authority by ordering an illegal wiretapping in a corruption case; he was disbarred for 11 years.<sup>15</sup> The judge was also tried for overstepping his authority in the 2008 decision to investigate Franco-era crimes, but was found not guilty. The Spanish Supreme Court determined that in this case, he "misinterpreted Spanish law but did not knowingly and arbitrarily violate the limits of his jurisdiction" (Govan). The court actions taken against Garzón indicate that a powerful right-wing faction is determined to keep Spain from addressing the crimes of its Franco past.

Back in Guatemala, in 2007, to the great disappointment of Menchú Tum and other leaders of native communities, the Constitutional Court ruled that Spain did not have jurisdiction to try Guatemalan heads-of-state. However, in a surprise turn of events, six years later, Ríos Montt was tried in his own nation, resulting from charges filed domestically by the Center for Human Rights Legal Action (CALDH) and Human Rights Lawyer Edgar Pérez, representing the Association of Justice and Reconciliation (AJR). The trial was a landmark, as it "represents the first time a

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<sup>15</sup> The wiretapping was conducted between lawyers and suspects in a corruption investigation that potentially had ties to members of the ruling Partido Popular party (Govan 1).

national judiciary has tried a former head of state for the crime of genocide in his own country” (Piccone and Miller 1). Pérez focused on Ríos Montt and officials under his command, as Ríos Montt’s presidency was the most repressive period of Guatemala’s civil war.<sup>16</sup> Although Ríos Montt was found guilty of genocide and sentenced to 80 years in prison, his sentence was annulled ten days later by the Constitutional Court, which cited procedural error. Subsequent delay tactics suggest that the defense followed the example of the Pinochet case, postponing legal proceedings until Ríos Montt, 91, passed away. Although Ríos Montt’s retrial began in October of 2017, his death in March has impeded a second guilty verdict.

Despite the fact that Ríos Montt did not go to prison, citizens affected by the violence of his regime claim that the guilty verdict is an achievement; at least their voices were heard in court, and there was a sentencing against the dictator. Given her country’s record of impunity, Rigoberta Menchú Tum remains guarded. She comments, “There are two guilty verdicts that have been issued in this courthouse. First, the guilty verdict for the Spanish embassy massacre, and secondly, the guilty conviction of Ríos Montt. In both cases, we are seeing that there are significant legal challenges. The constitutional court has declared the case against Ríos Montt has not – has been annulled. But these are illegal arguments. They are breaking with due process. And so, both cases face significant legal challenges and hurdles to stick” (qtd. in “Prosecuting” 3-4).

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<sup>16</sup> As indicated in the *Memory of Silence* Report conducted by the Comisión de Esclarecimiento Histórico (CEH).

As in Spain, powerful forces from inside Guatemala's government continue to protect the authors and perpetrators of state-sponsored violence. The response of both nations to the U.N. Truth Commission mandated by Guatemala's 1996 Peace Accords, la Comisión de Esclarecimiento Histórico (CEH), calls attention to their policy to evade the past. As Guatemala's civil war ended amidst the transitional justice movement, at a time when the world was no longer polarized by Cold War politics,<sup>17</sup> the United Nations and human rights organizations intervened in Guatemala's peace process to help protect the rights of citizens that suffered violence. Specified in Guatemala's 1996 Peace Accords is a mandate that both the government and guerrilla forces of the Unidad Revolucionaria Nacional Guatemalteca (URNG) participate in the CEH, to examine the types and incidences of violence employed by both groups during the civil war. The prologue makes note of the need to effect a change in the country's "conciencia nacional" (16) regarding the past, as the official history painted the conflict as a fight between dangerous, aggressive communist revolutionaries and Guatemala's "democratic" government.<sup>18</sup> Unlike Spain's "pact to forget," the project was a "pact to remember," an agreement

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<sup>17</sup> According to Hernández and Aird, "the United Nations encouraged the use of universal jurisdiction for crimes against humanity in December 1946, when it recognized the principles of the 1945 Nuremberg Charter and the proceedings of the Nuremberg Tribunal" (2). However, Cold War politics occupied the international community until the early 90's, preventing the application and development of universal jurisdiction for state-sponsored mass atrocities. The ethnic cleansing in Yugoslavia and the Rwandan genocide finally sparked the U.N. to take action and establish the International Criminal Tribunals for Yugoslavia (1991) and Rwanda (1994). Shortly thereafter, in July of 2002, the United Nations established the International Criminal Court (ICC) in The Hague.

<sup>18</sup> When questioned about the disappearance of student leader Carlos Cuevas and guerilla representative Fernando de la Roca during his government (1983-1986), General Mejía Victores defends that "It was wartime....We were not going to gamble. The people that were kidnapped were not acting for the common good but to take the government by armed force and install a Communist system. There were two options: communism or democracy" (Lovell 167).

to record and recognize Guatemala's tragic past to foster reconciliation and ensure peace.

However, like the REMHI report, the CEH did not offer "the prospect of immediate legal repercussions, in terms of amnesty or prosecution, for individuals named as perpetrators of violence" (Fitzgerald 1); as part of the Peace Accords, it was blocked from legal redress. Whereas, citing Golob, Spain's 1977 Amnesty Law was "reconciliation without truth, transition *without* transitional justice" (127), the CEH report's purpose was to promote reconciliation *with* truth, but it had no power to meet out justice. The prologue of the report declares that "La Comisión no fue instruida para juzgar, pues para esto deben funcionar los tribunales de justicia, sino para esclarecer la historia de lo acontecido de más de tres décadas de Guerra fratricida" (*Guatemala Memoria del Silencio* 16). It continues, "Es indudable que la verdad beneficia a todos, víctimas y victimarios. Las víctimas, cuyo pasado ha sido degradado y manipulado se verán dignificadas; los victimarios, por otro lado, podrán recuperar la dignidad de la cual ellos mismos se privaron, por el conocimiento de sus actos inmorales y criminales. Conociendo la verdad de lo sucedido será más fácil alcanzar la reconciliación nacional...(16). The rhetoric presents the perpetrators in a victim role, in need of recuperating their dignity (16). This passage implies that the naming of the guilty parties is a type of rehabilitation, a means for perpetrators to acknowledge their guilt and make amends. It minimizes the depth and scope of their human rights crimes, as well as the victims' tragedies and their anguish. The discourse also conveys an assumption that victims will readily engage in reconciliation. When the *Memory of Silence* report was released in

1999, it was even more damaging to the state than anticipated, declaring that “between 1962 and 1996, the war took the lives of more than 200,000 people, 93 percent of them killed by state security forces. To guerrilla forces could be attributed 3 percent of all recorded abuses” (Lovell 163-164). As the commission’s investigations revealed that 83.33 percent of the victims were of Maya descent, it determined that the Guatemalan government committed acts of genocide<sup>19</sup> (Lovell 164). The report was also damning to the United States, citing that its military assistance “was directed towards reinforcing the national intelligence apparatus and for training the officer corps in counterinsurgency techniques, key factors which had a significant bearing on human rights violations during the armed confrontation” (*Memory of Silence* 19). Lovell describes that during the presentation ceremony, U.S. diplomats were “fuming” (165).

Afterwards, the audience called to Guatemalan president Arzú to receive the report, “and at least symbolically, acknowledge its veracity as the country’s official history. Arzú’s response was to make a hasty backdoor exit without comment” (165). Ironically, one of the report’s recommendations is that the president “recognize, before the whole of Guatemala society, before the victims, their relatives and their communities, those acts described in the report, ask pardon for them and assume responsibility for the human rights violations connected with the internal armed confrontation, particularly for those committed by the army and the state security forces” (“Recommendations” 49). By turning his back on the report, Arzú chose to ignore the past, protecting the perpetrators. Although their histories have

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<sup>19</sup> As defined by Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the U.N. general assembly in 1948.

been validated by *Memories of Silence*, and thus diffused worldwide, the victims' clamors for *authentic* government recognition and reparations continue to be ignored.<sup>20</sup>

The failure of the state to embrace the CEH's findings was the second devastating blow endured by civil war victims, their families, and communities. The reaction to the REMHI (Recuperación de la Memoria Histórica) report, sponsored by the Archdiocesan Human Rights Office of Guatemala and released a year prior to *Memories of Silence*, made clear that their reclamations for justice put them in grave danger. Like *Memories of Silence*, *Guatemala: Nunca Más* marks the state as responsible for the vast majority of the conflict's atrocities. However, unlike the CEH report, *Nunca Más* describes the acts of violence in detail. As Lovell explains, it contains "55,000 human rights violations, based on 6,500 testimonies, with 50,000 of the incidents attributed to state security forces" (Lovell 158). The last volume of the report, entitled "Victims of the Conflict," lists the names, dates and execution location of 52,000 assassinated individuals; it is 544 pages long (Lovell 158). The project was overseen by Bishop Juan Gerardi, who had ministered in el Quiché, and was an outspoken critic of the military's repression.

Two days after he presented the document at a special mass, Gerardi was bludgeoned to death with a concrete block. *Guatemala: Nunca Más* proved too threatening and revealing for the guilty parties. Bishop Gerardi's death disturbingly

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<sup>20</sup> As a result of an Inter-American Court trial in 2012, the Guatemalan government agreed to pay \$154 million in reparations for the persecution, massacre, and displacement of the Maya Achi native peoples of Río Negro in order to construct the Chixoy hydroelectric dam. To date, the Maya Achi communities have received minimal reparations funding. Their history will be discussed later in this dissertation.