

“La memoria guardará lo que valga la pena. La memoria sabe de mí mas que yo; y ella no pierde lo que merece ser salvado”

“Memory will save what is worth the pain to save. Memory knows more of me than I do; and she does not lose what deserves to be saved”

--Eduardo Galiano, Days and Nights of War and Love

Dear Friends and Family,

Gaspar has seen a lot in his lifetime. Born in 1944 in the rural Guatemalan aldea of Vijolom II, he lives the life of a *campesino*, or a non-wage earning agricultural worker; his fortunes ebb and flow with the strength of the year's *chosecha* (corn harvest). While tending to his milpa over the 68 years of his life he has collected many memories, both good and bad. However as he prepares to give his testimony in the current trial of Ríos Montt and Rodríguez Sánchez for crimes against humanity and genocide, the memory of his murdered father, three children, sister and brother stand out above all others.

As Don Gaspar walks to the witness stand in the Guatemalan Supreme Court of Justice on Wednesday, March 21st, his wears on his face an expression of pride, tenaciousness and audacity. He takes a seat before the judge and is introduced to the court; the judge informs him that his testimony will detail the conditions of displacement following the 1982 massacre of his aldea, Vijolom II. As he is sworn in, raising his right hand into the air, he clutches a small photo album containing pictures of his murdered father, sister, and children. He wants to be sure they are there with him as he tells their stories to the judge seated in front of him, to the accused ex-general Ríos Montt seated to his left, and to the 25,000 across the world who are watching live via Internet.

The process that brought Don Gaspar to the witness chair and the ex-dictator Ríos Montt into the seat of the accused was years in the making. The Center for Human Rights Legal Action (CALDH) first filed charges of genocide and crimes against humanity against ex-dictator Ríos Montt and his high command in 2001. The charges were filed on behalf of the *Asociación para la Justicia y Reconciliación*, an organization founded by, administered by, comprised of indigenous massacre survivors throughout Guatemala. After 11 years of investigations and legal delays presented by the defense, a Guatemalan judge officially indicted Ríos Montt and his intelligence chief Rodríguez Sánchez to stand trial for genocide and crimes against humanity on January 23, 2012. The case specifically focuses on the Ixil region of the department of El Quiché, and charges the military leaders with ordering the massacres of 15 communities resulting in the death of 1,771 men, women, and children of Ixil heritage. The case represents the first time in history that a former head of state is tried for the crime of genocide in the country where the alleged genocide took place.

Since being formally indicted, the ex-general's legal team of 30 lawyers has succeeded in stalling the progress of the case with various challenges to legal particulars of the case. Filing over 90 legal challenges in the last year, Ríos Montt's lawyers have progressed with the strategy of attempting to indefinitely delay the case instead of proving his innocence in a court of law. This all changed on March 19th 2013 when the trial officially began in a packed court room in Guatemala City. As in the United States in Guatemala the accused are presumed innocent until proven guilty, and thus the burden of proof falls on the prosecution, including lawyers from CALDH and the AJR.

Proving genocide is no easy task. Evidence in the case has to substantiate that the Ixil population was massacred, that these massacres were attacks on an ethnic group as opposed to an opposition militant group, and that the attacks were intentionally ordered as such by their intellectual authors. The prosecution has over 900 *pruebas*, or pieces of evidence, that have been accepted by the court in order to demonstrate this line of logic.

Evidence presented by the prosecution in the case relies on a variety of testimonies and documents. 142 massacre survivors will provide their personal accounts of survival, highlighting the brutality of the violence employed by the Guatemalan military in massacring, looting, and burning their villages. A total of 64 expert witnesses from around the world will provide technical testimony on a variety of key topics intended to link survivor testimonies to a larger picture of systematic violence conducted by the state. Among these witnesses will be representatives from the Guatemalan Forensic Anthropological Association (FAFG), providing testimony on the physical remains of massacre sites to demonstrate that the violence was conducted against all segments of Ixil society, including infants and the elderly. The authors of the 1999 United Nations sponsored Historical Truth commission will present the evidence used in the writing of their report, which found the Guatemalan state at fault for “acts of genocide”. Finally hundreds of government documents from both

Guatemala and the United States will be introduced. In particular, three key Guatemalan military documents will demonstrate the military strategy of Rios Montt and his advisors. These documents include Plan Victoria 82, Campaña Firmeza 83, and Plan Sofia. Together the documents clearly demonstrate the army's intentions to target and massacre not only the guerrillas but also their perceived supporters, the perception that all Maya-Ixil people are either guerrillas or supporters and thus should all be massacred, and most importantly the internal military chain of command. Demonstrating the military chain of command is key to the case as it proves that Rios Montt ordered the massacres of the Ixil people. Plan Sofia clearly shows how orders were sent from the Army General Staff (which included both Rios Montt and intelligence chief Rodriguez Sanchez) to patrol units in the field, and that hand written follow up reports were sent back up the chain of command to the General Staff. This particular document bears the signature of Rodriguez Sanchez himself, making the defence's claim that the defendants were unaware of the massacres taking place in Ixil unbelievable.

Since the trial officially opened on March 19th, 61 survivors like Don Gaspar have courageously given their testimony to the court. Each witness is given an opportunity to share their testimony, and is then questioned by both the prosecution and the defense. Of all of the testimonies given to date, that of Don Gaspar stands out to me for various reasons. Foremost Gaspar's testimony is among the most passionate and empowering. The urgency with which he told his story was captivating, his analysis heart breaking. It was quickly clear that Gaspar had spent years waiting for this day preparing what it was that he would say, reliving his memories as he searched for a way to reveal them to the world. Speaking in his native Ixil, Gaspar's words were then translated into Spanish by an interpreter:

"I am going to tell what happened in '82"

As he was instructed to, Gaspar spoke to the conditions of his internal displacement:

"We endured the cold, we were hungry. We had no salt, no food"

"We no longer had land, what were we going to eat?"

"Many died (of hunger in the mountains), I don't know their names"

Edgar Pérez, lawyer for the AJR, asked Gaspar how long he had been displaced in the mountains. Gaspar responded:

"I went up in '82, I came down with the Peace Accords", and then audaciously protested "but there is no peace"

Asked what he had to eat in the mountains, Gaspar replied:

"Only roots and berries. We were afraid to return, they wouldn't let us"

Although he was instructed to testify only speak to the conditions living in the mountains after his village was massacred, Gaspar chose not to limit his testimony. With his hand tightly wrapped around the small book containing pictures of his loved ones, Gaspar told his entire story:

"Three planes came down from Huehuetenango, landing in Salquil. I was afraid"

"I found a place to watch. I felt very small among the trees. They (the soldiers) destroyed everything, the homes, the crops"

"Before them, we are seen as animals. They called us savages, whatever that means"

"From their flying instruments (helicopters) they spoke of amnesty in the morning, and in the afternoons they bombed us"

"They killed my father, my three children, my sister, and my brother"

Gaspar then picked up his photo album, flipped through the pages, and amidst objections from the defense showed pictures of his murdered family. The judge again instructed him to close his photo album, and Gaspar replied:

"Why should I not share what I came here to give as evidence? I'm not lying!"

Before leaving the witness stand, Gaspar gave his concluding remarks:

"I am the only one who survived. The one saved with the burden to tell the history here"

"I no longer hear well, my heart is heavy. I am waiting for my time with God"

"I thank God I am here to share the story of all who were killed, raped"

"There will never be another person like my son, like my father"

"This is what I have come to say before the court today"

Gaspar's testimony highlights several themes I have noticed throughout the proceedings. Foremost, in shaping his memory into testimony Gaspar helps to establish an official and legally approved truth--a truth that recognizes the oppression and suffering he has been forced upon him, and a truth that recognizes the

government's responsibility in creating these conditions. This truth then plays an essential role in shaping history and the way in which Guatemala and the world will look back on the events that took place in Vitolom II. In this way all 164 of the witnesses in the case play a vital role in the writing of history, an incredibly empowering ability for a group that has suffered from outside oppression for over 500 years.

Gaspar's testimony is also empowering in the sense that it is told to the court in his native language of Ixil. For centuries Mayan languages have been referred to in Guatemala as "dialects" and seen as inferior to the Spanish language. Now that history is literally being formulated in Ixil, racist notions such as this will surely be reconsidered.

Additionally, this history is being written with Ríos Montt looking on from the defendant's seat. The fact that the very many who attempted to eliminate the voice of the Ixil people now takes a back seat while their recuperate their voice and the ability to shape how we will remember the violence of the 1980s is incredible. Many witnesses have acknowledge and taken advantage of this fact by taking the opportunity to speak directly to the ex-general while giving testimony. One witness, while speaking of his time living displaced in the mountains, looked into the face of Ríos Montt and told him "I want you to know that I ate roots". Another, when asked if he knew why the army wanted to kill him and his family, replied "I don't know, but he is sitting right in front of us, he should know".

The strategy of the defense mirrors the discourse of *la violencia* throughout the 1980s. With voices raised, using flamboyant mannerisms and in a clear attempt to intimidate the witnesses, lawyers for Ríos Montt continually ask questions such as: Where you a guerrilla? Did you know any guerrillas? Did you have guns? How did the army help you? How are you sure that the army, and not the guerrillas, massacred your village? It is troubling, to say the least, that this same flawed, racist, and ignorant discourse that in many ways was responsible for the violence of the 1980s continues to be used by the defense today. One would have hoped that after 31 years, 200,000 deaths, and 50,000 disappearances Ríos Montt would have had some time to critically reflect upon his time as the head of the Guatemalan State.

However many witnesses are too brave to fall victim to this intimidation once again. One, when asked if he was a guerrilla, replied in Spanish, making sure that the court heard his word as he wanted them to be spoken, "no, just poor".

Not surprisingly the social and political environments in Guatemala are incredibly tense. Over the past weeks there have been various pro-military protests outside of the court room, displaying signs such as "communism finances the destruction of national unity", another reprimanding a "world in reverse!" where "the defenders of your liberty are slandered, jailed, and condemned" while "terrorists, extortionists, assassins, and criminals" are "free and rewarded". On one occasion the pro-military protesters approached and verbally threatened a group of campesinos that had arrived from across the country to view the case.

Amongst all of the tension and stress, many of the witnesses and supporters who have arrived from all over the country are understandably exhausted mentally and physically. Late one night this week I was up talking with a supporter, and he asked me what people in the United States thought of the genocide trial. I pulled out my laptop and opened up NISGUA's facebook page, to show him all of the pictures people have taken with "Justice for Genocide in Guatemala" signs from all around the world. My friend was ecstatic to see people from the United States, Sweden, Germany, France, Burkina Faso, and many other countries showing their solidarity. After a particularly difficult day of testimony, it was wonderful to see my friend inspired and smiling. If you would like to contribute to NISGUA's Justice for Genocide in Guatemala photo campaign, please visit [this link](#) to print out a poster and then upload it to [NISGUA's facebook page](#).

Lastly, I want to let each of you know how you can follow the proceedings in the Ríos Montt case. Live video can be seen streaming from this [website](#), and audio [here](#). Furthermore you can visit the Open Society's incredibly informative website with daily updates [here](#), and of course keep an eye on [NISGUA's blog](#) and [twitter account](#) for live updates as well.

Hasta la proxima vez,

Erik