

## Memory of Silence



**Memory of Silence**  
**The Guatemalan Truth  
Commission Report**

**Edited by**

***Daniel Rothenberg***

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MEMORY OF SILENCE

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Softcover reprint of the hardcover 1st edition 2012 978-1-4039-6447-2

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First published in 2012 by

PALGRAVE MACMILLAN®

in the United States—a division of St. Martin's Press LLC,  
175 Fifth Avenue, New York, NY 10010.

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Basingstoke, Hampshire RG21 6XS.

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ISBN 978-0-230-34024-4

ISBN 978-1-137-01114-5 (eBook)

DOI 10.1057/9781137011145

Library of Congress Cataloging-in-Publication Data

Guatemala, memoria del silencio. English

Memory of silence : the Guatemalan Truth Commission Report /  
edited by Daniel Rothenberg.  
p. cm.

ISBN 978-0-230-34024-4 (pbk. : alk. paper)

1. Human rights—Guatemala—History—20th century. 2. Political  
violence—Guatemala—History—20th century. 3. Guatemala—  
History—1985– 4. Guatemala—Politics and government—1985–  
I. Rothenberg, Daniel. II. Comisión para el Esclarecimiento Histórico  
(Guatemala). III. Title.

JC599.G8G7813 2012

972.8105'3—dc23

2011033456

A catalogue record of the book is available from the British Library.

Design by Newgen Imaging Systems (P) Ltd., Chennai, India.

First edition: March 2012

10 9 8 7 6 5 4 3 2 1

Transferred to Digital Printing in 2012

*For the memory of Guatemala's  
many thousands of victims.*



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# Acronyms and Abbreviations

AAAS	- American Association for the Advancement of Science
ACI	- <i>Alianza Contra la Impunidad</i> , Alliance Against Impunity
AEU	- <i>Asociación de Estudiantes Universitarios</i> , Association of University Students
ALMG	- <i>Academia de Lenguas Mayas de Guatemala</i> , Academy of the Mayan Languages
ANACAFE	- <i>Asociación Nacional del Café</i> , National Coffee Association
ASC	- <i>Asamblea de Sociedad Civil</i> , Civil Society Assembly
AVANCSO	- <i>Asociación para el Avance de las Ciencias Sociales</i> , Association for the Advancement of Social Sciences
BANDESA	- <i>Banco Nacional de Desarrollo Agrícola</i> , National Agricultural Development Bank
CADEG	- <i>Consejo Anticomunista de Guatemala</i> , Guatemalan Anticommunist Council
CALDH	- <i>Centro de Acción Legal para los Derechos Humanos</i> , Center for Legal Action for Human Rights
CDHG	- <i>Comisión de Derechos Humanos de Guatemala</i> , Guatemalan Human Rights Commission
CEH	- <i>Comisión para el Esclarecimiento Histórico</i> , Commission for Historical Clarification
CERJ	- <i>Consejo de Comunidades Étnicas Runujel Junam</i> , Runujel Junam Council of Ethnic Communities
CIA	- Central Intelligence Agency
CICIG	- <i>Comisión Internacional contra la Impunidad en Guatemala</i> , International Commission against Impunity in Guatemala
CIEDEG	- <i>Conferencia de Iglesias Evangélicas de Guatemala</i> , Conference of Evangelical Churches of Guatemala
CIEPRODEH	- <i>Centro de Investigación, Estudio y Promoción de los Derechos Humanos</i> , Center for the Investigation, Study and Promotion of Human Rights
CIIDH	- <i>Centro Internacional para Investigaciones en Derechos Humanos</i> , International Center for Human Rights Investigations
CNR	- <i>Comisión Nacional de Reconciliación</i> , National Commission for Reconciliation

CNR	- <i>Comisión Nacional de Resarcimiento</i> , National Commission for Reparations
CNT	- <i>Confederación Nacional de Trabajo</i> , National Labor Confederation
CNUS	- <i>Comité Nacional de Unidad Sindical</i> , National Committee for Union Unity
COMG	- <i>Consejo de Organizaciones Mayas de Guatemala</i> , Council of Guatemalan Maya Organizations
CONADEGUA	- <i>Coordinadora Nacional de Derechos Humanos de Guatemala</i> , National Human Rights Association of Guatemala
CONAVIGUA	- <i>Coordinadora Nacional de Viudas de Guatemala</i> , National Association of Guatemalan Widows
CONTRAGUA	- <i>Confederación de Trabajadores de Guatemala</i> , Confederation of Guatemalan Workers
COPREDEH	- <i>Comisión Presidencial Coordinadora de la Política Ejecutiva en Materia de Derechos Humanos</i> , Presidential Commission for the Coordination of Executive Policy on Human Rights
CPR	- <i>Comunidades de Población en Resistencia</i> , Communities of Population in Resistance
CRAG	- <i>Comité de Resistencia Anticomunista de Guatemala</i> , Guatemalan Anticommunist Resistance Committee
CRN	- <i>Comité de Reconstrucción Nacional</i> , National Reconstruction Committee
CUC	- <i>Comité de Unidad Campesina</i> , Committee of Campesino Unity
D-2	- referencing the army directorate of intelligence and their agents
DIC	- <i>Departamento de Investigaciones Criminales</i> , Department of Criminal Investigations
DIGESA	- <i>Dirección General de Servicios Agrícolas</i> , General Directorate of Agricultural Services
ECAP	- <i>Equipo de Estudios Comunitarios y Acción Psicosocial</i> , Community Studies and Psychosocial Action Team
EGP	- <i>Ejército Guerrillero de los Pobres</i> , Guerrilla Army of the Poor
EMP	- <i>Estado Mayor Presidencial</i> , Presidential Joint Chiefs of Staff
ESA	- <i>Ejército Secreto Anticomunista</i> , Secret Anticommunist Army
FAFG	- <i>Fundación de Antropología Forense de Guatemala</i> , Guatemalan Forensic Anthropology Foundation
FAG	- <i>Fuerza Aerea de Guatemala</i> , Guatemalan Air Force
FAMDEGUA	- <i>Asociación de Familiares de Detenidos-Desaparecidos de Guatemala</i> , Association of Family Members of the Detained and Disappeared of Guatemala
FAR	- <i>Fuerzas Armadas Rebeldes</i> , Rebel Armed Forces
FAR	- <i>Fuerzas Armadas Revolucionarias</i> , Revolutionary Armed Forces

FASGUA	- <i>Federación Autónoma Sindical de Guatemala</i> , Independent Union Federation of Guatemala
FCG	- <i>Federación Campesina de Guatemala</i> , Campesino Federation of Guatemala
FECETRAG	- <i>Federación Central de Trabajadores de Guatemala</i> , Central Federation of Guatemalan Workers
FENOT	- <i>Federación Nacional de los Obreros del Transporte</i> , National Federation of Transport Workers
FERG	- <i>Frente Estudiantil Robin García</i> , Robin García Student Front
FIL	- <i>Fuerzas Irregulares Locales</i> , Irregular Local Forces
FLACSO	- <i>Facultad Latinoamericana de Ciencias Sociales</i> , Latin American Faculty of Social Sciences
FONAPAZ	- <i>Fondo Nacional para la Paz</i> , National Fund for Peace
FRG	- <i>Frente Republicano de Guatemala</i> , Guatemalan Republican Front
FRMT	- <i>Fundación Rigoberta Menchú Tum</i> , Rigoberta Menchú Tum Foundation
FUNDAPI	- <i>Fundación de Ayuda para el Pueblo Indígena</i> , Foundation for the Assistance of Indigenous People
FUR	- <i>Frente Unido De La Revolución</i> , United Revolutionary Front
G-2	- Also known as “Las Dos” (“The Two”) referencing military intelligence and their agents
GAM	- <i>Grupo de Apoyo Mutuo</i> , Mutual Support Group
IACHR	- Inter-American Commission on Human Rights
ICCPG	- <i>Instituto de Estudios Comparados en Ciencias Penales de Guatemala</i> , Guatemalan Institute for the Comparative Study of Criminal Law
INTA	- <i>Instituto Nacional para Transformación Agraria</i> , National Institute for Agrarian Change
INTCAP	- <i>Instituto Técnico de Capacitación y Productividad</i> , Technical Institute for Training and Productivity
IRCA	- International Railways of Central America
LRN	- <i>Ley de Reconciliación Nacional</i> , Law of National Reconciliation
MANO	- <i>Movimiento de Acción Nacionalista Organizado</i> , Movement of Organized Nationalist Action
MINUGUA	- <i>Misión de Verificación de las Naciones Unidas en Guatemala</i> , United Nations Verification Mission in Guatemala
MLN	- <i>Movimiento de Liberación Nacional</i> , National Liberation Movement
MP	- <i>Ministerio Público</i> , Public Prosecutor
MR-13	- <i>Movimiento Revolucionario 13 de Noviembre</i> , Revolutionary Movement of November 13
NOA	- <i>Nueva Organización Anticomunista</i> , New Anticommunist Organization
ODHAG	- <i>Oficina de Derechos Humanos del Arzobispado de Guatemala</i> , Human Rights Office of the Archbishop of Guatemala

- ORPA – *Organización del Pueblo en Armas*, Organization of the People in Arms
- PAC – *Patrullas de Autodefensa Civil*, Civil Defense Patrols
- PGT – *Partido Guatemalteco del Trabajo*, Guatemalan Labor Party
- PID – *Partido Institucional Democrático*, Democratic Institutional Party
- PMA – *Policía Militar Ambulante*, Mobile Military Police
- PN – *Policia Nacional*, National Police
- PNR – *Programa Nacional de Resarcimiento*, National Reparations Program
- PR – *Partido Revolucionario*, Revolutionary Party
- PRAHPN – *Proyecto de Recuperación del Archivo Histórico de la Policía Nacional*, Project for the Recovery of the Historical Archive of the National Police
- RNVP – *Registro Nacional de Víctimas*, National Victims' Registry
- S-2 – referencing military intelligence working out of army bases
- SAMF – *Sindicato de Acción y Mejoramiento Ferrocarrilero*, Union for Railway Worker Action and Improvement
- SEDEM – *Asociación Seguridad en Democracia*, Security in Democracy
- SEGEPLAN – *Secretaría de Planificación y Programación de la Presidencia*, Presidential Secretariat for Planning and Programming
- SEPAZ – *Secretaría de la Paz*, Peace Secretariat
- STIGSS – *Sindicato de Trabajadores del Instituto Guatemalteco de Seguro Social*, Union of Workers of the Guatemalan Institute for Social Security
- UFCo – United Fruit Company
- UNDP – United Nations Development Programme
- UNHCR – United Nations High Commission for Refugees
- UNOPS – United Nations Office for Project Services
- URNG – *Unidad Revolucionaria Nacional Guatemalteca*, Guatemalan National Revolutionary Unity
- USAC – *Universidad de San Carlos de Guatemala*, University of San Carlos
- USAID – United States Agency for International Development

# Foreword

*Christian Tomuschat*

Lead Commissioner, Commission for Historical Clarification

Whenever a nation has experienced a dark chapter in its history, the question arises whether the past should simply be forgotten or whether it should be recalled and recorded for the benefit of the current generation and for the future. Guatemala took the courageous decision to establish a truth commission, the *Comisión para el Esclarecimiento Histórico* (Commission for Historical Clarification, CEH), in order to create the foundations through which different social groups could achieve new understandings of harmonious coexistence. This was not an easy course to choose.

Both negotiating partners attempting to craft the terms of a peace agreement—the Guatemalan government on the one side and the guerrilla forces, the *Unidad Revolucionaria Nacional Guatemalteca* (Guatemalan National Revolutionary Unity, URNG) on the other—knew perfectly well that they had committed grave violations of human rights and international humanitarian law, the rules that determine the permissible use of methods of warfare. Eventually, at a meeting in Oslo in June 1994, the two parties agreed that, after the end of the conflict, their conduct should be investigated by an impartial commission. The report of this commission would then become part of the nation's collective memory.

There were two main reasons behind the decision to create a process to address the horrendous occurrences of the internal armed conflict that haunted Guatemala from the middle of the 1960s to 1996. First, a tradition of truth commissions had already been established in Latin America through prior independent commissions in Argentina, Chile, and El Salvador. Second, precisely because of this situation, civil society in Guatemala was eager to investigate and clarify what occurred in the recent past and identify those responsible for the atrocities that were committed. These demands did not find an unreserved positive response as can be clearly seen in the limitations on the commission's operation.

After the final peace agreement in December 1996, the CEH was created and began its work in September 1997, after months of careful preparations. In principle, the commission was given only six months to complete its work with the possibility of extending its time frame for an additional six months. This short

period was all that was provided to investigate a civil war that had lasted more than thirty years and claimed more than 200,000 lives.

The commission's report was submitted to the Guatemalan people, the government of Guatemala, and the United Nations in February 1999. Its twelve volumes provide a well-documented account of the most atrocious aspects of the fratricidal war. Of course, the report could not possibly provide a complete picture of all that had occurred. In general, the country's conservative elites, who also had victims to mourn, decided to distance themselves from the CEH, viewing it as a "left-leaning" institution. The report is, therefore, mainly presented from the perspective of the nation's victims who were forced to endure violence, death, and destruction for decades without receiving any assistance or support from public authorities.

This is not a weakness but, in fact, it is one of the great strengths of the work of the commission. Volumes VII to XI of the commission's full report, in particular, are dedicated to the suffering of the common men and women of Guatemala. In these volumes, the tragic events that took the lives of thousands of human beings are described in great detail. The CEH deliberately chose to present its findings not only through statistics, but also through victims' experiences, to ensure that their suffering would not be lost in the anonymous stream of history. The commission's report helps restore their dignity by recalling their lives as human beings.

For the common citizen perhaps the most devastating feature of those years was the climate of total lawlessness. The state had abandoned its functions as the guardian of law and justice. The military regimes that followed, one after another, focused on the objective of fighting "subversion," which often consisted of simple acts seeking "social justice." Thus, political claims that in Western Europe would have been characterized as belonging to a social-democratic perspective were stigmatized as endangering the security of the state. And, there was no limit to the persecution of perceived dissent. During this time, the judicial system proved ineffective; it was as if it did not exist. And, as the CEH noted, in some parts of the country systematic repression took on a racial character that met the legal definition of genocide.

The expectation on the part of the commission was that in the new era of peace, the Guatemalan judiciary would take on cases of genocide, attempting to prosecute perpetrators as it was compelled to do under domestic law—the *Ley de Reconciliación Nacional* (Law of National Reconciliation, LRN) of December 18, 1996—and international law, in particular, the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. Unfortunately, once again, the attorney general was not able to perform his duty. Thus, the genocidal acts committed during the armed conflict remain without sanction to this day. It then fell to the Inter-American Court of Human Rights to remind Guatemalan authorities that they failed to comply with their duty to punish these acts.

The commission's report has received a great deal of support and praise within Guatemala and among the international community. In addition, it should be noted that its findings have never been challenged. In fact, the commission's conclusions largely mirror the findings of "*Nunca Más!*" (1998), the report sponsored

by the Catholic Church of Guatemala, whose representatives originally feared that the CEH report would not yield significant results, given its many limitations.

Indeed, there was one stipulation of the Oslo Agreement that was severely criticized by human rights organizations, namely the requirement that responsibilities would not be “individualized.” These groups were concerned that a report that failed to present the names of the perpetrators would be of little value. In the course of the commission’s work, it turned out that this restriction was not a significant obstacle to providing a meaningful account of what occurred in Guatemala.

Given the long time span covered by the CEH’s mandate as well as the large numbers of victims, it would have been impossible to identify the perpetrators in each and every violation documented by the commission. For this reason, names could only have been presented in a partial, if not random, manner. In addition, the CEH would have been obligated to provide those individuals named with the opportunity to defend themselves according to the procedural guarantees provided by the International Covenant on Civil and Political Rights. This could not have been accomplished with the modest means at the disposal of the CEH and the limitation of having only three commissioners.

However, it is important to note that the CEH report clearly establishes institutional responsibilities for human rights violations based on the documentation and analysis of material gathered through rigorous field research. It then fell to the responsible Guatemalan governmental authorities to draw the requisite conclusions. In this regard, there has been a marked lack of political will in the years following the presentation of the report.

Despite its substance as a text containing valuable lessons for all countries that are called upon to reckon with the legacy of governmental injustice and crime, the CEH report has found relatively few readers outside the Spanish-speaking world. This is deeply unfortunate, but can be partially explained by the fact that the majority of material remains available only in Spanish. To make the important work of the commission accessible to an interested public around the world, Daniel Rothenberg—who worked as my assistant in the early stages of the CEH—has had the felicitous idea to prepare and publish this condensed volume. While it is clear that a reduced text of this type cannot fully reproduce the wealth of information and reflection contained in the full report, this book is well-structured and provides a valuable representation of the commission’s work.

This book explains the philosophical rationale behind the work of the CEH. The chapters covering the main patterns of violent crime and other injustices provide summaries that succeed in capturing the essential points of interest. The text also presents excellent selections of the so-called “paradigmatic cases” that reflect in a few pages key patterns of violence and criminal wrongdoing. The report concludes with the recommendations that the commission was charged with formulating and to which it gave its utmost attention. These recommendations balance the need to provide justice for the country’s many victims with an understanding of the nation’s limited resources, respecting at the same time the legislative powers of the Guatemalan Congress. While recommendations of this kind cannot transform the nature and the practices of a society, they remain

benchmarks against which the performance of Guatemala's system of governance can be measured.

It is my hope that this book will help Guatemalans and others better understand the work of the CEH and the suffering of the Guatemalan people during a terrible period in the nation's history. It is only by courageously facing the truth of the recent past that Guatemala and the larger world can honor the nation's victims, prevent the recurrence of government atrocities, and build the foundations for lasting peace.

# Introduction

## Facing *La Violencia*: The Importance of the Guatemalan Truth Commission

*Daniel Rothenberg*

This book presents a one-volume edited version of the final report of the Guatemalan Commission for Historical Clarification (CEH), commonly known as the Guatemalan Truth Commission. The report is the definitive account of one of the most brutal cases of government repression in the Western Hemisphere, a thirty-four year conflict forged by the Cold War, strongly influenced by U.S. foreign policy, and so severe that the commission determined that the state committed genocide against its own indigenous people.

Despite its scope, significance, and impact, the conflict remains largely unknown outside the country and inadequately understood by the majority of Guatemalans. One reason for this is the difficulty of accessing a readable version of the commission's work. Until this publication, the CEH report was largely unavailable in English and only available in Spanish in an unedited form that is over 4,400 pages long and fills twelve volumes. This book significantly expands access to the commission's important and sobering analysis of the conflict. Its goal is to ensure that the tragedy of the nation's recent history is more fully understood and acknowledged within Guatemala, in the United States, throughout the region, and around the world.

### **Facing *La Violencia***

The Guatemalan conflict produced some of Latin America's most shocking instances of political terror, including massacres, extrajudicial executions, rape, and torture. The suffering in Guatemala is known locally by a term revealing in its brutal simplicity—*la violencia*—"the violence." The systematic abuses that defined daily reality were part of a decades-long internal conflict between the government and an insurgency known as the *Unidad Revolucionaria Nacional Guatemalteca* (Guatemalan National Revolutionary Unity, URNG). The fighting came to a negotiated conclusion through a series of peace agreements, one of

which—the Oslo Accord of June 1994—mandated the creation of the commission, which was to be implemented shortly after the conflict ended.

The agreement explained that the CEH was needed because “the people of Guatemala have a right to know the whole truth” regarding the conflict and that the commission’s task was “clarifying with complete objectivity, equanimity and impartiality” the “grave acts of violence, disregard for fundamental rights of the individual and suffering of the population connected with the armed confrontation.” The CEH was designed to formally link peace, democratic transition, and national reconstruction with a process of documenting and analyzing past atrocities. It began its work in 1997 and submitted its report in early 1999. In documenting and analyzing past abuses, the commission tried to explain how Guatemala came to experience the longest armed insurgency in Central America and the most violent conflict in recent Latin American history.

As the CEH found, understanding *la violencia* requires a consideration of a number of factors within Guatemalan society and history, particularly the nation’s severe poverty and profound structural inequality. While Guatemala is rich in natural resources, a small elite identifying itself as ethnically and culturally distinct has long controlled most of the country’s land and wealth. From the colonial era on, Guatemala’s social and political system has supported gross inequality, linking the economic dominance of a minority with systematic discrimination against the majority, especially the nation’s indigenous Mayan population. The country long relied on a series of repressive laws and regulations that, when challenged, were backed up by state violence.

Even now, more than a decade after the negotiated peace, the nation is among the poorest and most unequal in the hemisphere. Over half of all Guatemalans live below the poverty line, with 15 percent living in extreme poverty. More than 40 percent of children under five are chronically malnourished, and the country has some of the region’s worst social statistics regarding health, housing, and education. Although the peace process created substantial improvements in legal rights and basic protections for its Mayan population, Guatemala remains ethnically divided between indigenous people—representing between 40 and 60 percent of the total population (including small groups of Xinkas and Garifunas)—and the nation’s Ladino population, a local term used to refer to a mixed Spanish, immigrant, and indigenous heritage. Poverty and marginalization are substantially worse among the Maya, over 75 percent of whom live in poverty and over 25 percent live in extreme poverty.

While racism, inequality, and marginalization have produced enormous suffering for the Guatemalan people, these conditions alone did not create the conflict. Instead, as the commission concluded, structural inequality defined a general social context maintained through authoritarian rule, with the conflict resulting from escalating levels of state repression in response to movements for social change. In the mid-1950s, a successful ten-year democratic process that challenged the status quo was overthrown with support from the United States. This led to decades of military rule, fraudulent and restrictive elections, and the systematic use of repression to protect empowered interests. During the 1960s and 1970s, social movements led by students, the Catholic Church, unions, and

community groups sought alternatives to the dominant socioeconomic structure. While these efforts often achieved significant gains at the local level, the state reacted with threats, intimidation, attacks, and assassinations, making it difficult, and ultimately impossible, for these groups to continue their work and for their reforms to advance.

Inevitably, the opposition turned toward armed insurrection. The first stage of the insurgency began in the early 1960s and operated largely in the capital and in eastern Guatemala. The army responded with brutal repression that relied heavily on a violent and increasingly intrusive intelligence service, which ultimately crushed the movement. The next stage of the insurgency grew over time and peaked from the late 1970s through the early 1980s. In response, state repression became totalizing, leading to the period of the most intense and sustained abuses.

The U.S. government played a key role in Guatemala's domestic politics during this time, providing substantial economic assistance as well as significant military support and training for successive regimes. From the mid-1950s on, through overt and covert means, the United States significantly influenced domestic Guatemalan politics as part of a regional foreign policy defined by the Cold War. These efforts linked economic development with military aid, creating a broad political alliance to combat the spread of communist beliefs. While ostensibly favoring democracy, the rigid nature of this approach led the United States to support governments, in Guatemala and elsewhere, that viewed virtually any organized opposition to dominant social and political interests as a fundamental threat to national security.

These factors ultimately led to a tragic twentieth century case of how state terror came to define national politics. In part, the conflict can be seen as an example of a larger, regional phenomenon; Guatemala was one of a number of Latin American regimes that relied on systematic human rights violations as a key element of governance and a focused policy response to movements for social change. From the 1970s through the 1980s, the majority of Latin Americans lived under authoritarian, often military, governments linking nationalism, centralized bureaucratic management, and a Cold War-era vision of national security. Many of these governments committed widespread human rights violations against those seen to be challenging the state. The subsequent revelation of the severity and brutality of these acts played a key role in delegitimizing authoritarian rule and enabling Latin America's transition to democracy.

However, state repression in Guatemala was especially brutal and widespread and stands out within a region that, at the time, was known for government sponsored abuse. The commission determined that over 200,000 Guatemalans were killed in the conflict, the vast majority of whom were Maya civilians unaffiliated with either the military or the URNG. State repression was so severe and overwhelming that the CEH determined it met the legal definition of genocide.

In any conflict or civil war, all sides bear responsibility for violence and destruction, and the CEH concluded that both the state and the URNG committed serious violations. Nevertheless, in the case of the Guatemalan conflict, the army and state institutions committed the vast majority of serious violations. The CEH found that the state and institutions under its control were responsible

for 93 percent of recorded violations, including virtually all of the massacres and most cases of torture, rape, disappearance, and killing. The CEH concluded that the URNG committed 3 percent of recorded violations, including killing, kidnapping, and various forms of abuse.

The systematic nature of *la violencia*, its cruel and brutal management of power, is difficult to describe and overwhelming by almost any measure. During the most violent period in the conflict, the army and paramilitary groups committed hundreds of massacres, destroying thousands of villages, and forcing 500,000 to 1.5 million Guatemalans to flee their homes. Torture, rape, mutilation, and brutal punishments were commonplace. Many rural areas were heavily militarized through policies of surveillance, forced resettlement, and the mandatory participation of all rural men in groups known as the *Patrullas de Autodefensa Civil* (Civil Defense Patrols, PAC).

The repression was not a collection of isolated cases or the result of occasional military excess, but rather an expression of carefully planned government policies. Guatemala's brutal counterinsurgency was managed within a hierarchical structure led by the *Estado Mayor* (Joint Chiefs of Staff), which developed general strategies that were implemented within a complex chain of command within the army and related security services, including: military intelligence (G-2 and S-2), *Kaibiles* (Special Forces), militarized police services, death squads, *comisionados militares* (military commissioners, civilians linked to the army), networks of *orejas* ("ears," or spies), PACs, and others. As the commission concluded, "The majority of human rights violations occurred with the knowledge or by the order of the highest authorities of the State" and "the responsibility for a large part of these violations . . . reaches the highest levels of the Army and successive governments."

One of the commission's primary concerns was to explain how, over three and a half decades, Guatemalan society, especially the government, became so reliant on violence and repression, so predatory and tragically destructive. By the late 1970s, institutionalized human rights violations had become the central mechanism of daily rule and the key manner in which the government interacted with citizens, especially in the majority Maya *altiplano*, or highlands. The state's use of violence radically reconstituted life for rural indigenous residents and defined governance as a function of brutal, impulsive, and often unpredictable repression. Human rights violations were so pervasive that, in much of the country, almost every Guatemalan could tell terrifying stories of abuse and cruelty, as evidenced by the thousands of testimonies gathered by the CEH.

State terror in Guatemala went beyond killing and destruction to reconfigure the very nature of social reality. Through violence and the militarization of daily life, the state established a culture of fear and intimidation. Simple conversations were transformed by the possibility that those listening could be *orejas*, passing information, whether real or invented, to state authorities or paramilitary groups. During the worst period of *la violencia*, ordinary social relations became inherently uncertain and infused with sudden and often inexplicable acts of brutality.

Throughout the conflict, the state bound severe repression with a near-complete denial of responsibility, linking a dysfunctional judiciary with institutionalized impunity. It was dangerous and often fatal for Guatemalans to

draw attention to atrocities or to try to find out what happened to loved ones detained by the authorities. Those responsible for human rights violations at every level—from soldiers on the ground to the military officials that designed repressive strategies—were shielded from accountability for their acts. The totalizing nature of impunity made dissent and discussion impossible, as the CEH concluded, “Terror has been the goal of . . . the counterinsurgency policy” whose “objective was to . . . silence society.”

In this way, *la violencia* was an assault on truth. And, in retrospect, the domineering, silencing nature of terror succeeded in concealing much of the country’s tragic truth. Many within the country—especially those living in Guatemala City or other areas where the repression was selective—were unaware of the severity of state’s brutal policies. This lack of understanding and acknowledgment continued long after the acts of violence had ended.

However, Guatemalan society’s failure to engage its repressive past was not simply the result of a lack of available information. In fact, from the mid-1980s on, a number of civil society groups gathered testimonies and related data—at first, partial and later more comprehensive—on political terror in Guatemala. They documented the existence of systematic human rights violations and presented their findings domestically and internationally. As a result of partial awareness of the Guatemalan government’s atrocities, the nation came to be viewed as a pariah within the global community.

Nevertheless, the full scope of *la violencia* was not understood for years as Guatemalan society generally avoided a full engagement with what occurred and its profound implications. This resulted from a number of interconnected demands and pressures, including ongoing fear of repression; the fact that the vast majority of victims were poor, indigenous, rural residents; and, the widespread belief that those targeted had become involved in *babosadas* (“foolishness”) and deserved their fate. The nation was deeply affected by decades of conflict, and claims about past repression were read through a divisive and highly politicized lens. The CEH was created within this context to address years of silence and broad social denial and, “to place on record Guatemala’s recent bloody past” as an essential part of the process of rebuilding the nation.

### “Never Again”—The CEH and the Role of Truth Commissions

The Guatemalan Commission for Historical Clarification is a truth commission, a formal investigative body charged with documenting and analyzing past political violence. Truth commissions are a relatively new global phenomenon and represent an important development within international human rights theory and practice. They build on the claim embodied in the words “never again” (the title of a number of truth commission reports), which provided the moral foundation for creating the international human rights system following the mass killing and destruction of the Second World War. Truth commissions seek to provide an objective account of severe political repression, giving voice to victims, memorializing suffering, and establishing mechanisms through which the public can engage the past as a necessary ground for rebuilding devastated societies.

Truth commissions have become a key element of what is known as transitional justice, a collection of practices—including domestic and international prosecutions, reparations, memorials, and policy reforms—that reflect on and respond to past atrocities in the wake of authoritarian rule, war, and internal conflict. Within this framework, truth commissions play an essential role by outlining the nature, scope, and mechanisms of past repression. They collect and analyze large numbers of victim statements in order to understand what occurred, determine patterns of repression and develop policy recommendations to assist victims, support peace, and prevent the recurrence of widespread political violence.

The first commissions were created in South America in the 1980s and early 1990s by emerging civilian governments facing recent military regimes that committed systematic human rights violations. They gathered information on characteristic violations, particularly a pattern of illegal detention, torture, and execution known as disappearance in which the bodies of those killed are hidden and certainty about their fate remains unclear. The efforts of these commissions built on emerging domestic, regional, and international human rights movements that “spoke truth to power” by gathering objective proof of violations in the face of official denial. They presented the public with personal testimonies of suffering, revealed the locations of secret torture centers, and through these efforts played a key role in delegitimizing prior authoritarian governments.

Truth commissions are sometimes criticized because, while they document atrocities, they are not courts and lack the authority to hold perpetrators accountable for their actions. This idea results from a misconception that these investigative bodies preclude or replace legal action. In fact, many commissions have existed alongside tribunals or played a significant supporting role in the development of criminal and civil cases. Nevertheless, there are situations where truth commissions have been created in countries that have passed blanket amnesty laws protecting perpetrators from prosecution.

In reviewing the contributions of truth commissions, it is important to understand that they play a different social role than prosecutions and provide different understandings and insights. Truth commissions are broad inquiries into decades of repression involving thousands of cases and the complex, often interconnected, roles of multiple state institutions, various insurgent groups, and distinct domestic and foreign actors. Trials seek truth in a more focused manner, determining criminal responsibility based on specific legal definitions and generally focusing on a small number of perpetrators and a select set of facts and incidents. It is also important to note that truth commissions cost a fraction of what is required for trials, especially those conducted by international tribunals, and have an expressly communicative mission to present the public with an overview and general analysis of past atrocities to support political transition and national reconstruction.

Truth commissions have become common mechanisms for ending conflicts and responding to the legacy of past political repression. From the mid-1990s on, these investigative bodies became increasingly institutionalized such that most peace negotiations and political transitions from authoritarian rule either included truth commissions or involved discussions of possible commissions.

There have now been dozens of truth commissions around the world, organized in different ways and with varying levels of success. Within Latin America and the Caribbean alone, truth commissions have been created in Argentina (1983), Brazil (1985), Chile (1990), Ecuador (1996), El Salvador (1992), Haiti (1995), Panama (2001), Paraguay (2004), Peru (2001), and Uruguay (2000).

These commissions have evolved over time, shifting in relation to local context and in response to the work of other investigative bodies. The Argentine commission produced the most widely read and influential report, but offered only a few pages of general policy recommendations. The Chilean commission led to the creation of a significant national reparations program, yet only documented cases of those killed by the regime, failing to gather data on survivors of illegal detention, torture, and rape. The Salvadoran commission was run by the United Nations, composed entirely of foreigners, and its stern recommendations were soundly rejected by the government, which passed a blanket amnesty five days after the report was released.

South Africa's commission is by far the most well known. It was created in 1995 following the nation's transition to democracy and charged with investigating human rights violations committed under the apartheid regime. Whereas prior commissions conducted their research in private and kept the identities of those presenting testimonies confidential, South Africa's Truth and Reconciliation Commission became a national sensation by holding public hearings presented live on radio and television. Victims and even some perpetrators told their stories publicly before millions of South Africans, connecting the truth-seeking process with the larger society. The commission was also empowered to provide direct reparations to victims and included a controversial policy of offering perpetrators amnesty in exchange for testimony regarding their responsibility for past human rights violations.

These investigative bodies—in Latin America and around the world—have transformed the way in which the global community responds to sustained political violence and atrocities. Truth commissions present the revelation of painful, traumatic reality as an essential form of justice and as a prerequisite for peace and democracy. The development of these investigative bodies from the 1980s on defines a key stage in the maturation of the human rights movement, linking the complex nature of postconflict reality with a formal, national encounter with victims' stories and an analysis of a country's reliance on mechanisms of terror.

The CEH is widely viewed as among the most successful truth commissions in terms of the quality and rigor of its work and the comprehensive nature of its report. The commission built on the experiences of prior investigative bodies and substantially expanded the focus of truth commissions, especially by linking the documentation and analysis of key violations with an investigation of the structure of repressive institutions and the social, economic, and political development of the conflict. Ultimately, the goal of the CEH was to connect the a rigorous review of *la violencia* with a process of national transformation, "Knowledge of the truth, as terrible as it may be, places the people of Guatemala on the right path, preserving the memory of the victims, supporting a culture of mutual respect and engagement with human rights and, in this way, strengthening the democratic process."

### **“A Violent and Dehumanizing System”—Historical Clarification and the Guatemalan Conflict**

The CEH is formally defined as a “historical clarification commission” (it is the only truth commission with this name) indicating a focus on investigating the underlying causes and evolution of the conflict. While the CEH’s documentation of specific cases started with the events of January 1962, when the armed insurgency began, and continued through December 1996, when the conflict came to a formal end, the commission’s analysis extended to a consideration of the historic and structural roots of *la violencia*.

The CEH grounded its overall analysis in an acknowledgment of Guatemala’s profoundly unequal and repressive economic, political, and social system, tracing it back to the Spanish colonial period and on through the modern era. From the country’s independence in 1821, the CEH determined that it established “an authoritarian State which excluded the majority of the population” and “was racist in its precepts and practices.” Guatemalan society was based on an agricultural economy that concentrated valuable land in the hands of a minority and relied on large numbers of disempowered workers.

The nation’s structural inequality was supported by laws, regulations, and other mechanisms of governance that were backed up by violence and designed to protect the interests of a privileged elite. The exploitative nature of the system was especially clear in late nineteenth century as the nation’s economy became dependent on large-scale coffee production. This export industry relied on *fincas* (plantations) that removed poor Guatemalans—both Maya and Ladino—from lands on which they had lived and farmed for years and then subjected them to various forms of forced labor. These mechanisms created “a violent and dehumanizing system” as “the State gradually evolved as an instrument for the protection of this structure, guaranteeing the continuation of exclusion and injustice.”

The antidemocratic nature of Guatemalan society was supported by a series of autocratic leaders whose exploitative policies continued into the twentieth century. At that time, U.S. companies, particularly the United Fruit Company (UFCo), gained control of much of the rural economy, especially within the rapidly expanding banana industry as well as other forms of export agriculture. The UFCo owned enormous areas of productive land while also managing significant elements of nation’s infrastructure, such as railroads and ports. The company’s growth was substantially enabled by its strong ties with powerful political interests within the U.S. government.

In 1944, while much of the world was consumed with the wars in Europe and the Pacific, a broad coalition of Guatemalans including reformist military officers, students, intellectuals, and professionals overthrew the military dictatorship of General Jorge Ubico who had come to power in 1930. The coup was followed by elections won by Juan Jose Arévalo, a nationalist leader whose government initiated a ten-year period known as the “democratic spring.” President Arévalo challenged the economic control of the nation’s elites as well as the dominant role of foreign companies. His government set up a social security system, a minimum wage, and new labor laws providing workers with various rights,

including the right to organize unions. Although the Catholic Church hierarchy, landowners, and empowered elites criticized these reformist actions (many modeled on the New Deal legislation of the Roosevelt administration) the military was held in check by the support of key officers and a general reformist orientation within the ranks.

In 1950, Jacobo Arbenz succeeded Arévalo as president in a landslide election. He continued the progressive tradition of the previous government, passing an agrarian reform designed to address structural elements of the country's social and economic inequality. The agrarian reform targeted a relatively small group of *finqueros* (plantation owners)—including UFCo, the nation's largest landowner—that controlled the vast majority of productive land. The law did not allow the state to confiscate large *fincas*, but rather required plantation owners to sell the government portions of their land not under cultivation in exchange for bonds at the price owners used for calculating taxes. The land was then distributed to individual *campesinos* (rural residents/workers) and cooperatives.

UFCo appealed to the U.S. government for assistance to oppose the “communist” tendencies of the Arbenz regime. The Eisenhower administration viewed Arbenz through the lens of Cold War ideology, understanding his policies as an affront to an economic system that served national interests and an example of the growing influence of Soviet ideas in the region. In response, the relatively new Central Intelligence Agency (CIA) engineered a coup in 1954 that overthrew Arbenz and ended the “democratic spring.” The coup unleashed a reign of terror, involving multiple assassinations. Declassified documents later revealed that the U.S. embassy provided direct assistance to the military regime that replaced the Arbenz government as it arrested over 15,000 people and forced thousands to flee the country.

To this day, many Guatemalans view the “democratic spring” as a symbol of a lost alternate history for the country, one in which a series of popularly elected governments might have, over time, addressed the country's profound inequalities through rational policy reform so that *la violencia* would never have occurred. However, after 1954, Guatemala was ruled by a series of military officers—or civilians strongly backed by the military—that continued to support the dominant social and economic system and increasingly relied on violence to control the population. National politics in Guatemala were structured within a larger context of U.S. regional hegemony and increasingly defined by Cold War ideology. This led to mounting divisions expressed in social movements that were subjected to waves of repression as the government was unable to manage the multiple and divergent claims of its citizens. As the CEH explained, “The State was incapable of achieving social consensus around a national project to unite the whole population.”

Following the 1954 coup, Colonel Carlos Castillo Armas took control of the government only to be assassinated in 1957. He was followed by Miguel Ydígoras Fuentes, a conservative president who supported the U.S. government's emerging anti-communist ideology. On November 13, 1960, disaffected military officers inspired by Arbenz staged a coup with the goal of reestablishing a progressive

nationalist government. While the uprising was quickly repressed, its leaders—many of whom were inspired by the 1959 Cuban Revolution—went into hiding, later establishing armed opposition movements that would eventually develop into the URNG.

In 1962, some of these officers formed the *Frente Rebelde Alejandro de León Aragón 13 de Noviembre* (Alejandro de León Aragón Rebel Front of November 13, MR-13). According to the commission, this act that defined the start of the armed conflict. In late 1962, the *Partido Guatemalteco de Trabajadores* (Guatemalan Labor Party, PGT) helped bring the MR-13 and other groups together to form the *Fuerzas Armadas Rebeldes* (Rebel Armed Forces, FAR). In 1964, MR-13 separated from FAR, although both groups were committed to leftist revolutionary ideologies similar to many insurgencies developing throughout Latin America.

In 1966, Julio César Méndez Montenegro of the *Partido Revolucionario* (Revolutionary Party, PR) a center-left party was elected president. Initially, the PGT, the FAR as well as various liberal interests hoped that the new government would address key structural issues within Guatemalan society and enable a more democratic social order. However, the newly elected civilian government heightened repressive practices, leading to a series of military governments that lasted until the mid-1980s.

In 1966, the Guatemalan military initiated a brutal counterinsurgency campaign against the MR-13 and the FAR who had gained support in the eastern part of the country. During this time, the U.S. government provided financial support and training to the Guatemalan military, including assistance in developing an increasingly powerful and sophisticated system of military intelligence. The counter-insurgency was managed by Colonel Carlos Manuel Arana Osorio (who later became president in 1970) and involved tactics developed by the U.S. military in Vietnam. From the mid-1960s to late 1960s, state repression targeted civilians, killing thousands of rural *campesinos* and establishing the country's first *aldeas modelos* (model villages), forced resettlement communities in which Guatemalans were required to live under military control and surveillance. During this period the role of military commissioners expanded significantly, as they passed intelligence to authorities and were often responsible for disappearances and other violations. These brutally repressive policies succeeded in defeating the insurgency and set the stage for the totalizing violence that followed. To this day, the number of civilians killed during this military campaign remains poorly documented and the CEH acknowledged the difficulties of gathering accurate information about the impact of repression during the 1960s.

As the CEH concluded, these state's counterinsurgency policies were justified and enabled through a collection of ideas known as National Security Doctrine which defined combatting communism and "subversion" as the primary focus of government policy. This Cold War-era ideology envisioned Guatemalan society as facing constant and serious internal threats. The conception of national security was so broad that virtually any act that questioned the dominant social and economic system—union organizing, student movements, church activities, community development projects—was viewed as subversive. As a result, those participating in these activities were considered enemies of the state and

subjected to arrest, detention, and interrogation, as well as possible torture and extrajudicial execution.

At various stages in the conflict, especially in urban areas, state repression targeted specific individuals and organizations. This was seen in the rise of death squads in the 1960s, which used various names—such as the *Movimiento de Acción Nacionalista Organizado* (Movement of Organized Nationalist Action, MANO); or the *Nueva Organización Anticomunista* (New Anticommunist Organization, NOA)—which were supported by right-wing political parties and directed and staffed by the intelligence services. Targeted repression during this period led Guatemala to become the first nation in Latin America where the verb *desaparecer* (“to disappear”) took on a new, brutal meaning; linking illegal detentions, torture, and execution with a denial of responsibility and a process of hiding victims’ bodies, often in clandestine cemeteries. Disappearances were commonly committed by the *Policía Militar Ambulante* (Mobile Military Police, PMA), the *Guardia de Hacienda* (Treasury Police), the *Policía Nacional* (National Police) and the police detective corps known as *judiciales* (judicial police), all of which operated in close coordination with military intelligence.

Many popular movements arose in the 1960s and 1970s in Guatemala. Through the work of catechists, lay workers, and groups such as *Acción Católica* (Catholic Action), the Catholic Church adopted the principles of liberation theology, linking religious practice with demands for social justice. *Campesinos* formed movements such as the *Comité de Unidad Campesina* (Committee of Campesino Unity, CUC) that organized indigenous and Ladino workers to address a variety of demands from increased wages on plantations to land rights. Students from the *Universidad de San Carlos de Guatemala* (University of San Carlos, USAC) pressured the government to investigate acts of political violence, mobilizing marches and popular protests. Labor unions organized workers, often successfully, in state enterprises and private factories.

These efforts were often interconnected as members of one social movement coordinated efforts with other groups. In addition, some activists established ties with the underground insurgency and others chose to become guerrilla combatants. As popular movements were violently repressed, the political space for debate and discussion was reduced. The state’s reliance on repression negated the possibility for compromise, negotiated settlements, or other means of peacefully addressing political divisions and societal conflict. Alongside its reliance on repression, the state did little to address the fundamental structural inequalities within Guatemalan society, leading to heightened demands for change followed by increased violence. As the CEH stated, “Thus a vicious circle was created in which social injustice led to protest and subsequently political instability, to which there were always only two responses: repression or military coups.”

By the late 1970s, the country had reached a crisis point. The state’s repressive activities were directed against virtually all social movements and political activities that challenged the status quo. As a result, many involved in social change movements were forced to abandon their work or flee the country. Others joined the growing armed insurgency that was composed of four groups: the PGT; the FAR; the *Organización del Pueblo en Armas* (Organization of the

People in Arms, ORPA); and, the *Ejército Guerrillero de los Pobres* (Guerrilla Army of the Poor, EGP). As repression increased, these groups gained popular support, particularly among poor Ladino workers and Maya residents of the *altiplano* as well as among laborers working on the large plantations of the *Costa Sur* (Southern Coast).

The situation in Guatemala was one element of a larger political context defined by Cold War divisions that, from the late 1970s through the early 1990s, created violent internal conflicts throughout Central America. National security services came to dominate domestic politics in the region, supporting inequitable social and economic systems in opposition to popular movements seeking political change and challenging U.S. regional hegemony. In 1979, a broad popular effort linking revolutionaries, middle-class interests, intellectuals, and others overthrew a military dictatorship in Nicaragua, eventually leading to a leftist government. In 1980, civil war broke out in El Salvador between a coalition of armed leftist insurgents and the government.

Within this general context, the Guatemalan insurgency gained support and appeared as part of a general challenge to the region's dominant and unequal social structures. In response, the state expanded its repressive activities, which rapidly grew to devastating levels. The CEH found that 81 percent of all serious violations were committed between 1979 and 1982, including the vast majority of massacres. It was during these years that the CEH concluded that the state committed genocide against the nation's Mayan peoples.

The government at this time was run by two military regimes. From 1978 to 1981, General Romeo Lucas García led the country, until he was overthrown in a coup by General Efraín Ríos Montt, an Evangelical minister, who controlled Guatemala from 1981 to 1983. The army developed a policy of "scorched earth" tactics that destroyed thousands of *aldeas* (rural villages) within a broad policy of militarizing the nation, especially the rural *altiplano*. The army established bases throughout the country and forcibly recruited tens of thousands of indigenous men into the armed forces, subjecting them to brutal forms of training.

In an effort to reduce support for the insurgency, the military sought to "drain the water from the fish" through indiscriminate killing and mass repression. The commission documented 626 massacres, and there were likely many more. These coordinated attacks commonly followed a set pattern in which soldiers, Kaibiles, military commissioners, and PACs would surround a village and then abuse, rape, torture, and kill the entire population, through spectacles of violence that sometimes lasted for several days. In this way, *la violencia* transformed rural Guatemala. As the residents of entire communities were killed, their homes and fields burned, other communities fled into the mountains. Many became internally displaced persons and lived in the countryside for months and even years. Others became refugees, fleeing Guatemala for other countries, with around 150,000 crossing into Mexico. Some refugees continued farther north, beginning a pattern that led, over two decades, to the migration of hundreds of thousands of Guatemalans to the United States.

Military repression came to define state power as thousands of Guatemalans were arrested in their homes, at checkpoints along roads, on market days in main towns, and during patrols. Many were detained on the basis of reports by *orejas*

and *confidenciales* (spies) some of whom used their power to settle personal disputes. Others were selected based on statements from torture victims. Those detained were commonly beaten and abused and then brought to military bases, where they were interrogated by intelligence agents (from the G-2, the “Dos”, or the S-2), commonly tortured, and often killed. The CEH determined that over 50,000 people were disappeared, their whereabouts unknown and their corpses buried in clandestine cemeteries throughout the country.

In an effort to undermine support for the guerrillas and to control the population, the military forced all men living in rural Guatemala to participate in the PAC. Its members, *patrulleros*, were required to engage in continual patrols in and around their communities. At their height, the army estimated that there were over 1 million *patrulleros*, which the CEH found represented almost half of all adult Guatemalan men. Some *patrulleros* were unarmed and tasked with manning roadside guardhouse or overseeing their *aldeas*. Others participated directly in killings, torture, rapes, and massacres against their neighbors and residents of nearby communities. The CEH determined that 18 percent of serious violations were committed by the PAC, representing a key mechanism through which the civilian population was forced to become complicit in state terror.

Through scorched earth policies that destroyed villages, makeshift homes, and crops, and ongoing army and PAC patrols, the state made survival difficult for internally displaced populations. By combining this ongoing repression with a series of amnesties, the army convinced thousands of Guatemalans to come down from the mountains and live under military control. They were processed, subjected to “re-education” programs, forced to join PACs, and resettled in *aldeas modelos* and other communities under the constant surveillance of the army and the supervision of military intelligence and its network of informers. The military’s policies linked formal mechanisms of control, including restrictions on movement, with various forms of social assistance. These programs included food aid, employment and development policies, some of which were financed by the U.S. government and various international assistance agencies. In this way, social relations among the nation’s rural, largely indigenous, population were radically transformed through constant surveillance, forced complicity in violations, and a domineering ideology of silence and submission.

In 1982, the country’s four guerrilla movements—EGP, FAR, ORPA, and PGT—joined together to create the URNG. These groups often had substantial local support and hoped that, by joining together, they could overthrow the government. The Guatemalan insurgency was inspired by the Nicaraguan revolution and the military success of neighboring Salvadoran guerrillas. They imagined that they would gain control of large areas of the country and even planned a national strategy for controlling key regions and then marching on to the capital to overthrow the government. However, in reality, the URNG lacked adequate arms, training, and logistics. The CEH concluded that the guerillas never controlled enough combatants, weapons, or territory to militarily challenge the Guatemalan state.

Under the Carter administration, in response to the country’s terrible human rights record, the U.S. government stopped providing direct assistance to the Guatemalan military. This suspension continued through the worst years of

*la violencia*. As a result, U.S. support for the country's armed forces was provided covertly and through the assistance of key allies such as Israel (for example, the standard assault weapon of the Guatemalan Army was the Israeli *Galil* and not the M-16, as in El Salvador and elsewhere in the region). Declassified material reviewed by the CEH has revealed that U.S. government was aware of widespread massacres, torture, and other atrocities and generally supported the country's counterinsurgency efforts. Nevertheless, the full extent of the U.S. involvement in *la violencia* is still not known.

In 1983, Ríos Montt was overthrown in a military coup led by General Oscar Mejía Victores. While the government continued the country's brutally repressive policies, it also led Guatemala to a democratic transition in 1985. This process involved drafting a new constitution and ending formal military rule in response to domestic calls for change, a devastated economy, and substantial international pressure. Elections were held and, in 1986, Vinicio Cerezo became the country's first popularly elected civilian president in many years. Nevertheless, the military remained in control of the nation and the repressive actions of military commissioners and PACs continued to operate alongside ongoing surveillance and systematic human rights violations. The political transition in Guatemala was gradual. It took over a decade to negotiate a formal end to the conflict, reduce the influence of the military, and establish the foundations, however fragile, of a more substantive democracy.

### **The CEH and the Peace Process**

From the late 1980s on, there were substantial pressures to end the armed conflict in Guatemala and throughout Central America. The regional accords of 1987 set the stage for peace in Nicaragua and created a tentative plan for ending the wars in El Salvador and Guatemala. The collapse of the Soviet Union in 1989 reconfigured global politics, ending the Cold War and redefining the significance of National Security Doctrine and prior justifications for mass repression. In 1990, the leftist government in Nicaragua lost the national elections and, in 1993, neighboring El Salvador formally ended its conflict.

Preliminary meetings between the URNG and political parties led the guerrillas to agree not to disrupt the country's 1990 elections, which were won by Jorge Serrano. He was the first democratically elected civilian leader in fifty years (since the democratic spring) to succeed another democratically elected civilian leader. In 1991 and 1992, preliminary meetings were held to define basic principles for the peace negotiations. However, the two sides were unable to agree on key issues and the process stalled until mid-1993 when President Serrano tried to suspend the constitution, dissolve Congress, and seize control in what was known as an "*auto-golpe*" or "self-coup." The attempted coup was rejected through the coordinated efforts of the military, the business elite, and civil society, indicating broad support for democracy and suggesting the possibility for ongoing negotiations among previously opposing forces. Serrano fled the country and was replaced by Ramiro de León Carpio, the country's human rights ombudsman.

Later that year, the United Nations took on a more prominent role and, by early 1994, the “Group of Friends” was assembled, linking Colombia, Mexico, Norway, Spain, the United States, and Venezuela to the peace process. In Guatemala, a collection of domestic groups, from business associations to indigenous organizations, joined together to support the peace process through the *Asamblea de la Sociedad Civil* (Civil Society Assembly, ASC). Despite their diverse and competing interests—it included representatives of the far right *Frente Republicano Guatemalteco* (Republican Guatemalan Front, FRG) led by General Ríos Montt as well as business leaders and members of human rights groups—the ASC managed to work together and outline key national goals related to the negotiated peace.

The first major peace agreement was signed in March 1994, establishing a commitment to international human rights and authorizing the creation of the *Misión de Verificación de las Naciones Unidas en Guatemala* (United Nations Verification Mission in Guatemala, MINUGUA), to monitor human rights conditions in the country. In June, the Oslo Accord was signed, establishing the mandate for the CEH and linking the peace process with a commitment to documenting and analyzing past political violence.

What followed were a series of agreements linking formal peace with a reconceptualization of Guatemalan society, including promises to address many of the root causes of the nation’s unequal and repressive social structure. In November 1995, the government and the URNG signed an agreement outlining a commitment to defend indigenous rights and to create a more inclusive and respectful society. In May 1996, they signed an agreement outlining broad policy reform on social and economic issues including improving access to land for the poor (although avoiding comprehensive land reform); expanding education, health, and social services; strengthening labor protections; and, increasing tax collection to enable the state to cover the costs of social reform.

In September 1996, the parties agreed to support civilian control of government by restructuring the police, demobilizing the PAC, dissolving key elements of the security forces, significantly reducing the size of the army, and redefining its mission to address external rather than internal security. Later that year, the PAC was disbanded through the demilitarization of over 270 thousand *patrulleros* and the recovery of thousands of weapons. The PMA and the *Estado Mayor Presidencial* (Presidential Joint Chiefs of Staff, EMP)—an intelligence unit working out of the Presidential Palace responsible for many violations—were also dismantled, as part of a broad restructuring of the security services. Following the formal end of the conflict, the remaining URNG combatants were also demilitarized. These efforts were supported by substantial international economic and technical assistance.

In December 1996, on the eve of the formal end of the conflict, several operational agreements were negotiated, including key constitutional reforms and legal mechanisms to allow for the reintegration of members of the URNG. That month, the Guatemalan Congress passed the *Ley de Reconciliación Nacional* (Law of National Reconciliation, LRN), which provided amnesty for certain political crimes, yet specifically denied legal protection for those who had committed torture, genocide, and other serious violations. The LRN was not a general

amnesty, but rather created a mechanism for individually reviewing the case of each alleged perpetrator seeking protection from claims. On December 29, 1996, peace between the Guatemalan government and the URNG was formally signed at a public ceremony in the main plaza in front of the Presidential Palace.

Taken together, the peace accords presented an extensive set of promises linking a broad commitment to human rights with a series of substantial reforms that, if implemented, could refashion Guatemalan society. While these policy reforms did not envision dismantling existing power structures, they presented transformative ideas to expand basic rights, combat institutionalized racism, and address social inequality. The accords provided for significant expansions of education, health, and social security, an increase in tax revenues, shifts in access to land, the reconfiguration of security services, and institutional support for democracy and basic rule of law principles. Interestingly, the Guatemala envisioned by the peace accords was similar to the policy vision of the “democratic spring” and embodied many of the progressive goals of social movements from the 1960s onward.

Just as the conflict was defined by brutal human rights violations and sustained state repression, the peace agreements began with a focused commitment to human rights through the establishment of the commission. Nevertheless, when the accord was signed, the CEH was viewed critically by many sectors of Guatemalan society. Some objected—as is common with virtually every truth commission—that an inquiry into past abuses would open old wounds, create social discord, and stimulate renewed violence and repression. Others viewed the United Nations–mediated process as serving a leftist agenda, or as an element of a larger international campaign to criticize or even humiliate the nation.

However, the most serious and sustained criticisms of the commission came from Guatemalan civil society, especially local human rights advocates that had struggled courageously for years in the face of sustained and brutal repression. These criticisms were grounded in the fact that the CEH was created through a political compromise between the parties and signed by high-ranking army officials and URNG commanders, precisely those responsible for the very human rights violations and acts of violence that the commission was tasked with investigating.

National and international human rights advocates worried that the commission was designed to be ineffectual or to serve as a formal mechanism of minimizing the impact of *la violencia* or misrepresenting the nature of past atrocities. For some, the term “historical clarification” sounded like a way of avoiding accountability, perhaps suggesting that structural issues—not actual people and institutions—were the primarily responsible for the conflict, or by directing attention to external factors or foreign influences. These concerns were not unreasonable given the ongoing repression of human rights defenders, the continuing power of military and intelligence services, and the institutionalized impunity that protected virtually all perpetrators.

The concerns of civil society groups were highlighted by the fact that they were not formally included in the development of the CEH’s mandate despite the fact that their efforts were crucial to drawing attention to the abuses of *la violencia*.

They also pointed out that the agreement specified that two of the commissioners were to be selected by the parties, but made no provisions for review by civil society groups. Others questioned whether the time given to the CEH—six months, with a possible additional six-month extension—would be adequate to document and analyze three and a half decades of complex and devastating violence.

However, the most contentious aspect of the Oslo Accord was the mandate that the CEH could not “individualize responsibility” that is, it was barred from presenting the names of perpetrators. To many in the activist community, this signified that the CEH was designed in advance to present a disengaged inquiry into past atrocities, divorcing documentation from accountability, providing truth telling, but no justice.

Before the CEH began operation, these concerns were so significant that the *Oficina de Derechos Humanos del Arzobispado de Guatemala* (Human Rights Office of the Archbishop of Guatemala, ODHAG) created a special project to document past atrocities as an alternative to the official commission. This initiative, the *Proyecto de Recuperación de Memoria Histórica* (Recovery of Historical Memory Project, REMHI), began in 1995 and used networks of local parishes to gather thousands of first-person narratives from victims. It was designed to ensure that the suffering of Guatemala’s victims would be recorded out of a concern that the CEH would fail to seriously reflect on past atrocities. In the end, these concerns proved unnecessary as the ODHAG and other Guatemalan human rights and civil society groups worked closely with the commission. Over time, these groups embraced the CEH and came to view its report and conclusions as the foundation for ongoing advocacy.

### **Mandate and Functioning of the CEH**

The full name of the Oslo Accord is the Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence That Have Caused the Guatemalan Population to Suffer (The text of the Oslo Accord is presented in Appendix 3). The terms “human rights violations” and “acts of violence” reference a key distinction within international law between the responsibilities and obligations of state and nonstate actors. “Human rights violations” reference abuses committed by formal state actors—such as the military, police, and intelligence services—as well as nonofficial or quasi-official actors operating under the command or control of the state, such as death squads and the PAC. “Acts of violence” reference abuses committed by nonstate actors, particularly the URNG guerrilla insurgency. The significance of this language is twofold: first, it highlights the CEH’s clear grounding within established principles of international law; and, second, it specifies the commission’s commitment to investigating acts committed by both the state and the URNG.

The agreement required that the CEH begin its work immediately following the end of the conflict and provided six months for formal operations, with a possible six-month extension. In early 1997, the three commissioners were appointed. Christian Tomuschat, a German law professor and former United

Nations independent expert on Guatemala, was appointed by the secretary general of the United Nations. The state and the URNG selected the other two commissioners: Otilia de Lux Cotí as a Guatemalan “of irreproachable conduct” and, Alfredo Balsells Tojo, a Guatemalan academic selected from a list presented by university presidents. Two of the three commissioners were Guatemalan and one was an indigenous woman.

Soon after being selected, the commissioners began holding meetings with the Guatemalan government, the URNG, and civil society organizations, particularly human rights and indigenous groups. They outlined a budget and worked with the Guatemalan government and the international community to obtain financial support. The final budget was around \$9.8 million, with 10 percent provided by the Guatemalan government and 90 percent by the governments of Austria, Belgium, Canada, Denmark, the European Union, Germany, Italy, Japan, the Netherlands, Norway, Sweden, Switzerland, the United Kingdom, and the United States.

The CEH’s legal status in Guatemala was established through negotiations between the government and the special representative of the secretary-general of the United Nations. This process was finalized by the Guatemalan Congress, which approved the commission and provided specific immunities and privileges for the commissioners and their mission.

While technically the commission was composed solely of the three commissioners, the CEH’s work involved a substantial research, analysis, and support staff of 269 professionals, including 127 internationals and 142 Guatemalans. While the CEH was not a United Nations managed truth commission (as in neighboring El Salvador), it is sometimes referred to in this way. This is because many CEH staff were drawn from United Nations missions, particularly MINUGUA, and because its logistics and finances were managed by the United Nations Office for Project Services (UNOPS).

The CEH began its preliminary work in mid-1997 and formally started operations at the end of July 1997, working out of a central office in Guatemala City (The CEH’s methodology is presented in Appendix 2 “CEH Mandate and Methodology”). In September, the CEH opened four regional offices in Guatemala City, Cobán, Santa Cruz del Quiché, and Huehuetenango as well as ten satellite offices in Barillas, Cantabal, Escuintla, Nebaj, Poptún, Quetzaltenango, San Marcos, Santa Elena, Sololá, and Zacapa.

Commission staff interviewed victims and witnesses in these offices whose locations were widely publicized on the radio, in newspapers, and in other media. In addition, the CEH staff met with local government officials, traditional leaders, and civil society groups to ensure that victims knew about the commission, its mission, and its various offices. Since many Guatemalans had trouble visiting the CEH offices, researchers traveled to over 2,000 communities, often multiple times, to gather testimonies and related information. These efforts included over 500 collective testimonies in which community residents jointly presented their stories.

The field offices operated for around eight months, closing in mid-April 1998. By that point, most field research had been completed, although the CEH

continued to receive testimonies in the main office until the end of July and research teams traveled around the country gathering testimonies and engaging in fact-checking.

The CEH also gathered material from over a thousand “key witnesses” including politicians, former and current military officers, former guerrillas, union leaders, activists, and others. These statements were used to understand state security institutions, URNG strategies and operations, social movements, and different aspects of the country’s social and political context during the armed conflict. With the assistance of various nongovernmental organizations, the CEH gathered testimonies and material in Canada, Mexico, the United States, and several European countries.

In addition, the commission collected a large number of documents—including material presented by victims, key witnesses, submissions from various organizations such as business associations and Mayan groups, clippings from Guatemalan newspapers, court filings, etc.—that were organized and analyzed in the Documentation Center. The CEH requested documents and information from the parties, including the army, Guatemalan courts and other Guatemalan government institutions, as well as the URNG and each of its member organizations.

The commission found the army’s responses were “inadequate and unsatisfactory.” The army provided limited documentation, no reports for events occurring before 1987, and also “did not provide the CEH with a single operational plan for the military zones in regions most affected by the armed confrontation.” Many requests were met with claims—later found to be false—that documents never existed or had been lost or destroyed. The CEH determined that the URNG responded more positively in providing many, though not all, key documents and reports.

The CEH also requested material from a number of foreign governments, including Argentina, Cuba, Israel, Nicaragua, and the United States. Of these, only the United States responded with substantial documents. The material provided by the United States was used alongside cables and reports from the embassy, the CIA, and others declassified through Freedom of Information Act requests by the National Security Archive, a Washington D.C.-based group, in preparation for the start of the commission’s operations. These documents were supplemented by large amounts of material from the Guatemalan press as well as many secondary sources.

The commission also reviewed forensic evidence from exhumations of mass graves and clandestine cemeteries. Much of this material came from prior exhumations, but the CEH specifically supported the *Fundación Antropológico Forense de Guatemala* (Guatemalan Forensic Anthropology Foundation, FAFG) to conduct exhumations of four sites.

Central to the work of the commission were substantial submissions documenting and analyzing human rights violations that had been gathered by Guatemalan human rights and civil society groups. In particular, the CEH integrated the work of two major, large-scale data collection projects into its analysis of past atrocities. The first was a quantitative analysis of data collected by the

*Centro Internacional para Investigaciones en Derechos Humanos* (International Center for Human Rights Investigations, CIIDH) based on field research by a number of Guatemalan civil society organizations. The second was the REMHI project in which ODHAG staff trained local Guatemalans who collected over 6,000 testimonies documenting many of the same abuses highlighted by the CEH. ODHAG presented the REMHI report in April 1998 just as the CEH was closing its field offices. Two days later, Bishop Juan Gerardi, the driving force behind the project, was assassinated.

While all of these materials were integrated into the final report, the core of the CEH's work research was its extensive fieldwork. The CEH gathered 7,338 individual and collective testimonies involving the experiences of over 20,000 people. This material was entered into a secure database managed in the central office. The database allowed for qualitative analysis of the testimonies found throughout the report, including direct quotations and thematic analysis. The database also facilitated a quantitative review of key information on dates, places, victims' names, perpetrators, and types of violation (some of the commission's tables are included in this volume). Also, to facilitate more detailed statistical analysis, particularly estimations of the total number of victims and related data on victims and violations, the CEH contracted the American Association for the Advancement of Science (AAAS). Their report also reviewed data from various Guatemalan human rights groups, linking CEH database with information from the CIIDH and the REMHI project.

The testimonies were evaluated for their coherence and relation to the commission's mandate to develop specific "registered cases," indicating a violation or cluster of violations that could be determined to have actually occurred. To count as a registered case, the CEH reviewed the data gathered to ensure that it met one of three degrees of certainty—complete certainty, well-founded probability, or reasonable likelihood. This process involved multiple levels of review by field investigators, database analysts in the central office, a team of legal experts, and, finally, by the commissioners. The CEH finalized 7,517 registered cases that were listed in one of the appendixes to the CEH final report.

By July 1998, the field research was completed. Then, CEH staff focused on reviewing the data collected, developing thematic analyses, and preparing policy recommendations. The data review process involved a number of teams focusing on specific issues and the thematic analysis was divided into three teams whose focus became the basis for the first three chapters of the CEH report: "causes and origins," "strategies and mechanisms," and "consequences and effects" of the conflict. The work on the roots of the conflict was prepared with the assistance of a group of distinguished Guatemalan academics. By August, many of the teams had completed their work, including nearly one hundred case studies. The remaining CEH staff drafted the final report.

On February 25, 1999, the CEH formally presented its key findings and recommendations to the Guatemalan government, the URNG, and a representative of the secretary general of the United Nations. The event took place in the National Theatre in front of a crowd of thousands and was widely covered by all local media.

### Structure of this Book

In editing the original CEH report for this book, the overarching goal has been to present the commission's research, analysis, conclusions, and recommendations as accurately as possible. The material was selected to highlight the emotional and documentary significance of the testimonies while preserving and respecting the focus, tone, and vision of the commission's work.

The edited material is divided into four sections that generally follow the original structure of the CEH report. The book begins with a series of poems and statements followed by the commissioners' prologue. The first section presents a detailed analysis of the most serious violations committed by both of the parties during the conflict including: state responsibility for extrajudicial executions and disappearances, torture, forced displacement, massacres, rape and sexual violence, and genocide; followed by URNG responsibility for killing, kidnapping, looting, and other violations. The second section presents material from the CEH's analysis of key actors within the conflict beginning with a review of state institutions and groups associated with state policy, followed by a review of the different organizations that composed the guerrilla insurgency. The third section reviews the consequences and effects of *la violencia* with a consideration of how decades of conflict impacted Guatemalan society, including a review of how human rights groups, indigenous organizations, and other social movements confronted repression, often at great personal and institutional cost. The fourth section reviews the CEH's key conclusions regarding the conflict, its causes, impact, and significance and includes the complete text of CEH's recommendations. These present a set of detailed plans for responding to the legacy of the conflict through policies to honor victims, provide reparations, combat impunity, prevent the recurrence of violence, and build the foundations for sustainable peace and social justice.

While the overall structure and focus of the material presented mirrors that of the final report, it is important to note a number of key changes. The book presents an ellipsis (...) to indicate where sections have been cut from the CEH's original text. In some cases, the ellipses reference a short edit—a word, a sentence, or several sentences—and, in other cases they indicate where lengthy sections have been removed. The order of the material within specific sections generally follows the structure of the original report, but some adjustments have been made such as moving paragraphs and sections for clarity and coherence.

The original report included a separate volume with fifty-two *casos ilustrativos* ("case studies") presenting detailed descriptions of characteristic violations, historical events, or particular patterns of violence. This book integrates the case studies within the main body of the text by presenting corresponding case studies following most sections. So, for example, the section on massacres is followed by an edited version of the CEH's case study of the massacre at *Las Dos Erres*.

The book includes a number of stylistic edits. The original commission report used numbered paragraphs as is common for United Nations documents and other formal reports. In this book, all paragraph numbers have been edited out to improve the clarity of the text and to reduce its bureaucratic tone. Also, the

original report used many footnotes referencing textual clarifications as well as references to multiple primary and secondary sources. This book uses endnotes and only includes references for direct quotations, whether from interviews, documents, historical material, or secondary sources.

In some parts of the text, new titles for subsections have been inserted and some of the original subsection titles have been italicized or placed on separate lines to ensure consistency. Some lengthy sections have been divided into separate paragraphs, and grammatical changes have been made for consistency, verb coherence, and to meet the publisher's style guide. In addition, some long sentences have been divided into shorter, multiple sentences for clarity. In general, quotations from testimonies have been left more or less as in the original, with some grammatical adjustments. American English spellings are used throughout and some Spanish terms are italicized. Where names of organizations, groups, government bodies, and other formal entities are presented they appear first in the original Spanish, followed by an English translation and the acronym, where appropriate (a review can be found in Appendix 1, "Spanish terms, acronyms and abbreviations").

Most of the material presented here was translated specifically for this book. However, the conclusions and recommendations were translated by the CEH and these English versions are used with minor edits (information on the translation process can be found in "Notes on the Translation").

The process of editing twelve volumes into several hundred pages was complex and took several years to complete. The editing and review was assisted by an extraordinary group of Guatemalan and international consultants, including Roddy Brett, Michelle Bellino, Iduvina Hernandez, Gustavo Meoño Brenner, Victoria Sanford, Arturo Taracena Arriola, Christian Tomuschat, Edelberto Torres Rivas, and Manolo Vela Castañeda. These consultants read, reread, and commented on various versions of initial and subsequent edits. They provided detailed suggestions regarding the structure, focus, and orientation of the book. In addition, over two dozen informal consultants reviewed the project providing many helpful suggestions and comments. Despite the exceptionally sensitive and valuable comments by these individuals, responsibility for these edits and this book is that of the editor.

The one-volume version of the report of the Guatemalan Truth Commission is presented in both English and Spanish. It has been designed for scholars, journalists, students, travelers, and anyone interested in understanding *la violencia*, the recent history of Guatemala, truth commissions, and the defense and protection of human rights within Latin America and around the world.

### **"So That Future Generations May Be Aware"**

The commission was given the difficult mandate of establishing the factual and interpretive ground for ongoing debates regarding *la violencia*. The commissioners described their work as a service to Guatemalan society, "So that future generations may be aware of the enormous calamity and tragedy suffered by their people." In the end, the CEH was motivated by the belief that engaging

and acknowledging the truth of past political violence was essential for achieving peace, democracy and reconciliation in Guatemala.

The commission's extraordinary collection of thousands of individual and communal testimonies and its detailed database remain confidential. The final report—whether the full twelve volumes or the selections presented here—are the only publicly available documents of the CEH's work. This material represents the most comprehensive inquiry into *la violencia* and its work provides great insight into an especially painful and violent period in Guatemalan history.

The commission's presentation of systematic violence committed over three and half decades by the state against its people—and, to a far lesser degree, by the insurgents against civilians—is overwhelming. The CEH's detailed descriptions of brutality, cruelty, and systematic repression are difficult to process, raising questions about how it was possible for people to commit such terrible acts against their neighbors and fellow citizens. This is true for Guatemalans who lived through the conflict, those born after it ended, as well as those encountering *la violencia* for the first time.

The CEH's greatest accomplishment is that it managed to fulfill its mandate under very challenging circumstances, breaking through decades of silence and fear and naming and thereby legitimizing the suffering of thousands of Guatemalans. As the commissioners suggest, acknowledging *la violencia* is itself a form of justice and an essential means of rebuilding a traumatized society.

The CEH report demands our attention. It embodies the global aspirations of the human rights movement to courageously face terror and abuse, even as this process requires an encounter with the darker side of politics and the human capacity for cruelty and abuse. The work of the CEH, in its rigorous commitment to presenting the voices of victims and analyzing decades of repression, is of great historical and moral significance. It provides insight into a brutal period of recent history that devastated Guatemala and linked the nation to a global political struggle in which severe, even genocidal, violence was justified on the basis of national security. While the events documented here occurred some years ago, they provide lessons for both the present and the future. The Guatemalan Truth Commission reminds us of our capacity for terrifying destruction, the fragility of human dignity, the importance of engaging with the past, and the necessity of imagining and creating a better and more just world.



**Figure 1** Map of Guatemala, Map No. 3834 Rev. 3, May 2004. Courtesy of the United Nations.