



The National Genocide Cases

In 2000 and 2001, a courageous group of war survivors filed charges of genocide, crimes against humanity and war crimes against former military dictators Romeo Lucas García and Efraín Ríos Montt and their military high commands in the Guatemalan court system. Seven years later, these cases remain in the investigative phase due to a lack of political will to bring the accused to justice. The witness association that filed the cases, the Association for Justice and Reconciliation (AJR), and their legal representation, the Center for Human Rights Legal Action (CALDH), are attempting to move the process forward. On October 5, 2006, the AJR formally requested that the Attorney General's office (*Ministerio Público*) launch the next stage in the genocide cases by calling on Ríos Montt to testify. As of February 2007, the Attorney General's office had yet to reply to the AJR demand.

*Accused in the national cases: Efraín Ríos Montt**, *Egberto Horacio Maldonado Schaad*, *Francisco Luís Gordillo Martínez**, *Oscar Humberto Mejía Víctores*, *Héctor Mario López Fuentes*, ***Fernando Romeo Lucas García (deceased)***, *Manuel Benedicto Lucas García**, *Luís René Mendoza Palomo**

Guatemalan Genocide Case before the Spanish Courts

In 1999, Nobel laureate Rigoberta Menchú Tum and other genocide survivors began a similar legal case in Spain, asking the Spanish National Court to try Guatemala's military high command for the crimes of genocide, terrorism, and torture committed between 1978 and 1986. After years of legal back-and-forth in the courts, the Spanish Constitutional Court ruled in September 2005 that cases of genocide committed abroad could be tried in Spain, even if no Spanish citizens have been involved. This decision is based on the principle of universal jurisdiction, which holds that some crimes (such as genocide) are committed against humanity as a whole, so they are prosecutable in the courts of any country, regardless of where the crimes occurred.

- In June 2006, a Spanish investigative commission arrived in Guatemala. The defendants filed over a dozen appeals to avoid being questioned.
- On July 7, 2006, Spanish Judge Pedraz issued international arrest warrants against three former presidents and five other former officials and ordered the freezing of their assets.
- On October 27th, 2006, Guatemala's Supreme Court processed the arrest warrants and on November 6, a Guatemalan court (*Tribunal Quinto de Sentencia*) issued detention orders for four of the men, two of whom, Guevara and Chupina, were detained by the police on November 7. Both remain in custody.
- Extradition requests for the three other living accused men, including Ríos Montt and Mejía Víctores, have since been received by Guatemalan courts, but as of March 8, 2007, the Guatemalan courts have yet to issue detention orders due to an appeal filed by Ríos Montt's attorney disputing the constitutionality of applying an arrest order with intent to extradite to the former dictator.

*Accused in the Spanish cases: Efraín Ríos Montt**, *Oscar Humberto Mejía Víctores*, ***Fernando Romeo Lucas García (deceased)***, *Angel Aníbal Guevara Rodríguez**, *Donaldo Alvarez Ruiz*, *Germán Chupina Barahona**, *Pedro García Arredondo*, and ***Manuel Benedicto Lucas García****

* indicates graduate of the School of the Americas. Names in bold are accused in both the Guatemalan and Spanish systems.



Talking Points

- The fact that the national genocide cases have languished in the investigative phase for more than six years is an unacceptable affront to justice.
- The Guatemalan government must summon the political will to either move the national genocide cases forward or cooperate with the Spanish warrants and extradition orders for Ríos Montt, Mejía Víctores and others.
- Ríos Montt has voiced interest in running for the Guatemalan Congress solely to gain immunity from prosecution! The Guatemalan Attorney General's office is obligated to respond to the AJR's demand to move the national legal process to the stage of first declarations, at which juncture Ríos Montt would no longer be able to stand for office. Action must be taken to prevent his candidacy before candidate registration begins on May 2.
- The U.S. government financially and militarily backed many of the dictators in power during Guatemala's 36-year armed conflict, including Gen. Ríos Montt. This gives us an added responsibility to urge U.S. officials to support anti-impunity efforts in Guatemala.
- U.S. officials can play a role in bringing about a more just Guatemala by requesting that the U.S. Department of Justice's Office of International Affairs comply with the international arrest warrants. This would not only entail arresting any of the accused should they enter the United States, but also investigating and freezing any assets possessed in the United States.
- The U.S. State Department and the U.S. embassy in Guatemala must make it clear to the Guatemalan government that combating impunity and bringing about justice for egregious crimes of the past are key concerns of U.S. constituents, elected officials and diplomats.

What You Can Do

- Educate your elected officials
 - Set up meetings with your officials or their staffers
 - Request their support and leadership regarding anti-impunity efforts in Guatemala
 - Ask that they push the State Department to support the Guatemalan legal system, and have the Department of Justice enforce the international warrants here in the U.S.
- Raise awareness in your community
 - Write letters to the editor or meet with local editorial boards to call attention to the struggle for justice in Guatemala
- Join our Guatemala Accompaniment Project
 - Accompany the witnesses involved in these precedent-setting cases! Visit http://www.nisgua.org/get_involved/join_gap/ to get involved
- Check www.nisgua.org for the latest information and action alerts