

GUATEMALA

Four missions to assist the Guatemalan Forensic Anthropology Foundation with cases involving exhumations and laboratory analyses

During 1998, as part of the collaborative agreement signed by EAAF and the Guatemalan Forensic Anthropology Foundation (FAFG), two EAAF members conducted three separate missions to participate in forensic investigations carried out by FAFG. The EAAF members assisted in the investigation of clandestine cemeteries in several different parts of Guatemala that contain the remains of persons who were disappeared in the early 1980s. These investigations were financed by the German non-governmental organization Misericordia.

Background

Over the past four decades, more people have been forcibly disappeared in Guatemala than in any other Latin America nation. Since 1960, when civil war broke out in Guatemala, approximately 45,000 disappearances have been reported in a country with a current population of only ten million. Approximately 200,000 people have been disappeared or killed in extrajudicial executions, shoot-outs and other types of politically motivated violence.

The majority of the disappearances and killings occurred in rural peasant villages between 1978 and 1986, during a series of counterinsurgency campaigns mounted against guerrilla groups by the military governments of General Lucas García (1978-1982), General Ríos Montt (1982-1983), and General Mejía Vitores (1983-1986). Guatemala has had democratically elected governments since 1986, and the human rights situation has improved dramatically since that time, but serious abuses still occur.

In 1990, the Guatemalan government and the URNG (Unidad Revolucionaria Nacional Guatemalteca), a coalition of guerrilla groups,

began peace negotiations under United Nations mediation. These talks had two important results. First, in 1994, the parties agreed that a UN human rights oversight mission should be established in Guatemala to monitor compliance with existing and future peace accords. The United Nations oversight mission, MINUGUA, began work in 1994, deploying approximately 220 international civilian monitors, and is still working in the country. Second, both parties to the peace negotiations agreed that a special commission should be established to investigate human rights violations committed during the civil conflict.

This commission, the Commission for Historical Clarification, presented its findings, based on two years of work, in February 1999. The commission concluded that more than 200,000 people died during the conflict – a significantly higher total than previous estimates, which had put the number of casualties at around 150,000. Ninety per cent of the killings, the report estimated, were carried out by government and allied paramilitary troops. These killings, the report stated, amounted to a systematic campaign of genocide waged against Mayan villagers in the country's highlands. The report also discussed U.S. support for the Guatemalan government during this period. It called for reparations, and the exhumation of the bodies of victims of human rights violations from clandestine cemeteries.

The parties signed a peace accord on December 30, 1996, ending 36 years of civil war. However, on December 16, just before the accord was ratified, the Guatemalan National Assembly approved an amnesty law with support from both sides of the former conflict. Although the law did not include the crime of genocide, most

human rights groups concluded that the law would effectively exempt both government troops and guerrillas from prosecution for killings, kidnappings, and acts of torture committed during the civil war.

Because of the extreme difficulties (at times impossibility) of judging human rights cases within Guatemala, local human rights organizations have taken cases to the Organization of American States (OAS) Inter-American Commission on Human Rights. (This commission is the first step in the Inter-American judicial/human rights system established by the OAS. For a case to be accepted for review by the Inter-American Human Rights Court, it must first pass this stage be recommended by the commission.) One of the cases that has been brought before the commission is that of the alleged massacre at Dos Rs, where EAAF members conducted forensic investigations in 1994 and 1995. CEJIL, a U.S. non-governmental legal organization that represents victims of human rights violations, the Office of the Archbishop of Guatemala City, and FAMDEGUA, a Guatemalan human rights organization jointly introduced the Dos Erres case to the Inter-American Commission on September 13, 1996. The evidence presented before the Commission included the forensic evidence collected by EAAF.

In spite of the amnesty law passed in December 1996, in 1998 three low-ranking army officers were convicted of actions committed during the massacre at Rio Negro, where members of the Guatemalan army and the paramilitary "civil patrols" (PACs) killed 177 women and children on March 13th, 1982. FAFG members testified in this trial and provided forensic evidence they had gathered during 1993 exhumation and analysis of human remains found at the site. The defendants received the death penalty. Although no high-ranking officer has yet been tried in this or any other case of human rights violations, other cases like this one may arise in the future.

The peace process was threatened in April 1998, when Guatemalan Bishop Juan Gerardi Conedera was bludgeoned to death two days

after he had released a major study of human rights violations. The study concluded that the Guatemalan military was responsible for approximately 80 percent of the deaths and disappearances resulting from the civil war. Evidence collected by church and human rights groups linked the Guatemalan armed forces to Bishop Gerardi's murder, but the government has repeatedly denied the connection. A legal investigation is currently underway.

In the mid-1990s, public disclosures of US links to Guatemalan human rights violations also affected the human rights situation. In March 1992 Efrain Bamaca Velazquez, a Guatemalan guerrilla leader married to US lawyer Jennifer Harbury, was captured by the Guatemalan army and subsequently disappeared. Ms. Harbury began a protest campaign, including a hunger strike in front of the American embassy in Guatemala, to pressure the US government investigate her husband's case. The Clinton administration eventually began an investigation which revealed that Julio Roberto Alpfrez, a colonel in the Guatemalan army who worked as a paid CIA informant, was implicated in the death of Mr. Bamaca and another US citizen, Mr. Michael Devine, in 1990. Subsequent information suggested that the CIA station chief in Guatemala at the time may have known more about these occurrences than he disclosed to his superiors. The station chief was removed from his post. Several attempts have been made to locate Mr. Bamaca's body, but so far none have been successful.

Forensic Work in Guatemala

At the request of local human rights organizations, EAAF participated in forensic exhumations at clandestine cemeteries in 1991, 1992, and 1993 in the Quiche region and in 1994 and 1995 in the El Petén region.

In 1992, EAAF participated in training the Guatemalan Forensic Anthropology Team (now the Guatemalan Forensic Anthropology Foundation, or FAFG) which has since undertaken the task of scientifically documenting human rights violations

committed in Guatemala. FAFG began its investigations of human rights violations in Guatemala and other countries in 1992. In 1996, the Office of the Archbishop of Guatemala also formed a forensic team, and a local human rights organization is currently forming a third team. The three Guatemalan teams and EAAF are currently the only organizations of their kind working in Latin America. The four teams, all non-governmental organizations, formed in response to historical circumstances that have made the application of forensic anthropology to the investigation of human rights violations a vitally important project.

The results of forensic investigations into human rights violations in Guatemala were sent to the Guatemalan Commission for Historical Clarification described above.

The FAFG-EAAF Collaborative Agreement

In early 1997, FAFG's extremely large workload prompted its members to raise the possibility of a formal collaborative agreement between FAFG and EAAF. During 1997 a member of EAAF, Silvana Turner, conducted a mission to Guatemala at the invitation of the Foundation to assist in laboratory and field investigations. During her stay in Guatemala, Turner and the Foundation members agreed upon the technical details of this agreement. The agreement specified that during 1998 one or two EAAF members would undertake three or four missions to Guatemala, each lasting approximately one month.

First Mission

In February 1988, EAAF member Patricia Bernardi conducted a mission to Guatemala to assist with the laboratory analysis of remains recovered by FAFG from four clandestine grave sites in the departments of Quiché and Alta Verapaz. American forensic anthropologist Dr. Clyde C. Snow, American forensic radiologist Dr. John Fitzpatrick, and Peruvian physical anthropologist M.Sc. José Pablo Baraybar also participated in this laboratory work as

international consultants. The four cases under investigation were requested by the Commission for Historical Clarification mentioned above.

The first case consisted of the study of skeletal remains recovered during the exhumation of victims massacred by army troops at Panzos, in the department of Alta Verapaz. The massacre allegedly occurred on May 29th, 1978, during the presidential administration of Lucas García (1978-1982). Although the exact number of persons killed in the incident is not known, but local human rights groups estimate that there were several hundred victims. During Bernardi's stay in Guatemala the forensic experts analyzed remains corresponding to 35 skeletons from this massacre.

The second case concerned the remains of 23 persons buried in two mass graves. The victims allegedly were allegedly killed by military troops on April 21, 1981 in the village of Alcul, municipality of Nebaj, Quiché.

The third case corresponds to another military offensive in the village of Chel, Chajul municipality, Quiché. According to witnesses, military troops killed 92 persons in a "scorched earth" campaign in the village on April 30th, 1982. Sixty skeletons were analyzed as part of this case.

Finally, the team analyzed the remains of 18 individuals exhumed from a plot within the grounds of the former military detachment in Belén in the municipality of Santo Domingo Suchitequepez, Quiché. This detachment installed itself in the village of San Andrés Sajcabaja during a period of intense repression between 1981 and 1983. The army brought detained persons and prisoners to its base, many of whom subsequently disappeared. Sixty-one per cent of the skeletons analyzed from this time had injuries caused by firearms.

During this mission Bernardi also met with representatives of several national and international human rights organizations in order to gather current information about the human right situation in Guatemala.

Second Mission

At the end of July Bernardi returned to Guatemala. On this second mission, she participated in exhumations that FAFG was conducting in the Catholic church of the village of San Andrés Sajcabaja. According to villagers' testimonies, over 500 people were buried in and immediately outside the church during the period of military occupation (1981-1983). In addition to excavations, FAFG and Bernardi also gathered testimonies and blood samples from the relatives of victims for genetic analysis.

Finally, FAFG and EAAF planned future exhumations of victims of a massacre committed by military and PAC troops on February 28th, 1982 in the village of Xolcuay, in the Nebaj municipality, Quiché. The foundation conducted a workshop on forensic anthropology and human rights in this village to inform residents about the work to be done.

Third Mission

From September 17th to October 14th, EAAF member Silvana Turner conducted a third mission under the terms of the collaborative agreement. During this mission she participated in excavations planned by FAFG in San Juan Cotzal, Quiché. These excavations first centered on the alleged massacre of two families and one old man. According to testimonies collected by local human rights organizations, the people were killed by the Guatemalan army in January 1982. FAFG and Turner also excavated an area formerly used by the military detachment in Cotzal. According to testimonies of neighbors and relatives of victims, a number of people from the region were taken to this site during the 1980s. It is believed that these people were killed and buried within the detachment's compound. Eleven skeletons were recovered.

During their stay in San Juan Cotzal, Turner and foundation members interviewed family

members and took blood samples for genetic analysis. They also interviewed witnesses of the events and reviewed the Cotzal municipal archives. In particular, they looked at death certificates and other documents issued between 1978 and 1985, in order to gather all available information concerning the military's activities in the region. Once this work was completed, FAFG and Turner returned to FAFG's



Public memorial for victims of the Belen massacre that took place in October 1998 during EAAF's third mission

headquarters in Guatemala City and conducted laboratory analyses. They analyzed remains that FAFG had exhumed in the village of El Chal, municipality of Dolores, Petén.

Finally, Turner participated in the delivery of expert testimony to the National Prosecutor's Office and the return and reburial of 18 people in the village of Belén. During EAAF's first trip to Guatemala in 1998, Bernardi had participated in the analysis of these remains. Three of the victims were identified.

Fourth Mission

The final mission planned for 1998 was postponed until mid-February, 1999, when EAAF member Dario Olmo participated in the exhumation of victims of a massacre that allegedly took place on July 17th, 1982, in the

village of San Francisco de Nentón, Huehuetenango. According to witnesses, the Guatemala army massacred approximately 276 campesinos, including children, women, and old people, as part of a counter insurgency campaign in the region. The 1999 report will contain more details on this work.

We expect to continue our collaboration with FAFG during 1999.