

# GUATEMALA

As a result of a collaborative agreement between the Guatemalan Forensic Anthropology Foundation (FAFG) and the Argentine Forensic Anthropology Team, one EAAF member joined the exhumations related to the San Francisco de Netón case, conducted by FAFG.

As part of an agreement between the Guatemalan Forensic Anthropology Foundation (FAFG) and the Argentine Forensic Anthropology Team (EAAF), one EAAF member traveled to Guatemala on February 16, 1999 to collaborate with FAFG for one month on the exhumation of the San Francisco de Nentón case.

In July 1982, the Guatemalan army allegedly killed 376 peasants, including children, women and elderly people, as part of their counterinsurgency campaign in the region of San Francisco de Nentón, Huehuetenango.

## HISTORICAL BACKGROUND

The 35-year (1962-96) civil war in Guatemala has been one of the bloodiest conflicts in Latin America

of the second half of this century. During the struggle a number of armed revolutionary groups attempted to take power, while the Guatemalan armed forces, together with allied paramilitary organizations, carried out brutal counterinsurgency measures against rebels and civilians alike. During the conflict over 200,000 persons were killed and/or forcibly "disappeared". The large majority of them were civilians with limited or no involvement in the conflict. Another million of Guatemala's ten million inhabitants were internally or externally displaced during the war.

In an exhaustive study released in February 1999, the UN Guatemalan Commission for Historical Clarification- created as part of the peace agreements- concluded that more than 90% of the human rights violations that occurred during the



San Francisco de Netón site

*photo by The New York Times*



In 1992, a joint statement by Guatemalan Human Rights Groups declared that "Peace will not come to Guatemala as long as the remains of our massacred relatives continue to be buried in clandestine cemeteries and we cannot give them Christian burials. We don't want our dead to be abandoned in the ravines". Excavation underway at the San Francisco de Netón site.

*photo by The New York Times*

conflict were committed by the Guatemalan Army and paramilitary organizations. Another exhaustive report, released in April 1998 by the Archbishop of Guatemala City, arrived at similar conclusions. The majority of these violations occurred between 1978 and 1985, when the military governments of Generals Lucas García, Ríos Montt, and Mejía Victores ordered the army to conduct extensive counterinsurgency campaigns in rural regions of the country. During these operations army troops and paramilitary groups reportedly burnt villages and massacred all the inhabitants, including women and children, in an attempt to eliminate any support for the guerrilla movements<sup>1</sup>. The army and paramilitary troops

typically disposed of the bodies of these massacre victims by burying them in unmarked mass graves, depositing them in wells, leaving them under the ruins of huts or houses. They did not inform the families, compile lists of the victims, or create any other public records of the events. For years after the massacres successive Guatemalan governments denied that they had occurred. The UN Clarification Commission called these massacres a genocide of the Mayan people.

In 1986, democratic government was restored in Guatemala. The human rights situation in the country improved substantially, although the civil war and human rights abuses continued.

<sup>1</sup> The Guatemalan Army forcibly recruited many rural Guatemalans into so-called Civil Defense Patrol (Patrullas de Defensa Civil, or PAC's).

In 1990 the Guatemalan government and URNG (Guatemalan National Revolutionary Unity), a coalition of the country's main guerrilla groups, began peace negotiations under United Nations auspices. Finally, on December 30th, 1996 the government and URNG signed a peace accord formally ending the war. On the 16th of December the Guatemalan National Assembly passed an amnesty law that has been criticized by human rights groups as granting immunity to persons accused of committing human rights violations during the war.

#### DEMAND FOR INVESTIGATION OF CLANDESTINE GRAVES

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The clandestine mass graves are a legacy of the 35-year Guatemalan civil war (1962-1996), during which at least 200,000 persons, most of them civilians, were killed or 'disappeared'.

Despite official silence concerning the existence of clandestine graves, survivors and relatives of massacre victims began to speak out, demanding investigations into the atrocities committed and restitution of the remains of the victims. A number of Guatemalan human rights groups were formed during the years of repression. At a 1992 Peace and Human Rights conference in Guatemala City they jointly declared that

Peace will not come to Guatemala as long as the remains of our massacred relatives continue to be buried in clandestine cemeteries and we cannot give them Christian burials. We don't want our dead to be abandoned in the ravines.<sup>2</sup>

During the early 1990s Guatemalan groups representing families of the victims invited several foreign organizations, including EAAF, to carry out exhumations of mass graves. In 1991 EAAF participated in the exhumation of a clandestine grave in Chontala, in the Quiche region. It was one of the first such exhumations to take place in Guatemala. In 1992 forensic professionals from the United States, together to a small extent with EAAF members, helped to train a Guatemalan team, currently named the Guatemalan Forensic Anthropology Foundation. They began carrying out exhumations on their own. This team has since conducted dozens of investigations and exhumations throughout Guatemala, and its members have worked on a number of international missions.

In 1996 the Office of the Archbishop of Guatemala formed a second Guatemalan forensic team. EAAF participated in subsequent exhumations in the



Mateo Perez Marcos witnessed the destruction of his village. Now his account is confirmed by his neighbor's remains.  
*photo by The New York Times*

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<sup>2</sup> Joint statement by Guatemalan Human Rights Groups, 1992, Guatemala City.

Quiche region during 1992 and 1993, and in the Petén region in 1994 and 1995. In 1997, the Guatemalan Forensic Anthropology Foundation requested that EAAF regularly assist with its investigations. The two organizations established a collaborative agreement in which EAAF members would conduct periodic missions to Guatemala to provide technical assistance and continue the ongoing exchange of skills and experience between the two teams. Under the terms of this agreement, EAAF has participated in four investigative missions in Guatemala since 1997.

In 1994, during peace negotiations between the government and the guerrilla organizations, the opportunities for investigating the massacres broadened when the two sides agreed on the establishment of a special UN commission of inquiry to investigate human rights violations committed during the 36-year civil war. The commission was finally created in 1997 and called the UN Guatemalan Historical Clarification Commission. On its final report, released in February 1999, the Commission provided a broad, comprehensive overview of the atrocities committed during the civil war.

The Commission explicitly emphasized the significance of the exhumations as an important part of the larger process of restoring peace in Guatemala.

"The [Commission] believes that the exhumation of the remains of the victims of the armed confrontation and the location of clandestine and hidden cemeteries, where they are found to be, is in itself an act of justice and reparation and is an important step on the path to reconciliation. It is an act of justice because it constitutes part of the right to know the truth and it contributes to the knowledge of the whereabouts of the 'disappeared'. It is an act of reparation because it dignifies the victims and because the right to bury the dead and to carry out ceremonies for them according to each culture is inherent in all human beings. (CEH 1999, Recommendations III.28)

The Commission recommended that

"[T]he work of the non-governmental organizations specializing in forensic anthropology and the investigation and identification of human remains be promoted and supported... Given the economic cost entailed by such specialist activity, the financial support and technical advice of the international community is particularly requested." (CEH 1999, Recommendations III.31)

As mentioned above, in December 1996 the Guatemalan Congress passed a law limiting the legal actions that can be taken against the perpetrators of these crimes. Relatives of the victims, however, are demanding that the incidents of human rights violations be investigated, the mass graves exhumed, and the remains of the dead restored to their families and communities for reburial for the humanitarian reasons identified by the Commission. Also, some organizations such as FAMDEGUA (Familiares de Desaparecidos de Guatemala) are successfully taking cases before the Inter-American Human Rights System. (See Section on the Dos RR's Case, below.)

#### THE SAN FRANCISCO DE NENTÓN INVESTIGATION

The investigation and exhumation conducted during 1999 in the village of San Francisco de Nentón, Huehuetenango by the Guatemalan Forensic Anthropology Foundation (FAFG) included the assistance of one EAAF member as part of the agreement mentioned above. According to survivors' testimonies, in July 1982 troops from the Guatemalan armed forces entered the village and gathered all the residents in the village square. They raped the women and tortured some of the men, and then brutally killed almost everyone, including women and children, with machetes, guns, and grenades. Relatives later compiled a list of 376 persons thought to have been killed during the massacre. After killing the residents the troops destroyed the village, razing all the buildings and slaughtering the livestock.



Anthropologist Dr. Clyde Collins Snow, left, and Fredy Peccerelli from the Guatemalan Forensic Anthropology Foundation.

*photo by The New York Times.*

After the events of 1982 and for a considerable part of that decade, the population of San Francisco and its surrounding regions emigrated to southern Mexico. Upon their return with the prospect of peace in the mid-nineties, these Chuj minorities have maintained serious conflicts for the possession of their ancestral land with the State of Guatemala and major land owners. Recent land-related incidents have created an additional challenge for local communities and courts.

Until 1999 there had been no investigation of the massacre. This year, Foundation members began work at the site with Dr. Clyde Snow, an American anthropologist who helped to found both the Guatemalan and the Argentine forensic teams. EAAF member Dario Olmo participated for one month in the exhumation and analysis of the remains. Analysis of the skeletons exhumed from the site confirmed witnesses' accounts: many of the remains bore indications of gunshot and/or machete wounds. FAFG will complete a full report on its findings.

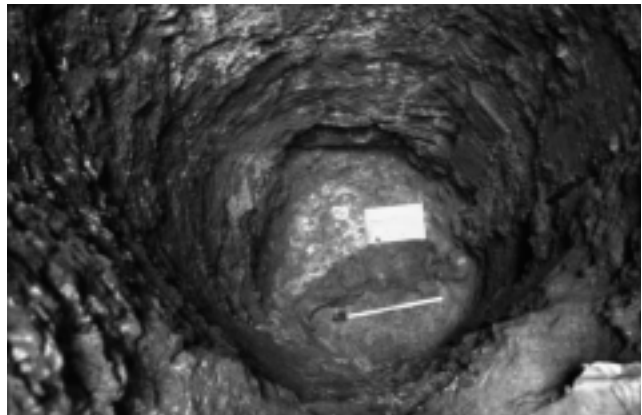
## DOS RR'S CASE AT THE INTER-AMERICAN COURT

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In 1994 and 1995, at the request of FAMDEGUA, EAAF conducted the exhumations and analysis of the remains of the victims killed at the hamlet of Dos RRs, La Libertad, in the region of El Peten. The investigation was also supported by the Legal Office of the Archbishop of Guatemala.

Dos RRs was one of the many villages and cooperatives populated by poor peasants from other parts of Guatemala who moved to the area during the 1960s and 1970s, in response to a government campaign to populate the Peten region. Dos RRs (meaning two 'r's) was founded in 1978, by Mr. Ruano and Mr. Reyes. Their initials gave the village its name. Most settlers came looking for land from the settlement of La Máquina in Suchitepequez, on the Pacific coast. They cleared the land and cultivated chile, banana, pineapple and other plants. They built a school and two churches and dug a well.

On December 8th, 1982, during the government of General Rios Montt, the Guatemalan Army entered Dos RRs. According to witnesses, the army troops accused the population of collaborating with the



The well was 12.20 meters deep and 1 m. in diameter at its base. A total of 162 skeletons were retrieved, 67 belonging to children under 12 years old, with an average age of 7. View of the base of the well and the remains of a child.

*photo by Silvana Turner, EAAF*

local guerrilla movement, (FAR, Fuerzas Armadas Revolucionarias) and killed approximately 230 men, women and children. Many of the corpses were allegedly thrown into the village well, while others were left lying in the nearby woods. The Army then burned Dos RRs to the ground and slaughtered the village livestock.

In 1994 and 1995, EAAF members exhumed from the town well the skeletal remains of a minimum of 162 individuals, of whom sixty-seven (41.35%) were children under twelve years of age, with an average age of seven. The remains of at least nine other individuals were found in the nearby woods (Site La Aguada and Site Los Salazares).

The results of the investigation were presented before the local judiciary and the UN Historical Clarification Commission by FAMDEGUA. CEJIL (Center for Justice and International Law) a legal organization based in Washington D.C., and FAMDEGUA, representing the relatives of the victims, introduced the case before the Inter-American Commission for Human Rights on September 13, 1996, case number 11,420. The plaintiffs accused the Guatemalan government of violating several articles of the American Convention on Human Rights, such as article 4, the right to life, article 8, judiciary guarantees and article 25, judicial protection. The Guatemalan government did not conduct an investigation but publicly recognized responsibility in the massacre of Dos RRs. Finally, on March 2, 2000 an agreement to reach an amicable resolution was signed between the Guatemalan government and FAMDEGUA and CEJIL before the Inter-American Commission. This resolution was guaranteed to include compensation and reparations by the Guatemalan government, though the details of the arrangements have yet to be agreed upon.