

Guatemala: Historic Genocide Trial against Former Dictator. Court Procedures Disrupted

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Global Research, April 23, 2013

Nightslantern.ca

Region: [Latin America & Caribbean](#)

Theme: [Crimes against Humanity](#), [Law and Justice](#)

Current Guatemalan president, Otto Pérez Molina, was formerly "Major Tito," a field commander allegedly responsible for acts of genocide against Ixil Indians in 1982. Currently under "Presidential immunity", a status not permitted by the Convention on Genocide, the Guatemalan President may be responsible for stopping the trial of Ríos Montt.

According to Democracy Now! journalist Allan Nairn was to present evidence before the court on April 22nd verifying testimony of a previous witness that President Molina had participated in the genocide, and further implicating President Molina as well as U.S. operations and officials.

The genocide trial against Guatemala's former ruler, Ríos Montt and his intelligence chief was abruptly stopped April 18, when Ríos Montt's defense attorneys walked out of court declaring the trial "illegal". Their attempt to derail the judicial process which has already heard considerable evidence of their client's guilt, was supported by Judge Carol Patricia Flores who was recently reinstated by Guatemala's Supreme Court and Constitutional Court.

Previously she was forced to withdraw from court actions against Ríos Montt when challenged by an early defense attempt to derail the proceedings. She was then replaced by Judge Miguel Ángel Gálvez who placed the case before the court of Judge Jazmín Barrios, the current presiding judge of the tribunal.

Judge Flores has declared this trial lacks validity due to her own absence, and ordered the proceedings revert to their status as of November 2011. This would invalidate all the current proceedings, and place witnesses who have given evidence of genocide, as well as their organizations, families and attorneys, at substantial risk. The country's current president has been implicated by a witness as an active participant in the genocide. And according to The New York Times, President Molina maintains the actions against the Ixil were not genocide. Disturbingly, he views the trial as a threat to the nation.

The Court's presiding Judge Jazmín Barrios rejected the decision made by Judge Flores, and found any decision to close the trial illegal. Judge Barrios has asked the highest court of Guatemala, the Constitutional Court, for support to continue the proceedings. The Federal prosecution and Guatemala's Attorney General have also appealed to the Constitutional Court for the trial to continue. It's worth noting that under the laws of the International Criminal Court it's a crime to obstruct a genocide trial. Guatemala acceded to the International Criminal Court on April 2, 2012.

On April 19, 2013 Judge Jazmín Barrios opened the Court but put the proceedings on hold until she hears from the Constitutional Court within 10 days. The temporary closing was followed by demonstrations in the streets calling out for justice. If the current proceedings under Judge Jazmín Barrios are not supported, the case will return to its status of November 2011 and Judge Flores may decide how she wishes to proceed. If Guatemala is unable to adjudicate the charges of genocide within its own courts, the International Criminal Court should prosecute, if it is free to prosecute cases contrary to U.S. interests.

But Invalidation of this current genocide trial would further endanger the witnesses and could be interpreted as a corrupted legal system's attempt to absorb a continuum of genocide, an encouragement to impunity. What Guatemalan judges and prosecutors are up against may be a thoroughly established military government elected in civilian clothes. Many international media sources give the impression that the Judge Flores decision is valid and the trial over.

At the attempt to shut down the proceedings, on April 18th, Democracy Now! interviewed Allan Nairn, who was in Guatemala prepared to testify before the court on April 22nd. Nairn is a consistently accurate brave American investigative reporter in this field, having documented with Amy Goodman the genocide in East Timor, 1991, and documented the genocide in Guatemala in the early 1980's. With evidence, he claims the U.S. and Israel supplied weapons to the Guatemalan military engaged in atrocities, and inextricably links the U.S. covert machinery of the CIA to the atrocities.

More to the point here, his evidence includes interviews with the area's commander, "Major Tito," responsible for application of the genocide. "Major Tito" has emerged as the current President of Guatemala, [General Otto Pérez Molina](#), previously identified before the court by a soldier as witness for the prosecution.

Under the surface of legitimate court decisions in a judicial system interfacing deeply with U.S. controls for several generations, are Nairn's current reports of death threats, offering of bribes, and the military's terrorization of prosecutors, judges and witnesses in this trial.

If his testimony were presented, the court and legal community would have to address evidence of 1. the guilt of current Guatemalan president, Otto Pérez Molina in acts of genocide; 2. the complicity of the U.S. in genocide, and possibility of prosecutable cases against Elliott Abrams, Stephen Bosworth, and others enmeshed in the American establishment under a cover of respectability, yet allegedly criminal under the Convention on Genocide. If he has closed the trial, President Molina, has challenged international law and human decency. By impeding the judicial process, not only for Ríos Montt but himself, the Guatemalan president has opened war on a gentler humanity, mocking the Convention on Genocide with the 'immunity' of a sitting head of State.

Yet within a North American context, his loyalties are out of date. He is protecting a U.S. crime which the American people didn't knowingly sign on to, which most people find despicable, which the U.S. Congress attempted to avoid, and which by international treaty almost every nation in the world has pledged under law to prevent and punish. The Convention on Genocide begins: Recognizing that at all periods of history genocide has inflicted great losses on humanity; and being convinced that, in order to liberate mankind from such an odious scourge, international cooperation is required... Better to proceed now, before the impunity becomes all we know.

Partial sources online:

"Guatemala judge suspends trial of former military ruler," April 18, 2013, BBC News;

"Guatemala war crimes trial rulings spur protests," David Hernandez, April 19, 2013, Los AngelesTimes;

"Efraín Ríos Montt Trial Suspended: Guatemalan Judge Orders Return To Pre-Trial Hearings," Sonia Perez Diaz, April 19, 2013, Huffington Post;

"Guatemala war crimes trial rulings spur protests," Daniel Hernandez, April 19, 2013, Los Angeles Times;

"Trial Annulment in Guatemala Rejected by Judge," Elisabeth Malkin, April 19, 2013, The New York Times;

"High court to decide on Guatemala genocide trial," Sonia Perez Diaz, AP, April 18, 2013, The Miami Herald;

"Tales of Reagan's Guatemala Genocide," Robert Parry, April 16, 2013, consortium.news;

"Genocide Trial of Former Dictator Ríos Montt Suspended After Intervention by Guatemalan President," April 19, 2013, Democracy Now! ;

"Exclusive: Allan Nairn Exposes Role of U.S. and New Guatemalan President in Indigenous Massacres," April 19, 2013, Democracy Now!

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