

GUATEMALA

U.S. rounds up former Guatemalan military accused of Dos Erres massacre; face deportation and possible prosecution in Guatemala

For many years, the RRN has been writing on behalf of Guatemalan survivors of the massacres of the 1980s in their efforts to bring those responsible to justice, including the intellectual authors (e.g. dictators Ríos Montt and Lucas García). In 2005, RRN members expressed their concern when the Constitutional Court of Guatemala annulled nearly all actions to date in the Dos Erres case, in which **sixteen army soldiers are accused of massacring 251 people in the town of Dos Erres, Libertad, Peten, in December 1982**. The court declared null (on a technicality) all the procedures carried out over the previous nine years in the case.

The Law of Reconciliation (passed a few weeks before the government and ex-guerrillas signed peace accords ending the country's 36-year civil war in 1996) stipulates that crimes carried out during the armed conflict must be studied by the Court of Appeals before being submitted to normal judicial procedures. The Court of Appeals must decide whether the case can be tried or is eligible for amnesty.

The Dos Erres case was unprecedented. No other case from the civil war had such strong testimony that included the names of the perpetrators. The 2005 ruling made it appear that impunity for military officers would persist even at the levels of the highest courts.

The Law of Reconciliation forbids amnesty for those implicated in cases of forced disappearance, torture or genocide, but it fails to address extra-judicial executions that took the lives of countless Guatemalans. In a favorable ruling in 2009, the Inter-American Court on Human Rights clarified that Guatemala's 1996 amnesty agreement does not apply to serious human rights violations, including the massacre at Dos Erres.

A recent conviction of an army officer and military commissioners suggests that impunity is waning. On December 3, 2009 a court in Chiquimula made history by sentencing former army colonel Marco Antonio Sánchez Samayoa and three former military commissioners, José Domingo Ríos, Gabriel Álvarez Ramos and Salomón Maldonado Ríos, to 40 years of prison for the crime of forced disappearance, and 13 years and 4 months for the crime of the illegal detention of eight members of the community of El Jute, in the department of Chiquimula in 1981.

Nearly 200,000 Guatemalans were killed during the war. **A U.N. truth commission in 1999 found 90 percent of the war's atrocities were carried out by former soldiers and paramilitaries.**

In 2005, Vice President Eduardo Stein made a formal apology to the village of Plan de Sánchez (Baja Verapaz Department), expressing remorse for the army's action that "wipe[d] out an entire community" of 226 people. The apology came in response to an order from the Inter-American Human Rights Court requiring an apology and payments to survivors totaling almost \$8 million.

Good news: U.S. rounds up Guatemalans accused of war crimes

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US Immigration and Customs Enforcement (ICE) agents on May 5 arrested a South Florida man accused of involvement as one of 20 Guatemalan special forces soldiers known as "Kaibiles" in the Dos Erres massacre. Authorities claim that **Gilberto Jordan illegally concealed his past military service and involvement in the killings on his US immigration forms.**

ICE Assistant Secretary John Morton said, "Those who commit human rights abuses abroad cannot subvert US immigration laws in order to take shelter in the United States. We are firmly committed to

denying human rights abusers entrance into this country, weeding out those that are already here, and **will enforce this US government policy of no safe haven for human rights violators.**" If convicted of naturalization fraud, Jordan could face up to 10 years in prison and revocation of his US citizenship.

One former soldier alleged to have taken part in the massacre is already in custody in Texas. Two more in California are under active investigation.

Law enforcement officials close to the case acknowledged that Jordan and the other three men are part of a probe by the Immigration and Customs Enforcement agency into immigration violations aimed at rounding up suspects named in a recently revived, landmark human rights case in Guatemala. **If found in violation of U.S. immigration laws, the men would likely face deportation to Guatemala and a possible prosecution there for war crimes.**

For years these men, who are all accused of serving in a notoriously brutal Guatemalan military unit, have lived in the U.S., blending in to communities in Florida, California and Texas. One is a popular karate teacher. One is a cook. **One is a day laborer who had allegedly abducted and then adopted a boy who was orphaned in the slaughter 28 years ago.**

That boy, **Ramiro Cristales, who was 5 years old at the time, is now a key witness in the case in Guatemala against the former soldiers and against the man who raised him.**

In an exclusive interview with GlobalPost, Cristales, one of only two known survivors of the massacre, saw his entire family murdered. He said he was frustrated it has taken so long for the men to be brought to justice. But he said he hoped U.S. and Guatemalan officials might work together to make that happen.

"They have to do something... The only thing I ask is justice," said Cristales, who is now hiding in an undisclosed location.

The massacre in Dos Erres, where a total of 251 men, women and children were killed, is widely considered one of the darkest chapters of Guatemala's 36-year civil war that claimed some 200,000 lives, and in which the U.S. military played a shadowy role. **One month after allegedly raping young girls and women during the massacre, one of the men under investigation, Pedro Pimentel Rios, began work as an instructor at the School of the Americas, the Pentagon-run training school for Latin American militaries, then located in Panama.**

Yet in spite of the horrific accusations against the men, there is very little U.S. prosecutors can use against them. The man already in custody, **Santos Lopez Alonzo, has already pled guilty to illegally entering the country. He was fined, sentenced to time served and is due to be deported, where he may face arrest by Guatemalan authorities.** The other three men, at least one of whom is a naturalized American citizen, are also suspected by investigators of immigration fraud.

Normally immigration violations carry small penalties. But because of the alleged aggravating circumstances, prosecutors could push for a maximum of 10 years in prison if the two men are charged, tried and found guilty. After that they would likely be deported to Guatemala.

Compiled from sources:

<http://www.globalpost.com/dispatch/the-americas/100504/arrests-guatemala-massacre?page=0,0>

<http://ww4report.com/node/8581>

<http://jurist.org/paperchase/2010/05/guatemala-peasant-massacre-suspect-arrested-in-us.php>