



## Genocide Case of the Ixil People during the Lucas García Military Dictatorship

A new criminal process began in October 2019 against three members of the Guatemalan military elite who were in their positions during the dictatorship of Romeo Lucas García (1978-1982). The military officers are charged with genocide, enforced disappearance and crimes against humanity against the Maya Ixil people of Guatemala. The defendants are **César Noguera, Benedicto Lucas** and **Manuel Antonio Callejas**. The last two were sentenced in 2018 for the enforced disappearance of the child Marco Antonio Molina Theissen and the arrest and rape of his sister Emma Guadalupe. This new case is known as “Genocide-Lucas” because it took place during the regime of the deceased former president of Guatemala, Romeo Lucas García.

The complaint was filed in 2000 by the Justice and Reconciliation Association (*AJR*), after the Commission for Historical Clarification (CEH) stated that acts of genocide were perpetrated against indigenous populations. In the same year, the AJR also denounced the genocide

during the military dictatorship of Efraín Ríos Montt (1982-1983).

### The Facts

As part of the counterinsurgent policy, in the period between 1 July 1978 and 23 March 1982, the Army of Guatemala mercilessly attacked the communities of the Maya Ixil people, and perpetrated massacres, enforced disappearance, torture, and sexual violence against women. Furthermore, there were raids, looting, housing dispossession. All the communities in the region were subject to military control.

The Prosecutor’s Office blames the defendants for the deaths of 1,731 people, among them boys, girls, women, men, and elderly people.

According to the CEH Report, between 1981 and 1983, the military promoted a strong repression of the indigenous communities until it became genocide. The CEH stated that the military committed acts of genocide

against the Maya Ixil, Maya Q'anjob'al, Maya Chuj, Maya K'iche' and Maya Achi peoples<sup>1</sup>.

## The Defendants

The defendants were members of the military leadership of the period. The Prosecutor's Office accuses them of designing and ordering the counterinsurgent strategy against the indigenous communities:

1. Retired colonel **Manuel Benedicto Lucas García** was the head of the Army's General Staff from 1978 to 1982 and is the brother of former president Romeo Lucas.
2. Retired colonel **Manuel Antonio Callejas** was the director of the Army's General Staff Intelligence Section (G2) from 1980 to 1982<sup>2</sup>.
3. Retired Colonel **César Octavio Noguera** was the subdirector of the Operations Section (G3) of the Army's General Staff in 1982. Afterward, he was commander of the Military Reserves and of Military Base No. 21 of Cobán, in the Department of Alta Verapaz.

Since 2018, Benedicto Lucas and Manuel Callejas have been serving a 58-year prison sentence for crimes against humanity, forced disappearance and aggravated rape in the "Molina Theissen" case. Furthermore, since June of 2016, Benedicto Lucas awaits trial for the crimes perpetrated in Military Base 21 of Cobán, which is the current site of the Regional Command for Peacekeeping Training Operations (CREOMPAZ). This case refers to the discovery of 565 human remains of

individuals who were disappeared in the 1980s in the region of Baja and Alta Verapaz. The human remains were found buried in the largest clandestine cemetery of Latin America.

## Victims and Joint Complainants

AJR participates in the case as a joint complainant, with legal assistance from the Human Rights Office of the Archdiocese of Guatemala (ODHAG).

AJR is an association formed by victims and survivors of Guatemala's internal armed conflict, who live in 22 indigenous communities in the areas that were most affected by the conflict. AJR also acted as a joint complainant in the criminal process for genocide against former dictator Efraín Ríos Montt.

ODHAG is widely experienced in human rights defence and in litigation of high impact cases, such as the murder of Bishop Juan José Gerardi on 26 April 1998, two days after the publication of the report "Guatemala: Never Again!" which documents the human rights violations perpetrated during the internal armed conflict.

## Genocide against the Ixil People

The genocide against the Ixil People, and other grave crimes according to international law, were perpetrated in a systematic manner by the Army of Guatemala during the dictatorships of Romeo Lucas (1978-1982) and Efraín Ríos Montt (1982-1983). Penal responsibility for these acts falls upon the high

administrative corruption during the period of the Lucas García military dictatorship, from July 1978 to March 1982. The Cofradía is led by two retired generals, [one of them is] Manuel Callejas y Callejas." Peacock, Susan C. and Adriana Beltrán. *Hidden Powers. Illegal Armed Groups in Post-Conflict Guatemala and the Forces Behind Them*. Washington: WOLA, 2003, p. 19.

<sup>1</sup> CEH. *Guatemala: Memoria del Silencio*, Tome V: Conclusions and recommendations, Guatemala, F&G Editores, 2006, 2<sup>a</sup>. edition, pp. 48, 49 and 51.

<sup>2</sup> According to WOLA, Callejas y Callejas is part of the "Cofradía" which is a kind of internal military fraternity formed by several members of the military intelligence community that were linked to common crime and

leadership of the State and the military forces of that period.

The first criminal process was led against the former dictator Efraín Ríos Montt and head of military intelligence Mauricio Rodríguez. On 10 May 2013, the Court of High Risk “A” sentenced Ríos Montt to 80 years in prison for genocide and crimes against humanity perpetrated in the period between from 23 March 1982 and 8 August 1983. However, the Court absolved Rodríguez Sánchez.

The government of Otto Pérez and the business elite rejected the sentence and on 20 May 2013, the Constitutional Court (CC) annulled the process for “alleged errors in the process” and ordered a repetition of the trial<sup>3</sup>.

The second trial of the case began on 16 March 2016; three years after the process’ annulment and ended on 26 September 26 2018. The High Risk Court “B” confirmed that the national army had committed genocide against the Ixil people, but there was no sentencing, given that Ríos Montt died on 1 April of that year and Rodríguez Sánchez absolved again, despite having been part of the military intelligence apparatus.

## The Process

This new process is being heard by judge Miguel Ángel Gálvez of the Court of High Risk “B”. The hearings for the first statement took place between October and November 2019; and concluded when the judge linked the three military officers to the process for genocide and crimes against humanity<sup>4</sup>.

The intermediate phase hearings began on 9 March 2020. The Prosecutor’s Office filed the accusation against the military officers for the massacres and other grave violations

perpetrated against the population of the Ixil region communities pursuant to the military logic of exterminating the internal enemy.

The Prosecutor’s Office presents as evidence 265 testimonies, 145 forensic reports, 15 expert analysis, and 45 documents and reports including military plans.

This case is important to national and international justice because it deals with grave human rights violations committed during an armed conflict. These violations must not go unpunished. It is important that the defendants face trial given the abundant testimonial, forensic, documentary, and material evidence.

The hearings for the case are being transmitted Live on the Facebook page of [Verdad y Justicia en Guatemala](#) (Truth and Justice in Guatemala).

Photos: Impunity Watch, @VerdadJusticiaG (Twitter).

<sup>3</sup> CC. File 1904-2013, resolution of 20 May 2013 due to a complaint motion, folio 2060.

<sup>4</sup> 28-29 October 2019, 4-9 November 2019, and 11-14 November 2019.

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