

**Partial Judgment in the Trial of
José Efraín Ríos Montt and José Mauricio Rodríguez Sánchez¹**

**JUDICIARY
GUATEMALA, C.A.**

C-01076-2011-00015 2nd Court Clerk. First Criminal Court of First Instance for Criminal Justice, Drug Trafficking and Environmental Crimes, Guatemala, 19 May 2013.²

This Court enters judgment in the name of the People of the Republic of Guatemala, in the criminal proceedings that are being conducted against Jose Mauricio Rodríguez Sánchez and Jose Efraín Ríos Montt, for the crimes of: 1) genocide, and 2) crimes against humanity, as concurrent offenses with cumulative sentences (*en concurso real*).

The prosecution is led by the Office of the Government Attorney, with the presence on its behalf of Public Prosecutor Orlando Salvador López. Co-Plaintiff: Asociación Para la Justicia y Reconciliación (Justice and Reconciliation Association) through its Legal Representative Benjamin Manuel Jerónimo. Managing Attorneys: 1) Edgar Fernando Pérez Archila y 2) Santiago Choc Cuc. Co-Plaintiff and Civil Party: Centro Para la Acción Legal en Derechos Humanos (Center for Human Rights Legal Action) through its Legal Coordinator and Legal Representative Juan Francisco Soto Forno. Managing Attorney: 1) Héctor Estuardo Reyes Chiquin and 2) Francisco Martín Vivar Castellanos. The defense of the accused Jose Mauricio Rodríguez Sánchez is entrusted to the Attorneys Moisés Eduardo Galindo Ruiz, César Saul Calderón de León y Francisco José Palomo Tejada [and] Otto Haroldo Ramírez Vasquez; the defense of the accused José Efraín Ríos Montt is entrusted to the Attorneys Francisco García Gudiel, Gonzalo Danilo Rodríguez Galvez, Marco Antonio Cornejo Marroquin; as Technical Consultant Juan Ernesto Herrarte.

I) Identification of the Accused

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II) Declaration of the Facts that Have Been the Basis of the Indictment or of the Opening of the Case

¹ [Note: This is a partial English translation of the full 718-page judgment. Further portions are available at www.riosmontt-trial.org. The full Spanish translation of the judgment is available at <https://drive.google.com/folderview?id=0BxOjd8OI5wmhcUhNU3ZMQy1TeUU&usp=sharing>. Ellipses indicate sections which were not translated. Footnotes indicate the page numbers in the original text. This translation was organized by Open Society Justice Initiative.]

² [Translators' Note: Pages 1-2 of original judgment.]

1) **Defendant Jose Mauricio Rodriguez Sánchez**

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2) **Accused Jose Efraín Ríos Montt³**

Because you, José Efraín Ríos Mont[t], in your capacity as President of the Military Government Council, President of the Republic of Guatemala, Minister of National Defense and Commander in Chief of the Army, offices that you held, consecutively or simultaneously, from the 23rd of March, 1982 to the 8th of August, 1983, a period during which you continued and reinforced the counterinsurgency policy initiated since 1960 by the elected and de facto governments, directed against members of the guerrilla forces and the civilian population, on a national scale; within which the Mayan groups were targeted as an *internal enemy*, given that it was believed that they supported the guerrilla groups. Within the Mayan group, the Army of Guatemala identified 100% of the members of the Maya Ixil ethnic group as an *internal enemy*, even though they were a non-combatant civilian population.

In the aforesaid context, during the period in which you held the aforesaid offices, you carried out at least the following actions:

1. You approved the National Security and Development Plan (*Plan Nacional de Seguridad y Desarrollo*) and enacted the Fundamental Statute of the State (*Estatuto Fundamental de Gobierno*) that established the legal framework serving as the basis for the organization, planning, and implementation of the operations for the counterinsurgency effort, contained in the military plans and operational plans that led to, among other things, the elimination of non-combatant civilians belonging to the Maya Ixil ethnic group.
2. You ordered the reorganization of the State's agencies for the counterinsurgency effort, which defined the levels of action and responsibility for each institution, as well as the areas of operations of the security forces, including those that would operate in the Ixil region.
3. As a mechanism of the counterinsurgency effort you promoted a nationalist policy that undermined the cultural base of the various peoples that make up the Guatemalan society, for which purpose you approved, implemented, and carried out communication activities to support psychological operations that tore apart the social fabric and damaged cultural values, the harm of which still persists.
4. You established a policy of population and territorial control that

³ [Translators' Note: Pages 38-51 of original judgment.]

included the creation of camps for refugees and amnestied and displaced persons, in which the cultural practices of the various peoples of Mayan descent, including the Maya Ixil ethnic group, were modified in order to eliminate or neutralize subversive groups, given that the former were regarded as the social support base of the guerrilla movement, even though they were a non-combatant civilian population.

5. In the Victoria 82 and Firmeza 83 Military Plans, you authorized and institutionalized the Sofía Operations Plan, the Civil Affairs Assessment (G-5) for the Ixil area, and the Ixil Operation – Civil Affairs Plan, the identification of the members of the Mayan groups, including the Maya Ixil ethnic group, even though they were a non-combatant civilian population.

6. You authorized counterinsurgency actions conducted by agents of the State of Guatemala, for which purpose you ordered the development, knew of the contents of, and supervised the implementation of the counterinsurgency actions, including that of the military and operational plans, which identified the Maya Ixil ethnic group as *the internal enemy*.

7. From March 23, 1982 you ordered the Vice Minister of National Defense in his capacity as acting head of the department, and from September 1, 1982, the Minister of National Defense, as well as, in both instances, the Chief of the General Staff of the Army of Guatemala, to develop and to implement the Victoria 82 and Firmeza 83 Military Plans, which established:

7.1. The elimination of subversive elements, classified as part of the *internal enemy*, which according to the military doctrine set forth in the Counterinsurgency War Manual, [were] regarded as *internal enemies*, including "[...] those individuals, groups or organizations that, without being communist, try to overthrow the existing social order," including the members of the Maya Ixil ethnic group, even though they were a non-combatant civilian population.

7.2. The reorganization of the Army of Guatemala for the counterinsurgency effort, demarcating the responsibilities of the various areas of operations, including the Ixil region; for which purpose he reorganized and reinforced the Gumarcaj Task Force to that effect.

7.3. The development of the operational plans of all the military jurisdictional areas, including those specific to the Ixil Region, to be implemented by the Mariscal Gregorio Solares de Huehuetenango Military Zone, by the Gumarcaj Task Force, which later became Military Zone Number 20 of Santa Cruz del Quiché, and by the General Felipe Cruz del Puerto San José Military Paratrooper Base at Escuintla.

7.4. The implementation of the operational plans presented by the military jurisdictional areas, including those specific to the Ixil Region, to be

implemented by the Mariscal Gregorio Solares de Huehuetenango Military Zone and by the Gumarcaj Task Force, which later became Military Zone Number 20 of Santa Cruz del Quiché and the General Felipe Cruz del Puerto San José Military Paratrooper Base at Escuintla, specific to the Ixil region.

7.5. The organization of the operational plans and the allocation of the resources required for the implementation of the military operations that enabled the members of the Army of Guatemala, the *civil self-defense patrols*, and the military commissioners (*comisionados militares*) to conduct military actions against the Maya Ixil ethnic group, which was settled in the municipalities of Santa María Nebaj, San Gaspar Chajul, and San Juan Cotzal of the department of El Quiché.

7.6. The organization for the handling of refugees and displaced and amnestied persons in camps where the population was concentrated in order to be re-educated, modifying their culture and incorporating them into the countersubversive effort, criminalizing everyone that did not follow the guidelines of the doctrine implemented by the members of the Army in charge of the those camps. Three camps were set up in the Ixil region, located in Santa María Nebaj, San Gaspar Chajul and in San Juan Cotzal, which concentrated mostly members of the Maya Ixil ethnic group.

7.7. The organization of the *civil self-defense patrols*, providing for the subordination thereof to the Army of Guatemala, as well as their participation in countersubversive operations, even forcing the members of the patrols to act against the members of their own ethnic group, which contributed to the destruction of the communities' social fabric, thereby modifying their social structure and consequently the culture of the Maya Ixil ethnic group.

8. As President of the Republic and Commander in Chief of the Army, you implemented the Victoria 82 and Firmeza 83 Military Plans, by means of the following actions, among others:

8.1. Ordering the partial mobilization of the Army of Guatemala, determining the number of personnel for each of the country's regions; the recruitment mechanisms and the operations to be carried out, including those relating to the Gumarcaj Task Force.

8.2. Disseminating, in accordance with the Psychological Operations Annex of the Victoria 82 Military Plan, the contents of the public Sunday messages as defined in the countersubversive military strategy, which was directed against the Maya Ixil ethnic group, among others.

You carried out the aforementioned actions in full knowledge of the context in which the internal armed conflict was unfolding, given that before assuming the aforesaid offices, during your military career you served as

Chief of the General Staff of Defense in 1973, prior to running as a presidential candidate for a group of opposition political parties for the period 1974-1978.

Your knowledge and experience in military and political activities that you performed prior to March 23, 1982, as well as the information that you were provided with when you assumed the aforesaid offices, allowed you to make decisions in the countersubversive effort, in urban and rural areas, within which the non-combatant civilian population was identified as an *internal enemy*; the Mayan population in general, as the support base of the *internal enemy*, given that they had been receptive to the subversive groups' proclamations; and, in particular, 100% of the members of the Maya Ixil ethnic group as the "support base of the subversive groups" and consequently, internal enemies, establishing that 50% of the members of the aforesaid ethnic group cooperated with the subversive groups through "espionage activities," mainly about military movements.

As a result of the foregoing, your government's counterinsurgency strategies, set forth in the National Security and Development Plan, dated April 1, 1982, [and] in the Victoria 82 Military Plan, dated June 16, 1982, formed the basis for the conduct of operations by the members of the Army, under your command, aimed at: deceiving, finding, attacking, annihilating, eliminating and neutralizing the non-combatant civilian population, [both] in urban and rural areas, a population that had been identified as an *internal enemy* in the Counterinsurgency War Manual, establishing, according to military information, that 100% of the members of the Maya Ixil ethnic group were internal enemies.

Specifically, during the period in which you held the aforesaid offices, the military units, under your command, continued operating in accordance with the countersubversive military strategy initiated by the government that had been deposed by the coup d'état of March 23, 1982, with particular emphasis on the country's western and northwestern high plateau. Concerning the Ixil area, beginning on March 23, 1982, members of the Army, under your command, continued the razing of villages and other crimes against human life and freedom. In all those events the military units, under your command, increased the attacks through the use of high caliber firearms, explosives, as well as using aircraft to bomb the communities inhabited by non-combatant civilian population of the Maya Ixil ethnic group.

The Sofía Operations Plan was developed and implemented on the basis of the Victoria 82 Military Plan, with the aim of conducting offensive countersubversive operations and psychological operations in the area of operations of the Gumarcaj Task Force, "in order to give further impetus to those operations and to exterminate the subversive elements in the area," which included the municipalities of Santa María Nebaj, San Juan Cotzal, and San Gaspar Chajul, a region which, according to military information,

was mostly settled by the Maya Ixil ethnic group.

Specifically, the Sofia Operations Plan defines 100% of the Ixil population as the support base of the *guerrilla* groups, and its implementation significantly affected the members of the non-combatant civilian population who belonged to this ethnic group. It is worth noting that according to the military reports themselves, a great number of young girls and boys, women, elderly women and adult men were affected.

The obligation to report military operations to the Army's high command, resulting from the military doctrine and plans, as well as: the statements, Sunday messages, interviews and actions that you carried out, within the framework of the plans that you approved, provide evidence that you had knowledge of the actions carried out by the members of the Army of Guatemala, the military commissioners, and the members of the civil self-defense patrols; in the course of which actions the Maya Ixil population was attacked, due to the fact that it was regarded as the support base for the guerrilla movement.

Specifically, the approval of the Firmeza 83 plan confirms that you had full knowledge of the operations that were conducted against the civilian population in urban and rural areas, of the attacks on the Mayan population in general, and more particularly, against the members of the Maya Ixil ethnic group.

It should be noted that the military plans that were approved after you were removed from the office of President of the Republic, on August 8, 1983, used the military successes achieved by the actions deriving from the Victoria 82 Military Plan and the National Security and Development Plan, which you approved, as benchmarks; and you also carried out the actions envisaged in the aforesaid plans in order to contribute to the attacks against the civilian and Mayan population in general, [and] particularly targeting the members of the Maya Ixil ethnic group in the attacks.

In light of the foregoing, it is clear that you:

- Participated in the design, setting of objectives, implementation, and supervision of the application of the policy, strategy, and military plans that included a non-combatant civilian population, which had been arbitrarily defined as an *internal enemy*, partly in light of their history of resistance to western values; more specifically, the members of the Maya Ixil ethnic group were targeted, which led to the design and implementation of a military strategy against that ethnic group.
- You had full knowledge, through the corresponding Periodic Reports, of the crimes committed by members of the Army of Guatemala, military commissioners and members of the civil self-defense patrols consisting of: killing group members, [forcibly] displacing children and adults of the Maya

Ixil ethnic from group to group, displacement under inhumane conditions, injuries caused by rapes, sexual violence, vandalism, theft and destruction of crops and houses, among others. However, you did not issue the pertinent orders in order to stop, prevent, or punish the aforementioned acts against the non-combatant civilian population.

- You used the apparatus of the State to define the Maya Ixil ethnic group as an *internal enemy*, even though it was a non-combatant civilian population; within this context, the actions carried out by you, which were inherent to your power of command over the Army, as well as the military operations conducted on your orders, and your responsibility for supervision and control, were [all] aimed at the elimination of the Maya Ixil ethnic group. Such intent is shown not just by the contents of the military and operational plans then in force, but also because of the manner in which the members of the Army of Guatemala, military commissioners, and members of the civil self-defense patrols conducted the military operations commanded, supervised, and coordinated by the highest authority of the *de facto* Government, which by law was vested with the power to direct, control, and therefore to command, the Army of Guatemala as a mechanism of power.

- You created the conditions that enabled the conduct of military actions which, in their practical implementation, were crucial in leading to the death of members of the Maya Ixil ethnic group, women, children (both male and female), the elderly, and adult men; rapes; physical and mental injuries; forced disappearances; cruel, inhuman and degrading treatment; looting; persecution and forced displacement of adults and children (both male and female); the burning of crops [and] houses, and bombardments; population control, territorial control and control of resources.

- You took direct action against the Maya Ixil ethnic group through the counterinsurgency policy and you also failed to discharge the duty imposed on you by the law to guarantee to all the inhabitants of the Republic, without distinction of any kind, the peaceful enjoyment of their rights as set out in the Fundamental Statute of the State, and in fulfillment of the obligations assumed by the State when it incorporated conventional and customary international Human Rights and Humanitarian Law into domestic law. In addition, it is worth mentioning that since 1954 the State of Guatemala had established the legal framework that allowed the capture, prosecution, trial, and sanction of anyone who was regarded as an internal enemy due to the fact that they belonged to or sympathized with communist or subversive groups.

- You created a hazardous situation, thereby increasing the risk for the entire population, when, acting as President of the Military Government Council (*Junta Militar*), you repealed the Magna Carta then in force, a fact that greatly undermined the guarantees of protection of human rights, especially in respect of the most vulnerable populations such as the Maya

Ixil ethnic group. For this reason the Fundamental Statute of the State later directed you, in your capacity as the highest-ranking Government official, to create "[...] the mechanisms that may be required for the effective and absolute respect and maintenance of human rights," which you failed to comply with.

- You created the conditions that resulted in the Maya Ixil ethnic group being culturally affected on the basis of a nationalist worldview implemented in the camps for refugees and displaced and amnestied persons, given that the objective of these camps was to reeducate and militarize them, aspects which had an inevitable impact on this ethnic group both at an individual and a collective level.

- You institutionalized the Army's racist and discriminatory worldview against the Mayan population, and especially against the members of the Maya Ixil ethnic group, which meant that external cultural expressions such as the traditional costume and the language became a real threat to the life, integrity, and survival of young girls and boys, women, and men who belonged to the Maya Ixil ethnic group, even though they were a non-combatant civilian population; given that the aforementioned military documents were used as the basis for the institutionalization of military operations against this ethnic group during the period in which you held the aforesaid offices.

- Within this framework, the Gumarcaj Task Force, which later became Military Zone Number 20 of Santa Cruz del Quiché; the first paratrooper battalion of the General Felipe Cruz del Puerto San José Military Paratrooper Base at Escuintla, and the Military Honor Guard Brigade; supported by and in coordination with the Mariscal Gregario Solares de Huehuetenango Military Zone, the General Manuel Lizandro Barillas de Quetzaltenango Military Brigade and the Guatemalan Air Force, as well as the military commissioners and members of the civil self-defense patrols, [all] under your command, carried out at least the following acts against the members of the Maya Ixil ethnic group, due to the fact that they were regarded as internal enemies in light of their cultural and historical ancestry:

- Selective executions in which members of the Maya Ixil ethnic group were killed, either individually or collectively.

- Selective and indiscriminate massacres perpetrated against members of the Maya Ixil ethnic group.

- Destruction and burning of the villages of the Maya Ixil ethnic group.

- Bombardment of communities or areas where the members of the Maya Ixil ethnic group who had been forced to flee had sought refuge, including sacred places.

- Raping, either individually or collectively, of women who belonged to the Maya Ixil ethnic group.

- Subjection of captured members of the Maya Ixil ethnic group to

questioning under torture.

- Concentration of the members of the Maya Ixil ethnic group in camps for refugees and displaced and amnestied persons, in order to subject them to a process of *assimilation into the Spanish-speaking culture* (ladinización) and to *convert them to the dominant national culture* (modo nacional), which meant forcing them to adopt the Spanish language, suppressing their distinctive traditional costume or other external signs of group differentiation, making it possible that after redefining those signs they ceased to think as [Ixils] and accept concepts such as: fatherland, nation, etc.
- Looting of property, burning of houses and crops, killing and theft of animals, as well as of elements of the Maya Ixil material culture.
- Persecution of members of the Maya Ixil ethnic group during their forced displacement.
- Search and siege operations aimed at identifying the refuge areas in order to capture and/or execute members of the Maya Ixil ethnic group.
- Control and siege of displaced communities, preventing access to food and medicine that were essential for the survival of the members of the Maya Ixil ethnic group.
- Subjection of children, women and men who belonged to the Maya Ixil ethnic group to servitude and forced labor.
- Forced disappearances.

Such acts were carried out within the framework of the "counterinsurgency war"; in which you institutionalized the plans that envisaged the annihilation of the guerrilla movement and parallel organizations, even if they were a non-combatant civilian population or belonged to cultural groups of Mayan descent, as is the case with the Ixils who were settled in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul. Members of the Maya Ixil ethnic group were repeatedly attacked throughout the internal armed conflict by means of selective and massive acts of repression, as well as acts of control of the surviving population, the latter with the goal of capturing, handling, reeducating, and assimilating the members of the group into the dominant national culture (*modo nacional*) supported by the Army of Guatemala.

Even today it is difficult to accurately quantify the exact number of victims of the military actions carried out against the Maya Ixil ethnic group and to fully identify them, given the scale of the acts of violence that were perpetrated against this ethnic group.

As a result of the investigation that has been conducted, it has been determined that your actions enabled members of the Army of Guatemala, military commissioners, and members of the civil self-defense patrols, who were under your command, and over which you had power of command, to cause at least:

A. Events Making Up [the Crime of] Genocide

A.1. Deaths of Members of the Maya Ixil Ethnic Group⁴

According to the investigation that has been conducted, it is estimated that during the internal armed conflict, members of the Army of Guatemala, military commissioners and members of the civil self-defense patrols killed at least 5,270 persons belonging to the Maya Ixil ethnic group [and] living in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.

During the time when you held the office, it is estimated that as a result of the actions carried out by members of the Army of Guatemala, military commissioners and members of the civil self-defense patrols, under your command, approximately 1,771 persons were killed, including young girls and boys, women, elderly people and adult men who belonged to the Maya Ixil ethnic group and lived in the aforesaid municipalities.

That figure represents 33.61% of the total number of the dead belonging to the Maya Ixil ethnic group [and] living in the aforementioned municipalities.

Out of the total number of people that were killed during the period in which you held the aforesaid offices, only 370 of the dead that belonged to the non-combatant civilian population of the Maya Ixil ethnic group have been identified to date, [*sic*] events that were documented in: 15 massacres in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul; 134 cases of violent deaths in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul; as well as 28 cases of people who died as a result of the conditions created by soldiers of the Army of Guatemala and self-defense patrols in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.

To date, a total of 249 skeletal remains of the victims that were killed [and] who belonged to the Maya Ixil ethnic group have been exhumed, out of which 179 have been identified and 70 remain unidentified, during the time when you held the aforesaid offices.

The dead that belonged to the Maya Ixil ethnic group, who were targeted by acts committed by members of the Army of Guatemala, military commissioners and members of the civil self-defense patrols, under your command, during the time when you held the aforesaid offices, correspond to various military operations, in the course of which high caliber firearms, bombardments, bladed weapons, [and] cutting blunt weapons were used, among others, including at least [the operations] in:

⁴ [Translators' Note: Pages 51-68 of original judgment.]

1. Canaquil. In the village of Canaquil, Santa María Nebaj, Quiché, on March 25, 1982, soldiers of the Army of Guatemala killed at least Jacinta Raymundo Vicente and/or Jacinta Raimundo Vicente, Pedro Raymundo Cedilla, Francisco Cedillo Raymundo, Pedro Cedilla Raymundo and/or Pedro Cedilla Raimundo, Francisco Bernal, Petrona Guzaro Raymundo and/or Petrona Guzaro, Pedro Bernal Guzaro, Andrés Bernal Guzaro and/or Andrés Bernal Guzaro, Ana Chávez Bernal and/or Ana Chávez, Petrona Bernal, María Chávez, Jacinta (no more details are available), Jesús Láinez Chávez, Magdalena de León, Feliciana Láinez de León, Catalina Láinez de León, Rafael Tipaz Chávez, Tomás Tipaz Chávez, Elena Tipaz Chávez, Minga Tipaz Chávez, Elena Santiago Chávez, Tomás Santiago Chávez, Jacinta Santiago Chávez, Elena Raymundo, María Chávez Raymundo, Francisco de Paz Raimundo, Pedro de Paz Raimundo, Catarina Láines Cobo, Ana Chávez Raymundo, Feliciana Láines Matóm and Tomás Cedilla and/or Tomás Sedillo.

2. Chel. In the village of Chel, San Gaspar Chajul, Quiché, on April 3, 1982, soldiers of the Army of Guatemala killed at least a María Santiago, Pedro Caba Pacheco, Rosa Caba Santiago, Ana Caba Santiago, Pedro Pacheco Ijom, María Bop, Manuela Pacheco Bop, Ana Pacheco Bop, Ana Pacheco Bop, Juana Pacheco Bop, Juan Pacheco Bop, Pedro Pacheco Ramírez, Gaspar Laynes, Silvestre Caba, Sebastián Pacheco, María Escobar, María Raymundo, Nicolás Puente, Pedro Mendoza, Antonio Mendoza Asicon, Marcos Mendoza, Rosa Caba Ijom, Jacinta Yula, Rosa Caba, María Mendoza, Ana Asicon, Marta Mendoza Pacheco, Pablo Caba Ijom, Marcos Mendoza Solano, María Santiago, Pedro Mendoza Pacheco, María Mendoza Pacheco, Rosa Pacheco Bi, Juana Pacheco, María Raymundo, María Mendoza Pacheco, Tomás Mendoza Solano, Bartolomé Ramírez, María Bop, Pedro Pacheco Ijom, Manuela Pacheco Bop, an unborn child of approximately 7 to 8 months, possible mother María Bop, an unborn child of approximately 8 and a half to 9 and a half months, possible mother Catarina or Catalina Láines, Catarina or Catalina Laines; and 35 unidentified skeletal remains.

3. Villa Hortensia Antigua. In the village of Villa Hortensia Antigua, San Juan Cotzal, Quiché, on May 22, 1982, soldiers of the Army of Guatemala and members of the Self-Defense Patrols killed at least Elena Maldonado Lux, Elena Vásquez Cardona, María Canta, Teresa López, Fabián Pínula Vicente, Juana Lux, Pedro Barrera, Gaspar Barrera and José Vásquez Mateo, by shooting them. They also detained Manuela Vásquez Mateo, Pedro Canta Lux, Manuel Yon and Catarina Pacheco, whose whereabouts are unknown to date and their relatives have been denied any information [about their fate].

4. Pexla Grande. In the village of Pexla Grande, Santa María Nebaj, Quiché, on June 2, 1982, soldiers [of] the Army of Guatemala killed at least Miguel Ramírez Santiago, Ana Guzmán Brito, who was pregnant, Patrona Guzmán Marcos and María Ramírez Guzmán, by shooting them and by other means.

5. San Francisco Javier. In the village of San Francisco Javier, Santa María Nebaj, Quiché, on August 14, 1982, soldiers of the Army of Guatemala killed at least Juana Velasco Ceto, Juana Bacá and/or Juana Ceto Bacá, María Velasco Ceto, María Marroquín, María Velasco Marroquín, Juan Velasco Marroquín, Margarita Velasco Rivera [and] Juan Velasco Marroquín, by shooting them and beating them to death.

6. Chuatuj. In the village of Chuatuj, Santa María Nebaj, Quiché, on August 28, 1982, soldiers of the Army of Guatemala and members of the self-defense patrol, killed at least Pascual Ajanel Cuyuch, Diego Pérez Calel, Pedro Pérez Pastor and/or Pedro Pastor Pérez, Marta Ajanel Ordóñez and a minor aged approximately 20 days, beating them to death.

7. Sajsiban. In the village of Sajsiban, Santa María Nebaj; Quiché, on November 4, 1982, soldiers of the Army surrounded the house of the Chávez Brito family killing at least Jacinta Brito, Elena Chávez Brito, Juana Chávez Brito, Catarina Chávez Brito, Feliciano Chávez Brito, María Chávez Brito, Felipe Chávez Brito, Miguel Chávez Brito, Francisco Sánchez Chávez, Miguel Sánchez Chávez, Nicolás Meléndrez Brito and Miguel Sánchez, by beating them, shooting them and later burning them.

8. Xecol. In the hamlet (*caserío*) of Xecol, village of Amajchel, San Gaspar Chajul, Quiché, on November 20, 1982, soldiers of the Army of Guatemala killed at least Feliciano Brito de León, Jacinta Brito Brito, Magdalena Brito Brito, Antonio Brito Brito and Mario Jacinto Brito Brito and/or Jacinto Brito Brito.

9. Xesayí. In the hamlet of Xesayi, San Gaspar Chajul, Quiché, on April 12, 1983, soldiers of the Army of Guatemala killed at least Rosa Caba, María Caba López, Ana Caba Montes and/or Ana Caba Méndez, Pedro Bop Caba, Gaspar Raymundo, Catarina Morales, Magdalena Brito, Juan Bernal Morales, Miguel Bernal Morales, Magdalena Bautista Brito, Catarina Gallego Bernal, Pascual Bautista Raymundo, Argentina Cruz López, Catarina Bernal Cruz, Domingo Bernal Cruz, Juana Raymundo Raymundo, Antonia Caba, Ana Santiago Caba, Juana Caba, Antonia Caba, Ana Santiago Caba, Antonia Caba Pacheco, Gaspar Caba Santiago, Salvador López Caba, Pedro Caba López, María López, Gaspar Caba Mendoza, Catarina Caba, María Caba, Francisco Caba, Francisco Caba, Baltazar Raymundo, Isabel Mó, Gaspar Bop Canay, Domingo Bop Caba, Ana Mó, Juana Ijóm, Magdalena Ijóm Matom, Ana Santiago Caba, María Santiago Caba, Antonio Santiago Caba, Juana Rivera, Juana Rivera, Juana Rivera, María Santiago Raymundo, María López Escobar, Gaspar Bop Bop, Pascual Bautista Brito, Isabel Camay Caba, María del Barrio Caba o María Tervario Caba and María López Caba.

10. Sumal I. In the Sumal mountain (*cerro*), Santa María Nebaj, Quiché, on April 12, 1983, soldiers of the Army of Guatemala killed, at least, David

Mérida Hernández, María Hernández, Tiburcio Mérida Cano, Pedro Cano Herrera, Augusto Mérida, Rafaela Saucedo Galicia, Zenaida Herrera Velásquez, by shooting them [and] by blows to the head and thorax

11. Vijolóm III. In the village of Vijolóm III, Santa María Nebaj, Quiché, during the month of March, 1982, soldiers of the Army of Guatemala killed Pedro Rivera Cobo.

12. Xachmoxan. In the village of Xachmoxan, San Gaspar Chajul, Quiché, on April 3, 1982, soldiers of the Army of Guatemala killed at least Francisco Caba Brito, Andrés Caba Escobar and Rosa Caba Escobar, by shooting them.

13. Vatzpollí. In the place called Vatzpollí, of the village of Vipolli, San Gaspar Chajul, Quiché, on April 10, 1982, soldiers of the Army of Guatemala killed Pedro Bop Asicon and/or Pedro Bop Aiscon, burning and shooting him.

14. Bí Chapyac. In the place called Bí Chapyac, Santa María Nebaj; Quiché, on April 15, 1982, soldiers of the Army of Guatemala killed María Cruz Sánchez.

15. Villa Hortensia II. In the village of Villa Hortensia II, San Juan Cotzal, Quiché, on April 15, 1982, soldiers of the Army of Guatemala killed, at least: Marta Matóm Velasco, and/or Marta Matóm, Miguel Toma Matóm y Antonio Toma Mejía and/or Antonio Tomás Mejía, by shooting them.

16. Vajila. In the place called Vajila, of the village of Acul, Santa María Nebaj. Quiché, on April 20, 1982, soldiers of the Army of Guatemala killed Catarina Cedilla, who died as a result of an explosion.

17. Tuqanal. In the place called Tuqanal, Santa María Nebaj, Quiché, during the month of May, 1982, soldiers of the Army of Guatemala killed Jacinto Pérez and Juana de León Santiago, by shooting them.

18. Bicocol. In the place called Bicocol, village of Villa Hortensia I, San Juan Cotzal, Quiché, on May 10, 1982, soldiers of the Army of Guatemala and members of the self-defense patrols killed Marcos Castro Canto and/or Marco Castro, by strangling him.

19. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of June, 1982, soldiers of the Army of Guatemala killed Elena Sánchez.

20. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of June, 1982, soldiers of the Army of Guatemala killed Pedro Sánchez, by shooting him.

21. Sumalito. In the village of Sumalito, Santa María Nebaj, Quiché, on June 5, 1982, soldiers of the Army of Guatemala killed Domingo Pérez and/or Domingo Pérez López, by shooting him.

22. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, on June 18, 1982, soldiers of the Army of Guatemala, killed Jacinto Raymundo, by shooting him.

23. Vajila. In the place called Vajila, village of Acul, Santa María Nebaj, Quiché, on June 20, 1982, soldiers of the Army of Guatemala, killed Sebastián de Paz Pérez, by shooting him.

24. Tusibán. In the place called Tusibán, Village of Quejchip, Santa María Nebaj, Quiché, on June 22, 1982, soldiers of the Army of Guatemala, killed at least Bernardo Chávez, José Ceto, Pedro Ceto López and Magdalena Ceto López.

25. Tucalamá. En Tucalamá, of the village of Vijolóm I, Santa María Nebaj, Quiché, during the month of July, 1982, soldiers of the Army of Guatemala killed at least Juana Rivera Rivera, Jacinto Raymundo Raymundo, Diego Raymundo Rivera and Magdalena Rivera Raymundo, by shooting them and stabbing them with bladed weapons.

26. Kabtzé. In the place called Kabtzé, Village of Salquil Grande, Santa María Nebaj, Quiché, on July 15, 1982, soldiers of the Army of Guatemala, killed at least Pedro López, Domingo López, Magdalena López, Pedro Raymundo and María Pérez.

27. Chuatuj. In the village of Chuatuj. Santa María Nebaj, Quiché, on July 17, 1982, soldiers of the Army of Guatemala killed Antonio Pérez Gonzáles, by shooting him.

28. Palop Chiquito. In the village of Palop Chiquito, Santa María Nebaj, Quiché, at the end of the month of July, 1982, soldiers of the Army of Guatemala killed Diego Velasco, whom they executed by shooting him.

29. Vatzsuchil. In the village of Vatzsuchil, Santa María Nebaj, Quiché, at the beginning of the month of September, 1982, soldiers of the Army of Guatemala killed Juan Bernal, by shooting him.

30. Tu Captze. In the place called Tu Captze, village of Parramos Grande, Santa María Nebaj, Quiché, on September 2, 1982, soldiers of the Army of Guatemala killed at least Jacinta Raymundo Ceto and her sons Tomás López Raymundo and Miguel López Raymundo, by shooting them.

31. Achba'ltxo. In the place called Achba'ltxo, of the village of Vijolom III, Santa María Nebaj, Quiché, on September 9, 1982, soldiers of the Army of Guatemala killed José Brito Sánchez.

32. Xolá. In the hamlet of Xolá, village of Sajsiban, Santa María Nebaj, Quiché, on September 10, 1982, soldiers of the Army of Guatemala killed Mateo Solís Cruz and Francisco Raymundo Cruz, by shooting them.

33. Chipal. In the place called Chipal, of the village of Villa Hortensia II, San Juan Cotzal, Quiché, on September 10, 1982, soldiers of the Army of Guatemala killed Nicolás Gómez.

34. Jolopxam. In the canton of Jolopxam, Santa María Nebaj, Quiché, on September 13, 1982, soldiers of the Army of Guatemala killed at least Antonio Matóm, Diego de León Cobo, Pedro Marcos de León and Fermín Gallego Gallego.

35. Tu B'aj Mam. In the place called Tu B'aj Mam, village of Sajsiban, Santa María Nebaj. Quiché, on September 20, 1982, soldiers of the Army of Guatemala killed Magdalena Matóm Ramírez, by shooting her.

36. Vijolom III. In the village of Vijolom III, Santa María Nebaj, Quiché, on September 23, 1982, soldiers of the Army of Guatemala killed Sebastián Bernal and Cecilia Bernal, by shooting them.

37. Visibacbitz. In the village of Visibacbitz, Santa María Nebaj, Quiché, on October 1, 1982, soldiers of the Army of Guatemala killed Gaspar Ramos Raymundo, by shooting him.

38. Vatz Sumal II. In the village of Vatz Sumal II, Santa María Nebaj, Quiché, on October 10, 1982, soldiers of the Army of Guatemala killed Nicolás Rivera Pérez.

39. Xemanzana. In Xemanzana of the village of Sajsiban, Santa María Nebaj, Quiché, on October 15, 1982, soldiers of the Army of Guatemala killed Pedro Santiago.

40. Xeo. In the village of Xeo, Santa María Nebaj Quiché, on October 15, 1982, soldiers of the Army of Guatemala killed Diego Chel, by shooting him.

41. Vitzal. In the canton of Vitzal, Santa María Nebaj, Quiché, on October 21, 1982, soldiers of the Army of Guatemala killed Jacinto Chel, by shooting him.

42. Vajilá. In the place called Vajila, of the Village of Acul, Santa María Nebaj, Quiché, during the month of [*sic*] October 25, 1982, soldiers of the Army of Guatemala killed at least Manuela Brito Corio and Manuela Rosenda Brito Corio, by shooting them.

43. Trapichitos. In the village of Trapichitos, Santa María Nebaj, Quiché, at the end of the month of October, 1982, soldiers of the Army of Guatemala

killed Sebastián Cobo Rivera.

44. Vibajila. In the place called Vibajila, village of Acul, Santa María Nebaj, Quiché, on November 5, 1982, soldiers of the Army of Guatemala killed Juana Herrera Raymundo and/or Juana Herrera, by shooting them.

45. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, December 15, 1982, soldiers of the Army of Guatemala killed Andrés Brito Brito.

46. Batzchocola. In the village of Batzchocola, Santa María Nebaj, Quiché, on January 1, 1983, soldiers of the Army of Guatemala killed Jacinto Cobo and Francisco Raymundo.

47. Parramos Grande. In the mountain of the village of Parramos Grande, Santa María Nebaj, Quiché, on January 15, 1983, soldiers of the Army of Guatemala killed Domingo Pérez.

48. Xe Belubal. In the hamlet of Xe Belubal, San Gaspar Chajul, Quiché, on February 20, 1983, soldiers of the Army of Guatemala killed at least Diego Cobo, Miguel Ceto, Juan Cedillo and Pedro Cabo, as well as other people.

49. Vipecbalam. In the village of Vipecbalam, Santa María Nebaj, Quiché, on February 26, 1983, soldiers of the Army of Guatemala killed Marta García and/or Marta García Chávez, by shooting them.

50. Vipecbalam. In the village of Vipecbalam, Santa María Nebaj, Quiché, on February 27, 1983, soldiers of the Army of Guatemala killed Juan Raymundo Gómez, by shooting him.

51. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of April, 1983, soldiers of the Army of Guatemala killed Andrés Sánchez.

52. Chapyac. In the canton of Chapyac, Santa María Nebaj, Quiché, on April 8, 1983, soldiers of the Army of Guatemala killed Domingo Ceto Cruz.

53. Batzchocola. In the village of Batzchocola, Santa María Nebaj, Quiché, on April 19, 1983, soldiers of the Army of Guatemala killed at least Magdalena Raymundo and Nicolás Cabo Raymundo.

54. Viucalvitz. In the village of Viucalvitz, Santa María Nebaj, Quiché, on May 25, 1983, soldiers of the Army of Guatemala killed Baltazar Cuplay and/or Baltazar Cuplay Raymundo, by shooting them.

55. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, on June 14, 1983, soldiers of the Army of Guatemala killed Jacinto Itzep Utuy, by shooting him.

56. Chipal. In the village of Chipal, San Juan Cotzal, Quiché, on April 27, 1982, Cirilo Ramírez Sales and/or Cirilo Ramírez Salas and/or Sirilo Ramírez Salas died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

57. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of June, 1982, Petrona Brito Raymundo, aged seven months, died of disease due to the inhumane living conditions created by soldiers of the Army.

58. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of July, 1982, Francisco Rivera died of disease due to the inhumane living conditions created by soldiers of the Army of Guatemala.

59. Tu Uchuch. In the hamlet (*paraje*) of Tu Uchuch, of the village of Acul, Santa María Nebaj, Quiché, on July 22, 1982, Pedro Cuchil Sánchez died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

60. Tu Uchuch. In the hamlet (*paraje*) of Tu Uchuch, Village of Acul, Santa María Nebaj, Quiché, on July 30, 1982, Juan Marcos Raymundo, a newborn baby aged approximately 30 days, died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

61. Vicalama. In the village of Vicalama, Santa María Nebaj, Quiché, August 28, 1982, Catarina de Paz died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

62. Vatzsuchil. In the village of Vatzsuchil, Santa María Nebaj, Quiché, on September 25, 1982, Francisco Bernal died due to the living conditions created by elements of the Army of Guatemala.

63. Visibal. In Visibal, Santa María Nebaj, Quiché, during the month of October, 1982, Marcela Baten Pérez and/or Marcela Baten Pérez, Ancelmo Alejandro López Baten and/or Ancelo Alejandro López Baten, Antonia López Baten and/or Tona López and Julia López Baten died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

64. Tu Uchuch. In the hamlet (*paraje*) of Tu Uchuch, Village of Acul, Santa María Nebaj, Quiché, on October 30, 1962, Jacinta Velasco died due to the inhumane living conditions created by the soldiers of the Army of Guatemala.

65. Sajsiban. In the village of Sajsiban, Santa María Nebaj, Quiché, at the end of the month of November, 1982, Diego Terraza Sánchez, Francisco Terraza Cruz, Rosa Terraza Cruz died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

66. Xemanzana. In the canton of Xemanzana, village of Quejchip, Santa María Nebaj, Quiché, during the month of December, 1982, Teresa Cobo Matóm, aged 4 years, died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

67. Vipecbalam. In the village of Vipecbalam, Santa María Nebaj, Quiché, during the month of March, 1983, Domingo Herrera Pérez died due to the inhumane conditions created by the Army of Guatemala.

68. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, during the month of March, 1983, Manuel Tiu Espinoza died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

69. El Mirador. In the mountains of the village of El Mirador, San Gaspar Chajul, Quiché, on April 23, 1983, Antonia Carrillo and/or Antonia Carrillo Juan, aged six years, died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

70. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, during the month of May, 1983, María Itzep Atabal and/or María Itzep Akabal, and/or Marra Itzep Acabal, aged 46 years, died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

71. Santa Marta. In the village of Santa Marta, Santa María Nebaj, Quiché, during the month of July, 1983, Margarita Raimundo and/or Margarita Raymundo died due to the inhumane conditions created by soldiers of the Army of Guatemala.

72. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, on the July 27, 1983, Catarina Tojin Túm died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

73. Finca San Joaquín Chel (also called Covadonga), municipality of San Gaspar Chajul, Quiché, in the month of April, 1982, soldiers of the Army of Guatemala attacked the civilian population of that place, killing the child Pedro Pablo Juan, as well as an additional 50 people.

74. Acul. In the village of Acul, Santa María Nebaj, Quiché, between April 22 and 24, 1982, soldiers of the Army of Guatemala, together with members of the civil self-defense patrols, killed Diego Raymundo de León, Nicolás Guzaro Cedilla [and] Diego Hernández Bacá, who were executed at the Catholic Church of the village, along with other men.

75. Tuchabuc. Tuchabuc, Xoloche, Santa María Nebaj, Quiché, on May 3, 1982 soldiers of the Army of Guatemala, transported by helicopter from Huehuetenango, killed the inhabitants of that village, including Jacinta Raymundo Gallego, aged two months, Pedro Raymundo Marcos, aged 24

years, Jacinto Raymundo marcos, aged 2 years, Margarita Raymundo Marcos, aged 16 years and Magdalena de León, aged 21 years.

76. Xelocvitz. In the place called Xelocvitz of the village of Sacsiban, on April 15, 1982, soldiers of the Army of Guatemala killed Rafael Marcos Zet, aged 13 years, by hanging her.

77. Tu Uchuch. In the canton of Tu Uchuch, Santa María Nebaj, Quiché, in the month of June, 1982, the child Pedro García de León died due to the inhumane living conditions created by soldiers of the Army of Guatemala for the civilian population.

78. Batzcorral. In the canton of Batzcorral, of the municipality of Santa María Nebaj, Quiché, soldiers of the Army of Guatemala captured six people, including Andrés Pedro, Juan Bernal de Paz [and] Gaspar Bernal; they were taken to the military detachment of Santa María Nebaj, Quiché.

79. Palop Chiquito. In the village known as Palop Chiquito, Santa María Nebaj, Quiché, soldiers of the Army of Guatemala attacked the civilian population of the said hamlet and killed Pedro Chávez, Pedro Brito Bernal and Juana Brito on August 15, 1982.

80. Finca San Francisco. In Finca San Francisco, San Juan Cotzal, Quiché, soldiers of the Army of Guatemala attacked the civilian population, on August 15, 1982, a market day, and killed Juan Batzolom Vásquez, by shooting him, and later they threw him into the river.

81. Sajsiban. Village of Sajsiban, Santa María Nebaj, Quiché, due to the inhumane living conditions created by soldiers of the Army of Guatemala for the civilian population of the village of Sajsiban, Santa María Nebaj, in the month of October, 1982, the young girl Jacinta González Marcos, aged approximately one year, died of hunger in Xelovitz, Sajsiban.

82. Tujolom. Village of Tujolom, Santa María Nebaj, Quiché, where [*sic*] in a context of persecution during the month of November, 1982, Francisco Rivera died of disease and hunger, due to the inhumane living conditions created by soldiers of the Army of Guatemala.

83. Sajsiban. Village of Sajsiban, Santa María Nebaj, Quiché, on November 15, 1982, where [*sic*] soldiers of the Army of Guatemala, killed Sebastián Terraza Marcos, among others, during an attack conducted against the civilian population of the aforesaid place.

84. Sajsiban. Village of Sajsiban, Santa María Nebaj, Quiché, where [*sic*] the village was attacked by soldiers of the Army of Guatemala and members of the civil self-defense patrol, in the month of December, 1982, killing Marta Cruz Cruz, aged 13 months.

85. Canton of Xelocwitz. In the Canton of Xelocwitz, of the village of Sajsiban, Santa María Nebaj, Quiché, on January 10, 1983, the young girl Engracia Cruz Raymundo, aged 2 years, died of malnutrition due to the inhumane living conditions created by soldiers of the Army of Guatemala for the civilian population; and later, Gaspar Santiago Bautista, aged 68 years, died on January 15 of the same year, and Mrs. Engracia Cruz, aged 58 years, died of hunger on May 15. Additionally, María Santiago Raymundo died of malnutrition in 1983.

86. Sumal II. In the place called Sumal II, of the village of Vicalama, Santa María Nebaj, Quiché, on February 22, 1983, soldiers of the Army of Guatemala carried out an attack on such [place], killing Miguel Terraza Raymundo.

87. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, during the month of March, 1983, where in a context of persecution, due to the inhumane living conditions created by members of the Army of Guatemala, Manuel Tiu Espinosa died.

88. Finca Estrella Polar. Finca Estrella Polar, San Gaspar Chajul, Quiché, the population fled to the mountains as a result of an attack perpetrated by soldiers of the Army of Guatemala against the civilian population in that place, and as a result, María Carrillo Pérez, aged two years, died of hunger on April 10, 1983.

89. Xesayí. In the hamlet of Xesayí of the village of Chel, San Gaspar Chajul, Quiché on April 12, 1983, soldiers of the Army of Guatemala and members of the civil self-defense patrols killed: Catarina Morales, Miguel Bernal Morales, Juan Bernal Morales, Argentina Cruz López, Juana Raymundo Raymundo, Catarina Gallego Bernal, Catarina Bernal Cruz, Domingo Bernal Cruz, Gaspar Bautista Raymundo, Pascual Bautista Raymundo, Magdalena Bautista Brito, Pascual Bautista Brito, Ana Caba Méndez Pedro Bop Caba and Catarina Morales.

90. Santa Clara. In the village of Santa Clara San Gaspar Chajul, Quiché, on June 14, 1983, where [*sic*], within a context of persecution, soldiers of the Army of Guatemala killed Jacinto Itzep Utuy.

91. Vijolom II. Vijolom II, Santa María Nebaj, Quiché, soldiers of the Army of Guatemala attacked the civilian population of the village on July 18, 1983, and killed Tomás Rayrundo Raymundo, by shooting him in the back and in the legs when he was coming out of his house.

92. Visumal. In the place called Visumal, in the mountains of the village of Vicalama, Santa María Nebaj, Quiché, in the month of August, 1983, in the mountains of the village of Vicalama, in the place called Visumal, Francisco de Paz Corio died due to the inhumane conditions created by soldiers of the Army of Guatemala against the civilian population.

93. Village of Parramos. Village of Parramos, Santa María Nebaj, Quiché, due to [*sic*] perpetrated by soldiers of the Army of Guatemala against the civilian population of the village of Parramos, Rosario Ceto Guzaro was captured and disappeared in the month of August, 1983.

A.2. Injuries that Seriously Threaten the Physical and Mental Integrity of the Members of the Maya Ixil Ethnic Group⁵

31. The military operations, in addition to killing the members of the group, selectively and/or massively, during the time when you held the aforesaid offices, caused injuries to the physical and mental integrity of the Maya Ixil ethnic group, individually and collectively, the effects of which are still visible.

Among other acts of sexual violence and torture, the military units carried out bombardments of the communities, destruction and looting of property, as well as persecution in places of refuge, occupation and destruction of sacred places of the Maya Ixil culture; as well as the selective execution of the community's social role models, engendering widespread fear in the population.

Physical injuries resulted from the operations carried out, in which the wounded did not receive medical treatment and were forced to move and to seek treatment in places of refuge; on the other hand, young girls, adult women and elderly women were subjected to various acts of sexual violence prior to killing them. The surviving women, for their part, given their cultural values, kept and still keep silent concerning the acts of sexual violence for fear of being rejected by the community and due to the shame that those acts cause them.

Similarly, the people who were captured were subjected to tactical interrogations that included, among other things, [the infliction of] punishment [and] cruel, inhuman, and degrading treatment prior to being killed.

Those who survived the acts of torture were forced to perform tasks in the civil self-defense patrols, [and] while they were within these organizations they were forced to inform on others, to inflict punishment and to kill members of their own ethnic group.

The military and operational plans developed and authorized during the time in which you held the aforesaid offices, in spite of being aware of the attacks on the civilian population that belonged to the Maya Ixil ethnic group, stipulated in the corresponding plans that the troop members should

⁵ [Translators' Note: Pages 68-78 of original judgment.]

have sexual access to women and means of entertainment; thus using the women of that ethnic group as *spoils of war*. Similarly, it was established that the people captured should be subjected to “tactical interrogations.”

In light of the foregoing it is evident that you institutionalized these practices through planning, supervision and coordination of the military operations, in which the limit for preventing the violation of the rights and liberties of the members of the Maya Ixil ethnic group were tolerated and even encouraged in the respective plans [*sic*].

In light of the foregoing, the effects of the physical and mental harm inflicted to the members of the Maya Ixil ethnic group by the military operations that were carried out, were at least the following:

- At the collective psycho-social level, the social fabric was torn apart; it has been established within this framework that, among other consequences for the group, there was a breakdown of relationships of trust; the creation of communication voids in the Ixil group, for which oral transmission is of paramount importance; the silence and mistrust have in turn caused the social isolation of families and communities that returned from their displacement, due to stigmatization.
- At an individual level, the harm suffered by the victims were not just physical, which is difficult to establish individually for each person that was harmed and [specifying] the injuries that they were inflicted, due to the passage of time. However, it has been possible to establish that the members of the group suffered psychological harm on an individual level, which still persist and manifests itself in post-traumatic stress, unresolved grief, and psychosomatic and physical disorders

It is difficult to specify every single victim that was harmed on an individual level, given that the acts against individual persons and their property were carried out simultaneously with or after the massacres perpetrated by military units.

Among the cases that have been identified in which injuries were inflicted on members of the Maya Ixil ethnic group are the following:

a. Injuries Caused by Acts of Sexual Violence

During the time in which you held the aforesaid offices, members of the Army of Guatemala, members of the civil self-defense patrols and military commissioners conducted selective and massive gender-based operations and persecution against women, elderly women and young girls, forcing them, among other things, to have sexual intercourse with those who carried out the military operations. Such acts were systematically perpetrated.

Most women who suffered sexual violence were subsequently executed, and

the survivors, due to their cultural values, did not always denounce the sexual abuse that they had suffered.

Acts of sexual violence against Ixil women captured during their displacement and in military detention centers have also been identified.

As an example of the acts of sexual violence committed against women belonging to at least the Maya Ixil ethnic group during the period in which you held the aforesaid offices, the victims of sexual violence who survived and testified on those acts are the following:

- **San Juan Cotzal.** San Juan Cotzal, Quiché. In the month of May, 1982, Ana López, a woman belonging to the Maya Ixil ethnic group, was abducted from her house by soldiers of the Army of Guatemala and was taken against her will to the village's detachment, where she was accused of being a member of the guerrilla movement. At the detachment, she was tortured, raped and imprisoned for a period of approximately 10 days.
- **Xemamatze.** Xemamatze, Santa María Nebaj, Quiché, in 1982, members of the Army of Guatemala and members of the civil self-defense patrols appeared at her home, burned it and proceeded to sexually abuse Magdalena Bernal de Paz.
- **Chi'sis.** Chi'sis, San Juan Cotzal, Quiché. Members of the Army of Guatemala and Members of the Civil Self-defense Patrols attacked the community of Chi'sis, San Juan Cotzal, Quiché, on April 19, 1982, [and] within this framework they raped Mrs. Juana Sánchez Toma, who was accused of being a member of the guerrilla movement.

As stated above, sexual violence caused harm at the collective and individual levels to women who were members of the Maya Ixil ethnic group. At the collective level, sexual violence affected not only the direct victims, but also caused greater damage to the group, which considers women to be a symbol of procreation and cultural transmission. Therefore, tarnishing their dignity meant seriously damaging the integrity of the Maya Ixil ethnic group.

b. Injuries Caused by Acts of Torture

1. **Canaquil.** Village of Canaquil, Santa María Nebaj, Quiché. Following the massacre perpetrated on March 25, 1982, by the soldiers of the Army of Guatemala against the civilian population of Canaquil, the surviving population fled to the mountains and in August they surrendered to the detachment of Vatzuchil. Upon their surrender, the victims were subjected to questioning, during which they were asked about their relationship with the guerrilla and where this group was located.

In the said detachment, the individuals Pedro Bernal Brito, Juana Bernal Brito, Pedro Bernal disappeared after they were taken away in a green "pick

up” vehicle to an unknown destination.

2. Finca San Joaquín Chel (also called Covadonga). At finca San Joaquín Chel, municipality of San Gaspar Chajul, Quiché, members of the Army of Guatemala made an attempt on the lives of the property’s workers, killed poultry and burned houses, etc. As a result of that attack, the population fled to the mountains for two years. During that time, the Army tried to locate them several times, [and] burned their improvised shelters whenever they found them. Finally, the displaced group decided to surrender to the Army in the village of Ilom, and from there they were taken to Finca La Perla, where the military detachment was located, and again they were moved to Ilom, where they stayed for approximately a year and a half.

3. Chapyac. Chapyac Santa María Nebaj, Quiché. Following the attack perpetrated by soldiers of the Army of Guatemala against the civilian population of Chapyac, Santa María Nebaj. Quiché, on April 15, 1982, they killed María Cruz Sánchez; the Army arrived at Chapyac three times to attack [them] and to burn the houses. Thus on April 8, 1983, the Army attacked the canton of Chapyac, Santa María Nebaj, Quiché, killing Domingo Ceto Cruz.

A week after the death of Domingo Ceto Cruz, a person surrendered to the military detachment of Finca La Perla, Chajul, El Quiché and was forced to join the patrols in the village of Xeocalvitz in order to participate in operations to capture displaced population [that had fled] to the mountains and to [forcibly] take them to the military detachment.

4. Villa Hortensia II. Villa Hortensia II San Juan Cotzal, Quiché, the survivors of the attack perpetrated by soldiers of the Army of Guatemala against the civilian population of the village of Villa Hortensia II, San Juan Cotzal, Quiché, on April 15, 1982, temporarily moved to the mountains and later surrendered to the soldiers in Cotzal, who forced them to join the civil self-defense patrol.

5. Tuchabuc. Tuchabuc Santa María Nebaj, Quiché. Due to the massacre perpetrated on May 3, 1982 by the soldiers of the Army of Guatemala against the civilian population of Tuchabuc, the population fled to the mountains. A person was detained by soldiers of the Army of Guatemala on the first of September, 1982 while she was walking in the mountains and was taken to the detachment of Xhajal; [and] later to the detachment of Nebaj, Quiché. In that place she was questioned for four days and was forced to join the civil self-defense patrol, performing tasks of population control, surveillance, food control, clothing control, and cutting the *milpa*⁶

⁶ [Translator’s Note: the “milpa” is an integrated cultivation system in which several crops are grown on the same parcel of land, usually including maize, beans and squash, among other food crops. It also has social and religious connotations for the Mesoamerican indigenous peoples.]

whenever cultivated fields were found in the mountains.

6. Tuchabuc. Tuchabuc Santa María Nebaj, Quiché. Due to the massacre perpetrated on May 3, 1982 by the soldiers of the Army of Guatemala against the civilian population of Tuchabuc, the population fled to the mountains. A person who was in the mountains at the time of the events got out alive and later went to Tuchabuc, [*where*] this person found the inhabitants dead; afterwards this person stayed at the refuge in the mountains and her daughter died of hunger and disease. Following these events, she surrendered to the detachment of Tzabal, where she was questioned, tortured and was forced to join the civil self-defense patrol, being forced to cut the *milpa* down, to capture people, take them to the detachment, build fences around it, and to build roads.

7. Villa Hortensia I. Villa Hortensia I, San Juan Cotzal, Quiché. The attack [*was*] perpetrated by soldiers of the Army of Guatemala and members of the civil self-defense patrols against the civilian population in the place called Bicocol, village of Villa Hortensia I, on May 10, 1982, during which there was a bombardment and an air raid; it was not limited was not limited just to the killing of people, given that the perpetrators burned houses and stole livestock. As a result of the attack, the person fled to the Xasibo mountain for two years, later moving to Pamaxan, Guacamaya, Villa Hortensia Antigua, Cunén, and finally to the village of Cocol, where this person joined the civil self-defense patrol, performing tasks [*such as*] searching for displaced persons in the mountains and cutting the crops that were found in that same place, all of which was carried out on orders from the chief of the patrol and of the military commissioner.

8. Tu Uchuch. Cantón Tu Uchuch, Santa María Nebaj, Quiché. The inhumane conditions created by soldiers of the Army of Guatemala for the civilian population in the mountains of the canton of Tu Uchuch, included killing animals, stealing crops and forcing them to live under military control and to join the civil self-defense patrols.

9. Palop. Palop, Santa María Nebaj, Quiché. The attack perpetrated by soldiers of the Army of Guatemala on the Maya Ixil ethnic group of the civilian population of Palop, on August 15, 1982, included the burning of houses; following that attack the survivors fled to the mountains and later they were taken to the village of Akchumbal or La Pista, where they remained for one year.

10. Chipal. Chipal of the village of Villa Hortensia II, San Juan Cotzal, was attacked by soldiers of the Army of Guatemala, on September 10, 1982; that attack included the destruction of property by the forces that conducted it, [*and*] therefore the survivors fled to the hamlet of Kisis in the mountains, [*and*] lived in inhumane conditions. In the mountains, the Army captured people, raped the women and the captured men were forced to join the civil self-defense patrol.

11. Vijolom III. Village of Vijolom III, Santa María Nebaj, Quiché. The attack perpetrated by soldiers of the Army of Guatemala against the civilian population of the village of Vijolom III, on September 23, 1982, included the burning of houses [and] corn and the killing of animals; this led the surviving families to flee to the mountains, [where] they lived for a year in inhumane conditions. In the mountains they were bombarded and pursued by the Army, which sometimes destroyed everything they found. In this context, several people died of hunger and disease. They were later captured by the Army and taken to a place called La Pista, where they were kept under military surveillance and control.

12. Sajsiban. Village of Sajsiban, Santa María Nebaj, Quiché. Within the context of the inhumane living conditions created by soldiers of the Army of Guatemala for the civilian population of the village of Sajsiban, in the month of October, 1982, the young girl Jacinta González Marcos, aged approximately one year, died of hunger in Xelovitz, Sajsiban. In this context of displacement, the population fled to the mountains of Xelovitz, Chaviac, Sumal Grande; Bartzchocola, for a period of approximately 3 to 4 years. They were a group of between 60 and 70 people; 30 to 40 of them died of hunger. Furthermore, they were pursued by the soldiers, who shot at them, destroyed [their] food sources and killed the animals. When the Army captured men in the mountains, they beat them, interrogated them, and when they finished the questioning, they killed them.

11. Xemanzana. Xemanzana of the village of Sajsiban, Santa María Nebaj, Quiché, was attacked by soldiers of the Army of Guatemala on October 15, 1982; during the aforesaid attack there was looting and destruction of property and the surviving families fled into the mountains, where they lived in inhumane conditions. In the mountains they were bombarded and pursued by the Army, which sometimes destroyed everything they found. One person was captured in the mountains and taken by the Army to Finca la Perla, where [this person] lived under the control of the Army and of the civil self-defense patrols.

14. Sacsibán. Village of Sacsibán. Santa María Nebaj, El Quiché. After the attack perpetrated on November 4, 1982 by the soldiers of the Army of Guatemala against the civilian population of the village of Sacsibán, around 60 people managed to flee into the mountains and never returned to the community. During the time in which they lived in the mountains of Sajsivan and Caba, they fed themselves out of the resources that could find, they lived in improvised sheds and without access to medicine. During that time, the groups of people moved constantly due to the Army's persecution and many [of their] relatives died due to the inhumane conditions. After a while, they were captured in the mountains and were taken to the canton of Xelocowitz, and from there to the detachment of Finca La Perla. There they spent approximately one year and after that they were taking to Sajsiban.

A.3. Submission of the Maya Ixil Ethnic Group to Living Conditions that Led to Its Partial Destruction⁷

As a result of the characteristics of the military operations conducted during the period in which you held the aforesaid offices, the members of the Maya Ixil ethnic group, even though they were a non-combatant civilian population, were forced to relocate to refuge areas in order to save their lives.

The displacement was initially caused by selective or indiscriminate massacres that were being carried out, as well as by the bombardment of the communities. Afterwards, as shown in the operational reports contained in the Sofia Operations Plan, the units reported that when they arrived at the communities, [their] inhabitants had already abandoned them for fear of the actions conducted by the State's security forces.

Due to the continuous military incursions, the population was forced to abandon their villages, so that most of them were deserted, which led to constant bombardments by the Army on the refuge areas. As a result of the bombardment of their refuge areas, the population was forced to flee again in small groups that enabled them to move quickly, but the constant bombardment increased the perils of moving and survival [*sic*].

As a result of the forced displacements in the mountains, most of the population of the Maya Ixil ethnic group was subjected to survival conditions that caused the destruction of group members through sieges, tracking and military pursuits that made it impossible for them to access food, housing, medicine, minimal health services [and] education, among other things.

During the period from March 23, 1982 through August 8, 1983, there was a displacement of at least 29,000 people belonging to the Maya Ixil ethnic group, who were forced to move from their homes.

There was a displacement of at least the members of the following communities:

- For the municipality of Santa María Nebaj, the communities of Acul, Uchuch, Chortiz, Janlay, Tzabal, Batzuchil, Xoloxche, Tu Chabuc, Parramos Grande, Salquil, Vitzaa, San Francisco Javier, Quechip, Palop, Vijolom I, Vijolom II, Vicalama, Vivitz, Xeo, Tu Calama, Janlay, Cotzol, Xemamatze, Sumal, Xecotz, Cocop, Pulay, Río Azul, Xeucalvitz, Xonca, Trapichitos, Jacana, Sumalito and Batzchocola.
- For the municipality of San Juan Cotzal the communities subject to forced displacement were: Villa Hortensia Antigua, Villa Hortensia 1, Villa

⁷ [Translators' Note: Pages 78-84 of original judgment.]

Hortensia II, San Felipe Chenla, Ojo de Agua, Asich, Xeputul 1, Kuul [and] Tichclap.

- For the municipality of San Gaspar Chajul the communities subject to forced displacement were: Xolcuay, Xix, Chajul, Visich, Ilom, Santa Marta, Sajsivan, Chel, Estrella Polar, Covadonga and Visich.

Such displacements total at least 54 displaced communities of the Maya Ixil ethnic group, which were forced to survive in subhuman conditions that could have caused the total or partial physical destruction of their members, as a result of the acts carried out by the Army of Guatemala, under your command, which conducted operations during the period in which you held the aforesaid offices.

The military control over the Ixil region consisted of the restriction of the supply of basic foodstuffs (salt, sugar, etc.), clothing and medicine. The bombardments, persecution, arrests, destruction of means of subsistence, disappearances, individual and collective killings, among others, caused massive and long-term displacements within the Ixil territory. They were also forced to seek refuge in the most remote mountains and mountain ranges, where they regrouped precariously.

The members of the Maya Ixil ethnic group were forced to move, and during the pursuit into the mountains they were besieged by members of the Army under your command, suffered conditions such as hunger, malnutrition, disease, lack of clothing and shelter, [and were] subjected to adverse conditions capable of causing their destruction.

The foregoing evidences that the military strategy was suited [for] and resulted in submission to living conditions that threatened the life and physical and psychological integrity of the members of the Maya Ixil ethnic group.

Typical cases of conditions that could have caused the total or partial destruction of the group, during the time when you held the aforesaid offices and as a result of the military actions, are at least the following:

1. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, a great number of displaced people concentrated, coming from various communities of the Ixil region, during the years from 1980 to 1988. They lived in subhuman conditions due to the military operations caused by soldiers of the Army of Guatemala and the civil self-defense patrols.

2 Xix. The inhabitants of the village of Xix, San Gaspar Chajul, Quiché, were displaced on a massive scale during 1981 and until 1984, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and the civil self-defense patrols.

3. Xonca. Between 1981 and 1984, the inhabitants of the village of Xonca,

Santa María Nebaj, Quiché, were displaced on a massive scale, [thereby] suffering subhuman living conditions caused by members of the Army of Guatemala y the civil self-defense patrols.

4. Río Azul. The inhabitants of the village of Río Azul and the neighboring villages, San Gaspar Chajul, Quiché, were displaced on a massive scale between 1982 and 1984, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and the civil self-defense patrols.

5. Chisis. The inhabitants of the village of Chisis and the neighboring villages of the municipality of San Gaspar Chajul, Quiché, were displaced on a massive scale between the month of February, 1982 and 1983, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and the civil self-defense patrols.

6. Bijolom II. The inhabitants of the village of de Bijolom II and of the neighboring villages of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale during the years 1981 to 1984, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and the civil self-defense patrols.

7. Vicalamá. The inhabitants of the village of de Vicalamá and of the neighboring villages of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale from 1982, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and civil self-defense patrols.

8. Santa Marta. The inhabitants of the village of Santa Marta of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale during 1981 and continued with greater intensity in 1982 and 1983, living in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala y the civil self-defense patrols.

9. Salquil Grande. The inhabitants of the village of Salquil Grande and of the neighboring villages of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale between the month of February, 1982 and 1985, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and civil self-defense patrols.

10. Palop. The inhabitants of the village of Palop and of the neighboring villages of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale from 1982 to 1985, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and civil self-defense patrols.

11. Parramos. The inhabitants of the village of Parramos and of the

neighboring villages of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale from 1981, and that trend became more pronounced between the month of March, 1982 and October, 1984, and [they] lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and civil self-defense patrols.

12. Chuatuj. The inhabitants of the village of Chuatuj and of the neighboring villages of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale from 1981 and that trend became more pronounced between the month of March, 1982 and 1984, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and civil self-defense patrols.

13. Tzabal. The inhabitants of the village of Tzabal and neighboring communities of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale from the month of February, 1982 to September, 1983, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and civil self-defense patrols.

14. Xoloché. The inhabitants of the village of Xoloché of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale during 1981 and this trend became more pronounced between 1982 and 1983, and [they] lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and civil self-defense patrols.

15. Ilom. The inhabitants of the village of Ilom, of the municipality of Santa María Nebaj Quiché, were displaced on a massive scale between 1982 and 1983, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and civil self-defense patrols.

16. Sajsiban. The inhabitants of the village of Sajsiban and of the neighboring villages of the municipality of Santa María Nebaj, Quiché, were displaced on a massive scale from 1982 to 1984, and lived in subhuman conditions as a result of the military incursions conducted by the Army of Guatemala and civil self-defense patrols.

As part of the aforementioned subhuman living conditions, the population of the Maya Ixil ethnic group was subjected to bombardments, persecution, sieges, burning of houses and crops and other related events.

A.4. Forced Displacement of Children or Adults from Group to Group⁸

According to the military plans implemented through your actions, which

⁸ [Translators' Note: Pages 84-87 of original judgment.]

included amnesty decrees, states of emergency and partial mobilization of troops, mainly in the Victoria 82 Military Plan, military operations were carried out to round up and capture the non-combatant civilian population belonging to the Maya Ixil ethnic group, including: women, young girls and boys, elderly women and men, and adult men, who were relocated to the camps for refugees [and] displaced and amnestied people established by the Army of Guatemala, in accordance with the corresponding Plans, in the three municipalities of the Ixil region.

At the beginning, these camps were established in the municipality of Santa María Nebaj in the village of Xejalvinte, presently known as La Pista, in the canton of Xemamatze and in the village of Acul, places where military detachments were also stationed. In the municipality of San Gaspar Chajul, they were located in the canton of Vipatsnaj, which was occupied by one of the military detachments, and in the municipality of San Juan Cotzal in the canton of Xolosinay, where another military detachment was located.

Many displaced members of the Maya Ixil ethnic group, who were captured or who due to the lack of shelter, food, medicine or health care could not stand the subhuman conditions to which they were subjected, were taken to these camps; they were also forced to surrender to the Army due to the terror situation.

At the camps for refugees and displaced and amnestied persons, a great number of concentrated people were forced to join the civil self-defense patrols and, as a result, to attack the displaced members of their own culture, even those with whom they had lived together in places of refuge.

As part of the military strategy, members of the civil self-defense patrols were forced by members of the Army of Guatemala, under your command, to perform their tasks under threats of death [and] inhuman, cruel and degrading treatment consisting of: surveillance and protection rounds of the detachments, assisting them as field guides during military operations, destroying the property of the non-combatant civilian population, performing forced labor such as: feeding the military troops, building roads, encampments, houses and even working without compensation on local properties. On many occasions, they were even forced to detain members of the civil population, to inflict punishment [and] cruel, inhuman and degrading treatment on them, even to the point of killing their own fellow members of the Maya Ixil ethnic group.

At the camps for refugees [and] displaced and amnestied persons, people received military training, reeducation speeches, the imposition of new forms of government and ways of relating among themselves; in many cases the adoption of new cultural and religious practices foreign to their worldview was imposed.

As a result of actions such as those listed above, the Maya Ixil ethnic group

was culturally destroyed in part, as it was fragmented and a confrontation was created between those who took refuge in the mountains and those who were concentrated.

Concerning the displacement of children, the implementation of the military operations led to the systematic capture of minors of the Maya Ixil ethnic group, who were later concentrated in the camps for refugees [and] displaced and amnestied persons. Some of those minors were transferred outside their cultural environment by soldiers of the Army of Guatemala.

During the period in which you held the aforesaid offices and as a result of the military actions under your command, at least the following events took place:

1. Vijolón I. Vijolón I, Santa Marra Nebaj, Quiché. During the month of July, 1982, following an attack perpetrated by soldiers of the Army of Guatemala against the civilian population of Tucalamá, village of Vijolón I, Santa María Nebaj, Quiché, three minors that belonged to the Maya Ixil ethnic group were captured by members of the Army and taken to the capital, where they were raised by Francisco Castellanos Góngora, Chief of the Sofía Operation.

2. Chel. Chel, San Gaspar de Chajul, Quiché. From the month of March, 1982, a minor who was a surviving witness of the massacre of Tuchabuc, Xoloche, Santa María Nebaj, Quiché, fled to the mountains together with the population that had survived the aforesaid event, where he was captured together with other people and taken to the military detachment located in the village of Chel, San Gaspar Chajul, Quiché; in that facility he met other minors who were separated from their parents; he noticed that they were evacuated by helicopter from the aforementioned military facility and he never saw them again.

A.5. Measures Aimed at Preventing the Reproduction of Members of the Group.⁹

The implementation of the military planning created conditions that impacted the reproduction of members of the group; such actions include acts of sexual violence.

The cases of massive, indiscriminate and public rapes, documented by the CEH, exceeded 1,465 cases and for the most part were perpetrated against the Maya Ixil ethnic group (88.7% of the cases according to CEH) and a third of the cases involved minor girls and victims of a practice that was to become commonplace after the settlement of military detachments and members of the civil self-defense patrols. These events were also accompanied by the killing of pregnant women and the destruction of

⁹ [Translators' Note: Pages 87-89 of original judgment.]

fetuses.

The rapes perpetrated by the Army of Guatemala were often suffered in front of their relatives or their communities. Some [women] who were minors at the time of the events were raped with their mothers and had great trouble to find husbands given the cultural context in which the events took place; other pregnant women lost their babies as a result of the violence [and] the repeated and prolonged sexual assaults inflicted by soldiers, [and] suffered physical and psychological disorders as a result of these events.

This model of action began in 1980 and was institutionalized by the Victoria 82 Plan, pursuant to which the Army troops should have access to women and means of entertainment.

Some women who were impregnated by their rapists were stigmatized by their relatives and by the community, to the extent that they suffered violence from their husbands because they were regarded as “soldier wives” (*mujeres de soldado*). Many of them kept silent out of shame and fear of rejection

In the Maya Ixil culture, women play a predominant role both in the maintenance of cultural values and in the social organization, given that they allow the consolidation of the ethnic group’s future, providing the children with an education based on the indigenous Maya Ixil worldview, which is the basis of the culture’s subsistence. The physical appropriation of women through acts of rape, whether or not they are killed, constitutes an act that demoralizes both men and women, and constitutes one of the aspects that contributed to undermining the foundations of their identity and of the physical reproduction of the members of the Maya Ixil ethnic group.

A.6. Extent of the Destruction of the Maya Ixil Ethnic Group.¹⁰

As a result of the military strategy against the non-combatant civilian population belonging to the Maya Ixil ethnic group, this group was seriously affected.

According to the investigation that has been conducted, during the internal armed conflict, members of the Army of Guatemala, military commissioners and members of the civil self-defense patrols caused:

- The death of approximately 5,270 persons of the Maya Ixil ethnic group located within the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.
- The [forced] displacement of at least 29,000 people belonging to the Maya

¹⁰ [Translators’ Note: Pages 89-92 of original judgment.]

Ixil ethnic group within in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.

- The rape of at least 41 young girls, women and elderly women who denounced such acts, and of innumerable victims who suffered these acts before being executed or who have not been willing to testify given women's status in the culture of the Maya Ixil ethnic group.
- The torture of at least 163 people who stated that they had been tortured, without counting those that suffered punishments, acts of torture prior to their execution, or were victims of such [treatment] in the centers for refugees [and] displaced and amnestied people.
- Children transferred to other cultures, although the number of children who were even offered or taken for adoption by members of the Army has not yet been established.
- Attacks, persecution, sieges and bombardments against the communities where the members of the Maya Ixil ethnic group lived or took refuge, as well as the occupation of sacred places, such as those located in the Sumal mountain.
- As a result of the foregoing, [they suffered from a] lack of food, medicine, clothing and other basic conditions for life.

The actions carried out by the accused during his term of office contributed to putting into practice acts that caused a significant destruction of the Maya Ixil ethnic group, [including] at a minimum:

- The death of at least 1,771 persons belonging to the Maya Ixil ethnic group, which represents approximately 33.61 % of the total number of people executed by members of the Army of Guatemala, military commissioners and members of the civil self-defense patrols during the entire armed conflict; i.e., a third of the total number of people of this group that were executed during the 34 years of the internal armed conflict as reported by the Commission for Historical Clarification were killed during your government, which lasted for 16 months and 15 days.
- The creation of conditions to maintain at least 29,000 persons who belonged to the Maya Ixil ethnic group that lived in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul, in conditions that could have caused their destruction as a group, which represent approximately 74.55% of the population [based on the] census of 1981 that quantified the Ixil population at 38,902 persons.
- The violence and raping of at least 8 people who survived these acts, not counting those that were sexually abused prior to being killed, or were abused in the camps for refugees [and] displaced and amnestied people.
- The torture of at least 14 people who stated that they had been tortured, not counting those who suffered punishments, acts of torture prior to their execution, or who were victims of such ill-treatment in the centers for refugees [and] displaced and amnestied people.

- The persistence of the attacks, persecution, sieges and bombardments against the communities where the members of the Maya Ixil ethnic group lived or had taken refuge, as well as the occupation of sacred places for the Maya Ixil culture, such as those located in the Sumal mountain.

In order to give an indication of the scale of the acts committed against the Maya Ixil ethnic group, the "Sofía Operational Plan" developed by the General Felipe Cruz del Puerto de San José Military Paratrooper Base at Escuintla, which was in force from July 15 through August 19, 1982, the same [plan] that in its periodic operations report S-3 001/82 in the paragraph *miscellaneous*, classifies one hundred percent of the Ixil population as the support base of subversive groups. The implementation of such plan during the aforesaid period, as shown in the same document, resulted in at least [the following]: the bombardment of 15 communities; three military operations to besiege 121 communities, five attacks on groups of displaced persons; the destruction of 231 deposits where food, clothing, household utensils and work tools were stored; the capture and subsequent forced concentration of 1,385 persons, including 109 minors; as well as the physical elimination of twelve men, three women and three minors.

- All the aforementioned military operations conducted against the Maya Ixil ethnic group could be undertaken because you created the conditions for the allocation of regular troops and special forces, as well as armaments, food, Guatemalan Air Force aircraft and other resources that were required for the implementation thereof.

B. Facts Relating to Crimes Against Humanity¹¹

The implementation of the strategy that you authorized, as well as the approval, supervision of its implementation and allocation of resources for the implementation of the strategic and operational plans, resulted in numerous violations of the rights of the non-combatant civilian population, committed by members of the Army of Guatemala under your command. It has been established that during the aforesaid operations, torture and cruel and inhuman treatments were inflicted and there was looting, burning and destruction of houses, schools [and] churches. Additionally, the physical integrity of the non-combatant civilian population that belonged to the Maya Ixil group was threatened during those operations.

Furthermore, during such attacks, members of the Army of Guatemala, under your command, stole personal property, clothes, work tools and livestock, and used sexual violence as a "weapon of war," which is considered torture under International Law insofar as [*such acts*] were perpetrated repeatedly and for a long period of time, as the women were

¹¹ [Translators' Note: Pages 92-103 of original judgment.]

under the control of others, in this case the members of the Army of Guatemala. These actions, taken as a whole, were aimed at consolidating the result of the military operations within the framework of the counterinsurgency strategy.

These events took place at least in the following places:

1. Village of Vijolóm III. Village of Vijolóm III Santa María Nebaj, Quiché. Following the attack perpetrated by soldiers of the Army of Guatemala against the civilian population of the Village of Vijolóm III, Santa María Nebaj, Quiché, during the month of March, 1982, the population fled to the mountains, [and] in this context they suffered several bombardments conducted by the Army. Concerning their living conditions, they ate wild grass and slept in the mountains. In that context, people became sick due to lack of medicine and [access to] health care.

The soldiers later found them and they were taken to the village of Tucalamá; after six months, one person was forced to join the civil self-defense patrol and [this person's] duties included patrolling the area surrounding the village of Salquil Grande.

2. Tu Chabuc. Tu Chabuc, Santa María Nebaj, Quiché. Following the Canaquil massacre, the surviving population fled to the mountain in the vicinity of Tu Chabuc and during their time in that mountain, the Army would burn the vegetation in order to force the population out of their hiding places, and killed [their] livestock.

3. Batzuchil. Batzuchil, Santa María Nebaj, Quiché. Following the massacre perpetrated on March 25, 1982 by the soldiers of the Army of Guatemala against the civilian population of Canaquil, one of the witnesses relocated to the village of Batzuchil and remained in that village for two years, [but] that place also suffered an Army attack, for which reason [the witness] moved again to the village called Kabaj.

4. Canaquil. Canaquil, Santa María Nebaj, Quiché. In connection with the massacre perpetrated on March 25, 1982 by the soldiers of the Army of Guatemala against the civilian population of the village of Canaquil, the Army, in addition to the attack, burned houses, stole livestock and destroyed crops. After the massacre, the people took refuge in the mountains, living under the constant persecution of the Army and hunger and disease, which caused the deaths of many people, [including] men, children, women and old people.

5. Acul. Acul, Santa María Nebaj, Quiché. Following the attack in the month of April, 1982 by the soldiers of the Army of Guatemala, together with members of the civil self-defense patrols, against the civilian population of the village of Acul, Nebaj, Quiché, the latter fled to the mountains, where they lived in inhumane conditions due to the lack of medicine and access to hospitals.

6. Village of Chel. Village of Chel, San Gaspar Chajul, Quiché. The massacre perpetrated on April 3, 1982 by the soldiers of the Army of Guatemala against the civilian population of Village of Chel, San Gaspar Chajul, El Quiché was not limited to just the killing of people, but also included the burning of houses and loss of property. The survivors fled to the mountains and in that context several people died due to the inhumane conditions.

7. Vatzpollí. Vatzpollí of the village of Vipollí, San Gaspar Chajul, Quiché. The attack perpetrated by soldiers of the Army of Guatemala against the civilian population de Vatzpollí of the village of Vipollí, San Gaspar Chajul, Quiché, on April 10, 1982 was not limited to just the killing of people, given that houses and sown fields were [also] burned.

8. Vajilá. Vajilá of the village of Acul, Santa María Nebaj, Quiché. On April 20, 1982 that village was bombarded and they sufferance periodic incursions of the Army that caused the killing of livestock. After the attack, the population fled and suffered subhuman living conditions in the mountains, including hunger, disease, rain and cold.

9. Acul. Village of Acul, Santa María Nebaj, Quiché. In addition to the massacre perpetrated on April 22, 1982 by the soldiers of the Army of Guatemala, together with members of the civil self-defense patrols, against the civilian population of the village of Acul, Nebaj, Quiché, houses were burned and the population fled to the mountains, [where] they lived in inhumane conditions; the persecution was incessant and many people died due to the lack of shelter, food, medicines and access to medical treatment.

10. Villa Hortensia Antigua. Village of Villa Hortensia Antigua, San Juan Cotzal, Quiché. Following the attack perpetrated on May 22, 1982 by the soldiers of the Army of Guatemala and Members of the Civil Self-defense Patrols, against the civilian population of Village of Villa Hortensia Antigua, San Juan Cotzal, El Quiché, the population fled to the mountains[,] constantly living in subhuman conditions due to the relentless attacks of the Army of Guatemala.

During this time they only ate wild grass, potatoes, *güisquiles* (pear squash) and roots, which caused many people to become malnourished and die; they slept in improvised sheds, which were burned by the patrols of soldiers that pursued them.

11. Villa Hortensia Antigua. Village of Villa Hortensia Antigua, San Juan Cotzal, Quiché. In the context of the attack perpetrated on May 22, 1982 by the soldiers of the Army of Guatemala and Members of the Civil Self-defense Patrols, against the civilian population of Vthe illage of Villa Hortensia Antigua, San Juan Cotzal, El Quiché, a person who managed to run away and later returned to the community found that the corn deposits had been burned, as well as the houses and the *milpa* and that the livestock

were dead. As a result, the survivors took refuge in the mountains, where five siblings of the witness died of hunger.

12. Mountains of San Pedro. Santa María Nebaj, Quiché. On May 24, 1982, soldiers of the Army of Guatemala, in addition to threatening human lives, killed animals [and] stole crops and food. This attack also included an aerial bombardment. Later the population fled and suffered lack of food and medical attention.

13. Sumalito. Village of Sumalito, Santa María Nebaj, Quiché. The attack perpetrated by soldiers of the Army of Guatemala against the civilian population of the village of Sumalito, Santa María Nebaj, Quiché, on June 5, 1982 included a bombardment and an air raid, which did more than kill people, given that the perpetrators [also] burned the houses and stole the livestock. As a result of the attack, the population fled to the mountains and lived in inhumane conditions.

14. Q'alchee. Village of Q'alchee, Santa María Nebaj, Quiché. Due to the attack perpetrated in the month of July, 1982 by the Army of Guatemala against the civilian population, which was supported by aircraft, houses and food sources were also destroyed.

15. Kabtzé. Kabtzé, Village of Salquil Grande, Santa María Nebaj, Quiché. In the attack perpetrated by soldiers of the Army of Guatemala against the civilian population, on July 15, 1982, property was destroyed and as a result the surviving families fled to the mountains in order to save their lives, [and] were relentlessly pursued by the Army of Guatemala, which killed several members of the aforesaid families.

16. Chuatuj. Village of Chuatuj, Santa María Nebaj, Quiché. Following the attack perpetrated by soldiers of the Army of Guatemala against the civilian population, on July 17, 1982, the survivors fled to the mountains, where the Army pursued them; [the Army] also cut down their crops, killed their livestock and subjected them to constant bombardments.

17. Tu Uchuch. En Tu Uchuch, of the village of Acul, Santa María Nebaj, Quiché. The following people died due to the inhumane living conditions created by soldiers of the Army of Guatemala against the civilian population: on July 22, 1982, Pedro Cuchil Sánchez; on July 30, 1982, Juan Marcos Raymundo, a newborn aged approximately 30 days; on October 30, 1982, Jacinta Velasco.

18. Palop Chiquito. Hamlet (*caserío*) of Palop Chiquito, Santa María Nebaj, Quiché. Following the attack perpetrated by soldiers of the Army of Guatemala against the civilian population, on August 15, 1982, the survivors fled to the mountains, where they spent one year running away; during that time, they ate whatever they could find in the mountains and slept on the floor. When someone got sick, they had no access to health care,

nor to medicine, and many of them died of disease for these reasons.

19. Secal. Village of Secal, San Juan Cotzal, Quiché. On the 15 of August, 1982, the Army of Guatemala, supported by air raids, attacked the population of the village of Secal, burning houses, as well as clothes [and] storehouses where they kept corn, killed chickens [and] broke the grindstones and containers, among other things

20. Sumal Grande. Village of Sumal Grande, Santa María Nebaj, Quiché. Following the attack perpetrated in 1983 by soldiers of the Army of Guatemala, houses were burned, property was stolen and 20 people died; as a result of these events approximately 100 persons, all of them from the village of Sumal Grande, took refuge in the Sumal mountain. They ran away from the Army for 8 years and many people became sick and died due to the hard living conditions.

21. Tu Captze. Tu Captze village of Parramos Grande, Santa María Nebaj, Quiché. In the attack perpetrated on September 2, 1982 by soldiers of the Army of Guatemala against the civilian population, property was destroyed and as the survivors fled to the mountains in order to save their lives; the Army pursued them for five years.

22. Achba'itxo. Achba'itxo, village of Vijolom III, Santa María Nebaj, Quiché. Following the attack perpetrated on September 9, 1982 by soldiers of the Army of Guatemala against the civilian population, the survivors sought refuge in the mountains, [where] they lived in inhumane conditions and they were also relentlessly pursued by the Army.

23. Palop. Village of Palop, Santa María Nebaj, Quiché. The attack perpetrated by soldiers of the Army of Guatemala on September 21, 1982 against the civilian population of the village of Palop entailed the burning of houses [and] crops and the killing of the livestock.

24. Visibacbitz. Village of Visibacbitz, Santa María Nebaj, Quiché. The attack perpetrated by soldiers of the Army of Guatemala against the civilian population, on October 1, 1982, included looting, as well as the loss and destruction of property. The surviving families fled to the mountains [where] they lived in inhumane conditions.

25. Vitzal. Cantón Vitzal, Santa María Nebaj, Quiché. [During] the attack perpetrated by soldiers of the Army of Guatemala against the civilian population, on October 21, 1982, the Army controlled all entries and exits to and from the municipality of Nebaj, Quiché. Their incursions caused the burning of houses and property.

26. Xecol. Hamlet of Xecol, Village of Amajchel, San Gaspar Chajul, El Quiché. Following the attack perpetrated by soldiers of the Army of Guatemala, on November 20, 1982 against the civilian population, the

inhabitants were displaced for approximately 15 years. During this time they ate *malanga* (an edible tropical root), grass, roots and whatever resources they could obtain. During their displacement, they were pursued by the Army, bombed by airplanes and helicopters and suffered the destruction of their food sources while they did not have access to medical treatment.

27. Sacsibán. Village of Sacsibán, Santa María Nebaj, El Quiché. In connection with the attack perpetrated by soldiers of the Army of Guatemala and members of the civil self-defense patrols against the civilian population in the month of December, 1982, houses were destroyed, the *milpa* was cut down and they took away the livestock. This surviving population fled to the mountains, where they were subjected to bombardments and stayed for three years[:] during this time some [people] died of hunger and without access to medical treatment.

28. Xelocwitz. Cantón Xelocwitz, village of Sajsiban, Santa María Nebaj, Quiché. Due to the inhumane living conditions created by soldiers of the Army of Guatemala for the civilian population; in which [the following] died: on January 10, 1983 the young girl Engracia Cruz Raymundo, aged 2 years, of malnutrition; on January 15 of the same year, Gaspar Santiago Bautista, aged 68 years; and on May 15, Mrs. Engracia Cruz, aged 58 years, of hunger; and in 1983, María Santiago Raymundo, of malnutrition. During their displacement, the inhabitants lived in the mountains and constantly became ill due to lack of food and medicines.

29. Sumal II. En Sumal II, Vicalama, Santa María Nebaj, Quiché, an attack was perpetrated by soldiers of the Army of Guatemala on February 22, 1983, during which Feliciano Terraza Rivera suffered a gunshot wound to her left arm. Afterwards, the population moved to Vicalama, for another year, but the soldiers kept coming into the village, cut the *milpa*, burned the corn and killed the domestic animals/livestock. Later they moved to Cabá due to lack of food, since it could no longer be grown.

30. Finca Estrella Polar. At Finca Estrella Polar, San Gaspar Chajul, Quiché. There was an attack perpetrated by soldiers of the Army of Guatemala against the civilian population, at the beginning of the month of April, 1983. Following that attack, the population fled to the mountains, and as a result Marra Carrillo Pérez, aged two years, died of hunger on April 10, 1983.

31. Vijolom II. Village of Vijolom II, of Santa María Nebaj, Quiché. On August 20, 1983, the Army helicopter troops appeared at Vijolom II and proceeded to burn all the village's houses. Due to the situation described, the population sought refuge in the mountains, [and] during this period the Army continued pursuing them and burning their food sources.

32. Visumal. Visumal, Vicalama, Santa María Nebaj, Quiché. Due to the

inhumane living conditions created by soldiers of the Army of Guatemala against the civilian population, Francisco de Paz Corio died in the month of August, 1983, in the mountains of the village of Vicalama, in the place called Visumal. In this context they lost their clothes, and due to that fact they wore rags and sacks; [they also] ate the grass that they could find and constantly became ill. They were also bombed by aircraft.

33. Parramos. Village of Parramos, Santa María Nebaj, Quiché. As a result of the attack perpetrated by soldiers of the Army of Guatemala against the civilian population of the village of Parramos in the month of August, 1983, during which Rosario Ceto Guzaro was captured and made to disappear, and in which a total of 17 people died; the Army stayed for two or three days in the village, burning houses, cutting the *milpa* and taking the animals away.

34. San Juan Cotzal. San Juan Cotzal, Quiché. In the month of March, 1982, a woman who belonged to the Maya Ixil ethnic group, named María Cavinal Rodríguez, who was a minor, was abducted from her house by soldiers of the Army of Guatemala and was taken against her will to the detachment of the village, located at the parochial hall of the Catholic Church; at that place she was raped and later delivered to the chief of the military detachment, who questioned her, and she was detained for two days. She was detained because she had been accused of being a member of the guerilla forces.

35. Cerro K'otzol (Cotzol). Cerro K'otzol, Santa María Nebaj, Quiché. In 1982, elements of the Army of Guatemala, who were wearing berets, appeared at the house of Magdalena Matom Rayrundo looking for her husband; when they realized that he was not there, she was tortured [and] raped while she was pregnant; her house was burned.

36. Military detachment of Tzabal. Tzabal, Santa María Nebaj, Quiché. On May 22, 1982, soldiers of the Army of Guatemala sexually assaulted women of the Maya Ixil ethnic group inside the facilities of the detachment of Tzabal. In addition to the aforesaid events, they committed acts of torture [and] rape and inflicted cruel treatment on the people who were imprisoned inside the aforementioned military facility.

37. Amajchel. Amajchel, San Gaspar Chajul, Quiché. In the month of October, 1982, soldiers of the Army of Guatemala appeared at Amajchel [and] captured a woman and her daughter. Upon being captured she was held at gunpoint, beaten and sexually abused. She remained at that place for three nights together with the Army elements, during which she was constantly interrogated. She was then taken to the detachment of Amajchel, where she remained for three months, during which she was forced to interact with the corpses of people who were murdered there and to dig holes for the corpses, among other things.

38. Military detachment of San Juan Cotzal. San Juan Cotzal, Quiché. On May 15, 1982, soldiers of the Army of Guatemala sexually abused Carmen Teresa Pérez López and her mother, who were both detained at the military detachment of San Juan Cotzal; they were placed in holes that had been dug in the ground.

39. Juil. Village of Juil, San Gaspar Chajul, Quiché. On March 25, 1982, the village of Juil was attacked by members of the Army of Guatemala; the husband of Ana Pacheco Ramírez was captured and later made to disappear by members of the Army of Guatemala, who also burned the house and sexually abused Ana Pacheco Ramírez.

49. Q'alchee. In the village of Q'alchee, Santa María Nebaj Quiché. In the month of July, 1982, soldiers of the Army of Guatemala, supported by air raids, attacked the population, [and] captured, beat and took away Pedro Sánchez [and] Andrés and Juan Xun Lo away to the detachment of Vitzal; they were never seen again.

III) Precise and Detailed Determination of the Facts that the Court Regards as Having Been Proven¹²:

The Court regards the following facts to have been proven:

1) That the accused José Efraín Ríos Mont[t], in his capacity as President of the Military Government Council, President of the Republic of Guatemala, Minister of National Defense and Commander in Chief of the Army, offices that he held, consecutively or simultaneously, from the 23 of March, 1982 to the 8 of August, 1983, a period during which he continued and reinforced the counterinsurgency policy; within which the Mayan groups were targeted as an *internal enemy*, given that it was believed that they supported the guerrilla groups. Within the Mayan group, the Army of Guatemala identified 100% of the members of the Maya Ixil ethnic group as an *internal enemy*, even though they were a non-combatant civilian population.

2) In the aforesaid context, during the period in which you [*sic*] held the aforesaid offices, he carried out at least the following actions:

2.1) He approved the National Security and Development Plan (*Plan Nacional de Seguridad y Desarrollo*) and enacted the Fundamental Statute of the State (*Estatuto Fundamental de Gobierno*) that established the legal framework serving as the basis for the organization, planning, and implementation of the operations for the counterinsurgency effort, contained in the military plans and operational plans that led to, among other things, the elimination of non-combatant civilians belonging to the Maya Ixil ethnic group.

¹² [Translators' Note: Pages 103-45 of original judgment.]

2.2) He ordered the reorganization of the State's agencies for the counterinsurgency effort, which defined the levels of action and responsibility for each state agency, as well as the areas of operations of the security forces, including those that would operate in the Ixil region.

2.3) As a mechanism of the counterinsurgency effort, he promoted a nationalist policy that undermined the cultural base of the various peoples that make up Guatemalan society, for which purpose he approved, implemented, and carried out communication activities to support psychological operations that tore the social fabric and damaged cultural values, the harm of which still persists.

2.4) He established a policy of population and territorial control that included the creation of camps for refugees and amnestied and displaced persons, in which the cultural practices of the various peoples of Mayan descent, including the Maya Ixil ethnic group, were modified in order to eliminate or neutralize subversive groups, given that the former were regarded as the social support base of the guerrilla movement, even though they were a non-combatant civilian population.

2.5) In the Victoria 82 and Firmeza 83 Military Plans, he authorized and institutionalized the Sofia Operational Plan, the Civil Affairs Assessment (G-5) for the Ixil area, and the Ixil Operation – Civil Affairs Plan, the identification of the members of the Mayan groups, including the Maya Ixil ethnic group, as an *internal enemy*, even though they were a non-combatant civilian population.

2.6) He authorized counterinsurgency actions conducted by agents of the State of Guatemala, for which purpose he ordered the development, knew of the contents of, and supervised the implementation of the counterinsurgency actions, including that of the military and operational plans, which identified the Maya Ixil ethnic group as *the internal enemy*.

2.7) Beginning on March 23, 1982 he ordered the development and the implementation of the Victoria 82 and Firmeza 83 Military Plans, which established:

2.7.1) The elimination of subversive elements, classified as part of the *internal enemy*, which according to the military doctrine set forth in the Counterinsurgency War Manual, [were] regarded as *internal enemies*, including "[...] those individuals, groups or organizations that, without being communist, try to overthrow the existing social order[.]" [T]he members of the Maya Ixil ethnic group were included among them, even though they were a non-combatant civilian population.

2.7.2) The reorganization of the Army of Guatemala for the counterinsurgency effort, demarcating the responsibilities of the various

areas of operations, including the Ixil region; for which purpose he reorganized and reinforced the Gumarcaj Task Force to that effect.

2.7.3) The development of the operational plans of all the military jurisdictional areas, including those specific to the Ixil Region, to be implemented by the Mariscal Gregorio Solares de Huehuetenango Military Zone, by the Gumarcaj Task Force, which later became Military Zone Number 20 of Santa Cruz del Quiché, and by the General Felipe Cruz del Puerto San José Military Paratrooper Base at Escuintla.

2.7.4) The organization of the operational plans and the allocation of the resources required for the implementation of the military operations that enabled the members of the Army of Guatemala, the civil self-defense patrols (*patrullas de autodefensa civil*), and the military commissioners (*comisionados militares*) to conduct military actions against the Maya Ixil ethnic group, which was settled in the municipalities of Santa María Nebaj, San Gaspar Chajul, and San Juan Cotzal of the department of El Quiché.

2.7.5) The organization for the handling of refugees and displaced and amnestied persons in camps where the population was concentrated in order to be re-educated, modifying their culture and incorporating them into the countersubversive effort, criminalizing everyone that did not follow the guidelines of the doctrine implemented by the members of the Army in charge of the those camps. Three camps were set up in the Ixil region, located in Santa María Nebaj, San Gaspar Chajul and in San Juan Cotzal, which concentrated mostly members of the Maya Ixil ethnic group.

2.7.6) The organization of the *civil self-defense patrols*, providing for the subordination thereof to the Army of Guatemala, as well as their participation in countersubversive operations, even forcing the members of the patrols to act against the members of their own ethnic group, which contributed to the destruction of the communities' social fabric, thereby modifying their social structure and consequently the culture of the Maya Ixil ethnic group.

3) As President of the Republic and Commander in Chief of the Army, he implemented the Victoria 82 and Firmeza 83 Military Plans, by means of the following actions, among others:

3.1) Ordering the partial mobilization of the Army of Guatemala, determining the number of personnel for each of the country's regions; the recruitment mechanisms, and the operations to be carried out, including those relating to the Gumarcaj Task Force.

3.2) Disseminating, in accordance with the Psychological Operations Annex of the Victoria 82 Military Plan, the contents of the public Sunday messages as defined in the countersubversive military strategy, which was directed against the Maya Ixil ethnic group, among others.

4) He carried out the aforementioned actions in full knowledge of the context in which the internal armed conflict was unfolding.

5) The knowledge and experience in military and political activities that he performed, after the 23rd of March, 1982, as well as the information that he was provided with when he assumed the aforesaid offices, allowed him to make decisions in the countersubversive effort, in urban and rural areas, within which the non-combatant civilian population was identified as an *internal enemy*; the Mayan population in general, as the support base of the *internal enemy*, given that they had been receptive to the subversive groups' proclamations; and, in particular, 100% of the members of the Maya Ixil ethnic group as "support base of the subversive groups" and consequently, internal enemies, establishing that 50% of the members of the aforesaid ethnic group cooperated with the subversive groups through "espionage activities," mainly about military movements.

6) As a result of the foregoing, his government's counterinsurgency strategies, set forth in the National Security and Development Plan, dated April 1, 1982, [and] in the Victoria 82 Military Plan, dated June 16, 1982, formed the basis for the conduct of operations by the members of the Army, under his command, aimed at: deceiving, finding, attacking, annihilating, eliminating and neutralizing the non-combatant civilian population, [both] in urban and rural areas, a population which had been identified as an *internal enemy* in the Counterinsurgency War Manual, establishing, according to military information, that 100% of the members of the Maya Ixil ethnic group were internal enemies.

7) During the period in which he held the aforesaid offices, the military units, under his command, continued operating in accordance with the countersubversive military strategy initiated by the government that had been deposed by the coup d'état of March 23, 1982, with particular emphasis on the country's western and northwestern high plateau.

8) Concerning the Ixil area, beginning on March 23, 1982, members of the Army, under his command, continued the razing of villages and other crimes against human life and freedom. In all those events the military units, under his command, increased the attacks through the use of high caliber firearms, explosives, as well as using aircraft to bomb the communities inhabited by non-combatant civilian population of the Maya Ixil ethnic group.

9) The Sofía Operational Plan was developed and implemented on the basis of the Victoria 82 Military Plan, with the aim of conducting offensive countersubversive and psychological actions in the zone of operations of the Gumarcaj Task Force, "in order to give further impetus to those operations and to exterminate the subversive elements in the area," which included the municipalities of Santa María Nebaj, San Juan Cotzal, and San Gaspar

Chajul, a region which, according to military information, was mostly settled by the Maya Ixil ethnic group.

10) The Sofia Operational Plan defines 100% of the Ixil population as the support base of the *guerrilla* groups, and its implementation significantly affected the members of the non-combatant civilian population who belonged to this ethnic group. It is worth noting that according to the military reports themselves, a great number of young girls and boys, women, old women and adult men were affected.

11) The obligation to report to the Army high command military operations resulting from the military doctrine and plans, as well as: the statements, Sunday messages, interviews and actions carried out by the accused José Efraín Ríos Montt, within the framework of the plans that he approved, provide evidence that he had knowledge of the actions carried out by the members of the Army of Guatemala, the military commissioners, and the members of the civil self-defense patrols; in the course of which actions the Maya Ixil population was attacked, due to the fact that it was regarded as the support base for the guerrilla movement.

12) The approval of the Firmeza 83 plan confirms that the accused José Efraín Ríos Montt had full knowledge of the operations that were conducted against the civilian population in urban and rural areas, of the attacks on the Mayan population in general, and more particularly, against the members of the Maya Ixil ethnic group.

13) The military plans that were approved after [*sic*] the accused José Efraín Ríos Montt, including the Victoria 82 Military Plan and the National Security and Development Plan, which he approved; and he also carried out the actions envisaged in the aforesaid plans in order to contribute to the attacks against the civilian and Mayan population in general, [*and*] particularly targeting the members of the Maya Ixil ethnic group in the attacks.

14) That the accused José Efraín Ríos Montt participated in the design, setting of objectives, implementation, and supervision of the application of the policy, strategy, and military plans that included a non-combatant civilian population, which had been arbitrarily defined as an *internal enemy*, partly in light of their history of resistance to western values; more specifically, the members of the Maya Ixil ethnic group were targeted, which led to the design and implementation of a military strategy against that ethnic group.

15) That the accused José Efraín Ríos Montt had full knowledge, through the corresponding Periodic Reports, of the crimes committed by members of the Army of Guatemala, military commissioners and members of the civil self-defense patrols consisting of: killing group members, [*forcibly*] displacing Maya Ixil children and adults to other [ethnic] groups,

displacement under inhumane conditions, injuries caused by rapes, sexual violence, vandalism, theft and destruction of crops and houses, among others. However, he did not issue the pertinent orders in order to stop, prevent, or punish the aforementioned acts against the non-combatant civilian population.

16) That the accused José Efraín Ríos Montt used the apparatus of the State to define the Maya Ixil ethnic group as an *internal enemy*, even though it was a non-combatant civilian population; in this framework, the actions of the accused, which were inherent to his power of command over the Army, as well as the military operations conducted on his orders, and his duty of supervision and control were [a]l] aimed at the elimination of the Maya Ixil ethnic group. Such intent is shown not just by the contents of the military and operational plans then in force, but also because of the manner in which the members of the Army of Guatemala, military commissioners, and members of the civil self-defense patrols conducted the military operations commanded, supervised, and coordinated by the highest-ranking official of the *de facto* Government, which by law was vested the power to direct, control, and therefore to command, the Army of Guatemala as a mechanism of power.

17) That the accused José Efraín Ríos Montt created the conditions that enabled the conduct of military actions which, in their practical implementation, were crucial in leading to the death of members of the Maya Ixil ethnic group, women, children (both male and female), the elderly, and adult men; rapes; physical and mental injuries; forced disappearances; cruel, inhuman and degrading treatment; looting; persecution and forced displacement of adults and children (both male and female); the burning of crops [and] houses, and bombardments; population control, territorial control, and control of resources.

18) That the accused José Efraín Ríos Montt took direct action against the Maya Ixil ethnic group through the counterinsurgency policy and that he also failed to discharge the duty imposed on him by the law to guarantee to all the inhabitants of the Republic, without distinction of any kind, the peaceful enjoyment of their rights as set out in the Fundamental Statute of the State, and in fulfillment of the obligations assumed by the State when it incorporated conventional and customary international Human Rights and Humanitarian Law into domestic law.

19) The accused José Efraín Ríos Montt created a hazardous situation, thereby increasing the risk for the entire population, when, acting as President of the Military Government Council (*Junta Militar*), he repealed the Magna Carta then in force, a fact that greatly undermined the guarantees of protection of human rights, especially in respect of the most vulnerable populations such as the Maya Ixil ethnic group. For this reason, the Fundamental Statute of the State, later directed him, in his capacity as the highest-ranking Government official, to create "[...] the mechanisms that

may be required for the effective and absolute respect and maintenance of human rights," which he failed to comply with.

20) The accused José Efraín Ríos Montt created the conditions that resulted in the Maya Ixil ethnic group being culturally affected on the basis of a nationalist worldview implemented in the camps for refugees and displaced and amnestied persons, given that the objective of these camps was to reeducate and militarize them, aspects which had an inevitable impact on this ethnic group both at an individual and a collective level.

21) The accused José Efraín Ríos Montt institutionalized the Army's racist and discriminatory worldview against the Mayan population, and especially against the members of the Maya Ixil ethnic group, which meant that external cultural expressions such as the traditional costume and the language became a real threat to life, integrity, and survival of girls and boys, women, and men who belonged to the Maya Ixil ethnic group, even though they were a non-combatant civilian population; given that the aforementioned military documents were used as the basis for the institutionalization of military operations against this ethnic group during the period in which he held the aforesaid offices.

22) The Gumarcaj Task Force, which later became Military Zone Number 20 of Santa Cruz del Quiché, and the Guatemalan Air Force, as well as the military commissioners and members of the civil self-defense patrols, [all] under his command, carried out at least the following acts against the members of the Maya Ixil ethnic group, due to the fact that they were regarded as internal enemies in light of their cultural and historical ancestry:

22.1) Selective executions in which members of the Maya Ixil ethnic group were killed, either individually or collectively.

22.2) Selective and indiscriminate massacres perpetrated against members of the Maya Ixil ethnic group.

22.3) Destruction and burning of the villages of the Maya Ixil ethnic group.

22.4) Bombardment of communities or areas where the members of the Maya Ixil ethnic group who had been forced to flee had sought refuge, including sacred places.

22.5) Raping, either individually or collectively, of women who belonged to the Maya Ixil ethnic group.

22.6) Questioning under torture of captured members of the Maya Ixil ethnic group.

22.7) Concentration of the members of the Maya Ixil ethnic group in assistance camps for refugees and displaced and amnestied persons, in order to subject them to a process of *assimilation into the Spanish-speaking culture (ladinización)* and to *convert them to the dominant national culture (modo nacional)*, which meant forcing them to adopt the Spanish language, suppressing their distinctive traditional costume, or other external signs of group differentiation, making it possible that after redefining those

[external] signs they would cease to think as such.

22.8) Looting of property, burning of houses and crops, killing and theft of animals, as well as of elements of the Maya Ixil material culture.

22.9) Persecution of members of the Maya Ixil ethnic group during their forced displacement.

22.10) Search and siege operations aimed at identifying refuge areas in order to capture and/or execute members of the Maya Ixil ethnic group.

22.11) Control and siege of displaced communities, preventing access to food and medicine that were essential for the survival of the members of the Maya Ixil ethnic group.

22.12) Subjection of children, women and men who belonged to the Maya Ixil ethnic group to servitude and forced labor.

22.13) Forced disappearances.

23) Such acts were carried out within the framework of the "counterinsurgency war"; in which the accused José Efraín Ríos Montt institutionalized the plans that envisaged the annihilation of the guerrilla movement and parallel organizations, even if they were a non-combatant civilian population or belonged to cultural groups of Mayan descent, as is the case with the Ixils who were settled in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.

24) The members of the Maya Ixil ethnic group were repeatedly attacked throughout the internal armed conflict by means of selective and massive acts of repression, as well as acts of control of the surviving population, the latter with the goal of capturing, handling, reeducating, and assimilating the members of the group into the dominant national culture (*modo nacional*) supported by the Army of Guatemala.

25) That the action of the accused José Efraín Ríos Montt enabled the members of the Army of Guatemala, military commissioners, and members of the civil self-defense patrols, who were under his command, and over which he had command authority.

26) It is estimated that during the internal armed conflict, members of the Army of Guatemala, military commissioners, and members of the civil self-defense patrols killed people that belonged to the Maya Ixil ethnic group that lived in the municipalities of Santa María Nebaj, San Juan Cotzal, and San Gaspar Chajul.

27) During the period that the accused José Efraín Ríos Montt held office, it is estimated that as a result of the actions carried out by members of the Army of Guatemala, military commissioners, and members of the civil self-defense patrols, under his command, a great number of people were killed, including young girls and boys, women, the elderly, and adult men, and that the dead belonged to the Maya Ixil ethnic group and lived in the aforesaid municipalities.

28) Out of the total number of people that were killed during the period in which the accused José Efraín Ríos Montt held the aforesaid offices, only some of the dead that belonged to the non-combatant civilian population of the Maya Ixil ethnic group have been identified to date, [*sic*] events that were documented in the massacres of the municipalities of Santa María Nebaj, San Juan Cotzal, and San Gaspar Chajul; cases of violent deaths in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul; as well as cases of people who died as a result of the conditions created by soldiers of the Army of Guatemala and self-defense patrols in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.

29) A great number of skeletal remains of the victims of the Maya Ixil ethnic group that they killed during the time when he held the aforesaid offices have been exhumed to date.

30) The dead that belonged to the Maya Ixil ethnic group, who were targeted by acts committed by members of the Army of Guatemala, military commissioners and members of the civil self-defense patrols, under his command, during the time when the accused José Efraín Ríos Montt held the aforesaid offices, correspond to various military operations, in the course of which high caliber firearms, bombardments, bladed weapons, [and] cutting blunt weapons were used, among others, including at least [the operations] in:

30.1. Canaquil. In the village of Canaquil, Santa María Nebaj, Quiché, on March 25, 1982, soldiers of the Army of Guatemala killed the people described in the indictment.

30.2. Chel. In the village of Chel, San Gaspar Chajul, Quiché, on April 3, 1982, soldiers of the Army of Guatemala, killed the people described in the indictment.

30.3. Villa Hortensia Antigua. In the village of Villa Hortensia Antigua, San Juan Cotzal, Quiché, on May 22, 1982, soldiers of the Army of Guatemala killed the people described in the indictment.

30.4. Pexla Grande. In the village of Pexla Grande, Santa María Nebaj, Quiché, on June 2, 1982, soldiers [of] the Army of Guatemala killed the people described in the indictment.

30.5. San Francisco Javier. In the village of San Francisco Javier, Santa María Nebaj, Quiché, on August 14, 1982, soldiers of the Army of Guatemala killed the people described in the indictment, by shooting and beating them to death.

30.6. Chuatuj. In the village of Chuatuj, Santa María Nebaj, Quiché, on August 28, 1982, soldiers of the Army of Guatemala and members of the self-defense patrol killed the people described in the indictment.

30.7. Sajsiban. In the village of Sajsiban, Santa María Nebaj; Quiché, on November 4, 1982, soldiers of the Army surrounded the house of the Chávez Brito family killing the people described in the indictment, by beating them, shooting them, and later burning them.

- 30.8. Xecol. In the hamlet (*caserío*) of Xecol, village of Amajchel, San Gaspar Chajul, Quiché, on November 20, 1982, soldiers of the Army of Guatemala killed the people described in the indictment.
- 30.9. Xesayí. In the hamlet of Xesayi, San Gaspar Chajul, Quiché, on April 12, 1983, soldiers of the Army of Guatemala killed the people described in the indictment.
- 30.10. Sumal I. In the Sumal mountain (*cerro*), Santa María Nebaj, Quiché, on April 12, 1983, soldiers of the Army of Guatemala killed the people described in the indictment, by shooting, [and] blows to the head and thorax.
- 30.11. Vijolóm III. In the village of Vijolóm III, Santa María Nebaj, Quiché, during the month of March, 1982, soldiers of the Army of Guatemala killed Pedro Rivera Cobo.
- 30.12. Xachmoxan. In the village of Xachmoxan, San Gaspar Chajul, Quiché, on April 3, 1982, soldiers of the Army of Guatemala killed the people described in the indictment, by shooting them.
- 30.13. Vatzpollí. In the place called Vatzpollí, of the village of Vipolli, San Gaspar Chajul, Quiché, on April 10, 1982, soldiers of the Army of Guatemala killed Pedro Bop Asiconá and/or Pedro Bop Aisconá, burning and shooting him.
- 30.14. Bí Chapyac. In the place called Bí Chapyac, Santa María Nebaj; Quiché, on April 15, 1982, soldiers of the Army of Guatemala killed María Cruz Sánchez.
- 30.15. Villa Hortensia II. In the village of Villa Hortensia II, San Juan Cotzal, Quiché, on April 15, 1982, soldiers of the Army of Guatemala killed the people described in the indictment, by shooting them.
- 30.16. Vajila. In the place called Vajila, of the village of Acul, Santa María Nebaj. Quiché, on April 20, 1982, soldiers of the Army of Guatemala killed Catarina Cedilla, who died as a result of an explosion.
- 30.17. Tuqanal. In the place called Tuqanal, Santa María Nebaj, Quiché, during the month of May, 1982, soldiers of the Army of Guatemala killed Jacinto Pérez and Juana de León Santiago, by shooting them.
- 30.18. Bicocol. In the place called Bicocol, village of Villa Hortensia I, San Juan Cotzal, Quiché, on May 10, 1982, soldiers of the Army of Guatemala and members of the self-defense patrols killed Marcos Castro Canto and/or Marco Castro, by strangling him.
- 30.19. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of June, 1982, soldiers of the Army of Guatemala killed Elena Sánchez.
- 30.20. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of June, 1982, soldiers of the Army of Guatemala killed Pedro Sánchez, by shooting him.
- 30.21. Sumalito. In the village of Sumalito, Santa María Nebaj, Quiché, on June 5, 1982, soldiers of the Army of Guatemala killed Domingo Pérez and/or Domingo Pérez López, by shooting him.
- 30.22. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, on June 18, 1982, soldiers of the Army of Guatemala, killed Jacinto Raymundo, by shooting him.

- 30.23. Vajila. In the place called Vajila, village of Acul, Santa María Nebaj Quiché, on June 20, 1982, soldiers of the Army of Guatemala, killed Sebastián de Paz Pérez, by shooting him.
- 30.24. Tusibán. In the place called Tusibán, Village of Quejchip, Santa María Nebaj, Quiché, on June 22, 1982, soldiers of the Army of Guatemala, killed, at least Bernardo Chávez, José Ceto, Pedro Ceto López and Magdalena Ceto López.
- 30.25. Tucalamá. En Tucalamá, of the village of Vijolóm I, Santa María Nebaj, Quiché, during the month of July, 1982, soldiers of the Army of Guatemala killed, at least, Juana Rivera Rivera, Jacinto Raymundo Raymundo, Diego Raymundo Rivera, and Magdalena Rivera Raymundo, by shooting and stabbing with bladed weapons.
- 30.26. Kabtzé. In the place called Kabtzé, Village of Salquil Grande, Santa María Nebaj, Quiché, on July 15, 1982, soldiers of the Army of Guatemala, killed at least Pedro López, Domingo López, Magdalena López, Pedro Raymundo and María Pérez.
- 30.27. Chuatuj. In the village of Chuatuj. Santa María Nebaj, Quiché, on July 17, 1982, soldiers of the Army of Guatemala killed Antonio, Pérez Gonzáles, by shooting him.
- 30.28. Palop Chiquito. In the village of Palop Chiquito, Santa María Nebaj, Quiché, at the end of the month of July, 1982, soldiers of the Army of Guatemala killed Diego Velasco, whom they executed by shooting him.
- 30.29. Vatzsuchil. In the village of Vatzsuchil, Santa María Nebaj. Quiché, at the beginning of September, 1982, soldiers of the Army of Guatemala, killed Juan Bernal, by shooting him.
- 30.30. Tu Captze. In the place called Tu Captze, village of Parramos Grande, Santa María Nebaj, Quiché, on September 2, 1982, soldiers of the Army of Guatemala killed at least Jacinta Raymundo Ceto and her sons Tomás López Raymundo and Miguel López Raymundo, by shooting them.
- 30.31. Achba'ltxo. In the place called Achba'ltxo, of the village of Vijolom III, Santa María Nebaj, Quiché, on September 9, 1982, soldiers of the Army of Guatemala killed José Brito Sánchez.
- 30.32. Xolá. In the hamlet of Xolá, village of Sajsiban. Santa María Nebaj, Quiché, on September 10, 1982, soldiers of the Army of Guatemala killed Mateo Solís Cruz and Francisco Raymundo Cruz, by shooting them.
- 30.33. Chipal. In the place called Chipal, of the village of Villa Hortensia II, San Juan Cotzal, Quiché, on September 10, 1982, the soldiers of the Army of Guatemala killed Nicolás Gómez.
- 30.34. Jolopxam. In the canton of Jolopxam, Santa María Nebaj, Quiché, on September 13, 1982, soldiers of the Army of Guatemala killed at least, Antonio Matóm, Diego de León Cobo, Pedro Marcos de León and Fermín Gallego Gallego.
- 30.35. Tu B'aj Mam. In the place called Tu B'aj Mam, village of Sajsiban, Santa María Nebaj. Quiché, on September 20, 1982, soldiers of the Army of Guatemala killed Magdalena Matóm Ramírez, by shooting.
- 30.36. Vijolom III. In the village of Vijolom III, Santa María Nebaj, Quiché, on September 23, 1982, soldiers of the Army of Guatemala killed Sebastián Bernal and Cecilia Bernal, by shooting them.

- 30.37. Visibachitz. In the village of Visibachitz, Santa María Nebaj, Quiché, on October 1, 1982, soldiers of the Army of Guatemala killed Gaspar Ramos Raymundo, by shooting him.
- 30.38. Vatz Sumal II. In the village of Vatz Sumal II, Santa Marra Nebaj, Quiché, on October 10, 1982, soldiers of the Army of Guatemala killed Nicolás Rivera Pérez.
- 30.39. Xemanzana. In Xemanzana of the village of Sajsiban, Santa María Nebaj, Quiché, on October 15, 1982, soldiers of the Army of Guatemala killed Pedro Santiago.
- 30.40. Xeo. In the village of Xeo, Santa María Nebaj Quiché, on October 15, 1982, soldiers of the Army of Guatemala killed Diego Chel, by shooting him.
- 30.41. Vitzal. In the canton of Vitzal, Santa María Nebaj, Quiché, on October 21, 1982, soldiers of the Army of Guatemala killed Jacinto Chel, by shooting him.
- 30.42. Vajilá. In the place called Vajila, of the Village of Acul, Santa María Nebaj, Quiché, during the month of [*sic*] October 25, 1982, soldiers of the Army of Guatemala killed at least Manuela Brito Corio and Manuela Rosenda Brito Corio, by shooting them.
- 30.43. Trapichitos. In the village of Trapichitos, Santa María Nebaj, Quiché, at the end of the month of October, 1982, soldiers of the Army of Guatemala killed Sebastián Cobo Rivera.
- 30.44. Vibajila. In the place called Vibajila, village of Acul, Santa María Nebaj, Quiché, on November 5, 1982, soldiers of the Army of Guatemala killed Juana Herrera Raymundo and/or Juana Herrera, by shooting them.
- 30.45. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, December 15, 1982, soldiers of the Army of Guatemala killed Andrés Brito Brito.
- 30.46. Batzchocola. In the village of Batzchocola, Santa María Nebaj, Quiché, on January 1, 1983, soldiers of the Army of Guatemala killed Jacinto Cabo and Francisco Raymundo.
- 30.47. Parramos Grande. In the mountain of the village of Parramos Grande, Santa María Nebaj, Quiché, on January 15, 1983, soldiers of the Army of Guatemala killed Domingo Pérez.
- 30.48. Xe Belubal. In the hamlet of Xe Belubal, San Gaspar Chajul, Quiché, on February 20, 1983, soldiers of the Army of Guatemala killed at least Diego Cobo, Miguel Ceto, Juan Cedillo, and Pedro Cabo, as well as other people.
- 30.49. Vipecbalam. In the village of Vipecbalam, Santa María Nebaj, Quiché, on February 26, 1983, soldiers of the Army of Guatemala killed Marta García and/or Marta García Chávez, by shooting them.
- 30.50. Vipecbalam. In the village of Vipecbalam, Santa María Nebaj, Quiché, on February 27, 1983, soldiers of the Army of Guatemala killed Juan Raymundo Gómez, by shooting him.
- 30.51. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of April, 1983, soldiers of the Army of Guatemala killed Andrés Sánchez.
- 30.52. Chapyac. In the canton of Chapyac, Santa María Nebaj, Quiché, on April 8, 1983, soldiers of the Army of Guatemala killed Domingo Ceto Cruz.

- 30.53. Batzchocola. In the village of Batzchocola, Santa María Nebaj, Quiché, on April 19, 1983, soldiers of the Army of Guatemala killed at least Magdalena Raymundo and Nicolás Cabo Raymundo.
- 30.54. Viucalvitz. In the village of Viucalvitz, Santa María Nebaj, Quiché, on May 25, 1983, soldiers of the Army of Guatemala killed Baltazar Cuplay and/or Baltazar Cuplay Raymundo, by shooting them.
- 30.55. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, on June 14, 1983, soldiers of the Army of Guatemala killed Jacinto Itzep Utuy, by shooting him.
- 30.56. Chipal. In the village of Chipal, San Juan Cotzal, Quiché, on April 27, 1982, Cirilo Ramírez Sales and/or Cirilo Ramírez Salas, and/or Sirilo Ramírez Salas died due to the inhumane living conditions created by soldiers of the Army of Guatemala.
- 30.57. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of June, 1982, Petrona Brito Raymundo, aged seven months, died of disease due to the inhumane living conditions created by soldiers of the Army.
- 30.58. Tujolom. In the village of Tujolom, Santa María Nebaj, Quiché, during the month of July, 1982, Francisco Rivera died of disease due to the inhumane living conditions created by soldiers of the Army of Guatemala.
- 30.59. Tu Uchuch. In the hamlet (*paraje*) of Tu Uchuch, of the village of Acul, Santa María Nebaj, Quiché, on July 22, 1982, Pedro Cuchil Sánchez died due to the inhumane living conditions created by soldiers of the Army of Guatemala.
- 30.60. Tu Uchuch. In the hamlet (*paraje*) of Tu Uchuch, Village of Acul, Santa María Nebaj, Quiché, on July 30, 1982, Juan Marcos Raymundo, a newborn baby, died due to the inhumane living conditions created by soldiers of the Army of Guatemala.
- 30.61. Vicalama. In the village of Vicalama, Santa María Nebaj, Quiché, August 28, 1982, Catarina de Paz died due to the inhumane living conditions created by soldiers of the Army of Guatemala.
- 30.62. Vatzsuchil. In the village of Vatzsuchil, Santa María Nebaj, Quiché, on September 25, 1982, Francisco Bernal died due to the living conditions created by elements of the Army of Guatemala.
- 30.63. Visibal. In Visibal, Santa María Nebaj, Quiché, during the month of October, 1982, Marcela Baten Pérez and/or Marcela Báten Pérez, Ancelmo Alejandro López Báten and/or Ancelo Alejandro López Baten, Antonia López Baten and/or Tona López, and Julia López Baten died due to the inhumane living conditions created by soldiers of the Army of Guatemala.
- 30.64. Tu Uchuch. In the hamlet (*paraje*) of Tu Uchuch, Village of Acul, Santa María Nebaj, Quiché, on October 30, 1962, Jacinta Velasco died due to the inhumane living conditions created by the soldiers of the Army of Guatemala.
- 30.65. Sajsiban. In the village of Sajsiban, Santa María Nebaj, Quiché, at the end of the month of November, 1982, Diego Terraza Sánchez, Francisco Terraza Cruz, Rosa Terraza Cruz died due to the inhumane living conditions created by soldiers of the Army of Guatemala.
- 30.66. Xemanzana. In the canton of Xemanzana, village of Quejchip, Santa

María Nebaj, Quiché, during the month of December, 1982, Teresa Cobo Matóm, aged 4 years, died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

30.67. Vipecbalam. In the village of Vipecbalam, Santa María Nebaj, Quiché, during the month of March, 1983, Domingo Herrera Pérez died due to the inhumane conditions created by the Army of Guatemala.

30.68. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, during the month of March, 1983, Manuel Tiu Espinoza died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

30.69. El Mirador. In the mountains of the village of El Mirador, San Gaspar Chajul, Quiché, on April 23, 1983, Antonia Carrillo and/or Antonia Carrillo Juan, aged six years, died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

30.70. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, during the month of May, 1983, María Itzep Atabal and/or María Itzep Akabal, and/or Marra Itzep Acabal, aged 46 years, died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

30.71. Santa Marta. In the village of Santa Marta, Santa María Nebaj, Quiché, during the month of July, 1983, Margarita Raimundo and/or Margarita Raymundo died due to the inhumane conditions created by soldiers of the Army of Guatemala.

30.72. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, on the July 27, 1983, Catarina Tojin Túm died due to the inhumane living conditions created by soldiers of the Army of Guatemala.

30.73. Finca San Joaquín Chel (also called Covadonga), municipality of San Gaspar Chajul, Quiché, in the month of April, 1982, soldiers of the Army of Guatemala attacked the civilian population of that place, killing the child Pedro Pablo Juan, as well as an additional 50 people.

30.74. Acul. In the village of Acul, Santa María Nebaj, Quiché, between April 22 and 24, 1982, soldiers of the Army of Guatemala, together with members of the civil self-defense patrols, killed Diego Raymundo de León, Nicolás Guzaro Cedilla, Diego Hernández Bacá, who were executed in the Catholic Church of the village, along with other men.

30.75. Tuchabuc. Tuchabuc, Xoloche, Santa María Nebaj, Quiché, on May 3, 1982 soldiers of the Army of Guatemala, transported by helicopter from Huehuetenango, killed the inhabitants of that village, including Jacinta Raymundo Gallego, aged two months, Pedro Raymundo Marcos, aged 24 years, Jacinto Raymundo marcos, aged 2 years, Margarita Raymundo Marcos, aged 16 years, and Magdalena de León, aged 21 years.

30.76. Xelocvitz. In the place called Xelocvitz of the village of Sacsiban, on April 15, 1982, soldiers of the Army of Guatemala killed Rafael Marcos Zet, aged 13 years, by hanging her.

30.77. Tu Uchuch. In the canton of Tu Uchuch, Santa María Nebaj, Quiché, in the month of June, 1982, the child Pedro García de León died due to the inhumane living conditions created by soldiers of the Army of Guatemala for the civilian population.

30.78. Batzcorral. In the canton of Batzcorral, of the municipality of Santa

María Nebaj, Quiché, soldiers of the Army of Guatemala captured six people, among them Andrés Pedro, Juan Bernal de Paz, [and] Gaspar Bernal; they were taken to the military installation of Santa María Nebaj, Quiché.

30.79. Palop Chiquito. In the village known as Palop Chiquito, Santa María Nebaj, Quiché, soldiers of the Army of Guatemala attacked the civilian population of the said hamlet and killed Pedro Chávez, Pedro Brito Bernal and Juana Brito on August 15, 1982.

30.80. Finca San Francisco. In Finca San Francisco, San Juan Cotzal, Quiché, soldiers of the Army of Guatemala attacked the civilian population, on August 15, 1982, a market day, and killed Juan Batzalom Vásquez, whom they shot and later threw into the river.

30.81. Sajsiban. Village of Sajsiban, Santa María Nebaj, Quiché, due to the inhumane living conditions created by soldiers of the Army of Guatemala for the civilian population of the village of Sajsiban, Santa María Nebaj, in the month of October, 1982, the young girl Jacinta González Marcos, aged approximately one year, died of hunger in Xelovitz, Sajsiban.

30.82. Tujolom. Village of Tujolom, Santa María Nebaj, Quiché, where [*sic*] in a context of persecution during the month of November, 1982, Francisco Rivera died of disease and hunger, due to the inhumane living conditions created by soldiers of the Army of Guatemala.

30.83. Sajsiban. Village of Sajsiban, Santa María Nebaj, Quiché, on November 15, 1982, where [*sic*] soldiers of the Army of Guatemala, killed Sebastián Terraza Marcos, among others, during an attack conducted against the civilian population of the aforesaid place.

30.84. Sajsiban. Village of Sajsiban, Santa María Nebaj, Quiché, where [*sic*] the village was attacked by soldiers of the Army of Guatemala and members of the civil self-defense patrol, in the month of December, 1982, killing Marta Cruz Cruz, aged 13 months.

30.85. Canton of Xelocwitz. In the Canton of Xelocwitz, of the village of Sajsiban, Santa María Nebaj, Quiché, on January 10, 1983, the young girl Engracia Cruz Raymundo, aged 2 years, died of malnutrition due to the inhumane living conditions created by soldiers of the Army of Guatemala for the civilian population; and later, Gaspar Santiago Bautista, aged 68 years, died on January 15 of the same year, and Mrs. Engracia Cruz, aged 58 years, died of hunger on May 15. Additionally, María Santiago Raymundo died of malnutrition in 1983.

30.86. Sumal II. In the place called Sumal II, of the village of Vicalama, Santa María Nebaj, Quiché, on February 22, 1983, soldiers of the Army of Guatemala carried out an attack on such [place], killing Miguel Terraza Raymundo.

30.87. Santa Clara. In the village of Santa Clara, San Gaspar Chajul, Quiché, during the month of March, 1983, where in a context of persecution, due to the inhumane living conditions created by members of the Army of Guatemala, Manuel Tiu Espinosa died.

30.88. Finca Estrella Polar. Finca Estrella Polar, San Gaspar Chajul, Quiché, the population fled to the mountains as a result of an attack perpetrated by soldiers of the Army of Guatemala against the civilian

population in that place, and as a result, María Carrillo Pérez, aged two years, died of hunger on April 10, 1983.

30.89. Xesayí. In the hamlet of Xesayí of the village of Chel, San Gaspar Chajul, Quiché on April 12, 1983, soldiers of the Army of Guatemala and members of the civil self-defense patrols killed: Catarina Morales, Miguel Bernal Morales, Juan Bernal Morales, Argentina Cruz López, Juana Raymundo Raymundo, Catarina Gallego Bernal, Catarina Bernal Cruz, Domingo Bernal Cruz, Gaspar Bautista Raymundo, Pascual Bautista Raymundo, Magdalena Bautista Brito, Pascual Bautista Brito, Ana Caba Méndez, Pedro Bop Caba and Catarina Morales.

30.90. Santa Clara. In the village of Santa Clara San Gaspar Chajul, Quiché, on June 14, 1983, where, within a context of persecution, soldiers of the Army of Guatemala killed Jacinto Itzep Utuy.

30.91. Vijolom II. Vijolom II, Santa María Nebaj, Quiché, soldiers of the Army of Guatemala attacked the civilian population of the village on July 18, 1983, and killed Tomás Rayrundo Raymundo, by shooting him in the back and in the legs when he was coming out of his house.

30.92. Visumal. In the place called Visumal, in the mountains of the village of Vicalama, Santa María Nebaj, Quiché, in the month of August, 1983, in the mountains of the village of Vicalama, in the place called Visumal, Francisco de Paz Corio died due to the inhumane conditions created by soldiers of the Army of Guatemala against the civilian population.

30.93. Village of Parramos. Village of Parramos, Santa María Nebaj, Quiché, due to [sic] perpetrated by soldiers of the Army of Guatemala against the civilian population of the village of Parramos, Rosario Ceto Guzaro was captured and disappeared in the month of August, 1983.

31. The military operations, in addition to killing the members of the group, selectively and/or massively, during the time when the accused José Efraín Ríos Montt held the aforesaid offices, inflicted damages to the physical and mental integrity of the Maya Ixil ethnic group, individually and collectively, the effects of which are still visible.

32. The military units carried out, among other acts, sexual violence and torture, bombardments of the communities, destruction and looting of property, as well as persecution in places of refuge, occupation and destruction of sacred places of the Maya Ixil culture; as well as the selective execution of the community's social role models, engendering widespread fear in the population.

33. Physical injuries resulted from the operations carried out, in which the wounded did not receive medical treatment and were forced to move and to seek treatment in places of refuge; on the other hand, young girls, adult women and elderly women were subjected to various acts of sexual violence prior to killing them. The surviving women, for their part, given their cultural values, kept and still keep silent concerning the acts of sexual violence for fear of being rejected by the community and due to the shame that those acts cause them.

34. The people who were captured were subjected to tactical interrogations that included, among other things, [the infliction of] punishment [and] cruel, inhuman, and degrading treatment prior to being killed.

35. Those who survived the acts of torture were forced to perform tasks in the civil self-defense patrols, [and] while they were within these organizations they were forced to inform on others, to inflict punishment, and to kill members of the own ethnic group.

36. The military and operational plans developed and authorized during the period in which the accused José Efraín Ríos Montt held the aforesaid offices, in spite of being aware of the attacks on the civilian population that belonged to the Maya Ixil ethnic group, stipulated in the corresponding plans that the troop members should have sexual access to women and means of entertainment; thus using the women of that ethnic group as *spoils of war*. Similarly, it was established that the people captured should be subjected to “tactical interrogations.”

37. It is evident that the accused José Efraín Ríos Montt institutionalized these practices through planning, supervision and coordination of the military operations, in which the limit for preventing the violation of the rights and liberties of the members of the Maya Ixil ethnic group were tolerated and even encouraged in the respective plans [*sic*].

38. The effects of the physical and mental injuries inflicted on the members of the Maya Ixil ethnic group by the military operations that were carried out, were at least the following:

38.1. At the collective psycho-social level, the social fabric was torn; it has been established within this framework that, among other consequences for the group, there was a breakdown of relationships of trust; the creation of communication voids in the Ixil group, for which oral transmission is of paramount importance; the silence and mistrust have in turn caused the social isolation of families and communities that returned from their displacement, due to stigmatization.

38.2. It has been established that the members of the group suffered psychological damage on an individual level, which still persists and manifests itself in post-traumatic stress, unresolved grief, and psychosomatic and physical disorders.

39. During the time when the accused José Efraín Ríos Montt held the aforesaid offices, members of the Army of Guatemala, members of the civil self-defense patrols, and military commissioners conducted massive gender-based operations and persecution against women, elderly women and young girls, forcing them, among other things, to have sexual intercourse with those who carried out the military operations. Such acts were systematically

perpetrated.

40. Most women who suffered sexual violence were later executed and the survivors, due to their cultural values, did not always denounce the sexual abuse that they had suffered.

41. Acts of sexual violence against Ixil women captured during their displacement and in military detention centers have also been identified.

42. As an example of the acts of sexual violence committed against women that belonged to the Maya Ixil ethnic group, at a minimum, during the period in which you [*sic*] held the aforesaid offices, the victims of sexual violence who survived and testified on those acts [include] the following:

42.1) San Juan Cotzal. San Juan Cotzal, Quiché. In the month of May, 1982, Ana López, a woman that belonged to the Maya Ixil ethnic group, was abducted from her house by soldiers of the Army of Guatemala and was taken against her will to the village's military installation, where she was accused of being a member of the guerrilla movement. At the military installation, she was tortured, raped, and imprisoned for a period of approximately 10 days.

42.2) Xemamatze. Xemamatze, Santa María Nebaj, Quiché, in 1982, members of the Army of Guatemala and members of the civil self-defense patrols appeared at her home, burned it, and proceeded to sexually abuse Magdalena Bernal de Paz.

42.3) Chi'sis. Chi'sis, San Juan Cotzal, Quiché. Members of the Army of Guatemala and Members of the Civil Self-defense Patrols attacked the community of Chi'sis, San Juan Cotzal, Quiché, on April 19, 1982, [and] within this framework they raped Mrs. Juana Sánchez Toma, who was accused of being a member of the guerrilla movement.

43) As stated above, sexual violence caused damages at the collective and individual levels to women who were members of the Maya Ixil ethnic group. At the collective level, sexual violence affected not only the direct victims, but also caused greater damage to the group, which considers women to be a symbol of procreation and cultural transmission. Therefore, tarnishing their dignity meant seriously damaging the integrity of the Maya Ixil ethnic group.

44) At Finca San Joaquín Chel, municipality of San Gaspar Chajul, Quiché, members of the Army of Guatemala made an attempt on the lives of the property's workers, killed poultry, and burned down houses, etc. As a result of that attack the population fled to the mountains for two years. During that time, the Army tried to locate them several times, [and] burned their improvised shelters when they found them. Finally, the displaced group decided to surrender to the Army in the village of Ilom, and from there they

were taken to Finca La Perla, where the military installation was located, and again they were moved to Ilo, where they stayed for approximately a year and a half.

45) At Villa Hortensia II San Juan Cotzal, Quiché, the survivors of the attack perpetrated by soldiers of the Army of Guatemala against the civilian population of the village of Villa Hortensia II, San Juan Cotzal, Quiché, on April 15, 1982, temporarily moved to the mountains and later surrendered to the soldiers in Cotzal, who forced them to join the civil self-defense patrol.

46) At Palop, Santa María Nebaj, Quiché. The attack perpetrated by soldiers of the Army of Guatemala on the Maya Ixil ethnic group of the civilian population of Palop, on August 15, 1982, included the burning of houses; following that attack the survivors fled to the mountains and later they were found by soldiers and members of the patrols and were taken to the village of Akchumbal or La Pista, where they remained for one year.

47) At Chipal of the village of Villa Hortensia II, San Juan Cotzal, was attacked by soldiers of the Army of Guatemala, on September 10, 1982; that attack included the destruction of property by the forces that conducted it, [and] therefore the survivors fled to the hamlet of Kisis in the mountains, [and] lived in inhumane conditions. In the mountains, the Army captured people, raped the women, and the captured men were forced to join the civil self-defense patrol.

48) At Vijolom III, Santa María Nebaj, Quiché. The attack perpetrated by soldiers of the Army of Guatemala against the civilian population of the village of Vijolom III, on September 23, 1982, included the burning of houses [and] corn and the killing of animals; this led the surviving families to flee to the mountains, [where] they lived for a year in inhumane conditions. In the mountains they were bombarded and pursued by the Army, which sometimes destroyed everything they found. In this context, several people died of hunger and disease. They were later captured by the Army and taken to a place called La Pista, where they were kept under military surveillance and control.

49) At Sajsiban, Santa María Nebaj, Quiché. Within the context of the inhumane living conditions created by soldiers of the Army of Guatemala for the civilian population of the village of Sajsiban, in the month of October, 1982 [*sic*].

50) Xemanzana. Xemanzana of the village of Sajsiban, Santa María Nebaj, Quiché, was attacked by soldiers of the Army of Guatemala on October 15, 1982; during the aforesaid attack there was looting and destruction of property and the surviving families fled into the mountains, where they lived in inhumane conditions. In the mountains they were bombarded and pursued by the Army, which sometimes destroyed everything they found. One person was captured in the mountains and taken by the Army to Finca

la Perla, where [*this person*] lived under the control of the Army and of the civil self-defense patrols.

51) In the village of Sacsibán. Santa María Nebaj, El Quiché. After the attack perpetrated on November 4, 1982 by the soldiers of the Army of Guatemala against the civilian population of the village of Sacsibán, around 60 people managed to flee into the mountains and never returned to the community. During the time in which they lived in the mountains of Sajsivan and Caba, they fed themselves out of the resources that could find, they lived in improvised sheds, and without access to medicines. During that time, the groups of people moved constantly due to the Army's persecution and many [*of their*] relatives died due to the inhumane conditions. After a while, they were captured in the mountains, and were taken to the canton of Xelocwitz, and from there to the military installation of Finca La Perla. There they spent approximately one year and after that they were taking to Sajsiban.

52) As a result of the characteristics of the military operations conducted during the period in which the accused José Efraín Ríos Montt held the aforesaid offices, the members of the Maya Ixil ethnic group, even though they were a non-combatant civilian population, were forced to relocate to refuge areas in order to save their lives.

52) The displacement resulted from the selective or indiscriminate massacres that were perpetrated, as well as from the bombardments carried out against the communities. At a later stage, as evidenced by the operations reports contained in the Sofía Operational Plan, it is stated that the units reported that when they arrived at the communities, the inhabitants had already abandoned them for fear of the actions conducted by the State's security forces.

53) Due to the continuous military incursions, the population was forced to abandon their villages, so that most of them were deserted, which led to constant bombardments by the Army on the refuge areas. As a result of the bombardment of their refuge areas, the population was forced to flee again in small groups that enabled them to move quickly, but the constant bombardment increased the perils of moving and survival [*sic*].

54) As a result of the forced displacements in the mountains, most of the population of the Maya Ixil ethnic group was subjected to survival conditions that caused the destruction of group members through sieges, tracking, and military pursuits that made it impossible for them to access food, housing, medicine, minimal health services [and] education, among other things.

55) During the period from March 23, 1982 through August 8, 1983, there was a displacement of at least 29,000 people belonging to the Maya Ixil ethnic group, who were forced to move from their homes.

55) [*sic*] There was a displacement of a total of at least 54 displaced communities of the Maya Ixil ethnic group, which were forced to survive in subhuman conditions that could have caused the total or partial physical destruction of their members, as a result of the acts carried out by the Army of Guatemala, under his command, which conducted operations during the period in which the accused José Efraín Ríos Montt held the aforesaid offices.

56) The military control over the Ixil region consisted of the restriction of the supply of basic foodstuffs (salt, sugar, etc.), clothing and medicine.

57) The bombardments, persecution, arrests, destruction of means of subsistence, disappearances, individual and collective killings, among others, caused massive and long-term displacements within the Ixil territory. They were also forced to seek refuge in the most remote mountains and mountain ranges, where they regrouped precariously.

58) The members of the Maya Ixil ethnic group were forced to move, and during the pursuit into the mountains they were besieged by members of the Army under his command, suffered conditions such as hunger, malnutrition, disease, lack of clothing and shelter, [and were] subjected to adverse conditions capable of causing their destruction.

59) The military strategy was suited [for] and resulted in submission to living conditions that threatened the life and physical and psychological integrity of the members of the Maya Ixil ethnic group.

60) Pursuant to the military plans implemented through the actions of the accused José Efraín Ríos Montt, which included amnesty decrees, states of emergency and partial mobilization of troops, mainly in the Victoria 82 Military Plan, military operations were carried out to round up and capture the non-combatant civilian population belonging to the Maya Ixil ethnic group, including: women, young girls and boys, elderly women and men, and adult men, who were relocated to the camps for refugees and displaced and amnestied persons implemented by the Army of Guatemala, in accordance with the corresponding Plans, in the three municipalities of the Ixil region.

61) At the beginning, these camps were established in the municipality of Santa María Nebaj in the village of Xejalvinte, presently known as La Pista, in the canton of Xemamatze and in the village of Acul, places where military installations were also stationed. In the municipality of San Gaspar Chajul, they were located in the canton of Vipatsnáj, which was occupied by one of the military installations, and in the municipality of San Juan Cotzal in the canton of Xolosinay, where another military installation was located.

Many displaced members of the Maya Ixil ethnic group, who were captured or who due to the lack of shelter, food, medicine or health care could not

stand the subhuman conditions to which they were subjected, were taken to these camps; they were also forced to surrender to the Army due to the state of terror.

62) At the camps for refugees and displaced and amnestied persons, a great number of concentrated people were forced to join the civil self-defense patrols and, as a result, to attack the displaced members of their own culture, even those with whom they had lived together in places of refuge.

63) As part of the military strategy, members of the civil self-defense patrols were forced by members of the Army of Guatemala, under his command, to perform their tasks under threats of death [and] inhumane, cruel and degrading treatment consisting of: surveillance and protection rounds of the military installations, assisting them as field guides during military operations, destroying the property of the non-combatant civilian population, performing forced labor such as: feeding the military troops, building roads, encampments, houses, and even working without compensation on local properties. On many occasions, they were even forced to detain members of the civil population, to inflict punishment [and] cruel, inhuman and degrading treatment on them, even to the point of killing their own fellow members of the Maya Ixil ethnic group.

64) At the camps for refugees and displaced and amnestied persons, people received military training, reeducation speeches, the imposition of new forms of government, and ways of relating among themselves; in many cases the adoption of new cultural and religious practices foreign to their worldview was imposed.

65) As a result of actions such as those listed above, the Maya Ixil ethnic group was culturally destroyed in part, as it was fragmented and a confrontation was created between those who took refuge in the mountains and those who were concentrated [in the “model villages”].

66) Concerning the displacement of children, the implementation of the military operations led to the systematic capture of minors of the Maya Ixil ethnic group, who were later concentrated in the camps for refugees and displaced and amnestied persons. Some of those minors were transferred outside their cultural environment by soldiers of the Army of Guatemala.

67) During the period in which he held the aforesaid offices and as a result of the military actions under his command, at least the following events took place:

67.1. At Vijolón I, Santa Marra Nebaj, Quiché. During the month of July, 1982, following an attack perpetrated by soldiers of the Army of Guatemala against the civilian population of Tucalamá, village of Vijolón I, Santa María Nebaj, Quiché, three minors that belonged to the Maya Ixil ethnic group were captured by members of the Army and taken to the capital,

where they were raised by Francisco Castellanos Góngora, Chief of the Sofía Operation.

67.2. Chel. Chel, San Gaspar de Chajul, Quiché. From the month of March, 1982, a minor who was a surviving witness of the massacre of Tuchabuc, Xoloche, Santa María Nebaj, Quiché, fled to the mountains together with the population that survived the aforesaid event, where he was captured together with other people and taken to the military installation located in the village of Chel, San Gaspar Chajul, Quiché; in that facility he met other minors who were separated from their parents; he noticed that they were evacuated by helicopter from the aforementioned military facility and he never saw them again.

68) The implementation of the military planning created conditions that impacted the reproduction of members of the group; such actions include acts of sexual violence.

69) The cases of massive, indiscriminate and public rapes, documented by the CEH, exceeded 1,465 cases and for the most part were perpetrated against the Maya Ixil ethnic group (88.7% of the cases according to CEH), and a third of the cases involved minor girls and victims of a common practice after the settlement of military installations and the civil self-defense patrols. These events were also accompanied by the killing of pregnant women and the destruction of fetuses.

70) The rapes perpetrated by the Army of Guatemala were often suffered in front of their relatives or their communities. Some [women] who were minors at the time of the events were raped with their mothers and had great trouble to find husbands given the cultural context in which the events took place; other pregnant women lost their babies as a result of the violence [and] the repeated and prolonged sexual assaults inflicted by soldiers, [and] suffered physical and psychological disorders as a result of these events.

71) Some women who were impregnated by their rapists were stigmatized by their relatives and by the community, to the extent that they suffered violence from their husbands because they were regarded as *soldier wives* (*mujeres de soldado*). Many of them kept silent out of shame and fear of rejection.

72) In the Maya Ixil culture, women play a predominant role both in the maintenance of cultural values and in the social organization, given that they allow the consolidation of the ethnic group's future, providing the children with an education based on the indigenous Maya Ixil worldview, which is the basis of the culture's subsistence. The physical appropriation of women through acts of violence, whether or not they are killed, constitutes an act that demoralizes both men and women, and constitutes one of the aspects that contributed to undermining the foundations of their identity

and of the physical reproduction of the members of the Maya Ixil ethnic group.

73) As a result of the military strategy against the non-combatant civilian population belonging to the Maya Ixil ethnic group, this group was seriously affected. During the internal armed conflict, members of the Army of Guatemala, military commissioners, and members of the civil self-defense patrols caused:

73.1) The death of thousands of people of the Maya Ixil ethnic group located within the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.

73.2) The [forced] displacement of at least 29,000 people belonging to the Maya Ixil ethnic group within in the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.

73.3) The rape of at least 41 young girls, women and elderly women who denounced such acts, and innumerable victims who suffered these acts before being executed or who have not been willing to testify given women's status in the culture of Maya Ixil ethnic group.

73.4) Children transferred to other cultures, although the number of children who were even offered or taken for adoption by members of the Army has not yet been established.

73.5) Attacks, persecution, sieges, and bombardments against the communities where the members of the Maya Ixil ethnic group lived or took refuge, as well as the occupation of sacred places, such as those located in the Sumal mountain.

74) The actions carried out by the accused José Efraín Ríos Montt during his term of office contributed to putting into practice acts that caused a significant destruction of the Maya Ixil ethnic group.

75) All the aforementioned military operations conducted against the Maya Ixil ethnic group could be undertaken because the accused José Efraín Ríos Montt created the conditions for the allocation of regular troops and special forces, as well as armament, food, Guatemalan Air Force aircraft, and other resources that were required for their implementation.

76) The implementation of the strategy authorized by the accused José Efraín Ríos Montt, as well as the approval, supervision of its implementation, and allocation of resources for the implementation of the strategic and operational plans, resulted in numerous violations of the rights of the non-combatant civilian population, committed by members of the Army of Guatemala under his command.

77) It has been established that during the aforesaid operations, torture and cruel and inhuman treatments were inflicted, and looting, burning and destruction of houses, schools [and] churches took place. Additionally, the physical integrity of the non-combatant civilian population that belonged to the Maya Ixil group was threatened during those operations.

78) During such attacks, members of the Army of Guatemala, under his command, stole personal property, clothes, work tools, and livestock, and used sexual violence as a "weapon of war," which is considered torture under International Law insofar as [*such acts*] were perpetrated repeatedly and for a long period of time, as the women were under the control of others, in this case the members of the Army of Guatemala. These actions, taken as a whole, were aimed at consolidating the result of the military operations within the framework of the counterinsurgency strategy.

79) That the accused José Mauricio Rodríguez Sánchez, in his capacity as Chief of the Second Division of the Army General Staff, later National Defense General Staff, held office during the period between March 23, 1982 and July 31, 1983, during the time that he held that office, contributed to designing, implementing and supervising military intelligence within his functional area.

....

Documentary Evidence:¹³

The following documents are considered to be of probative value for the following reasons:¹⁴

...

670. Certified Photocopy dated the 2 of September, 2011, of the Countersubversive War Manual. It is ascribed probative value for the following reasons:

- A) It contains guidelines and instructions for countersubversive war[fare].
- B) Chapter eleven details the reasons, missions and combat operations of the fight against guerrilla groups.
- C) It specifically contains the operational and logistical plans used for countersubversive war.
- D) The existence of this Countersubversive War Manual allows us to establish that the policy, guidelines, objectives and activities were described in detail, which allows us, the Judges, to objectively determine the existence of prior planning [that] was applied to a population that they regarded as subversive.

¹³ [Translators' Note: Page 588 of original judgment.]

¹⁴ [Translators' Note: Pages 649-661 of original judgment.]

671. Certified Photocopy dated the 9 of March, 2009, which contains [the] Victoria 82 Military Plan dated the 16 of June, 1982 of the Army of Guatemala. The aforementioned Plan and described Annexes are ascribed probative value for the following reasons:

A) The Victoria 82 Plan states as its objectives the classification of the population, the elimination of the subversives that could not [*sic*] lay down their weapons, [and] the annihilation of the local clandestine committees.

B) It mandates the militarization of the people, as well as the use of psychological operations in order to change their way of thinking; networks of informants and daily indoctrination are [also] organized.

C) It provides for the formation of patrols, [the establishment of] checkpoints and [the conduct of] census. The commandos had to report the information [*sic*] every fifteen days.

D) We find the distribution list among the Annexes, which provides for the distribution to the President of the Republic and Commander in Chief of the Army, a relevant fact because it allows us to establish that the accused José Efraín Ríos Montt, was aware of [the existence of] the aforementioned Plan. Furthermore, Annex "C", III Implementation, first phase, provides for the Sunday messages of the honorable President of the Republic, which means that these messages were part of the preconceived Plan.

E) Moreover, the participation of the Ministries and the activities assigned to each one of them are established as part of the same plan. When Annex F of the Victoria 83 Operational Plan [*sic*] refers to the Enemy Forces' Situation, it acknowledges the existence of large masses of indigenous people in the nation's high plateau, the scarcity of land, the immense poverty, as well as the vandalism, rapes, thefts [and] destruction of crops committed by the army.

F) The orders and rules of conduct shown in Annex H were issued by the Commander in Chief of the Army and incorporated by the Army General Staff into the Victoria 83 Plan.

G) It allows us to establish the Military Plan and delimitation of the areas of operational responsibility of the Military Brigades, Zones, Bases and Commandos of the Army of the Republic of Guatemala.

H) It determines the existence of Irregular Forces and the intent to eliminate whoever was regarded as an internal enemy or a subversive.

I) The countersubversive operations are described in detail, including the destruction of subversive elements, control of the roads and control of the population.

J) It describes how the military zones and bases operated in each department.

K) It allows us to establish that all there was a constant exchange of information among all the commands, which leads us to the conclusion that the accused José Efraín Ríos Montt, as *De Facto* Head of State and Commander in Chief of the Army, received information of what was happening in the Ixil area.

L) It allows us to determine the participation of the accused in the events that are attributed to him.

672. Certified Photocopy dated the 9 of March, 2009, which contains the Firmeza 83 Military Plan. It is ascribed probative value for the following reasons:

A) The Firmeza 83 Plan provides the guidelines for the purpose of preventing the potential emergence of subversive organizations. [It] includes the isolation of the subversive criminals among the military strategies, so that they can be eliminated by means of tactical operations.

B) [It] includes among its objectives the statements of the Victoria 83 Military Plan, as well as the achievement of the physical and psychological control of the population, in addition to the enemy's neutralization and elimination by means of tactical operations.

C) Within this plan it is stated that each military command will determine how it will operate in its area of responsibility, in accordance with their respective intelligence [reports] and situation. The commander is responsible for all tactical and logistical aspects.

D). The Firmeza 83 Plan provides that [*sic*] every fifteen days.

E) Among the military strategies, it provides for the organization of the population into civil self-defense patrols, the control of the territory and of the population

F) It provides for air support, through the Joint Operations Center of the Army General Staff, having as an alternative the Communications Center of the Guatemalan Air Force.

G) In addition, Appendix One of Intelligence observes that "in the mountains of the national high plateau there are also nomadic refugee camps, which are controlled, mobilized and politicized," which confirms the statements of the expert witnesses Rosada Granados and Oglesby, and of the witnesses who testified as to how they fled to the mountains.

H) It contains [a description of] the combat organization in connection with the subversion.

I) It describes the countersubversive operations [aimed at achieving] security, [waging] ideological war and developing the military commands in their respective areas, in order to locate, capture and destroy groups that were regarded as internal enemies or subversive.

J) It explains in detail the implementation and objectives set in the plan, including how to exert pressure on the civil defense organizations in rural and urban areas [and also how to exert] physical and psychological control over the populations, in order to isolate the subversive criminals so that they can be eliminated by means of tactical operations.

K) It contains the guidelines and activities to be carried out at each base, Air Force, Tactical Group, General Staff and by any other military services, specifically for each department of the Republic of Guatemala.

K [*sic*] It also contains the coordination instructions that existed between the various military entities.

L) It contemplates the Psychological Operations Plan that were to be applied depending on which population group was targeted.

M) It determines the intelligence strategy to follow and identifies the groups regarded as enemies, which meant that at a given time it was believed that the civilian Ixil population was helping the guerrilla movement.

673. Photocopy of a document referred to as Civil Affairs Assessment (G-5) for the Ixil Area, published in the Military Review dated the September - December 1982. It is ascribed probative value for the following reasons:

A) It includes a map of the Ixil area, which allows us to locate the regions of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.

B) It describes the military actions conducted in the Ixil region.

C) It is also useful in order to determine the existence of the Finca San Francisco, to which several witnesses have made reference.

c *[sic]* It allows us to establish that [the Ixils] were a peaceful civilian population, as it is thus acknowledged in the aforesaid military review.

D) It also allows us to determine the economic activity of the Ixil region.

E) Reference is made to the enemy, which is consistent with the Military Plans that have been analyzed.

f) It mistakenly acknowledges that fifty percent of the population cooperated with the enemy in espionage activities.

G) It also allows us to establish that the study of the Ixil population was carried out because they believed that the former was in communication with the enemy.

674. Photocopy of a document referred to as Ixil Operation – Civil Affairs Plan for the Ixil Area, published in the Military Review dated September – December, 1983. It is ascribed probative value for the following reasons:

A) It allows us to determine that even though it mentions the respect of the Ixil identity, this was not done in practice.

B) It shows that the President of the Republic ha[d] access to the information concerning the Ixil [Operation].

C) It shows in detail everything referring to the Ixil population.

D) It also allows us to establish the existence of military elements, such as specialized technicians in public agencies, such as the IGSS, INGUAT, INTECAP, and so forth.

E) It describes the geographic location [and] the historical and ethnic situation of the Ixil region, which allows us, the Judges, to establish that there was a prior planning in the course of which the subjects to be attacked were studied, in this case the Ixil population, given that the number of Ixils was determined beforehand, which at the time, according to the report itself, was approximately 50,000 [people], i.e., 92 percent of the population living in Nebaj, Cotzal and Chajul.

F) In the same report, it is acknowledged that the Ixils themselves were a population that was reluctant to cooperate with the *ladino* (Spanish-speaking dominant group) authorities, which confirms the statements of the expert witnesses Marta Elena Casaus Arzú, Valdez Estrada, Elizabeth Ann Oglesby, Marco Antonio Alvarez Bobadilla and the witness Beatriz Manz.

G) It also allows us to confirm that the Ixils were dedicated to agriculture.

675. Authenticated photocopy of the document referred to as Operational Plan "Sofía" dated 15 July to 19 August, 1982. It is ascribed probative value for the following reasons:

- A) The Sofia Plan provides for the extermination of subversive elements as part of its mission.
- B) It gives instructions so that the paratroopers and helicopters arrive at Palop, Parramos and other settlements in order to conduct offensive operations.
- C) It is important to examine the coordination instructions, [which] state that “the lives of women and children must be respected, to the extent possible,” which left open the possibility of killing these elements of the population, given that the instruction should have provided for a complete prohibition in order to defend and protect the civilian population, which did not happen in this case.
- D) Among the documents accompanying the Sofia Operation Plan [*sic*] there are telegrams establishing that children were captured [and] were taken to the detachment.
- E) The telegrams also reported that the control of the population ha[d] been obtained and that the mission ha[d] been accomplished.

676. Photocopy of the National Security and Development Plan, dated the first of April, 1982. It is ascribed probative value for the following reasons:

- A) It allows us to ascertain the historical, economic, political and social situation of Guatemala in 1982.
- B) Such Plan was developed by the *De Facto* Governing Military Junta in 1982.
- C) It determines the actions to be immediately implemented, including the increase of the intelligence effort and control of the population, as well as control of the subversion.

677. Uncertified photocopy of the Firmeza 83 Military Plan-I. It is ascribed probative value for the following reasons:

- A) It determines the existence of the Ixil area, as the geographical area where the Firmeza 83 Military Plan was to be applied.
- B) It contains [a description of] the combat organization in connection with the subversion.
- C) It describes the countersubversive operations [aimed at achieving] security, [waging] ideological war and developing the military commands in their respective areas, in order to locate, capture and destroy groups that were regarded as internal enemies or subversive.
- D) It explains in detail the implementation and objectives set in the plan, including how to exert pressure on the civil defense organizations in rural and urban areas [and also how to exert] physical and psychological control over the populations, in order to isolate the subversive criminals so that they can be eliminated by means of tactical operations.
- E) It contains the guidelines and activities to be carried out at each Base, Air Force, Tactical Group, Police Force, General Staff and by any other military services, specifically for each department of the Republic of Guatemala.
- F) It also contains the coordination instructions that existed between the various military entities.

- G) It contains the Psychological Operations Plan that was to be applied depending on which population group was targeted.
- H) It allows us to determine that there actually was an ideological confrontation and subversive groups.
- J [*sic*] Annex K describes in detail [everything] relating to the preparation, implementation and reaction of the elements of the patrols during the operations against the guerrilla groups.

678. Photocopy of the General Staff Officer Manual, developed [*sic*] when the enemy is detected, [they are] to be pursued until [their] capture or destruction. [It] establishes a duty to send periodic reports on the operations to the Center for Military Studies for training purposes, [addressed to the] Center for Military Studies, Army of Guatemala. It is ascribed probative value for the following reasons:

- A) It describes the doctrine, organization and procedures of the General Staff.
- B) It contains the manual for the assessment of plans, orders and reports of the General Staff.
- C) It contains the Army's basic administrative principles in order to accomplish its mission.
- D) It allows us to establish that there [was] organization and control of the operations to be conducted.
- E) It allows us, the Judges, to establish that the Army operate[d] in an organized manner, by establishing its organization, missions, activities and purposes to be accomplished.
- F) It presents organizational charts of the General Staff and allows us to establish its hierarchical manner of operation, starting with the Commander in Chief, who is shown within the Executive [Branch]; for which reason we the Judges are certain that the accused José Efraín Ríos Montt, as Commander in Chief of the Army, was aware of everything that was happening in the national territory, given that he was at the apex of the power [structure] of the State.
- G) It presents us with an analytical and functional study of the structure of the Guatemalan Army.
- H) It determines the methodology and strategies to be followed by each of the military institutions.
- I) It sets out the tasks of intelligence and counter-intelligence.
- J) It points out the tactical operations to follow in specific situations.
- K) It shows in detail the activities assigned to each of the sections that make up the Army of Guatemala.
- L) This report is so comprehensive that it even includes summaries and weather studies, which we the Judges believe were used in order to evaluate the performance of the mission.
- M) They [*sic*] contain a study to determine the effects of the area of operations over the general courses of action that might be adopted by both the enemy and their own forces.
- N) It allows us to establish that an analysis [was] conducted and prepared in order to receive the mission and the analysis of the area of operations,

and that it even reevaluate[d] the actions [already] adopted. For this reason, we the Judges, applying the principles of Sound Legal Reasoning, are certain that the attacks against the inhabitants of the Ixil region were previously planned, without regard to the fact that they were a non-combatant civilian population.

O) It allows us to establish the participation of the accused José Efraín Ríos Montt in the facts that are attributed to him.

679. Report of the National Institute of Statistics, dated the 4 of November, 2010, which contains population and statistical information. It is ascribed probative value for the following reasons:

A) It contains information concerning the census conducted, based on the censuses of 1973, 1981 and 1994, of the municipalities of Santa María Nebaj, San Gaspar Chajul and San Juan Cotzal, all of them of the department of El Quiché, [including] statistical information regarding the total population by sex in each area; total population in each area by ethnic group; total population by gender and age groups; [and] total [number] of dwellings.

B) It establishes the population's number, ethnic group, gender, age, populated places, characteristics [and] literacy rates for the years between 1982 and 1983, which are included within the aforementioned [period].

C) It is useful in order to know the profile of the inhabitants of the municipalities of Santa María Nebaj, San Gaspar Chajul and San Juan Cotzal.

D) It allows us to determine that the inhabitants of those municipalities, villages and hamlets were [members of] a non-combatant civilian population and belonged to the Ixil ethnic group.

680. Expert Opinion Regarding Patterns [of Behavior] that Constitute Acts of Genocide Pursuant to International Case Law, prepared by Juan Ernesto Méndez. It is ascribed probative value for the following reasons:

A) It describes the crime of Genocide and its importance at the international level.

B) It presents the objective and subjective elements that make up this crime.

C) It is a study of case law that shows comparative [law] aspects concerning the Crime of Genocide.

681. Technical Military Expert Opinion of the Sofía Operations Plan, prepared by Restituto Valero Ramos. It is ascribed probative value for the following reasons:

A) It describes the structure of the Sofía Operations Plan.

B) It defines the missions of the Gumarcaj Task Force, in 1983.

C) It allows us to establish the manner in which the National Security Doctrine was applied in Guatemala, mainly in the Ixil region.

D) It shows the role that the accused José Efraín Ríos Montt played in the Coup d'État of 1982.

E) It makes a detailed study of the Ixil Operation.

- F) It presents an analysis of the Victoria 82 and Firmeza 83 Plans.
- G) The expert opinion allows us to determine that the Plans and Operations carried out by the accused José Efraín Ríos Montt established three phases: 1) Selective repression and collection of information. 2) Total destruction phase, and 3) Development phase. We the Judges take into account this circumstance in order to establish the intent of the accused Ríos Montt when trying to destroy the Ixil population.
- H) The intent to annihilate the local Clandestine Committees and the enemy's permanent units is confirmed.
- I) The expert opinion allows us to establish that when the accused Ríos Montt concentrated all the powers of the State in his hands, he did so in order to implement his plans, which included the elimination of the Ixil people.
- J) The expert opinion explains the procedure that was used in order to develop the Sofía Operations Plan.
- K) It contains an analysis of the work carried out by the Gumarcaj Task Force.
- L) It examines the mission, objectives, tactics and procedures that were used.
- M) The report specifically describes the actions and procedures used in order to attack the populations, which follow the same patterns of behavior that were systematically applied in all the villages of the Ixil area.
- N) It allows us to establish that the indigenous population was classified in the Sofía Plan as an enemy, which explains the massacres perpetrated in that area.
- Ñ) The expert opinion also allows us to determine that the missions carried out by the Army was [*sic*] not based on real premises, but rather that they were searching for the internal enemy.
- O) It performs a study of the guerrilla movement and the local Clandestine Committees.
- P) It contemplates the elimination of the indigenous Mayan groups, specifically in the Ixil area.
- Q) It allows us to establish that the local clandestine committees were made up of [members of a] non-combatant civilian population, given that they bore no weapons, [and] consequently they could not be regarded as military objectives.
- R) It confirms the persecution into the mountains, the violent deaths, destruction of food sources, burning of houses and crops, killing of livestock, destruction of shelters, raping of women, tortures and executions.
- S) The expert opinion confirms the testimony of the witnesses proposed by the Office of the Government Attorney and the organizations acting as Co-Plaintiffs, as well as other expert opinions on the topic, which have already been analyzed.
- T) The expert opinion allows us to determine the participation of the accused José Efraín Ríos Montt.
- U) This same expert opinion allows us, the Judges, to acquit the accused Jose Mauricio Rodríguez Sanchez.
- V) It allows us to establish that the accused José Efraín Ríos Montt had

ordered a shipment of helicopters from the United States of America during that time.

W) The expert opinion describes the conduct of the operations [providing] specific dates, villages and identifying the perpetrators who conducted them.

X) It describes the places where bombardments, massacres, tortures, forced disappearances [and] rapes took place, which specifically coincide with the events described in the indictment.

Y) It describes the actions of the accused José Efraín Ríos Montt after the Military Coup of the 23 of March, 1982, his participation in the Governing Military Junta, [and] his self-appointment as *De Facto* President of the Republic.

Z) The expert opinion also allows us to conclusively determine the participation of the accused José Efraín Ríos Montt in the crime of Genocide and Crimes Against Humanity.

A.1) According to the expert opinion, the experience and subject-matter knowledge can be established by the expert witness Restituto Valero Ramos.

682. Photocopy of the National Security and Development Plan, dated the first of April, 1982. It is ascribed probative value for the following reasons:

A) It allows us to know the historical, economic, political and social situation of Guatemala in 1982.

B) The aforesaid Plan was developed by the *de Facto* Governing Military Junta in 1982. e) It determines the actions to be immediately implemented, including the increase of the intelligence effort and control of the population, as well as control of the subversion.

683. Expert Report, dated the 23 August, 2010, submitted by Nelson David Cifuentes Rodas. It is ascribed probative value for the following reasons:

A) It describes the projectile fragments and metallic pieces that have been analyzed.

B) It corroborates the testimony of the witnesses who made reference to the shooting of relatives.

C) It presents each of the projectile fragments and metallic pieces that have been analyzed in detail.

....

V). Criminal Liability of the Accused and Specification of Charges¹⁵:

One of the ways to place ourselves in the historical context of the events that are being tried is to acknowledge that there was an armed conflict in Guatemala that lasted from 1962 to 1996 a period during which the National Security Doctrine was applied. The coup d'état led by General José Efraín Ríos Montt took place within this period, on the 23 of March, 1982.

¹⁵ [Translators' Note: Pages 682-703 of original judgment.]

In the Ixil area, in the villages and hamlets (caseríos) of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul, there were violent human deaths [and] rapes, and villages were razed, all of which caused the [forced] displacement of the Maya Ixil group, [who fled] in order to save their lives. Military installations and camps were set up, in which they were forced to join the civil self-defense patrols. The civilian population was given new forms of government. On the basis of this context of Guatemala's recent historical past, [as] compiled by the Historical Clarification Commission (Comisión de Esclarecimiento Histórico), and also by the Recovery of Historical Memory Report (Informe de Recuperación de la Memoria Histórica), we the Judges make the following analysis:

A. The Crime of Genocide

[In the] testimony and expert opinion of Doctor ELIZABETH ANN OGLESBY, she explained that after analyzing the Victoria 82 Military Plan, she determined that in 1982 the objective was to destroy the clandestine committees, not just the guerrilla movement, and that the civilian population had been annihilated because it was believed that the Ixil population was the guerrilla's support base, which is why the army came to regard the civilian population as an internal enemy, [and] contemplated the extermination of the population, which resulted in the indiscriminate massacres in the Ixil area, the raping of women, young and old, bombardments, the burning of houses and crops and the killing of livestock. According to the statements of the expert witness OGLESBY, there was destruction of the social and cultural environment of the Ixils, who were regarded as rebels, a difficult people that did not submit to the *ladinos* (the dominant Spanish-speaking group), [and therefore] they were stigmatized in order to annihilate them. In her ample expert opinion she pointed out that in the Firmeza 83 Military Plan, the army saw these populations as subversive and hostile. Therefore the army did not differentiate between the civilian population and armed contingents, and commenced a strategy of persecution. The objective of the Firmeza 83 Military Plan [was] physical and psychological control[:]; it provide[d] for the destruction of settlements and their crops, [thus] depriving the population of their food sources. It has been determined that the Military High Command made Plans that resulted in the use of airplanes and helicopters in order to destroy them, which led to the pursuit of people into the mountains, thereby affecting the most vulnerable [population]. In the implementation of the Sofía Plan, hunger was used as a strategy of the army, [and] the Ixil cultures were criminalized, forcing the population to stop wearing their traditional costume, carrying out a militarized repopulation exemplified by the model villages, where patterns of militarization, submission and forced participation in the civil self-defense patrols were practiced. From the year 1983, [the Army] sought to create a new indigenous model. The expert witness OGLESBY clearly stated that in 1982 and 1983, there was an extermination of the Ixils, which she described as genocide. Being Ixil was criminalized, and the mere fact of belonging to this indigenous group

became a capital offence.

The testimony and expert opinion given by Doctor HECTOR ROBERTO ROSADA GRANADOS explains how the National Security Doctrine and the polarization between communism and capitalism came to be, [which] in Guatemala was understood as a way of defending the dominant elites, identifying anyone opposed as an “internal enemy” of the State. Within the context in March 1982, he presented the study of the structure of power and military behavior, explaining the changes that resulted from the coup d’état of [19]82, [and also] explaining how the confrontation of the people against the people came about, and how the civilian population was eliminated because it was deemed to be the insurgency’s base [of support]. His expert opinion allows us to understand how the Ixils were regarded as supporters of the guerrilla movement, [and how] starvation was used as a strategy, because they were identified as a population group that delivered food, support and information to the guerrilla movement. [This] was added to the problem of racism, with the process of human degradation that it engenders and which fractures the people’s identity. According to the testimony and expert opinion given by Doctor ROSADA GRANADOS, in Guatemala, in the region of El Quiché, the crime of genocide was systematically committed during the years 1982 and 1983, because there was an elimination of an ethnic group, which resulted in the group’s subjugation and their displacement, [and also] in massive repressive actions and indiscriminate massacres perpetrated against the Maya Ixil population, aiming at their annihilation, [thus] evidencing a pattern of genocidal aggression.

The anthropological and archaeological reports, which were ratified by the expert witnesses, allow us to establish the existence of clandestine cemeteries, which is proof of the existence of groups of people buried in individual or collective graves, [and] it has been determined that the majority of the skeletal remains that have been found have gunshot wounds in areas such as the head and thorax, which shows that they were first shot and then they were buried, thus confirming the statements of the witnesses, who declared how their relatives were massacred. These clandestine cemeteries are shown in the expert’s report submitted by the expert witness MARLON ERICK GEOVANNI GARCIA ARREAGA, showing the graves found in the vicinity of the Chel or Chajul rivers, [and] in which we can see that the skeletons in the graves show signs of perimortem violence, including complete rib fractures, head, jaw and neck wounds; [as well as] age markers [and] objects associated with ethnic provenance, which corroborates the statements of the people who gave testimony concerning their relatives’ deaths.

The testimony of the witnesses DIEGO CETO SANTIAGO, TOMAS CHAVEZ BRITO, PEDRO MELENDREZ RAYMUNDO, PEDRO BRITO BRITO, MARCOS POP SANCHEZ, PEDRO SOLIS CRUZ, SANTIAGO PEREZ LUX, JUAN PEREZ, JUAN LOPEZ MATON, PEDRO BRITO BRITO, MARCOS POP SANCHEZ, PEDRO SOLIS CRUZ, SANTIAGO

PEREZ LUX, JUAN PEREZ, JUAN LOPEZ MATON, PEDRO CHAVEZ BRITO, JACINTA RIVERA BRITO, DOMINGO RIVERA COBO, CATARINA SANCHEZ SOLIS, JUANA BERNAL VELASCO, MIGUEL GUZARO SANCHEZ, JACINCO BRITO CORIO, SEBASTIAN CEDILLO RAYMUNDO, JUAN LOPEZ CORIO, FRANCISCO CHAVEZ RAYMUNDO, MIGUEL RAYMUNDO COBO, GASPAR VELASCO, DOMINGO RAYMUNDO COBO, FELICIANA BACA, MIGUEL RAMIREZ MATON, CECILIA SANCHEZ SANCHEZ, GABRIEL DE PAZ PEREZ, FRANCISCO COBO RAYMUNDO, MAGDALENA DE PAZ CEDILLO, NICOLAS GUZARO CEDILLO, MAGDALENA BERNAL TERRAZA, JUAN RAYMUNDO MATON, PETRONA RAYMUNDO BRITO, PEDRO DEL BARRIO CABA, ANDRES LAINEZ CHAVEZ, JUAN SAJIC AGUILAR, JULIO LOPEZ CORIO RAYMUNDO, FRANCISCO OXLAJ GONZALEZ, ROSA CABA SANTIAGO, PEDRO BRITO, GASPAR COBO CARRILLO, PASCUAL BAUTISTA ESCOBAR, ELENA CABA IJON, MARIA BERNAL MORALES, ANTONIO CRUZ GALLEGO, JACINTO VELASCO CORIO, CLEMENTE VELASQUEZ MATEO, MAGDALENA MARCOS DE LEON, MARCELINO CASTRO, JULIAN VICENTE PASTOR, JUANA TIU TZOY, JUANA RAMIREZ DE LA CRUZ, MARIA CRUZ RAYMUNDO, DOMINGO RAYMUNDO RAYMUNDO, FRANCISCA CECILI BARRERA MENDEZ, DIEGO SANTIAGO CEDILLO, CIPRIANO ANTONIO BERNAL MORALES, NICOLAS BERNAL, ANA MATON RAMIREZ, JUAN CRUZ, TIBURCIO UTUY, JACINTO MARCOS RAYMUNDO, GASPAR GONZALEZ SANCHEZ, JUANA REYNOSO CHAVEZ, MARIA CEDILLO CEDILLO, MARGARITA RAYMUNDO MELENDREZ, FRANCISCO MATON, ANA DE LEON LOPEZ, TOMAS RAYMUNDO PEREZ, ALBERTO LOPEZ PASTOR, PEDRO PACHECO BOP, JACINTO LUPAMAC GOMEZ, FRANCISCO VELASCO MARROQUIN, MANUEL PEREZ DE LEON, JUAN LOPEZ LUX, ELENA BRITO, FELICIANA RAYMUNDO GONZALEZ, NICOLAS TOMA MATON, FRANCISCO GUZMAN RAMIREZ, CECILIA RAMIREZ RAYMUNDO, PEDRO CABA CASA, MARIA LOARCA RODRIGUEZ, confirm that there were violent deaths in the Ixil communities that were perpetrated by the army of Guatemala, and which led the survivors to flee to the mountains in order to protect their lives. It has also been established through this testimony that the inhabitants of those communities were indigenous people of the Ixil area, who were mostly *milpa*¹⁶ farmers.

The testimony of the witnesses proposed by the Office of the Government Attorney and the Co-Plaintiffs allow us, the Judges, to confirm that the violent incursions carried out by the Army followed the same patterns of behavior: violent killing of individuals with knives or firearms, burning of houses, even with people still inside; systematic and indiscriminate killing

¹⁶ Translator's Note: the "milpa" is an integrated cultivation system in which several crops are grown on the same parcel of land, usually including maize, beans and squash, among other food crops. It also has social and religious connotations for the Mesoamerican indigenous peoples.

of children, adults and the elderly, which terrorized those who managed to flee and survive in the mountains.

Also, after listening to the witnesses proposed by the Office of the Government Attorney and by the organizations acting as Co-Plaintiffs, we could see the pain of the victims, who knew of the death of their loved ones and were powerless to do anything to prevent it, their only remaining option being to flee into the mountains, where they took refuge. It is absolutely necessary to raise awareness of the fact that the people who fled to the mountains in the various regions of the area of Santa María Nebaj, San Juan Cotzal, and San Gaspar Chajul, became refugees, who suffered hunger, and that some people died because they could not survive [due to] the lack of food and medicine.

The testimony given by the Ixil women MAGDALENA BERNAL DE PAZ, ELENA DE PAZ SANTIAGO, ANA LOPEZ, ANA PACHECO RAMIREZ, MAGDALENA MATON RAYMUNDO, JUANA SANCHEZ TOMA, CARMEN TERESA PEREZ LOPEZ, MARGARITA RIVERA CETO, MARIA CAVINAL RODRIGUEZ, CECILIA BACA GALLEGO, ANA MATON and JUANA HERNANDEZ shows that they were raped by army soldiers, and the pain that they still experience when remembering the events is evident, given that when they were sexually abused they were subjected to physical and psychological violence, and according to the statement made by one of them, she was even raped by approximately twenty soldiers during the time when she was in lock-up. These statements conclusively show that raping of women by members of the army of Guatemala did take place. This is also corroborated by the testimony of the witnesses JULIO VELASCO RAYMUNDO, PEDRO HERRERA BERNAL and HUGO RAMIRO LEONARDO REYES, who stated that they had witnessed the rapes inflicted on women. And it is [further] confirmed by the expert opinion given by the expert witness PALOMA SORIA MONTAÑEZ, who clearly showed in her expert opinion that the attacks against women were systematic, as part of the strategy to destroy the Ixils. [This] attack included raping minors, pregnant women and elderly women. The expert opinion delivered confirms that rapes were committed on a continuous basis and contributed to the destruction of the social fabric; [the expert witness] explained that both the rapes and mutilations caused a trauma of terror [and] physical and cultural destruction with the objective of eliminating the Maya Ixil ethnic group, with particular emphasis on the violence and humiliation suffered by women. The expert witness described it as a serious sign of absolute dehumanization given that sexual violence was intentionally used, which is consistent with the Victoria 82 Military Plan. In her testimony and expert opinion she stressed the role of the Ixil woman, since women are responsible for physical human reproduction [as well as] for cultural reproduction. The foregoing leads us, the Judges, to understand that the decision to rape the women was not just meant to treat them as spoils of war, but also to destroy the social fabric and to achieve the elimination of the Ixil seed; therefore, the acts of sexual violence and methods used were means to destroy the group,

thus proving the intent to destroy the entire group. The raping of women is therefore objective evidence of the intent to destroy the Ixil group.

This analysis is supplemented by the testimony and expert opinion given by Doctor JAIME ROMEO VALDEZ ESTRADA, who informs of the systematic armed attack carried out by members of the army, affecting the social fabric of the Ixil communities, which were forced to take refuge in the mountains. In his expert opinion, Doctor VALDEZ ESTRADA states that when the Ixils were captured and forced to join the civil self-defense patrols, this contributed to altering their identity, causing rebelliousness, as well as cultural changes in order to survive and cope with the situation. In his ample expert opinion he shows that the situation of violence caused the destruction of the Maya Ixil culture. He describes how forced displacement violated their cultural rights, including the ability to bury their dead. He objectively shows how the violent attack against the victims and the destruction of corn, which is a sacred food, is one of the practices [employed] to break the will of the Ixil people. The historian didactically explains how the Ixil people's everyday relationships of coexistence were destroyed because the army came to regard them as military objectives, which explains that the armed conflict involved an organization, because [this] does not happen spontaneously. This historical expert opinion also serves to establish the pain that the Ixils experienced when they were uprooted and forced to abandon their land, their world and their customs, thus breaking the contact with their ancestors, in an attempt to deprive them of their cultural assets. Establishing that women were a military objective is a very important point of his expert opinion, and he concludes that pregnant women had their bellies opened to remove the babies, because they were "a seed that must be killed," a fact that we the Judges take into account because it objectively shows the intent to make the Maya Ixil group disappear by seeking to destroy the female role, because she is a life-giver who transmits community values [and] teaches basic life skills. We the Judges find it admirable how the Ixils have defended their cultural identity, even in the face of adversity, because it is clear that they were even forbidden to speak their mother tongue, which they have preserved as an element of cultural resistance against the cultural and military imposition to which they were subject. The historical expert opinion shows that the Ixils lived in deplorable social and economic conditions, in poverty, in exclusion, and because they wanted to change their living conditions they were labeled as "enemies," which led the army to try to change their mentality through violence. The term Ixil was even considered synonymous with being a guerrilla, thus stigmatizing the population of Ixil descent because of their language, dress and customs.

It is important to include in our analysis the expert opinion given by Doctor PATRICK DONELL BALL, who statistically demonstrated that from April of 1982 to July of 1983, the army killed 5.5 percent of the indigenous people in the Ixil area, [figures that confirm] the victims' testimony.

In examining each witness, we can find the physical and emotional trauma that all these persons have suffered, [and] which still persists, even after the passage of more than thirty years. We the Judges have [also] noticed their emotional scars, which are consistent with the psychological expert opinion given by the Expert Witness NIEVES GOMEZ DUPUIS, who explained in detail the traumas suffered by the victims of the massacres, the changes in the identity of the survivors as a result of the massacres, the torture, pain and terror that they were subjected to; [all of which are] circumstances that have affected their physical and emotional development. She also explained their unresolved grief at being prevented from burying their relatives and from performing their community's customary ceremonies. The expert witness explained in detail how the massacres that the Ixils had suffered engendered a culture of mistrust, family disintegration and lack of emotional security in the persons that survived the events. She explained the stigmatization [and] the physical and moral harm suffered by raped women. She highlighted the mental harm suffered by the people as a result of their displacement, given that they were uprooted and forced to leave their lives, their world, [and] their environment [behind]. They were violently forced to break their attachments. We the Judges believe that all of the foregoing were mechanisms used by the army in order to destroy the individuals, and the Ixil group as such. The expert opinion and testimony of the expert witness GOMEZ DUPUIS was useful in order to determine the existence of mental harm [sustained by] the victims, given that they were subjected to constant persecution, terror and extreme stress. They were forced to flee to the mountains and those who returned had to forcibly join the civil self-defense patrols, to live in military installations and model villages, where they were not allowed to express themselves freely. All the elements described by the expert witness allow the Court to establish that the people who survived the massacres suffered psychological injury, which have impaired their human development and the effects of which are still being felt and have even affected the victims' children, causing a generational damage, which explains the Ixil group's fight to rebuild their identity and the admirable need to create mechanisms of resistance, [thereby] preventing their ethnic group's cultural annihilation.

The testimony and report given by the expert witness MARTA CASAUS ARZU gives us elements to understand the conceptual difference between the terms discrimination and genocide, allowing us to understand the historical and sociological background of racism, from the 16th century to the 21st century. She explained the main stereotypes concerning indigenous people, showing why the indigenous people have been regarded as an inferior race. Her expert opinion also serves to confirm the raping of women during the war and to understand that the Ixils came to be seen as public enemies. The expert witness shows that there was intent to eliminate the group. The expert opinion is also useful in order to establish that racism was regarded as an extermination mechanism, given that racism is the basis for genocide. The expert opinion given by the expert witness CASAUS ARZU serves to establish that sexual violence is an expression of racism,

dehumanization and objectification of the women who are raped, which is confirmed by the testimony of the Ixil women themselves, who broke their silence and described the manner in which they were raped.

According to the expert opinion given by Doctor RAMON CADENA RAMILA, the Principles of Humanitarian Law were violated in the armed conflict that took place in Guatemala, given that no distinction was made between military objectives and the civilian population, causing superfluous and unnecessary damage; the Ixil population was attacked because it was regarded as an internal enemy, which caused the displacement of thousands of inhabitants, [and] which has been described as massive persecution.

We the Judges believe that in any human activity, when conducting a planning process, there is a prior motive, an objective to be achieved; ideas emerge in the course of human thought, they are [then] justified, and the activities leading to the achievement of the objectives are developed, determining to whom they are addressed, the methodology, the techniques and even the evaluation of results. And this, which can be applied to any area of knowledge, was also used and implemented in the Army's operational plans, identified as the VICTORIA 82 MILITARY PLAN, FIRMEZA 83 MILITARY PLAN AND SOFÍA PLAN, only it was done with the aim of destroying those that were regarded as ENEMIES, in the context of the armed conflict that took place in our country.

Upon examination, the objectives can be clearly found; for this purpose, it is important to analyze them in the following manner: THE VICTORIA 82 MILITARY PLAN states as its objectives the classification of the population, the eradication of the subversives that could not [*sic*] lay down their weapons, [and] the annihilation of the local clandestine committees. It mandates the militarization of the people, as well as the use of psychological operations in order to change their way of thinking; networks of informants and daily indoctrination are [also] organized. It provides for the formation of patrols, checkpoints [and] population census. The commandos had to report the information [*sic*] every fifteen days. We find the distribution list among the Annexes, which provides for the distribution to the President of the Republic and the Commander in Chief of the Army, a relevant fact because it allows us to establish that the accused JOSE EFRAIN RIOS MONTT, was aware of [the existence of] the aforementioned Plan. Furthermore, Annex "C", III Implementation, first phase, provides for the Sunday messages of the honorable President of the Republic, which means that these messages were part of the preconceived Plan. Moreover, the participation of the Ministries and the activities assigned to each of them are established as part of the same plan. When Annex F of the Victoria 82 Operational Plan refers to the Enemy Forces' Situation, it acknowledges the existence of large masses of indigenous people in the nation's high plateau, the scarcity of land, the immense poverty, as well as the vandalism, rapes, thefts [and] destruction of crops committed by the army. The orders and rules of conduct shown in Annex H were issued by the Commander in Chief of the Army and

incorporated by the Army General Staff into the Victoria 82 Military Plan. This is explained in detail in the expert opinion given by the expert witness QUILO AYUSO, where he summarizes the participation of General Efraín Ríos Montt, as President and Commander in Chief of the Army.

Likewise, the FIRMEZA 83 MILITARY PLAN provides guidelines for the purpose of preventing the potential emergence of subversive organizations. [It] includes among the military strategies the isolation of the subversive criminals, so that they can be eliminated by means of tactical operations. [It] includes among its objectives the statements of the Victoria 82 Military Plan, as well as the achievement of the physical and psychological control of the population, in addition to the enemy's neutralization and elimination by means of tactical operations. Within this plan it is stated that each military command will determine how it will operate within its area of responsibility, in accordance with their respective intelligence [reports] and situation. The commander is responsible for all tactical and logistical aspects. The FIRMEZA 83 MILITARY PLAN states that when the enemy is detected, it is to be pursued until its capture or destruction. [It] imposes a duty to send periodic reports on the operations every fifteen days. Among the military strategies, it provides for the organization of the population into civil self-defense patrols, the control of the territory and of the population. The air support, through the Joint Operations Center of the Army General Staff, having as an alternative the Communications Center of the Guatemalan Air Force [sic]. In addition, Appendix One of Intelligence observes that "in the mountains of the national high plateau, there are also nomadic refugee camps, which are controlled, mobilized and politicized," which confirms the statements of the expert witnesses ROSADA GRANADOS and OGLESBY, and of the witnesses who testified as to how they fled to the mountains.

The SOFÍA Plan provides for the extermination of subversive elements as part of the mission. It gives instructions so that the paratroopers and helicopters arrive at Palob, Parramos and other settlements to conduct offensive operations. It is important to examine the coordination instructions, [which] state that "the lives of women and children must be respected, to the extent possible," which left open the possibility of killing these elements of the population, given that the instruction should have provided for a complete prohibition in order to defend and protect the civilian population, which did not happen in this case. The documents accompanying the Operation Sofía Plan [sic] included telegrams establishing that children were captured [and] were taken to the military installation. The telegrams also reported that control of the population ha[d] been obtained and that the mission ha[d] been accomplished.

Following a logical train of thought, we find that there appears to be a correlation between the aforementioned Plans, given that the Victoria 82 Military Plan and Firmeza 83 enumerate the guidelines, the methodology [and] the strategy to follow, while the Operation Sofía Plan puts them into practice.

We the Judges believe that it is important to stress that the Army perpetrated these massacres through its actions [while] following the same pattern of behavior, which can be verified by the actions carried out in each community; [and] this is a very important fact, given that it shows the existence of prior planning and the fulfillment of such plans. Why do we say so? This is important because, as we have seen, the acts of violence carried out against the Ixils were not spontaneous, but rather the implementation of plans that had been previously developed [and] which were part of the State's policy aimed at eliminating a particular ethnic group. Because it is obvious that the military groups that arrived at each of the communities followed the same pattern of behavior: violent killing, burning of houses [and] destruction of the community; which, if compared to the guidelines given by the Victoria 82 Military Plan, Firmeza 83 and the Operation Sofía Plan, constitutes the practical implementation of those plans.

In performing a legal analysis of the crime of genocide and comparing it to the evidence produced during the oral arguments, we found that the testimony of the Ixil women and men [allowed us to] establish that indeed they belong to the Ixil ethnic group and that their communities were located in the areas of Santa María Nebaj, San Juan Cotzal, and San Gaspar Chajul, in the department of El Quiché. [It] has been conclusively shown that they were civilian populations, dedicated to agriculture. The evidence produced during the oral arguments, the testimony of the victims and the aforementioned expert opinions have [all] confirmed the partial destruction of an ethnic group, in this case, 5.5 percent of the Maya Ixil population. Members of the group were killed, as confirmed by the testimony of the surviving victims, who clearly stated how their relatives were killed, as well as by the anthropological and archaeological expert opinions showing the existence of multiple clandestine cemeteries.

The damage to physical integrity was confirmed by the testimony of the victims, mainly the women who were raped, and mental harm [confirmed] by the expert opinion provided by the expert witness GOMEZ DUPUIS, who analytically described all the harm caused to the victims. In our analysis, we have shown that children were moved from group to group, given that, according to the statements of the witnesses JACINTO LUPAMAC GOMEZ, TIBURCIO UTUY and JULIO VELASCO RAYMUNDO, the surviving children were taken to the military installations and were later relocated to other places, including the city, where they had no acquaintances and could not even express themselves in their mother tongue, thereby being denied their ability and freedom of expression.

Throughout these oral arguments, it has been objectively verified that the civilian population of the Ixil group that lived in the villages and hamlets of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul were victims of murders on a massive level, which constitute massacres, [as well as] torture, degradation, massive sexual violations, forced displacement [and]

moving of children from one group to another, in light of which we the Judges are absolutely convinced of the intent to cause the physical destruction of the Ixil group.

[It] has been determined that the elements of the crime of GENOCIDE as set forth in article 376 of the Criminal Code are found in the case being tried, given that there were killings of members of the group; serious damage to the mental or physical integrity of the members of the group, intentional exposure of the group to living conditions leading to their physical destruction, either total or partial; measures aimed at preventing births in the group, as well as forced displacement of children from one group to another, [all of] which has been supported by the evidence analyzed above.

The testimony and military expert opinion given by the Expert Witness RODOLFO ROBLES ESPINOZA allows us to establish that the members of the high command of the army had control over the events, and that in their position they could have stopped the actual attacks against the civilian population, the disappearance of the Maya Ixil group, and prevented impunity, as well as the violation of human rights. In his ample expert opinion, he shows that the State avowed the existence of an internal enemy, and [that there] were combat planning and control operations. [He] pointed out that, within an organization, the responsibility lies with the Chief of such military organization. In addition [he] explained that the implementation of the VICTORIA 82 MILITARY PLAN, which was applied in the Ixil area, followed the same patterns of behavior: violent deaths, razing of villages, burning of houses and crops, [all of] which forced people to move in order to save their lives, while others were forced to surrender to the army, due to hunger, and to join the civil self-defense patrols. The expert witness also showed that the FIRMEZA 83 MILITARY PLAN and the OPERATION SOFÍA PLAN were put into practice, [and] provided for periodic reporting of the military activities that were carried out, of which the members of the General Staffs were aware. [It is] clear that the members of the High Command had control over military power [allowing them] to implement the strategy; which is why they could have stopped its actual effects, which their subordinates were causing, in order to prevent the violation of human rights. Therefore, the responsibility in the high command went all the way up to the *De Facto* Head of State and Commander in Chief of the Army, at the time JOSE EFRAIN RIOS MONTT, who had active leadership and knowledge of everything that was happening.

Furthermore, it is worth mentioning that the second phase of the Plan, the Sunday messages, appears in Annex H of the VICTORIA 82 MILITARY PLAN, as a specific activity to be carried out by the then President of the Republic, which corroborates that the activity was indeed previously planned and followed the specific objectives that had been developed. In light of the foregoing, we the Judges believe that the accused JOSE

EFRAIN RIOS MONTT was aware of everything that was happening and didn't stop it, despite having the power to prevent its perpetration. [This was] in addition to being aware of the existence and implementation of the VICTORIA 82 [and] FIRMEZA 83 Plans and the OPERATION SOFÍA PLAN, which he authorized. [The expert witness] clearly stated that no plans can be implemented without the authorization of the Commander in Chief of the Army.

Command responsibility also exists, given that the Commander in Chief of the Army is the highest authority and the command is vested in him. [The expert witness] stated that there was a duty to prepare periodic reports on the operations, which allows us to establish that the highest military authorities were aware of the progress of the plans. In his ample explanation, the Expert Witness ROBLES ESPINOZA pointed out that a D2 or Director of Military Intelligence has no actual command authority, and as a result he cannot give orders to a military base, he cannot order the delivery of a detainee, he has no direct influence in the field of operations, and he cannot be held liable for any action. [He] explained that the Director of Intelligence has no responsibility because he has no actual command authority in the field of operations. [He also] explained that El Quiché belonged to the Twentieth Zone (*Zona Veinte*), which was assigned to the Gumarcaj Task Force.

We the Judges, by applying logic, psychology and experience as principles of sound legal reasoning, believe that it is logical to assume that the accused JOSE EFRAIN RIOS MONTT, as *De Facto* Head of State and Commander in Chief of the army of Guatemala, was aware of everything that was happening in the villages located in El Quiché, [as well as] of all the massacres that were being committed, and did not stop them, despite having the power to prevent their perpetration. Why do we say that he was aware? Because logically, if he was in command of the State of Guatemala, in his capacity as *De Facto* Head of State, he was aware of the plans developed in order to control the "red areas" (*zonas rojas*), where the guerrilla movement was believed to be [operating], which led them to implement the Victoria 82 [and] Firmeza 83 Plans and the Operation Sofía Plan, which clearly stated that it was necessary to obtain control over the population and to eliminate the "internal enemy." Needless to say, in reality this was not restricted to planning statements, but rather, the plans were [actually] implemented because, as the testimony of the witnesses have allowed us to confirm, villages were razed, houses were burned and people were killed. It would be illogical to think that the then *De Facto* Head of State, JOSE EFRAIN RIOS MONTT, was not aware of what was happening in the villages of El Quiché, when the witnesses themselves state that airplanes and helicopters came to bomb the population. Because, as the expert witness JOSE LUIS QUILO AYUSO affirmed, General JOSE EFRAIN RIOS MONTT was the Commander in Chief of the Army, [and the expert witness] confirmed that in effect Plans are authorized by the President of the Republic and Commander in Chief of the Army and were

developed by the Director of Military Intelligence. The expert witness clearly stated that the Victoria 82 Military Plan, in Article 3.II, provides for the annihilation of the clandestine committees, which were community forces that attacked the population. One of the army's objectives [was] to recover the civilian population. In this expert opinion, [he] described the participation of General JOSE EFRAÍN RÍOS MONTT in the internal armed conflict, stating that it was he who gave the order to develop the National Security and Development Plan and ordered the development of the National Military Plan, which was called Victoria 82, thus showing that he not only ordered its development, but also that he was aware of it, and [that] of course he authorized its implementation, while also being aware of the massacres that took place, without having given [any] orders to stop them.

For all the reasons above, we the Judges believe that the behavior of the accused JOSE EFRAÍN RÍOS MONTT falls within the definition of the crime of GENOCIDE provided for in article 376 of the Criminal Code, as the main perpetrator, pursuant to article 36 paragraph 3 of the same statute, as a result of which he must be sentenced accordingly.

And concerning the accused JOSE MAURICIO RODRIGUEZ SANCHEZ, as Director of Intelligence of the Army, according to the statements of the expert witness ROBLES ESPINOZA, [who] stated that a D-DOS has no direct influence in the field of operations, and cannot be held liable for any action. [The expert witness] explained that the Director of Intelligence has no responsibility because he has no actual command authority in the field of operations, as well as the fact that each Military Command determines how it will operate in its area of responsibility, in accordance with their respective intelligence [reports] and situation. [Therefore,] we the Judges [decide] to acquit him of the crimes of which he is accused, pursuant to article 14 of the Constitution of the Republic of Guatemala and article 14 of the Criminal Procedure Code, which provide that when in doubt, the accused is to be acquitted.

B. CRIMES AGAINST HUMANITY:

We the Judges believe that the means of proof that we have analyzed prove that the inhabitants of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul belonged to the Ixil ethnic group, [that] they were persons dedicated to agricultural activities, and [that they] belonged to a civilian population that was attacked without offering resistance. [It] has been amply demonstrated by the historical, social and military expert opinions, as well as by the testimony of eyewitnesses, that the men, women, elderly people and children were subjected to inhuman treatment, [given that] they were removed from their houses, subjected to torture, a great number of women were raped, and the survivors were forced to flee to the mountains in order to save their lives. [This] shows that they were treated with extreme cruelty and brutal perversion. [It] has been demonstrated that the aim was

to cause the disappearance of the Ixil ethnic group.

We the Judges, in studying and laying out the actions of the accused JOSE EFRAIN RIOS MONTT, as proven by the evidence produced during the oral arguments, believe that the behavior of the accused JOSE EFRAÍN RÍOS MONTT falls within the definition of CRIMES AGAINST HUMANITY, as principal in the first degree, pursuant to articles 36 paragraph 3 and 378 of the Criminal Code, and that therefore he must be sentenced accordingly, given that as *DE FACTO* HEAD OF STATE, and COMMANDER IN CHIEF OF THE ARMY he had was aware [of the events], and [yet] allowed inhuman treatment to be inflicted upon the Ixil inhabitants of the villages and hamlets located in Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul,

Concerning the accused JOSE MAURICIO RODRIGUEZ SANCHEZ, given that his participation in the facts that are attributed to him has not been proved, in particular in light of the testimony given by the expert witness ROBLES ESPINOZA, who stated that a D-DOS has no direct influence in the field of operations, and cannot be held liable for any action [*sic*]. [He also] explained that the Director of Intelligence has no responsibility because he has no actual command authority in the field of operations, as well as the fact that each Military Commando determines how it will operate in its area of responsibility, in accordance with their respective intelligence [reports] and situation, we the Judges [decide] to acquit him of the crimes of which he is accused, pursuant to article 14 of the Constitution of the Republic of Guatemala and article 14 of the Criminal Procedure Code, which provide that when in doubt, the accused is to be acquitted.

Sentence to be Imposed: We the Judges, pursuant to article 5 of the Criminal Code, proceed to perform the analysis of the sentence to be imposed in the following manner:

A.1 The Minimum and Maximum Term of Sentence for the Crime of Genocide: Article 376 of the Criminal Code defines the crime of GENOCIDE, and provides for a term of thirty to fifty years in prison; within this range, we the Judges have chosen to impose a sentence of 50 years' imprisonment, not commutable.

A.2 Minimum and Maximum Term of Sentence for Crimes Against Humanity: Article 378 of the Criminal Code provides for a term of twenty to thirty years in prison; within this range we have chosen to impose a sentence of 30 years' imprisonment, not commutable.

The Court is aware that no human being lives for the entire number of years of the sentence that we are imposing, but we have applied the corresponding sentence in accordance with the law, because we cannot fail to note that a significant number of people were murdered in the multiple massacres perpetrated in the Ixil area, for which reason we cannot ignore the victims,

nor can we fail to discharge our duty.

B) Dangerousness of the Accused: The Court has no scientific evidence to determine the dangerousness of the accused.

C) Background of the Victims: The historical, social, military expert opinions, official records, and the witnesses' testimony have established that the inhabitants of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul belonged to the Ixil ethnic group, that they were peaceful, that they were dedicated to agriculture, and [that they were a] non-belligerent civilian population.

D) Background of the Accused: According to the statements of the Expert Witness QUILO AYUSO and the documentary evidence that has been produced, the accused JOSE EFRAIN RIOS MONTT, during the period between the 23 of March, 1982 and the eighth of August, 1983, was the COMMANDER IN CHIEF OF THE ARMY OF GUATEMALA.

E) Motive of the Crime of Genocide and of the Crimes Against Humanity: Based on the historical, social, and military reports, as well as the testimony of the witnesses produced by the Office of the Government Attorney and the organizations acting as Co-Plaintiffs, we have determined that the motive of the crime consisted of the action [*sic*] of systematically eliminating the Ixil ethnic group, the intention for which is evidenced by the massive murders, [which] constitute massacres, [as well as by] the torture, degradation, massive raping, forced displacement [and] moving of children from one group to another, in light of which we the Judges are absolutely convinced of the intent to cause the physical destruction of the Ixil group, given that they were regarded as the [support] base of the guerrilla movement, and consequently as "internal enemies" that had to be annihilated.

F.) Extent and Intensity of the Harm Caused by the Crime of Genocide and the Crimes Against Humanity: The harm caused is irreparable [and] the human lives that were lost in the massacres are beyond human understanding. The attitude of the accused JOSE EFRAIN RIOS MONTT is unfathomable; [despite] having full knowledge [of the events] as *DE FACTO* HEAD OF STATE and COMMANDER IN CHIEF OF THE ARMY OF GUATEMALA, he allowed the Army to carry out all those massacres, massive sexual violations, harassment, torture and the establishment of military installations where personal freedom was restricted. We cannot understand how the accused, [who] had the knowledge, power and opportunity to give orders to the army, [which was] at his command, would allow the civilian population of the Ixil ethnic group, who for the most part were dedicated to agriculture, to be massacred. The scope [of the deed] exceeds the death of the innumerable individuals who died, because it put families into mourning. And the execution of its inhabitants [was] aimed at the elimination of the entire Ixil population, with the exception of the survivors who could flee to the mountains, where they lived under

subhuman conditions, exposed to lack of food [and] medicine and to having to permanently remain in hiding in order to avoid capture.

Its intensity exceeds the limits, because, as proven through the psychosocial expert opinion given by the Expert Witness NIEVES GOMEZ DUPOIS, the relatives of the deceased are [still] affected by the events, [and] to date they [still] suffer posttraumatic stress. The Judges have noticed the witnesses' fear and pain when they appeared in court to give testimony, even though years have passed. In addition to the foregoing, we the Judges must state that acknowledging the Crime of GENOCIDE affects all Guatemalans, because in addition to causing damage to the victims in particular, and to their families, it has also damaged the social fabric of the Guatemalan people. We firmly believe that acknowledging the truth helps to heal the wounds of the past and [that] the pursuit of justice is a right of the victims, which also contributes to the strengthening of the rule of law in our country. [We] must raise awareness [so] that these kinds of events are never repeated, because the people of Guatemala want to live in peace, acknowledging our identity, our rich multicultural, multilingual [heritage] and the respect for the freedom of expression of our ideas.

G) Mitigating and Aggravating Factors: We the Judges do not find any mitigating factors, and the aggravating factors are already included within the definition of each of the offences.

The Motion Referring to the Non-Existence and Inapplicability of the Offence of Genocide: On the basis of its analysis of the crime of Genocide as defined in article 376 of the Criminal Code and of the participation of the accused as described above, the Court DISMISSES the Motion referring to THE NON-EXISTENCE AND INAPPLICABILITY OF OFFENCE OF GENOCIDE, brought by attorney FRANCISCO GARCIA GUDIEL, in light of the previous considerations.

Reparation for the Victims: Throughout the bench trials, we observed that when the witnesses tell what happened in their communities, and relate the manner in which their relatives died, they conclude with a cry for justice and a demand that these events are never repeated, which would perfectly fit with the Right to Truth, Justice and the Non-Recurrence of the Events, which are a Right of the Victims. [This is the] reason why the Court orders the provisions of moral reparation for the victims in the following manner:

Article 124 provides [as follows]:

Right to adequate reparation. The reparation to which the victim is entitled comprises the restoration of the right that has been affected by the criminal act, which starts with the recognition of the victim as a human being in all their aspects [and] as a rights-holder against whom a criminal act was committed, and all the available options for their social reintegration in order for to the victim to enjoy or make use of the affected right as soon as

possible, to the extent that such reparation is humanly possible, and if applicable, compensation for damages resulting from the commission of the crime; the exercise of this right will be governed by the following rules:

1. The claim for reparation can be brought during the criminal proceedings, once the judgment of conviction has been entered. The judge or court that renders the judgment of conviction, if there is a specific victim, will summon the parties and the victim or aggrieved party to the reparation hearing, which will be held within three days.
2. At the reparation hearing, the amount of the compensation, the restitution, and if applicable, the damages, will need to be established in accordance with the evidentiary rules, and a decision will be immediately rendered during the hearing.
3. The written ruling will include the reparation decision, the aforesaid criminal liability and the sentence.
4. Notwithstanding the foregoing, the victim or aggrieved party can petition the competent judge or court at any stage of the criminal proceedings to adopt precautionary measures in order to secure enough assets to cover the amount of the reparation.
5. The ruling on civil liability will be enforceable once the judgment of conviction becomes final and non-appealable. If a claim for reparation is not filed in these proceedings, the victim or aggrieved party retains the right to bring the claim through a civil action.”

In this case, the Court, pursuant to the aforementioned provision, as well as article 119 of the Criminal Code, and taking into account the experts’ reports and evidence produced during the oral arguments, UPHOLDS the ADEQUATE REPARATION requested by the Co-Plaintiffs and Civil Parties ASOCIACIÓN PARA LA JUSTICIA Y LA RECONCILIACIÓN and CENTRO PARA LA ACCIÓN LEGAL EN DERECHOS HUMANOS, as follows;

- a) Ordering that whoever holds the offices of president of the each of the branches of Government (Executive Branch, Legislative Branch and the Judiciary), Women’s State Secretariat, Minister of Governance and Minister of National Defense, in person and not through delegates, apologize to the women of the Maya Ixil People, for the acts of gender violence, including the acts of sexual violence committed against them as a result of the crimes of Genocide and Crimes against Humanity perpetrated against them during the internal armed conflict, in a ceremony to be held at: i) the National Palace; and, ii) at each of the seats of municipal government of Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul.
- b) Ordering that whoever holds the offices of president of each of the branches of Government (Executive Branch, Legislative Branch and the Judiciary), Minister of Governance and Minister of National Defense, in person and not through delegates, apologize to the Maya Ixil People, for the acts of Genocide and Crimes against Humanity committed against them

during the internal armed conflict, in a ceremony to be held at: i) the National Palace; and ii) at each of the seats of municipal government of Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul.

c) Ordering that the education authorities of the training centers for the military, police or any other state agency that performs prevention, intelligence and investigation activities offer permanent training on Human Rights and International Humanitarian Law. [Such courses] are to be addressed to all the personnel, so that in exercising their duties they “Never Again” commit acts against cultural diversity, the respect of human rights and International Humanitarian Law.

d) Ordering that whoever holds the offices of President of the Republic and Minister of National Defense deposit with the municipal governments of Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul a scroll bearing the apologies of the government and of the Army of Guatemala to the Maya Ixil People for the acts of Genocide and Crimes against Humanity committed against them.

e) [Ordering] that the Executive Branch builds a National Monument, as well as one in each of the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul honoring the victims of Genocide and Crimes against Humanity during the internal armed conflict, that serves as a visual reminder of the gender violence suffered by Ixil young girls and women, as well as that suffered by Ixil children.

f) Ordering that the Executive Branch, through the competent authorities, establish education centers for pre-school, primary school, secondary school, diversified secondary and university level at Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul.

g) That the Executive Branch, through the competent authorities, include in the National Reparations Program the category of Genocide and Crimes against Humanity, in order to give access to compensation.

h) That the Executive Branch builds in the Ixil region a Cultural Center for the rescue and promotion of cultural expressions, dedicated to the recovery of historical memory and the non-recurrence of acts against the freedom of thought and the cultural identity of the peoples.

i) That the Office of the Government Attorney, by means of a mural dedicated to the Maya Ixil People, reaffirm its commitment to contributing to a Justice System that is respectful of cultural diversity.

j) The Executive Branch must introduce a draft bill to the Congress of the Republic, so that an Act is passed ordering the commemoration of a National Day against Genocide on the 23 of March of each year.

k) That the Executive Branch develop a program for the dissemination of the contents of this Judgment through official and private media, aimed at the non-recurrence of the acts of genocide, the peaceful coexistence of the peoples and respect for cultural and linguistic identity.

l) That the Executive Branch, through the Ministry of Education and Culture, establish a Travelling Museum that promotes, both nationally and internationally, respect for the identity of peoples, peaceful coexistence and the non-recurrence of violations of the International Humanitarian Law and Human Rights. Concerning time limits, despite the fact that the Co-Plaintiffs have set deadlines for the performance of each of these activities, the Court believes that it is not possible to set a specific time limit for the achievement of each of the activities that have been envisaged and which the Court is approving by means of this decision, [given that it] requires taking several steps, both legal and logistical, and for budgetary reasons; therefore the Court does not establish a time limit for the performance of these activities; with the understanding that the interested parties, in this case the Co-Plaintiffs, will eventually ensure compliance therewith when the Judgment is enforced. We also expressly state that the State of Guatemala is not being condemned in any way, [and that] the reparation measures that have been accepted do not constitute a conviction of the State, but rather the use of the appropriate mechanisms to give effect to the victims' right to reparation.

Legal Situation of the Accused: Since the accused JOSE EFRAIN RIOS MONTT, is currently enjoying alternative measures, the measure decreed by the First Criminal Court of First Instance for Criminal Justice, Drug Trafficking and Environmental Crimes is revoked and his immediate detention is ordered, in order to guarantee the result of the proceedings, and in light of the nature of the crimes for which he has been convicted, his immediate imprisonment [is] ordered. Notices must be issued accordingly. Since the accused JOSE MAURICIO RODRÍGUEZ SANCHEZ is currently imprisoned, and for health reasons confined in a Hospital, he is to remain in the same legal situation until the ruling becomes final and non-appealable.

Continuation of the Investigation by the Office of the Government Attorney: The Court instructs the Office of the Government Attorney to continue the investigation against any other individuals who may have participated in the events being tried.

Court Costs: The accused is exempted from paying court costs.

Ruling: The court, on the basis of the foregoing, the invoked statutes and [the following] articles: Article 3 of the Geneva Conventions; 1, 2, 3, 4, 5, 6, 7 [and] 8 of the Convention on the Prevention and Punishment of the Crime of Genocide; Human Rights Treaties and Conventions; 7, 8 [and] 9 of the American Convention on Human Rights; 12, 46, 203 and 204 of the Constitution of Guatemala (*Constitución Política de Guatemala*); 1, 2, 9, 10,

20, 36, 41, 50, 65, 132, 376 [and] 378 of the Criminal Code; 1, 2, 3, 4, 5, 7, 11, 11 bis, 14, 15, 16, 17, 19, 20, 21, 24, 37, 40, 43, 48, 70, 71, 72, 92, 107, 108, 150, 160, 161, 162, 166, 169, 177, 181, 182, 186, 201, 202, 207, 211, 219, 220, 225, 226, 249, 298, 332 bis, 342, 354, 355, 356, 358, 359, 360, 362, 364, 366, 368, 369, 370, 372, 375, 376, 377, 378, 380, 382, 383, 385, 386, 387, 388, 389, 390, 392, 395, 396, 397 [and] 511 of the Criminal Procedure Code; 141, 14 [and] 143 of the Judiciary Act (*Ley del Organismo Judicial*).

In deciding, [the Court] UNANIMOUSLY DECLARES:

- I) The Motion referring to THE NON-EXISTENCE AND INAPPLICABILITY OF OFFENCE OF GENOCIDE, brought by the attorney FRANCISCO GARCIA GUDIEL, is DISMISSED in light of the foregoing.
- II) That the accused JOSE EFRAIN RIOS MONTT is liable as principal in the first degree for the crime of GENOCIDE committed against the life and physical integrity of the civilian inhabitants of the villages and hamlets located in Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.
- III) For the aforesaid crime they [*sic*] must be sentenced to FIFTY YEARS' IMPRISONMENT, NOT COMMUTABLE.
- IV) That the accused JOSE EFRAIN RIOS MONTT is liable as principal in the first degree for the CRIMES AGAINST HUMANITY committed against the life and physical integrity of the civilian inhabitants of the villages and hamlets located in Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul.
- V) For the aforesaid crime he must be sentenced to THIRTY YEARS' IMPRISONMENT, NOT COMMUTABLE.
- VI) The imprisonment sentences that have been imposed will be served by the accused at the Prison that the competent Criminal Enforcement Judge determines, pursuant to article 69 of the Criminal Code.
- VII) The accused JOSE MAURICIO RODRIGUEZ SANCHEZ is acquitted of the crimes of GENOCIDE AND CRIMES AGAINST HUMANITY, due to [the reasons] discussed above.
- VIII) Since the accused JOSE EFRAIN RIOS MONTT is currently enjoying alternative measures, the measure decreed by the First Criminal Court of First Instance for Criminal Justice, Drug Trafficking and Environmental Crimes is revoked and his immediate detention is ordered, in order to guarantee the result of the proceedings, and in light of the nature of the crimes for which

he has been convicted, his immediate imprisonment [is] ordered. Notices must be issued accordingly.

- IX) Since the accused JOSE MAURICIO RODRIGUEZ SANCHEZ is currently imprisoned, and for health reasons confined in a Hospital, he is to remain in the same legal situation until the ruling becomes final and non-appealable.
- X) The exercise of political rights by the accused is suspended for the term of the sentence.
- XI) The accused is exempted from paying court costs.
- XII) UPHOLDS the ADEQUATE REPARATION requested by the Co-Plaintiffs and Civil Parties JUSTICE AND RECONCILIATION ASSOCIATION and CENTER FOR HUMAN RIGHTS LEGAL ACTION, as follows;

a) Ordering that whoever holds the offices of president of the each of the branches of Government (Executive Branch, Legislative Branch and the Judiciary), Women's State Secretariat, Minister of Governance and Minister of National Defense, in person and not through delegates, apologize to the women of the Maya Ixil People, for the acts of gender violence, including the acts of sexual violence committed against them as a result of the crimes of Genocide and Crimes against Humanity perpetrated against them during the internal armed conflict, in a ceremony to be held at: i) the National Palace; and, ii) at each of the seats of municipal government of Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul.

b) Ordering that whoever holds the offices of president of each of the branches of Government (Executive Branch, Legislative Branch and the Judiciary), Minister of Governance and Minister of National Defense, in person and not through delegates, apologize to the Maya Ixil People, for the acts of Genocide and Crimes against Humanity committed against them during the internal armed conflict, in a ceremony to be held at: i) the National Palace; and, ii) at each of the seats of municipal government of Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul.

c) Ordering that the education authorities of the training centers for the military, police or any other state agency that performs prevention, intelligence and investigation activities offer permanent training on Human Rights and International Humanitarian Law. [Such courses] are to be addressed to all the personnel, so that in exercising their duties they "Never Again"

commit acts against cultural diversity, the respect of human rights and International Humanitarian Law.

d) Ordering that whoever holds the offices of President of the Republic and Minister of National Defense deposit with the municipal governments of Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul a scroll bearing the apologies of the government and of the Army of Guatemala to the Maya Ixil People for the acts of Genocide and Crimes against Humanity committed against them.

e) [Ordering] that the Executive Branch builds a National Monument, as well as one in each of the municipalities of Santa María Nebaj, San Juan Cotzal and San Gaspar Chajul honoring the victims of Genocide and Crimes against Humanity during the internal armed conflict, that serves as a visual reminder of the gender violence suffered by Ixil young girls and women, as well as that suffered by Ixil children.

f) Ordering that the Executive Branch, through the competent authorities, establish education centers for pre-school, primary school, secondary school, diversified secondary and university level at Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul. g) That the Executive Branch, through the competent authorities, include in the National Program also [*sic*] suffered by Ixil children.

f) Ordering that the Executive Branch, through the competent authorities, establish education centers for pre-school, primary school, secondary school, diversified secondary, and university level at Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul.

g) That the Executive Branch, through the competent authorities, include in the National Reparations Program the category of Genocide and Crimes against Humanity, in order to give access to compensation.¹⁷

h) That the Executive Branch builds in the Ixil region a Cultural Center for the rescue and promotion of cultural expressions, dedicated to the recovery of historical memory and the non-recurrence of acts against the freedom of thought and the cultural identity of the peoples.

i) That the Office of the Government Attorney, by means of a

¹⁷ Translator's note: text of f) and g) are repeated.

mural dedicated to the Maya Ixil People, reaffirm its commitment to contributing to a Justice System that is respectful of cultural diversity.

j) The Executive Branch must introduce a draft bill to the Congress of the Republic, so that an Act is passed ordering the commemoration of a National Day against Genocide on the 23 of March of each year.

k) That the Executive Branch develop a program for the dissemination of the contents of this Judgment through official and private media, aimed at the non-recurrence of the acts of genocide, the peaceful coexistence of the peoples and respect for cultural and linguistic identity. l) That the Executive Branch, through the Ministry of Education and Culture, establish a Travelling Museum that promotes, both nationally and internationally, respect for the identity of peoples, peaceful coexistence and the non-recurrence of violations of the International Humanitarian Law and Human Rights. Concerning time limits, despite the fact that the Co-Plaintiffs have set deadlines for the performance of each of these activities, the Court believes that it is not possible to set a specific time limit for the achievement of each of the activities that have been envisaged and which the Court is approving by means of this decision, [given that it] requires taking several steps, both legal and logistical, and for budgetary reasons; therefore the Court does not establish a time limit for the performance of these activities.

XIII) The Office of the Government Attorney is ordered to continue the investigation against any other individuals that may have participated in the events.

XIV) When the judgment becomes final and non-appealable, it shall be referred to the Criminal Enforcement Judge so that the pertinent entries and registrations are made.

DOCTOR IRIS YASSMIN BARRIOS AGUILAR
PRESIDING JUDGE

ATTORNEY PATRICIA ISABEL BUSTAMANTE GARCIA
JUDGE

MAGISTER PABLO XITUMUL DE PAZ
JUDGE

SONIA ELIZABETH PANIAGUA OCAMPO
CLERK

JUDICIARY
GUATEMALA, C.A.

Minutes of the Adequate Reparation Hearing

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2nd Court Clerk

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C-01076-2011-00015 2nd Court Clerk.

In the City of Guatemala, on the 13 May of year 2013, at 8:30, the First Criminal Court of First Instance for Criminal Justice, Drug Trafficking and Environmental Crimes, composed of Doctor IRIS YASSMIN BARRIOS AGUILAR Presiding Judge; Attorney PATRICIA ISABEL BUSTAMANTE GARCIA, and Magister PABLO XITUMUL DE PAZ, as members of the court; [and] MONICA ELIZABETH OCHOA DONIS AND KARIN ROXANNA URIAS GUTIÉRREZ, Appearing Witnesses, [all of whom] convene in the Courtroom of the Supreme Court of Justice, located at the Third level of the Palace of Justice.

With the aim of holding an **ADEQUATE REPARATION HEARING** within the proceedings identified in the heading, in which [the following] stand as Accused: JOSÉ MAURICIO RODRIGUEZ SANCHEZ and JOSE EFRAIN RÍOS MONTT, of the crimes of GENOCIDE AND CRIMES AGAINST HUMANITY.

ONE: DISCIPLINARY POWER AND VERIFICATION OF THE PARTIES:

The Presiding Judge, Doctor Iris Yassmin Barrios Aguilar, in the exercise of her disciplinary power, makes the legally mandated admonishments to those present herein. She verifies the attendance of the parties, with the presence on behalf of the Office of the Government Attorney of the Government Attorneys ELMER ALEX NOE YAT TENI AND AURA MARINA MANCILLA RODRIGUEZ, CO-PLAINTIFF AND CIVIL PARTY ASOCIACIÓN PARA LA JUSTICIA Y RECONCILIACIÓN through its Legal Representative BENJAMIN MANUEL JERÓNIMO and its MANAGING ATTORNEY SANTIAGO CHOC CUC, CO-PLAINTIFF AND CIVIL PARTY CENTRO PARA LA ACCION LEGAL EN DERECHOS HUMANOS through its court representative, ATTORNEY HECTOR ESTUARDO REYES CHIQUIN. THE ATTORNEYS CESAR SAUL CALDERÓN DE LEÓN, FRANCISCO JOSÉ PALOMO TEJEDA, AND OTTO HAROLDO RAMÍREZ VASQUEZ defense

attorneys of the accused JOSE MAURICIO RODRIGUEZ SANCHEZ; the ATTORNEY FRANCISCO GARCÍA GUDIEL, defense attorney of the accused JOSE EFRAÍN RÍOS MONTT, who states that the accused has been transferred to a Medical Center, pursuant to an order issued by Attorney CORI NOEMI AGUILON MARTÍNEZ, Justice of the Peace for Criminal Offences, sitting on rotation, in light of which he will be entrusted the representation of the accused in this hearing. The accused JOSÉ MAURICIO RODRIGUEZ SANCHEZ. It is recorded herein that only the accused José Efraín Ríos Montt was convicted in the judgment dated tenth of May of the year 2013.

TWO: PLEAS OF THE CO-PLAINTIFFS. The Managing Attorney of the Co-Plaintiff and Civil Party ASOCIACIÓN PARA LA JUSTICIA y RECONCILIACION, Lawyer SANTIAGO CHOC CUC, was given the floor and stated the reasons for the civil reparation as well as the measures requested on behalf of the victims, which were recorded in the corresponding Audio file. The Managing Attorney and Court Representative of the Co-Plaintiff and Civil Party CENTRO PARA LA ACCION LEGAL EN DERECHOS HUMANOS, Lawyer HECTOR ESTUARDO REYES CHIQUIN, was given the floor and stated the reasons for the civil reparation as well as the measures requested on behalf of the victims, which were recorded in the corresponding Audio file. The Government Attorney and the Defense Attorneys were given the floor and each of them put forth the arguments that they deemed appropriate.

THREE: THE COURT RULES: WHEREAS: Article 124 provides [as follows]: Right to adequate reparation. The reparation to which the victim is entitled comprises the restoration of the right that has been affected by the criminal act, which starts with the recognition of the victim as a human being in all respects [and] as rights-holder against whom a criminal act was committed, and also includes

all the available options for their social reintegration in order for the victim to enjoy or make use as soon as possible of the affected right, to the extent that such reparation is humanly possible, and if applicable, compensation for the damages resulting from the commission of the crime; the exercise of this right will be governed by the following rules:

1. The claim for reparation can be brought in the course of the criminal proceedings themselves, once the judgment of conviction has been entered. The judge or court that enters the judgment of conviction, if a specific victim has been identified, will summon the parties and the victim or aggrieved party to the reparation hearing, which will be held within three days.
2. At the reparation hearing, the amount of the compensation, the restitution, and if applicable, the damages, will need to be established in accordance with evidentiary rules, and a decision will be immediately rendered during the hearing itself.
3. The written ruling will include the reparation decision, the aforesaid criminal liability, and the sentence.
4. Notwithstanding the foregoing, the victim or aggrieved party can petition the competent judge or court at any stage of the criminal proceedings to adopt precautionary measures in order to secure enough assets to cover the amount of the reparation.
5. The ruling on civil liability will be enforceable once the judgment of conviction becomes final and non-appealable. If a claim for reparation is not filed in these proceedings, the victim or aggrieved party retains the right to bring the claim through a civil action.” In this case, the Court, pursuant to the aforementioned provision, as well as article 119 of the Criminal Code, and taking into account the reports of the experts and the evidence produced during the oral arguments, **UPHOLDS the ADEQUATE REPARATION** requested by the Co-Plaintiffs and Civil Parties ASOCIACIÓN PARA LA JUSTICIA y RECONCILIACIÓN and CENTRO PARA LA ACCIÓN

LEGAL EN DERECHOS HUMANOS, as follows:

a). Ordering that whoever holds the offices of president of each of the branches of Government (Executive Branch, Legislative Branch and the Judiciary), Women's State Secretariat, Minister of Governance and Minister of National Defense, in person and not through delegates, apologize to the women of the Maya Ixil People, for the acts of gender violence, including the acts of sexual violence committed against them as a result of the crimes of Genocide and Crimes against Humanity perpetrated against them during the internal armed conflict, in a ceremony to be held at: i) the National Palace; and, ii) at each of the seats of municipal government of Santa María Nebaj, San Juan Cotzal, and San Gaspar Chajul.

b) Ordering that whoever holds the offices of president of each of the branches of Government (Executive Branch, Legislative Branch and the Judiciary), Minister of Governance and Minister of National Defense, in person and not through delegates, apologize to the Maya Ixil People, for the acts of Genocide and Crimes against Humanity committed against them during the internal armed conflict, in a ceremony to be held at: i) the National Palace; and, ii) at each of the seats of municipal government of Santa María Nebaj, San Juan Cotzal, and San Gaspar Chajul.

c) Ordering that the education authorities of the training centers for the military, police or any other state agency that performs prevention, intelligence, and investigation activities offer permanent training on Human Rights and International Humanitarian Law. [Such courses] are to be addressed to all the personnel, so that in exercising their duties they "Never Again" commit acts against cultural diversity, the respect of human rights and International Humanitarian Law.

d) Ordering that whoever holds the offices of President of the Republic and Minister of National Defense deposit with the municipal governments of Santa María Nebaj, San Juan Cotzal, and San

Gaspar Chajul a scroll bearing the apologies of the government and of the Army of Guatemala to the Maya Ixil People for the acts of Genocide and Crimes against Humanity committed against them.

e) Ordering that the Executive Branch build a National Monument, as well as one in each of the municipalities of Santa María Nebaj, San Juan Cotzal, and San Gaspar Chajul, honoring the victims of Genocide and Crimes against Humanity during the internal armed conflict, that serves as a visual reminder of the gender violence suffered by Ixil young girls and women, as well as of the violence suffered by Ixil children.

f) Ordering that the Executive Branch, through the competent authorities, establish education centers for pre-school, primary school, secondary school, diversified secondary, and university level at Santa Maria Nebaj, San Juan Cotzal and San Gaspar Chajul.

g) That the Executive Branch, through the competent authorities, includes the category of Genocide and Crimes against Humanity in the National Reparations Program, in order to give access to compensation.

h) That the Executive Branch builds in the Ixil region a Cultural Center for the rescue and promotion of cultural expressions, dedicated to the recovery of historical memory and the non-recurrence of acts against the freedom of thought and the cultural identity of the peoples.

i) That the Office of the Government Attorney, by means of a mural dedicated to the Maya Ixil People, reaffirm its commitment to contributing to a Justice System that is respectful of cultural diversity.

j) The Executive Branch must introduce a draft bill to the Congress of the Republic, so that an Act is passed ordering the commemoration of a National Day against Genocide on the 23 of March of each year.

k) That the Executive Branch develop a program for the dissemination of the contents of this Judgment through official and private media, aimed at the non-recurrence of the acts of genocide, the peaceful

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coexistence of the peoples, and respect for cultural and linguistic identity.

1) That the Executive Branch, through the Ministry of Education and Culture, establish a Travelling Museum (*Museo Itinerante*) that promotes, both nationally and internationally, respect for the identity of peoples, peaceful coexistence, and the non-recurrence of violations of International Humanitarian Law and Human Rights.

Concerning time limits, despite the fact that the Co-Plaintiffs have set deadlines for the performance of each of these activities, the Court believes that it is not possible to set a specific time limit for the achievement of each of the activities that are envisaged and which the Court is approving by means of this decision, [given that it] requires taking several steps, both legal and logistical, and for budgetary reasons; therefore the Court does not establish a time limit for the performance of these activities[;] with the understanding that the interested parties, in this case the Co-Plaintiffs, will eventually ensure compliance therewith when the Judgment is enforced. We also expressly state that the State of Guatemala is not being condemned in any way, [and that] the reparation measures that have been accepted do not constitute a conviction of the State, but rather the use of appropriate mechanisms to give effect to the victims' right to reparation.

Articles: 203 and 204 of the Constitution of the Republic of Guatemala; 7,8, and 9 of the Convention on Human Rights; 11, 11bis, and 124 of the Criminal Procedure Code; 119 of the Criminal Code. The pertinent notices are made pursuant to article 169 of the Criminal Procedure Code.

FOUR: RECORDING OF THE HEARING: It is expressly stated that the hearing has been recorded in its entirety on a CD, a copy of which is delivered to the parties. Concluded at ten fifteen [in the morning], and which having being read [aloud] by
[text ends]