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Guatemala's Historical ClarificationCommission

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Guatemala's Historical Clarification Commission: An Actor-based Analysis of Effectiveness

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In the Latin American country of Guatemala, the latter half of the twentieth century signified a tumultuous period of conflict and dictatorship that left all sectors of the nation in shambles following the end of the Cold War and subsequent emergence of democratization as a widespread phenomenon. What has been characterized as a thirty-year civil war ended in 1994, with the introduction of peace talks between the Guatemalan government and the main rebel faction, Unidad Revolucionaria Nacional Guatemalteca (URNG).[1] The long, drawn-out talks produced many outcomes for the transition of Guatemala into a democratic state, among them the creation of the Commission for Historical Clarification (*Comisión para el Esclarecimiento Histórico,* or CEH).[2]

The CEH was unique because it was the first time in the history of the country that an official body had accused the government of genocide being perpetrated during the civil war.[3] The nation was also unique, given the multitude of actors involved in the perpetuation of conflict. The government, military, and rebel groups were the most obvious parties involved in negotiating a peace for Guatemala. However, behind the scenes were the efforts of civil

[1] Leah Barkoukis and Charles Villa-Vicencio, "Truth Commissions: a Comparative Study," *Conflict Resolution Program*, Georgetown University, Washington DC and *Institute for Justice and Reconciliation*, Cape Town, August 2011, 1.
[2] Amy Ross, "The Creation and Conduct of the Guatemalan Commission for Historical Clarification," *Geoforum* 37, (2006), 74.
[3] Christian Tomuschat, "Clarification Commission in Guatemala," *Human Rights Quarterly* 23.2 (May 2001), 234.

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society, comprised of various different groups, as well as the Catholic Church. Each of these actors played a unique role in bringing about the CEH. Moreover, they also played varying roles in the conduct of the commission. Finally, each group involved in the CEH were impacted differently by its outcomes. Therefore, this paper takes the approach of examining each of these groups one at a time, in order to highlight their experiences with regard to the creation, implementation, and effects of the CEH's findings.

Overall, by discussing these groups, this paper seeks to analyse the effectiveness of the Historical Clarification Commission in Guatemala. Set against both the short- and long-term objectives of the CEH, this paper will analyse the roles of the government, the army, and the rebel movement against the short-term goals of achieving accountability for the atrocities that occurred, and eliminating the culture of impunity in Guatemala. The long-term goals of peace and democracy are analysed by looking at the roles of the Catholic Church and the many different factions of civil society and how they were affected by the CEH. Ultimately, this paper argues that the CEH has been somewhat effective in achieving its short-term goals of accountability and elimination of impunity. However, the path to lasting peace and democracy has a long way to go, as seen through the reactions and emerging movements among civil society and the Catholic Church.

The Historical Clarification Commission as a form of Restorative Justice

Before examining the CEH and its actors in depth, it is useful to briefly recall key concepts and principles in transitional justice concepts and principles. The CEH is commonly accepted to be a truth commission (TC), which is a mechanism of restorative justice. Truth commissions are defined as "temporary bodies, usually with an official status, set up to investigate a past history of human rights violations that took place within a country during a specified period

of time."[4] Under optimal conditions, TCs have the ability to facilitate positive change in a post-conflict society. While there is no "one size fits all" description of a truth commission, they generally seek to first and foremost establish the truth about the past. Other goals that are relevant to the CEH include fostering accountability for perpetrators of human rights violations, recommending necessary legal and institutional reforms, and helping to consolidate a democratic transition.[5] Absent from these stated objectives are the details of the negotiated compromise that result in the creation of mechanisms such as TCs. This is especially relevant to the case of Guatemala, as the negotiating parties, in framing the CEH, also created the powers and constraints under which it operated.[6]

Context: Guatemala's Path to Transitional Justice

The end of the 1980s marked the close of many military-dominated regimes in Latin America. The principle of the "right to truth" became an emerging concept during this time, as civil society groups pushed governments to become accountable for their actions during the past decades of civil war.[7] Accountability, as the activists saw it, was the answer to the culture of secrecy and impunity generated by decades of conflict and human rights violations.

Guatemala's first attempt at a truth commission occurred in 1985, before the end of the civil war. Under the military dictatorship of General Mejia Victores, a commission was formed to investigate disappearances that had taken place in the country. Before it could interview its first witnesses, the commission was disbanded citing that it was "it was impossible to determine the whereabouts of the people

[4] Patrick Ball and Audrey R. Chapman, "The Truth of Truth Commissions: Comparative Lessons from Haiti, South Africa, and Guatemala," *Human Rights Quarterly* 23.1 (February 2001), 2.

[5] Mark Freeman and Joanna R. Quinn, "Lessons Learned: Practical Lessons Gleaned from Inside the Truth Commissions of Guatemala and South Africa," *Human Rights Quarterly* 25.4 (November 2003), 1120. See article for complete list of goals of TCs to 2003.

[6] Ross, "The Creation and Conduct of the Guatemalan Commission for Historical Clarification," 73.

[7] Ibid., 71.

claimed to be disappeared."[8] The topic of human rights and a truth commission were not brought up in earnest again until the Oslo Peace Accords in 1994. In June of that year, the Guatemalan government and the URNG signed accords in Oslo, Norway which mandated the creation of a "Commission for the Historical Clarification of Human Rights Violations and Other Acts of Violence that Have Caused the Suffering of the Guatemalan People."[9]

The CEH did not start its work until the closing day of the Agreement for a Firm and Lasting Peace in 1996, after which it was to have six months (with a possibility of extending a further six months) to complete its mandate.[10] Overall, the CEH investigated more than 7,500 cases derived from interviews and documented a total of 24,910 killings.[11] On February 25, 1999 the CEH presented its information publicly in the form of a report entitled *Guatemala: Memory of Silence* (henceforth referred to as "the CEH report"). The report found that the State was responsible for 93% of the more than 600 massacres document in its 3500 pages.[12] The report concluded that while the state and rebel groups were the main perpetrators, the consequence of state policies of intolerance, exclusion, and racism implicated Guatemalan society as a whole.[13]

In its recommendations, the CEH report called for the State to apply the National Reconciliation Law by criminally prosecuting and convicting the perpetrators of genocide, torture, and forced disappearances.[14] Overall, it was hoped that the CEH's findings and recommendations would promote a move towards prioritizing human rights and democratization of the state.[15] However, this was

[8] Ibid., 73.
[9] Ross, "The Creation and Conduct of the Guatemalan Commission for Historical Clarification," 74.
[10] Tomuschat, "Clarification Commission in Guatemala," 241.
[11] Ball and Chapman, "The Truth of Truth Commissions," 8.
[12] Ross, "The Creation and Conduct of the Guatemalan Commission for Historical Clarification," 79.
[13] Jan Perlin, "The Guatemalan Historical Clarification Commission Finds Genocide," *ILSA Journal of International and Comparative Law* 6 (1999-2000), 396.
[14] Ibid., 412.
[15] Tomuschat, "Clarification Commission in Guatemala," 240.

not the case. At least in the immediate months following its release, scholars found that the CEH report did not affect political change in Guatemala.[16] In the short-term, the creation, implementation and outcomes of the CEH faced challenges of accountability and eliminating the culture of impunity in Guatemala.[17] In the long-term the CEH and its legacy face the difficult task of establishing a peaceful and democratic society.

The CEH in the Short-Term: Seeking Accountability and Elimination of Impunity

Having established the context for its establishment, this section will now look at the roles of the government, army, and UNRG in the creation, implementation, and outcome of the CEH. The country has only been at "peace" for nineteen years, and therefore it is difficult to analyse the effectiveness of the CEH in its long-term goal of establishing a peaceful and democratic nation. However, the short-term goals of accountability and elimination of impunity can be determined by closely examining the roles of government, army, and rebel groups.

One of the main points of agreement between these groups that led to its creation was the CEH's policy of not naming names in its final report. This generated widespread concern that the commission would actually encourage the culture of impunity that had been rampant in wartime Guatemala.[18] As an already-integrated component of Guatemala's politics, impunity was seen as interfering with a TC achieving its goals of producing a consensus history, promoting reconciliation, and ending violence.[19] This culture of

[16] Kathleen Dill, "Reparations and the Illusive Meaning of Justice in Guatemala," in *Waging War, Making Peace: Reparations and Human Rights,* edited by Barbara Rose Johnston and Susan Slymovics (Walnut Creek, California: Left Coast Press, Inc., 2009), 187.
[17] Ross, "The Creation and Conduct of the Guatemalan Commission for Historical Clarification," 69.
[18] Ibid., 74.
[19] Anita Isaacs, "At War with the Past? The Politics of Truth Seeking in Guatemala," *The International Journal of Transitional Justice* 4 (2010): 254.

impunity, according the CEH report, took control of the very structure of the state, becoming both a means and an end.[20] Scholars point out that even the Accords, including the CEH that resulted, were thwarted by political groups—the government, army, and rebel groups—who sought to avoid prosecution and punishment.[21] This culture of impunity has the effect of making grassroots participation more difficult. For example, the process of achieving justice from gendered violence is affected by impunity. Those who experienced rape and other crimes against women during the civil war are afraid to seek out justice given that they lived "next door" to perpetrators, especially in rural communities.[22]

While the CEH and other post-conflict measures have worked to battle this culture of impunity, it persisted in Guatemalan society decades after the end of the war. Between 2000 and 2008, the Human Rights Ombudsman's Office in Guatemala registered over 1,300 attacks on "truth defenders," which the office defines as "individuals who either furnish evidence about atrocities or who publicly demand accountability."[23] While this is hardly the kind of statistic ideally found in a society transitioning to democracy, it is still a step up from Guatemala's previous record of genocidal violence. Molina-Mejia asserts that the political/psychological dimension of impunity has been weakened, in part due to the work of the CEH.[24]

Using these goals of accountability and eliminating impunity as a basis for analysis, this paper will now examine each of the groups directly involved in the Oslo Peace Accords, which allowed for the creation of the Historical Clarification Commission in Guatemala.

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[20] Anika Oettler, "Encounters with History: Dealing with the 'Present Past' in Guatemala," *European Review of Latin American and Caribbean Studies* 81 (October 2006), 12.
[21] Raul Molina-Mejia, "The Struggle Against Impunity in Guatemala," *Social Justice* 26.4 (Winter 1999), 68.
[22] Alison Crosby and M. Brinton Lykes, "Mayan Women Survivors Speak: The Gendered Relations of Truth Telling in Postwar Guatemala," *The International Journal of Transitional Justice* 5 (2011), 462.
[23] Isaacs, "At War with the Past?" 270.
[24] Molina-Mejia, "The Struggle Against Impunity in Guatemala," 66.

International Actors – The United Nations

During its formation as well as its operation, the UN provided on-going support to the commission.[25] Specifically, the UN Human Rights Observer Mission in Guatemala (MINUGUA) was instrumental in the facilitation of peace negotiations by acting as a mediator.[26] Other than the Secretary-General's appointment of German lawyer Christian Tomuschat as one of the commissioners, the UN was essentially uninvolved in the CEH investigation and report. The UN viewed the CEH as being based on an agreement between the Government of Guatemala and the guerrilla organization, and was not a UN institution.[27] Therefore while it is important to mention their involvement, this paper will not be analysing the United Nations as a key actor in the CEH's creation, implementation, and outcome.

The State: Government of Guatemala

The 1999 CEH report concluded that "the violence [in Guatemala] was fundamentally directed by the State against the excluded, the poor and above all, the Mayan people, as well as against those who fought for justice and greater social equality."[28] The "State" in this instance refers to the government, as the ideological backing, as well as the army, as the physical manifestation of the government's attacks. This section will discuss specifically the government of Guatemala, which includes its political parties and leaders, both past and present. This paper's analysis of the government supports the argument that accountability was achieved through the publication of the CEH report. However, the second short-term goal of eliminating impunity has not been significantly sought after. As scholars Audrey Chapman and Patrick Ball assert, the CEH emerged out of a

[25] Laurel E. Fletcher, Jamie Rowen and Harvey M. Weinstein. "Context, Timing and the Dynamics of Transitional Justice: A Historical Perspective," *Human Rights Quarterly* 31.1 (February 2009), 177.
[26] David A. Crocker, "Transitional Justice and International Civil Society: Toward a Normative Framework," *Constellations* 5.4 (1999), 511.
[27] Tomuschat, "Clarification Commission in Guatemala," 248.
[28] Ball and Chapman, "The Truth of Truth Commissions," 32.

negotiated settlement where "the architects of violence and abuses," or the government, still retained political influence and power.[29]

From the beginning of the CEH's implementation, the government proved to be a difficult party to deal with. In September of 1997, the CEH wrote to the President, Álvaro Arzú, requesting detailed information regarding four prominent cases of disappearances in the history of the country.[30] Commissioner Tomuschat recalled that the government did not respond to said request, stating that the letter "got lost."[31] Such is an example of the government's failure to face accountability from the start of CEH's investigations.

Nonetheless, the CEH was able to conduct its investigations without a great deal of assistance from the government. In its 1999 report, the CEH sought to demonstrate that, within the central power structure of the state, under the control of the various leaders in the bureaucracy, specific commands were given to essentially be prepared for anything. Tomuschat contends that "anything" in this case referred specifically to forcible disappearances, murder, and torture.[32] Therefore the report directly implicated the government in Guatemala's decades of violence—an example of the achievement of accountability in a public forum. The leaders in government were labeled "intellectual authors" of the violence by the CEH report; it was these men who ordered communities to be massacred, and genocide to be committed[33] without any regard for the consequences on human rights or democracy as a whole. The short-term goal of accountability was therefore aggressively addressed by the CEH's investigations.

On the other hand, the outcome of the CEH report was a step back in achieving accountability. As the commission's results

[29] Ibid., 12.
[30] Tomuschat, "Clarification Commission in Guatemala," 249.
[31] Ibid.
[32] Ibid., 251.
[33] Rachel Hatcher, "Truth and Forgetting in Guatemala: An Examination of *Memoria del Silenco* and *Nunca Mas,*" *Canadian Journal of Latin American and Caribbean Studies* 34.67 (2009), 147.

were being presented on February 25, 1999 it was reported that President Arzú "appeared stunned."[34] Three weeks after, Arzú posted a full-page statement in the Guatemalan press repudiating many of the commission's recommendations.[35] Moreover, the government also declined to establish many of the CEH's recommendations, including a follow-up to the CEH itself.[36] The failure to be accountable was not just within the office of the President. Many other politicians outright dismissed the CEH's findings immediately following the report's publication.[37] Thus, while the short-term goal of accountability was addressed by the government's creation of the CEH, its role in the commission's implementation and report showed a vehement lack of accountability on the part of Guatemalan leadership.

Even though the presiding regime was not directly involved in any of the atrocities investigated by the CEH, the Arzú administration, in denying the findings of the CEH report, were in no way excused for their denial of accountability. Therefore, the leaders in power when the massacres occurred were even less excusable for their actions during their reign. However, as illustrated above, impunity permeated the Guatemalan political atmosphere. General Efrain Rios Montt was one of the dictators responsible for the massacres that occurred in the 1980s.[38] A few days after the CEH report was published, General Montt defended the accusations of his regime's "scorched earth tactics" by pointing the finger at the guerrilla army, who he claims used civilians as human shields.[39] In doing this, Montt denied all accountability for his actions, as well as the actions of the Guatemalan government at the time of the

[34] Greg Grandin, "Chronicles of a Guatemalan Genocide Foretold: Violence, Trauma, and the Limits of Historical Inquiry," *Nepantla: Views from the South* 1.2 (2000), 408.
[35] Elizabeth Oglesby, "Educating Citizens in Postwar Guatemala: Historical Memory, Genocide, and the Culture of Peace," *Radical History Review* 2007.97 (January 2007), 78.
[36] Isaacs, "At War with the Past?" 254.
[37] Grandin, "Chronicles of a Guatemalan Genocide Foretold," 408.
[38] Ball and Chapman, "The Truth of Truth Commissions," 35.
[39] Oettler, "Encounters with History," 8.

massacres. Montt's position also demonstrates the culture of impunity in Guatemala. In November 1999, less than a year after the CEH report was released, Montt won the Guatemalan elections in a landslide victory and became the leader of the country once again.[40] The fact that the very leader accused of genocide by the CEH became the next President of Guatemala demonstrates just how much impunity still existed in Guatemala. Along with the denial of accountability, this impunity caused the government of Guatemala to lack legitimacy, despite the workings of the CEH. Therefore, while in the short-term, the CEH worked towards the goals of accountability and eliminating impunity, the actions of government leaders in Guatemala essentially overturned the work of the commission and slowed the process of transition into a democratic country.

[40] Ball and Chapman, "The Truth of Truth Commissions," 35.

The State: Guatemala's Armed Forces

As the strong arm of the dictatorial governments that ruled during the civil war, the army was the direct perpetrator of the Guatemalan genocide. In addition to the Armed Forces, were the paramilitary groups known as Civil Defense Patrols (PACs), which were made up of civilian personnel recruited by the army to commit the atrocities. PAC leaders were directed to "defend" their communities against the guerrilla groups; some of the members were forced to commit atrocities against their will.[41] (Henceforth, both the PACs and Armed Forces will be referred to as "the army," unless otherwise indicated.) This is because it is often hard to distinguish which group were the perpetrators in any given witness' testimonial. Similar to the government leaders mentioned above, the army denied all accountability of the genocide in the implementation and outcome of the CEH.

The military possessed large amounts of data that the CEH might have utilized in its investigation. However, the army did not release a great number of these records. Following the publication of the CEH report in 1999, some of the records were released from a secret military archive. These records described the fate of 200 victims who were "disappeared" by the military.[42] Because these records were released after the publication of the report, they were not included in the CEH's investigation and recommendations. It is estimated that these records were just a small portion of the data that has since likely been hidden or destroyed.[43] The military contended that the CEH had "no right" to see their archives, a viewpoint that Tomuschat labels "a deliberate strategy of obstruction."[44]

The army's denial of accountability was displayed most prominently after the CEH report was published. According to the report:

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[41] Julie Stewart, "A Measure of Justice: The Rabinal Human Rights Movement in Post-War Guatemala," *Qualitative Sociology* 31 (July 2008), 236.
[42] Ball and Chapman, "The Truth of Truth Commissions," 5.
[43] Ball and Chapman, "The Truth of Truth Commissions," 5.
[44] Tomuschat, "Clarification Commission in Guatemala," 250.

> During the armed confrontation, the State's idea of the "internal enemy", intrinsic to the National Security Doctrine […] became the *raison d'être* of Army and State policies for several decades. […] the CEH discovered [that] state forces and related paramilitary groups were responsible for 93% of the violations documented by the CEH...[45]

In addition to these findings, the CEH recommended army reforms that included the purge of human right violators. It also called for a new training doctrine in lieu of the "internal enemy" doctrine that had seen so much death as a result.[46] In response, the government claimed that the army had already been reorganized and purged. It therefore essentially ignored these recommendations.[47] In addition to refusing to follow through on the CEH's recommendations, the military denied the findings of the CEH.[48] The armed forces claimed that not a single one of their units had acted wrongly or violated the rules outside of the context of war.[49] When they did come forward, members of the army told stories of insurgent abuse and generally placing blame on guerrilla groups. By encouraging their soldiers to testify in this manner, the military aimed to portray its soldiers as victims rather than aggressors.[50]

By denying the findings of the CEH, the Guatemalan army also denied accountability for its actions. Therefore, the short-term goal of accountability was not achieved with respect to the military in Guatemala. Moreover, by refusing to implement most of the CEH's recommendations which included an internal purge of the perpetrators of genocide, the army continued to participate in the

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[45] La Comisión para el Esclarecimiento Histórico, Guatemala: Memoria del Silencio (Guatemala: UNOPS, 1999).
[46] Rachel Sieder. "War, Peace, and Memory Politics in Central America," in *The Politics of Memory: Transitional Justice in Democratizing Societies,* edited by Paloma Aguilar, Alexandra Barahona de Brito, and Carmen Gonzaléz-Enriquez. (Oxford, UK: Oxford University Press, 2001), 185.
[47] Ibid.
[48] Tomuschat, "Clarification Commission in Guatemala," 250.
[49] Ibid., 251.
[50] Isaacs, "At War With the Past? "264.

culture of impunity. Given that the CEH found the army to be responsible for 93% of the atrocities under investigation, this was an extremely large setback in Guatemala's movement towards a peaceful and democratic society.

Rebel Groups: URNG

The National Guatemalan Revolution Unity (URNG) was the main rebel faction responsible for battling government forces throughout the civil war. By the mid-1980s, the URNG, after keeping up the fight for many decades, found themselves severely weakened as a military force.[51] Therefore, when the opportunity arose for peace talks in 1994, the URNG was more than willing to attend. Although the proposed truth commission presupposed blame on both sides of the civil war, scholars contend that this might have proved beneficial for the URNG.[52] One of these reasons was that it would give the rebels a greater amount of agency because it put them on a level playing field with the armed forces.[53] Therefore, even though this playing field was based on mass atrocities, the rebel groups would be addressed with similar agency to the army.

Understandably, the guerrilla organization was much more cooperative than the Government and armed forces during the implementation of the CEH's investigations. They openly acknowledged responsibility, and therefore showed accountability for their crimes. Specifically, the URNG admitted responsibility for the Aguacate massacre, where twenty-two farmers were executed for no evident reasons.[54] However, similar to the testimonies of the armed forces, guerrilla forces were limited in their willingness to share their stories. More often than not, URNG members focused their testimonies on experiencing or witnessing military atrocities, instead of explaining their own actions during the conflict. In the instances that they did describe their own actions, rebel witnesses took time to

[51] Sieder, "War, Peace, and Memory Politics in Central America," 167.
[52] Ross, "The Creation and Conduct of the Guatemalan Commission for Historical Clarification," 74.
[53] Ibid.
[54] Tomuschat, "Clarification Commission in Guatemala," 252.

explain the extenuating circumstances that led them to take action.[55] Therefore, while they were the most accountable of the three groups directly involved in the creation of the CEH, they were not completely willing to reveal their role in the massacres that occurred during the civil war.

Regardless of the URNG's unwillingness to reveal their true experiences, the CEH was able to shape a narrative that implicated both sides in the civil war. The report demonstrates that the guerrillas' record was in no way cleared of the massacres, executions, and kidnappings characteristic of decades of civil war. The CEH report reminds its audience that the URNG, as an active party in the civil war, was obliged, at the very least, to respect international human rights law.[56] Quantitatively, the report found that:

> Acts of violence attributable to the guerrillas represent 3% of the violations registered by the CEH. This contrasts with 93% committed by agents of the State, especially the Army... However, …this disparity does not lessen the gravity of the unjustifiable offences committed by the guerrillas against human rights.[57]

Therefore, the CEH held the URNG accountable for their actions during the civil war by highlighting the gravity of their violations.

Impunity is much more difficult to measure in terms of rebel groups, because they were not given special privilege above the law, as were the government and army. Christian Tomuschat points out that the URNG has since transformed itself into a political party.[58] On the positive side, the organization no longer utilises force to overthrow the government's actions, and has limited its extremist views. However, although it has experienced a transformation, the

[55] Isaacs, "At War With The Past?" 263.
[56] Commission for Historical Clarification, *Memory of Silence,* Section II. Paragraph 127.
[57] Ibid., Section II. Paragraph 128.
[58] Tomuschat, "Clarification Commission in Guatemala," 234.

URNG will always be associated with the atrocities that occurred during the civil war. Therefore, awarding them public office, given their poor human rights record, can in itself be seen as a continuance of the culture of impunity. Compared to the government and army, however, the URNG remains the best exemplar of accountability and elimination of impunity in the short-term period following the release of the CEH's report.

As a whole, the groups directly involved in the creation of the CEH contributed somewhat to the short-term transitional justice objectives of accountability for the atrocities, as well as the elimination of impunity. The government, in shaping the CEH, was addressing its accountability, but took a step back when it denied the report's findings. The army fared worse, in both denying accountability and continuing with impunity. The URNG, seeking parity with other powerful actors, was the most compliant and accountable. But all three actors can be seen to have continued to contribute to the culture of impunity in Guatemala. In the short-term, transitional justice has been achieved in a limited sense. The next section's examination at the long-term goals of the CEH, as seen through the analysis of the Catholic Church and civil society's role, will measure of the effectiveness of the CEH as a transitional justice mechanism in post-war Guatemala.

The CEH in the Long-Term: Seeking a Peaceful and Democratic Society

Determining a transitional justice mechanism's effectiveness in the long-term is a difficult task. In the Guatemalan case, analysing the CEH's effectiveness in the long-term does not specify a window of time in which to analyse the commission. Given that is has been almost two decades since the beginning of peace talks, this paper utilizes some scholars' more recent findings to analyse the effectiveness of the CEH in the long-term. Moreover, since the CEH was negotiated in a top-down fashion, the immediate effects and actions were analysed using the higher-up groups in the social structure of Guatemala—the

government and army. If effective, the CEH's legacy should eventually trickle down to the groups at the bottom of this social hierarchy—nongovernmental organizations such as the Catholic Church, and civil society, comprised of indigenous groups, human rights activists, as well as women's movements. Therefore, actions and reactions of these groups following the CEH report's publication are analysed in detail against the long-term goal of achieving a peaceful and democratic society.

Guatemalan society has come a far way from the undemocratic policies, violence, and destruction characteristic of the civil war era. The CEH, as a catalyst for democratic and peaceful change in Guatemala, demonstrated in a tangible way how the State was undemocratic. Therefore, the CEH directly contributed to a more peaceful society.[59] However, studies show that many Guatemalans did not find that the CEH and its outcomes brought an end to the violence. While genocidal violence no longer occurs, scholars have pointed to an increase in the incidence of common crimes in Guatemala.[60] Moreover, observers are quick to point out the continued presence of armed military personnel throughout the country— an indicator of the country's "incomplete transition to a civilian-controlled democracy."[61] Laura Arriaza and Naomi Roht-Arriaza criticize the CEH as a short-term truth seeking mechanism that is not capable of garnering widespread trust among the people; for these scholars, national-level initiatives such as the CEH must be accompanied by other mechanisms in order to be efficient in the long-term, especially in rural areas.[62]

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[59] Perlin, "The Guatemalan Historical Clarification Commission Finds Genocide," 395.

[60] Angelina Snodgrass Godoy, "Lynchings and the Democratization of Terror in Postwar Guatemala: Implications for Human Rights," *Human Rights Quarterly* 24.3 (August 2002), 643.

[61] Michael K. Steinberg and Matthew J. Taylor, "Public Memory and Political Power in Guatemala's Post-Conflict Landscape," *Geographical Review* 93.4 (October 2003), 464.

[62] Laura Arriaza and Naomi Roht-Arriaza, "Social Reconstruction as a Local Process," *The International Journal of Transitional Justice* 2 (2008), 157.

The ineffectiveness of the CEH in the short-term caused groups such as the Catholic Church and civil society to embark on their own efforts of justice, as extensions of the CEH's findings and recommendations.

In briefly examining the role of the Catholic Church and civil society, this paper argues that while it still has a long way to go, both groups have been instrumental in pushing the agendas of peace and democracy onto Guatemalan society.

The Catholic Church and REMHI

The 1994 peace talks provided a basis for Guatemalan society to seek out the truth for itself. Therefore, before the CEH was formed, the Catholic Church in Guatemala embarked on the Recuperation of Historical Memory Project (*Recuperacion de la Memoria Histórica,* or REMHI). As the CEH's investigations took place, REMHI grew to be a project that filled in some of the gaps that existed in CEH's mandate.[63] Methodologically, REMHI served as a precedent for the CEH in terms of collecting testimonies and visiting rural communities.[64]

The church's report, titled "Guatemala: Never Again!" (*Guatemala: Nunca Mas!*) was the result of 5,500 victim-survivor testimonies and was published before the CEH report, in April 1998.[65] The report accused the armed forces of genocide before the CEH report conclusively found the same.

As a constant during both times of war and peace, the Catholic Church served as a beacon of progress for those who sought to move society towards lasting peace and democracy. Scholar David Crocker asserts that non-governmental groups such as the Catholic Church help people survive repression or civil war and then begin the onerous process of democratization.[66] Because it did not rely on the CEH or its

[63] Hatcher, "Truth and Forgetting in Guatemala," 133.
[64] Ross, "The Creation and Conduct of the Guatemalan Commission for Historical Clarification," 75.
[65] Isaacs, "At War With the Past?" 260.
[66] Crocker, "Transitional Justice and International Civil Society," 501.

findings, the Catholic Church was able to set in motion the process of democratization through its own unofficial truth commission. Moreover, as a pillar of morality, the Church and other religious organizations have the unique opportunity to facilitate reconciliation in post-conflict environments. Through its visits to rural communities and collection of testimonies, the Catholic Church was able to do just this. Therefore, while not directly connected to the CEH, the Catholic Church assisted in achieving such goals as reconciliation and a historical narrative. REMHI did not have the short-term mandate that CEH did, and having started before the latter commission did, the Catholic Church's TC project has the potential to have long-term effects towards the democratization of Guatemala.

Civil Society: Human Rights Activists, Rural Communities, and Women's Groups

Literature on the CEH often cites Guatemala as unique because of the significant role played by civil society. However, there are conflicting views on civil society's direct involvement in the formation of the CEH. Some scholars contend that civil society was bypassed in the negotiations.[67] Others point to the role of the Assembly of Civil Society (ACS), a group comprised of many different representatives who submitted their positions on the CEH negotiations to the UN mediator.[68] There seems to be a consensus on civil society's instrumental role in passing the National Reconciliation Law, which excluded from the amnesty those who were accused of crimes against humanity as defined by international law.[69]

But the long-term effects of the CEH are seen in civil society through the actions of various groups including human

[67] Isaacs, "At War with the Past?" 260.

[68] Crocker, "Transitional Justice and International Civil Society," 503.

[69] Juan E. Méndez, "The Human Right to Truth: Lessons Learned from Latin American Experiences in Truth Telling," in *Telling the Truths: Truth Telling and Peace Building in Post-Conflict Societies*, ed. Tristan Anne Borer (Notre Dame: Indiana, University of Notre Dame Press, 2006), 115.

rights activists, rural communities, and women's groups. Firstly, while opposing the CEH's pro-amnesty mandate, human rights groups sought to push the CEH to its limits in terms of its capabilities.[70] Moreover, several Guatemalan NGOs were seen as keeping public pressure on the CEH to name perpetrators and not merely profile patterns of human rights abuses.[71] While the former goal was not achieved, these organizations, such as the human rights activists in the region of Rabinal, contributed to substantive features of democratization.[72] Rabinal human rights groups asserted their rights and freedoms as Guatemalan citizens through such things as protests.[73] In the long-term, these groups, empowered by the CEH and its findings, show promise to push the country's agenda for democratization.

The second group within civil society assisting in the movement towards democracy in Guatemala were rural communities. These areas were directly affected by the atrocities addressed by the CEH. Therefore, in order for complete long-term transition into democracy to occur, these rural communities must come to terms with their experiences, and assert their rights as citizens—something the massacres intended to rob them of by physically obliterating the habitats of rural peoples in Guatemala. The most recent manifestation of the rural communities' search for truth is houses of memory. Essentially miniature museums, these houses serve as a place for local groups to display customs and history and reference the massacres. Laura Arriaza and Naomi-Roht Arriaza contend that these houses continue the work of the CEH by continuing to unearth the historical narrative.[74] Therefore, rural communities contribute to a more democratic society by continuing their search for truth.

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[70] Isaacs, "At War With the Past?" 259.
[71] Crocker, "Transitional Justice and International Civil Society," 507.
[72] Stewart, "A Measure of Justice," 246.
[73] Ibid.
[74] Arriaza and Roht-Arriaza, "Social Reconstruction as a Local Process," 165.

Finally, women's groups are a part of civil society and have continued the work of the CEH to further their own path towards peace and democracy. Taking place in March 2010, the Tribunal of Conscience for Women Survivors of Sexual Violence during the Armed Conflict Guatemala was an unofficial TC organized by several civil society groups.[75] The CEH report noted that violence against women was severely underreported and underexamined.[76] Initiatives such as 2010's Tribunal took the CEH's findings and applied them in the long-term to facilitate reconciliation in groups within civil society that were affected by the massacres. In this way, they contribute to democratization in the long-term by empowering these otherwise oppressed groups within Guatemalan society.

Both the Catholic Church and civil society groups shared an anger at the CEH's truth-seeking process, which was seen as being self-serving to its framers (the government, army, and rebels), and as failing to address the needs of those most affected (civilians).[77] They both utilized this anger to initiate their own measures of transitional justice, influenced negatively and positively by the CEH and its findings. Unlike the short-term mandate of the CEH, these groups have been instrumental in implementing long-term change towards the ultimate goal of a peaceful and democratic Guatemalan society.

Conclusion

Above all, the CEH was instrumental in creating a basis for truth for Guatemalan society. Yet, the commission was careful not to place the blame on history itself. The CEH charged individual authors of violence—the government, army, rebels, and society-at-large—of the gross violations of human rights that occurred during Guatemala's war torn years.[78] Through an examination of the various actors involved in the creation,

[75] Crosby and Lykes, "Mayan Women Survivors Speak," 457.
[76] Ibid., 461.
[77] Isaacs, "At War With the Past?" 259.
[78] Grandin, "Chronicles of a Guatemalan Genocide Foretold," 402.

implementation, and outcome of the CEH, this paper has analysed the short-term and long-term objectives of the CEH as a truth commission. This paper found that the government, army, and rebel group were at best partially effective in being accountable for their actions, and eliminating impunity. In the long-term, this paper found that the Catholic Church and civil society contributed and continue to contribute significantly to the progress of democracy using their own mechanisms of justice, influenced by the CEH and its findings. As a whole, Guatemala has a come a long way from its violent and undemocratic society almost two decades ago. However, there is still much that needs to be done in the transitioning of Guatemala into a peaceful and democratic nation.

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