

IMPOSSIBLE MEMORY AND POST-COLONIAL SILENCES: A CRITICAL VIEW OF THE HISTORICAL CLARIFICATION COMMISSION (CEH) IN GUATEMALA

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Introduction

While truth commissions help break the silence over the past, they do so with limited effects. As in other Latin American countries,² the Truth Commission in Guatemala was the non-judicial, transitional justice mechanism the state adopted to address the war's mass violence (1962–1996) and its legacy. The 1994 Oslo Agreement, signed by the government and the left wing guerrillas known as the National Guatemalan Revolutionary Unity (URNG), established the legal mandate of the United Nations' Historical Clarification Commission (CEH in Spanish).³ Without having the capacity to prosecute, the Commission's main goal was to compile the country's official record by piecing together its history of war atrocities. The mandate called for everyone who had knowledge about killings, forced disappearances or torture during the war, regardless of their role, to tell their war stories to prevent the past from repeating itself. Eventually, it was assumed, the record would contribute to challenging the State's widespread

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2 See, Priscilla B. Hayner's seminal study (2001) Unspeakable Truths: Confronting State Terror and Atrocity. New York: Routledge. Since 1982, more than thirty Truth Commissions have been established around the world, according to Sara Parker in *All Aboard the Truth Bandwagon. An Examination of the fascination with truth commissions*. *Antipoda*, 4 Enero – Junio 2007. For a list of TRCs setup, see also the Office of the United Nations High Commissioner for Human Rights. 2006. Rule of Law Tools for Post-Conflict States: Truth Commissions. New York: United Nations. For a detailed review of past studies, see, Eric Brahm. Peace & Conflict Review. Volume 3, Issue 2. Year 2009.

3 The Agreement on the establishment of the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer. See Comisión para el Esclarecimiento Histórico (CEH).1999. *Guatemala: Memory of Silence*. Guatemala: Unops.

impunity and to achieving justice. Yet, it was told primarily by victims, leaving behind a legacy of collective silences, as I suggest in this brief essay.

Among the undeniable merits of CEH was to document that over 200,000 victims had been killed or disappeared,⁴ and that the non-Indigenous State committed genocide against ethnic groups in Maya regions (1981–1983): the Q’anjob’al and Chuj, in Huehuetenango; the Ixil and K’iche in Quiché; and the Achi in Baja Verapaz.⁵ Both the CEH and the investigation by the Catholic Church, known as the Reconstruction of the Historical Memory (*Reconstrucción de la Memoria Histórica*, REHMI) (1998), concluded that in the early 1980s, state violence razed Indigenous areas in attacks aimed at the eradication of the Maya-led popular movement, cooperatives, peasant leagues, trade unions and democratic parties, demanding land and economic reforms.⁶

When establishing truth commissions within Indigenous communities, the Center for Transitional Justice in *Strengthening Indigenous Rights through Truth Commissions*,⁷ rightly noted the need to 4 “As a result of the fratricidal confrontation” (1999, p. 17), as warring forces disputed the mass based support, the Commission concluded. *Guatemala, Memory of Silence*. 1999. Commission for Historical Clarification. Conclusions and Recommendations (CEH, in Spanish). Unops, Guatemala.

5 CEH, 1999, *Conclusiones*, p.39.

6 REMHI, 1998, vol. III, pp. 122–126. Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHA), Informe Proyecto Interdiocesano de Recuperación de la Memoria Histórica (REHMI). 1998. Guatemala: Nunca Más. For the indigenous uprising see most recently Konefal, Betsy. 2010. For Every Indio Who Falls. A History of Maya Activism in Guatemala, 1960–1990. Albuquerque: University of New Mexico Press. There are approximately 40,000,000 people in Latin America and the Caribbean that belong to the almost 600 indigenous peoples of the continent. According to the International Working Group for Indigenous Affairs, in Guatemala, the situation of indigenous peoples continued to be dire during 2010: 73% are poor in contrast to 35% of the non-indigenous population, and 26% are extremely poor. <http://www.iwgia.org/regions/latin-america/guatemala> July 12, 2013.

7 International Center for Transitional Justice. 2012. Strengthening Indigenous Rights through Truth Commissions. For other analysis of transitional justice and indigenous peoples, see, Chris Chapman, “Transitional Justice and the Rights of Minorities and Indigenous Peoples” in Paige Arthur, Ed. 2011, Identities in Transition: Challenges for Transitional Justice Cambridge, Cambridge University Press.

“go beyond an individualistic form of analysis; going beyond recent violations; and going beyond archival and written sources.” But the report also stressed, “going beyond a state-centric view of transitional justice,” an approach that fails to recognize the role non-Indigenous States play in punctuating Indigenous subjectivity.⁸

My critique of the transitional justice paradigm as a vehicle to achieve war justice for Indigenous Peoples is informed by my field-work for the Commission from 1997 to 1998, when I became privy to survivors’ harrowing war narratives in the Quiche Department, where half of the over 600 massacres took place. Drawing from genocide and postcolonial studies, my aim as a sociologist is to suggest that despite its many contributions, the truth commission did little to reveal a layered system of constructed social silence, hiding what French political scientist René Lemarchand calls (2009) the war’s “unpalatable truths.”⁹

The Commission, I would argue, did not quite reveal the war myths, and, above all, the ways the army managed to build its mass-based support in the countryside prior to the genocide—which has historical continuity within the context of internal colonialism (Anders, 1971; Blauner, 1969; Gutierrez, 2004; Memmi 1991; Stavenhagen 1970; Quijano 2000)¹⁰ exploiting Indigenous communities. Thus, in contrast

8 For the militarization of indigenous peoples in Latin America, see for example, Lynn Stephen, “The Construction of Indigenous Suspects: Militarization and the Gendered and Ethnic Dynamics of Human Rights Abuses in Southern Mexico” *American Ethnologist*, Vol. 26, No. 4 (Nov., 1999), pp. 822–842; Also see, Cecilia Mendez on the Peruvian case, *Las paradojas del autoritarismo: ejército, campesinado y etnicidad en el Perú, siglos XIX al XX* (*The paradoxes of authoritarianism: army, peasants, and ethnicity in Peru, from XIX to XX centuries*) University of California in Santa Bárbara. http://www.flacso.org.ec/docs/i26_mendez2.pdf Accessed November 24, 2013.

9 Lemarchand, René. 2009. *The Dynamics of Violence in Central Africa*. Pennsylvania: University of Pennsylvania Press.

10 For the internal colonialism affecting Latin American societies, see, Robert C. J. Young “whereby a colonial rule was replaced by the heirs of the autocracy of European settlers” (2001, p. 20). *Postcolonialism: An Historical Introduction*. Oxford: Blackwell Publishers. This notion is traced back to subordinated groups such as Chicanos in the United States and to Marxist traditions in Latin America. Comparatively, see also, Anthony L. Smith “Papua: Moving Beyond Internal Colonialism”. *New Zealand Journal of Asian Studies* 4, 2 (December, 2002): 90–114; Anders, Gary. 1979. *The Internal Colonization of Cherokee Native*

to the ICJT, I will suggest that failing to examine the historical role States play shaping the lives of colonized Indigenous Peoples precludes us from engaging in an in-depth discussion of the devastating ties the army builds with poverty-stricken communities.¹¹ This has a significant bearing on the construction and preservation of war memories, and ultimately, on achieving criminal and social justice.¹²

Based on this analysis, I suggest that the Truth Commission ultimately prevented the history of complicated, postcolonial relations tying Indigenous Peoples to the genocidal army from coming to light. Instead, the memory of the Indigenous survivors and witnesses to atrocities became not only a “manipulated memory” (Ricoeur 2004) but also an impossible memory understood as a truncated memory, rooted in the genocide and its legacy.¹³ As the genocide unfolded, through sheer terrorism and policy of cooptation, the army wiped out what French sociologist Maurice Halbwachs (1992)¹⁴ terms the frameworks of memory: the cultural spaces, family, Church, and the

Americans. *Development and Change* ISAGE, London and Beverly Hills, Vol. 10, 1979, 41–55. Gonzalez Casanova, Pablo. *Colonialismo Interno, Una Redefinicion*. <http://biblioteca.clacso.edu.ar/ar/libros/campus/marxis/P4C2Casanova.pdf>. Accessed March 6, 2013; Blauner, Robert, *Internal Colonialism and Ghetto Revolt*. 16 *Soc. Probs.* 393 1968–1969; Aimé Césaire. 2000. *Discourse on Colonialism*. New York: Monthly Review Press. Quijano, Anibal & Michael Ennis. 2000. The Coloniality of Power, Eurocentrism and Latin America. *Nepantla: Views from South*. Volume 1, Issue 3, 2000 pp. 533–580. Duke University Press; Gutiérrez, Ramón A., *Internal Colonialism and American Theory of Race*. *Du Bois Review*, Volume 1 Issue 02 September 2004, pp 281–295 Institute for African and African American Research; Moore, Joan. *Colonialism: the Case of Mexican Americans*, 17 *Soc. Prob.* 463 (1970); Stavenhagen, Rodolfo. 1970. *Class, Colonialism, and Acculturation*. In Irving L. Horowitz (Ed). *Masses in Latin America* pp. 235–288. New York: Oxford University Press.

11 For Frantz Fanon, a colonized people is “people in whom an inferiority complex has taken root, whose local culture originality has been committed to the grave—position themselves in relation to the civilizing language: i.e., the metropolitan culture. The more the colonized has assimilated the cultural values of the metropolis, the more he will have escaped the bush.” *Black Sin, White Masks*. Pluto Press, 2008, p.2.

12 A thorough discussion about what this means, is outside the scope of this study.
13 Ricoeur, Paul. 2004. *Memory, History, Forgetting*. Chicago: the University of Chicago Press.

14 Halbwachs, Maurice. 1992. *On Collective Memory*. Chicago: the University of Chicago Press.

broader society that help communities find a sense of collective identity, a shared base to remember their class and ethnic exploitation. Instead it replaced them with its own institutional memory, which was comprised of the step-by-step process involved in the militarization (Enloe 1980)¹⁵ and the further colonization of sectors of Indigenous Peoples. As Alejandro Cerda Garcia notes in the *Decolonizing Potential of Indigenous Peoples' Memory*, colonizing projects affecting communities take place by either “appropriation or impugnation.”¹⁶ To compare, since their public appearance as an organized Indigenous force, the Mexican Zapatista Movement stands as a symbol of the active subaltern,¹⁷ whose memory is used to reclaim human dignity and social justice.

In the first section, I discuss the absence in testimony, based on survivors who did not testify before the CEH. Rather than only hiding criminal ties with the army, I argue more specifically, that the lack of testimonies from pro-army groups collaborating with the army, such as members of the Civil Self-Defense Patrols (PAC in Spanish), resulted in silences over the army's efforts to convince Indigenous groups to collaborate with its genocidal policy. Second, to illustrate the army's long-term efforts to coopt rural communities' ideological support, pre-dating the onset of the genocidal violence, I analyze a 1970s photograph of the Army's Civic Action Program promoted by the U.S.-AID.¹⁸ In joint operations with the Guatemalan armed forces, including the Navy and the Air Force, since the late 1950s, Civic Action Programs were comprised by a range of poverty-aid projects designed to gain the “hearts and minds” of the population, also used

15 Enloe, Cynthia. 2000. *Maneuvers: the International Politics of Militarizing Women's Lives*. Berkeley: University of California Press.

16 Alejandro Cerda, El potencial descolonizador de la memoria indígena. Elementos para su problematización. *Tramas* 38. UNAM, Mexico, 2012, pp.179–205. Das Veena y Debroya Pool (Eds), *Anthropology in the Margin of the State*. 2004, School of American Research Press, Santa Fe; Silvia Rivera Cusicanqui, *Ch'ixinakax utxiwa: una reflexión sobre prácticas y discursos descolonizadores*, Buenos Aires, Tinta Limón, 2010.

17 Ranajit Guha and Gayatri Chakravorty Spivak (Eds.). *Selected Subaltern Studies*. Oxford: Oxford University Press, 1988.

18 For the penetration of the state ideologically within Maya communities, see for example, Carol A. Smith (Ed.) *Guatemalan Indians and the State 1540 to 1988*, Austin: University Press, 1990.

by the United States in Vietnam and the British in Malaysia, but also elsewhere.¹⁹ Health, agricultural, and forestation experts participated in this type of Program, which brought palliative poverty projects to remote communities in army's trucks. In the process of delivering this poverty-aid, the army shaped remote communities' collective memory of the army as their guardians and "friend," instead of as their oppressors. This discussion of who came forward to testify and the resulting silence can perhaps begin to explain why so many victims told the Truth Commission they did not believe the army could have attacked their communities.

Absence in testimony: Who came and who did not come forward to testify

It is mistakenly conceived that "everyone testifies" before truth commissions. Of all the commissions implemented thus far, only the South African Truth and Reconciliation Commission (1996–1998) offered amnesty to perpetrators in exchange for their testimonies.²⁰ Yet, even in this case, a study entitled "*The Theater of Violence*" shows, "relatively few applications came from the parties recognized as the largest single category of perpetrators, the former South African government and its security forces".²¹ Notably, there is insufficient scholarly attention given to the fact that those directly or indirectly participating in mass murders—torture, forced disappearances, sexual abuse, and looting—do not come forward to

19 For this type of civic action in Malaysia, see, Susan L. Carruthers. Winning Hearts and Minds : British Governments, the Media and Colonial Counter-Insurgency, 1944–1960. New York : Leicester University Press, 1995.

20 The Commission also had the powers of subpoena, and search and seizure.

21 Foster D. & et al. 2005, p.13. The Theatre of Violence: Narratives of Protagonists in the South African Conflict. Cape Town: Institute for Justice and Reconciliation.

In fact, only 17.8 percent of the total 1,646 number of applicants accepted for amnesty came from state security forces. Out of the over 7,000 amnesty applications coming mostly from low-ranking officials (Tepperman 2002, p.4), in fact most were rejected for not meeting the necessary requirements. This study concludes, "Many persons, it has to be said, simply did not come forward. They remain unknown."

take part, a point that seems to be rather obvious, but that needs to be considered in more depth.²²

From a victim's perspective, testimonies are key in holding perpetrators and collaborators accountable in a court of law. For many survivors who gave their testimonies, widows, mothers, grandmothers, wives, sisters, aunts, and cousins, godparents and neighbors, telling their sufferings to the CEH was the first time they ever spoke to an internationally recognized institution about the gruesome violence that besieged them during *La Violencia*.²³ Largely, organized victims mobilized to participate in the commission as members and representatives took courageous initiatives to break the silence that engulfed them since low-level perpetrators continued to co-exist in their communities: PAC, military commissioners, their auxiliaries, the army's eyes and ears in each community, low ranking soldiers, and reserves.

While scholarly attention has been given to highlight the pivotal role victims testimonies have for the recovery of the historical memory, as a sociologist I am interested in addressing the lack of PAC voices, a rural militia force organized, trained and armed by the army, which the Truth Commission identified as being responsible for eighteen percent of all the human rights violations committed between 1962 and 1996.²⁴ Out of this percentage, in 85 percent of the cases, PACs acted in complicity with the army—leaving 15 percent of cases where they acted on their own, without the army's presence.

For Indigenous Peoples “coming to know the past has been part of the critical pedagogy of decolonization” (Tuhivai 1999, p. 34).²⁵ Yet,

22 Hayner acknowledges that the state does not cooperate with TRCs' investigations, not even for the most successful commissions (2001, pp. 32–49).

Unspeakable Truths: Confronting State Terror and Atrocity.

23 For a discussion about whether individual healing can lead into national healing or reconciliation, see for example, Hamber, B. & Wilson, R. 1999. Symbolic Closure Through Memory, Reparation and Revenge in Post-Conflict Societies. Paper presented at the *Traumatic Stress in South Africa Conference* hosted by the Centre for the Study of Violence and Reconciliation in Association with the *African Society for Traumatic Stress Studies*, Johannesburg, South Africa, 27–29 January.

24 CEH, 1999, *Conclusiones*, p. 85.

25 Tuhivai, Linda. 2002. Decolonizing Methodologies. Research and Indigenous Peoples. New York: Zed Books Ltd.

it was only on one occasion during my fieldwork with the Commission, that I took testimony from army collaborators. Two men, in their mid-thirties, testified as former patrol members and told of their role in one of the two July 1983 Chijtinimit massacres of other patrols.²⁶

In gruesome details, ex-patrollers described their human rights crime: six patrols stood on each side of the victims and pulled the rope placed around the victims' necks until they could no longer breathe. They claimed to be remorseful, and thought that by telling the truth to the CEH, would be exonerated from their guilt. They also confessed to being born-again Christians, and said they were aware that only God could be their judge, not an earthly criminal justice system—a statement that soundly echoed the preaching of right-wing, Evangelical churches in Guatemala (Stoll, 1990).²⁷ This type of testimony, however, was largely absent from the Commission, which begs the question: Can a truth be fully constructed without the testimonies of those who pledged their oath of allegiance to Guatemala and collaborated in the slaughtering of thousands of their own kin? And, as I discuss briefly in the next section, What did this absence of testimonies conceal?

Hiding enduring postcolonial relationships

Brandon Hamber and Steve Kibble (1999) have argued that truth commissions can help “break the culture of silence that prevails under authoritarian rule.”²⁸ Yet, paradoxically, truth commissions have also prevented some information from entering public discourse. As Allen Feldman has suggested in the South African case, the transitional justice process has impeded the development of a

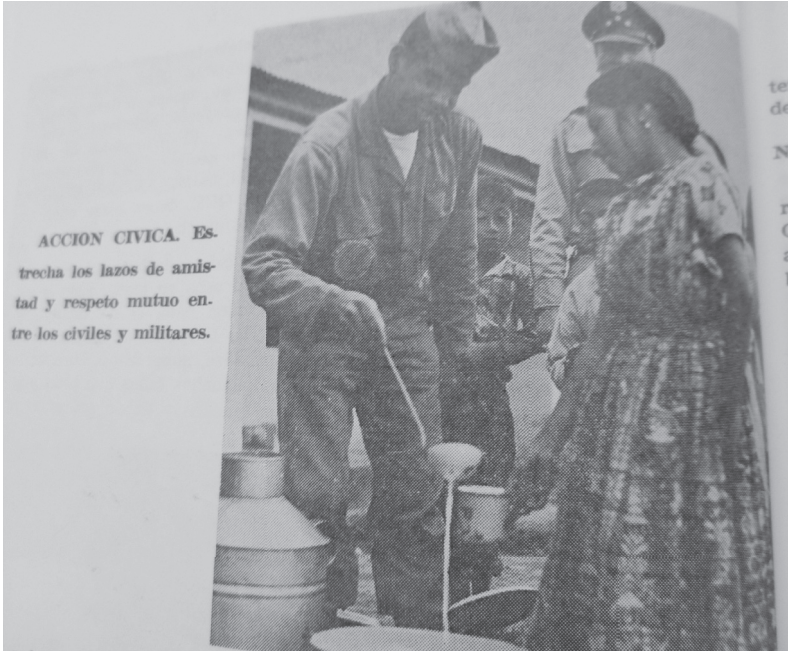
26 The CEH judged that the collective killing of four or more people at the same moment constituted a massacre. CEH Case 15379. The victims were identified as Manuel Chirum Susuqui, Tomas Chirum Sucuqui, Miguel Equila Chirum, Tomas Equila Taze, Manuel Jeronimo, Tomas Jeronimo, Sebastian Sajquic Nich, Tomas Sajquic Suy, Tomas Sajquic Felix, and Tomas Sajquic Nich. Also see, *Coleccion Holandesa Caja* No. 6, No. 3 Inforpress, Centroamericana 1987–1988. CIRMA.

27 Stoll, David. 1993. Between Two Armies in the Ixil Towns of Guatemala. New York: Columbia University Press.

28 Hamber, Brandon & Kibble, Steve 1999. From Truth to Transformation: The Truth and Reconciliation Commission in South Africa. Catholic Institute for International Relations Report, February.

critique of violence, which “proved incapable of depicting and addressing the racialization of state violence at the core of the [state] counterinsurgency project.”²⁹

To illustrate the collective silences over enduring post-colonial relations, I show a photograph revealing the army’s efforts to promote its 1970s Civic Action program in the highlands.



*Revista Militar del Ejercito.*³⁰

This illustration of an army soldier happily serving a drink to a young Maya girl served the army’s goal to promote the paternalistic notion that its presence brings nothing but caring support for Indigenous families’ health. Yet, the army is not interested in improving the health of a population it despises, but with whom, simultaneously, is tied through an “implacable dependence,” as suggested by postcolonial

29 Feldman, Allen. 2010. Traumatizing the Truth Commission: Amnesty, Performativity, Intentionalist Teleology and the Event.7.2 After Truth, Winter. <http://hemisphericinstitute.org/hemi/en/e-misferica-72/feldman> July 26, 2013.

30 *Revista Militar*, Vol 65 (Julio-Septiembre 1970: 50–55). Hemeroteca Nacional de Guatemala, Clemente Marroquín Rojas.

thinker, Tunisian Albert Memmi (1965, p.ix).³¹ In other words, the army needs Indigenous groups to wage wars and Indigenous groups need the army to survive. Although space limitations preclude me from delving into details about acts of resistance by Indigenous Peoples' groups, it is important to note that rather than an "implacable dependence," there are countless examples of resistance to the army's encroachment, suggested by historians.³² French sociologist Maurice Halbwachs maintains that the recovery of the historical memory is a collective process where "the individual remembers only in relation to an interaction with the memories of others," in this case, with the army. By portraying itself as the army of and for the people, the military promotes its institutional memory precluding families from experiencing their own traditions and historical memory as a tool of empowerment.³³ Like during colonial times when Indigenous Peoples were perceived as less than human, "uncivilized and barbarians," whose duty was to serve the colonial power (Soria 1996),³⁴ the State's views of Indigenous Peoples—in war or peace times—is infused with racist ideological underpinnings, a colonial legacy that has continuities to this day.³⁵

As a result, the army's paternalistic aid delivered to the Indigenous Peoples in the countryside, as shown in the below table, includes offering a wide range of knowledge, services and basic infrastructure: the production of animals, insect and rodent control, repair and building of roads and bridges, the latter led by the Corps of Engineers.

31 Memmi, Albert. 1991. *The Colonizer and the Colonized*. Boston: Beacon Press.

32 See, Severo Martinez, 1991. *Motines de Indios*. Guatemala: Ediciones en Marcha.

33 For a discussion of the role played by collective remembrance within peasant societies, see Pierre Nora's "quintessential repository of collective memory." Pierre Nora, "Between Memory and History: Les Lieux de Memoire" *Representations*, No. 26, Special Issue: Memory and Counter-Memory (Spring, 1989) 7–24, p.7.

34 Pinto Soria, J.C. 1996. El regimen colonial y la formacion de identidades en Guatemala (1524 -1821) Guatemala. *Centro de Estudios Urbanos y Regionales*. Boletín 29. Junio.

35 "As Michael Rolph-Trouillot, suggests, colonialism provided discourses about degrees of humanity where some humans are more so than others (p.76). 1995. *Silencing the Past: Power and the Production of History*. Boston: Beacon Press.

Conclusion

Rather than going “beyond a state-centered approach,” as suggested by transitional justice scholars, I maintain that the opposite is needed and, indeed, more scholarly attention should be given to the role State armies plays in shaping Indigenous subjectivity and support during times both of peace and genocide. From this perspective, the CEH represented a Eurocentric lens largely imposed upon “transitional societies” by multinational institutions in the Global South. As Greg Grandin has suggested, the recent wave of truth commissions, beginning with such a commission in Bolivia, the National Commission on the Disappeared (*Comision Nacional de Desaparecido*), have marked a turn in the way of transitional justice, “but not in the way legal theorists and social scientists like to use the term.” Rather, argues Grandin, truth commissions marked a turning point to a neoliberal-type of peace and stability.³⁶ The dominant transitional justice legalistic view has masked how a “pax neoliberal” approach, to paraphrase Grandin, emerged promoting a new wave of capitalist “development” in the region. Left behind, was an underlying system of constructed silences over the role the army plays within Indigenous communities, rendering impossible the emergence of accurate or true Indigenous memories about the war atrocities that the State perpetrated against their communities.

36 Grandin, Greg & Klubock, Thomas Miller. “Truth Commissions: State Terror, History, and Memory”. *Radical History Review*. Issue 97 (Winter 2007) Duke University Press, MARHO: The Radical Historian’s Organization, Inc. p.1.

Source: The Center for Mesoamerican Research, CIRMA, La Morgue Collection

Natural and Agricultural Resources	Military units required	Communications industry	Military units required	Transportation	Military units required	Health and Welfare	Military units required
1. To increase or to improve the production of animals, grains, or produce	Individuals with agricultural experience	1. Evaluation and development of acceptable sources of sand and stone for work on roads and construction in general	Engineering units	1. To build, repair, or improve roads and bridges	Engineering units and troop with available workers and/or trucks	1. To improve health standards	Medical and Public Health Units
2. Insect and rodent control	Troops or units with ground or aerial spray equipment	2. Installation, operation, and maintenance of telephone, telegraph, and radio systems	Transmission units	2. To build, repair, or improve railroads	Transportation Corps Units and troop units with available workers	2. To establish and operate clinics for treating outpatients, or for providing first-aid services	Medical units
3. Transportation of agricultural products, seeds, and fertilizers	Units with transportation facilities.	3. Construction of housing and buildings.	Engineers for layouts, supervision, troop units for construction	3. To build, repair, or improve inland waterways, docks, and ports.	Transportation Corps Units and troop units with available workers	3. To devise acceptable methods for the disposal of human waste.	Medical and engineering units and of troop work