

A Companion
to Latin
American
Anthropology

Edited by
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CHAPTER 23 On the Frontlines: Forensic Anthropology

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To forget our past is to risk our future.

Bishop Juan Gerardi, *Nunca más*

In June of 1994, I began my fieldwork focusing on the exhumation by the Guatemalan Forensic Anthropology Foundation (FAFG) of the clandestine cemetery in Plan de Sánchez. After a six hour bus ride, Kathleen Dill and I reached Rabinal – at the time, a small rural town of about 6,000 inhabitants with some 18,000 more living in surrounding villages (FAFG 1995a:19). It was in the late afternoon on a Thursday and we noticed that all the doors and windows of the houses were shut. We reached Rabinal just as the team was departing for Guatemala City for the weekend to take care of some paperwork. We had missed the FAFG’s first week of work at the site. They offered us a ride to the city in the back of the truck. By then, it was nearly four o’clock and we had been in transit (on buses) since six in the morning. We decided to stay for the weekend. There was no public transportation to Plan de Sánchez and it wasn’t safe for us to walk to the village alone. So we waited until Monday when the FAFG returned in the early morning to go up the mountain. Though just eight kilometers above Rabinal, it took some 40 minutes for a four-wheel drive vehicle to climb the mountains to reach the small village. It lies so high in the mountains that we left the fog of the morning behind in the valley of Rabinal. We reached the clear morning sky at the top of the mountain. Looking down, we saw a blanket of clouds resting in the valley.

When we reached Plan de Sánchez and began to hike up the hill to the clandestine cemetery, my body was overcome with a cold sweat. My hands were alternately hot and cold, and sweating regardless. I felt lightheaded and my stomach started to cramp. I remembered having seen a video of the first FAFG exhumation in El Quiché. In the video, internationally renowned forensic anthropologist Dr Clyde Snow was holding what looked like a reddish brown walnut in his hand and saying, “This is a piece of brain matter.” My feet felt heavy as I continued the short walk up the hill. I began to

concentrate on not fainting. I felt like I was going to vomit. "Don't faint. Don't vomit. I won't faint. I won't vomit," I repeated to myself as the conversations around me seemed to drift far away. Then I began to panic. I thought, "I can't faint and I can't vomit. If I do, I will be humiliated in front of the survivors with whom I want to work and I will be incapable of carrying out my research. This is too important." Then, we were at the site.

Much to my relief, there were no visible skeletons because the team never leaves any exposed. They always complete as much as they can before leaving and cover any incompletely excavated skeletons. Recovering from the negative rush of adrenaline, I still felt like I was outside my body. As I stood above a large open pit watching the archaeologists uncover half-excavated skeletons, the lead archaeologist Fernando Moscoso handed me a chopstick and a small paintbrush. He pointed to a section of the grave and said, "If you please, why don't you begin by cleaning out that area over there." I was lost somewhere in what Trinh Minh-ha calls "being in the in-between of all definitions of truth" (1992:13). The "in-between" of I'm not vomiting, I haven't fainted, what a beautiful valley, everything is greener than green, those are real bones, my god two hundred people were massacred here, their relatives are watching. Self-consciously, I felt as if all the people (and especially the peasants) were registering my discomfort until I realized that Fernando was talking to me. Without thinking, I obediently accepted the chopstick and brush. I climbed into the grave, slowly walked over to the section he had indicated and gingerly began to clear away loose dirt. My training in anthropology prepared me to study sociocultural structures, from the community to the nation-state. I had no training in the archaeological skills of site excavation or any of the osteological knowledge necessary to analyze skeletal remains. As I reluctantly began to brush away the earth, I didn't even notice that my friend Kathleen had been sent to work with another archaeologist. Unlike me, Kathleen was well prepared for this type of work because she had extensive knowledge of the human skeleton and skeletal trauma, having had years of working as an x-ray and surgical imaging technician. She also had some training in archaeology. Kathleen was an immediate asset to the team.

As for me, I imagine that as he watched my tentative and clumsy movements, Fernando realized I had no idea what I was doing. He came over to where I was and showed me how to break the dirt and brush more systematically. Soon, I was caught in the intricacies of the excavation and its many puzzles. When I discovered a bone, I had to think about which bone it was, which meant I also had to learn the human skeleton. I had to think about how the skeleton was positioned and how best to uncover it. I had to learn the intricacies of an incredibly tedious process. Fernando supervised my work. He had a lot more confidence in my abilities than I did. When I completed the process of brushing the earth away from the skeleton, Fernando would join me. He would lift and examine each bone. He would show me whatever signs of trauma or damage he found. I would inventory the bones, record any observations of trauma, mark the bags in which the bones were to be stored, and pack them away. As the day ended, I was relieved that I had not had to sit and watch all day. I found patience doing the digging and it was a patience I knew would have eluded me had my role been restricted to that of observer.

The exhumation of a clandestine cemetery is much more than the archaeological excavation of the graves. Each exhumation has four phases. This methodology of the forensic anthropology investigation has been developed by the FAFG through its experience working in Maya communities, often under complicated circumstances,

including geographic inaccessibility of isolated communities and lack of adequate facilities for carrying out the work. Indeed, FAFG cofounder and former president Fernando Moscoso wrote his thesis at the Universidad de San Carlos in Guatemala on this process. His 1998 thesis, “La antropología forense en Guatemala,” is considered the blueprint for training forensic anthropologists.

The FAFG was founded and began its work in 1992 with the assistance of Dr Clyde Snow and the Argentine Forensic Anthropology Team (Equipo Argentino de Antropología Forense, EAAF). Indeed, founded in 1984, the EAAF was the first forensic anthropology team of its kind in the world and, like the FAFG, it was founded under the leadership of Dr Clyde Snow. Just as the FAFG was founded to investigate massacres by the Guatemalan military regimes of the 1980s, the EAAF was founded to investigate the disappearance of at least 10,000 Argentines during the military regime from 1976 to 1983. Prior to the founding of the Argentine team, investigation into those who disappeared during Argentina’s military dictatorship was unscientific and haphazard, which meant that whatever remains were unearthed provided no real forensic evidence for the identification of remains, and certainly no evidence for any court cases.

Forensic anthropology grew out of the post-authoritarian period following the end of the Argentine military regime, when elected President Alfonsín established the National Commission on the Disappearance of Persons (CONADEP), and the Commission, along with the Grandmothers of the Plaza de Mayo (who were grandmothers of the disappeared), requested help from the American Association for the Advancement of Science (AAAS). Thus, a delegation of American forensic scientists and geneticists visited Argentina for the first time in 1984 with a human rights mission. Dr Clyde Snow, a member of the delegation, called for an immediate halt to the non-scientific exhumations that were literally bulldozing through known grave sites of the disappeared. Further, he called on archaeologists, anthropologists and forensic doctors to bring their expertise to the human rights field by developing scientifically replicable methodologies for the exhumation and analysis of skeletal remains. The Argentine Forensic Team was founded shortly thereafter, in 1984, and Dr Snow made numerous visits to Argentina for more than five years to provide training in forensic anthropology for the investigation of human rights violations in Argentina. Eight years later, the Argentine team and Dr Snow jointly assisted in the founding of the FAFG.

In this chapter, I am going to explore the practice of forensic anthropology and its outcomes in Latin America through my own experiences with the FAFG. Forensic anthropology in Guatemala exemplifies the challenges and triumphs of forensic anthropology in Latin America, where survivors of cold war dictatorships continue to struggle to find their lost loved ones, hold proper burials and seek justice in national and regional courts. Thus, forensic anthropology is a scientific research tool as well as a vital component in the search for truth and the struggle to end impunity by legal means in Latin America. Highlighting the Plan de Sánchez case provides an opportunity to witness the effects of the exhumation on the community, as well as see the legal outcomes over time.

FOUR PHASES OF FORENSIC ANTHROPOLOGY

The methodology of the forensic anthropology investigation has four phases. The first phase includes antemortem interviews, collection of survivor testimony, and

investigation is recorded and processed in database programs. The most effective way to identify victims is to use a database to compare the information collected in antemortem interviews with laboratory analysis of remains. Such a process greatly reduces the possibility of error and increases the speed of identification.

The final report is prepared as forensic evidence for presentation in court. Survivors in the community also receive copies of the report. In Rabinal, the forensic team produced a book and a low literacy monograph about the Rabinal massacres (FAFG 1995a, 1995b). The reports on each exhumation are presented in hard copy and on diskette (which includes digital photos) to the Human Rights Ombudsman, local prosecutors, the Attorney General, relevant nongovernmental organizations, community members and other interested parties. The monograph, *Nada podrá contra la vida* (FAFG 1995b), was circulated in Maya communities throughout the country and became a teaching tool to prepare communities about what to expect in the exhumation process. Later, when I was working in Nebaj, I mentioned to a few close Ixil friends that I had worked in some exhumations. For the rest of the day that was all they wanted to talk about. They asked me for more information. The next time I was in Guatemala City, I picked up some copies of the low literacy monograph. My friends then organized several private meetings in groups of three to four local Ixil leaders. Each time, the monograph was read aloud and the reading was peppered with comments that “the same thing happened here,” and questions about how to organize and request an exhumation. Inevitably, the reading of the monograph was followed by a group discussion about La Violencia in different communities and other people who might want exhumations.

MAKING A CASE

In 1994, two years before the the Guatemalan army and guerrillas had signed the 1996 peace accords, before the Guatemalan army’s civil patrols had been demobilized, before the United Nations Mission in Guatemala or any international NGOs had arrived, and before the reform of the judicial system, exhumations were initiated by the Human Rights Ombudsman (PDH), with whom requests for the investigation of human rights violations could be filed by individuals, organizations and/or communities; these requests could also be filed anonymously. For an exhumation to proceed, a complaint had to be filed at the Superior Court. If approved by the Superior Court, it then had to be approved by the Appeals Court, which would then pass it on to the Court of the *Primer Instancia*, the departmental administrative court, which would then issue an order to the local justice of the peace. It was then the task of the justice of the peace to solicit forensic experts to carry out the exhumation. Rabinal’s justice of the peace sought out the FAFG because the forensic doctor in Rabinal worked only four hours a day and had no formal training in forensics. The FAFG was appointed as the court’s expert. In the new legal system that came into being following the 1996 signing of the peace accords, it is the prosecutor, not the judge or court, that initiates the exhumation. Now, an individual can go directly to the prosecutor to request an investigation. The PDH continues to play an important role, assisting individuals in the filing of their claims with the prosecutor or directly filing claims on behalf of the PDH.

The PDH, the local justice of the peace and representatives from human rights groups regularly visited both sites to accompany and support the survivors and the work of the FAFG. CONAVIGUA (Coordinadora Nacional de Las Viudas de Guatemala, National Coordinating Committee of the Widows of Guatemala) and GAM (Grupo de Apoyo Mútuo, Mutual Support Group) provided food for the forensic team as they worked and also provided the resources for the reburial of remains when they were returned to the communities.¹ Whereas previous exhumations had been initiated by these human rights groups by providing legal support and filing complaints at the request of survivors, the Rabinal exhumations were unique in that they were initiated by local residents with no apparent organizational support.

Juan Manuel Geronimo's Testimony

I raffled the truth to declare the truth. Before the exhumation, all the people hid everything inside. They concealed their feelings. No one would even talk about what had happened, much less make a public declaration. It just didn't seem possible that a person had the power to declare these types of things at the national level or international level. We decided that we were going to declare the truth of what happened. We were going to do it legally. We decided that we were going to do it together, all the families united. I encouraged everyone to participate. I told them, "Look, please, if they call us, we will all go together. We will all go together and we will go without this fear. I am not afraid. If you support me, you will give me more strength to do this." So, when the Ministerio Público (Public Ministry, Prosecutor) called us, we all went together. When the court called us, we all went together. We said, "We want a Christian burial for our families because they aren't dogs, and we don't want them piled up in those graves like dogs." That's how we did it.

So, we moved forward together. I said, "We won't be afraid. We will do this together. Because if we say that one person is in charge of this work, then we are just giving them a new martyr. But if we are all together, we can do this work. What we are doing is legal and the law isn't going to put all of us in jail." These were the ideas we had and this is how we worked together.

One day, the military commissioners [army-appointed civil patrol leaders] from Chipucurta came here. They had been sent by the chief in Rabinal. They wanted a report. They said, "Who is leading the exhumation here? Who is in charge?" But we just said, "We are all doing this together. We want a proper burial." After they left, we discussed this. Once again, we all agreed that no one would blame anyone else and that no one would say there was a leader. The next thing that happened is that I received a note from the chief of all the PACs [army-controlled civil patrols] in Rabinal. The note said that I was to go to Rabinal to meet with him because he wanted to talk to me. I didn't go.

Several days later, he found me walking down the street in Rabinal. He asked me, "Look, what's going on with this business up there?" I said, "What business?" Then he said, "Look, you, what's going on with this business up there? What's going on with this exhumation?" I said, "Do you mean how will it be done? First, we are going to exhume the remains and then we are going to rebury them. But I don't know when." Then he said, "Who has told you this? Who is behind this?" "No one," I said, "we are doing it by ourselves." "But you are working with an organization, aren't you?" he said. And I said, "No. The only institution is our own strength and commitment. So, if you would like to support us somehow with some money that would be helpful." He didn't know how to respond. He said, "How's that?" And I said, "Well, it would be like an institution helping us. We want to do the exhumation." He just accepted that and walked away confused because I hadn't told him anything.

CONAVIGUA was really helping us. The truth is they explained to us how we could make our declarations, how to complete the forms, and where to take them. We are very poor. We don't have any money for taking buses. So, whenever we had to go to the Ministerio Público or the court, they would reimburse our transportation costs. Thanks to God, they helped us a lot. I hope God repays them for their good deeds. They really struggled to help us. But we did our part. We did all the work ourselves. We made all the trips to file the paperwork. That is why it was important for all of us to go together to do these filings. The widows from CONAVIGUA were in agreement that no one should go alone. They said, "Believe us, if only one person goes by himself, somewhere along the road, in one of those holes, you're going to find him buried." This made a lot of the people scared, but we stuck together. I was never afraid. I don't know why, I just never was.

THE EXHUMATION IN PLAN DE SÁNCHEZ

There was always a lot of activity at the excavation site. Because exhumations are carried out as an investigatory procedure of the court, municipal police maintain a 24-hour presence to guard the site, observe the excavation, and conserve legal custody of all evidence exhumed. In 1994, Rabinal had only one police officer, so the court requested assignment of several customs police because neither the FAFG nor the community wanted soldiers or paramilitary police at the exhumation site. Four customs police were stationed for three weeks at a time in Plan de Sánchez. They set up a large tent at the base of the hill where they camped – supposedly providing 24-hour security to the area. Each day after the remains were cataloged and boxed by both the forensic team and the police, the boxes were transported to Rabinal where they were stored in the modest office of the justice of the peace.

In tandem with the archaeological procedures, Maya rituals marked different moments of the excavation. Before the ground was broken, the Maya priest (*sacerdote* Maya) conducted a religious ceremony. Maya priests are the keepers of Maya religious tradition (*costumbre*), which the Maya have maintained and reinvented since the arrival of the Spaniards in the 16th century. While many have viewed Maya *costumbre* as a syncretic blending of Maya belief systems with Catholicism, the cult of Catholic saints is also a blending of Maya religion with Catholicism. Each religion reminds us that belief systems are never static, but always changing. For the Achí, as for other Maya, it is sacrilegious to disturb the remains of the dead because wherever the blood of the dead has spilled in burial, the spirits of the dead hover above. To disturb the bones is to disturb the spirits. However, because it was the desire of the community that the truth of these clandestine graves be known, that their loved ones have proper religious burials, and that there be justice, the Maya priest performed a special ceremony before each grave was opened.

While every culture places significance on its particular burial practices, Maya ritual practices at the graves of ancestors implicate not only the passing of the ancestor but also the identity, rights and responsibilities of the living. Archaeologist Patricia Macanany dates these practices back to before the Conquest and notes that "very few royal tombs were sealed and never revisited; most were periodically reopened for an elaborate ceremony of burning incense. It almost seems as though it was vitally important to maintain open pathways of communication with the ancestors" (Macanany 1995). These rituals at burial sites implicate the enactment of deeply held beliefs about individual and community identity and reckoning in the past as well as the present.

Lighting candles, burning copal incense on the area adorned with red gladiolas and pine needles, the Maya priest would first speak with God to explain why the exhumation should take place and ask permission from God to disturb the bones. Then the priest would call upon the spirits to explain to them that God had given permission for the exhumation to take place. He would plead with the spirits to heed God's call. Instead of using their powers against those who disturb the bones, the priest asked the spirits to use their powers to bless and protect the forensic team and all who worked at the exhumation.

Everyone in Plan de Sánchez worked to support the exhumation. The men organized a schedule so that everyone helped with the manual labor, but also had time to tend their fields. I was struck by the volunteers who came representing popular human rights organizations. These peasant men and women were giving up their time working for their own livelihood to support an exhumation that wasn't even in their own communities. They said they came because they wanted to learn more about the exhumations and because they hoped people would come when they had their exhumations in their own communities. "If we are together, we have greater strength and less fear," explained a massacre survivor from a faraway Chichicastenango village in El Quiché. These volunteers came for ten days at a time. Within the village, each man gave several days a week of his time. All helped to do the heavy digging that was necessary before the delicate brushing work of the excavation could begin. They also carried all the dirt out of the graves to sift it. (This sifting is necessary for finding bullet and grenade fragments.) It was the rainy season, so shelters had to be built over the work sites and gullies had to be dug around the perimeter to prevent the water from flooding the open graves. The work was further complicated by the steepness of the mountainside where many of the graves were located. In all, there were 18 graves, so there was a lot of digging, sifting, and building.

When I first arrived at the site, one of my fears was that I would be overcome by the smell of death. That first day, working in the graves that had been opened and exposed for several days prior, there was no smell, or if there was, I didn't notice it. The flesh had decomposed and the remains were bones still dressed in the clothes that had not yet decomposed. Rather than the trepidation I had expected to feel about being (just being) near the bones, I felt great tenderness because they seemed fragile, vulnerable, and somehow almost noble. These were the final traces that confirmed that a human being, this human being had existed. Sometimes when we opened a new grave or if it was a damp day, a slight smell of life lingered. It wasn't a putrid smell, the earth had long since absorbed the rot of death. The scent that lingered was the light murky smell of birth or a stillborn puppy or that of wine fermenting in oak barrels, not a noxious aroma, but one of movement or transformation in rhythm with the mountains and its pine trees, flowers, rich earth, and luscious green grass.

The scent of burning *leña* (firewood) and the resin used to start cooking fires wafted over the site, blending with all the other smells. As their husbands worked on the exhumation of their first families, the current wives of these men (most themselves previously widowed by massacres) prepared food for the forensic team and anyone else who helped with the work. This meant grinding corn, patting out tortillas, and preparing a large cauldron of beans or soup for what usually amounted to some 35 additional mouths to feed each day. They also prepared *atol* (hot corn drinks) for us twice during the day.

As the forensic team and community members worked on the exhumation, campesinos from nearby villages walked as many as six hours to reach the site to observe the exhumation. These individuals, like the villagers of Plan de Sánchez, were expressing their support of the exhumation by their mere presence. They were seizing the political space opened by the exhumation and further extending it. Each day, dozens of people came. Not only was no one in Plan de Sánchez singled out, but the presence of villagers from other communities demonstrated that the people of Plan de Sánchez were not alone. A profound expression of what Michel Foucault called “the power effects of truth” (1980:131).

During the exhumation, local campesinos were always waiting and watching. While the excavation of massacre victims may seem like a gruesome endeavor, it is the presence of these local Maya peasants that enables the forensic team members to do their work. It is not simply the collaboration of local labor that helps. It is also the great respect for the dead and the living, and the spiritual and emotional strength that community members bring to the site, that encourages everyone involved to continue their work each day.

The police were always watching from a distance. They often stood behind a tree and would peek out to watch us. They weren't scared of us or the graves, they were scared of the photographers. A photographer demonstrated to me that all he had to do was take out his camera and the police would scatter running behind trees. When I asked them why they hid, one of the police said, “If my picture is taken here, people might think I support it, that I am taking a side. I could lose my job.” At the time, I just thought he meant that military institutions, including the customs police, were against the exhumations.

A few days later, I was excavating a skeleton. It was the skeleton of a woman who was face-down in the grave. She had a shawl wrapped around her upper body. As I opened her shawl, the skeleton of an infant was revealed. The same customs officer came out from behind his tree. He walked right up to the edge of the grave. As he leaned into the grave, he called the other three officers. He said, “Look. Look at this. It is a woman with a baby on her back. They told us these were pure guerrillas. These aren't guerrillas. That's a mother and a baby. That's a crime.” As the other police came closer to watch, the villagers joined them. One of the police said, “A woman and her baby. Poor woman. Poor baby. I sure would like to machine gun whoever did that.” And all the villagers quietly backed away to the other side of the grave. Still, after witnessing the excavation of this woman with a baby on her back, the officers stopped hiding behind trees and voluntarily began to help with the manual labor in the exhumation.

“LEAVE THE DEAD IN PEACE”

Each Thursday afternoon, we would return to Guatemala City to do paperwork, visit with friends and family, and rest. Before dawn on Monday, we would be on the road returning to Rabinal. When we reached Plan de Sánchez on the morning of July 25, there were only a few villagers from Plan de Sánchez waiting for us at the grave site and there were no villagers from outside – usually there were several dozen. The mood was somber and everyone was very quiet. The widowers of Plan de Sánchez met with us to explain what had happened.

The day before, on Sunday, the subcommander of the army base in Rabinal had ordered all men from the villages to attend a meeting at the army base. The order was received in the morning. By noon, there were several thousand men waiting in the sun at the base. At two in the afternoon, the subcommander greeted the crowd and began a lecture. He told the peasants not to pursue the exhumations. "The anthropologists, internationals and journalists are all guerrilla," he explained. "You know what happens when you help the guerrilla. Collaborating with the guerrilla will bring back the violence of 1982," he warned. "Now, I am going to give you an order," he said. "Leave the dead in peace" (collective interview, Plan de Sánchez, July 25, 1994).

While the men attending the meeting at the base were too frightened to contradict anything the subcommander said, they were not dissuaded from continuing to work on the exhumation. They had increased local security by coordinating trips to their fields and to Rabinal to ensure that no one ever traveled alone and also to make sure that there were always some men in the village. They recommended to us that we not walk around alone in Rabinal during the daytime, and that at night we not walk around outside at all.

When we suggested that a delegation could go to the capital to denounce the army's threats, the villagers informed us that they had pooled their resources on Sunday afternoon to pay the bus fare for several men to go to the capital to do just that. Thus, the army's threats were denounced to the Human Rights Ombudsman, the court, and the national press. At the end of the week, the army made a public statement in which they claimed that the subcommander was not expressing army policy and that he had been transferred to another base. Word of this statement traveled quickly through Rabinal. By the following week, we were back to several dozen local visitors each day at the site.

Later, Juan Manuel admitted to me that the villagers had held a meeting to discuss what we (the forensic team) should be told about the assembly at the army base. Several people were worried that we might not complete the exhumation if we knew about the army's death threat. Though we never mentioned it to the villagers, we were concerned they might pull out of the exhumation because of the threats. The consensus of this political chess game, however, of both the forensic team and the villagers, was that if the exhumation was not completed, then the army would have more power than it had before the exhumation began. This consensus revealed a highly nuanced understanding of the politics of power relations and also the palpable sensation that on any given day the balance of power could weigh in on the side of either the army or civil society.

This was neither the first, nor the last, threat directed at the team or its work. In March 2002, 11 current and former FAFG forensic anthropologists were under 24-hour protection due to death threats. On February 21, 2002, they received individually typewritten letters: "We will finish you off... you aren't the ones to judge us. If the exhumations don't stop, your families will be burying your bones and those of your children" (personal communication with FAFG president Fredy Pecerrelli, February 24, 2002 and with former FAFG president Fernando Moscoso, February 28, 2002). After a decade of forensic anthropology investigations into massacres and more than 190 exhumations, those threats were intended to intimidate the 11 anthropologists who were scheduled to be called as forensic expert witnesses in forthcoming court cases against current and former high-ranking army officials, and the first case

scheduled to be heard was Plan de Sánchez. And as recently as March 2006, FAFG members received death threats.

In terms of the team's response to the 1994 death threat, some members of the forensic team recognized it as a death threat, while others categorized it merely as part of the army's campaign to discredit human rights work. Plan de Sánchez survivors, however, viewed the subcommander's statements not only as a death threat, but also as an order for the civil patrollers to attack us – hence their recommendations about our safety in Rabinal. Though it heightened our consciousness of individual and group security practices, we continued our work routine as always – traveling en masse, never walking alone, never leaving the vehicle unattended, and never arriving or departing at exactly the same time (which was, more often than not, a result of lack of planning rather than the reverse).

Less than two weeks after the army's disclaimer, on August 10, the departmental human rights ombudsman in Salamá and the national PDH received identical death threats: “deija [sic] en pas [sic] a los muertos Hijo de puta” [leave the dead in peace son of a whore]. At the same time, while I was conducting interviews with government officials in Guatemala City, a high-ranking member of the Guatemalan government's Peace Commission (then representing the government and army in peace negotiations) told me that “no member of the forensic team should believe themselves to be immune to violent reprisals.” He also emphasized that a US passport should not be assumed to provide protection from such reprisals. When I asked him if this was a threat from the army, he said, “It doesn't matter where I heard this or who told me. And it isn't a threat, it is a warning.”

When I later met with the national Human Rights Ombudsman Jorgé Mario García La Guardia and asked him about the death threats the PDH had received, he shrugged his shoulders and showed me a stack of threats he had received. “This is the reality of our work,” he said. “If I stopped to contemplate the implications of each of these threats, I would be immobilized.” This reminded me of Fernando Moscoso, who once explained how he continued working even when he was tired: “When I am excavating, I am conscious that in a year, or two, or three, the skeleton in the ground might be mine.”

By the end of my interview with García La Guardia, it was early evening. He offered me a ride to my next destination because I had mentioned to him that a man had attempted to mug me in Guatemala City several days earlier. When I told the friends I was meeting that the ombudsman had given me a ride and that his security was impressive (the driver and two guards each with automatic weapons), they retorted that I would have been safer walking. “No one rides with the PDH. Those guards and guns are worth nothing if someone drives by and opens machine gun fire.”

“YOU ARE SEEING THE TRUTH”

After all the graves had been exhumed, there were 18 large holes in the earth. The sizes of the graves ranged from eight by ten feet to fifteen by twenty feet. Each was about four to five feet deep. Because it was the rainy season, the holes quickly filled with water. As I looked at the gaping holes in the earth, they seemed to be many things. They looked like miniature versions of the wounds left in the earth by nickel mines or gravel pits. They looked like muddy ponds. The area, which had always been

filled with people, was deserted and the holes heightened the empty feeling of absence. My thoughts were broken by the laughter of children who trailed Juan Manuel, Erazmo, Pablo, and José. We sat on a grassy knoll and looked at the empty spaces, the valley below and the mountain range beyond it.

"It looks sad here," said Don Erazmo. "But when we have a proper burial, everyone will live with tranquility." He said this with the knowledge that it was unlikely he would receive the remains of his family members because it appeared that they had been among those who were burned beyond recognition. As he spoke, the children played with each other and climbed on their fathers, seeking embraces.

By the end of the exhumation, I had interviewed all survivors of the massacre still living in Plan de Sánchez. I asked them why they wanted the exhumation. In addition to not wanting their relatives buried "como perros" – like dogs – each person gave me several reasons beyond the proper burial.

The first and most stark reason is the concrete, the real, the hard evidence. You can touch it. It is the bones of the victims we pulled out of the earth. And, as Dr Clyde Snow always says, "The bones don't lie." The army claimed there had been a battle with the guerrillas in Plan de Sánchez. The exhumation clearly showed that the vast majority of victims were women, children, and the elderly. Moreover, the forensic evidence unquestionably demonstrated that the skeletons in the grave were victims of a massacre, not in armed confrontation with guerrillas and not civilians caught in cross-fire, as the army had asserted about mass graves throughout the country (FAFG Exhumation File: Plan de Sánchez Caso 319-93, 5TO (1997)).

Don Pablo asked me, "How could they say these were guerrilleros? How can an infant of six months or a child of five, six, or seven years be a guerrillero? How can a pregnant woman carrying her basket to market be a guerrillero?" (Rabinal Testimony no. 7-3, July 18, 1994, my archive). About the exhumation, Don Erazmo told me, "Allí, no hay mentira. Allí, están veyendo la verdad" [There, there is no lie. There, you are seeing the truth].

In 1994, I asked them why an already vulnerable community would put itself at greater risk by supporting and actively collaborating with the exhumation. Don Juan Manuel told me that the community supported the exhumation because they wanted "the truth to come out that the victims were natives of the area. Our children, who knew nothing, who owed debts to no one. They killed women and the elderly who did not even understand what they were accused of by the army. Campesinos, poor people. People who work the fields for the corn we eat."

The community wanted the truth to be known. Don Erazmo said, "We have worked in the exhumation. We have worked for truth." I asked what importance truth could have 12 years after the massacre. This is what I was told:

"We want peace. We want people to know what happened here so that it does not happen here again, or in some other village in Guatemala, or in some other department, or in some other country."

"We strongly support this exhumation and that everything is completely investigated because we do not want this to happen again."

"We do this for our children and our children's children."

"We want no more massacres of the Maya."

"We want justice. We want justice because if there is no justice, the massacres will never end. God willing, we will have peace."

Some said they wanted revenge. All said they wanted justice. There was great hope that someone involved in the massacre would be tried in court and prosecuted.² Just as army threats had sent tremors of fear through Plan de Sánchez, and indeed throughout Rabinal, the process of the exhumation restored community beliefs in the right to truth and justice. Rural Maya have a strong community tradition of publicly speaking their objections and seeking redress within the local hierarchy. Moreover, in rural Maya culture, the ancestors help the living move into the future. They continue to play a role in the life of the community. They play an important role in defining place and the significance of place as social space, as living space (conversation with Patricia Macanany, April 12, 2000). In this sense, the exhumations resuscitated local Maya cultural practices and created new space for the practice of citizenship.

It was the combination of the forensic evidence of the exhumations with the visible resuscitation of community beliefs in the right to truth and justice that threatened those implicated in the massacres. Denial that those killed had been unarmed civilians remained plausible only as long as the mass graves were untouched. Exhumations not only provided an accretion of truth within the public space of the community, but also an accretion of forensic evidence for court cases and the beginning of a new national and international understanding of La Violencia. As exhumations have proceeded throughout the country, the collective evidence pointed not only to army massacres of unarmed Maya, but to a carefully planned and strategically enacted genocide (Sanford 2003a, 2003b, 2005a, 2005b). Indeed, a significant finding of the Commission for Historical Clarification (CEH, the Guatemalan truth commission) was that the army had carried out genocidal acts. The FAFG also participated in the investigative process of the CEH, carrying out exhumations commissioned by the CEH (FAFG 2000).

CONCLUSION

The testimonies of survivors and the forensic analysis of the remains of massacre victims provided evidence for a petition filed by survivors with the Inter-American Commission of Human Rights in 1995 requesting that the Commission pass the case on to the Inter-American Court. Over the years, in Plan de Sánchez, Kathleen Dill and I have often discussed this case with survivors. While allowing for citizen petitions, the Inter-American process is slow. We would reassure one another that something was bound to happen – especially after we knew that the case had been passed on to the Court. Cases can take up to 10 years. “Sooner or later there will be justice” became the refrain for survivors.

On April 29, 2004 the Inter-American Court condemned the Guatemalan government for the July 18, 1982 massacre of 188 Achi-Maya in the village of Plan de Sánchez in the mountains above Rabinal, Baja Verapaz. The Inter-American Court was also convinced that “the bones don’t lie” and found the forensic evidence and testimonies to be both credible and compelling. The Court attributed the massacre to Guatemalan army troops. This is the first ruling by the Inter-American Court against the Guatemalan state for any of the 626 massacres carried out by the army in the early 1980s (IAC 2004a; Sanford 2004). The Court later announced that the Guatemalan state is required to pay \$7.9 million to the relatives of victims (IAC 2004b).

Beyond the importance of this judgment for the people of Plan de Sánchez, the Court's ruling is particularly significant because the following key points were included in the judgment: (1) there was a genocide in Guatemala; (2) this genocide was part of the framework of the internal armed conflict when the armed forces of the Guatemalan government applied their National Security Doctrine in its counterinsurgency actions; (3) these counterinsurgency actions carried out within the Guatemalan government's National Security Doctrine took place during the regime of General Efraín Ríos Montt, who came to power through military coup in March of 1982 (IAC 2004a).

Further, regarding the massacre in Plan de Sánchez, the Court indicated that the armed forces of the Guatemalan government had violated the following rights, each of which is consecrated in the Human Rights Convention of the Organization of American States: the right to personal integrity; the right to judicial protection; the right to judicial guarantees of equality before the law; the right to freedom of conscience; the right to freedom of religion; and, the right to private property (IAC 2004a).

The Plan de Sánchez case was considered by the Inter-American Court at the request of the Inter-American Commission, which had received a petition from relatives of the massacre victims. These survivors requested consideration in the Inter-American Court because of the ongoing impunity and lack of justice in the Guatemalan legal system. There is no doubt that both the forensic evidence and testimonies given by forensic anthropology expert witnesses played a key role in the Court's findings. There are still more than 300 massacre cases supported by forensic evidence pending in the Guatemalan court system, and the FAFG has now completed more than 530 investigations and continues to carry out exhumations throughout the country with the goal of exhuming the 2,000 known clandestine cemeteries (www.fafg.org/).

Since their founding, both the Guatemalan and Argentine forensic teams have gained international prominence as the leaders of forensic anthropology investigations. Throughout Latin America, they apply their expertise in forensic anthropology to the investigation and documentation of human rights violations to produce scientific evidence for court cases and to assist relatives in the recovery of the remains of their lost loved ones. To these ends, they have led forensic investigations in Colombia, Peru, El Salvador, Mexico, and Honduras. Both the Argentine and Guatemalan teams have also carried out forensic anthropology investigations in the Democratic Republic of Congo, Ethiopia, Indonesia, the Ivory Coast, Sierra Leone, Uruguay, Rwanda, the former Yugoslavia, and Sri Lanka, among others (EAAF 2002; FAFG 2005). Significantly, just as the Argentine team replicated itself in Guatemala, the FAFG and EAAF have also continued to replicate themselves by assisting in the establishment of forensic anthropology teams in Colombia, Peru and Mexico. These Latin American forensic anthropology groups founded the Latin American Forensic Anthropology Association (ALAF) and now hold regional meetings to strengthen and professionalize forensic anthropology throughout Latin America (EAAF 2002:126).

NOTES

This chapter draws on "Strengthening the Peace Process in Guatemala: A Proposal of the Guatemalan Forensic Anthropology Foundation to the Open Society Institute" (Sanford

1998) and on “The Bones Don’t Lie,” chapter 1 of *Buried Secrets: Truth and Human Rights in Guatemala* (Sanford 2003a). The author thanks Juan Manuel Geronimo and the other survivors of the Plan de Sánchez massacre for their trust and friendship. All interviews are the author’s unless otherwise noted. Special thanks to editor Deborah Poole for her patience and support.

- 1 Other popular human rights organizations, such as CERJ (Consejo de Etnías Runujel Junam, Council of Ethnic Groups Runujel Junam) and FAMDEGUA (Familiares de los Desaparecidos de Guatemala, Families of the Disappeared of Guatemala) have also provided assistance to communities filing legal requests for exhumations and provided resources for food during the exhumations and materials for reburial. The ODHA (Oficina de Derechos Humanos del Arzobispado) has also conducted exhumations.
- 2 Rabinal Testimony nos 7-3, July 27, 1994; 7-5, July 20, 1994; 7-3, July 18, 1994; 7-2, July 27, 1994; 7-1, July 18, 1994; 7-1, July 27, 1994 (my archive); Plan de Sánchez, collective interview, July 25, 1994.

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