SSOAR

Open Access Repository
www.ssoar.info

Encounters with History: Dealing with the 'Present Past' in Guatemala

Oettler, Anika

Veröffentlichungsversion / Published Version
Zeitschriftenartikel / journal article

Zur Verfügung gestellt in Kooperation mit / provided in cooperation with:
GIGA German Institute of Global and Area Studies

Empfohlene Zitierung / Suggested Citation:
Oettler, A. (2006). Encounters with History: Dealing with the 'Present Past' in Guatemala. *European Review of Latin American and Caribbean Studies*, 81, 3-19. https://doi.org/10.18352/erlacs.9645

Nutzungsbedingungen:
Dieser Text wird unter einer CC BY Lizenz (Namensnennung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:
https://creativecommons.org/licenses/by/3.0/deed.de

Terms of use:
This document is made available under a CC BY Licence (Attribution). For more Information see:
https://creativecommons.org/licenses/by/3.0

gesis
Leibniz-Institut
für Sozialwissenschaften

Mitglied der
Leibniz-Gemeinschaft

Diese Version ist zitierbar unter / This version is citable under:
https://nbn-resolving.org/urn:nbn:de:0168-ssoar-54246-8

Encounters with History: Dealing with the 'Present Past' in Guatemala

Anika Oettler

As Jonathan D. Tepperman observed in 2002, the 'truth business […] is booming. A new academic discipline has sprung up to study the [truth] commissions […]. Numerous books and articles on the subject appear each year' (Tepperman 2002, 128). Dozens of articles and a few books (I wrote one myself) on the Guatemalan truth commission have appeared in recent years. By contributing once more to this stream of publications, I hope to introduce a new analytical approach into academic debate and to reduce the number of myths that are circulating in public discourse on truth commissions.

Even critical authors such as Tepperman reproduce myths about truth commissions.[1] Tepperman states that 'truth commissions are tools that traumatized countries use to set the historical record straight. The commissions allow newly democratic nations to investigate the crimes of the past, overturning the lies told by previous regimes to cover up their abuses' (2002, 129). This explanation of the *raison d'être* of truth commissions contains the basic myth concerning the *subject* that is dealing with the past: Is it a country? A nation? Is a country traumatized? Is a country using a tool? Is a nation investigating the past? And, finally: are only regimes telling lies? What is a lie?

In answering these questions, we should instead abandon the idea of a single (national) subject dealing with the past. As Halbwachs stated, different *communities of memory* are involved in the endless process of transforming social memory (Halbwachs 1966). Egyptologist Jan Assmann distinguishes two registers of collective memory: *communicative memory* and *cultural memory* (1999). On the one hand, historical memory is constituted by daily communication, by exchanging life experiences. This communicative memory evolves in time and disappears with its holders, that is to say, generational memory. In contrast, cultural memory is more stable and conserves the past by a distinct group of specialists and via cultural patterns. Cultural memory is defined as 'the re-usable and available texts, images and rites of each society, with the preservation of which it stabilizes and spreads its self-image' (Assmann 1988, 15)

Applying this concept to the Guatemalan experience, it is possible to detect different registers of collective memory and different communities of memory affected by official and nonofficial truth finding (Oettler 2004). The Guatemalan experience is an excellent example of how truth commissions do (and fail to) affect national politics and individuals as well as collective memory, and it urges us to abandon the myths mentioned above.

The following paragraphs briefly summarize the process of official and nonofficial truth finding in Guatemala. While many analysts have dealt with the policy cycle related to the work of truth commissions,[2] few have noted the historiographic significance of *truth* commissions.[3] In trying to fill this gap, I will discuss the his-

toric narrative presented by the CEH (*La Comisión para El Esclarecimiento Histórico*).[4] The presentation of the final report of the Guatemalan Truth Commission in February 1999 has not been the last public encounter with memory in Guatemala. Since trials and symbolic and material acts of reparation have a lasting influence on collective memory, I will summarize the relevant events. Which communities of memory were affected by which truth finding efforts in the long run? In sum, the complex structure of collective memory – of narratives and counter-narratives – will be outlined.

A brief history of Guatemalan truth finding

In Guatemala, the debate on the creation of a truth commission dates back to the mid-1980s when the relatives of the disappeared began to protest against repression.[5] In 1984, a group of *Ladina* women from the capital came together to demand the return of their husbands and sons, and formed the *Grupo de Apoyo Mútuo – GAM.*[6] Connected to the emerging continental movement of 'relatives of the detained-disappeared', GAM began to fight for the creation of a truth commission. During the 1980s, two non-independent official investigative bodies were set up, and both came to the conclusion that not a single case of disappearance had occurred in Guatemala (CEH, Vol. VI, 150). Regardless of this, GAM continued lobbying for a truth commission.

When GAM was formed it represented the political demands of Ladina women searching for their disappeared relatives – in many cases active members of political parties, trade unions or student organizations. Soon after its formation, GAM began to incorporate women and families from remote parts of the Guatemalan highlands who had survived the 'scorched earth policy'. Under the dictators Lucas García (1978-1982) and Ríos Montt (1982-1983), the military had persecuted the indigenous population identified as the social support base for the guerrillas, who had begun to operate in the western and northern parts of the country (Oettler 2006). The counter-insurgency forces attempted to destroy this social backing by extinguishing entire communities, executing indigenous leaders, destroying crops, and persecuting fleeing survivors. These 'scorched earth operations' were carried out with extreme brutality and included the forced involvement of civilians. Starting in 1981, the military compelled the male population to join organizations called Civil Defence Patrols (PACs) that had to observe and denounce their communities and participate in acts of extreme cruelty. Approximately 1.5 million people were displaced internally or externally, and thousands of survivors 'resettled' in strategically militarized hamlets.

When surviving women and families from the 'interior' joined GAM in the mid-1980s, all members shared the uncertainty regarding the destiny of their relatives, or if known, the impossibility of giving them a dignified burial; but they did not share the same experience of terror. While GAM's leading Ladina women had been confronted with the selective repression of political leaders, the indigenous campesinos faced the fact that military efforts were being made to eliminate their whole culture and their physical existence. GAM slowly transformed into a more political organization by trying to enforce two main demands, the official investigation of human rights violations and the punishment of those responsible for the crimes committed. In view of the experiences with the two non-independent official investigative bodies, the demand to investigate the crimes turned into an essen-

tial condition to punish the guilty.

When the Guatemalan government finally entered into peace talks with the guerrilla army URNG (*Unidad Revolucionaria Nacional Guatemalteca*), the latter supported the demand for the creation of a truth commission. The question of how to deal with the past turned out to be one of the main obstacles to bringing the peace negotiations to an end.[7] While military hardliners rejected all attempts to deal with the past, a powerful faction of 'institutionalists' supported the idea of creating a truth commission: as minister of defence Mario Enríquez pointed out in 1994, 'Just like in Chile: truth, but no trials' (Hayner 2001, 86).

After a seemingly endless marathon of negotiations, the 'Agreement on the Establishment of the Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have caused Suffering to the Guatemalan People' was signed in June 1994. Being the only instrument of transitional justice provided for in the accords, the agreement on the creation of a truth commission could only be explained as a concession to international norms. The government and the guerrilla army found themselves obliged to conform to a minimum standard when dealing with the past (Oettler 2004, chapter 3). The Guatemalan process of agenda setting is a demonstration of how global norms of transitional justice are transmitted into national politics. It is particularly noteworthy that these norms were never internalized by key political actors. As in many other cases (for example, El Salvador, Colombia, Sierra Leone), the international mediators and the two warring parties had to compromise. The result was half-hearted. Speakers representing the left spectrum of civil society harshly criticized the accord because it designed a commission with a limited mandate. The commission, which was to be set up for a maximum of twelve months, was supposed to investigate *all* human rights violations and acts of violence committed over a period of 36 years. This 'amounted from the very outset to overburdening the CEH, and preventing it from discharging its mandate in a thorough fashion' (Tomuschat 2001, 239). Moreover, the mandate stated that the commission was not supposed to name the names of the guilty or to pursue judicial aims; and that had been the most important demand of GAM and other human rights organizations. Prominent representatives of human rights organizations criticized the URNG for signing the accord and thus betraying civil society.

Truth finding

Despite their severe criticism, in the end many human rights organizations supported the process of official truth finding. After the signing of the accord, two supportive projects were begun; the addressees were ideologically diverse communities of memory. In 1994, groups belonging to the umbrella organizations CONADEGUA (*Coordinadora Nacional de Derechos Humanos de Guatemala*)[8] and ACPD (*Asamblea Consultativa de la Población Desarraigada*)[9] initiated a project called *Convergencia por la Verdad* in order to hand over to the Truth Commission a systemized data bank of human rights violations documented by their member organizations. This data bank was based on the archives of human rights organizations, which had documented cases of human rights violations during the past decades. Members of civil groups like GAM or the Communities of Population in Resistance (CPR) independently collected approximately 5,000 in-

terviews with victims of human rights violations. Based on the material provided by *Convergencia por la Verdad,* Patrick Ball, Paul Kobrak and Herbert F. Spirer (1999) wrote the study, *State Violence in Guatemala. 1960-1996: A Quantitative Reflection*. The data bank was used as one of three sources for the Truth Commission when it estimated the number of victims of the entire internal conflict. Yet it is important to recall that many survivors of state violence belonging to various popular movement organizations had already testified in 1994. After that, REMHI (*Proyecto Interdiocesano Recuperación de la Memoria Histórica de Guatemala*)[10] and CEH gathered qualitative interviews. Thus, in the end, the history that many politically active victims had lived through was not fully put on record.

In 1995, the Human Rights Office of the Archdiocese of Guatemala initiated a second project to support the work of the truth commission with the intention of handing over a report to the official commission based on its own human rights archive. But discussions on the nature and the psychological effects of the Guatemalan internal conflict revealed that it was quite impossible to document the horrors of the past without gaining the confidence of the victims. Realizing that the official truth commission would not be able to overcome the walls of mistrust in the affected communities, the founders of REMHI developed an alternative method of truth finding which was based on the existing network of Catholic communities and the credibility of the Catholic Church in the most affected regions. In 1995, long before the signing of the final peace accord, REMHI began training approximately 600 voluntary interviewers from rural communities, who later on were called *animadores*. The training not only included the methods of carrying out interviews but also provided a protected space for the exchange of experiences. The founders of the project were confronted with the fact that many interviewers did not know about national history of the internal war: they interpreted their own suffering within the horizon of local history. The initial aim of elaborating a quantitative report on human rights violations delved further into the background, and the project attempted to break the silence, reconstruct the frames of memory, and help rebuild broken communities. The villages in which REMHI was able to establish stable groups of 'animadores' formed the most important public framework for talking about personal suffering, learning about national history and working through the past. When many victims who had experienced, remembered and interpreted the armed confrontations within the local horizon of their communities contacted the REMHI project and its animadores, they learned about national politics and history for the first time in their lives. Previously, many victims had felt responsible for what had happened and, therefore, had blamed themselves for their relative's or neighbour's death. Once they started to talk about their experiences and listen to the experiences of others, they began to realize that their individual suffering corresponded to a nation-wide strategy of counter-insurgency. The Project to Recover Historical Memory did more than reconstruct memories: it gave historic events a new and broader sense. The local history of repression fitted into a national strategy of repression and its deeper historical roots. The process of reconstructing memories implied (in restricted areas of the country) the weakening of the National Security Doctrine, which was formerly the hegemonic military truth.

In contrast to official truth commissions, the work of REMHI did not end with the presentation of its findings. The process of working through cruel experiences was led mainly by Catholic priests and lay persons inspired by liberation theology. They have continued to carry on projects of psychosocial and legal assistance,

seminars on national, regional and local history, and exhumation processes. When the report *'Guatemala – nunca más!'* (never again!), which concentrated on revealing the mechanisms of terror and explaining the human experience, was released in April 1998, the appalling Guatemalan past became, for the first time, an item on the national agenda. Only 24 hours after it was published, the co-ordinator of REMHI, Bishop Juan Gerardi Conadera, was murdered in his garage. The 75-year old bishop had symbolized not only the struggle against repression but also the struggle to reach a peace accord: when he was Bishop of El Quiché in the 1980s, he was forced to close his diocese. He then founded the Guatemalan Church in Exile and, after his return from Costa Rica, was nominated Assistant Bishop of the Archdioceses of Guatemala. He founded the Archbishop's Human Rights Office and participated in the National Reconciliation Commission, which was a key instrument on the peace negotiating process. His assassination was widely interpreted as an effort to silence those who were interested in discovering the truth and to obstruct the work of the official Truth Commission.[11]

Months before, in July 1997, the official Truth Commission CEH had started its work. The accord on the creation of the commission prescribed that the CEH should be created after the signing of the final peace accord. When the delegations of the URNG and the government signed the 'firm and lasting' peace in December 1996, they agreed on a comprehensive set of reforms. The decision about official Politics of the Past[12] was just one element of a political programme including the restructuring of civil-military relations, reforming the social agenda as well as the judiciary, promoting indigenous rights, and modernizing the agrarian sector. Given that some military hardliners rejected the idea of dealing with the past, while sections of leftist civil society demanded that the guilty be punished, the negotiating delegations chose the 'middle way' of investigating the past without imposing any judicial consequences, a course which fitted in with the concept of guilt, confession and conciliation supported by the Catholic Church (Grandin 2002). Thus, the Guatemalan programme of dealing with the past corresponded to the more recent trend, which concentrated on truth finding. Soon after the final peace accord was signed, the Guatemalan congress passed an amnesty law excluding torture, genocide and disappearances. The third traditional tool of official treatment of past abuses was postponed: the guerrillas and the government decided that the truth commission should recommend measures of restitution, compensation and rehabilitation.[13]

The CEH was headed by the German law Professor, Christian Tomuschat, who appointed two Guatemalan members to the Truth Commission: the lawyer Alfredo Balsells Tojo and the indigenous educator Otilia Lux de Cotí. In September 1997 the commission started its fieldwork, which was mainly doing interviews, and presented its final report on 25 February 1999. During this period, the commission collected 7,338 individual and collective interviews and built up a comprehensive archive. The latter included a set of declassified US-documents, which substantiated the commission's findings and made it too difficult to declare them as communist propaganda.[14]

As Hayner mentioned, 'The record of implementation of Truth Commission recommendations has been among the weakest aspects of truth commissions to date' (Hayner 2001, 169). Nevertheless, the elaboration of recommendations is still seen as an important duty of truth commissions. The Guatemalan Commission for Historical Clarification is no exception. When the commission handed over its final report on 25 February 1999, it presented a comprehensive set of 84 recommenda-

tions, which included the official acknowledgement of the responsibility of the state, the creation of memorials, the investigation of cases of disappearances, the exhumation of clandestine graves, the establishment of a comprehensive National Reparations Programme, the investigation of the history of high ranking military officers, the abolition of the Presidential General Staff (EMP), and the prosecution of those involved in human rights violations who were not to be given amnesty (for genocide, disappearances, torture). Many recommendations underlined the reforms as being part of the peace accords; whereas some recommendations were designed to strengthen the process of restructuring the military, the intelligence apparatus and the judiciary, others aimed at promoting Indian rights and weakening racist traditions.

First and foremost, official acknowledgement has still not been completed. The first – and thus basic – recommendation presented by the CEH called upon

> […] the President of the Republic [to] recognize, before the whole of Guatemalan society, before the victims, their relatives and their communities, those acts described in this report, ask pardon for them and assume responsibility for the human rights violations connected with the internal armed confrontation, particularly for those committed by the army and the state security forces (CEH 1999, Vol. 5, 61).

A few days after the presentation of 'Guatemala – Memory of Silence', General Efraín Ríos Montt whose name is almost synonymous with the 'scorched earth politics', defended his historical viewpoint and pointed out that the guerrilla army had been responsible for civil victims, as it had used them as human shields (interview in *Prensa Libre*, 28 February 1999). The then governing head of state, Alvaro Arzú, referred to a public event that had been celebrated in December 1998 on the occasion of the second anniversary of the signing of the Peace Accords. During this public act, celebrated in the stadium of Santa Cruz del Quiché, the President had vaguely apologized for past crimes – without knowing the commissions' findings (Miranda 1999).

When newly-elected president Alfonso Portillo took office in January 2000, he announced that he would carry out the recommendations. During the inauguration ceremony, he held a minute's silence for the victims of war – standing only few metres from party colleague General Efraín Rios Montt, who had just been elected president of congress. The ceremony demonstrated that the official recognition of past atrocities could also serve as a political alibi, sometimes being truly cynical.

In 2004, a shift in memory politics was demonstrated by Portillo's successor Oscar Berger, whose seriousness and sustainability have not yet been proved. Following a sentence of the Inter-American Court of Human Rights, he acknowledged the Guatemalan government's responsibility for the 1990 killing of anthropologist Myrna Mack Chang. It was interpreted as an encouraging signal by many observers (see *Inforpress Centromericana*, No. 1557, 30 April 2004), though the lack of justice and punishment was still denounced. When the president signed the book of condolence for Monseñor Gerardi at the seventh anniversary of his assassination in April 2005, he was continuing the politics of accountability. Nevertheless, the symbolic recognition of past crimes has still not translated into a comprehensive regimen of policy and practice that includes justice reform, exhumation policy, and defence of human rights.

The problem of amnesty as the 'moral Achilles' heel' of truth commissions

(Kiss 2000, 74) has still not been addressed in a decisive and sustainable manner. In 1999 the CEH concluded that 'the judiciary became functionally inoperative with respect to its role of protecting the individual from the State, and lost all credibility as guarantor of an effective legal system' (CEH 1999, Vol. V, §56). Little has changed since then. The weakness of the justice system continues due to inadequate resources, poorly trained and heavily threatened personnel, and the dynamics of impunity itself. Despite the commitments made by presidents Portillo and Berger to end impunity, witnesses, judges and human rights defenders themselves were (and continue to be) threatened, attacked and even killed. Therefore, impunity for past abuses cannot be attributed to the amnesty law passed in 1996. 'Guatemalan courts have proven so unreliable in prosecuting human rights crimes that an amnesty was arguably not necessary to protect perpetrators' (Popkin 2000, 157).

As some of the best-known cases of human rights violations show, the judiciary is incapable of carrying out prosecutions. Since the transition to formal democracy in the mid-1980s, only a few cases have been prosecuted in the courts – and even fewer sentences have got past the various stages of appeal (for a qualitative analysis of impunity, see Fundación Myrna Mack 2004). In March 2005, a court of appeals reduced the sentences by ten years for Col. Byron Lima Estrada and his son, Capt. Byron Lima Oliva, who had been convicted for the 1998 murder of Monseñor Juan Gerardi. In 2001, they had received sentences of thirty years. Since they have already been in prison for six years, both men could be released at an earlier date. This case and its various stages of appeal[15] show that Guatemalan trials do not strengthen the rule of law. Moreover, they seldom acknowledge the truth or restore the dignity of the victims in a sustainable manner. When the court of appeals reduced the sentences in March 2005, it reclassified the murderers as 'accomplices'. For the victim and for the public in general, a court's judgement means public acknowledgement that either the victim is the victim of a crime rather than the victim of an impersonal, structural conflict (Günther 1997), or, in the worst case, responsible for his/her own suffering. If a court of appeals issues a revised ruling a few months or years later, the truth pertaining to the crime is similarly revised.

As cultural memory is created and recreated by constant friction between history and memory, it is also influenced by trials. Since the CEH released its report in 1999, there have been numerous encounters between perpetrators and victims of human rights violations in court. In some cases, the court's decisions strengthened the subordinate truth of the victims (for example, Myrna Mack), but in most cases, dominant military or clandestine groups were able to win the battle over memory and memories.

Whereas truth commissions and trials are the most common instruments of transitional justice, a third path is often left aside by academics (Ash 1998, 36) and postponed by politicians: compensation or restitution. As Fuchs and Nolte (2004) pointed out, the way of dealing with past atrocities is constantly being reviewed, changed or even temporarily interrupted. The course of transitional justice evolves in distinct stages, each characterized by a certain mix of policies. In most Latin American countries the complex issue of compensation and restitution was not recognized as a main policy problem during the transition period. Although human rights organizations had already expressed the necessity of compensation under authoritarian rule, the problem was not put on the formal political agenda when the succeeding regime began to deal with the past. In Argentina and Chile, the issue of compensation was seriously considered during a second stage of 'transitional jus-

tice' (Fuchs and Nolte 2004, 87).

Symbolic and material acts of reparation 'play an important role in processes of opening space for bereavement, addressing trauma and ritualising symbolic closure. They acknowledge and recognize the individual's suffering and place it within a new and officially sanctioned history of trauma' (Hamber and Wilson 1999). Thus, the politics of reparation constitute a central stage for friction between memory and history. Notwithstanding the severe psychical implications of individual reparation payments, the process of agenda setting as such is an important field of public acknowledgement of past abuses.

In Guatemala, the politics of reparation entered the stage through the back door. The problem of material compensation was put on the political agenda by actors who had been involved in the repressive practices of the early 1980s. The necessity to deal with the legacy of the past was expressed by a social group composed of enforced perpetrators, and of 'willing executioners' (Goldhagen 1997). Thus, for this stage the inexistence of a clear dividing line between victims and perpetrators became very significant when addressing past abuses. In sum, however, some memories (such as the memories of many female war victims) were silenced or even erased – while other memories (such as the memories of the *patrulleros*) were strengthened.[16]

The debate on material reparation was initiated when the path of national politics was still shrouded in mystery. When president Portillo took office in 2000, political attitudes of key actors seemed to be inscrutable. Prominent figures joined the new Janus-faced cabinet: Otilia Lux de Cotí, a member of the Truth Commission, was made Minister of Culture, and Edgar Gutiérrez, a key member of REMHI, was appointed head of the 'Secretary of Strategic Analysis' – a civil information agency involved in the process of reforming the intelligence apparatus.

Human rights organizations such as GAM and CONAVIGUA had been lobbying for a National Reparations Programme without any results, but the Politics of Restitution were put on the political agenda in summer 2002 when members of the PACs reorganized in order to demand compensation payment for unpaid duty. The government reacted immediately by sending a delegation of high-ranking government officials and offering compensation payments. In October 2002, the Congress, controlled by Rios Montt's party *Frente Republicano Guatemalteco* (FRG), passed a law to borrow US$ 700 million from international financial markets in the form of Euro bonds. This loan, which was legitimized by the need to compensate former members of the PACs *and* victims, was designed to be spent on various purposes such as reducing the Ministry of Communication's pile of debts, broadening the reserves of The National Bank, reducing the military, and, last but not least, 'other programmes'. In the run-up to the election campaign, the government began paying small compensation rates to former members of the PACs. Human rights organizations harshly criticized the payments. Many did not receive compensation payments; as an estimated one million men had forcibly participated in the PACs (CEH, Vol. II, 190, §1291), it was impossible to compensate all of them at once.

The most important aspect of this process was the fact that the government had legitimized the re-emergence of local structures of repression, not only by paying compensation payments, but also by negotiating with the re-organized members of the PACs (Oettler 2005). The abolition of the PACs was a key element of the peace accords and was formally realized in 1996,[17] but soon after its formal abolition, MINUGUA registered the reappearance of these structures of repression.

MINUGUA documented numerous cases of human rights violations such as rape, murder and lynching committed by members of the PACs. Moreover, a tangled network of criminal and repressive structures became stronger during Portillo's term of office (Sieder, Thomas, Vickers, Spence 2002). Another alarming sign was the ties between the reorganized PACs and the Association of Retired Military Officers (AVEMILGUA). In early 2002, Amnesty International criticized the existence of a so-called 'corporate mafia state' in Guatemala that was undermining any attempt to establish public security (Amnesty International 2002). In July 2003, after the courts had denied Efraín Ríos Montt from running for presidency, thousands of PAC members and rioters were brought to the capital in order to violently protest against the ruling. The disruptive and tumultuous events of this 'Black Thursday' were never officially investigated or people prosecuted. This open demonstration of reactionary power in Guatemala City was an exception, but in many remote parts of the country the structures of fear have never been weakened.

The impact of truth finding

The importance of the official truth finding process has to be seen in relation to its long-term influence on cultural memory and on national politics. At first glance, the CEH had only a marginal impact. But looking at it more closely, the extent to which the past could be addressed was quite impressive – given that powerful groups effectively stopped any attempt to end impunity and to change civil-military relations.

Narrativization of the past

The presentation of the findings in February 1999 was the most important and dramatic public event since the signing of the final Peace Accord. The commissioners had decided to give a public lesson in history instead of delivering long diplomatic speeches.

The CEH estimated that over 200,000 persons had been killed or had disappeared during the internal conflict and attributed 93 per cent of these killings to the State and 3 per cent to the guerrilla army (the remaining 4 per cent of the cases could not be attributed to either side). Ninety-one per cent of the crimes documented by the CEH were committed between 1978 and 1984. In 18 per cent of all cases, members of the PACs had been involved. As the counter-insurgency reached unprecedented levels in the early 1980s, the CEH analysed in detail the armed confrontation in four geographical regions: 1) Maya-Q'anjob'al and Maya-Chuj; in Barillas, Nentón and San Mateo Ixtatán in North Huehuetenango, 2) Maya-Ixil; in Nebaj, Cotzal and Chajul, Quiché, 3) Maya-K'iche'; in Joyabaj, Zacualpa and Chiché, Quiché, and 4) Maya-Achi; in Rabinal, Baja Verapaz. Based on the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, which had been ratified by Guatemala in 1949, the CEH came to the conclusion 'that agents of the State of Guatemala, within the framework of counterinsurgency operations carried out, between 1981 and 1983, acts of genocide against groups of Mayan people who lived in the four regions analysed'.[18]

The CEH by no means restricted itself to the purely quantitative documentation of human rights violations. The CEH broke powerful taboos when Christian To-

muschat (2001) pointed out that an analysis of the armed confrontation must take into consideration its historical roots and the traditions of social exclusion, racism and authoritarian regimes. Moreover, the CEH described the extreme brutality of 'counterinsurgency' operations and analysed the systematic violence of torture, rape and murder of women. In many cases, women were held prisoners and forced to submit to sexual violence over long periods of time. Many female Mayan victims reported that, as a consequence, they were banished from their families and communities by members of those communities who considered violated women shameful.

In general, the climate of terror was maintained by the fact that all acts of brutality were carried out with impunity.

> Impunity permeated the country to such an extent that it took control of the very structure of the State, and became both a means and an end. As a means, it sheltered and protected the repressive acts of the State, as well as those acts committed by individuals who shared similar objectives; whilst as an end, it was a consequence of the methods used to repress and eliminate political and social opponents (CEH, Conclusions and Recommendations, Vol. V, §10).

The historical narrative presented by the CEH went far beyond the history of the investigation of crimes committed by two warring parties, the military and the insurgent movement. The CEH pointed out that more than two actors had been involved in the internal conflict: state institutions (judiciary, congress), universities, political parties, churches, locally and nationally powerful economic groups, and, last but not least, external actors. Guatemalan counter-insurgency practices had been supported by the United States. As anti-Communism and the National Security Doctrine (DSN) dominated the political and military strategy of the United States in its strategic backyard, military assistance was provided to strengthen the Guatemalan intelligence apparatus and train the military in counter-insurgency techniques. To a lesser extent, the CEH also proved the involvement of other external actors, which included Cuba and Israel.

The CEH described different stages of the armed confrontation and their historic roots:

> In the period from 1962 to 1970, operations were concentrated in the eastern part of the country, and in Guatemala City and the south coast, the victims being mainly peasants, members of rural union organizations, university and secondary school teachers and students and guerrilla sympathisers. In the years from 1971 to 1977, the repressive operations were more selective and geographically dispersed. Victims included community and union leaders, catechists and students. During the most violent and bloody period of the entire armed confrontation, 1978-1985, military operations were concentrated in Quiché, Huehuetenango, Chimaltenango, Alta and Baja Verapaz, the south coast and the capital, the victims being principally Mayan and to a lesser extent Ladino. During the final period, 1986-1996, repressive action was selective, affecting the Mayan and Ladino population to a similar extent, (Vol. V, §26-7).

The CEH did not want to restrict itself to merely documenting the history of terror, oppression and suffering. It presented a historical narrative with a beginning (the colonial period), a main part (the armed confrontation), and an end (the post-war era).

During the 1980s and 1990s, two important political actors had emerged to lay

the foundations of Guatemalan civil society: the women's movement and the Mayan movement. When the 'tragedy of the armed confrontation'[19] came to an end in December 1996, the Mayan movement, which had been lobbying for an agreement on Indian rights, was visible in national politics more than ever before. This process of the emergence and consolidation of the Mayan movement opened the final act of the drama written by the CEH:

> In the struggle against exclusions suffered since the foundation of the Guatemalan State, the Mayan people has made important contributions in the area of multiculturality and peace. These provide the essential bases for society as a whole to review its history and commit itself to building a new project of nationhood consistent with its multiculturality, which should be inclusive, tolerant and proud of the wealth implicit in its cultural differences (Vol. V, §79).

The CEH did not only place the crimes against humanity and events in a historical order: it had the hermeneutic right to interpret the facts, to reconstruct the *story* of Guatemalan violence.[20] As Greg Grandin (2000, 397) stated, the 'report, in contrast to previous truth commissions, dedicates most of its first volume to the "causes and origins of the internal armed conflict". It is a damning narrative that indicts not just the nation's ruling elite, but its culture and history as well'. The Truth Commission's final report 'Memory of Silence' constitutes a narrative with a beginning, a climax and an end. It is 'a narrative defined as a coherent account in which earlier events are cited to account for later ones. The narrative thus involves temporal causal sequencing […]. The narrative makes sense of action' (Maier 2000, 271).

The narrative presented by the Guatemalan Truth Commission represented the hegemonic truth corresponding to the then current historiographic needs of the Guatemalan elite. The final report not only represented the opinions of many historians and politicians involved in Guatemalan politics (Grandin 2000, 405-7), it also reflected the global discourse on social existence at the end of the 'age of extremes' (Hobsbawm 1994). This global discourse focused on collective identity and the formation of ethnic boundaries as the main driving force behind crisis and conflict (Niethammer 2000). Accordingly, nation-building and ethnic inclusion were postulated as key elements of conflict prevention policy.

A decade after the fall of the Berlin wall, the CEH wrote a report that not only preserved past events but also included a prospective component, too (Oettler 2004, chapter 6). The Commission for Historical Clarification supported and legitimized the project of a 'new democratic and participatory nation that values its multiethnic and pluricultural nature' (CEH 1999, Vol. 5, §57). While many commentators and analysts have noted the CEH's contribution to overcome prejudices and racist fears by facing the facts of repression, few have pointed out the discursive implications of the historical analysis presented by the commission (for an exception, see Grandin 2005). In trying to explain the origins of the armed confrontation, the CEH emphasized social roots and economic inequality, but when referring to the post-conflict era, the commission focussed more on the need to consolidate a multicultural national project than on the need to overcome the extreme economic disparities. Corresponding to the hegemonic social theory in the post-Cold War era, 'Memory of Silence' focussed mainly on the policy of ethnic inclusion. Measures designed to deal with social exclusion were recommended as well, but they did not constitute the centre of the peace-building policy presented by the CEH.

Nevertheless, official acknowledgement of the role played by the indigenous members of society constituted the most important symbolic victory of the Mayan movement since its resurgence in the mid 1980s.[21] No matter how the 'Memory of Silence' was received by the population, the national narrative written by the CEH was the first official document presenting national history as a common history of Ladinos and indígenas. In a society in which the official history had always been the history of a Ladino elite, cultural memory began to change substantially. It is important to note, however, that it was not communicative memory, but cultural memory that began to change. 'Memory of Silence' constitutes an important 're-usable and available' (Assmann 1988, 15) foundational historiographic text, which may influence the multicultural Guatemalan self-image.

Even though the national narrative presented by the CEH has significantly modified cultural memory, it has not necessarily been transmitted to everyday life. Was the history written by the Truth Commission handed down from national 'memory politics' to communicate remembering?

The public discussion that took place after the presentation of the commission's findings showed that vast sectors of society agreed with its conclusions. The urban middle classes, as principal agents of a democratic system, were especially shocked by the findings of the Truth Commission and by the fact that they lived in a country with a genocidal past. Concerning this community of memory, 'Memory of Silence' brought about a new consciousness of history. As Oglesby pointed out, the report has had a multifaceted resonance. For example, 'Memory of Silence' has been important for curriculum projects. The publication of the CEH and REMHI reports 'had created space for teachers and schools to consider treating topics that a few years ago would have been taboo' (Oglesby 2004, 14). And at 'the same time, the actual use of the CEH report was minimal […] in part because the notions of "historical memory" in various follow-up projects were conflated to mean simply the grim profile of the violence' (2004, 14). Within this context it is important to note that some powerful sectors of society (for example, military factions or groups of entrepreneurs) refused to accept the conclusions and went on legitimizing the terrorist counter-insurgency practices of the past. Significant sectors of Guatemalan society, especially in the remote parts of the country, did not take notice or were not aware of a national event such as the publication of a 'truth report'. Nevertheless, Guatemalan history was brought up for discussion in academic circles (in the Guatemalan capital and abroad) and among active members of human rights organizations.

Memory Work

Like the caterpillar that metamorphoses into a butterfly, the REMHI project went well beyond support for the official Truth Commission and transformed itself into an institutionalized form of memory work. The different modes of 'recovering historical memory' aimed at working on subjective and collective memory within the context of a community. In this context, the term 'memory work' refers to the psychoanalytical dimension of the process of treating past atrocities. Freud used the term 'memory work', but he left his readers without a definition (Freud 1946, 133). I use the term to indicate a variety of meanings. First, the term implies a painful mental process involving high personal costs (and high personal benefits). The term 'work' was a central category where Freud attempted to describe the function-

ing of the psychological apparatus;[22] 'memory work' is associated with 'work of mourning' and 'psychical working out'. When an average person is doing the 'work of mourning', he or she is involved in the difficult, painful and repetitious process of memorializing a beloved object (person). In cases of 'normal' mourning, the process can be unbearable and thus threatened by suppression, negation or dissociation. When traumatic experiences and continuing fear is part of the mourner's background, this work is far more painful. 'Work of mourning presupposes a special kind of memory work. It is not so much a question of remembering facts and contents, but of the memory of behaviour, value presentations, emotions and fantasies' (Mitscherlich 1987, 14; translation by A.O.).

Where CEH – and *Convergencia por la Verdad* – were primarily interested in ascertaining facts, REMHI tried to create protected spaces of communication and tear down the walls of silence that had encapsulated most of the victims. It was a semi-professional attempt to work through traumatic experiences and to construct social structures as a way of strengthening every attempt to overcome the psychical aftermath of war. This hints at a second dimension of the term memory work, which is connected with the feminist 'Project Memory Work' introduced by Frigga Haugg in the 1960s. Within the context of the women's movement, this project was established in order to work out personal experiences within a group structure and to make visible the suppressed dimensions of experience. The collective procedure of memory work was aimed at reinforcing the subject's capacity to act, using her/his memory for liberation. Where Haugg intended to liberate women from the chains of socialization, REMHI wanted to liberate war victims and reconstruct the social ties of indigenous communities within the framework of liberation theology. The methods used by REMHI demonstrate the potential of truth commissions in helping victims to overcome their traumatic experiences. The main obstacles were the threatening re-emergence of local structures of repression, limited financial and personnel resources, and the refusal of many priests and bishops to support REMHI. In the end, *'Guatemala – nunca más!'* became a new religious narrative legitimizing the memory work of Catholic groups and promoting the function of the Catholic Church as an institution of national reconciliation.

Conclusion

The Latin American 'cycle of truth-telling exercises' (Shifter and Jawahar 2004, 127) began with the Argentine Commission on the Disappeared in 1983. Twenty years later, the Truth Commission is widely perceived as an instrument capable of reconciling societies and healing national wounds. In assessing the Guatemalan process of dealing with the past, one must say that the record is mixed.

What lessons can be drawn from the Guatemalan experience? First, it is important to note that truth finding affects different registers of collective memory and different communities of memory. It is important to note as well that it was mainly civil society, and not state institutions, that provided a context for those with traumatic experiences to work through. As Sieder pointed out, 'in the ethnically and politically fragmented society of Guatemala, grass-roots memory politics has become a central part for the search for new collective identities in the post-war dispensation' (Sieder 2001a, 186). REMHI as a grass-roots project of memory work was better able to reach victims in the highland areas of Guatemala than those involved with official memory politics. Even if this project was severely limited, it

demonstrated the need and the possibility of providing an alternative method of working through traumatic experiences with a fairly long-term perspective. REMHI was a tool to stimulate the public exchange of experiences and to liberate communicative memory. In addition, since this process of memorializing is embedded in the rituals of the Catholic Church, it was influenced by religious narratives of guilt and reconciliation.

Second, as political developments in Guatemala indicate, the positive impact of truth finding should not be overestimated. Ignatieff (1996) stated that truth commissions 'reduce the number of lies that can be circulated unchallenged in public discourse'. But the Guatemalan experience shows that they do not necessarily and sustainably reduce the number of lies that can be circulated unchallenged in public discourse. The historical narrative written by a truth commission constitutes an important foundational text inserted in the mosaic of cultural memory. Thus, truth commissions produce a counterweight to other narratives circulating in public discourse. Nevertheless, as the frequent revision of courts' decisions and the debate on material reparation politics show, the historical record has not yet been 'set straight' (Tepperman 2002, 129). Many communities of memory are still more affected by counter-narratives like the 'lies/truths' expressed by locally powerful patrulleros.

The evidence presented here shows that the social actors involved in the process of commemorating the past are part of a complex interplay of non-egalitarian and instable power relations. Thus, in assessing the impact of truth commissions, we should realize that the terrain on which communicative and cultural memory is built is constantly shifting.

* * *

Anika Oettler is a researcher at the Institute for Latin American Studies, Hamburg, Germany. Her current research project deals with 'Public spaces and violence in Central America'. Recent publications include *Vergangenheitspolitik und Erinnerungsarbeit in Guatemala*, F/M: Vervuert, 2004. <oettler@giga-hamburg.de>

Notes

1. Being a common tool of democratic transition, truth commissions must investigate the dimensions, areas and patterns of atrocities committed during past dictatorships or internal wars, and elaborate recommendations relating to the politics of the past (Hayner 2001, Biggar 2001, Boraine 1995, Kritz 1995, Teitel 2000). They are often perceived as a panacea to heal and reconcile a wounded nation and to promote national unity (for a critical view see Ignatieff 1996). Within this context, they do not only serve to investigate crimes but also to write national history as well (Maier 2000).
2. Fuchs and Nolte (2004) have applied the instruments of policy analysis (policy cycles, actor-centred institutionalism) to Latin American Politics of the Past.
3. An exception is Richard Wilson (2001), who analysed the historiographic significance of the South African Truth and Reconciliation Commission.
4. CEH – the Commission for Historical Clarification.
5. In Argentina, where the first important Latin American Truth Commission was established, the *Madres de Plaza de Mayo* demanded the creation of a parliamentary commission of inquiry as well.

When Alfonsín created the *Comisión Nacional para la Desaparición de Personas* (CONADEP) in 1983, the *Madres* rejected it as being a commission 'not even chosen by the people but by Alfonsín, who used it to give himself time' (Bonafini 1988). Working closely together with other human rights organizations, the commission focused on identifying illegal detention camps and on analysing the practice of disappearance and torture.

6 GAM – Mutual Support Group.

7. For more details on the Guatemalan peace process, the role of civil society and the debate on politics of the past, see Jonas (2000) and Wilson (1997).

8 CONADEGUA – National Coordination for Human Rights in Guatemala.

9 ACPD – Consultative Assembly of Internally Displaced Population.

10. REMHI – Interdiocesan Project to Recover Historical Memory.

11. After the assassination, many offices of REMHI closed down. Paradoxically, the assassination strengthened the project in the long run because a martyr had been created.

12. German Historian Norbert Frei introduced the term 'politics of the past' (*Vergangenheitspolitik)* to name the German process of treating the past during the 1950s. After Germany's sovereignty was restored, the Allies' politics of denazification were superseded by the politics of the past, which consisted of three elements of a political process: *granting amnesty*, *integrating* the former adherents of the Third Reich and establishing a *normative distance* to National Socialism (Frei 1999, 397). When the translation of the book was published in 2002, the problem of translating the term *Vergangenheitspolitik* was bypassed. The English title is *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration*.

13. *Acuerdo Global sobre Derechos Humanos* (1994), chapter VIII; *Acuerdo sobre el cronograma para la implementación, cumplimiento y verificación de los acuerdos de paz* (1996), chapter III/A/§70. See also Oettler 2004, 102.

14. A key actor in this process of revealing US-involvement in countries such as Cuba, Chile, South Africa, Iraq and Guatemala is the National Security Archive that is providing declassified US-intelligence documents to a broader public (see http://www.gwu.edu/~nsarchiv).

15. Despite the fact that the court of appeals annulled the original sentence and ordered new trials in 2003, the sentence was maintained due to a ruling of the Supreme Court.

16. AVANCSO (2002), Remijnse (2002) and Sieder (2001b) analysed the complex structure of narratives and counter-narratives at the local level.

17. A witness of the Truth Commission declared, 'They demobilized us on 13 September 1996 because of the peace accords and took away our weapons. Some patrollers started to cry because they did not want to give away their weapons' (CEH, volume II, p. 234, §1402)

18. Commission for Historical Clarification: *Guatemala. Memory of Silence. Conclusions and Recommendations*, §122. Online report, see http://shr.aaas.org/guatemala/ceh/report/english/toc.html (accessed 4 August 03).

19. Subtitle of chapter 4 (conclusions). CEH, volume V, pp. 21-40.

20. The mandate of the CEH specifically stated that it shall 'prepare a report that will provide objective elements of judgement, adressing all factors, internal as well as external' (*Acuerdo sobre el Establecimiento de la Comisión para el Esclarecimiento Histórico de las Violaciones a los Derechos Humanos y los Hechos de Violencia que han causado Sufrimiento a la Población Guatemalteca, Finalidades/II*).

21. The women's movement scored a great symbolic success as well when the commissioners recorded the history of women's suffering and fighting (CEH, chapter II/XIII, chapter III/II). Nevertheless, although the discourse referred to women's history, this was not translated into politics to break the cycle of war-related violence against women. The comprehensive set of 84 recommendations presented by the CEH on 25 February 1999 did not include any programme designed to overcome gender inequality or to restore the dignity of female war victims. OASIS, an NGO lobbying for the rights of homosexuals, tried to induce the CEH to mention the history of repression against homosexuals and transvestites in its report, but the commissioners decided not to refer to this tragedy of 'social cleansing' – a subordinate truth of a social group invisible in Guatemalan politics.

22. Work = *Arbeit.* Freudian terms include the following: Ver*arbeit*ung, Be*arbeit*ung, Auf*arbeit*ung, Durch*arbeit*en, Trauer*arbeit*, Traum*arbeit.*

Bibliography

Amnesty International (2002) *Guatemala's Lethal Legacy: Past Impunity and Renewed Human Rights Violations.* AI INDEX: AMR 34/001/2002.

Ash, Timothy Garton (1998) 'The Truth About Dictatorship', *The New York Review of Books* 45, 3 (19.2.) pp. 35-40.

Assmann, Jan (1988) 'Kollektives Gedächtnis und kulturelle Identität'. In: Jan Assmann, and Tonio Hölscher (Hrsg.) *Kultur und Gedächtnis.* Frankfurt/M., pp. 9-19.

—— (1999) Das kulturelle Gedächtnis. Schrift, Erinnerung und politische Identität in frühen Hochkulturen. München.

AVANCSO (2002) *Se cambió el tiempo. Conflicto y Poder en Territorio K'iche', 1880-1996.* Ciudad de Guatemala, Guatemala: Instituto AVANCSO.

Ball, Patrick; Paul Kobrak, and Herbert F. Spirer (1999) *State Violence in Guatemala, 1960-1996: A Quantitative Reflection.* Washington, D.C: AAAS.

Barahona de Brito, Alexandra; Carmen González-Enríquez, and Paloma Aguilar (eds) (2001) *The Politics of Memory. Transitional Justice in Democratizing Societies*. Oxford Studies in Democratization.

Biggar, Nigel (ed.) (2001) *Burying the Past: Making Peace and Doing Justice after Civil Conflict*. Washington, DC: Georgetown University Press.

Bonafini, Hebe de (1988) Historia de las Madres de Plaza de Mayo. Conferencia pronunciada el 6 de julio de 1988, http://www.madres.org/ [Historia] (accessed 20-6-2005).

Boraine, Alex (ed.) (1995) *The Healing of a Nation?* Cape Town.

Comisión para el Esclarecimiento Histórico (CEH) (1999) *Guatemala, MEMORIA del silencio.* 12 tomos, Guatemala.

—— *Guatemala. Memory of Silence. Conclusions and Recommendations*, online report, http://shr.aaas.org/guatemala/ceh/report/english/toc.html (accessed 20-6-2005).

Frei, Norbert (1999) *Vergangenheitspolitik. Die Anfänge der Bundesrepublik und die NS-Vergangenheit.* München: Verlag CH Beck.

—— (2002) *Adenauer's Germany and the Nazi Past: The Politics of Amnesty and Integration.* New York: Colombia University Press.

Freud, Sigmund (1946) 'Erinnern, Wiederholen und Durcharbeiten' [Remembering, Repeating and Working-Through]. In: *Gesammelte Werke X.* London, pp. 127-36.

Fuchs, Ruth, and Nolte Detlef (2004) 'Politikfeld Vergangenheitspolitik: Zur Analyse der Aufarbeitung von Menschenrechtsverletzungen in Lateinamerika', *Lateinamerika Analysen* 9, pp. 59-92.

Fundación Myrna Mack (2004) *Apuntes sobre los engranajes de la impunidad en casos de violaciones a los derechos humanos en Guatemala.* Ciudad de Guatemala: Fundación Myrna Mack.

Goldhagen, Daniel Jonah (1997) *Hitler's Willing Executioners: Ordinary Germans and the Holocaust.* Vintage Books USA.

Grandin, Greg (2000) 'Chronicles of a Guatemalan Genocide Foretold', *Nepantla: Views from South*, 1:2, pp. 391-412.

—— (2002) *Denegado en su totalidad: Documentos estadounidenses liberados*. Ciudad de Guatemala, Guatemala: Instituto AVANCSO.

—— (2005) 'The Instruction of Great Catastrophe: Truth Commissions, National History, and State Formation in Argentina, Chile, and Guatemala', *American Historical Review,* 110:1, pp. 46-67.

Günther, Klaus (1997) 'Der strafrechtliche Schuldbegriff als Gegenstand einer Politik der Erinnerung in der Demokratie'. In: Gary Smith and Avishai Margalit (Hrsg.) *Amnestie oder die Politik der Erinnerung in der Demokratie.* Frankfurt a/M., pp. 48-89.

Halbwachs, Maurice (1966) *Das Gedächtnis und seine sozialen Bedingungen*. Berlin ind Neuwied: Luchterhand.

Hamber, Brandon, and Richard Wilson (1999) Symbolic closure through memory: Reparation and revenge in post-conflict societies. Paper presented at the Traumatic Stress in South Africa Conference, Johannesburg 27-29 January 1999. http://www.csvr.org.za/papers/papbhrw.htm (accessed 20-6-2005).

Haugg, Frigga (1987) *Female Sexualization: A Collective Work of Memory*. London: Verso.

Hayner, Priscilla B. (2001) *Unspeakable Truths. Confronting State Terror and Atrocity.* New York/ London: Routledge.

Hobsbawm, Eric J. (1994) *Age of Extremes: The Short Twentieth Century, 1914-1990.* London: Michael Joseph.

Kiss, Elizabeth (2000) 'Moral Ambition within and Beyond Political Constraints: Reflections on Re-

storative Justice'. In: Robert I. Rotberg and Dennis Thompson (eds) *Truth v. Justice: The Morality of Truth Commissions*. Princeton, NJ: Princeton University Press.

Kritz, Neil J. (ed.) (1995) *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*. 3 volumes. Washington DC: United States Institute of Peace Press.

Ignatieff, Michael (1996) 'Articles of Faith', *Index on Censorship: Wounded Nations Broken Lives – Truth Commissions and War Tribunals*. 25:5 (Sept./Oct.). Issue 172: 110-122.

Jonas, Susanne (2000) *Of Centaurs and Doves: Guatemala's Peace Process*. Boulder, CO: Westview Press.

Maier, Charles S. (2000) 'Doing History, Doing Justice: The Narrative of the Historian and of the Truth Commission'. In: Robert I Rotberg and Dennis Thompson, *Truth vs. Justice: The Morality of Truth Commissions*. Princeton, N.J.: Princeton University Press.

MINUGUA (Misión de las Naciones Unidas para Guatemala) (1997-2001) Informes del Secretario General de las Naciones Unidas sobre la Verificación de los Acuerdos de Paz de Guatemala, No. 1-6, Guatemala.

—— (1995-2001) Informes de Verificación del Acuerdo Global sobre Derechos Humanos, No. 1-12, Guatemala.

Mitscherlich, Margarete (1987) *Erinnerungsarbeit: zur Psychoanalyse der Unfähigkeit zu trauern*. Frankfurt am Main: Fischer Verlag.

Molkentin, Gudrun (2001) *Los difíciles senderos de la paz en Guatemala: resultados de un estudio empírico con énfasis local*. Guatemala: FLACSO.

Niethammer, Lutz (2000) *Kollektive Identität. Heimliche Quellen einer unheimlichen Konjunktur*. Reinbek b. Hamburg: Rowohlt Verlag.

Oettler, Anika (2004a) *Erinnerungsarbeit und Vergangenheitspolitik in Guatem*ala. Frankfurt am Main: Vervuert 2004, Schriftenreihe des IIK; Band 60.

—— (2004b) ‚Der Stachel der Wahrheit. Zur Geschichte und Zukunft der Wahrheitskommission in Lateinamerika', *Lateinamerika Analysen* 9/2004, pp. 93-127.

—— (2005) 'Guatemala: Zwanzig Jahre Demokratie', *Brennpunkt Lateinamerika* N° 13. Hamburg.

—— (2006) 'Guatemala in the 1980s: A Genocide turned into Ethnocide', GIGA Working Paper N° 19. Hamburg: GIGA.

Oglesby, Elizabeth (2004) Historical Memory and the Limits of Peace Education: Examining Guatemala's 'Memory of Silence' and the Politics of Curriculum Design. Working paper presented at the 6/20/04 Carnegie Council Fellows Conference, New York City) http://www.carnegiecouncil.org/media/4996_Elizabeth_Oglesby_Working_Paper.pdf?PHPSESSID=1b4902e7ee201af83ae7e796f12e9edd (accessed 20-6-2005).

Popkin, Margaret (2000) *Peace without Justice. Obstacles to Building the Rule of Law in El Salvador*. University Park, PA: Pennsylvania State University Press.

Remijnse, Simone (2002) *Memories of Violence. Civil patrols and the legacy of conflict in Joyabaj, Guatemala.* Amsterdam: Thela Latin America Series.

Shifter, Michael, and Vinay Jawahar (2004) 'Reconciliation in Latin America: A Fine Balance', *Brown Journal of World Affairs*, Vol.XI, N°1, pp. 127-35.

Sieder, Rachel (2001a) *War, Peace and Memory Politics in Central America.* In: Alexandra Barahona de Brito, Carmen González-Enriquez, and Paloma Aguilar, *The Politics of Memory: Transitional Justice in Democratizing Societies*. Oxford Studies in Democratization, pp. 161-89.

—— (2001b) 'La ley, la justicia y la reconstrucción de postguerra en Alta Verapaz, Guatemala'. In: Klaus Bodemer, Sabine Kurtenbach, and Klaus Meschkat (comp.) *Violencia y regulación de conflictos en América Latina*. Caracas: Nueva Sociedad, pp. 317-40.

Sieder, Rachel; Megan Thomas, George Vickers, and Jack Spence (2002) *Who governs?: Guatemala five years after the peace accords.* Cambridge, Massachusetts: Hemisphere Initiatives.

Teitel, Ruti G. (2000) *Transitional Justice*. Oxford University Press USA.

Tepperman, Jonathan D. (2002) 'Truth and Consequences', *Foreign Affairs*, 81:2, pp. 128-45.

Tomuschat, Christian (2001) 'Clarification Commission in Guatemala', *Human Rights Quarterly* 23, pp. 233-58.

Wilson, Richard (1997) The people's conscience? Civil groups, peace and justice in the South African and Guatemalan transitions. Briefing paper. London: The Catholic Institute for International Relations.

—— (2001) *The Politics of Truth and Reconciliation in South Africa. Legitimizing the Post-Apartheid State*. Cambridge Studies in Law and Society.