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contends that the majority of those international staff members had similar experience. His claim was that international expertise strengthen the commission, and made its work both of a higher caliber as well as more objective. And yet this same group of foreigners knew Guatemala very well (interview, November 1997).

Guatemalan human rights organizations had long grown accustomed to the overwhelming influence of the international presence in Guatemala. In general, relationships among Guatemalan and foreign human rights workers were good, productive, and mutually accommodating. International professionals received a high degree of respect in Guatemala (at times without good cause). These same members of the "international community" were generally considered to be well-educated concerning Guatemala.

There was shock, however, when Guatemalan nationals realized that in addition to being given the top jobs at the commission, foreigners were also awarded salaries at a much higher rate. The four top members of the "equipo central" (central team) were all foreigners, as were the bosses at each of the field offices, right down to the regional outposts. As internationals working in Guatemala, they were hired and paid for by the United Nations. Salaries started at about US$2,500.00 a month and went up from there: rumor had it that the members of the equipo central, and select other foreigners in positions of responsibility, made in excess of US$10,000.00 a month.[22] Because foreigners[23] were granted the top positions, highly qualified Guatemalan social scientists, lawyers, and other intellectuals were left out: stated plainly, they stayed in their current

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[22] The three commissioners were technically volunteers. The commission budgeted for their expenses. In Tomuschat's case, these were considerable: Tomuschat flew back and forth on a monthly basis from Germany. The commission maintained a suite at the Camino Real for Tomuschat.

[23] The internationals' salaries are mentioned here in the context of rather tense working relationships. The Guatemalan nationals, many of whom worked for US$1,250.00 a month (or less, because lesser jobs (administration, drivers, secretaries, etc. were filled by Guatemalans), expressed annoyance at this discrepancy. Foreigners were entitled to additional perks through their employer, the UN: diplomatic immunity, visa renewals, tax exemption status, etc. I heard this complaint expressed repeatedly. I vividly recall one dinner party-turned debate with truth commission workers in the field (I reserve their identities as the event was of a social nature). A Guatemalan national pointed out, in a friendly way, that while he held his Spanish colleague in complete respect, and felt she was doing work of good quality, that he felt his contribution to the truth commission was equal. For the same work, he argued, the Guatemalan national received about half the pay, and had much dimmer prospects of carrying on with work in the main office when the field offices closed. The Spaniard acknowledged that her Guatemalan counterpart did the same work, but maintained that internationals should be paid more, because their expenses were much higher. There was an element to her remark that indicated that work in Guatemala was some sort of "difficult condition" for which she should be compensated. Her Guatemalan colleague took offense. He won the argument, in my mind.

positions as activists and analysts rather than take up a lesser job at the commission.[24]

Training took place in the month of July (and for late-hires, in August). Administrative personal and other members of the logistical staff were hired based on experience. The "investigators," or field workers, were hired from a range of backgrounds: lawyers, anthropologists, psychologists, historians. The net was cast fairly-wide, the criteria seemed to be to find people enthusiastic about field work. Many of those hired had previous experience working for MINUGUA, and hence had significant knowledge about certain geographical zones (although in some cases, people were assigned to new areas.) Investigators reported various experiences with their training: some said that it was really helpful, other said they felt little benefit. The training seemed to be focused on how to illicit testimonies concerning traumatic experiences. Many field workers reported that the training hardly prepared them for the actual experience in the field.

The Commission for Historical Clarification officially opened its Guatemala City office on July 31, 1997. Despite the protests, doubts, and skepticism that had surrounded the topic of the proposed commission, once established the Commission drew wide attention. Academic institutions and think-tanks such as the *Asociación para el Avance de las Ciencias Sociales en Guatemala* (AVANSCO) and the Faculty for Latin American Studies (FLASCO) pledged to cooperate with the Commission in providing historical analysis, and the EAFG (the Guatemalan forensic team) announced its willingness to provided technical assistance. The Commission for Historical Clarification announced that it would begin taking testimonies on September 1, 1997.

Activists also showed their determination to have their demands met by the truth commission. The "Convergence of the Truth," an umbrella organization for various popular organizations, marched through downtown Guatemala City and delivered material to the Commission on more than 20,000 cases (CAR, 1997). In the months that followed, activist organizations made hefty submissions to the truth commission.

The operations of the Commission were outlined in phases, with the "maximum phase" devoted for testimony taking, followed by a period of data-analysis and culminating in the writing of the final report. Tomuschat said that the Commission had intended to operate for 10 months, as the commissioners were seeking to finish somewhere between the 6-12 months prescribed in the accord (interview, November 1997).

The Commission began a publicity campaign under the slogan "Es Tiempo de Decir La Verdad!" ("Now is the Time to Tell the Truth!"). A paid advertisement in the Guatemalan press in August 1997 announced the inauguration of the Commission's main office in the capital, and announced that the regional offices would be opened in September (1997) for testimony taking. The initial challenge was to reach as many Guatemalans as possible and encourage them to bring their stories to the truth commission.

The vehicle of choice for this public outreach campaign was radio. The

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[24] Certainly, human rights professionals should be paid well. This was also a debate in South Africa, most often with whites complaining that the South African Truth and Reconciliation Commission was a waste of money.

Commission ran radio "spots" in 10 languages, in male and female voices. All of the Commission's printed material was in Spanish. On very few occasions, the Commission ran television spots. Mr. Cipriano Fuentes, the Commission's public relations officer, rationalized the use of radio based on that medium's access to the rural population, and the relative expense of television advertisements.

Mr. Fuentes claimed that eight million Guatemalans (three-quarters of the population) had heard the ads, and that in his opinion three million of them had paid careful attention. Judging from my own experience in Guatemala City and the countryside, I believe his estimate was optimistic. Ivone Falcon, the head of the Huehuetenango regional office, commented that in her opinion, the publicity campaign failed to reach many people. She believed that the work of the popular organizations, such as the Coordinación Nacional de Viudas Guatemaltecos (CONAVIGUA, the widows' organization), the Comité de Unidad Campesina (CUC, the peasants' organization) and the Defensaria Maya generated most of the testimonies.

Certainly, the truth commission's posters were noticeable throughout the country, largely due to how shocking it was to come across the topic at all. But in general, the Guatemalan truth commission lacked a national profile. Most people in the countryside that knew of the work of the commission did so from the outreach of the above-mentioned popular organizations, or word of mouth. It is important to remember that in remote, isolated communities in rural Guatemala, ANY international movement made an impact and was noticed by the local community.

How to present the truth commission? One problem was the need to have simple language and images. Mr. Fuentes described the problems choosing the images for the truth commission poster. Pictures of bones and more gruesome sights were rejected as overly traumatic. They settled on pictures that, in contrast to the theme of speaking, were of people who looked incredibly silent. For example, in one poster, a woman holds a bouquet with a solemn face, without a single quiver of an open mouth, without a smile, without even a breath. In another, the portrait is of a man missing a mouth.

Even more problematic was how to conduct a "publicity" campaign that would simultaneously reassure people that the truth commission was a private affair. To make itself known, the truth commission had to be open and almost brash: to even talk about these topics was in a way to raise one's voice to a holler in a culture nervous with even a whisper. And yet the context of the Commission's discourse (on the air and in the press) sought to impress upon people that they could come to the Commission in complete confidence and security. The Commission asserted that "times" had changed; in the post-peace accord transition, "now" was the time to talk. Yet the emphasis on the "closed" (i.e. secure and private) nature of the institution conflicted eerily with the poster's proclamation: *Now is the Time to Tell the Truth.* The Commission implicitly acknowledged danger and fear, and yet encouraged people to come forward anyway. This is really your chance, said the posters, (and maybe your only chance.)

The Commission in the *Campo*

The Commission opened 15 field offices throughout the country in the first week of September. Four offices (Coban, Guatemala City, Huehuetenango, and Santa Cruz de Quiché) served as "subsedes" i.e. second-tier offices, and coordinated activities in the

other ten, smaller operations. In the countryside, field workers faced an incredible work load. Although the accord that mandated the truth commission said that "the commission shall have all the support and staff it needs to complete its functions"[25] in practice, given the geographical distribution around the country, this translated into small staffs. The larger subsedes (four offices) had staffs of between 10-12 people, and the smaller ones had 3-6.

Everywhere that I had the opportunity to interview heads of office, I heard consistently how pleased everyone was with the quality of the staff. Staff reported working "seven days a week, 24 hours a day." Ivone Falcon said "never would I say that nine people were sufficient to do this task" but expressed satisfaction with the qualifications and efforts of her staff (interview, December 1997). I heard this from several heads of offices in reference to the efforts of the staff, and I observed this incredibly intense work schedule with my own eyes. It was impressive.

Although everyone had gone through some sort of training program in the capital, staff workers acknowledged that when they finally arrived in the countryside it was an open question as to what to expect. Training (in the capital in July/August) had operated on the assumption that testimonies would be received in the offices, "but after the first few days, even though we were expecting *colas* (lines of people waiting to give testimony), very few people actually showed up" (interview, investigator, December 1997). In some cases, days went by without a single visit.

Realizing that many Guatemalans affected by the violence would fail to make the journey to the regional offices, field workers quickly became proactive. My research in several offices in the countryside showed that the staff, trained to received testimonies in the field offices, were all confronted with this reality of a "lack of *colas*." Simultaneously, field workers in each of these offices realized very quickly that they would have to travel to communities. Independently, the field workers in these distinct offices set out to formulate a plan of the areas they would visit. They made maps, geographies of a violent history. Within the first few weeks following the establishment of the offices, field workers had developed plans to send workers out into the communities, in search of testimonies. The staff then implemented this plan, in a more or less similar fashion, but without coordination among the offices.

The rugged terrain of rural Guatemala made travel extremely difficult. Covering the distance between the field offices and the communities affected by the violence was time-consuming; for villagers the trip also represented a considerable expense. So the truth commission went to the communities.

First, field workers made contact with local authorities. The staff of the *subsedes* spent the few weeks of operation making contact with community authorities, and arranging visits to explain the commission's work. Workers in the field offices were sensitive about the potential for hostilities in the communities, and therefore generally sought to make contact with village authorities before arriving in the community.

These visits were important for several reasons. Although the peace process had

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[25] While this language seems vague, Arnault insisted that this was deliberately inserted in the accord in order to guarantee that the commission would actually <u>have</u> a staff (interview, February 1998).

reached its conclusion eight months before, many Guatemalans, especially in the countryside, were fairly ignorant of the fact that the armed conflict had formally ended. Even less widely understood was the establishment, and the role, of the truth commission. For years, discussions of the violence had been dangerous and taboo. Entering a community and attempting to solicit just such information was a delicate and dangerous project.

The previous work of the REMHI investigators had, to a great extent, prepared the terrain for the Commission. Indeed, REMHI's testimony-taking forms included a question asking if the person would be willing to provide their testimony to an "official" Guatemalan truth commission. Several of those hired by the Commission had experience with REMHI (or had worked in MINUGUA's field offices). But the Commission wanted to go further, to collect testimonies that REMHI had missed, especially as REMHI had focused on the Catholic community.

The way that the field workers made these initial presentations varied. Much depended on the personality and style of the individual field worker. An additional variable was the extent to which local organizations had a presence in the community. In Santa Cruz de Quiché, for example, the popular organizations were well-established and had already done some of the ground-work in explaining what the villagers should expect from the Commission's visit. In contrast, in Huehuetenango and Alta Verapaz, a less well-organized popular sector resulted in more difficult outreach for the Commission. Further complicating the Commission's ability to gain access to a community in general, and individual testimonies in particular, was the extent to which the conflicts and structures of power of the past had persisted into the present. Field workers consistently made these observations. [26]

These aspects of introducing the Commission to a community are illustrated by the example of a trip to a village in Huehuetenango. The information session was delivered by a male field worker for the Commission, who had extensive experience in rural Guatemala conducting educational seminars. The truth commission investigator, a translator[27] and I drove 90 minutes out of Huehuetenango, up into the mountains and above the clouds. The road was extremely rough; even in the sturdy 4WD Land Rover we got stuck several times. We took turns pushing the vehicle out of the mud. The final mile of the journey was accomplished on foot.

When we arrived in the village we were met by a priest who had been the contact and had coordinated the visit with the truth commission staff in Huehuetenango. The meeting was held in the Catholic Church, where 23 men were assembled to hear the presentation. For this group of men, this presentation was the first they had heard of the truth commission.

The investigator's presentation was delivered in Spanish and translated. The translation generally went on a great deal longer than the Spanish version; when I asked the translator about this later, he said that he had done so many of these talks that he had learned which points needed to be elaborated. In other words, the translator added to the

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[26] I conducted interviews with 20 field workers (in many cases, multiple times), from eight offices around the country.

[27] Spanish/Mom

presentation. (I could only follow the Spanish version).

The truth commission investigator began by saying that the "Clarification Commission is going to clear up the past....The truth will be like the sun, that sheds light on the past...the Bible tells us that 'the truth shall set you free.' We are still trapped in the past, ...many people were killed, the fear is trapping us." He continued, "telling the truth will prevent it (the violence) from happening again....if the children don't know, the same thing could happen again." He stressed that the villagers needed to tell their stories, because "in the capital, a lot of people don't know what kind of suffering went on in Huehuetenango.....the truth helps us realize that we are brothers, and that there was suffering everywhere. It was the poor people who suffered the most, in every part of the country." The investigator said that the commission will "...receive the truth, in secret, and then say it in *un voz alta* (a loud voice)." The report, he said, will name the victims, as well as who was responsible, and that "this way people don't have to be scared to say it themselves, because the report will say it for everyone, and be broadcast everywhere." The names of the victims will be published, but their testimony will be secret: "It is like going to the padre and confessing, it is confidential."

The truth commission investigator said that the Commission had the responsibility of presenting recommendations to the government. He urged the villagers to share with the Commission what they would like the government to do, and he related that in other places, people had asked for justice, exhumations and economic assistance. He explained that the Commission was the product of the peace accords, and that although the Commission had the support of the guerrilla and the army, it was independent of them both; "Nobody can say we are on one side or the other, because both sides signed."

The truth commission investigator carefully and extensively explained that the Commission had come to the village to take rather than give: "We aren't a court, we can't give justice (even though we believe in justice) and we can't help the widows. We can't offer help in exchange for evidence or testimony. But what we can do, if you contribute to the report and the recommendations, is make demands on the government. In a *voz alta*. The Commission is an important instrument to demand those things—justice and economic assistance." He mentioned that the Commission had facilitated exhumations.

He concluded by asking these men, as community leaders, to speak to the village. In order for workers from the Commission to come back, he said, they would need to be invited. Individuals could also visit the office in Huehuetenango, he said, but the office would only be open for a few more months.

The questions from the group concerned what constituted violence and therefore appropriate testimonyfor the Commission.. For example, one man said that although his family had survived the violence, he had served for 12 years on the Civil Patrol, and because of that work (much of which was at night) he had to use glasses. A lengthy discussion followed this comment, with the villagers arguing that service in the PACs failed to qualify as "important testimony" because "that's not about the war." Subsequent questions concerned what the village could expect, after giving testimony. The conversation became completely absorbed in the desperate financial condition of most of the families in the village. The truth commission investigator urged the villagers to related whatever aspects of their lives seemed relevant, stressing "their right" to tell their stories. He also insisted that through the "recommendations," the villagers could start

making organized demands to the government.

From this visit, two impressions stand out. Firstly, the villagers were quite confused as to what the truth commission was all about: what constituted testimony, and what could possibly be gained by testifying. Secondly, I was struck by how radical the Commission's project was. Here was a man, a Guatemalan, standing in front of a group of villagers, encouraging them to provide official testimony regarding the violence the village had experienced. In my entire previous experience in rural Guatemala, I had yet to see any public conversation about the violence, much less hear someone urging people to speak out.

As mentioned above (Chapter One) my opportunities for participatory observation were extremely limited in Guatemala. I was able to discuss the field work with several investigators, who confirmed that in many communities (particularly those without the strong presence of a popular organization such as CUC or CONAVIGUA, or where REMHI had failed to collect testimonies) villagers were quite ambivalent about the meaning of the truth commission. Preliminary visits were deemed essential. And in some areas, soliciting testimony could be dangerous.

Still, even with the problems of limitations of human resources, the logistics presented by the ruggedness of the terrain, and the sensitivities of community relations, the field offices gathered thousands of testimonies in a few short months. The manner in which testimonies were taken also varied according to staff personalities, and the particular context of the community.

Certain common conditions were expressed by the field workers in offices throughout Guatemala. An example of a visit to an aldea illustrates some of the most commonly expressed concerns. I was able to accompany two truth commission investigators, and one translator, to observe the testimony taking. What follows is an account of that trip.

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The trip commenced shortly after dawn. Right away we experienced car problems, which I was told were common among the hand-me-down vehicles the Commission used in the countryside. It was a beautiful drive, and the field workers were in lively spirits, jokes and banter passed around with the thermos. We dropped off half of the party at a crossroads where they were to walk to another village, and we carried on up a steep, narrow track. The road was mud, and the mud was slick. Our hefty, sophisticated 4WD vehicle seemed befuddled by the surface, and its wheels spun in frustration, gaining slow inches even while offering a frenzy of revolutions. As usual, I was scared: even to attempt such a journey seemed incredibly reckless. As usual, my fellow passengers seemed to accept this as standard practice.

A large group of about 150 woman were waiting when we arrived in the *aldea.* Our arrival caused a commotion; people briefly clustered around the vehicle. The crowd was almost all women, mostly pregnant women, (it seemed to me) and it seemed as if each pregnant woman had a child strapped to her back. And there were more children running around. Children carrying children.

The village appeared to be a very poor place. There wass only one solid-looking structure, a school house with a metal roof, glass windows and a concrete patio.

Everything else looked much more run-down and chaotic; the houses were made from old wood, gaps in the roofs and the fences were apparent, the sparse concrete cracked and crumbling. The only shiny new thing stood out dramatically: many of the smaller children, especially the babies strapped across backs, were wearing army hats. Small, baby-sized hats fashioned in camouflage material, appeared very new and crisp looking.

We waited rather awkwardly. The commission workers waited for one of the community leaders, a woman with CONAVIGUA who has been the contact for this visit, to take charge. Randomly (or so it seemed to me) the two truth commission staff workers began to offer the collected crowd some of the truth commission's publicity materials: posters, flyers, and brochures. The crowd eagerly pressed forward to receive the handouts; a cartoon flyer with a man cheerfully explaining the truth commission's purpose (including a representation of a bus heading north, zooming past several corpses, bound and gagged on the side of the road) was especially popular. I had the impression that there was a great deal of interest in the materials that the Commission workers distributed, until I realized that many of the villagers had draped the truth commission's posters over their heads as protection from a light rain.

An older woman calls everyone together and makes a speech. The translator at my side told me, briefly, that the women were discussing how to provide their testimonies. Evidently, a decision was reached to provide individual testimonies as to *los muertos* (the dead) and collective testimony as to other atrocities. The women organized themselves into groups according to atrocity.

We descended a muddy track to the one solid structure, the school house. But the door was locked and so the truth commission field workers sat on the concrete slab in front of the building, partially shielded from the rain by an awning. There was exactly one chair, which the older of the two testimony takers[28] used; the younger woman [29] sat on the damp ground. The younger woman testimony-taker borrowed my REI Gore-Tex jacket, and her co-worker was obviously very cold, her fingers shook as she took notes.

The commission had only one of their hired translators along; a male villager

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[28] This woman left a secure job in Guatemala City to work for the truth commission. She said she made the decision because she found the work to be of extreme importance. She said that the most difficult aspect of her work with the truth commission was that it was hard for her to listen to all of these stories without being able to help. She described the work as important because "The Zona 14 crowd doesn't know what happened in the countryside." She identified herself as one of those from the upper-class who stuck their heads in the sand during the repression.

During the course of our conversations, she related that her best friend from childhood had approached her during the early 70s, asking if she would help out the cause by driving certain people certain places. This woman said that she refused, and later heard that her friend had been killed. She offered this story to me as her reason for joining the Commission.

[29] This young woman held a degree in psychology. Her interest in working for the truth commission grew out of a conviction that children and young adults needed a historical, official record of the violence in order to understand their own personal lives, and the formation of their communities.

offered to translate so that both field workers could take testimony. One of the commission's testimony-taker used the commission's forms, but the other prefered to write notes on a legal-sized yellow pad; she told me that she would transcribe the notes onto the official forms later, back at the office, so as to organize the material more constructively. As individual women answered the questions, many others (mostly women but a few men) cluster around, listening, occasionally offering suggestions, or correcting the woman providing testimony.

The women providing testimony produced ancient, tattered identification cards, double wrapped in equally worn plastic bags, from inside their blouses. After sharing their stories, they were asked to sign the forms; in each instant that I observed, an ink pad and thumb was used to provide the "signature."

The truth commission used three forms 1) perpetrator 2) victim and 3) "*declarante;*" there was considerable confusion among the villagers as to whether to use the "victim" or "declarante" form. Most of the woman saw themselves as sharing stories of events that happened to others; rarely did a woman see herself as the victim, even if she reported that she has been raped. The last question asked, "What would you like the government to do, to make sure this never happens again?" seemed to stump each woman. The question needed to be repeated two, three, four times, and it was usually reduced in translation to "what do you want?" The answer then was straight-forward: *ayuda economica* (economic assistance).

Each person's testimony took about an hour. The villagers were incredibly patient. They watched the truth commission testimony-taker's hand move across the page as she wrote down information. The translator was exhausted. A helicopter passed overhead, and everything stopped as the entire community peered at the sky. Clouds rose up the mountain from the valley, it was beautiful but cold, rough, difficult. A group of women burst into laughter when someone momentarily forgot the name of her husband, murdered 17 years before. Exactly two vehicles passed in eight hours; one of the cars gave up and slid backwards, the other, a Coca Cola delivery truck, put on chains and proceeded uphill. The truth commission jeep returned at midday, but we stayed on. The line was extensive.

All of this took time. It was hard, hard work. An effort wass made to listen to every single person. My bottled water was gone during the first two testimonies. Lunch? Forget it. I was amazed by the process, barely listening to the stories of bullets and fires and rape and when that one went missing and when that one joined the PAC, transfixed instead by the groups of women huddled around the truth commission workers, and the way the stories these women tell became words on a form, to be compiled later into a data base in the capital.

When the field workers finally stop, it wass because they had run out of forms and note papers. As we drove out of the village, I noticed that truth commission posters had been used to cover cracks in the walls of houses.

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A few observations of the Commission's testimony-taking practice in the field are discussed below, based on these first-hand experiences and extensive conversations with

the Commission's staff.

Firstly, the conditions under which testimonies were taken were extremely rough. The Commission's staff had to travel extensively to cover the terrain; in most departments, the Commission claimed to have visited about 80% of the communities. The Commission's field worker got into Land Cruisers on loan from the United Nations and drove as far as they could, and then they kept going on foot. The field-workers described walking all day with the weight of a backpack full of forms and food. They told stories of the mud, the heat, the thirst, the cold church floor where they slept. They returned to the office to spend long hours transcribing the stories of rape and murder and dislocation.

Particularly in the departments of El Quiché, Alta Verapaz, and Huehuetenango, the offices were overwhelmed with testimonies (Christiana Hintzen, interview, December 1997). Most of these testimonies were taken outside the office, in visits to the communities. According to Christiana Hintzen, the head of the office in El Quiché, community leaders would initiate and organize the testimonies: "We aren't looking for people, the people are looking for us." The accord for the truth commission specified that information would be gathered for those acts of violence associated with the "armed conflict." The interpretation of the mandate came from the head office (ibid.). In practice, the field offices accepted testimony from anyone that wanted to share.

Across the board, however, it was apparent that all of the field officers were working extra-ordinary hard, extremely conscious of both the sacredness of the mission, the responsibility to reach as many people as possible, and the scarcity of time. In short, the field workers were going all-out, and had accepted the job with that in mind. Many were making extreme sacrifices in order to conduct the field work. Many of the Guatemalans also emphasized an awareness that working for the Commission endangered their personal security.

Given this work load, there was a physical limit to how many testimonies could be taken, and how well the material could be organized and analyzed. Often, the field workers would arrive in a community to find scores, sometimes hundreds, of people prepared to fill out forms. Each of these sessions could take between 15 minutes to an hour. With two testimony takers working eight hours a day, that allowed for between approximately 20-80 testimonies. This represented an incredible amount of work. Each investigator also had to write context reports for the area under their supervision. Even though the field offices remained open two-three months beyond the original December 31, 1997, deadline, field workers consistently reported that the project suffered from lack of time.

Secondly, despite Tomuschat's insistence that all testimonies were taken in conditions of extreme privacy, in practice that seemed to be rarely the case in the *campo* (countryside). In the *campo,* conditions in the village often forced the field workers to receive testimonies in public spaces such as churches, schools, or just plain out in the open, on a piece of land. Oftentimes there was simply a shortage of chairs, and testimony-takers and givers alike sat on the ground, hunched over the forms.

In addition to these conditions that affected the conditions of privacy, in many cases the people chose to provide testimonies in groups. This could have been because they felt safer, or because that's how they felt stories should be shared, or because the

event they were relating was something that happened to the community, and therefore it was everyone's story. Often times women who had lost loved ones in a common episode of violence (such as an attack by the army or the guerrilla) would recount their stories together. In a similar vein, people who had lost a loved one to a common pattern in the village (such as the malfeasance of a neighboring or local civil defense patrol) would relate these individual episodes in the collective of a group narrative.

Thirdly, having sufficient translating staff was a significant problem in the field. Translators were contracted out, but that only covered a certain portion of hours/forms; often times members of the popular-sector organizations stepped in to serve as translators. This caused certain problems. At times field workers expressed concern that their image of objectivity was compromised by having a member of CUC or CONAVIGUA serve as the translator. Even more concerning (in light of the Commission's stated mandate for privacy/confidentiality), commission workers at times, pressed to document all testimonies available, accepted the translation services of members of the community. This was obviously a problem regarding confidentiality, and perhaps also security (although most people in the village were aware of who was providing testimony, the exact details of the story perhaps being known already). Another problem was that those that offered their services translating were usually men. Men are generally more likely to be bilingual than women, and are also more likely to assert themselves in the process in such a way. It is difficult to know the impact that having a male translator, especially a male known in the community, as the person serving as the intermediary between the victim and the truth commission. Would a woman recount a rape to a male? Would anyone feel secure in offering personal, sensitive, traumatic and potentially dangerous stories to ANYONE in the community?

Fourthly, although the popular sector had objected to the terms of the truth commission when the accord was made public in 1994, once the commission began seeking testimony these groups became actively engaged in the project.[30] As mentioned above, these groups (approximately 35) shared their data bases with the main office of the Commission in the capital. The involvement of certain groups in rural Guatemala was also significant. In particular, CONAVIGUA, Defensoria Maya, and the CUC cooperated with the Commission's field offices by encouraging communities to provide testimony.

For example, members of the CUC in Santa Cruz de Quiché told me that they were actively cooperating with the Commission (interview, Domingo Lopez, December 1, 1997). Two members of CUC were working full time as liaisons with the commission. These CUC leaders worked closely with colleagues in the communities, explaining the goals of the Commission and encouraging people to give testimony. Domingo Lopez stated that CUC was behind the truth-telling effort; "We hope that this (the truth commission) will help; that with the publication of the final report, the international community will get more involved." Lopez stressed that he hoped the CUC's involvement would result in material support for the organization, "Maybe there are houses, or land, that currently belong to the army; maybe we can get a house for the organization, maybe some of our people can get land."

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[30] The previous work of REMHI had definitely contributed to the willingness to engage in testimony taking.

Although field workers for the Commission were always quite explicit (at least as far as I could observe) in telling members of the community that the Commission could only "take" (testimonies) rather than "give" (money), there seemed to be a widespread feeling that there might be some money for the popular organizations after the process. Lopez, for example, said "We might make a proposal to the truth commission, something like, 'we've helped you with the testimonies, now you help us.'"

Lastly, even with the support of these popular organizations, it was still quite difficult to encourage people to offer testimony. Fear of repercussions was a major obstacle. Many of the perpetrators of the violence still lived in these communities, often maintaining positions of influence and power. Many of those providing testimony were apprehensive to sign their names to the forms, although this was a requirement (interview, Ivonne Falcon, December 1997).

Matidle Gonzalez, a historian with AVANSCO, has documented this reality in a detailed ethnography of the experience, impact, and meanings of the violence in San Bartolome, El Quiché, a predominantly Mayan community of 5,000 residents (Gonzalez, forthcoming).[31] From the early 1980s, civil patrollers in San Bartolome had benefited materially from their association with the army, at the expense of traditional norms that would have awarded the elders in the community more status and power. Gonzalez' research demonstrates how villagers refrained from discussing the violence, preferring to "*guardar el silencio,*" (watch one's tongue) out of present day fears, rather than merely the trauma of the past. The reluctance to speak documented in Gonzalez' account has been highlighted in other ethnographic research in Guatemala (Manz, 1999; Green, 1999).

Moreover in addition to the fear-factor, villagers were skeptical as to the value of collaborating with the truth commission. The risks were great, and the benefits nebulous. Ivone Falcon, the head of the regional office in Huehuetenango, noted that the lack of understanding of what the Commission was, and what it would do with the information it was collecting, were two of the biggest obstacles to soliciting testimonies.

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[31] Gonzalez chose this village because of its extreme isolation; the war was the first major exposure to the outside world (personal communication). Gonzalez traces the transformation in power relations within the community to the 1960s, when Catholic Action began to challenge the practice of forced work in the community. Many of the traditional forms of conflict prevention and resolution dissipated as empowered youth came into conflict with the elders. According to Gonzalez, in 1981, when violence reached the village, it was like the invasion of a foreign power. Villagers talk of the violence "falling" on the town, as if from outside or above; "La mataron y ella no tenia delito," (she was killed even though she hadn't done anything), an expression of how the killings happened outside the traditional forms of justice.

Prior to this transformation, the village followed very ridged forms of justice. Certain things were understood to be "wrong," and were settled primarily within families. The village elders and *brujas* were also taken quite seriously: villagers would often pay a *bruja* to punish an offender. Buried ancestors were often consulted as to the proper course of action to take when a problem arose among the living; the dead were seen as a vital element in the administration of justice.

In sum, the truth commission's testimony-taking in rural Guatemala was hampered by a lack of time, the lack of facilities with which to conduct individual, private interviews, and the shortage of translators. Those communities already organized by the popular sector yielded the most testimonies. Additionally, the persistence of an atmosphere of fear and danger, as well as the public's ambivalence as to the value of the Commission, affected the number and types of testimonies received.

The Guatemalan truth commission reported visiting "more than 2,000 communities, most of these communities more than once, and in some cases up to 10 times....interacting with more than 20,000 people." (CEH, 1999)

The *Sede Central*—"What to do with all this information?"

Internally, the Commission struggled over the methodology and the ideological framework for the report. What to do with all this information?[32] How to do justice to the dead and the surviving? What was the appropriate analysis to explain the violence?

Two main debates divided the Commission's staff. The first concerned the qualitative analysis of the testimonies. The essential question was how to accurately read testimonies. Broadly, two different perspectives emerged. One sector of the staff read the testimonies of "victims" and explained the staggering occurrences of death, rape, torture, displacement and other assaults as events that happened to people "caught between two fires," i.e. between two armies. Another sector within the staff read the testimonies of "innocent civilians" and explained the violence as the social history of a military assault by a state against its own people. The different perspectives pivoted on the concept of responsibility: the "caught between two fires" narrative explained the violence as the regrettable by-product of war; the "social history" analysis held the military/government, and other elite sectors, responsible for violations against the population.

The second point of serious contention among the staff concerned the question of whether the violence should be called genocide. The issue was extremely emotionally charged, precisely because a finding of genocide against the Guatemalan state was the central articulated demand by the organized sectors of the affected communities, who had so bravely provided the Commission with testimony. And yet many on the Commission's staff, particularly those trained in international law, stressed the necessity of applying a juridical criteria. At the Commission's one and only public event, held in May 1998 to illicit input for the final report, a Mayan man expressed his outrage that there could be anything other than a finding of genocide: "My house was burned. My family was killed. I myself buried 400 people. I am telling you, this was genocide!" The commissioners replied that the question of genocide had to be carefully evaluated by legal scholars. The Mayans activists in attendance vehemently disagreed.

Midway through its tenure, there were discouraging signs that Tomuschat was interpreting the mandate in a very conservative manner. At a rare public appearance in February 1998 in Guatemala City, Tomuschat responded to reporters' questions by focusing on the obstacles that the truth commission faced. He back-pedaled on earlier statements criticizing the government's lack of cooperation. Yet he failed to say what information, if any, the government had produced. Tomuschat further said that only the names of "historical figures," such as presidents and heads of state, would appear in the final document.

In theory, the Guatemalan truth commission was meant to have an edge over other

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[32] At a dinner party with several members of the truth commission's staff, the evening was dominated by horror stories of how much had to be written in just a few months. One of my friends, who had arrived late (from the office) sat at the table, barely saying a word, hardly touching her food. I asked her what was wrong. She looked at me and snapped, "Thirty-six years of war!"

mechanisms, such as REMHI, due to its "official" nature (interview, Lux de Cotí, February 1998). The truth commission was supposed to have access to official information. But the *sede central* was engaged in a constant struggle to obtain information from the government and the military. Although the parties had agreed to cooperate with the truth commission, the commissioners were less than satisfied with the government's responses to requests for information. Tomuschat was generally much more satisfied with the material provided by the URNG, although that also came late. "The URNG wants to be a political party, and they have to decided, do they want to be a (political) party with something to hide, or do they want to tell?" (interview, February 1998).

But, he was even more frustrated with the government and military (as the final report states plainly). Tomuschat explained that he had tried to convince the government to cooperate more fully, pointing out that it would be in the Arzu administration's interest to distance itself from the past. But "...my impression is that the government really doesn't understand this, and that there are too many people still in high command posts that participated actively in the killing, the massacres"(ibid.). The military refused to share even basic documentation regarding their military operations and strategies.

According to Tomuschat, what powers the Guatemala truth commission had over the government were linked to the international community. The leverage over the government was the anticipated substantial sums of money that the international community was poised to contribute to Guatemala's reconstruction: "If we tell the international community that the government is not following through with its commitments...that could have an effect" (ibid).

The military insisted that the archives of the disappeared were a figment of the truth commission's (and the nation's) imagination. A common response by the military was "how can we give you information that doesn't exist?" General Hugo Leonel Aguilar Barillas, the Director of the Center for Military Studies and the liaison between the armed forces and the Commission, said "They have asked for a lot of information that we don't have. They wanted, for example, the names of our 'prisoners of war.' But we didn't have prisoners of war, because we weren't in a war...we only had *capturados* (captured)," implying the lack of records for such things (interview, February 1998). He insisted that (at that point) the military had given the Commission "80%-90% of what they had asked for...it will never be enough to satisfy the Commission." He claimed to support the Commission's work, but said "It would have been better if they had independent people writing the document, something that will help national reconciliation....we should forget the past and go forward...we can forgive the communists...there are a lot of reasons why the war happened." (bid).

Individual members of the military kept their distance from the truth commission. General Hector Gramajo, (retired) claimed that the Commission was too weak to generate any fear in members of the military. Gramajo said the work of the truth commission was superficial, and attributed the commission's weakness to the fact that it was an international project designed to discredit Guatemala. "Their strategy is to find a *soplone* (a whistle blower) but they won't because the army's ethics aren't like that" (interview, February 1998). When asked if he was afraid of the Commission, Gramajo laughed. "Nobody," he said, "is afraid of this commission. I spent four hours with Don

Tomuschat, and he didn't ask me any good questions" (ibid.).

I also asked General Gramajo if, for the sake of national reconciliation, and assured of full immunity from civil and criminal prosecution, he would offer information to the Commission to assist Guatemalans in determining the fate of missing persons. I asked specifically, "If you knew that a family wanted to find the remains of a loved one, and that's all that they wanted, and you had information that could help, would you provide that information for the sake of national reconciliation?" Gramajo answered that he already provided the Commission with all the information he had. Then he related that the family of Nicholas Blake (a US citizen disappeared in Guatemala) had come to him asking for help. "Sam Blake insisted that all the family wanted was the information on Nicholas' whereabouts, and he assured me they weren't interested in prosecutions. So I made the necessary inquiries...and now? Look what they are doing, they have a suit against Guatemala. But besides, I don't know anything about disappearances, or bones."

From its conception to its formation through the 18 months of its work, the public watched the Commission with skepticism and little hope, although the popular sector continued to apply equal measures of data and pressure. So on February 25, 1999, when the Guatemalan truth commission did present its report, *Memory of Silence,* the public was shocked at its strength. In addition to more than 3,500 pages of information on atrocities, including more than 600 massacres, the commissioners found the state responsible for more than 93% of the violations. And they called it genocide.

How did the Guatemalan truth commission manage to produce such a strong report, given the political constraints? In Guatemala, the sector that demanded a truth commission failed to have a significant voice in the creation of the commission, which led to stipulations intended to weaken the potential powers of such a commission.

The absence of the voices of civil society was directly linked to the fact that the Guatemalan truth commission emerged from a cosmetic transition (from a formal state of war to a state of formal peace) rather than a profound transformation in the structures of power in that nation. Even after the signing of the Firm and Lasting Peace in December 1996, it was generally understood that the negotiation process had failed to address the root causes of the conflict.

Pundits from across the political spectrum acknowledged the "problems with the peace." Antonio Arenales Forno, an ex-deputy with the UCN and self-proclaimed member of "the opposition," stated, "What we negotiated was a cease-fire, rather than a peace." In Mr. Arenales' opinion, "....the private sector won the war. " Following the signing of the firm and lasting peace, power was now firmly in the hands of the private sector, "Which will benefit from all of this foreign money as well as from the fact that they don't have to pay the military anymore. They got through this whole peace process without having their taxes raised" (interview, January 1997). Press reports following the signing of the Firm and Lasting Peace anticipated more than 2 billion dollars in international aid to reconstruct the country. In its first edition following the signing of the peace accords, Inforpress noted that "Guatemala's tax income this year (1996) was 7.9% of the GDP, the second lowest in the hemisphere, and of that only 23% of tax income came from direct taxes on wealth and income....This, and other challenges for the peacetime government, will be difficult to face given that the end of the war does not represent a significant change in the correlation of forces..." (CAR, 1997a).

The 1996 peace accords looked more like a wish-list than a blueprint for social change. Conspicuously absent in the accords were references to how such social changes would be implemented, and how the accords would be verified (Seider, 1998). The signing of the firm and lasting peace between the Guatemalan government and the URNG seemed to mean little more than the cessation of hostilities on the battlefield.

Hence when it finally came into existence in 1997, the Guatemalan truth commission was one of the first, and only, concrete results of the peace process. As such, multiple forces attempted to make the Commission respond to particular interests. The Commission became an arena for the conflicts that persisted, despite the pacification of other battlefields, and due to the absence of other options for political expression in Guatemala.

As the story of the creation of the Guatemalan truth commission suggests, many expected that confining discussions of the violence to this new space of the truth commission would make such knowledge safe, or at least knowledge lacking the power to lead to prosecutions. Yes, there would be a space for 'the truth', but it would be a truth without consequences.

But once established, the Guatemalan truth commission took on a life of its own, despite the politics of its birth. The forces of the popular sector, that had demanded the truth in the first place but lacked real imput in its conception, had a serious impact on the Commission's orientation once it was established. Although Tomuschat and the other high-level United Nations' bureaucrats sought to "cumplir con Oslo," that is, follow the letter and spirit of the mandate (interviews, Tomuschat, Lux de Cotí, Casteñon), the demands for a report with teeth were very strong. In short, the truth commission was forced to be brave enough to interpret its mandate for the benefit of the victims, rather than the interests of the signatories.

The Guatemalan truth commission did manage to exceed expectations with the strength of its final report. Even people that had worked at the commission until very close to the end (December 1998) had told me, in private conversations, that they had very little idea what to expect from the final report. I heard repeatedly, in my conversations with private sources, that "it could go either way---it could be a real mess." So when the "Memory of Silence" appeared, those close to the process were thrilled. Moreover, "Human Rights groups in Guatemala were euphoric about the CEH report. It included all the most controversial statements that they had fought to have included" (CAR, 1999a).

Although it is premature to analyze the impact of the final report on the status of human rights in Guatemala, two consequences are apparent. Primarily, the legal argument establishing genocide provides an opportunity for judicial measures. As mentioned, even the National Reconciliation Law fails to protect those accused of genocide from prosecution. In building a legal case around genocide, the Guatemalan truth commission has effectively bypassed its built-in weakness: the restriction regarding judicial implications. This is an important instance of the power of international laws contributing to a national struggle. Days after the February 25, 1999 release of "Memory of Silence," Frank LaRue of CALDH announced that his organization would open a case of genocide against General Rios Montt.

Secondly, the document puts on the record that these things happened. As an editorial noted, "This is not new information, but the official status of the CEH report forces a response from those who had previously dismissed it as left-wing propaganda." (CAR, 1999a).

But what of that response? Following the presentation of "Memory of Silence," ex-Minister of Defense Balconi commented, "Of course the report is not complete, the Commission really didn't have time to really examine all the cases. I don't know if all of the widows of the military shared their stories with the Commission..." (Prensa Libre, March 1st, 1999). General Efrain Rios Montt flatly denied the report's content (ibid.) Hector Gramajo insisted (prior to the report's release) that "It is all a bunch of internationals intent on making Guatemala look bad. Nobody is going to take their report

seriously" (interview, February 1998).[33]

The Guatemalan truth commission occurred within the context of an intense nation-wide desire to deal with the past. As discussed above, just prior to the establishment of the truth commission, the Catholic Church had embarked on an extensive testimony campaign. The Church's project, Recovery of Historical Memory (REMHI), prepared communities throughout rural Guatemala for the experience of sharing testimonies. REMHI's extensive four volume report, *Nunca Más,* presented in the middle of the Commission's tenure, (April 1998) served as the high standard that the official truth commission would have to try to match.[34]

But perhaps the most dramatic evidence of the groundswell demand for the truth was the increasing number of exhumations occurring throughout the country. Occasionally aided by outside organizations, rural communities throughout Guatemala began submitting petitions to the Public Prosecution Service, seeking reburials for the thousands of bodies left buried in pits in the aftermath of the massacres. The process of exhuming the dead has had a profound effect on rural consciousness and power relations within communities. Arguably, this process has greater implications than events in the capital, or the experience of sharing one's story with a foreign testimony-taker. A central struggle in Guatemala continues to be the land: who digs it up, who controls the products of the earth. Pandora's grave has been opened: a tremendous amount of energy, anguish and anger has been released.

The Guatemalan truth commission participated in this national struggle, despite the political forces that attempted to restrict its power. Yet, because of the lack of a more profound transition in the structures of power in Guatemala, many of those that sought to contain the impact of the truth about the atrocities remain in a position to do so. It remains to be seen how effectively Guatemalan civil society will deploy the content of the truth commission's report, in political and/or judicial arenas.

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[33] While it can be frustrating to see the military dismiss the report as biased lies, at least they have had to deny the contents. And, seeing their reactions in the press is far preferable to seeing their reactions in blood. It is better to see discourse than homicide.

[34] A public ceremony was held in the main cathedral in Guatemala City for the release of the REMHI report. The cathedral was packed, as was the courtyard; approximately 2,000 people were in attendance. Just days after the powerful presentation of the REMHI report, the project's director, Bishop Juan Gerardi Conedera, was assassinated, and several other human rights activists were threatened, including, reportedly, staff members of the truth commission. The assassination was seen as ominous warning against truth-telling projects. The continual failure to bring Gerardi's assassins to justice is an indication of the persistence of impunity in Guatemala, despite the resolution of the armed conflict. (See Goldman, 1999).