The documentary *Dictator in the Dock* transports its viewers directly to the scene of the Ríos Montt genocide trials that took place from March to May 2013 in Guatemala City. After three months of harrowing testimonies of trauma from Maya Ixil witnesses and heated accusations of the judge’s partiality from the defense attorneys, Guatemalan military dictator Ríos Montt was convicted of committing genocide between 1982 and 1983. He was sentenced to eighty years in prison.

A seemingly historic case for Guatemala and the rest of the world, the Montt trials marked the first time in the history of courtroom proceedings that a head of state was convicted of genocide by the judicial system of their own...
country. Yet only a few weeks after this unprecedented conviction, it was stunningly overturned. At the urging of various political interests in Guatemala, the Constitutional Court ruled that the trial had to be reassessed. On April 1st, 2018, ninety-eight-year-old José Efrain Ríos Montt died a free man. To this day, the case remains unsettled.

On October 17th, 2013—only four months after the conclusion of the Ríos Montt genocide trials—Dictator in the Dock was released through Skylight, a digital media platform that focuses on human rights and social justice. In collaboration with documentarian Pamela Yates, filmmaker Peter Kinoy succeeded in directing a documentary that showed its audience an intimate and honest view of the trial’s nuances. In fact, the documentary’s arrangement of each courtroom proceeding into mini-episodes can be used as a pedagogical tool for understanding the complexities of the Western legal system. The lack of a narrative presence gives the viewer a seemingly objective documentary of the trial, which allows the trial’s complexity to speak for itself. The viewer can observe mishaps that would otherwise be erased from the narrative of a courtroom proceeding. Though the viewer is given only a five- to seven-minute extract from each hearing, the selected footage reveals the complexity of the trial: erroneous interpretations of translations, illegal courtroom walkouts, and the judge’s clear partiality interrupt the fiction of order in the courtroom.

In my viewing of the documentary, I analyze the trial’s mishaps with a critical lens toward the methods of a Western legal framework that claims to bring justice to survivors of genocide. I seek to understand the nuances that occur in the Ríos Montt genocide trials as more than just natural occurrences of misinterpretation. Instead, I find a problematic framework for seeking justice that is rooted in colonial histories. The trial that transpires in Dictator in the Dock provokes questions of how the courtroom interprets experiences of trauma and confronts non-linear forms of evidence.
Framing my arguments through the episodes of *Dictator in the Dock*, I examine how attempts to translate memories of genocide into linear evidence through the Western legal system distorts, depersonalizes, and silences the testimonies of the Maya Ixil witnesses. Within the confines of a colonial institution, testimonies of trauma are translated to fit hegemonic and Western legal discourses. Yet against their silencing in court, these testimonies of trauma find alternative means to survive and resist erasure. I argue that even in the constricted space of the courtroom, embodied performances of testimony occur outside of the court’s framework, and beyond its capacity for expression. I assert that these embodied performances of trauma must be considered as legitimate forms of evidence in trials that claim to be on the side of justice, and that such performances might speak new forms of justice into being.

**The Structure of the Western Legal System**

A Western definition of justice dominates legal systems all over the world, including the Supreme Court of Justice of Guatemala. This system has only one aim: to come to a timely resolution without challenging its own structure in the process of doing so. In her account of the World War II Holocaust trials in Jerusalem, Hannah Arendt’s shows the limits of the Western legal system:

All attempts to widen the range of the trial had to be resisted, because the court could not “allow itself to be enticed into provinces which are outside its sphere.... the judicial process has ways of its own, which are laid down by law, and which do not change, whatever the subject of the trial may be.” The court, moreover, could not overstep these limits without ending in complete failure. (415)

Remarkably, defending justice is not the priority of the trial. Rather, the trial’s purpose is to uphold its legitimacy: each trial represents and tests the legal system’s ability to cope with itself. Arendt’s assertion that the court cannot be “enticed into provinces which are outside its sphere” because of its limited and rigid “judicial process” reveals the fragility of the legal system. The system is
threatened by “attempts to widen the range of the trial” and the destabilizing threats of change to the legal jurisdiction.

Arendt problematizes the framework of the legal system in the context of the Holocaust trials. She asserts that because of the trial’s sole purpose of meting out justice, Holocaust survivors’ narratives of trauma became mere apparatuses in the courtroom. Arendt shows how the pursuit of justice depends on strict binaries of fact versus fiction and guilty versus innocent: “And the question of individual guilt or innocence, the act of meting out justice to both the defendant and the victim, are the only things at stake in a criminal court” (481). Though “the act of meting out justice” is no easy feat, the trial’s preconceived conception of guilt and innocent actors makes the possibility of justice all the more attainable.

The conclusion of the trial is also part of a predetermined script confined to decision and resolution: “A trial is presumed to be a search for truth, but, technically, it is a search for a decision, and thus, in essence, it seeks not simply truth but a finality: a force of resolution” (Felman, 54-55). In Dictator and the Dock, the trial’s need to arrive to a final resolution both challenges the way evidence is interpreted and used, and limits the ways in which testimony is performed. I find it necessary to examine the Ríos Montt Genocide Trials and the Maya Ixil testimonies with Arendt’s and Felman’s assertions that the trial’s main purpose is to mete out justice in order to come to a resolution.

The Subaltern Witness in the Courtroom

The Western legal system’s framework is not a neutral one: it is tainted with preconceived ideas of who possesses rationality and truth. Sara Ahmed’s, “The Politics of Truth”, exposes how Western patriarchal society conceives standards of truth that taint people of color and women as irrational subjects: “The subaltern woman is constructed as all body, as hysterical and emotional: hence she fails to take form in a way that resembles the form of the norm. It is this
‘failure’ that allows her to be discounted as ‘un-true-worthy’ and to be excluded from the domain of truth…” (385). The apparently impartial search for justice is circumscribed by colonial notions of race and gender that frame women and people of color as untruthful and irrational. The legal system taints the witness’s testimony with doubt and suspicion.

The footage of the trials in Dictator in the Dock not only affirms the positionality of the subaltern witness as an irrational subject, but also reveals the witness’s need to actively counteract their systemic marginalization. As Maya Ixil witnesses share their testimonies, they also have to insist upon the truthfulness of their very own experiences. Ixil witness, Benjamin Geronimo, conveys this grim reality in Episode 21, “500 Years”, as he proclaims, “I saw it with my own eyes. I do not come here to lie”. Geronimo’s insistence that his lived experiences of trauma are truthful is not unforeseen. The defendant’s lawyers continue to assert that the trial lacks evidence, or “falta de prueba” (Episode 22) because the testimonies of the Ixil witnesses cannot be proven true, or at least to the standards of the court. After all, they are the testimonies of the subaltern subject who does not perform appropriate forms of truth-telling.

In Episode Six, “A Question of Accent”, the misinterpretation of an Ixil word from Domingo Rivera’s testimony reveals how the trial’s framework can manipulate and subvert the subaltern witnesses’s testimony. The misinterpretation—some would argue a purposeful misinterpretation—of the Ixil word “poch” puts into question the truth of Rivera’s account. Ríos Montt’s lawyer claims that his team’s translator heard, “osh”, which, when translated into Spanish, meant “guerillero” or guerilla. The defense lawyer exclaimed that the term “guerillero” insinuated a connection or knowledge of the guerilla troops who carried out violence against the Guatemalan government. What ensued was an unplanned event: the involvement of another translator and linguist to clarify that the witness did not say “guerillero” in Ixil. The linguist clarifies that the word “poch” was different from the word “osh” or guerilla, and in the Ixil
language pronunciation is vital. “Poch” is defined as “the quickness of death because of weakness”. Judge Barrios Aguilar affirmed the linguist’s clarification and the trial proceeded.

In a matter of seconds, Domingo Rivera’s very own testimony was turned against him. Rivera’s testimony becomes a foreign apparatus employed not only to fit the legal system’s standards of evidence, but it also becomes manipulated into a counterargument used by Ríos Montt’s team of lawyers. Because of the need to translate the Ixil language into a hegemonic one, Ríos Montt’s team benefits from a legal system constructed and carried out in colonial languages. I assert that the translation of Rivera’s oral testimony to hegemonic Western languages led to the depersonalization and distortion of his narrative—no longer did he have control of his own experience. The misinterpretation of one word undermined Rivera’s testimony: his account of genocide was silenced by the need to translate and interpret it into appropriate courtroom language. The misinterpretation of Rivera’s testimony reveals the instability and malleability of the subaltern witness’s testimony.

A “Witness” and an “Expert Witness”:

The question emerges, who does the trial consider an adequate witness? In Dictator in the Dock, there is a marked contrast between how the court treats the subaltern’s testimony and how it treats the academic’s, or “expert witness’s” testimony. In the documentary, each academic is introduced to the trial with the following label: “Expert Witness”. But when the Ixil witnesses take the stage, the documentary identifies them with the nondescript label of “witness”. The documentary is not as it appears: an objective, raw documentation of the trial. Rather, I argue that Dictator in the Dock contributes to a colonial legacy of valuing the “expert” accounts of the “colonial masters” more than the testimonies of the Ixil people.
The significance of these labels is more than mere courtroom terminology. They speak to the colonial legacy that is embedded in the framework of the legal system. In her article “Performance and/as History”, Diana Taylor declares that “History-as-discipline has long served colonial masters throughout the Americas, trumping the historical memory of native and marginalized communities…The process of entering into history becomes the meaning-making act reserved for the literate” (70). The “colonial masters” who take the stage in Dictator in the Dock, are Guatemalan and international academics and forensic scientists, lawyers, and sociologists. History continues to serve the “colonial masters” in the context of the court because the narratives of the literate possess more truth than those of the subaltern. Taylor depicts this very positioning of power deriving from the 16th century conquest of Latin America: “Then, insofar as native bodies are invariably presented as not speaking (or not making themselves understood to the defining subject), they give rise to an industry of ‘experts’ needed to approach and interpret them: language experts, scientists, ethicists, ethnographers, and cartographers” (Archive and Repertoire 64). The scenario of Conquest continues to play out in this trial of the 20th century: the academic’s narrative is “expert” because it holds 500 years of appropriate epistemic and linguistic forms of documenting history. When the testimonies of the Ixil witnesses speak outside Western legal reason, academic authority is readily available to reassemble them into legible and linear evidence.

Though more than 100 eye-witness accounts of genocide are voiced by Maya Ixil survivors in the Ríos Montt trial, there is still a necessity for the stable archival forms of research papers, graphs, and photographs presented by academics and other intellectual elites. The academic not only speaks the hegemonic colonial language that is demanded by the legal system, but also embodies the appropriate image and behavior that are silently revered by the court. In the trial, performances are divided into ‘appropriate’ behaviors and ‘non-appropriate’ behaviors. The academic performs the appropriate behavior:
she is educated in the time, language, and performance of the courtroom. The academic communicates through facts and figures, reports and other archives; her behavior is contained and calculated.

Episode 13 of *Dictator in the Dock*, “Bones Tell Stories”, illustrates the how the “expert witness’s” forms of evidence not only contrast with the Maya Ixil testimonies, but also contribute to the silencing of testimonies of trauma. The “expert witness”, Daniel Alonso Jiménez Gaitán, brings forth an anthropological forensic investigation as evidence. As he lays out the conclusions of the report in a consecutive and numerical order, he describes the “recovered skeletons” that correspond to human burials. His report maps out the skeletons as data: “the skeleton FFG108711 corresponds to a child between four and six”, “the skeleton FFG108721 corresponds to a child between five and eight”, “the skeleton FFG108731 corresponds to a young adult between the age of 18 and 21, approximately, a woman with a height of 1.31 to 1.54 meters, a Mongoloid”. The anthropological report is a site in which the dead of the Ixil community are converted into mere facts and figures. The Ixil people in court witness a troubling and, perhaps, traumatic encounter in the very place that seeks to resolve their traumatic experiences.

**Cecilia Vacá Gallego’s Embodied Testimony of Trauma**

The non-linearity of the Maya Ixil testimonies documented in *Dictator in the Dock* greatly contrasts with the “expert witness’s” carefully calculated archives of bones and facts and figures. In Episode Ten, “An Attempt to Decimate the Future”, Cecilia Vacá Gallego recounts the traumatic memory of rape and the murder of her son. Her testimony undergoes the linear and rigid questioning of the lawyers in the court: “How many men raped you?”, “How long were you in pain?”. These questions demand that Vacá Gallego produce numerical, absolute answers about her rape. In doing so, they seek to frame trauma as an articulable event of the past.
The chronological framework that is imposed upon the testimonies of survivors of genocide in the trial is not fit for traumatic memory. In Cathy Caruth’s, *Unclaimed Experience*, Van Der Kolk and Van Der Hart assert that “…traumatic experience/memory is, in a sense, timeless. It is not transformed into a story, placed in time, with a beginning, a middle and an end (which is characteristic for narrative memory). If it can be told at all, it is still a (re)experience” (177). The court expects survivors of trauma to extrapolate their traumatic memories in a linear and timely fashion of narrative memory. Vacá Gallego begins to recount her trauma in a chronological order: “We were fleeing and the soldiers chased us. They were shooting and they hit me in the head. One grabbed and stabbed me and I still have scars...Now I have pain in that part”. But as the memories from Vacá Gallego’s testimony emerge, she abandons the linear narrative. Consequently, the visceral and physical experience of trauma evades time and place and resurfaces on her body. The corporal movements of shaking and wailing that emerge from Vacá Gallego’s testimony appear to interrupt and defy the disciplined movements and calculated languages of the courtroom’s actors.

I assert that Vacá Gallego’s uncontrolled wailing, shaking, and the need to cover her face not only reveal how profound the traumatic experience impacts her, but also how deeply it haunts her body. In *Disappearing Acts*, Diana Taylor depicts torture’s lasting effects on the body: “The descriptions of torture cling tenaciously to the body—the wounds, blows, and shocks administered to the flesh.... The persons describing the violence seem trapped in the body/mind split provoked by their torment...” (406). The traumatic experience of corporal violence does not leave the body. When Vacá Gallego is asked to describe her memories of the torture, these memories manifest in sites where torture has been endured. Her trauma is not a memory of the past, but a living wound that evades her body in the present. It is so visceral that it cannot be contained in a narrative form. Van Der Kolk and Van Der Hart analyze how recollecting trauma can leave
survivors in a “speechless terror” where linguistic articulation is abandoned and the recollection surfaces in corporal and sensorial experiences: “The experience cannot be organized on a linguistic level, and this failure to arrange the memory in words and symbols leaves it to be organized on a somatosensory or iconic level: as somatic sensations, behavioral reenactments, nightmares, and flashbacks” (172). When asked to recollect a traumatic memory, language is not always the most accessible form of reliving a memory. Instead, the memories of traumatic events can be awakened in embodied forms of “somatic sensations” and “behavioral reenactments”.

The embodied memory that unfolds from Vacá Gallego’s testimony is a testimonial form that cannot be translated into an archive of evidence. Even though the repertoire can reveal the histories of survivors of trauma, it continues to be invalidated as a form of testimony in the Western legal system. In her book, Tainted Witness, Leigh Gilmore points to the importance of looking beyond oral forms of testimony in cases of women’s narratives of physical violence: “In addition to verbal accounts, the body, too, occupies this geographical, narrative, and temporal intersection…” (134). I argue that the trial overlooks a crucial part of Vacá Gallego’s narrative of trauma by not recognizing her embodied traumatic memory as a form of evidence. The body is not only a site in which testimony occurs, but it also can hold and reveal narratives of memory and trauma that are not told through oral articulation.

The Public as an “Adequate Witness”

Though I argue that Vacá Gallego’s embodied memory is overlooked by the lawyers, judges, and other actors in the trial, it is acknowledged and legitimated from the audience of Ixil witnesses. In the trial, I find that it is important to note that the overwhelming majority of the public is on the side of the witnesses. Seated a few feet away from the witness’s podium is a collective witness—hundreds of members of the Maya Ixil community and human rights
defenders occupy the seats. Ever so present are the audience’s physical and emotional responses to the witness’s testimonies. Clapping, crying, and shouting of “justicia” or justice take part in a collective testimony that the trial is unable to contain.

The collective reactions that emerge from the public in response to individual testimonies are remarkably important. In the trial, the witness takes the stage as an individual—when giving testimony, they are physically alone, separated from their community. Though testimony is articulated through an individual on the trial’s stage, it has the power to represent the collective: “The narrator in testimonio, on the other hand, speaks for, or in the name of, a community or group…” (Beverley 33). The witness who narrates their experience also speaks to and for the experience of their community.

Though the trial confines the action of testifying to an individualized space, in *Dictator in the Dock* the audience breaks the court’s order by overstepping the confines of the trial’s physical setting in solidarity with the witness. I analyze the scene of Vacá Gallego’s testimony as one of collective witnessing: her testimony converts into a collective one as it receives validation from the audience of Ixil women. I assert that not only do the Ixil women begin to weep, but they overstep the physical boundary of the courtroom’s separation of audience-witness and collective-individual. Vacá Gallego’s testimony not only accounts for her personal traumas, but it also represents a collective narrative. It tells of the traumas of other Maya Ixil women. In her ethnography of Maya Ixil widows of the genocide in Guatemala, *Violent Memories*, Judith Zur attests to the importance of collective memory among Ixil women: “Constructing narratives collectively is a means of coming to terms with the events of the past and integrating them into their lives in a way which makes sense in the present. This is a creative and healing process, which makes the unknown known and less frightening” (170-171). Collective narrative production functions as a coping mechanism when having to rearticulate the traumas, especially gendered
traumas, of the past. In Zur’s case study, women used collective narration to access traumatic memory.

Vacá Gallego’s testimony is inextricably linked to the collective memories of gendered violence experienced by Maya Ixil women. In her essay, “El poder del testimonio, experiencias de mujeres” Rosana Paula Rodríguez explains how women’s testimony is a collective experience. Rodríguez articulates, “Es ese testimonio de la experiencia colectiva entre mujeres que cubre y protege del pasado y reclama al futuro una mirada retrospectiva que permita hacer emergir nuestra experiencia histórica... (1162)”. Rodríguez argues that there is a fundamental collectivity to women’s testimony because it challenges patriarchal forms of language and accounts of history.

In Episode 10 of Dictator in the Dock, the trial is interrupted by the acts of solidarity that occur between Maya Ixil women and a specific subaltern, feminist resistance takes place. In her essay, “Feminsimo y testimonio femenino latinoamericano”, Maria Elva Echenique reaffirms the importance of the testimonial form as an opportunity for feminist solidarity: “La apropiación del género testimonial como instrumento privilegiado para documentar la condición de vida de la mujer a nivel global nos remite a prácticas de sororidad entre las mujeres dentro del marco de un feminismo transnacional” (93). Echenique configures the testimony as an instrument belonging to women. The testimony gives way to a collective expression.

The Western legal system cannot access the testimony that is embodied corporally by Vacá Gallego and other Maya Ixil women at the trial. The collective resistance that ensues from the Ixil women at the trial is outside colonial authority. In her essay, “Hilando no desde el feminismo indígena comunitario”, Julieta Paredes reaffirms the body as a site of indigenous, feminist resistance to patriarchal, colonial powers: “El lugar desde donde construimos son nuestros cuerpos de mujeres con una memoria larga y otra corta de nuestra existencia. Memorias que las podemos llamar ontológicas y lológicas respectivamente, estas
memorias corporales están construidas en las historias y prehistorias de nuestros pueblos y sus movimientos sociales” (120). Writing from a feminist standpoint, Paredes reclaims the body as a legitimate form of memory and knowledge. In the Ríos Montt trial, I observe an undeniable visual testimony taking place through the corporal repertoires of the Ixil witnesses. Though these visual testimonies are illegible to the Western legal system, they are collectively acknowledged by the audience of Ixil witnesses.

**Resisting Hegemonic Discourses of Justice**

Despite the numerous ways in which the trial seizes control over testimonies, there are still ways in which the witness remains in possession of her narrative. In her essay on Maya burial in post-genocide Guatemala, Virginia Garrard asserts the importance of Ixil collective testimony outside traditional institutions of justice: “It is at the local level that people have perhaps been most effective in seeking out remedies and continuing to come to grips with the long-term effects of collective violence on their communities” (183). Garrard emphasizes the need for testimony at a “local level” where alternative forms of memory are recognized as legitimate epistemologies, and where communities can collectively remember the past. But even though Garrard points to the importance of collective ways of remembering at a local level, I argue that she fails to recognize how communities still resist and subvert hegemonic discourses of justice within colonial institutions.

I examine how the audience in the Ríos Montt Trial provides an alternative space for testimony. In various episodes of *Dictator in the Dock*, Judge Barrios has to order the public to remain calm and even has to demand that the public hold its applause. Collective resistance grows out the dialogue of support that occurs between the witness and the public. The trial cannot control this dialogue because it is one that is outside oral testimonial bounds—it is performed through a visceral reaction of collective trauma.
The footage of the trials in “Dictator in the Dock” reveals the subtle ways in which alternative testimonies are performed despite the rigid and limited framework of the Western legal system. Gilmore’s idea of the “adequate witness” is the outside witness to testimony that “…creates a holding environment for testimony” (5). In “Dictator in the Dock”, the audience of Maya Ixil witnesses creates a “holding environment for testimony” that is separate from the trial, and validates the complex ways in which testimony can emerge. The Ixil witnesses in the audience serve as the “adequate witness” that “…resists the rush to judgement and learns how to attend to accounts of gendered harm and agency made by impure victims in conditions of complexity” (5-6). I assert that the audience of the trial is an adequate witness to Maya Ixil survivors’ histories of trauma. The public does not contribute to the silencing of the testimony that take place upon the trail’s stage, but rather the Maya Ixil audience recognizes the body as a site of memory and testimony.

I argue that the ways in which evidence is documented and translated can be expanded if the body is seen as a legitimate representation of memory. Traumatic memory can be transmittable through embodiment instead of through linear language: “The transmission of traumatic experience more closely resembles ‘contagion’: one ‘catches’ and embodies the burden, pain, and responsibility of past behaviors/events. Traumatic experience may be transmittable, but it’s inseparable from the subject who suffers it” (Taylor 168). Is not the corporal transmission of traumatic memory to others the most powerful evidence? Felman calls for the legal system to restructure itself into a site where a multiplicity of expressions of trauma and memory are allowed and verified: “It is to the structure of the trauma, therefore, that our ‘eyes’ should be educated” (83). I conclude that if the Western legal system depends upon the traumatic memories of witnesses in its fights for justice, it needs to reconfigure its definition of evidence to include embodied traumatic memory as a legitimate epistemology.
Works Cited


