
The Case of Sepur Zarco and the Challenge to the Colonial State

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This work has its beginnings in the lives of fifteen Q'eqchi' women who were originally from communities surrounding Sepur Zarco, one of the 138 small villages in the municipality of El Estor, which is in the department of Izabal, northeastern Guatemala, more than three hundred kilometers (185 miles) from the country's capital. For six years, from 1982 to 1988, these fifteen women experienced sexual and domestic slavery imposed by the Guatemalan military, which had occupied that area amid the internal armed conflict that occurred in the country from 1960 to 1996.

In 2011, the organizations *Mujeres Transformando el Mundo* (MTM, Women Transforming the World), the *Unión Nacional de Mujeres Guatemaltecas* (UNAMG, National Union of Guatemalan Women), and *Estudios Comunitarios y Acción Psicosocial* (ECAP, Community Studies and Psychosocial Action), working together on the project “*Mujeres rompiendo el silencio: Fortalecimiento de conciencia para mujeres sobrevivientes de violencia sexual durante el conflicto armado*” (Women breaking the silence: Strengthening awareness for women survivors of sexual violence during the armed conflict), asked me to produce an expert report on the cultural ruptures experienced by women of different ages when the military intervened in their region. With the support of these three collectives, I began the process of writing the report, which was a painful but also beautiful privilege that allowed me to approach the facts, the region, the surviving women, the direct

witnesses, and the documents, such as copies of reports and references. This chapter is based on the information that I collected for this work.

In 2012, after more than thirty years of silence, the women of Sepur Zarco decided to seek help in the national courts. In February 2016, Court A for High-Risk Crimes sentenced Lieutenant Colonel Esteelmer Francisco Reyes Girón to 120 years in prison, and the former military commissioner Heriberto Valdez Asij to 240 years in prison, for crimes against humanity, forced disappearances, and the deaths of Dominga Coc and her young daughters, Anita and Hermelinda.

Part of the information contained in this chapter is based on the expert cultural report that I wrote for the trial initiated by the female survivors of Sepur Zarco in the Guatemalan courts, referred to above (Velásquez Nimatuj 2013). I conducted research from December 2011 to April 2013. During that period, I identified constant acts of sexual violence against women in their communities in the years 1982–86. These were part of a scheme of cruel and inhuman treatment planned by the state and executed by members of the military occupying the region. First, soldiers arrived in the communities and murdered all the women's husbands and eldest sons. They captured the widows, many of them pregnant, and made them their sexual slaves. Second, they raped the women collectively or individually in the military outpost, in their homes, by the rivers, and in many other locations. Third, they forced the women to perform domestic work for the military outpost, including cleaning the facilities, cooking for a unit of approximately four hundred soldiers, and doing laundry, among other jobs. And fourth, they tortured and murdered several women. Those women who survived were subjected to systematic cultural, emotional, and physical violence and were held against their will for years. All these crimes marked, and altered forever, the cultural frames of reference in the lives of these women.

During the investigation, I identified sociocultural elements that were destroyed in the women's individual and communal lives. I documented cultural ruptures that modified or destroyed their extended families, their systems of authority, their properties, their medicinal knowledge, and their spirituality and solidarity. The sexual abuse inflicted on the survivors' bodies and minds marked a turning point in the women's lives and has prevented them from reinitiating a normal life. At a personal level, and as a Maya K'iche' woman, I felt a kind of joy in knowing that my work as a social anthropologist had contributed to supporting the claims filed by the women in the

Guatemalan courts, in their search for justice and some kind of reparation for themselves, their families, and their communities.

My work consisted of the elaboration of fifteen life histories. As such, I was able to confirm that their stories all agree in that the military's inhuman attacks ended their husbands' lives, that the women were subjected to unprecedented sexual violence, and that their cultural practices were also annulled. All the violence of the 1980s was carried out in order to guarantee the security of property owned by large landowners around Sepur Zarco. The military installed detachments in outposts to prevent the community from making legal claims to the lands and to prevent guerrilla groups from emerging. In 1980, insurgents were operating in the central and western parts of the country, on the opposite side of Guatemala from Sepur Zarco. In 1982, a group of Indigenous men from the Sepur Zarco area began petitioning to gain legal title to the landowners' estates. They were captured and disappeared by the military. Soldiers then came and destroyed their homes and raped women related to the men who had petitioned for land. The large landowners sought to control the lands of the Q'eqchi' people, as well as exploit their labor force, so they could continue to generate income. The survivors' testimonies make evident that the sexual assaults they suffered were, in reality, just an extension of the colonial relationships of dependence and exploitation that have historically prevailed in Guatemala. Demecia Yat summarized it like this:

There are people responsible for ordering the murder of all the men in our communities. We were poor and living in a small village. That's why we thought they wouldn't bother us, but our "crime" was simply that we lived too close to the large landowners. For this reason, the soldiers burned and stole our animals, and even the corn we had harvested. They left us without homes, without clothes, without food, without animals, and without husbands. Then, they began to rape us. So, we began living off what people would give us, off what they would give us out of kindness; in the middle of the war we had to ask for food, because we had ended up on the street, without anybody [to help us], with nothing. (Velásquez Nimatuj 2013, 34)

Culture and Its Interconnections

Given that my work is focused on identifying and understanding cultural ruptures, I have revisited the concept of *culture* to argue that it must be

understood as a symbolic system that is translated into shared meanings by the women and men of a community. I argue that the systems and processes of their collectivity are linked to their own history but are also affected by the national history of the place where they live, as well as by the prevailing political, economic, and social processes operating there. For this reason, women's culture is connected to their history, territory, social class, identity, gender, and race. Cultural and social spaces cannot be analyzed independently of those interconnections because culture does not exist (and is not reproduced) in a vacuum (Velásquez Nimatuj 2011, 98). In the case of the Q'eqchi' women, their life histories, as well as their identities as women and as Q'eqchi', revolve around and are connected to—among other things—the land, their political struggles, and their family stability. It is for this reason that they tried to defend their lands, as Manuela Ba remembers:

They kidnapped our husbands [because] they were struggling for the legalization of our lands. The sacred earth gave us food, gave us life. We had our home there, our animals. We all lived there. That's why the commissioners, together with the large landowners, made a list with the names of the men in the community who were working for this legalization. That's why [our husbands] were taken away. (Velásquez Nimatuj 2013, 41)

The culture and identity of the women revolved around reproduction and agricultural survival and were linked to the cultivation of crops, which guaranteed food sovereignty for the community's families. The women were working to preserve the right to life and the right to own their lands, their territory. However, as María Ba Caal narrates, that world was soon destroyed:

One early morning in 1982, around 5:00 am, I was preparing the corn dough, when dogs began barking desperately. I got scared and told my husband, but we had no time to react, as twenty soldiers surrounded our home. Juan Sam, the community's commissioner, was with them. With the hammocks we had in our house, they tied up my husband and my two eldest sons: eighteen-year-old Santiago Cac, who was part of the school committee, and fifteen-year-old Pedro. I followed them to the school, where they kept them for one day and one night, and then I saw the soldiers take them away. That was the last time in my life that I saw my husband and sons. (Velásquez Nimatuj 2013, 37)

For lack of space, I am not going to go in detail about the cultural ruptures I investigated. Instead, I will present a general view of the atrocities suffered by the women of Sepur Zarco, so that I can connect their experiences to the national and international historical contexts in order to bring to light the relationship between the crimes committed in the historical past and the impunity that the Guatemalan state enjoys with respect to the crimes against the poor, rural, monolingual, and widowed Indigenous women who survived the attacks.

Historical Context

In 1982, still within the framework of the Cold War (1945–89), the Maya population throughout Guatemala was labeled as an “internal enemy” and subjected to institutional violence at the hands of the military. The institutions enabling this violence included the *Patrullas de Autodefensa Civil* (PACs, Civil Self-Defense Patrols), the judiciary, and the military commissioners. This structure of interconnected state institutions of violence was recognized by the minister of national defense, General Héctor Alejandro Gramajo (1986–2004), in his memoir (Gramajo Morales 1995).

In those years, the Maya collectivities had little access to food and basic services such as drinking water, sewers, health care, and education. In the 1980s, Maya men working as day laborers on the large farms that produced export crops such as coffee, sugar, and other products were supposed to earn Q0.25 daily (the equivalent in quetzals to about US\$0.25). However, workers usually did not get more than Q0.05 daily. Families laboring on farms that produced coffee, bananas, cotton, and cattle were aware of the exploitative conditions under which they labored. They worked to get organized and fight for the legal possession of their territories, petitioning for land in order to guarantee their access to food and to facilitate subsistence food production. The price paid by the Maya for their demands of legal certainty with respect to their territories, access to arable land, fair wages, the end of racism, and access to social services, among other basic rights, was a disproportionate and irrational state violence carried out by the military that ended in genocide.¹

1. In its May 10, 2013, sentencing of General José Efraín Ríos Montt, Court A for High-Risk Crimes recognized that in Guatemala, under his presidential administration, genocide was executed against the Maya-Ixil people. See Centeno Martín (2018).

Several studies have documented the genocide of the Maya people from the end of the 1970s to the mid-1980s. This devastation was the work of civic action military projects, which used psychological control, as well as PACs, which patrolled and suppressed communities through violence and enforced taxes.² Under the government of the Protestant general Efraín Ríos Montt, a campaign of “guns and beans” was initiated, and PACs’ functions were increased, which was key for executing the massacres. The government’s scorched-earth counterinsurgency policy transformed more than 440 Maya small towns into ashes and clandestine cemeteries; more than six hundred communities were massacred, and more than 1.5 million people were forcefully displaced, fleeing to the mountains and seeking refuge in southern Mexico. Thousands of Maya girls and adult women of all ages suffered sexual violence perpetrated by the military. Even today, the exact number of women who were sexually assaulted during the war is unknown. In fact, sexual violence was publicly discussed in Guatemala in March 2010, during the *Primera Tribunal de Conciencia Contra la Violencia Sexual hacia las Mujeres* (First Tribunal of Consciousness Against Sexual Violence Toward Women), where the sexual violence inflicted on women from different Maya ethnic groups was denounced, debated, and documented.³ When the Permanent Peoples’ Tribunal held a session on Guatemala in 1983 in Madrid, Spain, gendered and sexual violence was invisible, normalized as part of war (see chapter 7 in this volume). The intervening period—from this 1983 session, to the 2010 tribunal, to the 2016 Sepur Zarco trial—marks significant change for the recognition of sexual violence in Guatemala. In 2008, Guatemala passed Latin America’s most comprehensive piece of antiviolence legislation, which called for establishing a specialized court system to process cases related to various forms of violence against women starting in 2010 (see the introduction to this volume). These courts are known as *tribunales de sentencia penal de delitos de femicidio y otras formas de violencia contra la mujer y violencia sexual* (sentencing courts for the crime of femicide and other forms of violence against women). Instances of femicide, sexual assault, and gendered violence—whether physical, psychological, or economic forms—are

2. The PACs were created in 1981. Indigenous men from across the country were forcibly recruited by the military and integrated into them.

3. Hundreds of children were also assassinated, beheaded, stolen from their parents, or kidnapped after the massacres and given in adoption to families inside and outside of Guatemala.

supposed to be tried in these courts. This recent history is far removed from the situation that Indigenous women encountered during the civil war.

In the early 1980s, family life in Sepur Zarco unfolded amid a national environment of violence. Unequal power relations between ladino landowners (mestizo descendants of Spanish and Indigenous peoples) and Q'eqchi' leaders were exacerbated by the extreme state violence and repression by the military (Grandin 2007; Sanford 2003). These unequal power relations marginalized the Maya people racially, economically, and culturally, and were thus a form of structural violence. This violence greatly intensified beginning in 1954, when a coup d'état supported by the United States overthrew the government of President Jacobo Árbenz Guzmán.

Indigenous Women and Violence

When we compare the life histories of the women from Sepur Zarco with Guatemala's long history and the collective history of the Maya people, we become aware that the first breaking point for Indigenous people was the Spanish invasion of 1524, when Indigenous peoples of what is now Guatemala were subjected to previously unseen levels of physical and sexual violence, exploitation, and subjugation in all areas of their lives. Attempts to annihilate their world views have not stopped since that time. The violence against Indigenous women has been constant, and it cannot be understood separate from the long history of their communities.

The extremely violent actions by the military against Sepur Zarco's women and families in 1982–86 constitute unjustifiable levels of violence on the bodies, minds, and sexualities of Q'eqchi' women. Antonia Choc remembers:

The day after my husband's detention, the soldiers returned and got the women out of our homes and burned them down; we ended up without our husbands, with nothing. Then, they took us to the Poombaak camp. I was pregnant, and on the way there, I was stopped by approximately ten soldiers, who raped me. Trembling and hurt, I stood up however I could, and frightened, I arrived at the camp where they had corralled us; there, we were accused of feeding the guerrillas. As a consequence of these rapes, I lost my baby and started to get sick; even though I was ill, I was then forced to give services to the military in the outpost at Sepur Zarco. (Velásquez Nimatuj 2013, 44)

Before 2010, little was mentioned about the sexual violence inflicted during the twentieth-century genocide, which had hardly been investigated. However, if we look at the historical record, we find that sexual violence has always been present in the lives of Indigenous women. This is why *mestizaje* (miscegenation) is a complex and painful topic for Indigenous women in Guatemala. The colonial era was three centuries of economic ignominy and physical and sexual violence against Indigenous women, continual sexual violation, and, in some cases, disdain for the children that were the product of the rapes. In that period, women also became domestic and sexual slaves. The number of Indigenous women separated from their places of origin, cultures, and families is currently unknown. The number who were forced to build new homes and found new towns to the benefit of the dominant elites is also unknown. These processes of displacement are not only historical but also ongoing, amid a settler colonialism that continues today. Thousands of women in the colonial era spent their whole lives in the tribute-labor system known as *repartimiento de hilados* (distribution of fabrics), in which they were obligated to provide unpaid labor weaving cotton and wool textiles. Thousands of others never enjoyed the right to breastfeed their children, because even this was denied to them by the colonial elite. Instead of being able to raise their own children, they had to breastfeed the children of the elite.

Guatemalan independence in 1821 did not bring freedom to Indigenous women. On the contrary, a system of forced labor meant that they had to leave their families. Likewise, the liberal period (beginning in 1871) and the introduction of coffee did not translate into economic development for Indigenous peoples, particularly women. The commercialization of coffee brought the integration of Guatemala into the world economic system starting in 1840, but it also converted Indigenous women into arms for work and wombs for birthing the peasant sons and daughters who were needed for the harvests. On the large coffee farms, Indigenous women also encountered sexual violence. For a small number of elites, coffee brought immense wealth, but for women, forced to work on the large farms all their lives, it meant a violent system of control over their bodies, their strength, and their sexuality. For generations, it was very difficult to break away from this system of control.

The beginning of the twentieth century did not mitigate the situation for Indigenous women. Quite the opposite. It brought another period in which

the magnitude of the sexual violence suffered is still not fully known, in need of critical documentation by historians. The various ways in which women resisted throughout the twentieth century are also yet to be interpreted. We have to consider the lives of Sepur Zarco's women—the daughters, mothers, and grandmothers—within this historical framework. The physical, emotional, and sexual violence that the state of Guatemala inflicted on them during the armed conflict cannot be understood as distinct from this longer history of violence.

The testimonies of the Q'eqchi women that I heard and documented between 2010 and 2016 (from the First Tribunal of Consciousness Against Sexual Violence Toward Women until the Sepur Zarco trial) give evidence of rapes perpetrated by the military, of women kept in captivity, and of the domestic labor they were forced to perform for the troops and military high commanders. After murdering the women's husbands and, in some cases, their older sons, the military left the women vulnerable, in charge of the youngest children. These conditions facilitated their subjugation by the soldiers. Those who refused to comply with what was being demanded of them were tortured and murdered.

The Guatemalan Civil War legally ended with the signing of peace accords in December 1996. However, this event did not mean that Q'eqchi' women were able to heal from the violence that had been inflicted on them. For example, Vicenta Col emphasized that “the military destroyed us because [what they did] was a massive disappearance; the soldiers finished off the communities.”⁴ Magdalena Pop also stated:

in that time I was sexually raped; the military transformed me into a slave at their disposal. It was a true and deep bitterness, to be used and be dropped off all bloodied as if we were a thing, worse than an animal. They would get us at the outpost, in the rivers, in our homes, in the mountains, wherever they wanted, and in front of our kids who screamed whenever they witnessed those attacks. I was inconsolable. I wanted to die, I did not want to live, I asked God to bring me death; I wanted to flee from my own body. The soldiers filled us with illnesses, and we never received any medical attention during those years; we could not even say what we had, what was affecting

4. Throughout the text, some quotes appear with no citation; this practice is to protect the physical integrity and personal safety of the witnesses.

us, what we felt in our [intimate] parts; this is why I feel anger, pain, and hatred toward the men who did this. (Velásquez Nimatuj 2013, 27)

Despite what Sepur Zarco's women lived through, they were able to face their external and internal pain and go to the courts to obtain justice for the atrocities that the military had inflicted on their bodies and dignity. This process was not easy, as Carmen Xol states: "during all our history, justice was never on our side. It never supported us." This is why Antonia Choc argued that denouncing the crimes they suffered was a complex process:

I felt that I was not ready, that I could not speak. I was afraid: I felt alone. There weren't any organizations willing to support us. And to be honest, I feel everything arrived a little bit too late, because many of our sisters died from all that raping, from fear, from pain when they could not find their relatives. And now they are not able to see this. (Velásquez Nimatuj 2013, 45)

The women did not give up despite suffering from their wounds for more than two decades, despite facing illnesses and pain in their reproductive organs, and despite feeling a spiritual, physical, psychological, emotional, cultural, ethnic, and social breakdown, without ever receiving any attention from the state. For this reason, the minimal restitution that the courts mandated for them after they won the trial in 2016 has to be used to seek a reparation that promotes healing according to their reality and present condition. Without comprehensive, integrated support and accompaniment, the survivors will never be able to have a healthy life.

Location of Sepur Zarco

Two routes go to the community of Sepur Zarco: both are complicated and require transit on dirt roads that are in a state of disrepair. The first access is through the municipality of Telemán, Alta Verapaz. After going through the Polochic Valley, one has to head toward the Pueblo Viejo River, which ends in Sepur Zarco. The other route is through the municipality of Mariscos, Puerto Barrios. One has to take the highway toward the Atlantic, cross Playa Dorada and Pataxte, and reach an African palm plantation and several other large farms with small population centers, including San Miguel,

Río Zarquito, and Chavilán. The final stretch of road is through another large African palm plantation, fifty kilometers across, but one has to get a permit at the entrance gate to be able to traverse this property.⁵ This road concludes in Sepur Zarco. In addition, this is the only highway that leads to the community of Las Tinajas. To get there, one has to pass three rivers (Zarco, Las Tinajas, and Pueblo Viejo). Las Tinajas is the large farm and population center where the majority of the survivors claim their husbands were taken after being detained, the site of one of the six military detachments in the region. Another military detachment settled in Sepur Zarco, where the women were forced to give “service to the military”: cooking, cleaning, washing clothes in the river, and enduring sexual servitude. Regarding this “service,” Manuela Ba stated:

Each one of the women who survived was forced to make tortillas three times per day, for all the soldiers, from Sunday to Sunday for six years whether we were living inside or outside the outpost. To prevent them from torturing us, we would buy corn with our own money. Many women were forced to exchange the few animals they owned for corn in order to feed the soldiers. Back then, each pound [of corn] would cost Q0.50, and they would force us to give them two pounds for breakfast, two for lunch, and two for dinner. Also, we had to make logs for cooking and wash their uniforms; we also had to buy the soap, since they would not give it to us. (Velásquez Nimatuj 2013, 43)

The military, then, imposed a system of rape and sexual and physical abuse on all women.

5. African palms began to be planted in this region between 1995 and 1997. The plantation described here is registered as part of an anonymous society that hires temporary workers for two months; we cannot know the exact number of workers on the plantation. During the armed conflict, this land was mainly the site of rice or corn farms, or cattle ranches. Back then, the farms had permanent residents who lived on-site with their families and received, as a result of their labor, a land parcel to plant their own food staples. The surviving women explained that residents who did not rise up or question anything were left alone for a time, but the farm and ranch owners began to kick them out after the peace accords were signed. These residents were left without any benefits or land, becoming part of the poverty belt that continues to grow in Guatemala.

Land as a Factor of Repression

When we analyze the survivors' testimonies, we find a common thread in their stories: the struggle to obtain legal certainty (titles) over the land they owned. They started organizing in the late 1970s because Sepur Zarco was, and continues to be, a large estate with community lands on which some ladino families—owners of large farms in the surrounding areas—wanted to claim ownership. The large landowners would hire men from the communities as day laborers and pay them Q0.05 or Q0.10 per day. The situation of exploitation and legal uncertainty of land titles led the Sepur Zarco community members to organize a cooperative in order to obtain legal titles to the land where they lived and to demand fair wages as workers on the large farms.

In the interviews I carried out with women survivors, the women explained that by 2010 the families living in Sepur Zarco had been settled on that land for approximately forty-seven years, after migrating into the area. Due to the local residents' attempts to regularize land claims during the armed conflict, the large farm owners—the “alleged owners of the land,” as expressed by one woman—accused them of being insurgents. Another woman recalled Walter Overdick García, who was mayor of the municipality of Panzós during the massacre of May 29, 1978.⁶ Together with another large landowner, he began harassing the Indigenous population so that they would not legalize their land claims. However, the Q'eqchi' continued their quest for legal certainty, and so the large landowners negotiated with the military to settle in detachments in the region and prevent any Q'eqchi' insurgency—that is, to provide security for the landowners.

As of 2020, the agrarian conflict has still not been resolved. The community of Sepur Zarco continues to be at a legal impasse, contending with an ongoing boundary dispute with José Ángel Chan, who, according to his Indigenous neighbors, “has trespassed their boundaries and does not want to respect the *extensión* [land] kept by the Q'eqchi' elders and families.” This conflict is ongoing, despite the fact that after the 1996 peace accords the Fondo de Tierras (Department of Land) measured the parcel in question and

6. Regarding the Panzós massacre and its historical context, see CEH (1999), Grandin (2007), IEPALA (1980), Pitarch, Speed, and Leyva Solano (2008), Proyecto Interdiocesano (1998), Sanford (2003, 2009), Soriano Hernández (2006), and Vilas (1994).

found that Sepur Zarco possesses an extension of twenty-nine *caballerías* and forty-six *manzanas*,⁷ a land measurement that coincides with a 1976 survey, before the beginning of the repression. This survey confirms Sepur Zarco's claim against Chan.

Representatives of the Sepur Zarco survivors have tried negotiating with Chan, but he has not accepted, and this uncertainty about the ownership and possession of the land has led the women to say that they and their children, "have possession of the land, but do not have the paperwork." The survivors have stated that "during the conflict, the large landowners originally respected the community boundaries because they were afraid of insurgency, but when the peace [accords] were signed, they began trespassing even more, and now they do not respect the communities at all."

Gender and Ethnic Equality

In order to understand why the Q'eqchi' women in Sepur Zarco faced such inhuman sexual violence by the state and the military, we must adopt a perspective that simultaneously includes both gender and class oppression, given that in Guatemala these kinds of oppression are structural and historical, forming part of the foundation of the country. Gender and class oppression have been key pillars in Guatemalan nation-building, used by the economic and cultural elites to control and subjugate the Indigenous people. This connection is expressed by the survivors as part of their life experience. Magdalena Pop, for example, told us as we were reconstructing her life story, "Look, *compañera*, I am asking myself, why did all this happen to us?" And she answered:

Because the wealthy see that we are poor; the large landowners believe that they own all the land; they look at us as women with no education, who only speak Q'eqchi'. This is why the large landowners wanted to take the land from us; they were the ones who invited the soldiers to come in for us, they opened the doors to them. (Velásquez Nimatuj 2013, 28)

7. These are units of area. A *caballería* in Guatemala is equivalent to 64 *manzanas* or just over 45 hectares (112 acres). The land extension mentioned here is approximately 1,351 hectares (3,338 acres).

We also have to consider racism, which operates as social construct, just as gender and class oppression do. This kind of oppression has been difficult to understand for the middle-class ladinos or mestizos, who both ignore and reproduce the discriminatory characteristics of the conservative elites. This attitude is shared by leftist sectors that prioritize the economic struggle and minimize the weight of racial oppression.⁸ However, for the women of Sepur Zarco, the connection between forms of oppression is clear. Vicenta Col stated: “The military was looking at us as poor Indigenous women; this is why they did whatever they wanted to do with us; they would rape us, they would laugh at us, saying: ‘look at the poor *indias* (female Indians), they are all alone’; this is why we were not able to defend ourselves from the rapes, as they would also let us see their weapons” (Velásquez Nimatuj 2013, 31).

In Guatemala, like in other regions of the world, ethnic claims have been subsumed in the struggle for economic rights (Omi and Winant 1986). Even today, despite the advances made by Indigenous movements in international spaces such as the United Nations or tribunals like those discussed by Morna Macleod (chapter 7), and despite international frameworks that guarantee inalienable rights to Indigenous peoples, it is argued that ethnic claims signify the creation of extremist groups wanting to fragment states, or that Indigenous groups are simply demanding “hardly deserved” privileges.

Even though professionals, activists, lawyers, and members of civil society, among others, might support, for example, Indigenous claims to fair wages, Indigenous people are to this day denied many rights, including self-determination, territorial autonomy, or a voice on economic, political, or

8. Class oppression as a political doctrine and theoretical framework took shape with Marxism at the end of the nineteenth century. It has three key pillars: philosophical materialism, economic doctrine, and scientific socialism (Bottomore 1983). I consider it necessary, and healthy, to analyze with critical eyes how the revolutions emerging from the Americas (revolutions that had socialist doctrine as their ideological framework and political project) made theoretical and practical contributions to the struggles against deep social inequality and yet, simultaneously, rejected a focus on the concrete demands of Indigenous peoples, particularly women. Take, for example, the 1944 October Revolution in Guatemala; the government of President Salvador Allende in Chile (who arrived to power with a socialist proposal through a democratic process in 1970); or the 1959 fall of Fulgencio Bautista’s dictatorship in Cuba, which led to the construction of a socialist country. In none of these three historical processes—all of them key moments in the history of the world—were the Indigenous or Afro-descended populations seen as subjects who could have their own projects and demands.

other projects that affect their lives. Indigenous people are also restricted from decisions on how to use the natural resources of their territories; for this reason, laws have been created for the appropriation of community resources. Indigenous peoples therefore must make simultaneous demands about indigenous/ethnic rights and economic rights—often referred to as *doble militancia*, or double rights claiming. Often such *doble militancia* is not accepted because if all these claims were to become a reality, they would undermine the bases upon which states have been built, which allow for the subjugation of the original peoples. This situation has perpetuated the small bourgeoisies as well (Casaús Arzú 1992). Today, even though the economic, political, cultural, and social rights of Indigenous peoples are accepted at the level of discourse, these rights have not become materialized in public policies or in the reestablishment of the Guatemalan state.⁹

The interaction of class, ethnic, and gender oppressions has been studied; however, it is not easy to analyze this interaction in practice, as to do so one must look at different institutions concurrently (Davis 1981; hooks 1992). Feminist theory encourages discussion about the complexity that exists when putting theory into practice. I found that the feminist approach referred as intersectionality was most useful for me as a theoretical framework for the expert report. Popularized by Kimberlé Williams Crenshaw (1995) and emphasizing the intersection of race, gender, and class in individuals and groups and their links to structural causes of multiple oppressions and inequalities, intersectionality theory allowed me to present to the court, in a logical and coherent way, the multiple oppressions and crimes against Q'eqchi' women that were facilitated, allowed, promoted, and financed by the state, together with the region's agrarian elite, between 1982 and 1988.

Racism and the Q'eqchi' Grandmothers

Given the size of the Indigenous population in Guatemala, representing more than 50 percent of the total population of the nation and more than 90 percent of the local population in some regions, the category of racial oppression is key to an understanding of Sepur Zarco. The rapes suffered by

9. The exception on the South American continent is the Plurinational State of Bolivia, which in 2009 recognized these rights and transformed them into law, a move that was signified in the country's new official name.

the women of Sepur Zarco during the armed conflict cannot be understood outside of a context of the racism that, as a mechanism of oppression, has existed in the country since 1524. Racism was institutionalized in the era of Creole independence after 1821. It was strengthened during the liberal period and the age of coffee (dating to 1871), and it continues to be reproduced to this day, placing Indigenous women (and men) at the bottom of the social pyramid of the country.

Racism as oppression has been constantly documented and denounced by Indigenous women and men, individually and collectively.¹⁰ However, the laws in the country have not typified this oppression as a crime, in part because the very same justice system has been utilized to legitimize or deny racism. That is, the state and its institutions are the main generators of racism, though obviously not the only ones.

Neither national nor international legal frameworks have been able to change the fact that in a country such as Guatemala, racism continues to determine the life of Indigenous people.¹¹ In theory, Indigenous persons can appeal to the rights guaranteed to them in Articles 4, 58, 66, 71, 76, and 143 of the Guatemalan Political Constitution of 1985, as well as to the rights recognized in various international resolutions: the Convention 169 of the International Labour Organization, ratified by Guatemala in 1996; the International Convention on the Elimination of All Forms of Racial Discrimination, ratified in 1983; the Convention on the Elimination of All Forms of Discrimination Against Women, ratified in 1982 (and applying directly to Indigenous women); the International Covenant on Economic, Social and Cultural Rights, ratified in 1988; the Convention on the Rights of the Child, ratified in 1990 (and with articles dedicated to Indigenous

10. Several archives contain reports of acts of racial exclusion: Defensoría de Pueblos Indígenas de la Procuraduría de los Derechos Humanos (Office of Indigenous Peoples of the Ombudsman for Human Rights), Defensoría Maya (Office of the Ombudsman for Maya Peoples), Ministerio Público (Office of the Public Prosecutor), Defensoría de la Mujer Indígena (Office of the Ombudsman for Indigenous Women), and the UN Verification Mission in Guatemala (MINUGUA).

11. In 2003 the Procuraduría de los Derechos Humanos (PDH, Ombudsman for Human Rights) received around 136 reports of discrimination and racism. The majority of claimants were women discriminated against for wearing their traditional regional dress, but the PDH archive for that year also includes reports from men and women who faced persecution for practicing their religiosity in Maya altars located in public spaces, or political exclusion for belonging to an ethnic group or for speaking a Maya language.

boys and girls); the International Covenant on Civil and Political Rights, ratified in 1992; the Agreement on Identity and Rights of Indigenous Peoples, signed by Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (Guatemalan National Revolutionary Unity) in 1995 in Mexico; and the UN Declaration on the Rights of Indigenous Peoples, approved by the United Nations in 2007.

National and international legal instruments guarantee the rights of all Indigenous women and men—urban, rural, children, seniors, illiterate, disabled—to equal access to resources and a life with dignity. This guarantee includes, among others, the right to wear one’s regional traditional clothes in any space; to communicate and get an education in one’s native language; to move around in and access public spaces, from educational to political to leisure; to access public services; to organize according to one’s own customs; to practice one’s spirituality without persecution; and to be free from physical assault, dishonor, or insult in private or public spaces. However, in daily life, these rights are not fully respected—as is evident in the atrocious crimes suffered by the Q’eqchi’ women together with their families and communities in Sepur Zarco, and the more than thirty years that passed before the perpetrators of these crimes were tried in special courts created for that purpose. More than three decades transpired before the Q’eqchi’ women could become empowered as women who have value and have the right to truth, justice, and reparation.

The women of Sepur Zarco were subjected to rape, sexual atrocities, servitude, and retention against their will. They witnessed the torture, death, and disappearance of their husbands, sons, and daughters, the burning of their properties, and the destruction of their crops and animals. All these violations were perpetrated with the complicity of the state (which did not try to stop the perpetrators), since they were being done to Indigenous women, who are seen as beings with no value. The prevalent racial hierarchy of Guatemala includes social relationships, structures, and institutions that historically and currently subordinate Indigenous women and men. Racism is not only an ideology of prejudices that emerge and are reproduced within the basic framework of ideas.¹² It is also not simply an isolated or individual

12. For an analysis of the racism faced by a middle-class Indigenous sector, see Velásquez (2011, chapter 2).

behavior, as in specific acts of discrimination. To the contrary, racism is a collective and social oppression that keeps entire populations subjugated.

Fundamentally, racism is a complex system of oppression that confers privileges on the group in control of economic and cultural power at the national level. These privileges are passed on to the members of this group, even if they do not ask for them, on the basis of their racial identity. For example, it is not a coincidence that the greatest part of the national budget in Guatemala is invested in the country's capital city rather than in the regions where the majority of the poor Indigenous population lives. According to data from international organizations, 73 percent of the country's Maya population lives in conditions of poverty, with 26 percent living in conditions of extreme poverty (MSPAS, OPS, and OMS 2016, 9). This poverty exists despite the fact that Maya people, who constitute just over half of Guatemala's population, pay taxes, of which their communities see only the most minimal services in return. According to the annual report on human development from the UN Development Programme (2019) for Guatemala, the poorest municipalities in the country continually have the highest numbers of Indigenous people.

In other words, the racism of the state and its institutions is systematic, permanent, and framed in a system of power relations that are not always evident. We cannot forget that racism frequently operates in a hidden manner, as has been documented by Michael Omi and Howard Winant (1986). These authors argue that institutional racism is not always explicit. In Guatemala, exclusion, segregation, and racial discrimination against Indigenous women are not written in laws because it is not necessary to do so; racism permeates daily life as a socially accepted fact, operating and oppressing as if it were a legal structure.

Indigenous women in Guatemala, throughout history, have been excluded due to their racial identity. Indigeneity and the assumption of this perceived identity, including stereotypes associated with indigeneity, are used by the state and the elites—those people who built and have always controlled the state and its institutions in order to exclude others and perpetrate violence. The state and the elites have systematically prevented Indigenous peoples from accessing education, health care, infrastructure, fair employment, and, above anything else, justice. In short, Indigenous people's right to life has been denied to them and their families. The lives of the women of Sepur Zarco

show how racism always operates and is interconnected with other systems of oppression and exploitation—in this case, patriarchy and capitalism.

As it is a complex system of power, racism cannot be simply reduced to specific cases of discrimination, to instances of prejudice, or to concrete acts of segregation. Racism includes these three types of violations, but it goes beyond them. This is why, in Guatemala, structural racism—the racism of public and private institutions and that of the state and daily life—can be partly contested by building justice through recognizing, judging, and punishing the intellectual and material authors of racist acts, be those persons or institutions. In fact, in the Sepur Zarco case, only two of the men who executed the heinous violations against the Q'eqchi' women were tried and convicted; the rest continue to live under the blanket of impunity. Likewise, justice has yet to be achieved in the case of women from other Indigenous communities who experienced rapes by members of the military during the years of the internal armed conflict, who still feel ashamed or afraid to speak out, and who are not yet ready to use the national courts.

The Sepur Zarco case demonstrates how much harm structural racism can do, harm that can be seen when we compare the survivors' life histories to the statements they presented in court. Rosaro Xó explains what many suffered:

After they killed my husband, they raped me. Because I did not want to be taken to the outpost, I fled to the mountains together with my four children, but we had no food, not even water, and the military kept chasing us. We lived like that, running from one place to another, in the mountains. Then, my children got sick, and they began dying one by one. At the end, I came down from the mountain alone, sick and in rags. (Velásquez Nimatuj 2013, 22)

If the women from Sepur Zarco had been white women, *ladinas*, and daughters of the elite, they would not have had to face those atrocious crimes. Catarina Caal also took refuge in the mountains:

I had been living for about four years in the mountain of San Balscuando. One day, my daughter was underneath a tree, when, all of a sudden, the military bombed us. My daughter was pregnant and could not escape. I was able to hide behind a rock. There, I witnessed how the soldiers and patrolmen

clutched my daughter and, using only a machete, opened her stomach and took her baby out. I was able to see that the one who slit her more with the machete was the patrolman Tzuc Xol. My daughter and her baby were murdered, and their bodies burned. Days after, I went back with other neighbors to find the remains and ashes of my daughter and grandson in order to bury them, but we couldn't find them. They have both remained in the mountain, without a grave. (Velásquez Nimatuj 2013, 24)

The racial hierarchy, built and maintained by the elite controlling Guatemala, has allowed, promoted, covered up, financed, and prevented the end of these war crimes—crimes against humanity, which now some of the survivors, even at the end of their lives or while ill, are explaining and denouncing before the national justice system. Even if belatedly, the survivors are demanding accountability for these crimes.

The women's search for justice has been an uphill struggle. This is why it was important that on February 26, 2016, Court A for High-Risk Crimes convicted Esteelmer Francisco Reyes Girón to 120 years in prison and Heriberto Valdez Asij to 240 years in prison. The sentence was a step forward for the women of Sepur Zarco, as it demonstrated they had not lied about their experiences. However, justice for the survivors, for their children, and for the memory of those who died, has yet to be achieved within a state that is criminal, racist, and patriarchal, and that refuses to heal the historical wound that has not stopped bleeding.

Sobering as a Researcher, Frustrating as an Activist

To carry out the work with the women from Sepur Zarco, I was fortunate to have access to a wealth of written sources about the region, recordings, and meetings with specialists who produced other expert reports. I was able to participate in discussions with organizations of women activists and professionals who supported the process, but above all, I had the privilege of knowing, sharing with, and interviewing each of the Sepur Zarco women who courageously presented their complaint to the justice system in September 2013. Meeting them was an enlightening, if sobering, experience for me. Hearing the details of their lives, the lives of their parents, understanding how the settler-colonial system of the plantations of Alta Verapaz in which they were born marked them, and learning how, in various ways, they broke

that slavery was inspiring. I also learned from their frustration and helplessness at the slowness of the justice system in dealing with their demands on account of their being Indigenous, poor, monolingual, illiterate, and rural women. My work as an expert on the case showed me the racist blindness of the judges who began to demand, thirty years after the fact, “scientific evidence” from the bodies of the raped women or their children who were born as part of the rapes. I was a witness to the fact that for the Guatemalan system, members of the army were not guilty if the women did not physically prove the violence or sexual slavery they lived through for six years.

In this process, I came to reaffirm that for Indigenous women, psychological marks are not enough evidence, nor are the diseases affecting their minds or bodies. The destruction of their communities, or the disappearance or murder of their husbands and children, is not enough. For women who survived the genocide in Guatemala, the settler-colonial justice system requires “scientific” evidence to determine the veracity of their stories. Thus, the more I worked on my expert report, the more I understood that this was a strategy to delay the administration of justice to Indigenous women who lived at subsistence levels. The process of recording these actions over several years was sobering as a researcher, but as an activist it was frustrating and infuriating, because it involved seeing a system that legitimizes crimes against humanity.

Within this framework of contributing as a committed researcher, developing a quality expertise, I found that a series of questions began to arise for me. These questions came slowly but intensely, beginning with the genocide trial against the Guatemalan general and former president Ríos Montt, who was declared guilty by the Court A for High-Risk Crimes on May 10, 2013, but whose sentence was withdrawn ten days later by the Constitutional Court. This trial and its outcome exposed the arbitrariness of the system and revealed the alliances between the small economic elite and the justice system. Both sectors came together as allies because they need a country with fragile institutions to maintain impunity, on the one hand, and subordination of Indigenous peoples, on the other. This impunity, which we Indigenous people have faced since May 2013, led me to ask myself whether my work could be an instrument that supports justice in Guatemala, that contests the historical impunity that devastates and disarticulates the poor, racializing them as people without rights and without future.

So my first set of questions is related to the methodology that I used for the expert opinion: What tools should I use to carry out useful research work

for groups, communities, or towns that trying to recover from a genocide? Is the interview valid? How do I work in areas of armed conflict where those who managed to survive do not know whether this survival is a privilege or a disgrace, for all that the war took from them, and where what they least want is to swim in the sea of pain that my questions force them to return to? What is an appropriate methodology that does not perpetually victimize survivors of crimes against humanity, individuals who cannot live as perpetual victims?

At the end of 2005, I returned to Guatemala and began to work in political advocacy processes in order to transform, from the standpoint of Indigenous peoples, some state institutions. There, I noticed that most meetings ended with discussion of the human injuries and losses that the war left across its nearly four decades. Sometimes the Indigenous men and women did not want to learn how to develop a logical framework or a budget and asked me, instead, whether the funds they could access, rather than trying to transform state institutions, could be used to find their disappeared loved ones.

My second set of questions is about my position as a researcher in the processes in which I have participated, building or translating the memory of my surviving brothers and sisters. In this work, the language demanded by the justice system has led me to question my relative privileges of obtaining academic training, of surviving the genocide and of having not faced sexual violence. How do I confront the emotions, the sense of conscience, and the courage that overlap when I document crimes against humanity, crimes perpetrated against people with whom I share a racial identity? With each woman I interviewed, I ended up emotionally beaten; each trip I made dragged me into internal silence and permanent irritation, provoking anger and even hatred for the state and its elites. I felt that I was interviewing women from my family, and it was difficult for me to maintain the fragile line that the investigation requires. For me they were not informants or survivors, but women in whom I saw reflected the long history of oppression that precedes me as a K'iche' woman and that faced the women of my town, from the Spanish invasion to the present. For this reason, given the reality of the Sepur Zarco women, it has not been easy for me to be a researcher or to position myself as an apolitical professional; that has been impossible.

My last set of questions regards the usefulness of my work. The genocide, the human and cultural destruction, the deranged sexual violence that I documented in Sepur Zarco—in which members of the army raped women

immediately after killing their husbands, in front of their children or members of the community—is beyond reason. Learning from the slavery and labor exploitation that the women experienced in the 1980s, and their fight to seek justice, I felt that my work should have utility not only for women in that community, but also for women who fight in other settings. We have to continue learning how to bring cases and lawsuits before the courts so that the state applies justice and ensures nonrepetition for the sake of the bodies and lives of Indigenous women in Guatemala and across the world. How can research contribute to ensuring that the sexual violence faced by Indigenous, rural, monolingual, and poor women does not remain silenced, is not buried under the cloak of impunity, but is instead aired in a way that sets normative precedents for the country and for humanity? Faced with this challenge, can our work dismantle the aberrations that the institutions themselves carry out and that threaten the basic principles of life, collective rights, and access to reparative justice?

My experience preparing expert opinions has shown that the demands of survivors of state violence not only include legal processes but also collective moral processes; a society cannot be built by sweeping away the crimes faced by Indigenous women and hiding them under the national carpet. For me, the process of investigation and activism demands the due judgment of those who violated the fundamental rights of Indigenous women.

In this scenario, where the fight is not on the battlefields but in the spaces of justice and memory, I ask myself: To what extent are the social sciences committed to the towns where we come from? And to what extent do Indigenous researchers keep our work from being reduced to the “safe areas and themes” that universities dictate and that imply disconnection with communities that are being attacked? Can we extend the academic work beyond the thesis or the doctoral dissertation? How do we create strategies to accompany communities after we publish a book or article about them?

Perhaps my broadest question is this: Amid a world economic system that supports the oppressive apparatus that permanently vomits up crimes against humanity, that seeks to erase memory in order to make those who are in power strong and keep the majority of peoples down, how can the academy support universal justice and not contribute to turning survivors into expressions of sympathy or representations that facilitate our professional careers?

Conclusion

The lives of the women of Sepur Zarco point to and are an example of the sexual violence, together with the obligatory work, to which Indigenous women have been subjected throughout history by the sectors controlling the state and the economy. This subjugation was central for building and consolidating the wealth that has been concentrated and kept within small group of elites, whose descendants, in this twenty-first century, are still enjoying the privileges inherited from the sixteenth. And this wealth has been buttressed on the bodies and minds of Indigenous women, who, historically, have never been assumed to have dignity.

In Sepur Zarco, the permanent periods of servitude to which Maya women have been subjected are crystallized. This servitude was always imposed through violence, and, although with different faces, it has remained and has been reinforced throughout different historical periods. The armed conflict in Guatemala, as has been demonstrated in many studies and expert reports, is a time period in which the modern state built precisely the conditions for the exacerbation of the physical, sexual, emotional, racial, and economic violence that has always been inflicted on Maya women. Because of this, even today, in the eyes of the state and the perpetrators, the sexual violence against Indigenous girls, adult women, pregnant women, and elderly women does not constitute a crime, nor does the detention of Indigenous women in military outposts. For the state and the perpetrators, such crimes were simply an extension of older atrocities from the armed conflict that concluded in 1996. Certainly, these crimes continue to be reproduced in the postwar era.

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