

Gender Justice in Post-Conflict Guatemala: The Sepur Zarco Sexual Violence and Sexual Slavery Trial

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Abstract: Guatemala is breaking new ground with a series of high-impact war crimes prosecutions. The 2016 Sepur Zarco trial was one such landmark case: it was the first time that Guatemala prosecuted wartime sexual violence, and the first time that a domestic court prosecuted sexual slavery as a crime against humanity. This case also set important precedents in legal and evidentiary practice. Based on my direct observation of the Sepur Zarco case, this paper examines the legal practices that placed the women-survivors, not the defendants, at the forefront of the proceedings, and which proved that the state of Guatemala systematically used sexual violence as a weapon of war against women and as a strategy to control the civilian population. It also examines the evidentiary practices in this case, which allowed not only for a conviction more than 30 years after the crimes, but for a broader understanding of the historical context, including land conflict, that led to the atrocities in Sepur Zarco. By piercing the veil of impunity surrounding wartime atrocities and making visible the faces of the victims —indigenous men and women who have historically been relegated to the margins of Guatemalan society— the Sepur Zarco trial is challenging entrenched narratives of denial that have sustained the power of military officials whose influence continues to shape present-day politics in the Central American nation.

Keywords: sexual violence, sexual slavery, Guatemala, human rights, war crimes, war crimes trials

Introduction: “No one asks about you. You belong to us now.”

The Grandmothers of Sepur Zarco sat in folding chairs behind their team of lawyers in the majestic chamber of the Guatemalan Supreme Court, their faces partially covered with their vibrantly colored handwoven shawls. The Grandmothers, as they are referred to respectfully in Guatemala, are Maya Q’eqchi’ women from the small rural community of Sepur Zarco. They were testifying against two former military officials they accused of being responsible for killing or disappearing their husbands, raping them, often in front of their children, and destroying their homes and crops; and then forcing them into a system of sexual and domestic enslavement at the Sepur Zarco military base. These events took place in 1982, the height of

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Guatemala's 36-year civil war, the bloodiest of the Central American conflicts: between 1960 and 1996, 200,000 people were killed, 45,000 were forcibly disappeared, and a million were forcibly displaced, the vast majority at the hands of the Guatemalan Army.² For more than three decades, these crimes went unpunished.³

The Sepur Zarco trial began on February 1, 2016. The three-judge panel, presided over by Judge Yassmín Barrios, convened hearings daily over the course of four weeks.⁴ The defendants in the case were two former military officials, retired Lieutenant Colonel Esteelmer Reyes Girón, the commander of the Sepur Zarco military base between its inauguration in 1982 and 1984, and Heriberto Valdez Asig, the chief regional military commissioner as of April 1982. They were charged with crimes against humanity, in the form of sexual violence and domestic and sexual slavery, against 15 Maya Q'eqchi' women, as well as several counts of homicide and enforced disappearance.

The court heard more than 150 hours of victim testimony, including the harrowing testimonies of 15 Q'eqchi' women survivors, as well as 16 men from the community. Other eyewitnesses included a former soldier who had been based at Sepur Zarco, an ex-military commissioner, and three former civil patrolmen. More than a dozen expert witnesses also testified, offering important contextual information about the nature of the military's counter-insurgency strategy, the history of land conflict in Sepur Zarco and the surrounding area, and the use of rape as a weapon of war.

Recognizing the possibility of retraumatizing the women-survivors, the pretrial judge video-recorded their testimonies during evidentiary hearings in 2012 and accepted them as evidence. The women were thus spared having to repeat their testimonies in open court; instead their recorded testimonies were broadcast into the courtroom. On the second day of the trial, however, the first of the Grandmothers called to testify, 75-year-old Petrona Choc Cuc, chose to speak in open court.

Choc Cuc walked toward the witness chair, removed her shawl, and sat down next to an interpreter. In her native Q'eqchi', she told the three-judge panel that her family fled into the mountains to escape the military attack on her community. She testified that the soldiers pursued them into the mountains, killing her husband. The harsh conditions in the mountains forced her to turn herself and her four children in to the military. "We went to the military

² Commission for Historical Clarification. Guatemala: Memoria del Silencio. Guatemala City, 1999.

³ This paper is based on my work as an international observer to the Sepur Zarco trial for Open Society Justice Initiative. I am grateful to OSJI for their support for this work and especially thank Eric Witte and Taegin Reisman. I am also grateful to my research associate, Paulo Estrada. My admiration and gratitude to Paula Barrios and Jennifer Bravo of Women Transforming the World (MTM), Ada Valenzuela of the National Union of Guatemalan Women (UNAMG), Susana Navarro of the Community Studies and Psychosocial Action Team (ECAP), and Hilda Pineda of the Attorney General's Office, who generously shared their knowledge and time; and to the Grandmothers of Sepur Zarco, whose bravery and resilience is an inspiration to women worldwide.

⁴ Judge Barrios gained international attention as the presiding judge of the tribunal that convicted ex-dictator Efraín Ríos Montt of genocide and crimes against humanity in 2013. The verdict was vacated after the Constitutional Court partially suspended the proceedings in what human rights activists claim is an illegal ruling. See Jo-Marie Burt, "From Heaven to Hell in Ten Days: The Genocide Trial in Guatemala," *Journal of Genocide Research* 18 (2016) 2-3: 143-169.



Figure 1: The Sepur Zarco trial; the chamber of the Guatemalan Supreme Court Chamber. Guatemala City. Photo by author.

base and got on our knees and begged them to forgive us, to not kill us”, she said. The soldiers ordered them to take a shower, she said. “Then a fat man came. He was the first one to rape us. Then other smaller men came and raped us.” Choc Cuc said that she was raped “many times,” as was one of her daughters. With their husbands gone, she and the other women were forced into a system of servitude, doing unpaid labor in shifts at the military base. They were also subjected to systematic sexual violence, perpetrated by individual soldiers and in groups, often at gunpoint. “One of the soldiers told me, ‘No one asks about you anymore, no one cares about you. You belong to us now’.”⁵

The village of Sepur Zarco is nestled in the Polochic Valley in northeastern Guatemala, on the border of the departments of Izabal and Alta Verapaz. Like much of rural Guatemala, land wealth is highly concentrated in this region. Land conflict came to a head in the Polochic Valley in 1978, with peasant organizations demanding the return of their ancestral lands, and local landowners calling on the army to help them stave off growing protests. On May 29, 1978, the military opened fire on a peaceful protest in the plaza of Panzós, killing an estimated 50 people. The Panzós massacre is widely viewed as the opening act of the genocide in Guatemala.⁶ Seeking to extend its control of the region, the army established eight military bases in and around the Polochic Valley, some on the estates of local landowners. The Sepur Zarco military base was designated as a “recreation zone,” which an official military document, *Plan Victoria 82*, describes as places where soldiers could rest between

⁵ Jo-Marie Burt, “Six Witnesses Recount Atrocities at Sepur Zarco on Day Two of Landmark Trial,” International Justice Monitor, February 8, 2016, available at <<https://www.ijmonitor.org/2016/02/six-witnesses-recount-atrocities-at-sepur-zarco-on-day-two-of-landmark-trial/>>, accessed November 8th, 2017.

⁶ Victoria Sanford, *La Masacre de Panzós: Etnicidad, tierra y violencia en Guatemala* (Guatemala City: F&G Editores, 2010).



Figure 2: Petrona Choc Cuc testifies in the Sepur Zarco trial, February 2, 2016. Photo by author.

deployments and “have contact with the feminine sex”.⁷

Choc Cuc drew a direct line between this historic conflict over land and the physical violence that she, her family, and other members of her community endured at the hands of the army. “We had eight hectares of land,” she told the court. “We grew beans, corn, rice. The big landowners wanted to take our land away.”⁸ She and others testified that local landed elites, concerned at the growing organization of indigenous farmers demanding the return of land that had been stolen from them over the years, had called on the military to help them “take care of” the “agitators.” Several witnesses testified that in August 1982, soldiers appeared in the community with lists of names of men who, as members of the Land Committee, were seeking to recover, through legal channels, land they claimed local elites had stolen from them through fraudulent mechanisms and sometimes violence.⁹ Soldiers captured and killed or disappeared the peasant leaders, then raped their wives, often in their homes in front of their children, and later burned down their homes and crops. Some

⁷ Oswaldo Hernández, “Sepur Zarco: El recreo de los soldados,” *Plaza Pública*, October 1, 2012, available at: <<https://www.plazapublica.com.gt/content/sepur-zarco-el-recreo-de-los-soldados>>, accessed November 8th, 2017.

⁸ Jo-Marie Burt, *op. cit.*, February 8, 2016.

⁹ Luz Méndez Gutiérrez and Amanda Carrera Guerra, *Mujeres indígenas: clamor por la justicia. Violencia sexual, conflicto armado y despojo violento de tierras* (Guatemala City: F&G Editores, 2014).

managed to flee; soldiers persecuted them into the mountains, and many of them eventually turned themselves in to the military.

With their husbands gone and the military in control, the soldiers brought the women to the Sepur Zarco military installation, where they were systematically raped over the next six months. The women were eventually allowed to leave the base, but they were required to report every third day for “shifts” at the base, where soldiers routinely raped them and forced them to cook and wash their uniforms until the base was closed in 1988. Several witnesses reported that one woman, Dominga Cuc, was killed alongside her two small daughters after being repeatedly raped at the base in front of her husband and daughters. The women told the court that they interpreted this as a warning: submit to the military or face a similar fate.¹⁰

The strategy of the defense was denial and obfuscation. Lt. Col. Reyes Girón denied being the commander at Sepur Zarco. Valdez Asig denied being chief military commissioner, claiming to have been a mere municipal policeman. Both claimed they had never been to Sepur Zarco. The Guatemalan military, meanwhile, said it had no records of personnel at its installations during this period.¹¹ The defense attorneys sought to recuse the judges, a tactic used in other trials, especially the 2013 genocide trial, to delay and obstruct the proceedings. They also disputed the veracity of the women’s testimonies and the corroborating evidence, especially the forensic evidence, but this did not go much beyond rhetorical assertions. Moises Galindo, counsel for Reyes Girón, who also defended former dictator Efraín Ríos Montt, asserted, without offering any proof, the women were prostitutes, not the victims of sexual violence.

Hundreds of people sat in the courtroom on February 26, 2016, waiting for the judges to arrive to deliver the verdict. The defendants and their defense attorneys sat at a long table to the left of the bench. On the other side of the room were the plaintiffs: government prosecutor Hilda Pineda, who headed up the conflict-era cases at the Attorney General’s Office; and co-plaintiffs representing the Grandmothers of Sepur Zarco, Paula Barrios and Jenny Bravo from Women Transforming the World (MTM) and Ada Valenzuela from the National Unity of Guatemalan Women (UNAM-G).

Dozens of women survivors of wartime sexual violence from other regions of the country sat in the courtroom, an expression of solidarity with the Grandmothers of Sepur Zarco. Nobel Peace Laureates Rigoberta Menchú and Jody Williams were also present, as were dozens of high-school children, each holding a single red carnation and hand-made signs that read “#WeAreAllSepurZarco.” When the Grandmothers of Sepur Zarco entered the

¹⁰ Jo-Marie Burt, “‘Your Husband Isn’t Coming Back’: More Stories of Abuse at the Sepur Zarco Trial,” *International Justice Monitor*, February 23, 2016, available at <<https://www.ijmonitor.org/2016/02/your-husband-isnt-coming-back-more-stories-of-abuse-at-the-sepur-zarco-trial/>>, accessed November 8th, 2017.

¹¹ Oswaldo Hernández, “Sepur Zarco: La violencia sexual será juzgada,” *Plaza Pública*, October 15, 2014, available at <<http://www.plazapublica.com.gt/content/sepur-zarco-la-violencia-sexual-sera-juzgada>>, accessed June 26th, 2016.



Figure 3: Women-survivors of sexual violence from other regions wait outside the courtroom building to attend the Sepur Zarco trial in solidarity. Photo by author.

courtroom, veiled in their iconic shawls, the crowd burst into applause and began chanting, “Justice, justice!” and “We are all Sepur Zarco!”

The courtroom fell silent as the judges walked in. Before the packed gallery, Judge Barrios began her summary presentation of the verdict:

“Upon examination of the testimonies presented by the victims, this tribunal finds that they were sexually violated by soldiers in the Sepur Zarco military base and that they had no other option but to submit to this mistreatment because physical force was used. We find common denominators in their testimonies: the women’s husbands were forcibly disappeared, meaning they found themselves alone and with no one to protect them. In many cases their children were also victims and in some cases were killed.... The harm done to the victims transcended their bodies and their minds because after returning to their homes, after having fled to the mountains to seek refuge, they were completely dispossessed, their community had changed irrevocably; their homes had been destroyed, their animals killed. The women victims were enslaved; they suffered a loss of liberty and were subject to the constant control and domination of the soldiers. They were obligated to take shifts cooking, washing the soldiers’



Figure 4: The prosecution team and the Grandmothers of Sepur Zarco. Photo by author.

clothes, and were repeatedly raped, which caused palpable emotional harm”.¹²

Barrios stated that the evidence presented during the course of the proceedings, including the testimonies of the women survivors, witnesses and experts, as well as documentary and forensic evidence, led the court to the determination of the command responsibility of the defendants for crimes against humanity in the form of sexual violence and sexual and domestic slavery, for which it sentenced each to 30 years in prison. The court also found Reyes Girón guilty of the murder of Dominga Cuc and her two daughters, sentencing him to an additional 90 years, for a total of 120 years in prison. In the case of Valdez Asig, the court found him responsible for seven counts of enforced disappearance, sentencing him to an additional 210 years, for a total of 240 years in prison.¹³

After Judge Barrios finished reading the verdict, the crowd again erupted in applause. The women of Sepur Zarco stood, still veiled in their shawls, and turned to face the public in the crowded gallery. They raised their arms and waved in unison, signaling their satisfaction that justice had, at last, been served.

The court ordered a series of integral reparations measures that Paula Barrios of MTM considers “transformative” because in addition to addressing the violations of bodily integrity suffered by the women-survivors, they also address the structural conditions that contributed

¹² Quoted in Jo-Marie Burt, “Military Officers Convicted in Landmark Sepur Zarco Sexual Violence Case,” *International Justice Monitor* March 4, 2016, available at <https://www.ijmonitor.org/2016/03/military-officers-convicted-in-landmark-sepur-zarco-sexual-violence-case/>, accessed November 9th, 2017.

¹³ Ibid.

to their condition of extreme vulnerability, a condition that extends into the present.¹⁴ The court ordered Reyes Girón and Valdez Asig to pay reparations to the Grandmothers of Sepur Zarco and to the families of Dominga Cuc and the victims of enforced disappearance. In addition, the court ordered the government to reopen the land restitution claims, improve primary school education, build a health clinic and a high school, and provide scholarships for girls and women. It also ordered measures to prevent the recurrence of such abuses, including training the military on women's human rights and legislation to prevent gender violence. The ruling was widely hailed as a landmark judgment with global significance for the struggle to end violence against women, past and present.¹⁵

The Daily Practice of War Crimes Tribunals

The literature on war crimes tribunals holds sharply diverging views of the value of such proceedings for victims, for the broader society, and for writing the history of difficult pasts. Legal scholars have tended to write enthusiastically about the potential of war crimes tribunals for giving voice to victims, for providing legal address to war-time atrocities, and for their broader contributions to rule of law.¹⁶ Others emphasize the contributions of criminal trials to collective memory.¹⁷ Scholars writing from a law and society perspective challenged legal approaches to mass atrocity crimes for overlooking the limitations of criminal proceedings, including their inevitable focus on perpetrators, their narrow concern with individual criminal accountability for what are crimes of state, and their need to adhere to strict rules of procedure and law.¹⁸ Scholars writing in this vein question whether victims benefit from participating in war crimes trials, and suggest that trials are fundamentally at odds with, or incapable of, producing definitive historical records of past events.¹⁹

In recent years, new scholarship has emerged that interrogates such dichotomous framings of the meaning and impact of war crimes tribunals. Richard Ashby Wilson, for example, suggests that the relationship between war crimes tribunals and writing history "cannot be characterized by either harmonious accord or inherent contradiction".²⁰ He urges scholars to think about war crimes tribunals as complex social processes, and to study the

¹⁴ Presentation at the event, The Sepur Zarco Case in Guatemala: Justice for Women Victims of Sexual Violence in Conflict, George Mason University, April 4, 2016.

¹⁵ "UN Experts Hail Sentence Against Military Officials for Crimes Against Humanity," United Nations Office of the High Commissioner for Human Rights, March 1, 2017, available at <<http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=17118&LangID=S>> accessed November 9th, 2017.

¹⁶ Carlos Santiago Nino, *Radical Evil on Trial* (New Haven: Yale University Press, 1998).

¹⁷ Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (New Brunswick: Transaction Publishers, 2000).

¹⁸ Harvey Weinstein and Laurel Fletcher, "Violence and Social Repair: Rethinking the Contribution of Justice to Reconciliation," *Human Rights Quarterly* 24 (2002), pp. 573-639.

¹⁹ Marie-Benedicte Dembour and Emily Haslam, "Silencing Hearings? Victim-Witnesses at War Crime Trials," *European Journal of International Law* 15:1 (2004), pp. 151-177.

²⁰ Richard Ashby Wilson, *Writing History in International Criminal Trials* (New York: Cambridge University Press, 2011), p. 13.

legal and evidentiary practices of war crimes tribunals. Similar dichotomous thinking plagues the literature assessing what trials mean for victims, with some arguing that victims feel “manipulated” and “silenced” by war crimes tribunals,²¹ while others say that victims are largely satisfied with their participation.²² Both in fact may be true: the legal and evidentiary practices of war crimes tribunals vary greatly; even within specific jurisdictions they may change over time. The question is, how can we better understand the circumstances that produce these diverging outcomes?

As Wilson suggests, one answer is to focus on the daily practice of war crimes tribunals. A close examination of court debates and legal and evidentiary practices can help us understand how courts weigh evidence and made their determinations, how they shape ongoing legal practice, and how, and whether, legal judgments contribute to the historical record. Through ethnographic observation of trials, interviews with and surveys of victims, and close observation of legal and evidentiary practices, we can also better understand the role victims play in war crimes tribunals, the impact and meaning of war crimes tribunals for the victims, for the society, and for broader debates over historical memory.

My own approach is informed by this call to examine the daily practice of war crimes tribunals. For a decade, I have engaged in ethnographic research on domestic war crimes trials in Latin America, primarily Peru and Guatemala. I have monitored and served as an international observer to high-profile trials, including the trials of former Peruvian president Alberto Fujimori and former Guatemalan dictator Efraín Ríos Montt, as well as cases of massacres, enforced disappearance, and sexual violence in both countries.²³ In recent years, I have observed and reported on war crimes trials in Guatemala for International Justice Monitor, including the Sepur Zarco trial. Drawing on my direct observations of the proceedings, review of relevant documents, and interviews with victims, lawyers, prosecutors, and other stakeholders, I make three broad claims about the legal and evidentiary practices of the Sepur Zarco case.

First, the plaintiffs adopted an innovative strategy to prove their case, complementing witness testimony and scientific evidence with expert witnesses who provided crucial historical and sociological context. Experts helped to “weave a web of context,” a phrase Wilson uses to describe the way experts can provide key contextual information related to the case that helps construct a complex explanatory framework for the crimes in question.²⁴ The court adopted a broad view of the criteria required for the admissibility of expert-witness reports, allowing not only experts on local history, on the Guatemala military, or on rape as a

²¹ Dembour and Haslam, *op. cit.*, 2004.

²² Eric Stover, *The Witnesses: War Crimes and the Promise of Justice in The Hague* (University of Pennsylvania Press, 2005).

²³ Jo-Marie Burt, “Guilty as Charged: The Trial of former Peruvian President Alberto Fujimori for Grave Violations of Human Rights,” *International Journal of Transitional Justice* 3 (2009) 3:384-405; Jo-Marie Burt, “The Paradoxes of Accountability: Transitional Justice in Peru,” in *The Human Rights Paradox: Universality and its Discontents*, Steve J. Stern and Scott Strauss, eds. (Madison: University of Wisconsin Press, 2014):148-174; Jo-Marie Burt, “From heaven to hell in ten days: the genocide trial in Guatemala,” *op. cit.*, 2016.

²⁴ Richard Ashby Wilson, *op. cit.*, 2011:123.

weapon of war, but also experts convened by the plaintiffs to document the long-term effects of state violence suffered by the women and its impact on their communities and culture. Through this combination of witness testimony, physical evidence, and expert reports, the prosecution carefully constructed a coherent and compelling narrative of bodily harm that revealed abhorrent and systematic practices of the Guatemalan army, the effects of those practices on the bodies of the women-survivors, and how state violence contributed to the destruction of Q'eqchi' social and cultural practices in Sepur Zarco.

Second, I argue that the women-survivors were at the center of these proceedings, challenging the notion that war crimes tribunals necessarily focus on the defendant(s) to the detriment of victims. The women's testimonies were raw and powerful, commanding national and international media attention. The plaintiffs and the court went to great lengths to guarantee the women's safety and prevent their retraumatization. Finally, the tribunal gave their testimonies full evidentiary value, which was key to the conviction of the two accused. But the women were not only witnesses. They were also co-plaintiffs, and as such, protagonists in the proceedings, participating actively in building the case with prosecutors and their lawyers. Through their participation as witnesses and co-plaintiffs, the women-survivors were exercising their citizenships rights, rights that had long been denied them, particularly as indigenous Guatemalans, who have historically been marginalized and repressed. The court's recognition of this marginalization led it to adopt an integral reparations program that seeks to restore their citizenship rights in other arenas including recognition of their land rights, and the rights to education and healthcare. In more than one way, then, the trial has forged a pathway for the Grandmothers of Sepur Zarco from victimhood to citizenship.

Finally, the Sepur Zarco trial has contributed to the rewriting of historical narratives about Guatemala's recent past in fundamental ways. By "breaking the silence" about the Guatemalan military's systematic practice of sexual violence, the Grandmothers of Sepur Zarco have destabilized the official narratives of the past that portray the military as having "saved" Guatemala from communist subversion and justifying violence as a necessary means to that end. The evidence presented at the Sepur Zarco trial made visible acts that had remained hidden and denied by the state, including acts of systematic sexual violence, sexual and domestic slavery, and the enforced disappearance of individuals by the military at the behest of rich and powerful landowners to silence their land claims. The Sepur Zarco trial translates acts of extreme violence into a coherent narrative, producing new knowledge about past violence and challenging historical narratives of denial. This process of translation, according to Kaufmann and Rottenburg,²⁵ is potentially transformative in its creation of new language to challenge and transform the narratives that have denied past violence or justified it based on such notions as "national security" or the "fight against communism." The evidentiary practices of the Sepur Zarco trial produced not only a conviction but new forms of knowledge about mass atrocities that fundamentally challenge denial narratives and create

²⁵ Matthias Kaufmann and Richard Rottenburg, "Translation and Cultural identity," *Civiltà del Mediterraneo* 23 (2013):229-348. See also Fazil Moradi et al., *Memory and Genocide: On what Remains and the Possibility of Representation* (New York: Routledge, 2017).

new tools for rewriting the history of past violence.

The judgment established for the historical record that the Guatemalan military deployed sexual violence against women as a strategy of warfare, both to control local populations and to dehumanize the “enemy”. It revealed that this strategy was not the result of a few “bad apples” but rather was a carefully designed and planned part of military strategy. The establishment of “recreation zones” where soldiers could rest and “have contact with the feminine sex” were written into military planning documents. The women were forced to take contraceptive pills or injections to prevent them from becoming pregnant, further evidence of the systematic nature of the crimes against the women of Sepur Zarco. The systematic plan to enslave the women of Sepur Zarco revealed that military strategies were informed by a construct of masculinity that sees women as subordinate to men and existing for the sole purpose of serving and pleasuring men. The testimonies of the Grandmothers of Sepur Zarco, and the judgment handed down in this case, are contributing to a reconfiguration of historical memory in a country in which the official narratives of denial continue to circulate and in which many of those directly involved in such violence remain at the center of political and economic power.

In the next section, I discuss the systematic nature of sexual violence within the Guatemalan Army’s genocidal counterinsurgency policy and the institutionalized impunity that for years shielded those responsible for these atrocities from punishment. I then outline the changes that began to take place that have propelled criminal investigations in these cases forward. Next, based on my in situ observation of the Sepur Zarco trial as well as interviews with key stakeholders in the case, including prosecutors, lawyers, and victims associations, I analyze the evidentiary practices deployed in war crimes prosecutions in Guatemala and the importance of such practices both for achieving justice via a public trial and a criminal conviction; for its broader impact on construction of historical memory of the armed conflict; and for forging a path from victimhood to citizenship.

Genocide and Impunity in Guatemala

In 1996, the State of Guatemala and the Guatemala National Revolutionary Unity (URNG) signed a UN-brokered Peace Accord that brought an end to a brutal 36-year internal armed conflict. As part of the peace agreement, the UN established the Commission for Historical Clarification (hereafter, CEH) to investigate the nature and consequences of the violence. The CEH’s 1999 report examines the historical and structural factors contributing to the violence, most notably the historic racism to which the indigenous majority had been subjected since colonial times. The CEH noted that during the conflict the distinction between combatant and non-combatant was not respected, resulting in the killing of unarmed civilians, including women, children, members of the church, and indigenous leaders. An estimated 200,000 people were killed, 45,000 were forcibly disappeared, and a million were driven from their

homes.²⁶ Ninety-three percent of abuses were committed by government forces, three percent by the guerrillas, and four percent was undetermined. The CEH documented 626 massacres and found that at least 400 mostly rural indigenous villages were completely destroyed in the course of state-sponsored counterinsurgency operations. It also found that 83 percent of victims were indigenous Maya, which led to its conclusion that the Guatemalan state had committed “acts of genocide” in four regions of the country between 1981 and 1983.²⁷ In addition to widespread massacres, government forces were responsible for widespread and systematic sexual violence against women.²⁸

For decades the perpetrators of these abuses enjoyed near-total impunity.²⁹ There is a broad consensus in the academic literature as well as among human rights practitioners that institutionalized impunity has engendered an epidemic of violence in postwar Guatemala, which has one of the highest rates of homicide in the world, including exceptionally high rates of femicide.³⁰ In this context, denial narratives have flourished, portraying the conflict as one in which the army “saved” the country from international communism and justifies any violations as a necessary means to that end.

But this has begun to change. Between 2008 and 2018, 33 military officials, soldiers, and paramilitaries have been convicted for some of the worst massacres of the 1980s, as well as for cases of enforced disappearance and sexual violence. More than a dozen officials await trial, and government prosecutors are investigating dozens of other cases. Among those convicted and awaiting trial are senior military officials previously thought to be untouchable, including former Army Chief of Staff Lucas García and former Chief of Military Intelligence Manuel Callejas y Callejas.

This progress in bringing war crimes to trial is the result of a constellation of factors.³¹ Most important is, without doubt, the determined activism of the survivors and families of victims who have persisted, against all odds, in their search for truth and justice, and the accompaniment of human rights organizations. When the halls of justice in Guatemala remained shuttered, victims and their lawyers brought their cases to the Inter-American System of Human Rights. The Inter-American Court for Human Rights has handed down more than a dozen judgments condemning the State of Guatemala for grave violations of human rights and ordered the investigation, prosecution and punishment of those responsible,

²⁶ Commission for Historical Clarification, *op. cit.*, 1999.

²⁷ *Ibid.* See also Elizabeth Oglesby and Amy Ross, “Guatemala’s Genocide Determination and the Spatial Politics of Justice,” *Space and Polity* 13 (2009) 1:21-39.

²⁸ Victoria Sanford, Sofia Duyos-Alvarez and Kathleen Dill, “Sexual Violence as a Weapon during the Guatemalan Genocide,” *Gender Violence in Peace and War: States of Complicity*, ed. V. Sanford et. al., (New Brunswick: Rutgers University Press, 2016): 38-52.

²⁹ Myrna Mack Foundation, *Apuntes sobre los engranajes de la impunidad en casos de violaciones a los derechos humanos en Guatemala* (Guatemala City, 2004).

³⁰ Victoria Sanford, “From Genocide to Femicide: Impunity and Human Rights in Twenty-First Century Guatemala,” *Journal of Human Rights* 7 (1998) 2:104-122; Carlota McAllister and Diane Nelson, eds., *War by Other Means: Aftermath in Post-Genocide Guatemala* (Durham, NC: Duke University Press, 2013).

³¹ This is drawn from and elaborated further in Burt, “From Heaven to Hell in Ten Days: The Genocide Trial in Guatemala,” *op. cit.*, 2016.

generating international pressure on the domestic justice system.³² In rulings handed down in 2009 and 2010, the Criminal Chamber of the Guatemalan Supreme Court of Justice determined that Inter-American Court judgments are “self-executing”, establishing a new legal framework for the prosecution of war-time human rights cases in Guatemala.³³

Also important was the rise of new leadership of Guatemala’s legal institutions. Reform-minded attorneys general, including Amílcar Velásquez Zárate (2008-2010), Claudia Paz y Paz (2010-2014) and Thelma Aldana (2014-2018), brought new energy and determination to investigating war crimes cases. Under Paz y Paz, new investigative units were set up and new protocols were established to prioritize and expedite these cases. Prosecutors received special training in international human rights law and were encouraged to collaborate with civil society organizations that had for years been documenting rights violations and working with survivors and families of victims.³⁴ Thus, a new generation of prosecutors gained the tools and the experience necessary to successfully prosecute complex grave crimes cases.

The UN-sponsored International Commission Against Impunity in Guatemala (CICIG), created in 2007, has also been critical to this process of institutional strengthening of Guatemalan legal institutions. The CICIG’s mandate focuses on current cases of organized crime and corruption and not wartime human rights violations. But by strengthening the Attorney General’s Office investigative capacity to conduct complex criminal investigations and its overall autonomy, it has bolstered its ability to prosecute war crimes as well. The CICIG also worked with the Attorney General’s Office to build effective victim and witness protection programs. The CICIG has also helped strengthen judicial independence, particularly through its support for the creation of the high-risk courts, which were established to provide greater safety for judges as well as witnesses, prosecutors and lawyers, in complex cases including organized crime and corruption. With greater security, judges have more space to assert their independence, and have done so in a series of high-profile organized crime and grave crimes cases. The changes have generated a new sense of citizen confidence in legal institutions and the rule of law. Since their creation in 2009, virtually all human rights cases have been adjudicated in the high-risk courts.³⁵

The Sepur Zarco Trial

In the early 2000s, three organizations, the MTM, the UNAMG, and the Community Studies

³² María Marín Quintana, *Guatemala. Cumplimiento de las decisiones del Sistema Interamericano de Derechos Humanos: desafíos en materia de justicia* (San José, Costa Rica: Fundación CEJIL Mesoamérica, 2016).

³³ Ibid.

³⁴ Interview, Claudia Paz y Paz, Washington, D.C., February 6, 2015.

³⁵ Open Society Justice Initiative, *Against the Odds: The CICIG in Guatemala* (New York: OSJI, 2016); see also Jo-Marie Burt and Paulo Estrada, “The Anti-CICIG Campaign in Guatemala: Implications for Grave Crimes Cases,” *International Justice Monitor*, October 4, 2017, available at: <https://www.ijmonitor.org/2017/10/the-anti-cicig-campaign-in-guatemala-implications-for-grave-crimes-cases-part-ii/>, accessed November 8th, 2017.

and Psychosocial Action Team (ECAP), began working with wartime survivors of sexual violence in Sepur Zarco.³⁶ Their early interventions focused on repairing the physical and psychological damage experienced by the women survivors. Working with the women and their families and communities, social psychologists and other professionals developed individual and collective strategies to help the women overcome their feelings of stigma and fear and to share their experiences. Many of the women did not speak about what had happened to them with each other, let alone with their families or others in their community. This was a first step to “breaking the silence” that often surrounds sexual violence.³⁷

In March 2010, these organizations founded the Alliance Breaking Silence and Impunity with the objective of making visible the sexual violence to which women were subjected in war and peacetime. In coordination with other groups, the Alliance organized the first Tribunal of Conscience on Sexual Violence Against Women during the Internal Armed Conflict. Indigenous women from several regions of the country publicly testified about the systematic sexual violence they endured at the hands of the military during the internal armed conflict.³⁸ Alliance members point to this event as a watershed moment for the women-survivors of Sepur Zarco. It gave them insight into the power of testimony both for individual transformation and for broader societal change. It also strengthened their resolve to pursue justice in their case in a court of law.³⁹ All the same, the Alliance continued its community-level support work in Sepur Zarco.

In September 2011, the Alliance filed a complaint on behalf of the women-survivors at a court in Puerto Barrios, Izabal. The case was assigned to the Human Rights Unit of the Attorney General’s Office. In 2012, investigators conducted exhumations, locating the remains of 51 individuals. Seven of those were positively identified, including the husband of Rosa Tiul, a complainant in the case.

The Supreme Court of Justice approved the prosecutor’s request to transfer the case to a high-risk court in Guatemala City. In September 2012, Judge Miguel Ángel Gálvez of High Risk Court “B” presided over the evidentiary hearings and heard the testimonies of 15 women survivors. As the case moved forward, the women decided to create the Jalok U Collective—which means “transformation” in Q’eqchi’—and petitioned to be co-plaintiffs in the case.

On June 14, 2014, retired Lt. Col. Reyes Girón and former chief military commissioner Valdez Asig were arrested in the case. They were charged with multiple acts in violation of international law, including sexual violence, sexual slavery and domestic slavery, against the Maya Q’eqchi’ women, as well as several counts of homicide and enforced disappearance. In June 2015, Judge Gálvez determined that there was sufficient evidence to initiate proceedings against the two defendants, and the case was remanded to the High Risk Tribunal A trial court.

³⁶ Ibid.

³⁷ Interview, Paula Barrios, Guatemala City, 1 October 2015.

³⁸ Irantzu Mendia Azkue y Gloria Guzmán Orellana, eds., *Ni olvido, ni silencio. Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado en Guatemala* (Guatemala City: Unión Nacional de Mujeres Guatemaltecas, 2012), available at: <http://publ.hegoa.efaber.net/uploads/pdfs/207/Ni_olvido,_ni_silencio.pdf?1488539728> accessed October 22nd, 2016.

³⁹ Interview, Paula Barrios, Guatemala City, 1 October 2015.



Figure 5: The Grandmothers of Sepur Zarco with their translator. Photo by author

Survivor Testimonies: “Do you want to live or die?”

Fifteen women survivors of sexual violence and domestic and sexual slavery testified in the Sepur Zarco case. As noted previously, only Petrona Choc Cuc testified in open court; the other women’s previously recorded testimonies were projected on a large screen in the courtroom. The prosecutor’s office had petitioned Judge Gálvez to video-record the women’s testimonies during the evidentiary phase so that they could be broadcast during the trial phase, thereby ensuring that the women did not have to testify again in open court.⁴⁰ This measure was intended to mitigate the retraumatization of the women-survivors. It also ensured that if any of the women were unable to testify during the trial court due to illness or death, their testimonies would still be incorporated into the proceedings. Judge Gálvez granted the motion, setting a precedent for future prosecutions of sexual violence cases. In fact, one of the women-survivors, Magdalena Pop, died shortly after giving her testimony in 2012, but it was nevertheless heard during the trial court and became part of the court record.

Speaking in their native Q’eqchi’, with an interpreter translating into Spanish, the women described what happen to them and their families after the military entered their community in 1982. Soldiers arrived with lists containing the names of several men, who were killed or disappeared. Soldiers raped many of the women and girls, often in their own homes, then burned down their houses and crops. The soldiers forced the women to the Sepur Zarco military base, where they were held for six months as sexual and domestic slaves. Others initially escaped by fleeing to the mountains. But because the conditions were harsh and the

⁴⁰ Interview, Hilda Pineda, Attorney General’s Office, Guatemala City, 26 October 2016.

military continued to persecute them, they turned themselves in to the military, and were also then forced into sexual and domestic servitude.

Cecilia Caal told the court that on August 25, 1982, soldiers detained her husband, along with 17 other men, then raped her in her home, in front of her children. "The [soldiers] tied me up while two others were standing guard," she said. "They had weapons". Caal said she was pregnant at the time of the rape, which caused her to suffer a miscarriage. Soldiers then set her house on fire and forced her to go with them to the Sepur Zarco military base. Vicenta Coy Pop testified that after soldiers killed her husband, they forced her into the military base, where they raped her repeatedly and, for the next six months, forced her into sexual and domestic servitude. "When they raped me, they put a rifle on my chest and asked me, 'Do you want to live or die?' Then they spread my legs. There were many soldiers there".⁴¹ Caal told the court that after about six months she and the other women were allowed to leave the military base but were required to report for work shifts every three days. During their shifts, they were repeatedly raped, and were forced to cook and do laundry. "Every time I went to the base," she said, "the [soldiers] raped me, every three days".⁴²

Demecia Yat de Xol told the court that her husband was a member of the Land Committee and was among the 18 men captured by soldiers on August 25, 1982. "The landowners gave the military a list of names of men to disappear. They said we were troublemakers." Yat went to the military base to find him. "The [soldiers] told me that if I continued looking for him, I was asking for them to do something to me as well". Soldiers burned down her house and crops and stole her livestock, then forced her to live at the military base, where she was raped repeatedly, causing her to miscarry. The military commissioners told her that it was the women's duty to let soldiers rape them.⁴³

In her recorded testimony, Magdalena Pop, told the court that soldiers detained her husband along with another community leader. Pop died shortly after giving her pretrial testimony in 2012. "Your husband isn't coming back," they taunted her. "The soldiers raped me in the Sepur Zarco military base. I was held there for three months. They told me, 'no one is going to come looking for you'".⁴⁴

Rosa Tiul testified that soldiers took her husband away and repeatedly raped her and the other women, even as they forced them to cook and clean for them. "If we said no, that we didn't want to, they would have killed us. I was afraid they would kill me," she said. At the base, she said, there were rooms where they would take the women to rape them. "Sometimes there were three, four, or even five of them". After she was allowed to leave the military base, Tiul said sometimes soldiers would come to her house and rape her. "They told me if I didn't let them [rape me] they would kill me. Sometimes they tied me down and put a

⁴¹ Jo-Marie Burt, "Do You Want to Live or Die?" Survivors Tell of Sexual Abuse and Enslavement," *International Justice Monitor*, February 22, 2016, available at <<https://www.ijmonitor.org/2016/02/do-you-want-to-live-or-die-survivors-tell-of-sexual-abuse-and-enslavement/>>, accessed November 8th, 2017.

⁴² Burt, *op. cit.*, February 23, 2016.

⁴³ Ibid.

⁴⁴ Ibid.

rifle on my chest”, she said. “One time I got so upset I went to speak to the lieutenant [Reyes Girón] to complain. He said maybe I liked it, maybe it was my fault the [soldiers] had gotten used to it.” She continued: “They treated us like animals. It was so painful. They did this to me because I was alone”. Tiul also noted that while the women were forced to cook for the soldiers, their children often went hungry. Tiul testified that the remains of her husband, Sebastian Coc, were exhumed from the Tinajas military base in 2012.⁴⁵

Several of the survivor-witnesses identified the defendants. Margarita Chub and Carmen Xol both testified that Valdez Asig was with the soldiers when they detained their husbands on August 25, 1982. Chub said that Valdez Asig had a list of names of community leaders, all of whom were taken away by the soldiers. She also testified that she saw Reyes Girón at the military base, and that he was the commander. Both Chub and Xol said that they, like the other women, were taken to the military base, where they were repeatedly raped and forced into sexual and domestic servitude. Xol, Yat and Coy Pop all testified that soldiers gave them contraceptive injections. “All of this was because of the struggle for land,” said Xol. “[My husband’s] blood was spilled over the land”.⁴⁶

Other Witness Testimony: “What did my wife and daughters do to deserve this?”

In addition to the 15 women survivors, 16 men from Sepur Zarco testified in the trial. Some testified that they were abused by soldiers, and others said they were forced to build the military base. They testified about the systematic rape and enslavement of the women at Sepur Zarco. They also corroborated the women’s testimony about the land conflict that was at the root of the military repression. Other witnesses included three former civil patrolmen, an ex-soldier, and a former military commissioner, the latter two as protected witnesses.

Rogelio Hüitz Chon testified that he was 12 when he was detained and tortured at the military base. “I was a prisoner at Sepur Zarco, and I have the scars to prove it,” he said, raising his shirt to show the judges the scars on his torso and where his ribs had been broken as a result of the beatings and torture he endured. He identified Valdez Asig, and said he was responsible for the disappearance of his father. “This didn’t happen only to my father,” he added. “It happened to many people. [Valdez Asig] had a lot of power in Panzós.” Chen also identified Reyes Girón as the commander of Sepur Zarco. He told the judges that he wanted justice, adding: “If they offer you money, do not accept it”.⁴⁷

Domingo Chub Pop told the court that his father was one of the community leaders and was among those disappeared by the military. He testified that the military forced him and other men from Sepur Zarco to participate in the civil defense patrols (PACs). They were forced to patrol around the military base in shifts. “We had to follow the soldiers’ orders”, he

⁴⁵ Jo-Marie Burt, “Victim Witnesses Tell of Atrocities at Sepur Zarco,” *International Justice Monitor*, February 9, 2016, available at <<https://www.ijmonitor.org/2016/02/victim-witnesses-tell-of-atrocities-at-sepur-zarco/>>, accessed November 8th, 2017.

⁴⁶ Burt, *op. cit.*, February 22, 2016.

⁴⁷ Jo-Marie Burt, “Opening of Landmark Sexual Violence Case in Guatemala,” *International Justice Monitor*, February 2, 2016, available at <<https://www.ijmonitor.org/2016/02/opening-of-landmark-sexual-violence-case-in-guatemala/>>, accessed November 8th, 2017.

said. “We were afraid”.⁴⁸ Chub Pop recalled an incident in which soldiers tossed a grenade into a pit in the Sepur Zarco military base where detainees were held, killing several of them. He also testified that soldiers killed a woman named Dominga, along with her two daughters.

Dominga Cuc’s husband, Santiago Itzep, testified that he, his wife and daughters had been detained and brought to the military base. Soldiers accused him of collaborating with guerrillas and began beating him. He denied their accusations. They then began raping his wife in front of him and their daughters. “I couldn’t do anything,” he told the court, “because there was a soldier guarding me.... What did my wife and daughters do to deserve this?”⁴⁹ Cuc’s mother, Julia Cuc Choc, also testified. During one of her many trips to the military base to find out what had happened to her daughter and granddaughters, a civil patrolman told her that they had been killed.⁵⁰

A former military commissioner, a soldier, and three civil patrolmen provided important corroborating evidence. Each of them identified Reyes Girón as the commander of the Sepur Zarco military base, and they all confirmed that the women were regularly raped and forced to work at the base. They also corroborated specific incidents. Former military commissioner Miguel Ángel Caal testified that Santiago Itzep, his wife Dominga Cuc and their daughters were detained in response to the death of a soldier, and that she was raped and killed by patrolmen. Caal also testified that he had witnessed Reyes Girón order soldiers to gang-rape a woman for sport.⁵¹

Agustín Chen, who was forced by soldiers to organize and participate in the civil defense patrols, testified that he was punished when he failed to capture Manuel Cuc, a community leader from Semococh the military believed was providing food to the guerrillas. Chen confirmed that Manuel Cuc was detained in August 1982, corroborating his wife’s testimony identifying Valdez Asig as the man who detained her husband and two sons.⁵²

Forensic Experts: Physical Evidence of the Crimes at Sepur Zarco

Forensic anthropologists and archaeologists from the Forensic Anthropology Foundation of Guatemala (FAFG) testified about the exhumations that the Attorney General’s Office asked them to conduct in 2011 and 2012 and the physical evidence they uncovered in the course of their work. The FAFG is a scientific organization that has been working for more than two missing from the period of the internal armed conflict.⁵³ The organization collects ante- and

⁴⁸ Burt, *op. cit.*, February 9, 2016.

⁴⁹ Jo-Marie Burt, “Former Military Commissioner Accuses Reyes Girón of Ordering Gang Rape,” *International Justice Monitor*, February 25, 2016, available at <https://www.ijmonitor.org/2016/02/former-military-commissioner-accuses-reyes-giron-of-ordering-gang-rape/>, accessed November 9th, 2017.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Fredy Peccerelli, Marte Tunheim and Jo-Marie Burt, “Civil Society Documentation and Criminal Accountability. Case Study: The Forensic Anthropology Foundation of Guatemala,” in *Building a Learning Community: Lessons for a Holistic and Sustainable Approach to Transitional Justice* (New York: International Sites of Conscience, 2017), pp. 108-117.



Figure 6: Forensic evidence. Boxes containing the remains of those exhumed from the Tinajas military base were laid out in court on February 11, 2016. Photo by author.

post-mortem data, interviews families of victims, and employs a series of scientific methods decades to locate and identify individuals who were forcibly disappeared or are otherwise to identify mass graves, conduct exhumations, and uses DNA testing and other mechanisms to identify the bodies so that they can be returned to their families for burial. FAFG has a long-standing agreement with the Attorney General's Office of Guatemala to assist in the search for the missing and has exhumed more than 8,000 human remains.

In 2012, FAFG investigators found 51 human remains in 13 different gravesites at the former Tinajas military base, in Senahú, Alta Verapaz. The FAFG expert testified that some of the bodies were lying face-down, others face-up, which is common in mass killings. The bodies showed signs of severe trauma, including bullet wounds and cuts that were the result of large sharp objects, such as machetes or axes, and several had ropes tied around their wrists, ankles and necks. Because there was no protective covering on the bodies, the bones were very badly deteriorated; as a result, investigators were able to positively identify only seven of the remains. One of those identified was Sebastián Coc, the husband of Rosa Tiul, one of the claimants in the case. Investigators also identified the remains of Dominga Cuc, but the remains of her daughters were not found, only their undergarments. Because of their young age, he said, their bones were not fully formed and open court. On the morning of February 9, dozens of sealed boxes were spread across the floor of the courtroom. Each box contained the remains of a single victim. The court ordered each of the boxes opened and the remains were laid out on a platform where defense lawyers scrutinized them. This caused great emotional impact, particularly for the women-survivors, who later told me they said prayers the entire time the remains were on display to protect the souls of the dead.⁵⁴

⁵⁴ Ibid.



Figure 7: Defense lawyers examine the forensic evidence. Photo by author.

disintegrated over time.⁵⁵ The court called upon the FAFG to present the forensic evidence in

Expert Witnesses: “Weaving the Web of Context”

The prosecution called a dozen or so experts from different professions and disciplines to provide crucial historical context on the Sepur Zarco case. Richard Ashby Wilson has referred to the potentially positive role that expert witnesses, including historians, sociologists, and other professionals, can play in criminal trials, “weaving the web of context” to help the tribunal better understand critical aspects of the case.⁵⁶ The prosecution masterfully deployed expert witnesses to that end. Expert witnesses provided crucial contextual information about the history of land conflict in the Polochic Valley; about the structure, organization and doctrine of the Guatemalan Army and its counter-insurgency strategy; and about the strategic use of rape as a weapon of war. Other experts presented the findings of their research conducted specifically for this case. Here I highlight some of the most compelling expert witness testimonies to elucidate the way they

⁵⁵ Jo-Marie Burt, “Human Remains Presented as Evidence in Sepur Zarco Trial,” *International Justice Monitor*, February 11, 2017, available at <<https://www.ijmonitor.org/2016/02/human-remains-presented-as-evidence-in-sepur-zarco-trial/>>, accessed November 9th, 2017.

⁵⁶ Richard Ashby Wilson, *op. cit.*, 2011:123.

helped “weave the web of context” in the Sepur Zarco trial, and how this contributed decisively to a fuller understanding of the historical context, the specific crimes at Sepur Zarco, and the motives that gave rise to them.

Historian Juan Carlos Peláez Villalobos testified about the trajectory of land conflicts in the Polochic Valley, where the Sepur Zarco military base was located. Peláez Villalobos explained that this territory historically belonged to the Maya Q’eqchi’ but was lost over the years through fraud and violence. In the early 1980s, local community leaders were pursuing legal channels to recover titles to their land. Local land owners, concerned that the history of fraud and violence that led to their acquisition of the Q’eqchi’ community lands would be revealed, called upon the military to eliminate the community leaders. Peláez Villalobos explained that the sexual violation of women and the enslavement of indigenous peoples was an intrinsic aspect of this historical process of land dispossession:

The indigenous people and the peasants were not considered to be human beings; they were viewed exclusively as farmhands to work the fields. As for the women, they were completely subordinated to the will of the landowner.⁵⁷

Héctor Rosada Granados, a Guatemalan social scientist, former peace negotiator for the government, and expert in military affairs, testified about the history and development of the armed conflict, focusing on the period between 1981 and 1983, which “gave birth to the vision of total destruction: genocide”.⁵⁸ According to Rosada Granados, *Firmeza 83*, a plan conceived by the military junta in 1982, outlined the military’s strategy to control the civilian population following the classic counterinsurgency doctrine of “draining the sea”—elimination of the civilian population—“so the fish, the guerrillas, could not survive”.⁵⁹ Turning to the specific case of Sepur Zarco, Rosada Granados explained that what happened in the Polochic Valley and surrounding areas reflected the tight interlacing of the interests of landed elites and the Guatemalan state. The efforts by the Land Committee to recover the community’s historic lands was viewed not only as a challenge to the power of local landed elites, but to the stability of the state itself. Rosada Granados testified that the military arbitrarily applied the concept of “internal enemy” to indigenous Q’eqchi’ communities in Sepur Zarco in order to justify state violence against them, even though there was no guerrilla presence in the area.⁶⁰ The military deployed violence strategically and with the intention of generating terror in order to establish absolute control over the civilian population. The chief military commissioners were agents of military intelligence tasked with supervising and controlling the other military commissioners and the civil defense patrols, as well as a network

⁵⁷ Burt, *op. cit.*, February 11, 2017.

⁵⁸ Jo-Marie Burt, “Military Expert Testifies in Sepur Zarco Case,” *International Justice Monitor*, 22 February 2016, available at <<https://www.ijmonitor.org/2016/02/military-expert-testifies-in-sepur-zarco-case/>>, accessed November 9th, 2017.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

of collaborators and informants. The chief military commissioner also oversaw the women's work at the military base.

Forensic architect Elisa Gabriela Mendoza García presented geospatial images and a three-dimensional map of the community of Sepur Zarco to demonstrate how the military base was organized and its location in relation to other relevant landmarks. "What happened in the kitchen or surrounding areas of the military base was visible and audible because of its location in the middle of Sepur Zarco," the expert said. Given its architectural structure and location, Mendoza testified that it was impossible for the officials in charge of the base not to know that the women being held there were being subjected to repeated acts of sexual violence.

Rape as a Weapon of War: Guilt, Trauma and "Social Death"

Experts on gender, trauma, and racism who conducted interviews with the women-survivors, testified about the impact of the violence on the women-survivors, their families, and their community. Social psychologist Monica Pinzón stated the women suffered a "devastating" attack against their bodies, minds, and sexuality, which constitutes the core of individual and collective identity. The sexual violence exercised against the women resulted in physical pain, humiliation, and deep-seated feelings of guilt and worthlessness. Two had miscarriages as a result of the rapes. The women suffered post-traumatic stress disorder, which manifested itself in a variety of ways, including flashbacks, violent dreams, fear of new sexual assaults, and feelings of disassociation and listlessness, among others. This was exacerbated by the loss of their husbands and in some cases their children. The inability to give their family members who remained disappeared a proper burial remains a source of anguish. Pinzón said that the women felt extreme guilt for having sexual relations with men who were not their husbands, and felt permanently fearful (*susto*), which is common in cases of extreme trauma. Several of the women reported that their children witnessed the sexual assaults and suffered permanent psychological harm. Forensic psychiatrist and physician Karen Peña Juárez of the National Institute of Forensic Anthropology (INACIF) told the court that the women displayed physical ailments associated with torture and extensive sexual violence as well as psychological trauma. "These are not normal life experiences", she said. "These are traumatic experiences, and because they are catastrophic, they can cause irreversible damage to the victim's psyche".⁶¹ Pinzón and anthropologist Irma Alicia Velásquez Nimatuj testified that the sexual violence suffered by the women, combined with loss of their husbands and in some cases of their children and the destruction of their homes, disrupted the social cohesion of their community and their ability to sustain their culture and traditions: "a fundamental part of the Q'eqchi' culture was destroyed".⁶²

⁶¹ Burt, *op. cit.*, February 11, 2017.

⁶² Jo-Marie Burt, "Former Military Commissioner Accuses Reyes Girón of Ordering Gang Rape," *International Justice Monitor*, February 25, 2016, available at, <<https://www.ijmonitor.org/2016/02/former-military-commissioner-accuses-reyes-giron-of-ordering-gang-rape/>>, accessed November 9th, 2017.

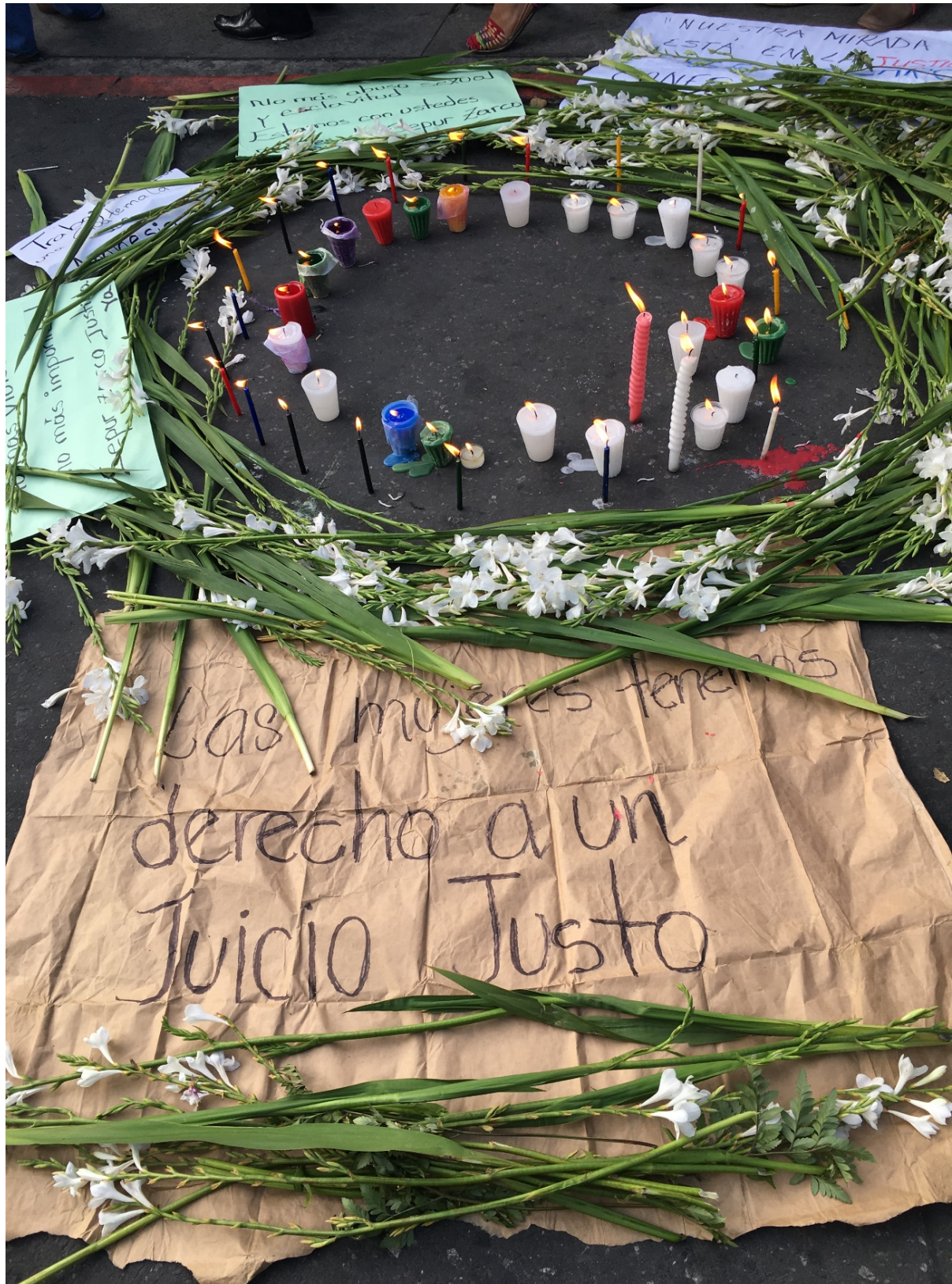


Figure 8: A Mayan altar outside the courtroom during the Sepur Zarco trial. The sign reads “Women have the right to a fair trial.” Photo by author.

Two experts on gender and gender violence also testified, Rita Laura Segato, a feminist anthropologist at the University of Brasilia, and Paloma Soria, a lawyer with Women's Link Worldwide. Segato explained that the attack against the indigenous women of Sepur Zarco, their sexual and domestic enslavement, and the sexual assaults against them, were all part of a war strategy. "The desecration of the women's bodies and their reduction to utter destitution were military objectives", she stated. The violence deployed against women was part of the army's strategy to punish the men for their activism and to destroy the community. It also served to strengthen the fraternity among the rank-and-file soldiers. With their husbands gone, the sexual violence against the women became routinized. As a result, the women were stigmatized and isolated from the rest of the community, leading them to experience what Segato called a "social death".⁶³

Soria testified that sexual violence in contexts of conflict constitutes a human rights violation and a war crime, while domestic and sexual enslavement are crimes against humanity. Sexual violence is exercised when an individual is forced to engage in sexual activity, whether penetration is involved or not. In contexts of extreme repression, as was the case in Sepur Zarco, coercion is a constant, as women are stripped of any possibility of giving consent in such circumstances. Soria noted that the CEH found that sexual violence was part of the military's "strategic plan". She also discussed *Plan Victoria 82*, a military document which mandates the creation of "recreational areas" in which soldiers engaged in the organized rape of women, which was euphemistically referred to as "contact with the female sex". This illustrated that what happened at Sepur Zarco was not an anomaly, but part of the military's overall strategic plan to defeat the insurgency and maintain social control.⁶⁴

The Defense

The main arguments of the defense were to deny that the defendants had any involvement in Sepur Zarco; to accuse the women-survivors of lying or, alternatively, of being "prostitutes"; and to challenge the forensic evidence by arguing, without providing any proof, that the "chain of custody" had been violated. The defense proposed some 20 witnesses. In the end, only eight testified in court; the defense withdrew the others, primarily because they "could not be located".⁶⁵

Former army specialist Julio César López Ligorria, who was responsible for the distribution of food and other supplies to the military installations in Cobán, including the Tinajas military base, said that he had no knowledge of women working or being assaulted in the military bases. However, the witness could provide no written evidence to substantiate his claims, nor could he remember the name of the officials in charge; and when pressed,

⁶³ *Ibid.* See Carol Card, "Genocide and Social Death," *Hypatia* 18 (2003) 1: 63-79.

⁶⁴ *Ibid.*

⁶⁵ Jo-Marie Burt and Paulo Estrada, "Defense Witnesses Testify in Sepur Zarco Trial ahead of Closing Arguments," *International Justice Monitor*, February 26, 2016, available at <<https://www.ijmonitor.org/2016/01/defense-witnesses-testify-in-sepur-zarco-trial-ahead-of-closing-arguments/>>, accessed November 9th, 2017.

stated that he never visited the Sepur Zarco military base.

Several witnesses testified that Valdez Asig was a municipal police officer in Panzós and did not have knowledge that he was chief military commissioner. The remaining defense witnesses focused on the exemplary conduct and good reputation of the defendants and did not present any evidence to dispute the central facts of the case.

The Judgment: Guilty as Charged

On 26 February 2016, after four weeks of public hearings, Presiding Judge Yassmín Barrios read aloud a summary of the 512-page verdict.⁶⁶ She stated that, upon careful review of the evidence, including expert testimony, official documents, forensic evidence, and especially the testimonies of the women survivors, the tribunal had reached the unanimous decision that the defendants Esteelmer Reyes Girón and Heriberto Valdez Asig were guilty of crimes against humanity in the form of sexual violence, sexual and domestic servitude, and humiliating and degrading treatment; murder; and enforced disappearance; and sentenced them to 120 and 240 years respectively. This followed international precedent, established in the 1998 Rome Statute, which states that “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparative gravity” constitute crimes against humanity “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”.⁶⁷ Here I highlight key aspects of the court’s verdict.

Judge Barrios noted that the tribunal’s judgment was based primarily on the individual testimonies of the women-survivors of Sepur Zarco, which were credible, consistent, and formed the basis for reconstructing the events:

The judges of this tribunal firmly believe the testimonies of the women who were sexually violated in Sepur Zarco... The Sepur Zarco case demonstrates the cruel and ignoble treatment to which the women were subjected. They were obligated by soldiers in the military base to endure constant sexual violation. They were subjected to sexual violations on an ongoing basis and were also subjected to domestic slavery.... When they gave their statements, the women broke down in tears, expressing their pain, sadness, loneliness and helplessness, not only because of what happened at that time, but also because of their impotence before the armed men who changed the course of their lives, without concern for the consequences of their actions.⁶⁸

This is important because historically women’s testimonies about sexual violence have

⁶⁶ *Sentencia C-01076-2012-00021*, Tribunal Primero de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente, Guatemala, 26 February 2016. On file with the author.

⁶⁷ Article 7, Rome Statute of the International Criminal Court, available at <http://legal.un.org/icc/statute/99_corr/cstatute.htm>, accessed 7 January 2018.

⁶⁸ Judge Yassmín Barrios as quoted in Burt, *op. cit.*, March 4, 2017.

been called into question, dismissed, or rejected as not true or unprovable.⁶⁹ Giving evidentiary value to the women-survivors' testimonies is also in accordance with international precedent. The rules of evidence of the International Criminal Court (ICC) establish that in cases of sexual violence, victim testimony constitutes *prima facie* evidence: "Chamber shall not impose a legal requirement that corroboration is required in order to prove any crime within the jurisdiction of the Court, in particular, crimes of sexual violence".⁷⁰

Judge Barrios referred to the testimony of each of the women-survivors, weaving together a narrative of what happened in Sepur Zarco and how it affected the women as well as the broader community. For example, she referred to the testimony of Magdalena Pop, who passed away of cervical cancer shortly after testifying before Judge Gálvez in the pretrial evidentiary hearing:

Sobbing as she testified, Magdalena Pop recounted how she was subjected to extreme forms of sexual violence. She said that she trembled with fear each time she was required to go to the military base to fulfill her 'shift' because she knew what the soldiers would do to her.⁷¹

Barrios affirmed that the contraceptive medicines the soldiers forcibly applied to the women were evidence of a systematic plan to rape the women over long periods of time. The tribunal highlighted the cruelty exercised by the military in forcibly displacing families from their homes and the impact this had on children, many of whom died while seeking refuge in the mountains.

The court also noted the broader context in which the sexual violations and the domestic and sexual servitude of the women took place. The testimonies of the women-survivors, several men from Sepur Zarco, and the expert witnesses established that the underlying motive of the military violence was conflict over land:

In the context of the ongoing counterinsurgency in Guatemala, to accuse someone of being an 'internal enemy' was tantamount to a death sentence. The underlying motive for identifying some people in Sepur Zarco as the 'internal enemy' was that the *finqueros* were angry about the community efforts to reclaim their historic territories. As a result, the *finqueros* accused community organizers of participating in or providing support to the guerrilla. These accusations were presented to the local military

⁶⁹ This is true in peace and war-time, of course. See Jelke Boesten, *Sexual Violence in War and Peace: Gender, Power, and Post-Conflict Justice in Peru* (New York: Palgrave, 2014) and Sanford, *op. cit.*, 2016.

⁷⁰ Rule 63 (4), *Rules of Procedure and Evidence, Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002* (ICC-ASP/1/3 and Corr.1), part II.A., available at <<https://www.icc-cpi.int/iccdocs/pids/legal-texts/rulesprocedureevidenceeng.pdf>>, accessed 7 January 2018.

⁷¹ Ibid.



Figure 9: The gallery is packed on the day of the final verdict of the Sepur Zarco trial.

commissioners, who then proceeded to persecute those leaders because of their presumed connection to the guerrilla.⁷²

The court stated that the testimonial evidence reveals the military's *modus operandi* in Sepur Zarco: first, the military killed or forcibly disappeared the men who were active in the efforts to reclaim community land; then their wives were systematically raped by soldiers; then their homes and belongings were destroyed. In many cases entire families were forced to flee into the mountains to seek shelter; many, especially children, died of hunger and cold. Those men who were not disappeared were forcibly recruited in the civil defense patrols, and the military incited a permanent confrontation between the patrol members and the community as a way of maintaining social control. Because of their husbands' absence, the women were isolated and unprotected, making it viable for the soldiers to systematically rape the women over such an extended period of time.

The court drew on Segato's expert testimony to find that the systematic rape of the women of Sepur Zarco was not primarily a sexual act but was rather a weapon of war designed to destroy not just the bodies of the victims, but the broader body politic. Judge Barrios asserted that women are carriers of life, and "the assault against women's bodies constituted a way of ensuring that the women could not reproduce life in their community".⁷³ The women were isolated and stigmatized by the community, who referred to them as "the soldiers' women," producing their "social death." The court cited this and the expert testimony of Velásquez Nimatuj to find that the sexual violence deployed by soldiers against the women was profoundly destructive of community relations and had a devastating impact on Q'eqchi'

⁷² Ibid.

⁷³ Ibid.

culture.

The tribunal acknowledged the women's courage for coming forward to testify and speak publicly about the multiple sexual violations to which they were subjected. Toward the end of her presentation Judge Barrios noted that the verdict was not only about past abuses but also about present social relations:

Acknowledging the truth helps to heal the wounds of the past. The application of justice is a right of the victims and contributes to strengthening the rule of law in our country and makes us all understand that these types of crimes should not be repeated.⁷⁴

Regarding the criminal liability of the defendants, the court found that the evidence demonstrated that Valdez Asig was the chief military commissioner; that he identified the community leaders of Sepur Zarco who were then detained and disappeared; that he participated directly in the detention of those leaders; and that he was fully aware of, and helped facilitate, the sexual and domestic enslavement of the women at the Sepur Zarco military base. The court found that Lt. Col. Reyes Girón was the commander of the Sepur Zarco military base between 1982 and 1984, and was also aware of the abuses there, including the sexual violation and sexual and domestic enslavement of the women complainants. The court stated that it was not plausible for the accused to claim that the rape and enslavement of the women occurred without their knowledge and consent.⁷⁵ Within the military institution, a commanding officer cannot claim ignorance if he has the obligation of exercising control over his subordinates. As head of the base, Reyes Girón was responsible for the actions of his troops and necessarily had knowledge of what occurred inside the military base. The court referred to the forensic architect's expert report to further support the finding that it was impossible for the commanding officers to be unaware that the women at the military base were being subjected to repeated acts of sexual violence over the course of several years.⁷⁶

The court determined that the rape and enslavement of the women of Sepur Zarco constitute illicit acts as outlined in Article 378 of the Guatemalan Penal Code, thus constituting crimes in Guatemalan law. The court determined that these acts also constitute crimes against humanity, as outlined in Common Article 3 of the Geneva Conventions, which prohibits attacks upon and the cruel and degrading treatment of civilian populations. This determination was based on the Constitution of Guatemala, which establishes the primacy of human rights treaties and conventions. The court imposed the maximum sentence of 30 years in prison for each of the accused for crimes against humanity in the modality of sexual violence, sexual and domestic slavery, and cruel and degrading treatment.⁷⁷

⁷⁴ Ibid.

⁷⁵ Burt, *op. cit.*, February 25, 2016.

⁷⁶ Burt, *op. cit.*, March 4, 2017.

⁷⁷ Ibid.



*Figure 10: The defendants: Valdez Asig, far left, and Esteelmer Reyes Girón, far right.
Photo by author.*

In addition to these charges, the court convicted the defendants on charges of homicide and enforced disappearance. The court invoked the doctrine of superior responsibility to condemn Reyes Girón for the murder of Dominga Cuc and her daughters, sentencing him to 30 years for each count, elevating his sentence to 120 years. The court found Valdez Asig responsible for seven counts of enforced disappearance, which is a crime as outlined in Article 201 of the Guatemalan Penal Code, imposing a sentence of 30 years for each count, resulting in a total prison sentence of 240 years. The tribunal affirmed the widely accepted international jurisprudence that considers that enforced disappearance is a continuous crime.

Exercising their due process rights, the defendants appealed the verdict. An appellate court unanimously ratified the judgment in July 2017.⁷⁸

From Victimhood to Citizenship: “We are no longer afraid”

The evidentiary practices in the Sepur Zarco case were constructed from the bottom up. A coalition of civil society organizations, the Alliance Breaking Silence and Impunity, worked with the women of Sepur Zarco at the individual, familial, and community level, addressing some of their most pressing needs, including physical and psychological assistance. As they began talking more openly about what happened to them, the women overcame their fear and isolation. Socializing the extreme violence and mistreatment they suffered helped them find ways to talk about what happened with their families and the broader community. This “everyday work of repair,” to borrow Veena Das’ phrase, was crucial to building trust among the women themselves, and then among their families and other members of the community.⁷⁹ This began to break down the social stigma of being a victim of sexual violence and laid the groundwork for broad community support of the women’s pursuit of justice in court.

The evidentiary practices of the Sepur Zarco trial placed the women-survivors at the center of the proceedings, in contrast to conventional wisdom that perpetrators are always the focus of war crimes tribunals. Their testimonies were central to the proceedings and captivated the nation, and indeed, the world. Their participation as co-plaintiffs in the case gave them a protagonistic role in the justice process. By bringing a complaint against senior military officials, by testifying about the atrocities they endured, by demanding redress from the state, the Grandmothers of Sepur Zarco have reclaimed their rights as citizens. That is not to say that the conviction magically inverts power group relations—far from it—but, by establishing indigenous Maya as protagonists in a criminal proceeding challenging state practices, it establishes them as full-fledged members of the nation, and therefore as citizens

⁷⁸ *Sentencia Número Único 01076-2012-00021*, Tribunal Primero de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente del Municipio y Departamento de Guatemala, Ciudad de Guatemala, 19 July 2017. On file with the author.

⁷⁹ Veena Das, *Life and Words: Violence and the Descent into the Ordinary* (Berkeley: University of California Press, 2007), p. 62.



Figure 11: The Grandmothers of Sepur Zarco.

deserving of rights, a category previously denied to them.

The Sepur Zarco trial achieved a rare conviction for sexual violence and domestic and sexual enslavement. Central to this was the testimonies of the women-survivors, who provided harrowing details of their experiences of rape, enslavement, pain and humiliation. The court recognized the credibility of the women's testimonies, giving them evidentiary value that was central to the conviction of the two accused. For years the women of Sepur Zarco were shunned as the "soldiers' women," implying a level of consent that is at odds with what actually happened. The verdict recognizes the credibility of the women-survivors' testimonies and sets the record straight: The women of Sepur Zarco were the victims of a system of military control in which they were subordinated and had no power to consent or refuse the orders of the soldiers they interacted with on a daily basis.

The tribunal's judgment not only determined the guilt of the accused. From the fragments of evidence presented in these proceedings, it constructed a coherent narrative that translates acts of mass violence and atrocity into a more comprehensive understanding of how state violence operated, what motivated it, and how it impacted individuals, communities, and the broader society. The military deployed violence against indigenous communities they viewed as coterminous with the guerrilla insurgent groups—"the internal enemy" that had to be "annihilated" in order to save the country from the "communist menace"—and because they were viewed as disposable bodies when they interfered with the landed oligarchy's continued enjoyment of power and privilege. The extreme violence deployed against the women of Sepur Zarco was part of a war strategy designed to control the population and eliminate any possibility of resistance. Through this process of translation and re-signification, the Sepur Zarco judgment has made visible state practices of extreme violence against indigenous women into a more nuanced and comprehensive narrative that embeds this gender-based violence into a broader strategy of military persecution against

indigenous populations and about how conflicts over land fueled violence in Guatemala.

The public airing of atrocities, as occurred in the Sepur Zarco trial, contributes to the rewriting of the official narratives of denial and forgetting. The media—even the more conservative outlets such as *Prensa Libre*—widely covered the dramatic hearings unfolding in the Supreme Court building, though its protagonists were poor indigenous women from a remote rural area that few middle-class Guatemalans had ever heard of. This has helped reconfigure the positionality of Mayan women in the public imaginary. As one observer noted: “Something changed after the women survivors testified. The media could not remain silent about what was happening in the courtroom. And it was impossible for broad sectors of society not to empathize with their pain and courage”.

Not only was the silence broken, but new spaces were created to discuss the crimes of the past and the proper way to acknowledge the suffering experienced by victims. This was evident at a workshop I attended in Guatemala City just after the verdict with the women-survivors of Sepur Zarco and four other regions of the country.⁸⁰ The women of Sepur Zarco discussed the importance of testifying for them:

When we started our group, it wasn't easy to get everyone to participate in meetings and share our testimonies. After giving our testimony, it's as if we have wings. We are no longer afraid.

We no longer feel shame. We have the right to participate and tell the world about what happened to us and to ask for justice.

Before I was afraid and ashamed to say what happened to me. But it's the men who did this to us who should feel shame. Now I feel like a leader because I'm no longer afraid and I have the strength to continue fighting.

Other woman emphasized that the judgment is important because it acknowledges the violations suffered by indigenous women, and because it has helped make new generations aware of this painful past:

Those of us who come from other communities feel closely identified with the women of Sepur Zarco because we know how difficult the trial was. We know that Valdez Asig caused them much harm; my father was imprisoned a long time because of him. We thank the women of Sepur Zarco because we now have a judgment.

⁸⁰ Unless otherwise indicated, all quotes in this section are based on the author's notes at the Encuentro de Mujeres Sobrevivientes de Violencia Sexual durante el Conflicto Armado Interno, Guatemala City 9-11 Marzo 2019.

The judgment is a recognition of what happened in the communities during the armed conflict. Through the radio coverage, even the children are learning about what happened back then.

Several of the women-survivors said that though testifying was not easy, they were motivated to do so to stop sexual violence against women now and in the future:

This is what we are fighting for, so that the things that we suffered never happen again. We have been fighting for justice for many years. We know the process is not easy, speaking about what we suffered is not easy.

What we want, and what we asked for before the court, is to ensure that what we suffered doesn't happen ever again; to ensure that our grandchildren don't suffer the way we did.

Finally, the Sepur Zarco case has also inspired other survivors of sexual violence to pursue their claims in court:

I felt very happy on the 26th because the defendants were convicted. I felt as if I were the one who had walked this path. But there are many others who are still free. As women we have to continue the struggle for justice with our time and our testimony.

Emma Molina Theissen, who was a 21-year-old political activist in 1981 when she was illegally detained by the military, interrogated, tortured, and gang-raped by soldiers, told me that for years she had no hope in the possibility of justice, but after hearing about the Sepur Zarco case, she was inspired to bring her case to court:

Learning about the Sepur Zarco case changed my heart, because they suffered the same thing I did. They suffered for much longer than I did, and they had the courage and the strength to testify in court... I thought, if they could do it, so could I, and that changed me completely.⁸¹

In May 2018, four senior military officials, including the powerful former Army Chief of Staff Benedicto Lucas García, were found guilty of crimes against humanity and aggravated sexual assault against Emma, and for the enforced disappearance of her 14-year-old brother, Marco Antonio.⁸² Another trial, for crimes against humanity and aggravated sexual assault

⁸¹ Author interview, Emma Molina Theissen, Guatemala City, March 7, 2018.

⁸² Jo-Marie Burt and Paulo Estrada, "Four Retired Senior Military Officers Found Guilty in Molina Theissen Case," *International Justice Monitor*, May 23, 2018, available at <<https://www.ijmonitor.org/2018/05/four-retired-senior-military-officers-found-guilty-in-molina-theissen-case/>>, accessed November 8th, 2018.

against 30 Maya Achi women, is pending of this writing.⁸³ This demonstrative effect of war crimes trials reveals their potentially transformative nature.

We should not downplay the tensions and limitations of war crimes trials, but nor can we ignore their transformative potential, for victims, their families and communities, and for the broader society. Impunity remains a daunting challenge in postwar Guatemala. And yet, war crimes trials are helping survivors overcome fear and silence and inspiring others to pursue truth and justice. They are making visible the extent to which state violence affected indigenous Mayan communities, as well as the gendered impact of the systematic use of rape as a weapon of war. Guatemala's war crimes tribunals are generating new practices within the justice system. They are inspiring other atrocity victims to pursue their cases in court. Finally, they are helping rewrite the historical memory of Guatemala's recent past, by contributing to the construction of counter-narratives that fundamentally challenge the entrenched narratives of official denial and the system of institutionalized impunity that has been its mainstay for so long.

⁸³ Jo-Marie Burt and Paulo Estrada, "Delay in the Maya Achi Sexual Violence Case," *International Justice Monitor*, August 31, 2018, available at <<https://www.ijmonitor.org/2018/08/delay-in-the-maya-achi-sexual-violence-case/>>, accessed November 8th, 2018.