

## “Subjects of Change”: Feminist Geopolitics and Gendered Truth-Telling in Guatemala

By Rebecca Patterson-Markowitz<sup>1</sup>, Elizabeth Oglesby<sup>2</sup>, Sallie Marston<sup>3</sup>

### Abstract

This paper explores the often-undervalued role of gender in transitional justice mechanisms and the importance of women’s struggles and agency in that regard. We focus on the efforts of the women’s movement in Guatemala to address questions of justice and healing for survivors of gendered violence during Guatemala’s 36-year internal armed conflict. We discuss how the initial transitional justice measures of documenting gendered war crimes in the context of a genocide were subsequently taken up by the women’s movement and how their endeavors to further expose sexual violence have resulted in notable interventions. Interviews with key organizational activists as well as testimonies given by victims of sexual violence during the conflict suggest that transitional justice mechanisms, extended by women’s movements’ efforts, are creating conditions for the emergence of new practices and spaces that support the fragile cultivation of new subjectivities. *Sujetas de cambio* (subjects of change) are premised not on victimhood but survivorhood. The emergence of these new subjectivities and new claims, including greater personal security and freedom from everyday violence, must be approached with caution, however, as they are not born automatically out of the deeply emotional struggles that play out around historical memory. Still, their emergence suggests new ways for women to cope not only with the sexual violence of the past but also to work against the normative violence that is part of their present.

*Keywords:* Transitional justice, gendered violence, historical memory

### Introduction

On January 26, 2012, history was made inside a packed courtroom in Guatemala City, as former general José Efraín Ríos Montt, a military dictator during the height of Guatemala’s brutal rural counterinsurgency from 1982-1983, was arraigned on charges of genocide and crimes against humanity. The charges in this case were brought by

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<sup>1</sup> Rebecca Patterson-Markowitz earned her B.A. in International Interdisciplinary Studies and French at the University of Arizona in 2012. She currently lives in Tucson, AZ and is in the process of applying for a Fulbright research grant. Her research interests include gender in transitional justice, historical memory, and feminism in Latin America and francophone North Africa.

<sup>2</sup> Elizabeth Oglesby is Associate Professor in the School of Geography and Development and the Center for Latin American Studies at the University of Arizona. She has worked in Guatemala since the 1980s, and from 1997-1999 she was a member of the research and writing team of the Guatemalan Commission for Historical Clarification. She is co-editor, with Greg Grandin and Deborah T. Levenson, of *The Guatemala Reader: History, Culture, Politics* (Durham, NC: Duke University Press, 2011).

<sup>3</sup> Sallie Marston is a Professor in the School of Geography and Development. Her work is located at the intersection of socio-spatial theory and the state. She examines how the state, or political identities related to the state, are made, remade and transformed in the intimate spaces of everyday life through the meaning systems generated through subject formation.

Guatemala's Attorney General's office, based on more than a decade of survivor testimonies and investigation. The Guatemala genocide case is path-breaking because it is the first time in the world that a genocide trial is going forward within national courts in the country where the crimes were committed, and it is the first time in Guatemala (and one of the few instances in Latin America) that a former head of state is called to account for human rights abuses.

The genocide case in Guatemala focuses on the early 1980s in Maya-Ixil, high in the mountains of northern Guatemala. In this micro-region, with an estimated population in 1981 of about 45,000 people, of whom more than 90% were Ixil-speaking Mayas, prosecutors allege that government troops under Ríos Montt's command massacred 1,771 people and forcibly displaced at least 29,000. Although Guatemala has seen the prosecution of a few select human rights cases, the current genocide case against Ríos Montt and members of his high command brings the war itself under judicial scrutiny.<sup>4</sup> Throughout the country, an estimated 200,000 people were killed during Guatemala's 36-year armed conflict (1960-1996), most during the early 1980s. The overwhelming number of deaths occurred at the hands of state forces (93%), according to the 1999 United Nations-sponsored Truth Commission report (CEH, 1999).

Among the abuses documented in this genocide case are 1,445 cases of rape and sexual violence against Maya-Ixil women in the early 1980s.<sup>5</sup> This documentation of rape and other forms of sexual violence is one of the most extensive efforts to date in Latin America to consider gendered war crimes as part of a human rights trial.

In addition to the genocide process in Guatemala, in 2011 a Spanish high court investigating the Guatemalan genocide, under the principle of "universal jurisdiction" (the idea that some crimes are so heinous that they can be prosecuted anywhere), announced it would consider gender violence as part of its examination. The Spanish case alleges that soldiers, members of the paramilitary "civilian defense patrols" and other members of the security forces raped more than 100,000 women in Guatemala during the course of the armed conflict (de Pablo, Zurita & Tremiott, 2011). Many victims were Mayas accused of collaborating with the guerrillas or targeted simply because their ethnic group (such as the Maya-Ixils) was seen as an "internal enemy" of the state (Oglesby and Ross, 2009).<sup>6</sup>

This paper traces the efforts of activists and some survivors in Guatemala to make visible these gender-based crimes—by breaking the silence about their perpetration—as well as to create spaces where objection can be aired and new social relations can be built. In exploring these efforts we ask the question: How have women's organizations in Guatemala City used truth-telling practices to challenge the normativity of gender violence in everyday life, a violence that preceded the civil conflict, was grossly heightened and extended by it, and that persists in the present?

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<sup>4</sup> Two other generals from the Ríos Montt era, former army chief of staff Héctor Mario López Fuentes and former military intelligence chief José Mauricio Rodríguez Sánchez, are also in custody awaiting trial in the same genocide case.

<sup>5</sup> "Former Guatemalan Dictator Ríos Montt Faces Trial for Genocide," *Christian Science Monitor*, January 27, 2012.

<sup>6</sup> See also the genocide case summary from the Center for Justice and Accountability, the legal aid office that is spear-heading the Spanish court case: <http://www.cja.org/article.php?list=type&type=83>. Last accessed January 31, 2012.

Although Guatemala emerged from formal military rule in 1986, and in 1996 peace accords were signed between the government and leftist rebels, dealing with the aftermath of the armed conflict and state counterinsurgency has been arduous. This is particularly true for survivors of rape and sexual violence, for whom breaking their silence is an even more painstaking process due to social stigma and ongoing impunity.

Drawing on interviews conducted in 2011 by Patterson-Markowitz, we explore transitional justice and gendered truth-telling in Guatemala as a series of inter-connected processes. The early post-war period in Guatemala included two large-scale “truth commissions,” one organized by the Guatemalan Catholic Church and the other by the United Nations. These projects set important benchmarks for the inclusion of gender in the analysis of human rights violations, both drawing on and contributing to a growing international awareness of the importance of gender within transitional justice frameworks. Yet, as the Guatemalan experience shows clearly, transitional justice cannot be thought of as a process that occurs only within a fixed time period, or only in an official way. Rather, the struggles to reconstruct historical memory and seek redress have their own temporality and they demand a deep level of engagement with victims.<sup>7</sup> With great caution and care, women survivors in Guatemala have broken the silence about their past in ways that seek to minimize possible re-victimization.

In order to explore the impacts of these truth-telling projects and the role that women’s organizations are playing in them, this paper is divided into four sections. The first section examines the emerging field of transitional justice and the halting process to consider gender-based war crimes in the analysis of violent conflict and state repression. In the second section, we lay the groundwork for bringing the transitional justice literature into conversation with feminist geopolitics. Our aim here is to situate our work within a theoretical framework that recognizes everyday gender violence and the violence against women emanating from conflict or war as practices that spring from the same source: longstanding gender inequalities. The third and final sections of the paper describe the ways women in Guatemala have struggled to open up space for their own history of the armed conflict, one that acknowledges how women were explicit targets of human rights violations. We end with a conclusion that summarizes how women’s organizations’ efforts around truth-telling and gender violence have helped to contribute to the formation of new subjectivities that move beyond victim to survivor. In this process, women activists in Guatemala offer a substantive response the transitional justice framework, by linking the violence committed against women during the armed conflict with the normativized gendered violence of everyday life.

### **Gender and Transitional Justice**

“Transitional justice” as a distinct concept arose in the late 1980s and early 1990s out of a nexus among human rights activists, lawyers and legal scholars, policy-makers, journalists, donors and comparative politics experts concerned with human rights and the dynamics of the purported “transitions to democracy” occurring in Eastern Europe, Africa and Latin America. The common concern was a recognition of the need for nations coming out of violence to respond to the past in a way that would fortify

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<sup>7</sup> For a comparative perspective on these points, see Martín Beristain (2011).

confidence in new democracies and address justice questions (Arthur, 2009).<sup>8</sup> “Transitional justice” refers both to an emerging academic field of inquiry as well as to a normative program, a package of measures prescribed for societies that have experienced conflict and/or state repression. These mechanisms often include documenting violations through non-judicial means such as truth commissions, reforming abusive institutions, providing reparations to victims, as well as sometimes including judicial prosecutions (Kaminski, Nalepa & O’Neill, 2006; Nesiiah, 2006; Bell & O’Rourke, 2007).

An early critique of the transitional justice paradigm concerned the nature of the transitions themselves. While many societies appeared to be moving away from authoritarian rule during the 1980s and 1990s, it was not at all clear what they were transitioning towards. Far from fully realized “democratic transitions,” many countries seemed mired in a perpetual state of semi-authoritarianism, despite the teleological assumptions embedded in the transitional justice concept (see Colvin, 2008). A second critique focused on the tensions and disconnections between transitional justice as an (imposed) international framework and the complexities and myriad internal processes of affected societies (see Shaw, Waldorf & Hazan, 2010).

Gender as a distinct category at first received little attention within the transitional justice framework, even though feminist scholars have for some time been exploring the relationship between gender and war. In some of the earliest truth commission experiences, in Argentina (1984) and Chile (1991) for example, gender was not included as an explicit category of analysis, even though women made up a significant portion of the victims of the dictatorships in each country (Nesiiah, 2006).

Certain international developments by the mid 1990s, however, brought gender-based war crimes to the forefront of the transitional justice agenda. The International Criminal Tribunal for the former Yugoslavia, initiated in 1993, and the International Criminal Tribunal of Rwanda, established in 1994, brought attention to rape and other forms of sexual violence as acts of war and crimes against humanity (see, for example, Askin, 1999; López Antillón & Martín Quintana, 2007). A key shift was in perceiving these gendered crimes not simply as excesses or as consequences of the “fog of war,” but as calculated strategies of conquest and genocide. In 1996, for example, the General Assembly of the United Nations affirmed that: “rape in the conduct of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide as defined in the Convention on the Prevention and Punishment of the Crime of Genocide.”<sup>9</sup> Similarly, Article 7(g) of the 1998 Rome Statute that created the International Criminal Court lists “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity” as crimes against humanity.<sup>10</sup>

More recently, transitional justice efforts have recognized gender with respect to the treatment of sexual violence in national and international court cases and through

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<sup>8</sup> One of the foundational texts of the transitional justice field was Teitel (2002). Another influential text was by Hayner (2001), who was a founder of the International Center for Transitional Justice.

<sup>9</sup> United Nations General Assembly, A/RES/50/192, February 23, 1996.

<sup>10</sup> Other important precedents included: The Vienna Declaration of Violence Against Women (1993); the U.N. General Assembly Declaration on the Elimination of Violence Against Women (1993); the creation of a U.N. Special Rapporteur on Violence Against Women (1994); Security Council Resolution 1325 on Women, Peace and Security (2000); and the ratification of the Rome Statute (2002). See Franke (2006).

documentation by truth commissions (Duggan, Paz y Paz Bailey, & Guillerot, 2008). Although it is important to recognize that vast differences exist within the category of “woman,” there are certain forms of violence to which women are particularly vulnerable, such as sexual and reproductive violence. Discourses of human rights, international law and transitional justice have begun to converge with feminist discourses in an attempt to make more visible these crimes and to address the social stigma that surrounds them (Duggan, Paz y Paz Bailey, & Guillerot, 2008; Bell & O’Rourke, 2007).

Guatemala is cited as a “second-generation” example in the treatment of gender-based crimes within transitional justice initiatives (Nesiah, 2006). Two truth commissions in the late 1990s in Guatemala that were “gender neutral” at the onset nevertheless ended up addressing sexual violence in their reports. This can be seen as an advance from the first generation of truth commissions in Latin America, where gender was mostly invisible. From this perspective, even a minimal inclusion of gender in these transitional justice projects is important for its potential to be used by activists, or women survivors themselves, to secure meaningful reform or substantive material gains.

Crosby and Lykes (2011) examine the implications for gendered truth-telling, arguing there can be a tendency to occlude historical and structural causes for gendered violence while hyper-visibility that which is war-related (see also, Rosser, 2007). It is also important to emphasize survivors’ “stories of resistance and struggle, their stories of endurance within the violence and hardship of everyday life” (Crosby & Lykes, 2011, p. 21). Crosby and Lykes’ contribution brings a more critical feminist epistemology into conversation with the transitional justice field, exhorting researchers and practitioners to learn how to “...make visible but not reify or essentialize indigenous women’s experiences of violence; how to hear and respond to ‘the pain of others’ with a politics of accountability, not consumption; how to listen to the voices women have, rather than ‘giving voice,’ despite unequal relations of power; how to affirm indigenous meaning making, rather than impose feminist discourse” (Ibid., p. 21). In the following section we continue the task of linking feminist theory to transitional justice.

### **Feminist Geopolitics**

Feminist geopolitical theory engages both feminist and post-structural frameworks in arguing for the need to understand force relations as circulating through subjects who operate individually, in aggregate, in relation to one another, or in the ways they all confront or become embroiled in institutional apparatuses of domination and control (Dowler & Sharp, 2001; Dixon & Marston, 2011). At the same time that the theoretical orientation of feminist geopolitics is toward subjects and the formation of subjectivities as they are constituted through material relations, the empirical emphasis is on bodies—marked by gender, race, class, and other axes of difference—and the complex ways they operate in everyday spaces (Hyndman, 2001; 2004; and Sharp, 2004; 2007). These vulnerable bodies of geopolitics are actively involved in negotiating and transforming the conditions in which individuals lead their lives and care for themselves and others (Smith, 2009a).

The scholarship on feminist geopolitics in geography is largely premised on ethnographies of groups as they maneuver differential access to resources through agents of state power including bureaucrats and electioneers (Mountz, 2004), familial, community, and neighborhood organizations (Smith, 2009b; 2012; Secor, 2001), legal

and judicial institutions (Martin, 2011), NGOs, non-profits and international organizations (Fluri, 2011; Hyndman, 2000; Hays-Mitchell, 2005), and the police, military and security forces (Secor, 2005). Much of this literature is directed at exposing contemporary forces of neoliberalization that aim to “modernize” and reconfigure subjects and subjectivities—oftentimes through extreme violence—around more highly regimented work routines, standards-oriented educational curricula, privatized resources previously communally held, and transformed social relations such as native cultural practices, kinship, marriage and childbearing and the complex relations of difference that transect gender in the constitution of these practices. Importantly, the fieldwork that contributes to this scholarship routinely focuses on non-western populations, often rural and involved in conflict or in post-conflict situations.

One focus of the feminist geopolitical literature in geography has been increasingly directed at war-related trauma and sexual violence against women. In this context, feminist political geographers have been the most active in drawing on case studies to expose not only the impacts of violence on women, but, perhaps more importantly, the ways women are responding to halt such violence. In *Sites of violence: Gender and conflict zones* (2004), co-editors Giles and Hyndman have assembled a set of papers that expose the gendered power relationships that make women’s and men’s experiences of conflict and post-conflict so different. They emphasize that because war is now “increasingly waged on the bodies of unarmed civilians, especially women, it is critical to recognize it as a reproduction of the violence perpetrated in ‘peace time’ and thus must be understood as a key element in the “broader social, political, and economic processes that are embedded in state policies, public institutions, and the global economy (pp. 3-4).” Contributors to *Sites of Conflict*, Blacklock and Crosby (2004) have explored this issue in Guatemala. They argue that the Guatemalan nation-state perpetrated its violence against women during its civil war through a targeted campaign against poor, indigenous communities in an attempt to push these different bodies to the very margins of national belonging. Rather than performing the normal practices of being silent, many of these poor native women fought back and demonstrated loudly against the disappearances of their male relatives, forming organizations in the contemporary period to enable more substantive social change for all women.

A special issue of *Geoforum* on subaltern geopolitics, makes women and their interests its central theme by emphasizing the role of marginalized groups in their *doing* of geopolitics (Sharp 2011, p. 271). A piece by Sara Koopman in this same issue is illustrative of this orientation, using the term “alter-geopolitics” to argue for attention to grassroots practices that produce a geopolitics that, while not recognizable within the fold of traditional geopolitics, proposes progressive alternatives that are the product of the lived experience of marginalized women (2011). Using the same logic in an earlier piece that focuses on Turkey, Secor (2001) advocates for a feminist counter-geopolitics that is also directed to the everyday lives and spaces of women as they struggle against oppression, violence and inequality.

In all of this work, there is the call to, as Hyndman (2004) states, configure our understanding of geopolitics, not as a set of discourses and practices that operate at the level of abstraction, but that unfold upon individuals and collectivities through their embodied differences and material practices. Indeed, the Guatemalan women’s organizations engaged in post-conflict activities recognize that the violence against

women perpetrated during the conflict had been already normalized in pre-conflict gender relations. Thus, they insist on the opportunity for sexually violated women to tell their stories so that prosecuting this past will allow for a new politics of gender relations in the present.

In the following two sections we explore the ways that Guatemalan women's organizations are questioning the normativity of women's marginality and engaging historical memory as a strategy for promoting their future security. As such, they provide us with unique insights into the formulation of new truths about what it means to be female in Guatemala (complicated by the intersection of other markers of difference such as indigeneity, income, education, age, and rural or urban location). As Theidon (2003: 67) writes, historical memory projects and truth commissions are significant in "forging new relations of power, ethnicity, and gender that are integral to the contemporary politics of [a] region." Some caution is needed, however. As Franke (2006) contends: Struggles over the meaning of memory do not end with the completion of official "transitional" projects. Rather, the terrain of memory politics is an ongoing arena of struggle as women (and men) attempt to negotiate and transform social relations in the present and for the future.

### **Gender and Guatemala's "Truth" Projects**

Two truth commission projects documented the armed conflict in Guatemala. The Recuperation of Historical Memory (REMHI) four-volume report, "*Guatemala: Nunca Más*" (Guatemala: Never Again), was released in April 1998 by the Human Rights Office of the Archbishop of Guatemala following a three-year process of gathering information. REMHI was conceived as an autonomously generated precursor to an eventual "official" Truth Commission, an attempt to lay some conceptual groundwork for tracing the evolution of the armed conflict and to train local-level outreach workers to encourage people to come forward with their testimonies (see REMHI, 1998).<sup>11</sup> In contrast to REMHI, the UN-sponsored Commission for Historical Clarification (CEH is its Spanish acronym) was part of Guatemala's official peace process. Created by a 1994 peace accord between the government and the rebels, the CEH started its work in 1997 and published its 12-volume report, *Guatemala: Memoria del Silencio* (Guatemala: Memory of Silence) in February 1999.

In both the REMHI and CEH experiences, the inclusion of gender in the reports was not a given. Gender was not an *a priori* category of analysis, but rather surfaced during the process of testimony-taking. This was not always a smooth progression. According to Carlos Martín Beristain, coordinator of the REMHI report, REMHI's investigative team was at first reluctant to consider any gendered themes, associating these themes with a "feminist" agenda that would distract from other central goals of the project.<sup>12</sup> He described the relatively closed nature of the project to influences from civil society:

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<sup>11</sup> Two days after the public presentation of the REMHI report, its chief architect, Catholic bishop Juan José Gerardi, was assassinated by a military hit squad inside the garage of his parish house in Guatemala City.

<sup>12</sup> Interview by Patterson-Markowitz with Carlos Martín Beristain, Guatemala City, July 19, 2011. "Feminism" is still somewhat stigmatized in Guatemala, even among activist circles, as something more "foreign" than "authentically" Guatemalan. All interviews have been translated into English by Patterson-Markowitz and Oglesby.

The women's movement was absent from REMHI, not only the women's movement in general, but a large part of the politicized social movement, if you want to call it that. [This sector] at first saw REMHI as something having to do with the Church, or certain sectors of the Archbishop's office. [The members of] REMHI also viewed civil society with some mistrust, [with an attitude of] this is our project, don't try to come here to manipulate, some attitudes on the part of key personnel [within REMHI] that were sort of reticent.<sup>13</sup>

Beristain describes an initial division within the REMHI team between those who resisted incorporating gender as a distinct category of human rights violations, and those who began to press for it. Eventually, the latter group put pressure on the investigative team so that a specific description of women's experiences would be included, and REMHI contracted three people to work specifically on gender violence, "not from the beginning, but from about half way through . . ."<sup>14</sup> Beristain describes this process as something that "opened a space to speak of things that were not spoken of before. . ."

As with REMHI, the CEH did not consider gendered war crimes as such in its initial methodology. Rape was included in the types of violations recorded by the CEH, but it was seen more as a corollary to the massacres or forced detention, than as a central strategy of state repression. And like REMHI, the CEH was isolated from Guatemala's organized social movements. While many people spoke to the CEH individually, as key witnesses or consultants, only once, halfway through the commission's tenure, did the CEH meet collectively with Guatemala's major social movement participants. This meeting was dominated by the efforts of Maya organizations to press the commission on the question of genocide (Ross, 2006), and it did not focus specifically on gender-based war crimes.

Yet within the CEH, pressure began to build from staff in the field offices because of the nature of the testimonies they were receiving, especially regarding the massacres in the highlands from 1981-1983.<sup>15</sup> Based on this work, the CEH report included an "illustrative case" on sexual violence and sexual slavery in the province of El Quiché (*Caso Ilustrativo #91*).<sup>16</sup> The report included a chapter on sexual violence against women (Chapter II, Volume III) and an analysis of gender-based crimes also appeared in the section of the report that determined the state violence to be "acts of genocide" (CEH, 1999, Chapter I, Volume 3, paragraphs 849-1257). The CEH report described how soldiers and paramilitary state forces systematically violated indigenous women, especially during the early 1980s. The experience of rape and other sexual and reproductive violence (for example, cutting fetuses out of pregnant women's bodies), as well as systematic forced sexual slavery, was devastating not only for women but also for families and entire communities, contributing to the destruction of Maya culture and ethnicity (CEH, 1999; see also Nolin Hanlon & Shankar, 2000).

In its genocide argument, the CEH drew upon emerging international jurisprudence, particularly the Yugoslavia Tribunal, to show that rape and other gendered

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<sup>13</sup> Interview by Patterson-Markowitz with Carlos Martín Beristain, Guatemala City, July 19, 2011.

<sup>14</sup> Interview by Patterson-Markowitz with Carlos Martín Beristain, Guatemala City, July 19, 2011.

<sup>15</sup> The analysis in this section is based on Oglesby's participation as a member of the CEH research and writing team from 1997-1999.

<sup>16</sup> Over 100 "Illustrative Cases" in the CEH final report were cases that were elaborated more fully in order to describe particular patterns of violence or particular groups of victims.



violence in Guatemala was not just a consequence of war and impunity, but was in itself a strategy and weapon of war. This argument helped to support the inclusion of gendered violence in the genocide cases currently underway in both Spain and Guatemala.

Crosby and Lykes (2011) are correct in their critique that although the CEH report exposed the horrific abuses against women during Guatemala's armed conflict, the historical and structural causes for gendered violence remained occluded. Even though the CEH report dedicated an entire volume to the history of the armed conflict (Grandin, 2005; Oglesby, 2007), gender was not a primary category of the historical analysis.<sup>17</sup> Nor were the gender-based war crimes linked to substantive reform measures in the commission's conclusions and recommendations, a main complaint raised by women's activist groups in Guatemala today.

An important aspect of both the REMHI and CEH truth-telling experiences is that much of the information on gender violence did not come from women survivors themselves, but from other sources. According to Beristain, out of REMHI's 5,000 testimonies, 140 spoke about sexual violence that happened to them, or just 3%. Yet, 12% of the testimonies mentioned rape in the context of the massacres.<sup>18</sup> The disjuncture in the data occurs because most of the information on rape came from people who were not directly victims themselves, men and women who witnessed massacres and/or had family members who were killed or otherwise affected. A similar pattern occurred within the CEH (Nolin Hanlon & Shankar, 2000). More information on sexual and reproductive violence came to light than ever before, but most women were not yet ready to speak about crimes against themselves.

How did women's organizations in Guatemala receive these truth-telling projects, which revealed both the advances and the limitations in examining gender-based war crimes? The general perspective on the REMHI and CEH reports' inclusion of sexual violence, as expressed by the individuals interviewed, was that these projects provided a crucial first step towards understanding the violence committed against women during the conflict, but that they left much to be done.

Several conclusions come out of the REMHI and CEH experiences in relation to gender: 1) an understanding was emerging of rape and other gendered crimes as systematic weapons of war, producing some of the first instances of truth commission documentation of gender-based crimes; 2) many women, however, were still reluctant to talk openly about their traumatic experiences in that regard, and gendered violence in Guatemala remained largely undocumented even after these two reports; and 3) a broader analysis linking incidents of violence against women during the armed conflict to the ongoing structural oppression and everyday violence against women, and to solutions to address that oppression, was left pending. This latter point seems particularly important,

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<sup>17</sup> A full account of the CEH's limited treatment of gender would require its own paper (see the forthcoming doctoral work of Emily Rosser). One explanation is the disjuncture between when the historical analysis was developed (early in the CEH process) and when the testimonies were available for analysis (not until much later in the commission's work). Even though by the mid 1990s the Rwandan and Yugoslavian tribunals were shifting international understanding of gendered violence as a strategy of war, in Guatemala, prior to REMHI and the CEH, there wasn't yet a well-developed, shared understanding of how systematic this type of violence was; rather, this knowledge surfaced inductively through the testimonies, but only fairly late in the process of each project.

<sup>18</sup> Interview by Patterson-Markowitz with Carlos Martín Beristain, Guatemala City, July 19, 2011.

given the estimated 5,000 cases of femicide in Guatemala since 2000, in a country with a single-digit conviction rate for murder.<sup>19</sup>

### **Their Own Truth-Telling**

As mentioned, the research reported here is oriented around the question of how women's organizations in Guatemala are challenging the normativity of sexual violence that pre-existed the civil conflict and yet persists, through the new subjectivities that are being formed, however tentatively, in the wake of transitional justice mechanisms. We have been particularly interested in understanding: 1) the development of women's organizations involved in activism around sexual violence; 2) the creation of new spaces and the cultivation of new subjectivities that provide the foundation for understanding the link between war-related sexual violence and structural abuse and oppression.

The empirical foundation for this work is interviews conducted by Patterson-Markowitz in summer 2011 as well as those collected in a historical memory project undertaken between 2004 and 2008 and coordinated by the Consorcio Actores de Cambio (Actors for Change Consortium, ACC). Semi-structured interviews were conducted by Patterson-Markowitz with key members of women's groups working on historical memory in Guatemala. These organizations are well known and active in the local human rights community. Patterson-Markowitz interned at Impunity Watch, a Dutch NGO, while conducting interviews in Guatemala City, which led to her interacting with members of these women's organizations and participating in various public events related to truth-telling and historical memory. All interviews were non-recurrent and conducted in the span of two hours or less. All interviewees chose to be identified by name.

The interviews conducted by members of ACC are derived from a series of 54 workshops with women from three indigenous regions of Guatemala. The workshops were organized around a feminist praxis of long-term engagement: “[It wasn't] just to do interviews and leave . . . or a couple of workshops and you're gone. We've learned that the attention [needed] for survivors are simultaneously at the individual, group, and community levels. . . it's arduous and painstaking work, we contract with local people and a few people who work with us in the teams but are from [the villages], so they speak the language and know the people.”<sup>20</sup> The workshops became a blend of transnational ideas and Maya practices, focusing on both racial and gender exclusion and integrating alternative healing with drawing, photography, and theatre.<sup>21</sup>

In 2009, ACC published what is considered a trailblazing third document of historical memory in Guatemala, based on the workshops. It is a volume on sexual violence during the armed conflict written from a feminist and indigenous perspective that, “gives validity to human experience and to the subjectivities of the women as a knowledgeable source on their social reality” (Fulchirone, Paz y Paz Bailey & López,

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<sup>19</sup> On the issue of feminicide, see Musalo, et al (2010) and Fregoso and Bejarano (2010).

<sup>20</sup> Patterson-Markowitz interview with Mónica Pinzón, Guatemala City, July 14<sup>th</sup>, 2011

<sup>21</sup> M. Brinton Lykes, presentation at the conference of the Latin American Studies Association, May 24, 2012.

2009, p.14). The book is called *Tejidos que lleva el alma: Memorias de mujeres mayas sobrevivientes de violación sexual durante el conflicto armado* (*Weavings of the Soul: Memories of Mayan Women Survivors of Sexual Violence during the Armed Conflict*). It details women's experiences of sexuality as indigenous Maya, the patriarchal social relations in their communities, the stigmatization and blame they experienced as rape victims, and femicide as a reality that existed before, during, and that persists after the conflict. "The war for women," as *Tejidos* observes, "didn't end with the signing of the Peace Accords...." (Fulchirone, Paz y Paz Bailey & López, 2009, p. 221).

### **Women's Organizations**

It is important to recognize that women have always been involved in political struggles in Guatemala, but the women's movement as such arose in the 1980s. Berger (2006) describes the emergence of the women's movement in the context of the political and economic restructuring of the era, emphasizing the transformation of women's activism from revolutionary protest and participation to the formation of a more bureaucratized NGO movement linked to international aid and funding. Feminist activists were also critical of the revolutionary Left's failure to give sufficient attention to women's issues. Finally, important women's organizations emerged by the end of the armed conflict, such as the Grupo de Apoyo Mútuo (Mutual Support Group, GAM) and the Coordinadora Nacional de Viudas de Guatemala (National Coordinating Council of Guatemalan Widows, CONAVIGUA). These groups formed as victims' organizations in both the capital city and the countryside seeking information on disappeared loved ones and exhumations of mass graves. While GAM and CONAVIGUA did not focus specifically on feminist issues, they nonetheless provided a critical space for women to gather, share experiences and support each other.

Unión Nacional de Mujeres de Guatemala (National Guatemalan Women's Union, UNAMG) is one of the most influential and expressly political of the feminist groups within Guatemala today, and it has been working the longest with victims of the internal armed conflict. Its members operated mostly in exile until the signing of the 1996 peace accords, when they reestablished themselves in Guatemala City. The organization receives funding from a number of international donors including OXFAM and the United Nations Population Fund.<sup>22</sup>

Equipo de Estudios Comunitarios y Acción Psicosocial (Team for Community Studies and Psycho-Social Action, ECAP) works with women survivors of sexual violence from the armed conflict as well as victims of natural disasters, and gives psychological support during exhumations. Team members are organized around a feminist perspective and only female members work with victims of sexual violence.<sup>23</sup>

Many activists note that a major obstacle to collecting the truth about sexual and reproductive violence in the armed conflict in Guatemala is the stigmatization that still accompanies these crimes (see also Zur, 1994; Green, 1999; Duggan, Paz y Paz Bailey & Guillerot, 2008; Crosby & Lykes, 2011). To an even greater extent than survivors of other forms of violence, women are often blamed for what happened to them by their spouses and/or communities, and as a result they may suffer severe social consequences. For instance, María Castro, a Maya-Ixil woman, now 59, recounted as part of the

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<sup>22</sup> See, <http://www.unamg.es.tl/>. Last accessed June 10, 2012.

<sup>23</sup> Rebecca Paterson-Markowitz interview with Mónica Pinzón, Guatemala City, July 14<sup>th</sup>, 2011.

genocide case in Spain how her husband abandoned her after three soldiers raped her in 1982 (de Pablo, Zurita & Tremiott, 2011, para. 8).

The social stigma faced by victims of sexual violence also affects the reparation programs. The National Reparations Program (Programa Nacional de Resarcimiento, PNR) offers approximately US\$2,667 to victims of sexual violence (Duggan, Paz y Paz Bailey & Guillerot, 2008, p. 199). Even so, it is difficult for women to come forward; as Mónica Pinzón noted, the stigma of rape continues to hinder the psychological support workshops that women's groups have tried to organize in rural communities because women are less likely to identify themselves as having personal experiences of sexual or reproductive violence.<sup>24</sup>

Due to ideological splintering, the ACC ruptured in 2008, but ECAP and UNAMG continue working together on the issue of sexual violence during the armed conflict, and they have formed a new alliance with a group of feminist lawyers known as *Mujeres Transformando el Mundo* (Women Transforming the World, MTM). This new alliance continues to give psychological support to survivors of sexual violence in regions of Guatemala that were targeted by state repression in the 1980s. It also teaches women about their rights, promotes justice and reparations and works on issues of historical memory.

UNAMG and MTM have also shifted their focuses from the collection of testimony to legal justice,<sup>25</sup> and they are currently preparing a collective case of sexual violence as a weapon of war to be presented to the Guatemalan courts, as well as a collective demand for reparation to the Inter-American Court of Human Rights (Crosby & Lykes, 2011).

As Mónica Pinzón, coordinator of the gender program at the Equipo de Estudios Comunitarios y Acción Psicosocial (an NGO that works with war victims), noted: “[REMHI and the CEH] gathered what could be gathered in that moment . . . a first step, yes, but minimal, not from a gendered perspective; neither could we ask too much of them because it was a monstrous amount of information.”<sup>26</sup>

Yolanda Aguilar, a former student and labor activist, is a survivor of kidnapping and sexual assault. During the 1990s, she participated in the REMHI project. She also founded a center for alternative healing in Guatemala City called “Centro Q’anil” (Q’anil is a Maya glyph signifying rebirth and regeneration), and she became a member of an important feminist consortium working on issues of sexual violence. She described the REMHI and CEH truth-telling processes as fundamental for opening space for survivors to speak about their experiences, and to begin to change the culture of fear that had taken hold. Regarding sexual violence, she explained that “REMHI and the CEH named [this problem], but it didn’t go any farther. They named something that had never been named before...a naming that created a ‘before’ and ‘after;’ that ‘before’ and ‘after,’ however, is still not clear.”

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<sup>24</sup> Patterson-Markowitz interview with Mónica Pinzón, Guatemala City, July 14<sup>th</sup>, 2011.

<sup>25</sup> According to Impunity Watch, a consortium of women's and human rights organization is litigating a case of sexual slavery of indigenous women in the Polochic region, while the human rights organization GAM (Grupo de Apoyo Mutuo) is litigating another case of sexual violence, the so-called El Jute II case, which provides follow-up to one of the first convictions for forced disappearance. See Weber (2012, p. 5) at <http://www.impunitywatch.org/en/publication/101>, last accessed June 6, 2012.

<sup>26</sup> Patterson-Markowitz interview with Mónica Pinzón, Guatemala City, July 14<sup>th</sup>, 2011.

Women's organizations in Guatemala also realized that projects such as REMHI and the CEH were points of departure, but not necessarily ending points for the efforts to document gender-based war crimes. As Pinzón observed:

[The CEH report] was useful in being able to argue that few cases are recorded because of the ongoing silence. The social stigma and everything that's implied in sexual violence contributes [to the difficulty in being able to document cases], so it was clear that not much was going to surface [in these reports], but that doesn't mean it doesn't exist. That's why the women's movement took the step of doing our own investigation, to focus on just this, this crime, because it is a crime.<sup>27</sup>

### **New Practices, Spaces and Subjectivities**

A key project that served as a bridge between the memory project of *Tejidos* and the promotion of judicial cases was the 2010 *Tribunal de Conciencia*. This sort of tribunal has been growing in popularity over the last 20 years in cases of "absence of access to formal juridical mechanisms, or in response to their perceived weakness" (Fulchirone, Paz y Paz Bailey & López, 2009, p. 8; see also Crosby and Lykes, 2011). This Guatemalan informal tribunal attempted to mirror official proceedings, in the hopes of opening a public space to speak often considered "private" truths about sexual violence to their fellow citizens and the State, as well as to gather a new kind of testimony.

This emerging space of testimony is exciting because it creates a way to circumvent a lack of physical evidence, given that these crimes took place over 20 years ago. In the emerging court cases that focus on gendered war crimes, survivor testimony is combined with expert witness reports that use other kinds of evidence, such as psychological reports and forensic evidence from exhumations of mass graves collected by Guatemala's teams of forensic anthropologists (Fulchirone, Paz y Paz Bailey & López, 2009, p. 20). The combination of these different forms of evidence shows a systematic campaign of sexual violence practiced by state and para-state forces during the armed conflict.

One of our interviewees spoke of the importance of creating a common ground with the survivors as a way of encouraging a form of truth-telling that enables victims to see themselves as survivors. As she put it:

"The group work was begun by a *compañera* who had herself survived sexual violence. This created the possibility to place ourselves, one of us, as a victim, not just as those kind of organizations that go help women, because our work wasn't like that...we related to the women, and they to us, our own experiences of violence created a tie with them, a vehicle for communication where they could tell us what had happened to them. Don't forget the ethnic issue, and the racism that is very present in Guatemala, and in power relations. So, it was important to put ourselves on the same level with the women, on the same level *as women*, indigenous, mestizas, European, we all are in danger in any part of the world, in any conflict. I would say that this made it easier in

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<sup>27</sup> Patterson-Markowitz interview with Mónica Pinzón, Guatemala City, July 14<sup>th</sup>, 2011.

some way, but it wasn't that it was easy, many women took up to three years before they began to give their real testimonies."<sup>28</sup>

This new form of testimonial practice—where victims of violence seek out and communicate with other victims—has helped to enable the telling of truths that have led to new relations of solidarity that may provide opportunities to push for changes that will affect current gender relations. Interviewee Mónica Pinzón, however, worries about how these opportunities for change can be pushed toward the future as well. Despite the advances, time is in many ways against justice for these women, which makes documenting and transmitting an awareness of these long-standing social relations of oppression to the next generation all the more important. As she points out:

“Historical memory is very important; many of the survivors are aging and dying, and they carry the pain of their generation. What's missing is a trans-generational effort, that's what we need to work on, because it is important to teach young people the history of women in this country. . . the most immediate [history] is the armed conflict, but for these women the history of violations of their rights isn't just in the [armed] conflict.”<sup>29</sup>

The 2010 *Tribunal de Consciencia* illustrates the efforts of women's organizations in Guatemala to take up where “official” documentation projects left off by collecting testimonies about gendered violence during the war, accompanying the victims, and, ultimately, preparing court cases so that rape and other forms of sexual violence can be considered alongside other war crimes. At one level, then, feminist activists have taken on new subjectivities in Guatemala by initiating their own truth-telling project focused specifically on sexual and reproductive violence during the war. While many of the activists involved in this effort have a long involvement with human rights issues in Guatemala, it is only in the last decade that a concerted project emerged to focus on gender-based war crimes. These activists have gone beyond the work of the official truth commissions to incorporate their aims into tribunals that bypass the state and provide a different, less intimidating opening for truths to emerge. In this sense, women's organizations have emerged as new political actors whose aims are to use testimonies to argue for broader gender transformations. Thus, at the same time they attempt to move rape victims beyond the stigma of that category to one of survivorhood, they are also transforming their own subjectivities as non-official actors who can make a difference in the lives of Guatemalan women.

## Conclusion

A central concern of this paper has been how Guatemala's truth-telling projects opened space for an airing of the gendered violence that occurred during the armed conflict. The interviews suggest that space has indeed been opened and new practices and subjectivities are emerging. Women's organizations in Guatemala have been persistent in their aims to protect and encourage women who had been violated in the war to speak

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<sup>28</sup> Patterson-Markowitz interview with Maya Alvarado, Guatemala City, July 25, 2011.

<sup>29</sup> Rebecca Paterson-Markowitz interview with Mónica Pinzón. Guatemala City, July 14<sup>th</sup>, 2011.

up. In addition, they have been careful to argue that war-related violence can be seen as an extension of the abuse and aggression that is normalized in everyday life there. Their goal is to de-normalize such brutal practices so that alternative forms of gendered social relations might be developed. This goal is grounded in recognition that truth-telling is a powerful force in the remaking of political subjectivities and the possibilities for connection between themselves and other women in Guatemala and elsewhere.

We must view the emergence of a new subjectivity, survivorhood, and new claims, including greater personal security and freedom from everyday violence, with caution. Their appearance is tentative and contingent and always vulnerable to collapse into victimhood and further violence. Ultimately these new practices, spaces and subjectivities are about the possibility for women to have a different relationship to the state, to men, and to other women, one that transcends victimhood and that ultimately evolves beyond survivorhood, and one that is premised on active participation in shaping the conditions that determine the security and freedom of their daily existence.

Guatemala is an unusual case of truth commission reports containing testimonies relating sexual violence and other gendered characteristics of the armed conflict. Women's organizations in the country have used this opening to delve more deeply into the specific struggles that shaped the content of these reports. In their work with women survivors, women's organizations have utilized the preliminary documentation of sexual violence in truth commission reports to support and further their pursuit of justice. They have gone beyond the findings of these initial commissions to gather additional data about the violence committed against women in the conflict. This effort has opened a dialogue in post-war Guatemala that seeks to ensure that women survivors will be rewarded some measure of justice and strengthen the potential for the present and future to be different. It also reminds us that post-war justice mechanisms have their own temporality; they demand a deep and sustained engagement with victims, and, perhaps most importantly, they must move beyond framing people solely as victims and connect with their everyday concerns for security and survival.

When asked about the value of the *Tejidos* text, one of our interviewees, Maya Alvarado, described with guarded optimism how the project was helping to sensitize judges in Guatemala and elsewhere to the need to prosecute gendered war crimes. The fact that the Spanish genocide hearings are taking into account the systematic violence against women committed by agents of the state in Guatemala is seen as a significant accomplishment that may induce judges within Guatemala to rule on similar cases, even while it sets an important precedent for other cases around the world.<sup>30</sup> In this way, the efforts of women activists and survivors in Guatemala—these “subjects of change”—are contributing through their truth-telling and broad rights claims to a new gendered “geography of justice” with the potential for far-reaching outcomes.

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<sup>30</sup> Patterson-Markowitz interview with Maya Alvarado, Guatemala City, July 25, 2011.

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