



NISGUA

Network in Solidarity with the People of Guatemala



Women survivors during the Sepur Zarco trial. Photo credit: CPR Urbana

Sepur Zarco:

Q'eqchi' women set a precedent in Guatemala with first-ever conviction for sexual and domestic slavery

"If we said 'no,' they would kill us. We were scared," explained Doña Mariana* in her testimony given as evidence in the Sepur Zarco case. "That's why it is so hard to come and tell you this now."

In 2012, Doña Mariana, along with 14 other women, testified to having survived sexual and domestic slavery at the hands of the Guatemalan military during the internal armed conflict. With her head covered to protect her identity while giving testimony in pre-trial evidentiary hearings in 2012, Doña Mariana recounted horrific stories of enslavement in the 1980s at the Sepur Zarco military base in Guatemala, where she was routinely raped and forced to cook and clean for the soldiers.

On February 26, a precedent-setting verdict was reached in Guatemala, when retired Colonel Esteelmer Reyes Girón and former Military Commissioner Heriberto Valdez Asig were convicted and sentenced to 30 years in prison for the sexual and domestic enslavement of the 15 Q'eqchi' women, classified as a crime against humanity. It is the first time a Latin American court has prosecuted this type of crime in a domestic court.

Reyes Girón was also convicted for the murder of Dominga Coc and her two daughters and sentenced to an additional 90 years in prison. Valdez Asig was convicted of the forced disappearances of seven men and sentenced to an additional 210 years in prison.

A formal complaint was filed by the women in 2011 with the support of the Alliance to End Silence and Impunity (*Alianza Rompiendo el Silencio y la Impunidad*). The case was based on the women's testimonies, supplemented by documentary evidence and expert testimonies on history, military structure, gender, and the long-term effects of sexual violence, among others.

In the reading of the sentence, Judge Yassmín Barrios stated: "The survivors had to wait years to break the silence, be heard, and receive justice. Access to justice for the women, hearing their history, will help guarantee that these types of crimes never happen again."

* Names of witnesses have been changed to protect their identities. In coming forward to testify, all 15 women bravely revealed their names; however, recognizing the high risks they face living in the same communities as some of the perpetrators, NISGUA is adopting the same strategy as plaintiff organizations in attempting to minimize this reach.

Women testify as survivors of sexual violence during the internal armed conflict



Women march in the 2015 Day to End Violence Against Women. Photo: CPR-Urbana

In the early 1980s, communities in the Polochic Valley were in the process of challenging wealthy landowners for legal titles to their ancestral lands. Around the same time, as part of the U.S.-backed regional counterinsurgency strategy, Guatemalan dictatorships constructed several military bases around the region of Sepur Zarco, bordering the departments of Izabal and Alta Verapaz.

The base built in Sepur Zarco was designated a military recreation center, where troops would return after taking 15-day rotations patrolling the surrounding mountains. Doña Mariana testified that in 1982, the military called her husband to a meeting along with several other men from the community who had been organizing to access land titles. He never returned home. She was taken by soldiers to the military base and for six months, she was forced to take a “shift” every three days where she would cook and clean for the soldiers and endured routine sexual assaults. For several years afterward, she was obligated to cook for the soldiers from her home, where she was repeatedly attacked and sexually abused by soldiers on patrol. Her husband’s body was found during a 2012 exhumation at the neighboring Tinajas military base.

Doña Mariana’s story is horrific and, sadly, not unique. The soldiers at the Sepur Zarco military base also disappeared the husbands of many other women, who were then forced into sexual and domestic slavery for years – some until the base closed in 1988.

Sexual violence as a tactic of war and genocide

The 1999 UN Historical Clarification Commission (*Comisión para el Esclarecimiento Histórico – CEH*) investigation into crimes committed during the internal armed conflict concluded that in addition to being subject to massive human rights violations, women were targeted for specific forms of gender-based violence.

“The CEH’s investigation has demonstrated that the rape of women, during torture or before being murdered, was a common practice aimed at destroying one of the most intimate and vulnerable aspects of the individual’s dignity. The majority of rape victims were Mayan women. Those who survived the crime still suffer profound trauma as a result.” - Findings of the CEH Guatemala

Women testified to these traumas during the 2013 genocide trial against former dictator Efraín Ríos Montt, attesting to the massive and systematic participation of the Guatemalan military in acts of sexual violence. Military plans developed at the time detailed strategies of a scorched earth policy against Mayan communities, resulting in massacres, forced disappearances, torture and other crimes against humanity. As a characteristic of genocide, the military specifically targeted women for their capacity to reproduce life and transmit culture.

This concept was supported by Paloma Soria Montañez, who argued during her expert testimony that the sexual violence inflicted on the Ixil women constitutes an act of genocide: "The decision to rape the women was not just meant to treat them as spoils of war, but also to destroy the social fabric and to achieve the elimination of the Ixil seed; therefore, the acts of sexual violence and methods used were means to destroy the group, thus proving the intent to destroy the entire group."

In the tribunal's sentence convicting Ríos Montt of genocide and crimes against humanity in 2013, point 78 identifies sexual violence as a key element of the state's counterinsurgency campaign: "Members of the Army of Guatemala under [Ríos Montt's] command... used sexual violence as a 'weapon of war,' which is considered torture under International Law... These actions, taken as a whole, were aimed at consolidating the result of the military operations within the framework of the counterinsurgency strategy."

The testimony of Ixil women in the genocide case was a breakthrough in the struggle to make rape visible as an act of war and genocide.

The incredible effort – spanning several decades – to chip away at the wall of impunity and silence around acts of sexual violence, has helped create the conditions whereby the women-centered Sepur Zarco case could advance with sexual violence and sexual and domestic slavery as the primary focus.

"Today we stand before history to make a difference for Guatemala and the world. The women have spoken. The women have been heard. Each voice, woven with the testimony from others, has corroborated the tremendous pain that the women and communities lived during the war in Guatemala... For the thousands of women who suffered sexual violence during the internal armed conflict and in many parts of the country, today we have a date with justice." -- Ada Valenzuela, representative for UNAMG in their closing statement



"We are waging a war of words, telling the truth and seeking JUSTICE"

President of the women survivor's organization, Jalok U

The Alliance to End Silence and Impunity

In 2009, three organizations working for women's rights in Guatemala came together to form the Alliance to End Silence and Impunity (*Alianza Rompiendo el Silencio y la Impunidad*). The Alliance is made up of the national and community-based women's organizations that provide the women survivors of Jalok U with legal, advocacy, and mental health support - Women Transforming the World (*Mujeres Transformando el Mundo*, or MTM), National Union of Guatemalan Women (*Unión Nacional de Mujeres Guatemaltecas*, or UNAMG) and the Community Studies and Psychosocial Action Team (*Equipo de Estudios Comunitarios y Acción Psicosocial*, or ECAP). While ECAP provided psychosocial support to the survivors, MTM, UNAMG and Jalok U all took part as plaintiffs in the Sepur Zarco trial.

"To understand the nature of sexual violence, we need to see it not only as an individual act that for whatever reason happened to a particular woman, but as a social problem that has structural causes. It is rooted in a system of patriarchal domination that is expressed through extreme racism towards indigenous women, together with the capitalist exploitation of women through the dispossession of land." -- Luz Méndez, former director and current board member of UNAMG

One of the Alliance's hopes is that the verdict will help uproot systemic patriarchy by opening doors for future cases to be prosecuted in Guatemalan courts, as one way to address the widespread social problems and root causes of sexual violence. The far-reaching national and international legal implications are unquestionable: the case marks the first time that sexual violence committed during the armed conflict was the main focus of a trial in Guatemala and the first time in the country that sexual slavery was successfully prosecuted. At an international level, there have only been a few cases of sexual slavery prosecuted as a crime against humanity, and never before in a domestic court in Latin America.

Valuing women, valuing their testimony

The Alliance defines their approach to the Sepur Zarco case as “strategic litigation”, in which legal strategies are one tool used to bring about deeper social impact. In achieving justice for the women survivors, a precedent is set and the Guatemalan justice system evolves to more effectively try other cases of sexual violence. Included in this strategy is the Alliance's advocacy within Guatemalan society to change patriarchal patterns that accept violence against women as the norm and as such, a lesser crime.

A direct challenge to this work are the ongoing connections between the military and the economic elite in Guatemala, which prioritize the military perspective in the media and civil society, as well as put pressure on the justice system. This already makes it incredibly difficult for witnesses to testify to forced disappearances, massacres, and other crimes against humanity; women testifying to sexual violence face even greater barriers as they confront the misogyny that attacks their humanity and the value of their words. As such, specific conditions must exist to support survivors of sexual violence in coming forward. In addition to the legal support provided by MTM and the advocacy support provided by UNAMG, the individual and collective support provided by ECAP is a pillar strengthening the idea of legal strategy as a transformative process. ECAP staff continue to facilitate individual and collective healing with the women of Jalok U and will continue this work now that a guilty verdict has been won.

According to Luz Méndez, this healing process has helped survivors “shed the feelings of guilt from their own shoulders and transfer it to those of the perpetrators, allowing them to become plaintiffs in a legal process.”



Women survivors raise their hands in acknowledgement of the incredible victory. Photo: Quimy de León, Prensa Comunitaria

Central to the Sepur Zarco case's historical significance is its elevation of witness testimony. Unlike other types of crimes against humanity, such as massacres in which human remains can sometimes be identified through DNA, the prosecution relied largely on women's testimonies as evidence. In the context of the armed conflict and a case brought to trial decades after the crimes were committed, physical evidence was difficult to obtain. One of many victories to highlight in the guilty verdict and sentence was the weight given to the survivor testimony and the respect paid to the women's own recounting of their experiences.



A survivor testifies in preliminary hearings in 2012. Photo: UNAMG

This case has surmounted numerous patriarchal barriers that devalue women's voices as they recount their own experiences.

"We are using strategic litigation, so that the Guatemalan justice system holds up women's testimonies as the most important piece of evidence in cases of sexual violence," affirms Luz Méndez.

In the testimonies given during the 2012 evidentiary hearings, women covered their faces as a security measure.

"Why do we have our faces covered?" asked the President of Jalok U. "We are in the struggle for justice – something we haven't achieved yet. In our communities, we are surrounded by people who don't believe us, who call us liars, who are against us. That's why we testify with our faces covered. What will happen to us if justice doesn't come?" Even with a successful guilty verdict, it remains to be seen what kind of protection the witnesses will receive once the trial is over.

Méndez also highlights the importance of setting the legal precedent that women only have to testify once. The 2012 testimonies given by the women in evidentiary hearings were challenged multiple times by the defense, who insisted the women needed to return to the courtroom to testify and be cross-examined again. However, upholding international norms on the prevention of re-victimization, Judge Yassmín Barrios accepted the filmed 2012 testimonies and the women did not have to re-testify. Through this type of legal victory, the Sepur Zarco case is helping change the face of transitional justice in Guatemala while globally contributing to international standards for the prosecution of sexual violence.

Strategies of sexual violence today

"Violence against women, in particular sexual violence, has been used as a tool to maintain a system of oppression in which men are above women, and this holds true through to the present day."

- Luz Méndez -

The incredibly high rates of violence against women in Guatemala have led to the creation of new laws and tribunals on femicide. Recognizing the structural causes of violence against women and the devaluing of women's lives, these laws and tribunals seek to prosecute the murder of women as a specific crime that transcends homicide.

Furthermore, the use of sexual violence as a tool for social oppression and control is an historic military strategy; today these military tactics can be seen at work in collaboration with transnational companies. Parallels can be drawn between the sexual violence faced by women in Sepur Zarco and the more recent experiences of other Q'eqchi' women from the community of Lote 8 in nearby Izabal. The women from Lote 8 form part of a peaceful resistance movement to the nickel mine currently operated by the Compañía Guatemalteca de Níquel (CGN), owned by the Cyprus-based Solway Group. Previously, dating back to the 1960s, the mine was run by a series of Canadian companies, who helped facilitate forced evictions of communities near the mine. During a particularly violent eviction in January 2007, homes and crops were burned to the ground and several women from Lote 8 were raped by private security, military and members of the National Civil Police.

“This case reveals that in addition to the patriarchal system of domination that continues to play out today, there are other concrete elements of a counterinsurgency policy that remain intact within the National Civil Police,” explains Luz Méndez. “The post-war transition process of changing the policies in the institutions responsible for security in our country has not been carried out in accordance with the Peace Accords. The Sepur Zarco case hopes to make visible these ongoing problems, while promoting the necessary transformation in the current security and justice systems in our country.”

The call for international solidarity

Many members of the NISGUA network wrote heartfelt messages of solidarity to the women survivors and plaintiff organizations as the case advanced. We celebrate this victory and honor both the bravery and the incredible amount of work that went into bringing such a precedent-setting case forward. At the same time, we recognize the ongoing risks they face in the aftermath.

During the trial, witnesses and supporters denounced threats and intimidations, while the defense team made repeated defamatory statements in the media. At different moments during the trial, the people entering and leaving the court building -including the women survivors- were met with racist and sexist verbal assaults. At one point, a man outside the courtroom yelled into a megaphone that the women survivors were prostitutes and willingly provided sexual services to the soldiers. Similar remarks were made by defense lawyers in their closing arguments, and have appeared in national newspapers and across social media.

Defamation and public attacks in the media are common strategies used to create an unsafe climate for witnesses in high-stakes cases. International human rights accompaniment is a security tool available upon request for human rights defenders when the work they carry out puts them at risk for threats, intimidations or outright attacks. NISGUA, through the ACOGUATE project, has provided accompaniment to the legal team of MTM since the cases were originally filed in 2011, and our presence expanded to include sustained court observation throughout the trial. We call on NISGUA supporters to continue to show solidarity with witnesses and plaintiff organizations as they celebrate this victory and likely face an appeal process.

We at NISGUA take heart and inspiration from the bravery of the women survivors, their refusal to remain silent, and their steadfast commitment to challenging impunity. We commit to fighting the intersecting systems of patriarchy, racism and capitalism that threaten the lives and dignity of indigenous women as they stand in defense of their land and culture.

About NISGUA

The Network in Solidarity with the People of Guatemala (NISGUA) employs strategic, creative and coordinated grassroots activism and advocacy to pursue justice for war crimes, to change harmful U.S. policies and to promote sustainable communities in Guatemala. NISGUA provides human rights accompaniment to Guatemalans whose work puts them at risk of threats and attacks.

TAKE ACTION THIS SPRING!



The Alliance to End Silence and Impunity has called upon the international community to stand in solidarity with the women survivors of Sepur Zarco to ensure the legal system respects the sentence in this emblematic case of justice for gender-based crimes. The Alliance has made direct requests for international accompaniment, writing, reporting, and advocacy to broaden the social impact of the case toward eliminating violence against women on a global scale.

This April and May, we invite you to gather your friends, families, and activist communities to respond to this call for international support. By participating in our annual house party campaign, you and your communities can take action to stand in solidarity with Guatemalan human rights defenders and ensure that we can continue our work in response to calls for accompaniment and advocacy. This year, we hope your house parties will allow us to strengthen connections between movements in Guatemala and in the U.S. by drawing direct connections with local feminist struggles for gender justice and indigenous solidarity.

We are grateful to those in our base who help us expand the reach of our communications by sharing our work on social media. We encourage you to continue illuminating the resilience of communities struggling for justice in Guatemala by distributing our original articles on the Sepur Zarco case throughout your network. Now, with our house party action, you can draw your own links between the incredible work of the women survivors and legal and advocacy teams bringing this case forward in Guatemala and our own movements to advance social justice and speak out against impunity at home.

House party guests are invited to:

1. Read NISGUA's blog for information on this important victory. Get to know why it's an emblematic case for transitional justice at the national and international level.
2. Take a picture with a sign that reads: "I stand with the women survivors of Sepur Zarco because...". Make connections to your own life. What social justice work are you involved with that relates to this case?
3. Gather, build community, and share food with other local activists, friends, and family as we strengthen our work for social justice and an end to violence against women.

Contact organizer@nigua.org for information on how to host a house party and to receive organizing support from U.S. staff. Keep your gaze on NISGUA social media for parties near you!