



Survivors in the Maya Achi women's case on the day the sentence was issued, 1/24/22.

REPARATIONS IN THE MAYA ACHI WOMEN'S CASE

The Maya Achi Indigenous women's case is one of the most emblematic examples of hard-fought justice emerging after Guatemala's internal armed conflict. On January 24, 2022, a specialized Guatemalan court [High-Risk Court "A"] sentenced five former Civil Self-Defense Patrols (PAC) to 30 years in prison for sexual violence and crimes against humanity committed against five Maya Achi women from Rabinal, Baja Verapaz¹. The five women are part of a larger group of thirty-six survivors of sexual violence who are seeking justice for the atrocities committed by the Army during the armed conflict.

The court also ordered twelve measures to repair the harm caused to the victims, their families, and their communities, including preventive and guarantees of non-repetition measures. The measures respond to the survivors' demands for health, education, compensation, and dignity, all of which were presented to the court. The measures are based on international reparations standards for survivors of sexual violence in times of conflict².

This document briefly outlines the case, the reparation measures ordered by the court and

¹High-Risk Criminal Sentencing Court "A". Case File 15002-2014-00315, conviction, Guatemala, 2022, available in Spanish at: https://www.impunitywatch.org/wp-content/uploads/2022/10/Guatemala_La_sentencia_del_caso_mujeres_Achi_ES.pdf.

To learn more: Impunity Watch and ABJP. Sentence in the Maya Achi Women's Case - Summary, Guatemala, 2022, available in English at: https://www.impunitywatch.org/wp-content/uploads/2022/10/Guatemala_Maya_Achi_women_case_Summary_EN.pdf.

²International standards outline five forms of comprehensive reparation: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. United Nations, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly Resolution 60/147, December 16, 2005, para. 18.

the State's responsibility to comply with the measures. The recommendations included at the end of this document seek to ensure that the victims participate fully in the implementation of

the measures, and that the Guatemalan State develops the measures with a comprehensive and transformative approach.

The Maya Achi women's case

The human rights violations in this case were committed between 1981 and 1985, during which time, the survivors were subjected to the most brutal forms of sexual violence by the Army, military commissioners, and civil patrollers. Several women were illegally detained and subjected to torture. Several were pregnant when they were raped. All the women suffered the disappearance or death of their loved ones (husbands, sons, daughters, fathers, mothers, sisters, or brothers), and all were robbed of their belongings and domestic animals. The houses of several women were burned down, and the women were forced to take refuge in the mountains or to move to other municipalities to escape military persecution.

The testimony of Estefana Alvarado shows the extreme violence to which the Maya Achi women were subjected:

*"The civil patrollers from Xococ came to the house to get me. They [took me] to the military base. Where they killed all my people, they told me they were going to kill me... They took off my sash, my skirt and threw it over there. They told me 'If you don't want to, there's the rope'. I was pregnant and I lost my baby. For two nights and three days I was in Xococ... On the third day I left at noon, I could barely walk because they hurt me so much... all the civil patrollers took turns on me"*³.

In 2011, eleven survivors came together and broke their silence. They sought the support of the Rabinal Legal Clinic (Asociación Bufete Jurídico Popular de Rabinal - ABJP) to officially report the crimes. Following the reporting of the crimes, more survivors joined the claim, making a total of thirty-five survivors. After more than 10

years of seeking justice, the first trial against five former civil patrollers was held from January 4-24, 2022. The heartbreaking testimonies of the victims, the evidence, and the survivors' determination in demanding justice caused the trial to achieve significant national and international impact.

In its [historic sentence](#) in 2022, the court concluded that the Army was responsible for creating, training, arming, and supervising the civil patrols. These patrollers committed crimes against humanity and numerous acts of sexual violence against Indigenous women as part of the counterinsurgency strategy. The court determined that:

"The State is responsible for the violations committed by the PACs, to the extent that they functioned as organized by it, in compliance with its orders or by the power delegated to them by the State"⁴.

The Maya Achi women's case illustrates how the Army used sexual violence as a weapon of war to attack and subjugate Maya Achi communities. Women suffered widespread sexual violence, and some were forced to cook and perform domestic services for the soldiers under the threat that they or their family members would be killed, as occurred in the Sepur Zarco Case⁵.

The court's acknowledgement of the State's responsibility – **"We firmly believe in the testimonies of the women who were raped"**⁶ – and subsequent guilty verdict against the perpetrators is, for the Achi Women, a form of dignity and recognition. Now, the Achi women must await court-ordered reparation for the suffering they have experienced.

³High-Risk Criminal Sentencing Court "A", op. cit., p. 234.

⁴Ibid., p. 362.

⁵On February 26, 2016, a national court convicted a military second lieutenant and a military commissioner for crimes against obligations to humanity committed against 15 Maya Q'eqchi' women from the community of Sepur Zarco, El Estor, Izabal.

⁶High-Risk Criminal Sentencing Court "A", op. cit., p. 398

Court-ordered reparation measures

The court ordered twelve reparation measures that address compensation, rehabilitation, satisfaction and guarantees of non-repetition. The court also designated the state institutions responsible for implementing each reparation measure, such as the Judicial System, Ministry of Public Health and Social Assistance (MSPAS), Ministry of Education (MINEDUC), Ministry of Culture and Sports (MICUDE), Ministry of National Defense (MINDEF), Ministry of the Interior (MINGOB), Office for the Protection of for Indigenous Women (DEMI), Academy of Mayan Languages of Guatemala (ALMG)-Achi Linguistic Community, and the municipal government of Rabinal.

The reparation measures aim to help the survivors overcome the physical, psychosocial, family, economic and cultural harm caused by the sexual violence. Of the twelve reparations measures ordered, only

two measures have seen progress. Here is the complete list of the twelve measures ordered by the Court:

Compensation

1. Set the amount of Q300,000 for each of the victims entitled in the sentence, to be paid by the defendants and the State of Guatemala as a third-party civil defendant.

Rehabilitation

2. Establish **health centers** in the communities where the five survivors reside in [the communities] of Xococ, Guachipilín and Buena Vista in Rabinal, to receive urgent health care when they need it.

Printed version of the sentence in the Maya Achi women's case, 1/24/22.

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3. Implement **health plans** for each of the five victims, with psychological, psychiatric, and gynecological treatment in accordance with their specific conditions and provide medical exams and other treatments (especially medications) until the victims are completely rehabilitated. Both measures are the responsibility of the MSPAS.

Satisfaction

4. Implement a specific program for the five direct victims, their daughters, granddaughters and great-granddaughters, as well as other women survivors of sexual violence from the Xococ, Guachipilín and Buena Vista communities in Rabinal, to **train women** in human and gender rights, in mechanisms for denouncing violence against women in the present and in times of armed conflict, and in women's political participation. DEMI oversees this program.
5. Organize a public event of **recognition of responsibility and apology** for the victims in the Maya Achi women's case as reparation for the violation of their human rights. This act should be carried out in the Xococ community of Rabinal by MINDEF.
6. Incorporate the **life stories** of the Maya Achi survivors in the national educational curriculum [National Base Curriculum], with a popularized version and a version in the Maya Achi language. This is the responsibility of MICUDE and MINEDUC⁷.
7. Produce a **documentary** about the survivors of the Maya Achi women's case and their struggle for truth and

justice, with versions in the Achi and Spanish languages. This measure is the responsibility of MICUDE.

8. Create a **mural** in Rabinal, Baja Verapaz in recognition of the survivors of the Maya Achi women's case and their struggle for justice, to be carried out by MICUDE and the Municipal Government of Rabinal.
9. **Publish the sentence** on the Judicial System's website and write a summary in the Achi language, to be carried out by ALMG - Achi Linguistic Community.
10. Provide **scholarships** to daughters, sons, granddaughters, and grandsons of survivors of sexual violence in Rabinal, so that they can continue their elementary, middle, and high school studies. MINEDUC oversees this measure.

Guarantees of non-repetition

11. Include the **teaching of historical memory**, specifically the internal armed conflict, in the National Base Curriculum (CNB), basing the information on the Historical Clarification Commission (CEH) report and the Maya Achi women's case; the local historical memory of Rabinal should be taught at the local level. MINEDUC oversees this measure.
12. Implement a **training process for members of the State security forces**, to prevent gender-based violence, particularly sexual violence against women in times of armed conflict or in peacetime. This measure should be carried out by MINDEF and MINGOB, with guidance from specialized organizations.

⁷The court designated the institution responsible for complying with this reparation measure at the hearing on dignified reparations in the Maya Achi women's case on January 27, 2022.

Responsibility of the State

The State of Guatemala has the national and international obligation to comply with the sentence in the Maya Achi women's case. First, the Political Constitution of the Republic of Guatemala establishes that the courts' sentences and resolutions are mandatory and must be complied with⁸. Secondly, the State has also been held responsible in the case before the Inter-American Court of Human Rights (IACHR) in 2016, the *Case of Members of the Chichupac Village and neighboring communities of the Municipality of Rabinal Vs. Guatemala*. The IACHR condemned Guatemala for the crimes committed against the Maya Achi population of these communities and ordered the State to ensure that the crimes were investigated, and that justice and reparations were provided to the victims and their families. This judgement paved the way for further investigation the Maya Achi women's case in Guatemala, although other crimes committed in Chichupac and neighboring communities during the internal armed conflict are still pending investigation.

Sexual violence in armed conflict causes profound harm to individuals, families, and communities, which means that reparation measures need to be implemented in a **comprehensive** manner. In addition, reparations must be carried out with a **transformative** approach, to address "the social, economic, cultural, or political conditions that enabled or facilitated the rights violations. This sort of reparation offers a new future for survivors, free from the conditions that precipitated the violations they suffered."⁹

Reparations should incorporate an intersecting gendered and Indigenous approach. A **gendered perspective** "involves taking into account the opinions of women and a special and differentiated methodology to enable the participation of

victims of sexual violence"¹⁰, in the design, implementation, monitoring, and evaluation of reparations¹¹. Applying an Indigenous perspective considers the common situation of Indigenous women¹², and is culturally respectful with a reparations process that is open, participatory, democratic, and responsive¹³, while also ensuring that the measures are culturally accessible.

The State must allocate sufficient resources to implement reparations measures. It is insufficient for public institutions to express their willingness, while failing to allocate the funds needed to comply with the reparation measures and/or the personnel trained to implement them¹⁴.

Of the twelve reparation measures ordered in the Maya Achi women's case, so far there is only some progress in two measures. The advancements in these measures are a result of the efforts of the survivors, with the support of accompanying organizations; this progress cannot be attributed to the State. One of the reparations measures achieved is a mural recognizing and displaying the courage and persistence of the survivors in the search for justice. The mural was inaugurated on [March 8, 2023, on International Women's Day](#), in the center of Rabinal, in a public space provided by the municipal government. The second advancement is a publication of the case sentence delivered and a summary, both of which were presented to the survivors in a symbolic ceremony on September 3, 2023, on the International Day of Indigenous Women. These initiatives were promoted by the ABJP and Impunity Watch.

⁸Article 203 of the Political Constitution of the Republic of Guatemala.

⁹Impunity Watch, Guidelines for Transformative Reparations for Survivors of Sexual Violence, Guatemala, 2019, p. 12, available at: https://www.impunitywatch.nl/wp-content/uploads/docs/ResearchReport_Guidelines-Transformative_Reparations_2019_eng.pdf

¹⁰IACHR, Violence and discrimination against women, girls and adolescents: Good practices and challenges in Latin America and the Caribbean, 2019, para. 68.

¹¹United Nations Secretary General, Guidance Note on Reparations for Conflict-Related Sexual Violence, 2014.

¹²IACHR, Indigenous women and their human rights in the Americas, 2017, p. 13

¹³Garrido Álvarez, Rafael; La reparación en clave de diversidad cultural. Un desafío para la Corte Interamericana de Derechos Humanos, Universidad Andina Simón Bolívar, Serie Magister, Volume 122, Quito, 2013, p. 70.

¹⁴The budget and institutional provisions to implement reparations have been contemplated in numerous IACHR judgments. See: Case of Velásquez Paiz et al. v. Guatemala, Judgment on preliminary objections, merits, reparations and costs, November 19, 2015, para. 266; and IACHR, Case of the Río Negro Massacres v. Guatemala, Judgment on preliminary objection, merits, reparations and costs, September 4, 2012, para. 285.

Participation of the PGN

The Office of the Attorney General of the Nation (PGN) participated in the trial, representing the State as a third-party civil defendant in the Maya Achi women's case. The organic law of the PGN states that the institution must defend the rights of the State in trials in which it is a party, in accordance with instructions received from the Executive Branch¹⁵. During the trial, however, the PGN functioned as an additional defense lawyer for the five defendants, without limiting itself to defending the interests of the State in terms of civil liability for damages caused by the paramilitary forces created by the State itself.

The PGN maintained the same position during the hearing for dignified reparations, **refusing to recognize the State's responsibility for the violations committed by the former civil patrollers and opposing reparations for the harm caused to the survivors**. The PGN argued that the State already has a constitutional obligation to provide health and other public services to the Guatemalan population, and that a National Reparations Program (PNR) already exists¹⁶.

On February 14, 2022, the PGN appealed the court's conviction and orders for reparations. Although the Second High-Risk Court [of appeal] denied the appeal¹⁷, just filing the appeal represented an act of institutional violence. As a result, the Maya Achi survivors experienced **secondary**

victimization, and the implementation of reparation measures was delayed. The appeal also decreased the survivors' already lacking levels of trust in the State.

The authorities of the Executive Branch and the PGN must review their guidelines for legal processes related to transitional justice, gender-based violence against women and reparations. Maintaining the same procedures revictimizes survivors and indicates that the State is failing to comply with its international human rights obligations, particularly with the standards of the Inter-American Human Rights System.

Furthermore, the Maya Achi women's case is connected to the crimes of sexual violence included in the *Case of Members of the Chichupac Village*; therefore, access to reparations in the Maya Achi women's case will have a positive impact on compliance with the IACHR's judgment. The institution in charge of coordinating the implementation of the IACHR's sentences, the Presidential Commission for Peace, and Human Rights (COPADEH) is also responsible for ensuring compliance with the reparation measures in the Maya Achi women's case¹⁸. **To ensure the reparations are carried out comprehensively and consistently, all responsible institutions and public agencies designated in the sentence must coordinate the implementation of the measures.**

Recommendations

Based on facts of the case laid out in this paper, we share the following recommendations, specifically for the public institutions designated to comply with implementing the reparations measures in the Maya Achi women's case.

1. **Comprehensive and transformative implementation.** It is essential that reparations are designed in a comprehensive

way to honor the survivors' dignity and address the harm caused to the victims, their families, and their communities. In addition, reparations should be designed with a transformative approach so that the measures contribute to tackle the root causes that allowed sexual violence to be used as a weapon of war during the armed conflict, and particularly against Indigenous women.

¹⁵Article 13.1 of Decree 512 of the Congress of the Republic of Guatemala.

¹⁶Hearing on dignified reparations, January 27, 2022.

¹⁷Second High-Risk Court. Case File 15002-2014-00315, second instance sentence, July 21, 2022.

¹⁸Article 7.h of Governmental Agreement 100-2020 of the President of the Republic (amended by Governmental Agreement 27-2024).

A gendered and Indigenous perspective must be applied in all phases of the process.

2. **Inter-institutional coordination.** To ensure comprehensive reparations and the application of transformative, gendered and Indigenous approaches, it is important that the State designate one institution to coordinate the implementation of the reparation measures with each of the institutions designated in the sentence. The coordinating institution should be part of the Executive Branch, considering that most of the institutions responsible for reparations fall under the power of this branch. Additionally, this institution should play an active role in the monitoring and evaluation of reparations, in regular consultation with the survivors.
3. **Participation of the survivors.** All institutions responsible for reparations must guarantee the effective and meaningful participation of survivors in all phases of the process, from planning to evaluation, so that the process includes the survivors and honors their dignity. To ensure a participatory process, it is important to set up working groups with representatives of public institutions and survivors and their advisory teams. The working groups should hold regular meetings using a participatory, inclusive, and culturally appropriate methodology. Information sessions should also be organized at the local level to consult families and communities directly on their opinions and feelings about the process.
4. **State recognition.** It is important that the President of Guatemala and the Minister of Defense publicly acknowledge the State's responsibility for the harm caused to the victims and ask for their forgiveness as an

act of dignity. This type of reparation measure presents an opportunity for officials to restore the survivors' trust in public institutions, and to commit to broader efforts to respect human rights and to prevent and eliminate violence against women.

5. **Funding.** The Ministry of Public Finances and Congress must ensure there are adequate funds to allow for the implementation of all reparation measures. Likewise, each institution designated in the sentence should allocate specific line items in their budget to comply with the reparation measures, while also appointing qualified personnel to lead the implementation of the measures. These institutions should also review their internal procedures to eliminate unnecessary bureaucracy, reduce formalities and even design specific procedures for effective implementation, including instructing their regional representatives to conduct the reparation measures at the local level.
6. **Prevention.** The Ministry of Education and the Ministry of Culture and Sports should strive to ensure that the reparation measures they implement contribute in such a way that children and the general population learn about Guatemala's recent past, show solidarity with the victims in this case and also with other victims of violence against women, and become agents of change to transform the beliefs and social norms that reproduce and tolerate this type of violence. Similarly, the Ministry of National Defense and the Ministry of the Interior should take their responsibility very seriously in training state security forces on the prevention and elimination of violence against women in times of armed conflict and peacetime.



Mural recognizing the survivors of the Maya Achi women's case and their struggle for justice, Rabinal, 03/08/23.

The Rabinal Legal Clinic (Asociación Bufete Jurídico Popular de Rabinal - ABJP) www.abjprabinal.org is a civil society organization created with the initiative of victims and survivors of the internal armed conflict. The organization is dedicated to seeking justice for Indigenous communities and women victims of violence, both in current and transitional justice cases, providing legal advice and support in cases before national and international institutions.

Impunity Watch www.impunitywatch.org is a research, advocacy, and legal counsel international organization in the field of human rights and transitional justice. The organization promotes accountability for serious human rights violations and works with civil society organizations, particularly women and victims of conflict, to build peace and strengthen the rule of law.

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