



The Maya Achi Women's Struggle for Justice



Rabinal is located in the department of Baja Verapaz, in Guatemala.

“As women survivors of sexual violence during the armed conflict, we have drawn on our courage to talk about what happened to us so that these inhumane acts will never again occur in this society, against any human being, especially women. Shame is for those who did it.”

Paulina Ixpatá Alvarado; Rabinal, Baja Verapaz.

Paulina Ixpatá is one of 36 Maya Achi women from Rabinal, Baja Verapaz who have been seeking justice in the national court system for 10 years. The women were victims of sexual violence committed by the army and civil defense patrols (PAC) during the internal armed conflict in Guatemala.

On August 16, 1981, Paulina lost her brother Tereso, who was forcibly disappeared when he traveled to Rabinal to look for temporary work on the plantations along the southern coast of Guatemala. On July 29, 1982, the army and civil patrollers massacred 15 members of her family and 14 of her neighbors, many of them children, in the community of Rancho Bejuco in Santa Cruz El Chol, Baja Verapaz.

Almost two months later, on September 25, the army illegally detained Paulina. She was 19 years old. While her mother watched, she was accused of joining the guerrilla without a shred of evidence. They brought her to the military base in Rabinal, where they brutally raped and tortured her for 25 consecutive days. She was released when she signed a document to receive the amnesty decreed during the military dictatorship of General Óscar Mejía Víctores.

Paulina, along with other women from the area, was forced to cook and provide domestic services to the soldiers at the base in Rabinal. The women could not refuse for fear of being killed. The members of the civil defense patrols stole her land and belongings and continually

threatened to kill her family. The surviving members of her family were forced to stay in a makeshift shelter under army control until they were able to reclaim their land. With the help of the Family Integration Center (CIF), they recovered their land and rebuilt their house. The family never learned what happened to Tereso.

Paulina's story is like the stories of many Indigenous women and girls. Many lost their fathers, mothers, husbands, brothers and sisters during the armed conflict in Guatemala, and many were sexually abused by the army and members of the civil defense patrols. Many of them currently live in conditions of extreme poverty and marginalization, without any kind of support from the State.

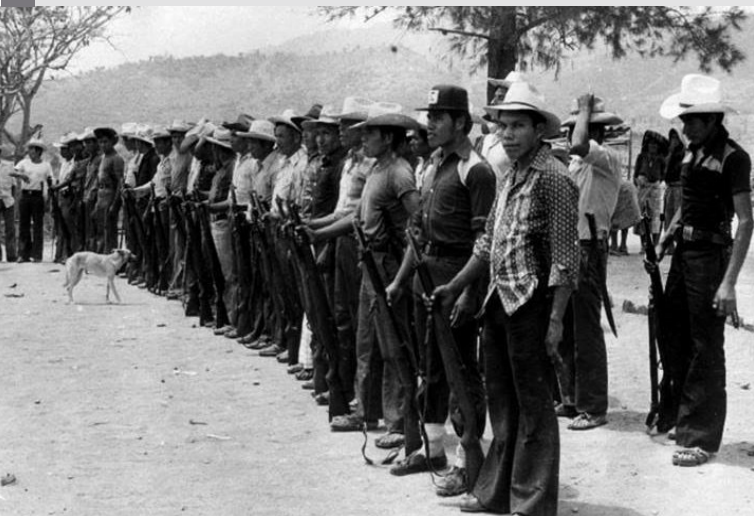
THE VIOLENCE OF THE PACs

The PACs were created in 1981 during the military dictatorship of Romeo Lucas to monitor and control rural communities and to involve the civilian population in the counterinsurgency struggle. The de facto government of Ríos Montt legally recognized the PAC in 1983 and in 1986 the civil patrols became Volunteer Civil Defense Committees (CVDC). An estimated more than one million men in rural areas were forced to participate in the PACs in the 1980s, primarily in Indigenous communities¹.

In many communities, the army provided guns for the PACs, which then became paramilitary groups that committed abuses in their own communities. The PACs not only carried out surveillance tasks, but also engaged in combat against the guerrilla and committed serious crimes against the civilian population.

In some communities, members of the civil defense patrols participated in massacres, arbitrary executions, forced disappearances, rape, and other crimes. The Commission for Historical Clarification (CEH) attributes 18% of the crimes committed during the internal armed conflict to the PACs². In 1996 the State disbanded the PACs as part of the agreed upon commitments of the Peace Accords³.

The PACs were particularly violent in Rabinal, where they committed atrocious crimes, such as the massacre in Río Negro on March 13, 1982, in which 70 women and 107 children were murdered. According to the CEH report, Rabinal is the municipality with the highest percentage of human rights violations committed by the PACs; 7% of the violations attributed to the PACs in the entire country occurred in Rabinal⁴.



¹Schirmer J. (1998). *The Guatemalan Military Project: A Violence called Democracy*. Philadelphia: University of Pennsylvania Press. Sanford V. (2003). *Buried Secrets: Truth and Human Rights in Guatemala*. New York: Palgrave Macmillan. Human Rights Office of the Archdiocese of Guatemala (1998). *Guatemala Never Again*. Guatemala: ODHAG

²CEH, "Guatemala: Memory of Silence" Volume II, Guatemala, F&G Editores, 2006, second edition, p. 227.

³In 1996, Congress issued Decree 143-96 to dissolve the Volunteer Civil Defense Committees.

⁴CEH, op. cit., p. 230.

THE LONG ROAD TO JUSTICE

In 2011, Paulina and 35 other women survivors of sexual violence in Rabinal decided to break the silence and seek justice in the courts. With the support of the Rabinal Legal Clinic (ABJP), the women filed formal complaints with the Public Prosecutor's Office for the crimes they suffered in the 1980s.

In 2018, the National Civil Police arrested seven former PAC members accused as the material authors of the crimes and the Public Prosecutor's Office formally charged them with sexual violence. One of the accused died in prison due to health problems. On June 21, 2019, the other six former PAC members were released. The judge in charge of the case, Claudette Domínguez, did not believe the testimonies of the women and rejected the formal charges filed by the Public Prosecutor's Office. Judge Domínguez dismissed the case against three former civil patrollers and conditionally dismissed the case against the other three, pending the potential submission of further evidence.

This was a crushing blow for the survivors, who once again felt powerless in the face of a justice system that ignores the suffering of Indigenous women and who were again living in fear, wondering if the former civil patrollers would seek revenge. The women were also indignant at the way Judge Dominguez had treated them during the hearings. The Public Prosecutor's Office and the Rabinal Legal Clinic (ABJP) challenged Judge Domínguez's ruling and recused her from the case. Additionally, the women filed a complaint against the judge for racism and the denial of justice. This complaint remains unresolved.

In September 2019, the request for a new judge was accepted and the case was transferred to Judge Miguel Ángel Gálvez. In April 2019, an eighth former PAC member, Francisco Cuxum Alvarado, was arrested for immigration violations in Massachusetts, United States. After serving his sentence, he was deported to Guatemala. On May 6, 2020, the Public Prosecutor's Office charged him with sexual violence and crimes against humanity. The newly assigned Judge Miguel Ángel Gálvez heard the case and has demonstrated objectivity as he considers the testimonies of victims and witnesses, as well as the other evidence submitted by the Public Prosecutor's Office.





In September 2020, the judge ruled that there was sufficient evidence for Francisco Cuxum to stand trial.

In March 2021, when the term ended for the temporary dismissal Judge Dominguez had ordered for three of the accused, Judge Gálvez held a hearing to consider the evidence. This time, the judge included the testimonies of the women and ruled that evidence of the three former civil patrollers' participation was sufficient to send the case to trial.

On May 16, 2021, another former member of the PACs, Gabriel Cuxum Alvarado, was arrested and indicted. He had changed his identity to go into hiding to avoid accountability for other serious human rights violations committed in Río Negro, Rabinal during the armed conflict.

Complaint for discrimination and racism

On December 5, 2019, the survivors of the Achi women case filed a criminal complaint against Judge Claudette Domínguez for discrimination and racism, because she did not believe their testimonies and treated them in a discriminatory manner during the criminal process.

As evidence, a technical report prepared by the anthropologist Aura Cumes was presented, in which it is concluded that the judge conducted the process from a doctrine of racial and ethnic superiority and from patriarchal sexist paradigms, and that allowed other procedural subjects to issue racist comments in against the victims, which constituted re-victimization and produced new human rights violations.

In addition, complaints were filed with the Human Rights Ombudsman and the Judicial Disciplinary Board of the Judicial Branch, but there was no moral or disciplinary sanction for this case.



THE TRIAL OPENS

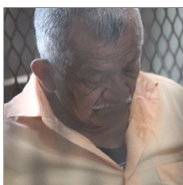
The trial for the Maya Achi women's case will begin on January 4, 2022. High-Risk Court "A", presided over by Judge Yassmin Barrios, will hear the case. The court decided to hold a joint trial for the five former civil patrollers because the crimes are the same and there is shared evidence against all of the accused. The former PAC members who will stand trial are:



Benvenuto Ruiz Aquino



Bernardo Ruiz Aquino



Damián Cuxum Alvarado



Gabriel Cuxum Alvarado

Pictures by: Impunity Watch



Francisco Cuxum Alvarado

Pictures by: Verdad y Justicia
en Guatemala

During the trial, the court will hear the testimonies of victims and witnesses, as well

as the recorded statements of several victims who provided evidence in advance of the trial. In addition, multiple expert witnesses will take the stand to address issues such as the counterinsurgency policy implemented by the army in the early 1980s, the organization of the PACs, the use of sexual violence as a weapon of war against women, international law applicable to crimes committed during armed conflicts, and the harms caused by and consequences of sexual violence for women, their families and communities. Additional documents and evidence will also be presented in court.

In the case, three of the accused former PAC members remain at large. The Criminal Chamber of the Supreme Court of Justice has not yet ruled on the appeals proceedings related to Judge Dominguez's decision to release them. The three former civil patrollers who remain at large are:

- **Pedro Sánchez Cortez**
- **Simeón Enríquez Gómez**
- **Felix Tum Ramírez**

Despite the difficulties of the long process, Paulina has not lost hope: *"My greatest hope is that through this struggle, together with other women, we will achieve justice, and nothing will remain in silence,"* she says.

THE THE LONG-TERM IMPACT OF IMPUNITY

The CEH documented 1,465 incidents of rape committed during the internal armed conflict⁵ and determined that it was often committed along with other human rights violations. Eighty-nine percent of the victims were Mayan women and 35% were girls⁶. Only three cases related to these crimes have reached a trial: Ixil genocide (2013), Sepur Zarco (2016), and Molina Theissen (2018). These cases demonstrated the different aspects of sexual violence and how it was used. In the Ixil genocide case, the court determined that sexual violence occurred before the massacres and constituted genocide. The Sepur Zarco case demonstrated that the women were forced into sexual and domestic slavery on the military base after their husbands were disappeared because of land conflicts. The Molina Theissen case proved that sexual violence was used as a form of torture against the victim while she was illegally detained.

In addition to the Maya Achi women's case, sexual violence has been documented in other cases, such as the CREOMPAZ case, which is currently in court, and the Santa Lucía Cotzumalguapa case from the southern coast of Guatemala. The cases started due to the courage and perseverance of surviving victims, who continue to fight tirelessly to obtain justice and prevent the recurrence of these crimes.

The road has not been easy; the women have had to face racism and social stigma, as well as the negligence and delays of the Guatemalan justice system. As the years go by, the perpetrators and victims grow older, gradually making it more difficult for the testimonies of the victims to be heard, and for them to obtain justice and dignified reparations.

There are also current reports of sexual violence against Indigenous women, particularly during land evictions and States of Siege. In 2007, during the violent eviction of the Lote Ocho community in Izabal, 11 Maya Q'eqchi' women were raped and sexually assaulted by private

security guards from Skye Resources Inc., now part of Hudbay Minerals, a Canadian mining company that forcibly dispossessed the Indigenous people from their land.

Although the State of Guatemala has not been charged, the case "highlights the symbolic and political links between the past and present, between territory, the bodies of Indigenous women, and the collective social fabric of the Maya People. It also shows that patriarchal and racist rationales are still prevalent in Guatemala. Indigenous women suffer the same forms of violence today as in the past [during the internal armed conflict], only now the violence is perpetrated by different actors, such as private security personnel"⁷



⁵ The CEH recognizes that sexual violence is underreported in comparison with other human rights violations, reflecting the silence that predominates in cases of sexual violence.

⁶ CEH, op. cit., Volume II, pp. 9, 23 and 25.

⁷ Open Global Rights, "The Case of 'Lote Ocho': Indigenous women hold corporations accountable for violence", available at: <https://www.openglobalrights.org/lote-ocho-indigenous-women-corporate-accountability-guatemala-canada/>



SEXUAL VIOLENCE AS A WEAPON OF WAR

Sexual violence has always occurred in wars and armed conflicts throughout the world. Historically, the victims have been silenced. This form of violence has often been justified as collateral damage or something that happens on the impulse of combatants because of their alleged physical needs. Sexual violence, however, is not an inevitable harm or the result of sexual desire, but rather a means to dominate another person; to exert control and power over them, their family and/or their community; to totally or partially destroy an ethnic group; and/or to torture a victim. Women and girls are often attacked by those who seek to control and dominate another group because of the role women play in society, as reproducers of life and transmitters of culture. When women and girls are raped, men are punished, communities are humiliated, future generations are stigmatized, and the social fabric of the community is damaged.

Sexual violence is considered a weapon of war because it is used intentionally to achieve the wartime objectives of destroying victims and groups of people, and because of the profound impact it has on the victims and their communities. However, sexual violence was not considered a crime against humanity or a war crime until the establishment of the International Criminal Tribunal for the former Yugoslavia in 1993 and the International Criminal Tribunal for Rwanda in 1994.

In Guatemala, as documented by the CEH, rape was a widespread and systematic practice carried out by State agents as part of the counterinsurgency strategy, becoming a true weapon of terror. Cases of mass rape or indiscriminate and public rape were documented as a common practice in areas with large Indigenous populations, occurring before massacres, as part of scorched earth campaigns, after military bases were established, and after the civil defense patrols were organized⁸.

The sentence in the Sepur Zarco case confirms the use of sexual violence as a weapon of war. On February 26, 2016, a High-Risk Sentencing Court ruled that, between 1982 and 1983, a group of Maya Q'eqchi' women were subjected to sexual slavery by the army. The case demonstrated the cruel and heinous treatment to which the women were subjected and proved that sexual violence was used as a weapon of war to destroy their people and communities.

In the Maya Achi women's case, sexual violence was used with a similar objective: to destroy Indigenous communities. The military and paramilitaries used sexual violence almost exclusively against Indigenous women to punish them because their husbands or fathers were not at home (even though the military and paramilitaries were responsible for their forced disappearance); to extract information from them through torture; to punish them for their alleged membership in a guerrilla group; and to control their communities.



Impunity Watch is an international research, advocacy and legal advice organization working 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, to build peace and strengthen the rule of law. The contents of this document are the sole responsibility of Impunity Watch. The views and opinions expressed in this publication do not reflect the official policy or position of the Swiss Federal Department of Foreign Affairs (FDFA).

For more information on the case of the Maya Achi women, please consult the website of the Rabinal Legal Clinic (ABJP) www.abjprabinal.org, and the Impunity Watch website www.impunitywatch.org, and social media:



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