

ABSTRACT

Title of Dissertation: FORENSIC INJUSTICE: HUMAN RIGHTS,
ARCHIVAL SCIENCE AND RACIALIZED
FEMINICIDE IN GUATEMALA

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The call to access and preserve the state records that document crimes committed by the state during Guatemala's civil war has become an archival imperative entangled with neoliberal human rights discourses of "truth, justice, and memory." 200,000 people were killed and disappeared in Guatemala's civil war including acts of genocide in which 85% of massacres involved sexual violence committed against Mayan women. This dissertation argues that in an attempt to tell the official story of the civil war, American Human Rights organizations and academic institutions have constructed a normative identity whose humanity is attached to a scientific and evidentiary value as well as an archival status representing the materiality and institutionality of the record.

Consequently, Human Rights discourses grounded in Western knowledges, in particular archival science and law, which prioritize the appearance of truth erase the material and epistemological experience of indigenous women during wartimes. As a result, the subjectivity that has surfaced on the record as most legible has mostly pertained to non-indigenous, middle class, urban, leftist men who were victims of

enforced disappearance not genocide. This dissertation investigates this conflicting narrative that remembers a non-indigenous revolutionary masculine hero and grants him justice in human rights courtrooms simply because of a document attesting to his death. A main research question addressed in this project is why the promise of "truth and justice" under the name of human rights becomes a contentious site for gendered indigenous bodies?

I conduct a discursive and rhetorical analysis of documentary film, declassified Guatemalan police and military records such as Operation Sofia, a military log known for "documenting the genocide" during rural counterinsurgencies executed by the military. I interrogate the ways in which *racialized feminicides* or the hyper-sexualized racial violence that has historically dehumanized indigenous women falls outside of discourses of vision constructed by Western positivist knowledges to reinscribe the ideal human right subject. I argue for alternative epistemological frames that recognize genocide as sexualized and gendered structures that have simultaneously produced racialized feminicides in order to disrupt the colonial structures of capitalism, patriarchy and heterosexuality. Ironically, these structures of power remain untouched by the dominant human rights discourse and its academic, NGO, and state collaborators that seek "truth and justice" in post-conflict Guatemala.

FORENSIC INJUSTICE: HUMAN RIGHTS, ARCHIVAL SCIENCE AND
RACIALIZED FEMINICIDE IN GUATEMALA

by

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Dedication

This is dedicated to the forgotten, the invisible, the ghosts with no faces or names that have left no traces in the dark shadows of history's violent past but whose spirit continues to shine.

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This dissertation is the fruit of a personal journey into the unknown that was made possible with the encouragement, help, and support of many people. I am grateful for the research support from the department of American Studies, the Graduate School and the Latin American Studies graduate grant. I am especially grateful to my family that has inspired me with their resilience and faith to push forward despite all odds. A heartfelt thanks to my partner Karina Lairer for her unconditional support during this doctoral journey. I am greatly indebted to the unforgettable professors and colleagues that guided me during my graduate school experience with their patience and support but also pushing me to become a better scholar and teacher. Many thanks to Ana Perez, Jenny Chaplin, Tiffany L. King, Aaron Allen, and Yujie Chen for supporting my ideas and motivating me to pursue them. Also, I owe much gratitude to American Studies faculty and staff at University of Maryland for their unwavering dedication to graduate students and their commitment to the advancement of American Studies. I am especially grateful for the mentorship of my advisor Nancy L. Struna who eight years ago believed in my potential and helped give me an opportunity where both my work and I could flourish. I am grateful for the faith that each of my committee members Michelle Rowley, Randy Ontiveros, Christina Hanhardt and Nancy Raquel Mirabal has had in me and for their contributions that have shaped this dissertation into the project it has become.

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Chapter 1: Introduction

Despite my identity as a first generation Latina and daughter of Mexican immigrants, born and raised on the West Coast and Southwest deserts, fate led me to write this dissertation on Guatemala. Growing up in California's Bay Area and southern New Mexico, I struggled to make sense of what felt like a shattered identity that I could not connect to the impoverishment, shame, and violence around me. My aim in the following reflection is to dig deeper than my intellectual encounter with Central American literature in the classroom and provide a framework that illustrates both the personal and the structural connections that shaped this project. My positionality as a Latina lesbian living in the United States comes with both privilege and oppression that inform my relationship to indigeneity and sexuality.

As the person with the darkest skin color in my entire Mexican family, I felt uncomfortable in my own skin for most of my life. Members of my family, all of whom are a few shades lighter than me, would always find a way to emphasize my dark brown skin tone. They often warned me not to stay out in the sun too long in fear that I would become even more tanned. Some of their comments were not intended to be malicious, but others exposed anti-indigenous and anti-black sentiments targeted at me and I felt obliged to go along with it and laugh with them. I learned at a young age and from my own family that my brown skin would always be the subject of stares. My brown skin would always be the object of unwanted and misunderstood attention, as I was often referred to as "la India"¹ of the family.

¹ India is a Spanish derogatory term for indigenous women.

My project explores the historical and social disconnect between myself and the voices and experiences of indigenous women who have suffered and resisted since the inception of colonial violence. In other words, this project emerges from my own contradictory relationship with indigeneity – made up of looking brown but being raised with negative messages and hateful norms towards indigenous people that aim to make me hate myself. Yet I refuse to allow racist, classist, and hetero-patriarchal structures the satisfaction of internalized oppression. I refuse to believe that it is the norm that indigenous people continue to die in the thousands and that indigenous women are repeatedly dehumanized and silenced even in their death. I strive to push for the indigenous cultures and knowledge that have been removed from my consciousness in order to connect myself to a larger history of violence and resistance. Subsequently, the way to form that connection is by challenging recorded history and dominant Western paradigms that silence the violence committed against indigenous women during the Guatemalan Civil War and its aftermath.

“La India” (The Indian Woman)

Gloria Anzaldua, known for her powerful critique of colonial violence inflicted on the indigenous and Mexicans who resided in the Western frontier, was one of the first Chicana scholars to focus on the mestiza and indigenous woman in anti-colonial history. Anzaldua exposes multiple types of racist and gendered oppression emerging from the dominant white culture and her own patriarchal Mexican culture. Anzaldua is known for reclaiming *La Malinche*, an indigenous woman constructed by popular myth as the betrayer of the Mexican people because she gave Hernan Cortez crucial information that

led to the defeat of the Aztec army.² Mexican people perceive *La Malinche* as a whore who betrayed her own people to the white man she loved and whose child she gave birth to, known as the first mestizo. Anzaldua argues that instead of believing this racist and misogynist representation of a colonized indigenous woman as a whore who betrayed her race, mestiza women need to reclaim the indigenous woman inside them. In the following passage, Anzaldua illuminates the colonial violence inflicted on the indigenous women that is too often erased from the historical narrative of Spanish colonialism:

The dark-skinned woman has been silenced, gagged, caged, bound into servitude with marriage, bludgeoned for 300 years, sterilized and castrated in the twentieth century. For 300 years she has been a slave, a force of cheap labor, colonized by the Spaniard, the Anglo by her own people. For 300 years she was invisible, she was not heard. Many times she wished to speak, to act, to protest, to challenge. The odds were heavily against her. She hid her feelings; she hid her truths, she concealed her fire; but she kept stoking the inner flame.³

As expressed in the passage above, Anzaldua names the colonial violence that has been committed against indigenous women's bodies. Anzaldua locates *La Malinche* within colonial gender oppression – simultaneously inflicted by European and white colonial culture along with Mexican and indigenous colonized *mexicanismo* – that normalizes a hetero-patriarchal culture. In *Borderlands*, Anzaldua reframes the myth of *La Malinche* by stating a simple phrase, “Not me sold my people but they me.”⁴ Consequently, Anzaldua turns the tables around on the dominant culture and argues for an alternative possibility of what happened. Historians claim that *La Malinche* was sold to Cortez along with other women in exchange for food and other goods; a practice that was common in some indigenous cultures.⁵ Anzaldua exposes sexist norms that reduce

² Gloria Anzaldua, *Borderlands/La Frontera: The New Mestiz*, 3rd Edition ed. (San Francisco, CA: Aunt Lute Books, 2007).

³ *Ibid.*, 45.

⁴ *Ibid.*, 44.

⁵ Miroslava Chavez-Garcia, *Negotiating Conquest: Gender and Power in California, 1770's to 1880's* (Tucson, AZ: University of Arizona Press, 2006).

women to sexual objects of exchange as the true culprit that betrayed *La Malinche* and other indigenous women. Anzaldúa argues that it is not indigenous women that betrayed their culture, but rather it is the patriarchal traditions that betray indigenous women.⁶ In the case of *La Malinche*, patriarchal norms set her up to be the concubine working as a translator for the colonizer of her people. Regardless of whether she fell in love with Cortez or not, her patriarchal culture had already betrayed her.

Another revealing hetero-normative aspect of the myth is *La Malinche's* unconditional love for Cortez that leads her to commit such an act of passion for her lover. I interrogate the heterosexual love for Cortez to open the possibility of alternative sexualities for *La Malinche*. What if she was in love with one of the women she was sold with and Cortez offered to reunite them if she helped him defeat the Aztec army? Subsequently, in an act of desperation and without fully understanding the consequences, what if she agreed to Cortez's request so that she could see her lover again? The substantiation of my claim is not relevant here. My aim is similar to Anzaldúa's, which is to question the gendered norms that fix indigenous women as love-stricken fools who risk their lives and the lives of their families for the love of a European/white man. What would it take to imagine *La Malinche* committing this act of passion for the love of a woman? What would it take to visualize any indigenous woman fighting for the love of another woman during colonial times or during a civil war?

This project is carved from the absences and misrepresentation of indigenous women like *La Malinche*, whose physical presence and knowledge is too often missing from the narrative of a Eurocentric history. Yet, when she does appear in the story she is dehumanized or vilified to justify her extermination in a colonial project that is

⁶ Ibid., 40.

threatened by her existence. However, in this study I do not focus on the voices or experiences of the indigenous women. As seen in my research questions below, this dissertation is about interrogating cultural discourses rooted in a racist-militarized-hetero-patriarchal colonial system and the ways in which these structures have manifested in Guatemala's Civil War and contemporary society.

Research Questions

- 1) How did official cultural discourses—state, military, and Catholic Church—construct race, class, sexuality, and gender?
- 2) How were ladina and indigenous women targeted by the state and the military during the Civil War? What are the general patterns?
- 3) How is the “archive of terror” (Guatemalan National Historical Archive, Operation Sofia, and the Death Squad Dossier) gendered and racialized?

A central element of this project is the impunity left behind by Guatemala's Civil War (1960-1996) where more than 200,000 people were killed. The aftermath of the Civil War is defined by human rights violations committed by the military and the state, such as enforced disappearance, torture, sexual violence, and genocide. According to the truth commission report conducted by the United Nations, 80% of the victims were indigenous, and the military committed 93% of the atrocities.⁷ With respect to violence against women, 85% of the massacres that occurred included sexual violence, and 87% of those cases were Mayan women.⁸ Despite the UN confirming that the Guatemalan army did commit acts of genocide against Mayan communities and the alarmingly high rate of

⁷ The Commission for Historical Clarification (CEH), "Guatemala: Memory of Silence," (Guatemala City: CEH, 1999).

⁸ "Weaves of the Soul: Memories of Mayan Women Survivors of Sexual Violence during the Armed Conflict Guatemala," 2nd Ed (Guatemala City: F&G 2011).

sexual violence targeted at indigenous women, the emblematic cases that have caused international outrage and achieved justice in the court room are mostly related to non-indigenous urban men who were victims of enforced disappearance. In this project, I argue for alternative epistemological frames that recognize the sexualized and gendered nature of genocide, internal armed conflict, and contemporary feminicides. Furthermore, I expose how documenting human rights violations using evidence has become an archival imperative in Guatemala. As a result, the discovery and declassification of military and police records produced highly coveted pieces of evidence that promise justice to those fortunate enough to obtain them.

Human rights activists, archival scientists, forensic anthropologists, lawyers, and historians argue that archival records left behind by military dictatorships are an affirmation of a horrific history and a valuable tool to identify the victims who suffered extreme repression. As a result, human rights organizations and academic expertise have played an important role in rebuilding democracy in Guatemalan society by accomplishing significant victories in human rights violations related to the Civil War. Yet, a pivotal question to ask is what the archival record is leading us to? If possessing a document has the power to guarantee victims the possibility of justice, what does it mean to be one of the thousands of indigenous men, women, children, and elderly who were massacred in the genocide but whose faces and names never appear in the official record? What about the thousands of indigenous women who were sexually tortured but do not hold a document as proof of the violence committed against them? In sum, I expose how dominant human rights paradigms and particular academic disciplines do not critically

engage with how race, gender, class, and sexuality are entangled with the politics of recognition and discourses of vision.

My dissertation argues that the justice served in the emblematic cases regarding leftist leaders, union activists, and students who were disappeared in the Civil War is not sufficient to adequately make a difference in the contemporary daily violence against women. In other words, imposing legal and social requirements of justice under a neo-liberal condition driven by U.S. and Guatemalan military structures creates sparks of justice that are non-threatening to the current racist and patriarchal Guatemalan government, and as a result, they do not create more livable conditions for indigenous women in contemporary society.

I use Anzaldúa's reconstruction of *La Malinche* to highlight a key connection between this project and myself. As a daughter of Mexican immigrants whose ancestors are rooted in the colonized lands of the Americas and who was raised by Catholic hetero-patriarchal norms, I see my own history reflected in *La Malinche*. In terms of a structural connection, *La Malinche* was subjected to the first known genocide in the Americas at the hands of the newly formed gendered, white supremacist, and militarized colonial empire. Subsequently, these are the same structures that targeted Guatemala 500 years later and enabled genocide to occur again, especially because Guatemala has the largest indigenous population in Latin America. These colonial structures were once again deployed to execute the empire's genocidal tendencies. I seek to expose how neo-liberal human rights discourse and academic colonialism reinforce the invisibility that the record already imposes on indigenous subjectivity. In other words, these discourses give us the illusion that legibility and subjectivity are universal and that all of the victims of

Guatemala's Civil War have been automatically granted the category of humanity and given rights. It is important to challenge the neo-liberal human rights discourse and academic colonialism that tell us to keep searching for the indigenous women in the archive under the context of documentation and evidence without critically examining historical power relationships between race, gender, class, and sexuality. For example, a glaring contradiction that unmask neo-liberal discourse is that in a conflict where indigenous women's bodies constituted the majority of the dead and sexually tortured, their experiences remain the least visible and with the most impunity in contemporary society.

All of my life, I have wanted to learn more about the history of indigenous peoples, especially from Mexico and Central America. The discrimination against my darker brown skin color from my own "people," my family, other Chicanos, and Mexican-Americans has always perplexed me. It is the component of my identity that eludes me, and I feel it slips through the cracks when I identify as Chicana or Mexican-American. I cannot put my finger on it, but at the same time I hold on to what I can, even if that itself is an illusion. This dissertation has helped me realize one thing that has always been missing from my life has been to understand my brownness and indigeneity. Can I claim any indigeneity as a Latina woman living in the U.S.?

Even in the Chicano Studies classes I took as an undergraduate in New Mexico, this topic never surfaced on a syllabus or class discussion. In my graduate classes, I did have the opportunity to learn about the oppression of African Americans, Asian Americans, and Mexican Americans in depth, but I still did not get to delve as deep as I wanted into indigeneity. I was not born in Guatemala, nor do I hold Guatemalan

citizenship, but the extreme violence that has been repeatedly perpetrated to exterminate indigenous culture and indigenous peoples extends further than the boundaries of that nation-state. Although Guatemala exemplifies brutal military force under authoritarian governments intended to remove all existing markings of indigeneity, it is not the only geographical region in which the state condones violence on indigeneity. Indigeneity as an ontological and epistemological marker has been under attack both symbolically and materially by Western Eurocentric knowledge and state actors in service of the U.S. Empire. Despite my brown skin and Mexican culture, indigeneity has become an absence in my own existence. I have grappled epistemologically to understand this despite embodying the racialized form of what people tell me I look like. This project is the bridge that connects my story to that of Guatemala's. The genocide and current day femicide in Guatemala serve as reminders of the vicious colonial structures that ravished those not belonging to the colonial social order. Guatemala's story is a call to rise up to the urgency of repetitive historical violence and challenge contemporary manifestations that aim to remove gendered indigenous bodies and confine them to hetero-patriarchal ideology.

I do not intend to make this project about my pain, but I do believe we should widen our epistemology of the Latino experience. We need to open national borders constructed by colonialism, such as the border between Guatemala and Mexico, in order to challenge conceptions of authenticity and identity politics that construct narrow definitions of who is *Mexican*, *Guatemalan*, or *indigenous*. I understand the problem of speaking for indigenous Guatemalans and it is not what I aim to do in this project. However, what room do I have to speak from my own experience, as a brown woman

speaking from the belly of the beast – a U.S. empire where I must survive the daily systemic violence of a white supremacist system? I experience a racism in which I feel excluded for being *Latina* in dominant white society, *Mexican* in Latin American culture, and “looking” *indigenous* in my own home and from my Mexican family. I aim to push for a space where I can insert my voice, claim the brownness that I am proud of, and construct a history I belong to without the limitations of identity politics that delimit these possibilities. I want to speak for myself and connect my voice to the indigenous peoples of Guatemala so that in solidarity there is more visibility and awareness of what is occurring, such as the ways in which indigenous women continue to be violated and disappeared through subtle and explicit acts of violence in the United States and Central America. I believe this is possible in the current political and social climate that is revolutionizing civil rights with the success of social movements like “Black Lives Matter.” I too seek the social and political space to express rage about state-sanctioned violence, such as the deaths of thousands of Mexican and Central American immigrants by border patrol and ICE, and the denial of refugee status for Central American children who are sent back to their countries where many do not survive. These types of violence disavowed by U.S. foreign policy in Central America to this day protect American interests and profits. At the same time, U.S. foreign policy remains silent about repressive governments, such as the Guatemalan government, while feminicides continue to grow with the help of a state-apparatus the United States helped secure.

The following quote is the continuation of Anzaldúa’s earlier passage to reclaim the indigenous woman:

She remained faceless and voiceless, but a light shone through her veil of silence. And though she was unable to spread her limbs and though for her right now the sun has sunk under the earth and there is no moon, she continues to tend the flame. The spirit of the

fires spurs her to fight for her own skin and a piece of ground to stand on, a ground from which to view the world—a perspective...⁹

This project is a perspective. It is my way of fighting for my “own skin and a piece of ground to stand on.” This perspective details what felt at first like personal frustrations in my relationship to indigeneity and sexuality, but were actually reflections of the structural violence that has impacted colonized women of color for generations. Ironically, this project began with my failures in understanding indigeneity, the betrayal of my family because I identified as a lesbian woman, and those ghosts that leave me hungry for stories but leave no trace. This project began with me, but has become so much larger, which is why it has led me to Guatemala. However, this project is not only about Guatemala. It is about what Anzaldua asserts in her passage, “the faceless, voiceless, the disappeared,” the bodies that have been brutalized by colonial empires and the militarized states that seek to exterminate them. But as Anzaldua illustrates in her passage above, *La Malinche* keeps fighting through the silence, thus representing the centuries of anti-colonial resistance. This project is a testament to the indigenous woman in me who “continues to tend the flame” that illuminates the injustices done to past and present generations despite the disappearance and injustices done to indigenous communities.

Methodology and Sources

My methodology consists of visual and textual analysis of audio-visual (film), visual (photographs), and textual sources (police and military records) currently used in the human rights internationalism discourse, in which American viewers are the spectators of Guatemalan human suffering. All of the visual evidence I studied is linked to emblematic

⁹ Ibid., 45.

cases that have successfully brought justice to the victims, or at least provided substantial proof to initiate a trial against those suspected of committing the human rights violations. For example, I chose the documentaries, *Granito: How to Nail a Dictator* and *To Echo The Pain of The Many* because they are both driven by the need to collect evidence for legal proceedings on enforced disappearance cases and the Guatemalan genocide case. In addition, both films target European and American audiences, therefore I aimed to analyze the narratives that are told and visualized to cause interest and outrage from these audiences whose own governments are complicit in Guatemala's history of colonialism and imperialism. *Echo* and *Granito* were both produced in 2011 after the discovery of police records belonging to the Guatemalan National Police. They are therefore influenced by the archival imperative. In addition to textual documents, the documentary footage taken in *Granito* and *Operation Sofia* were both instrumental for the Guatemalan genocide case to get the international human rights trial in Spain. Furthermore, *Echo* and *Granito* focus on the presence and knowledge of academic expertise, such as archival scientists, forensic anthropologists, historians, and lawyers whose voices act as truth-telling genres throughout the film.

In this dissertation I mostly used textual documents, consisting of U.S. government documents and Guatemalan military documents that I collected from the National Security Archive in Washington, D.C. I also used police records that I studied during my fieldwork visit to the Guatemalan National Police Archives in Guatemala City. I chose the U.S. government documents, which included mostly communications between the U.S. military and government, to study the transnational link between the U.S. and Guatemala during the Civil War. It is important to study this connection because

it helps to better understand the relationship between the U.S. government and military regarding U.S. policy in Guatemala and the origins of the Guatemalan Civil War, implicating the U.S.. I also chose documents from the NSA because forensic archivist¹⁰ Kate Doyle found a strong U.S. link tied to all of the main archival documents that have been used in international human rights cases involving Guatemala's Civil War.

I chose the police records because the Guatemalan National Police Archive (AHPN) is the largest collection of secret police documents in Central America and has become a symbol of justice in Guatemala in the hopes that the records will be used as evidence to shatter the impunity left behind by the Civil War. Subsequently, the AHPN has become an object of fascination for archival scientists, historians, and lawyers who mine the archives in hopes of finding evidence that helps solve enforced disappearance cases, such as those presented in *Echo* and *Granito*. In terms of military documents, I conducted an in-depth study of the Death Squad Dossier (DSD) and Operation Sofia (OS). Both military documents are stored and analyzed by U.S. archivists such as Doyle in the NSA. Doyle has provided expert testimony on the DSD pertaining to enforced disappearance in the Gudiel Alvarez *et al.* case¹¹ in 2012, as well as her analysis of Operation Sofia in the Guatemalan genocide case in 2013. Doyle's expert testimony and the use of textual documents as evidence played an instrumental role in the success of both cases, further reinforcing the need for evidence and expert testimony by lawyers, archival scientists, or historians to obtain justice.

¹⁰ Jefferson Morley, "The Human Rights Detective," http://www.salon.com/2012/05/11/the_human_rights_detective/.

¹¹ The Gudiel case is made up of family members of enforced disappearance victims who used the DSD to take their cases to the international human rights court in Ecuador.

I also used oral testimonies of indigenous women survivors from the 1999 truth commission report by the Historical Clarification Commission (CEH) and the 2010 Historical Memory report, *Stitches of the Soul: Memories of Mayan Women Survivors of Sexual Violence During the Armed Conflict*. I chose to include these oral testimonies to show a contrast with the textual documents and refocus the perspective of the women who suffered the violence instead of focusing on the record-keeper of the documents who represented the state and military institutions condoning the violence. I understand that oral testimonies are also rooted in truth-telling mechanisms of ocular epistemology and ethnography, however the archival imperative has formed a hierarchy in which documents are valued more in the courtroom than oral testimonies. It is important to bring back the narrative and historical memory of the Civil War to the oral testimonies of indigenous peoples that in 1999 proved to be the pivotal component to open an investigation into the genocide. I use the oral testimonies as a way to reinsert the brutal and incomprehensible violence that the archival record is not telling but that is told by the indigenous peoples who lived the conflict.

Textual and Rhetorical Analysis

I build on Hesford's rhetorical analysis of the visual rooted in the Western philosophical concept of *ekphrasis*, defined as "bringing before the eyes...used to convey experiences of vision."¹² Therefore, the object of scrutiny in all of the chapters is connected to *ekphrasis*; I question and critique what the viewer, scholar, activist, etc., believes they see. In my interrogation of the visual, I simultaneously read the violent silences of the archive. However, the aim of my analysis is not to expose these absences. Instead, I intend to read the archive differently by exposing the racist, classist, and gendered

¹² Ibid., 8.

structures implicit in what becomes legible and present to the spectator. I interrogate the fictions of the ideal human rights subject constructed in power relationships that serve gendered, racist, and hetero-patriarchal structures.

For example, I question why non-indigenous, urban, middle class, straight men are the most legible in the military and police logbooks, and as a result, symbolize the injustices suffered by the Guatemalan people in the Civil War. Yet, genocide and the majority of sexual violence was committed against the indigenous community, in particular poor, rural women who were targeted by the same racist and gendered structures before the Civil War. Consequently, I argue that human rights discourse and particular academic expertise focused on bringing justice to human rights violations should discuss the historical racial femicide of indigenous women that occurred in the colonial period, Civil War, and that is occurring in contemporary society. Inserting racial femicide as a historical, racist, and gendered structure challenges the masculine construct of the *disappeared* trope as non-indigenous or indigenous, leftist, and male. In other words, my interrogation of the archive is not in search of explosive or shocking contents or to find documents that will bring justice to indigenous women. On the contrary, I seek to apply a critical reading of these documents that exposes the gendered, racist, and classist norms of human rights discourse. Subsequently, as I interrogate and demonstrate how these rhetorical constructs work in the context of visual evidence, the absences in the record are relieved of their pressure to show or speak for themselves because the reader understands how the structures work to create those absences.

I use different tables throughout this dissertation to illustrate how I am reading the nuances of the record through a more critical lens and highlight contradictions that I seek

to expose. For example, in Chapter 3, I conduct a textual and discursive analysis of patrol reports written by soldiers performing counterinsurgency operations in the rural region of Guatemala in 1982. I use tables to map the structure of the patrol report that follows a template of specific information for the soldier to disclose. For example, soldiers were instructed to provide information about injury to the patrol, weapons used, morale of the patrol, and outstanding actions, among other questions. As I analyze the reports, I refer back to the table to interrogate this particular template that exposes not only the disciplining of the soldiers but constructs a legible human framework from which to empathize with the soldier's struggle instead of the indigenous women and children they are attacking.

I pursue an investigation of notions of justice that do not depend on the human rights internationalism discourse and spectacular rhetoric that demand evidence and reinscribe new hegemonic truths. Instead, I have accepted that this research project will always have people missing. The ways in which the missing haunts this work is what pushes my argument away from empiricist notions of documentation, such as eyewitness accounts that construct Eurocentric knowledge as universal truth. Consequently, the focus of this project is developing a critique of the structures that are using and redeploying colonial discourses of "discovery" and "documentation" as the only routes to justice.

I was initially drawn to Guatemala's history of the Civil War because of the systemic sexual violence committed against indigenous women and young girls by the Guatemalan army, and I was outraged at the high rate of impunity for those crimes. However, the official story that dominates human rights internationalism discourse is not about the brutality these young girls and women experienced. The viewer does not even

know who they were, what their struggle was, and why they did not receive legal justice. Epistemologically, human rights internationalism discourse and Guatemalan society negates their existence in a national imagination that glorifies indigeneity as part of its past, but rewards the non-indigenous people with full citizenship and rights. Indigenous women who were survivors of sexual violence are not tied to the visual evidence of documentary footage and textual documents in the same way that non-indigenous, professional class, heterosexual men are. Indigenous women's subjectivity falls out of the normative framework of intelligibility designed by the parameters of the coloniality of power. In other words, the subjectivity of indigenous women disrupts intelligibility because it does not register under the politics of recognition. Indigenous subjectivity represents non-modern and primitive ideologies that threaten the nation-state. In addition, women are further oppressed by patriarchal and classist ideologies that make it difficult to imagine a revolutionary indigenous working class woman fighting for the destruction of the nation-state that attempts to exterminate her and her family. This type of subjectivity does not have the same type of appeal as the male ladino union leader, because the indigenous women's defiance implicates not only the Guatemalan state, but also the history of U.S. foreign policy in Guatemala, which is less than ideal for the targeted American viewer due to the discomfort it may cause.

My entry point to this project was to challenge the impunity and systemic historical significance of sexual and gender violence. Although I still did that work in this project, I learned that I had to interrogate other layers of structural violence rooted in colonial ways of documentation and constructing humanity. My larger argument shifted away from focusing exclusively on sexual violence and feminicides to interrogating

archival politics and their relationship to epistemological and ontological normative frameworks that use colonial hierarchies of race, gender, class, and sexuality to input value onto colonized bodies. I seek to understand the different processes of representation and subjectification made visible and legible through the archive. I am interested in the contradictions that expose fragments and remains of other ways of being and thinking, such as pre-colonial ontologies and epistemologies that are erased from the dominant paradigms of human rights internationalism discourse. This dissertation studies the absences not to transform them into discoveries, but rather to understand why they were erased and why disciplinary formations produce these absences in order to operate institutionally. Why does it have to work this way? Considering all of these factors pushes for a different read of the archive in order to expose the race, gender, and class hierarchies that produce absences, such as the indigenous subject, sexual violence, women, and non-heterosexual women, while simultaneously normalizing sexual violence and genocide against them.

Moreover, this dissertation moves away from modes of discovery, such as “giving voice” to indigenous women or “finding truth” in government documents and instead scrutinizes the actors and structures behind the U.S. and Guatemala’s coloniality of power. Using feminist and decolonial methodologies, I critique the epistemological frames that guide the assumptions that institutional texts, such as documentaries and archival records contain the truth or legitimate knowledge. I examine what their rhetoric obscures and why it has become so appealing. What are the colonial structures that make an archive of declassified documents speak for truth and justice? Why is there so much power in the illusion that the archive will tell us everything we need to know, whereas

alternative approaches to justice and multiple truths remain elusive? What about those victims or family members who do not have a piece of paper to show, as evidence of their loved one's disappearance or of their own torture by the military? Does their pain and suffering not count simply because of a lack of paper? The power and sway of the archive becomes a site of critique because it occludes other modes of critical inquiry and paths to multiple truths, forms of accountability beyond legal justice and remembering the people who are often forgotten in the official stories.

Historical Background

The Spanish colonial project began in 1524 when Spanish conquistadores led by Pedro de Alvarado invaded Guatemala and attacked the Mayan indigenous peoples of the Americas.¹³ In colonial Guatemala, the term "Criollo" was used to describe Spanish descendants, the first-generation settlers. It is a racial classification that proves that the individual is not from a mixed union but rather pure Spanish. In contemporary Guatemalan society "ladino" refers to "non-Indian," defined against stereotypical characteristics such as being poor, wearing the traditional dress, and not speaking indigenous languages. Subsequently, "ladino" is constructed in opposition to the "Indian," thus collapsing the ethnic diversity of Guatemala into Ladino vs. Indian.

"Mestizaje" included the mixing of an indigenous woman and black man, or black woman and Spanish man, whereas "mestizo" often referred to the mixing of an indigenous woman and a Spanish man. The sexual exploitation of indigenous women by Spanish colonizers in order to produce a mixed race is shown through the colonial classification. A child born to a Spanish woman with an indigenous man was classified as

¹³ Severo Martinez Pelaez, *La Patria Del Criollo* (Durham: Duke University Press, 2009).

“non-Mestizo.” For the purpose of this research, it is crucial to understand sexual violence in the context of Guatemala’s 16th century colonization, its 20th century Civil War, and its 1990s feminicides. Duggan *et al.* provide a useful definition that explains what I mean by sexual violence in the case of Guatemala and for this research: “Sexual Reproductive Violence” (SRV) is defined “to include practices such as sexual slavery, forced marriage, forced pregnancy/abortion/sterilization, rape, sexual torture/mutilation and sexual humiliation.”¹⁴ SRV surpasses rape to include other forms of sexual violence perpetrated by both armed and guerrilla forces, who use it as a tool for genocide to destroy the reproductive capabilities of women and disrupt their physical integrity and psychological well-being to inhibit their ability to reproduce future generations of their culture.

U.S. Foreign Policy in Guatemala

“If you had to pick one day where U.S. policy towards Latin America went wrong, the day would be 1954 and the place Guatemala. That was the beginning of this terrible attitude that the U.S. developed towards Latin America and particularly Central America where change became our enemy.”¹⁵ This passage, uttered by former U.S. Ambassador to El Salvador, Robert White, captures a pivotal date in the imperialist relationship between Washington and Central America that was followed by a 36-year civil war and political insatiability in Guatemala. Puerto Rican Journalist Juan Gonzalez states:

The tragedy of modern Guatemala owes its origins to U.S. foreign policy. A garrison state for more than forty years, Guatemala was home to the longest and bloodiest civil war in Central

¹⁴ Coleen Duggan, Paz y Paz Bailey, Claudia and Julie Guillerot. "Reparations for Sexual and Reproductive Violence: Prospects for Achieving Gender Justice in Guatemala and Peru." *The International Journal of Transitional Justice* 2 (2008), 195.

¹⁵ Peter Getzel and Eduardo Lopez, "Harvest of Empire," (2012).

American history. The roots of that war go back to an almost-forgotten CIA-sponsored coup in 1954, which overthrew a democratically elected president.¹⁶

What was it about Guatemala that threatened the U.S. government so much to the point that it intervened so viciously with the CIA? For most of the 20th century, the U.S. had grown accustomed to the support of U.S. investments by the Guatemalan oligarchy, in particular Guatemala's presidents, such as Jorge Ubico who ruled the country from 1931-1944.¹⁷ In 1944, a popular uprising made up of middle-class professionals and trade unionists forced Ubico to resign and Guatemala entered a brief period of democracy rooted in democratic elections of civilian presidents like Jacobo Arbenz. In an effort to redistribute land ownership in Guatemala where the majority of the landless Mayan population was illiterate and living in extreme poverty in rural regions, and where 2% of the landholders owned 72% of the arable land, Arbenz proposed agricultural reform.¹⁸ Indigenous communities such as the Mayans had been struggling for land rights for centuries, and their fight had intensified in 1944 with the emergence of modernity in Guatemala. Arbenz's support of the Agriculture Reform Act angered the United States, because 1,700 holdings of that confiscated land was part of the land owned by the United Fruit Company, which totaled 600,000 acres.¹⁹ According to Gonzalez, "Secretary of State John Foster Dulles and CIA director Allen Dulles convinced President Eisenhower that Arbenz had to go. On their advice, Eisenhower authorized the CIA to organize "Operation Success" a plan for the armed overthrow of Arbenz, which took place in 1954."²⁰ Operation Success was a collaboration between the U.S. and Guatemalan

¹⁶ Juan Gonzales. *Harvest of Empire: A History of Latinos in America*. New York: Penguin Books, 2011, 135.

¹⁷ *Ibid.*, 136.

¹⁸ *Ibid.*, 136.

¹⁹ *Ibid.*, 137.

²⁰ *Ibid.*, 137.

landowners that used a strategy linked to Cold War anti-communist sentiments to create a political practice that portrayed the Arbenz government and its followers as communists.²¹ With the overthrow of the Arbenz government, Guatemala retained its practices of extracting economic wealth from the land of indigenous peoples and maintained an amicable relationship with the United States that would extend to military aid for the civil war. Carlos Castillo Armas, the CIA selected colonel in charge of the coup, quickly returned the favor to the U.S. when he took power back and banned more than 500 trade unions in Guatemala along with returning 1.5 million acres to the United Fruit Company.²² As a result, Guatemala's democracy, led by popular uprising and indigenous social movements that fought for the chance to elect presidents who would act in their interests, was destroyed in June 1954. This destruction was in part due to a U.S. orchestrated attack on what scholars call "Guatemala's Eternal Spring" that was unfairly cut too short.

1982 Ixil Triangle Genocide

Efraín Ríos Montt's time in office was brief, lasting only 16 months, but the impact of the bloodshed and cruelty inflicted on the Western Highlands and against the indigenous populations remains intact. After asserting presidential power, Ríos Montt appointed three colonels from the Defense Ministry, the Army General Staff, and the Center for Military strategies to "reconstruct a military strategy, and create, with an elaborate counterinsurgency campaign, a long-term, multiple-stage National Plan of Security and

²¹ Ibid., xix.

²² Ibid., 138.

Development.²³ Thus, not only did Ríos Montt give limitless power to the Army General Staff, he also merged dangerous militarized institutions to govern over civilian life.

Ríos Montt's counterinsurgency campaign created a geopolitical division that targeted the vast Western Highlands of Huehuetenango and El Quiché, the majority of which is composed of rural terrain and home to the long marginalized and forgotten indigenous population. The military was concerned with the growth of guerrilla groups in the Western Highlands, specifically the Guerrilla Army of the Poor (EGP), who they believed had garnered thousands of indigenous sympathizers who had aided the EGP to escape the Lucas García counterinsurgency.²⁴ The new counterinsurgency campaigns led by Ríos Montt believed that the historical neglect by the Guatemalan government of rural and indigenous populated areas made these areas vulnerable to manipulation by guerrilla groups. Historian Betsy Konefal writes, "When General Efraín Ríos Montt took over the government, authorities claimed that repression was lessening, and it was marginally true in Guatemala City. But the army was killing far greater numbers in the countryside. The army militarized the countryside to an extent previously unseen."²⁵ With the rural regions as the main target of the new counterinsurgency plan, this placed the indigenous people of the countryside in a dire imperilment. Schirmer states, "with the 1982 coup, the military set out to 'regain' the indigenous population and 'rescue their mentality' from the guerrilla. At this precise moment, insurgency and counterinsurgency operations

²³ Jennifer Schirmer, "The Guatemalan Military Project: A Violence Called Democracy," (Philadelphia: University of Pennsylvania Press, 1999), 15.

²⁴ Presidential General Staff in Guatemala: An Approximation," ed. Marco Tulio Álvarez Bobadilla (Guatemala City: The Archives of Peace, 2011), 35.

²⁵ Betsy Konefal, *For Every Indio Who Falls: A History of Maya Activism in Guatemala, (1960-1990)* (Albuquerque: University of New Mexico Press, 2010), 152.

converged for the first time in Guatemalan history: both the guerrilla and the army sought to gain the hearts and minds of the indigenous population.”²⁶

In contrast to Lucas García, Ríos Montt ignored the urban region in the context of the Civil War and rural spaces became the epicenter of the war, specifically the Ixil Triangle. This blatant shift was exposed by Ríos Montt’s targeted geography despite the army’s denial that race played a central role during the Civil War. It was this shift from urban to rural that marked a turn towards genocide because it placed the indigenous population in the fire of intensified militarized violence perpetuated by the army. The counterinsurgency campaign deployed in 1982 is known as the peak of ruthless violence during the Civil War and the CEH report concluded that genocide against Mayans had indeed occurred in Guatemala and was enacted by the state. In the 2013 genocide case in Guatemala, Ríos Montt was found guilty of acting as the intellectual that ordered the military to commit 11 massacres and kill over 1,771 Ixil people in San Juan Cotzal, San Gaspar Chajúl, and Santa María Nebaj, known as the Ixil Triangle. However, the Guatemalan Constitutional Court annulled the historic verdict in the Guatemalan genocide case that sentenced 86-year-old Ríos Montt to 80 years in prison. Ríos Montt’s defense team claimed that he was subjected to illegal proceedings because the trial on April 19th 2013 continued without the presence of his lawyers who had walked out of the courtroom because they were upset at how the tribunal was handling the case. According to the Constitutional Court, “the trial should have been halted at this point while the challenges filed by Mr. García were being resolved.”²⁷ There have been countless attempts from human rights and local activist organizations to hold a retrial but Ríos

²⁶ Ibid., 30.

²⁷ Ibid.

Montt's legal team counters with legal petitions that cause severe delays in the legal process.

Contemporary Guatemalan Society

Despite the efforts of the revolutionary guerilla parties to establish a more fair and democratic society with the peace accords that marked the end of the Civil War, the military control of Guatemala's economic, political, and social domain remains intact. An example of the inability for change in Guatemala's political system is the presidency of Otto Perez Molina, a former military general under Ríos Montt's genocidal campaign in the Ixil triangle. Otto Perez Molina, a candidate of the Patriotic Party, served as Guatemala's president from 2012-2015, further stabilizing the military's influence and power over Guatemalan politics. Perez Molina made international headlines after voicing his unwavering support of Ríos Montt during the 2013 genocide case. In repeated interviews and media conferences, Perez Molina boldly stated that genocide had not occurred in Guatemala and that he would do whatever was in his power to protect Ríos Montt.²⁸

In 2015, Otto Perez Molina once again made the news, but this time it was because he resigned as President due to grave allegations of corruption against him and large street protests demanding that he be stripped from his presidency. In September 2015, he was arrested on charges of racketeering and bribery after congress lifted his political immunity. He is currently in jail awaiting the start of his trial.²⁹ The corruption scandal of Perez Molina's presidency, in which his vice president Roxana Baldetti was

²⁸ Latin American and Caribbean, "Guatemala Ex-President Otto Perez Indicted for Corruption," *BBC News* 2013.

²⁹ *Ibid.*

also arrested, reflects the extreme state of distrust that Guatemalan society has in their own government, which is reminiscent of the Civil War.

Even though the Guatemalan criminal justice system has recently taken legal actions against those who committed Civil War crimes, such as enforced disappearance and genocide, justice remains elusive for working class and indigenous Guatemalan women. In the same month that Ríos Montt faced genocide charges, six bodies of women and young girls were found mutilated and dumped throughout Guatemala City, offering a gruesome reminder that Guatemala holds the highest femicide rate in Latin America.³⁰ In this project, I argue that the crucial components missing from the larger dialogue about truth and justice are the ways in which murder and sexual crimes committed against women during the Civil War are connected to the growing rates of femicide. The Survivors Foundation in Guatemala City reported 3,774 femicides in Guatemala from 2000-2008 and 2,918 deaths followed the next three years, resulting in a 55% femicide increase.³¹ In addition, a recent study conducted by Karen Musalo and Blaine Bookey claims that there has been more than 6,500 femicides in Guatemala since the year 2000.³² In 2011, with the passing of the 2008 “Law Against Femicides,” there were 20,000 cases filed and complaints ranged from physical, sexual, psychological, and economic violence against women.³³ Musalo and Bookey state, “It is beyond dispute that Guatemala has a long history of tolerating violence against women, with impunity for such crimes hovering between 97%–99%.”³⁴ Despite the alarming numbers, statistical

³⁰ Randy Saborit Mora, "Femicides in America," *Publico GT.com* 2012.

³¹ The Survivors Foundation, "Statistics of Violent Deaths and Sexual Violence," http://sobrevivientes.org/estad_01.html#estad_mtes.

³² Karen Musalo and Blaine Bookey. "Crimes without Punishment: An Update on Violence against women and Impunity in Guatemala." *Hasting Race and Poverty Law Journal* 10, no 47 (2013), 1.

³³ *Ibid.*, 1.

³⁴ *Ibid.*, 271.

data in Guatemala has lost its shock value and ability to inspire action due to the ways in which violence against women has been naturalized. Consequently, colonial structures of capitalism, patriarchy, and heterosexuality in post-conflict Guatemala engender the continuation of genocidal violence against women, including indigenous women who continue to be raped and displaced from their land. This dissertation argues that in order to challenge the ways in which feminicides are naturalized in the current moment, this violence cannot remain isolated to a post-conflict era or seen as random acts of violence by a misogynist “macho” culture. Instead, the animalization of feminicides and the use of rape as a weapon of war need to be put into conversation with colonial historical violence and the structures—the military, state, and church—that produce this violence.

Theoretical Framing

This dissertation is grounded in decolonial theory, primarily drawing from Peruvian sociologist Anibal Quijano, Argentine feminist philosopher Maria Lugones, and Guatemalan sociologist Eglá Martínez-Salazar. In his article “Coloniality and Modernity/Rationality,” Anibal Quijano defines coloniality as “the most general form of domination in the world today, once colonialism as an explicit political order was destroyed. It doesn’t exhaust, obviously, the conditions or the modes of exploitation and domination between peoples. But it hasn’t ceased to be for 500 years, their main framework.”³⁵ According to Quijano, Eurocentric colonialism produced a political, social, and cultural domination that created a new global power from which notions of race emerged. The European colonizers constructed race through their social relations with colonized non-Western populations by imposing ideas of superiority and inferiority in order to exploit and control them socially and culturally. In relation to this project, I

³⁵ Anibal Quijano, “Coloniality and Modernity/Rationality,” *Cultural Studies* 21. 2-3 (2007), 170.

use “coloniality” to frame the contemporary racism rooted in the colonial history “cultural Europeanization” that privileges racial purity and whiteness.

In “Heterosexualism and the Colonial/Modern Gender System,” Maria Lugones proposes a framework she calls “the colonial/modern gender system,” which builds on Quijano’s work. While Quijano’s theory is centered on race, Lugones argues that a more nuanced examination of heterosexism and patriarchy is needed than that which is found in Quijano’s treatment of gender. Lugones claims that focusing solely on the racial classification of colonized people undermines the gender system that is simultaneously operating on an axis of the coloniality of power. In other words, Lugones advocates for a rereading of “the coloniality of power” not only through racial structures but also through “the process of intertwining the production of race and gender.”³⁶

According to Lugones, Quijano’s conception of gender is not sufficient because his analysis lacks attention to the reproductive biology of gender that is violently imposed on women. Lugones pushes Decolonial Studies to focus on the sexual differentials that changed pre-colonial cultures by imposing the construction of biology onto bodies; these sexual differentials were then enforced through binaries and categories to sexually mark the bodies for control and exploitation. For example, Lugones asserts that the racializing of women as inferior under global, Eurocentric capitalism facilitated the dehumanization of their bodies as animals and as violable for “heterosexual rape.” Lugones conceptualizes a “light and dark” side of gender, which is the construction of gender in relation to white bourgeois women and men including such notions as sexual morality, and purity, as well as submissiveness that reduces white bourgeois women to the private sphere of domesticity and patriarchal control. The “dark side of gender” is the violent

³⁶ Ibid., 189.

dimension in which biology reduces colonized bodies into two genders and dehumanizes those bodies for the colonizers' ravishment; it also includes the intense labor exploitation of the body that destined colonized men and women to death.³⁷ I use Lugones's concept of "light and dark" sides of gender to frame the different ways in which non-indigenous Guatemalan women were targeted in the internal armed conflict compared to indigenous women. Critiquing gender as a colonial introduction allows my analysis to go further than simply claiming all Guatemalan women were impacted the same way, because as this project will show, indigenous women as a group received harsher consequences from the war due to their colonized and non-white racial status.

Egla Martinez-Salazar also interrogates structural processes, global violence, and Western reproduction of knowledge. In particular, she centralizes the commonly erased voices of Mayan women. Literature on post-conflict Guatemala and the increase of violence against indigenous communities is largely represented by the voices of Mayan men in the findings of international human rights organizations. For these reasons, Martinez-Salazar uses her grassroots organizational work to understand Mayan women and dismantle the racist stereotypes that portray "Indias" as rural, poor, and backwards.³⁸ Martinez-Salazar uses the methodology of Decolonial Studies, moving beyond the "production of colonizing knowledge" that further reinforces the colonial imagination of indigenous people as primitive, uncivilized and incapable of resisting dominant forces. Building upon Lugones's proposal that scholars revive Third World feminism and explore the epistemologies of women of color, Martinez-Salazar centers not only the life and struggle of Mayan women, but also their voices. Martinez-Salazar's text is an

³⁷ Ibid., 206.

ethnographic study consisting of interviews with Mayan women and observations of them that she recorded in her field research in Guatemala.³⁹

I also build on Wendy Hesford's work, Spectacular Rhetoric's: Human Rights Visions, Recognitions, Feminisms, with respect to her analysis on discourses of vision that privilege Western constructions of recognition in human rights discourse.⁴⁰ Hesford examines the ways in which certain bodies are seen or not seen in terms of rendering entire populations socially and politically visible or invisible through the eyes of human rights. Hesford states, "*Spectacular Rhetoric's* pays particular attention to how human rights discourses, structured by visual constructs of recognition, become entangled with systems of identification (gender, race, class, ethnicity, nationality, ability, and sexuality) and how normative identity registers join visual technologies to produce the world citizen of human rights internationalism."⁴¹ Hesford defines human rights internationalism as the normative frameworks and narratives constructed by ocular epistemology and politics of recognition that function to reinforce American Nationalisms and Western Imperialism.⁴² I consider social actors such as Kate Doyle, previously discussed, Pamela Yates, the filmmaker who was allowed by the Guatemalan military to film during the Civil War, and Trudy Peterson, the archival scientist consulted by the AHPN to teach the staff how to preserve and organize the police records, as crucial American academic and human rights transmitters of neo-liberal discourse that form part of human rights internationalism. In addition to the social actors, in this project I also discuss American

³⁹ Eglá Martínez-Salazar, "The Everyday Praxis of Guatemalan Maya Women: Confronting Marginalization, Racism and Contested Citizenship," Ph.D. Diss. (York University 2005).

⁴⁰ Wendy Hesford, *Spectacular Rhetorics: Human Rights Visions, Recognitions, Feminisms* (Durham: Duke University, 2011).

⁴¹ *Ibid.*, 12.

⁴² *Ibid.*, 3.

archival institutions, American and European academic universities, and European state funders of the AHPN that add to the new landscape of human rights internationalism related to Guatemala's Civil War that functions to construct a normative framework of intelligibility in order for American viewers to sympathize with those who suffered human right violations.

Furthermore, human rights internationalism is composed of transnational discursive formations negotiated between individuals and nation states and corporations. Hesford states, "Human rights discourse is produced and distributed through human rights networks that monitor and adjudicate human rights crimes (the UN and non-governmental organizations) and through informal domains of human rights advocacy."⁴³ Human rights internationalism constitutes a normative framework emerging from Eurocentric history of war and conflicts that does not attend to the idiosyncrasies of colonized people in the Third World. As a result, an ahistorical discourse of *humanity* and *rights* removes any critical understanding of how race, gender, class, sexuality, and ethnicity are central markers of difference historically used to construct humanity.

Hesford critically reads the ways in which gender, race, class, and sexuality underlie the imaging technologies that function as storytelling devices to mold justice into the universal human rights subject. In the case of Guatemala, the non-indigenous, professional class, urban man acts as the ideal human rights subject who can be seen by American viewers through photographs in military log books, heard through testimonies of their wives and mothers, and traced through declassified information written in police and military records. In other words, photographs, documentaries, and archival

⁴³ Wendy Hesford, *Spectacular Rhetorics: Human Rights Visions, Recognitions, Feminisms* (Durham: Duke University, 2011), 14.

documents act as rhetorical constructs that contextualize the suffering of the disappeared revolutionary hero. Subsequently, Hesford argues that the visual economy of human rights internationalism depends on scenes of recognition constituted by Eurocentric human rights norms that privilege only what they can see. Furthermore, Hesford claims that the ways in which visual discourse travel are through cultural representations and politics of recognition that become legible to American and European viewers.

If the revolutionary hero constitutes the normative framework in which representations of violence become visible, such as enforced disappearances and torture, I argue that human rights internationalism pushes genocide and sexual violence to the background of the Civil War narrative. This re-shifting of bodies and violence in human rights discourses benefits the U.S. imperialist and patriarchal agenda inherent in American nationalism that functions to hide the colonial structures under the name of human rights and justice. I join Hesford's call to activists and scholars to be more critical of the normative frameworks they use in their work to expose scenes of suffering and politics of recognition.

I identify *Legal Justice* as a storytelling device that narrates the history of Guatemala's Civil War from the lens of human rights law. In his book, Seeking Human Rights Justice in Latin America, Jeffrey Davis conducts a study on how victims of human rights violations in El Salvador, Guatemala, and Peru struggle to breakdown impunity and pursue legal justice.⁴⁴ Davis defines legal justice as "...a process through which the truth of human rights violations is fully revealed, the victims and survivors are permitted to testify, a judicial or quasi-judicial institution issues public findings of fact, and those

⁴⁴ Jeffery Davis, *Seeking Human Rights Justice in Latin America: Truth, Extra-Territorial Courts and the Process of Justice* (New York: Cambridge University Press, 2014).

responsible for violations are subjected to legal accountability.”⁴⁵ According to Davis, legal justice is only one element of transitional justice, but it is a pivotal process because it is where truth is revealed through testimony and facts, which references the ocular epistemology of human rights internationalism. Davis argues that legal justice needs to be understood as a multifaceted process and not simply a result. Davis further states, “Uncovering, revealing, and proving the truth are essential elements of legal justice, and are also powerful tools to activate the process.”⁴⁶ I use the legal justice framework to interrogate Davis’s claims of “uncovering, revealing, and proving” that reinforce a spectacular rhetoric in which textual documents and footage are transformed into spectacles from which human rights subjects emerge from the trope of the disappeared.

Intellectual Significance and its Relationship to AMST

This dissertation is located in the field of American Studies because it reveals a transnational and anti-imperialist story of the Americas told from the vantage point of Guatemala. I will use American Studies concepts and critical approaches to interrogate the ways in which the U.S. Military has been central to capitalist enterprises of the American empire at the cost of enabling genocidal violence to protect its assets and profits, as occurred in Guatemala. This is my attempt to address Amy Kaplan’s question of American Studies as a field: “What I’m asking is how both to decenter the United States and analyze its centralized imperial power.”⁴⁷ This project aims to destabilize geophysical imaginings of “America” that center the United States as the epitome of an entire hemisphere. Similarly, Kirsten Silva Gruesz asks another thought-provoking

⁴⁵ Ibid., 54.

⁴⁶ Ibid., ii.

⁴⁷ Amy Kaplan, “Violent Belongings and the Question of Empire Today Presidential Address to the American Studies Association, Hartford, Connecticut, October 17, 2003,” *American Quarterly* 56, no. 1 (2004), 12.

question: “Who gets to define what “America” means? What institutions help enforce or undermine a particular definition? Under what historical conditions does one group’s definition have more or less power than another’s? Without looking critically at these questions of nomenclature, “American” Studies cannot claim self-awareness about its premise or its practices.”⁴⁸ Subsequently, my project destabilizes dominant definitions of “America” by tracing the founding of the U.S. to the British and Spanish empires and its colonial institutions such as the Catholic Church and the military. Additionally, I re-define America within a pre-colonial context before the construction of the U.S. Empire, and I thus expand my analysis of the Americas to lands including Central America. This project tells a counter-narrative of the Americas by focusing on particular historical conditions, such as the Guatemalan Civil War and contemporary feminicides that were produced by racist, gendered, and hetero-patriarchal colonial institutions. I challenge early foundational American Studies texts that aimed to mythologize the essence of America of a free homeland and stabilize a racial formation favoring whiteness imagined in the narrative of manifest destiny.

In her 2003 presidential address titled, “Violent Belongings and the Question of Empire,” Amy Kaplan began with discussing the U.S. occupation in Iraq and the Bush Administration to highlight the role of the U.S. military and her bewilderment during those critical times. Kaplan examines what she calls the “coming out narrative” of the U.S. Empire in which people are open to debating the status of the U.S. as an empire.

Kaplan states:

It’s fashionable, to debate whether this is a new imperialism or business as usual, whether the United States should be properly called imperial or hegemonic, whether it is benevolent or self-

⁴⁸ Kirsten Silva Gruesz. “America.” In *Keywords for American Cultural Studies*, edited by Bruce Burgett and Glenn Hendler. New York: New York University Press, 2014, 21.

interested, whether it should rely on hard power or soft power, whether this empire most closely resembles the British Empire or the Roman, and whether it is in its ascendancy or in decline.⁴⁹

Despite the public debate over empire, Kaplan was concerned with how this narrative has actually limited critical discussion of empire and ironically functions to:

[A]ggressively celebrate the United States as finally revealing its true essence—its manifest destiny—on a global stage. We won the Cold War, so the story goes, and as the only superpower, we will maintain global supremacy primarily by military means, by preemptive strikes against any potential rivals, and by a perpetual war against terror, defined primarily as the Muslim world.⁵⁰

American Studies as a field was pivotal to the emergence of scholarly discussion locating the U.S. as empire but as Kaplan reflects, this method of exposure is no longer enough since neoconservatives have entered the conversation using the same language.

Furthermore, I situate this dissertation in the historical condition of the Cold War that heavily implicated Central American countries as “communist” enemies that had to be destroyed in the name of liberty for Western countries. It is concerning that dangerous elements pivotal to the U.S. expansion and Native American genocide such as Manifest Destiny and the British Empire are strengthened instead of challenged. Naming the U.S. an empire does not mean dominant society is more critical of its colonial and imperial actions. Instead, these types of ahistorical narratives expose “nostalgia for the British empire and an effort to rewrite the history of U.S. imperialism by appropriating a progressive historiography that has exposed empire as a dynamic engine of American history.”⁵¹ It is urgent that as American Studies Scholars we must not only unmask

⁴⁹ Amy Kaplan, “Violent Belongings and the Question of Empire Today Presidential Address to the American Studies Association, Hartford, Connecticut, October 17, 2003,” *American Quarterly* 56, no. 1 (2004), 2.

⁵⁰ *Ibid.*, 4.

⁵¹ *Ibid.*, 7.

empire but also examine the power relationship by which oppressed groups were racialized and gendered by colonial taxonomies in the history of the Americas.

In addition to challenging American exceptionalist and imperialist tendencies in early American Studies, as American Studies scholars, we also have to be aware of the larger critique between the historical relationship of Area Studies and the Cold War agenda in which U.S. academics were used as agents of the state supporting intelligence and military institutions. Kaplan states, “We need to learn from the history of the Cold War uses of the field and use our authority to intervene in this process...we need to create alternative venues for international conversations and to show that we have visions of American studies and of America that provide alternatives to the ones offered by the State Department.”⁵² As a result, for American Studies to not be complicit in a repressive state apparatus, it is imperative that the field continues to evolve and dismantle ideology in service of empire. What better way to expand critical internationalist conversations than to shift the focus away from the U.S. and onto the lands and people who have suffered the brutal consequences of the U.S. instead of only relying on the dominant white American culture that has reaped the benefits of empire. This project aims to interrupt the U.S. empire agenda because it exposes the ways in which “imperialism is an interconnected network of power relations.”⁵³ An example of this is how U.S. foreign intervention used military and financial investment to train a Guatemalan military and state that guaranteed chaos and destruction for its indigenous population.

⁵² Ibid., 11.

⁵³ Ibid., 7.

Descriptions of Chapters

The chapters are divided into the particular truth-telling genres of documentary film, archival science and law, and archival science and testimonies. The thread that connects all of the chapters is the interrogation of how human rights internationalism constructs scenes of recognition and misrecognition for particular types of human rights violations. I examine how the spectacular rhetoric is connected to the ontological and epistemological agendas of the racist-militarized-patriarchal Guatemalan nation-state and how that is represented, re-told, and remembered for the American viewer and scholar.

In Chapter 2, “Documenting Guatemala’s Genocide in *Granito: How to Nail a Dictator*” and *To Echo the Pain of the Many*, I conduct a discursive analysis of two contemporary human rights documentary films that highlight how the narrative of the Civil War is being taught to American and European audiences. In addition, I also discuss the geopolitical divisions of urban enforced disappearances compared to the rural genocide to expose how this division is tied to visual evidence such as the DSD. I argue that the documentaries lack a critical framework from which to understand the genocide and massacres against indigenous peoples, therefore the narratives and face that become most recognizable in the film are those of the already familiar emblematic cases.

In Chapter 3, “Violent Silence: Re-reading Racial Femicide in Operation Sofia,” I interrogate two popular military declassified documents that have played a pivotal role in human rights internationalism discourse and achieved legal justice for the victims. Subsequently, I complicate the archival science standards that select certain documents such as the DSD and Operation Sofia to be used as evidence and thus insert legal value on them. I center on the simultaneous excessiveness, yet epistemological erasure of racial

femicide as historical violence targeting indigenous/colonized women. I critically examine the political counterinsurgencies designed by Efraín Ríos Montt with the help of the U.S. military that trained the Guatemalan military on how to construct a national security doctrine instrumental to the execution of the Ixil Triangle genocide. I urge critical conversations to bring together genocide and sexual femicide through the discussion of racial femicide in order to address the colonial structures that produce this violence and not to treat them as isolated attacks with no historical connection.

In Chapter 4: “Seeking Justice in Archival Terms: Interrogating the Archival Politics of the Guatemalan National Police Archives” I use police records I collected while doing a field work visit at the AHPN to challenge the current privileging of archival thinking⁵⁴ which privileges archival records such as those in the AHPN as a source of empowerment for human rights activists. Thus, archival thinking further normalizes a justice that can be served by institutionalized archives. Instead of focusing on archival records in this chapter, I conduct a discursive analysis of the institutionalization of archives and how that has shaped U.S. and Guatemalan human rights discourse. I use a timeline illustration to argue that since the 2005 discovery of the National Guatemalan Police records, there has been an archival explosion that has enabled academic colonialism and neo-liberal rhetoric to reshape democracy and justice in Guatemala. In other words, instead of dismantling the colonial structures responsible for the racialized femicide during the Civil War, the archival explosion has stabilized a new regime composed of NGOs, universities, and other state institutions that collaborate to discipline the genocide and sexual violence committed in the civil war into a hegemonic justice.

⁵⁴ Kirsten Weld, *The Archives of Dictatorship in Guatemala* (Durham: Duke University Press, 2014).

In Chapter 5: “*Rastros de Nadie* (Traces of No One): Re-reading *Disappearance* in the Guatemalan National Historical Archive,” I delve into the police records of the AHPN, yet I study the documents that have not been used as valuable evidence in human rights cases. In other words, I study the records that go ignored by lawyers, forensic archivists, and academics. In particular I focus on a digital file named case 89, which includes newsletters and memos written by ladino and indigenous guerilla groups in charge of the revolutionary movement during the Civil War. This material was confiscated by the military and the police and labeled as *subversive propaganda* that was used to study movement of those that the state considered as enemies. Case 89 shifts the focus from state and military authors of archival documents to the perspective of guerilla groups and offers insight into the racial, gender, and class divisions that existed in the revolutionary movement. I also study the case file of Yolanda Aguilar Urizar, a young ladina woman who was subjected to horrific torture by members of the Guatemalan National Police. However, since Urizar’s case has already garnered international attention and outrage, I turn to the documents in her case that go ignored in relation to her disappearance. In particular, I study a photo album containing the photographs and captivity information of other ladina and indigenous women who were jailed around the same time as Urizar. Therefore, in both case 89 and Urizar’s disappearance file, I read the absences that form part of the narrative but have gone dismissed because they lack appropriate visual constructs of evidence legible in human rights internationalism and academic disciplines.

Chapter 2: Documenting Guatemala's Genocide in *Granito: How to Nail a Dictator* and *To Echo the Pain of the Many*

Introduction

Guatemalan human rights documentaries, *Granito: How to Nail a Dictator* (2011) directed by Pamela Yates, and *To Echo the Pain of The Many* (2011) by Ana Lucia Cuevas exemplify the present day struggle for legal justice in post-conflict Guatemala. Both belong to an emerging group of Guatemalans focused documentaries associated with U.S. and international human rights organizations targeted at American and European audiences to teach them the histories of Central American countries. These films typically address human rights violations that occurred during Guatemala's Civil War, such as enforced disappearance of students, genocide, and the rights of human rights defenders. However, these documentaries also share a problematic pattern of focusing on emblematic human rights cases connected to empirical understandings of facts and evidence that would substantially hold in legal proceedings.

In *Granito*, Yates brings visibility to the Guatemalan genocide case through the perspective of a legal team and under a filmmaking and legal framework. In *Echo*, Cuevas captures the pain and injustice of the Civil War through her own personal story that highlights the middle class ladino experience of human rights violations. *Granito* and *Echo* represent the recent and ongoing pattern of Guatemalan human rights documentaries and the ways in which the stories of seeking truth and serving justice are being told in Guatemala. However, what will happen if this pattern continues without critical intervention and the indigenous experience and voices continue to be marginalized by these official stories?

I argue that a critical analysis that focuses on the history of the Civil War and the structural inequality that caused it is necessary to question the dominant history reinforced by *Granito* and *Echo*. As academics, we need to challenge the human rights internationalism that gives tremendous power to the archive in which empirical evidence, such as declassified documents, are prioritized. I propose that as scholars we interrogate the ways in which gender, race, class, and sexuality have been constructed and remembered in order to push for a more attainable form of justice for all. Both *Granito* and *Echo* stress the pivotal role of documentary-making and truth-telling projects that aim to recover and rediscover the history of Guatemala from the lens of the academic expert. Thus, *Granito* and *Echo* represent the recent and ongoing trend of Guatemalan human rights documentaries and the ways in which the story of the Civil War is linked to visual evidence that promises its audience legal justice.

In the following analysis, I argue that *Echo* and *Granito* are structured through a legal justice narrative frame centered on the tangibility of evidence, such as films and archival footage. I focus on how and why the popular textual documents operate as instrumental tools for ocular epistemology in human rights internationalism related to Guatemala's Civil War. In particular, I expose how the spectacular rhetoric operates through a revolutionary frame that situates enforced disappearance as the most legible human rights violation in order to privilege the ladino-professional-hetero-normative-man as the protagonist of the story. Subsequently, I aim to interrogate why the trope of the "disappeared" is the most commonly accepted in all of Latin America and how it has served the interest of human rights internationalism.

Furthermore, visual evidence privileges experiences of speech and writing that have acquired the symbolic and social value of “seeing is believing” or ocular epistemology. The ability to incite outrage and empathy to an American audience is possible when the human rights rhetoric constructs a neo-liberal appeal premised on a human rights subject that is legible to the universal Western citizen. What exactly is this appeal and how is it constructed by the human rights rhetoric? In order to examine this question in relationship to the spectacular rhetoric operating in *Granito* and *Echo*, we must interrogate the ways in which gender, race, class, and sexuality are working in the cases that have successfully achieved legal justice.

Granito and *Echo* both target an international audience. In particular, *Granito* aims at American viewers and *Echo* at an English or European audience due to the filmmakers geographical connections. For example, Pamela Yates was born and raised in the Appalachian region of Pennsylvania but moved to New York City at an early age where she launched her career in documentary making.⁵⁵

Ana Lucia Cuevas was born in Guatemala but fled in 1985 due to the heightened repression of the Civil War and lived in exile for 24 years in Manchester, England.⁵⁶ Hence, both filmmakers seek to educate their respective communities about the horrific events that transpired in Guatemala because they either witnessed firsthand, such as Yates, or personally affected them like Cuevas. It is important to pay attention to the way that Yates and Cuevas use visual discourses in their films to travel transnationally across the U.S., England, and Guatemala through cultural representations and politics of recognition legible to their intended audiences.

⁵⁵ Pamela Yates, "Granito: How to Nail a Dictator." Skylight pictures, 2011.content/uploads/2013/09/130724_GR_Press-Kit_2013_v-hires_reduced.pdf.

⁵⁶ Ana Lucia Cuevas, "To Echo the Pain of the Many " (Guatemala and UK: Armadillo Productions, 2011).

Yates and Cuevas construct a human rights spectacle of the Civil War that is not only fraught in contradictions but also “mediated by truth-telling genres and their contexts—more broadly, how human rights principles are culturally translated into a vernacular that imagines audiences, particularly Western audiences, as moral subjects of sight.”⁵⁷ In other words, the personal stakes of Yates and Cuevas creating successful documentaries that would be deserving of international praise and numerous accolades is not separate from the ways in which these filmmakers selected the faces, voices, and experiences of violence featured in their films. This process is part of the cultural translation both filmmakers had control over in order to craft marketable documentaries that would invoke American and English audiences. Using the context of the truth-telling genres in which Yates and Cuevas participate, such as filmmaking, law, and history, the filmmakers constructed stories about murdered husbands and fathers who were labor leaders fighting for a just cause. Such narratives not only engaged viewers but also caused them to become emotionally invested in the personal lives of those who suffered during the Civil War. Subsequently, enforced disappearance has become the trumping narrative for human rights advocates despite other types of crimes that occurred during the Civil War. American viewers, therefore, are positioned in the center of the human rights spectacle because it is with their engagement that the history of Guatemala’s Civil War gains social value in the human rights internationalism discourse.

Revolutionary Narrative Frame

In the article, “Framing Disappearance: H.I.J.@.S., Public Art and the Making of Historical Memory of the Guatemalan Civil War,” Kevin Gould and Alicia Ivonne

⁵⁷ Wendy Hesford, *Spectacular Rhetorics: Human Rights Visions, Recognitions, Feminisms* (Durham: Duke University, 2011).

Estrada interrogate the leftist historical narrative of public art created in 2004-05 by the Sons and Daughters for Identity and Justice Against Oblivion and Silence (H.I.J.@.S.). H.I.J.O.S. is a group composed of children whose parents were disappeared by the state and military during civil wars in Latin America. The group originated in Argentina as a result of the Dirty War (1974-1984) when the state targeted individuals suspected of being socialists. As a result, many Argentine students and labor leaders were disappeared by the military and death squads.⁵⁸ Comparatively, during the Guatemalan Civil War, 45,000 people were disappeared, therefore the political mission of (H.I.J.@.S.) is to center the injustices suffered by the disappeared in the larger historical memory of the Civil War.⁵⁹

Gould and Estrada argue that the public art of H.I.J.O.S. reflects a practice of inclusion and exclusion related to the ongoing battle for historical memory in Guatemala. Drawing from Charles Hale's conceptualization of the Revolutionary Triumphalism narrative frame, Gould and Estrada claim that the murals and posters that cover the walls of public buildings in Guatemala City's historic center reproduce a revolutionary narrative frame that constructs Mayan peoples on the periphery and the ladino as the nation's martyr. H.I.J.O.S. public art reinforces the dominant racial and ethnic formation of the "revolutionary" as ladino and male – an inaccurate representation that does an injustice to the thousands of indigenous men and women who also lost their lives fighting for the same cause. Gould and Estrada state:

The depiction of Mayas as possessing limited agency and the lack of Maya subjects of enforced disappearance in H.I.J.@.S. texts and images is consistent with the Revolutionary Frame in the

⁵⁸ Kevin A. Gould and Alicia Ivonne Estrada, "Framing Disappearance: H.I.J.@.S., Public Art and the Making of Historical Memory of the Guatemalan Civil War," *ACME: An International E-Journal for Critical Geographies* 13, no. 1 (2014), 102.

⁵⁹ *Guatemala Memory of Silence: Report of the Commission of Clarification* (Guatemala City: Litoprint, 1999).

sense that enforced disappearance was the tactic that the Guatemalan government used in its efforts to eliminate leaders of resistance (those with agency).⁶⁰

Therefore, Gould and Estrada caution how tactics of resistance as seen in the political project of H.I.J.O.S. may also run the risk of reinforcing dominant ideologies that serve the state and military structures.

In my visual analysis of *Granito* and *Echo*, I identify enforced disappearance as a spectacle of human rights internationalism that operates to inscribe social value onto particular types of bodies and the human rights violations those individuals were subjected to. The typical enforced disappearance victims were professional, non-indigenous men who even in their deaths have more agency than the living indigenous population. Indigenous peoples were also victims of enforced disappearance, but most importantly, enforced disappearance was not the only human rights violation the military committed. I argue that in the Revolutionary Frame, not only are indigenous peoples removed as victims of enforced disappearance, but also sexual violence as a human rights violation is erased from the visual field of human rights internationalism.

Granito: How to Nail A Dictator

Granito: How to Nail a Dictator has gained international praise and won multiple awards, including best creative documentary from the Paris International Human Rights festival.⁶¹ *Granito* was not the first documentary by Pamela Yates to receive international recognition. In 1983 she directed the widely acclaimed *When the Mountains Tremble (Mountains)*⁶² that won numerous awards and placed the Guatemalan Civil War in the

⁶⁰ Kevin A. Gould and Alicia Ivonne Estrada, "Framing Disappearance: H.I.J.@.S., Public Art and the Making of Historical Memory of the Guatemalan Civil War," *ACME: An International E-Journal for Critical Geographies* 13, no. 1 (2014), 106.

⁶¹ Pamela Yates. "Granito: How to Nail a Dictator." Skylight pictures, 2011.

⁶² Ibid.

international spotlight. *Mountains* was Yates's entry point into Guatemala's political violence and ultimately opened up a possibility for a film like *Granito*. In the 1980s, Yates worked as a journalist and sound editor in Nicaragua and El Salvador covering the political unrest firsthand. Unlike *Granito*, which focuses on archival documents and Yates's personal experience in the conflict, the aim of *Mountains* was to bring genocide to the purview of American viewers. As a result of her efforts, *Mountains* played an important role in influencing the solidarity movements and campaigns to stop U.S. military funding to Central America.

The Guatemalan Genocide Case and the Legal Team

Granito starts with a stunning nightfall view of colossal buildings in the center of Madrid's historic district. Madrid is the home of international lawyer and lead investigator of the Guatemalan genocide trial, Almudena Bernabeu. The idea behind *Granito* began when Yates was asked by Bernabeu to join her legal team of expert witnesses for the genocide case against General Efraín Ríos Montt and Fernando Romeo Lucas Garcia. The genocide case accuses Ríos Montt of participating and ordering 15 massacres that resulted in 1,771 deaths and 1,485 acts of sexual violence committed against the Ixil population in the Quiche region.⁶³ Bernabeu approached Yates because she was interested in using *Mountains* as evidence in the case since it was the only existing footage of Guatemala's Civil War. Bernabeu states, "The possibility of using the movie itself as evidence is very unusual in the context of these human rights cases to have this kind of footage about events of the past."

⁶³Commission, Guatemalan Human rights. "Genocide Cases." <http://www.ghrc-usa.org/resources/important-cases/genocide-cases/>.

Granito is situated in this investigative phase of the genocide case in 2008 when Bernabeu's legal team is gathering evidence for her and indigenous witnesses are being brought to testify in Spain. Bernabeu contacted Yates when the case had been moving slowly for five years due to repeated legal motions filed by the defense. There was no substantial progress in the case until 2005 when the Spanish Constitutional Court made a decision upholding Spain's jurisdiction over the genocide in Guatemala under "universal jurisdiction."⁶⁴ The genocide case picked up speed under Judge Santiago Pedraz of the Audiencia Nacional, but stalled again in 2007 when the Guatemalan courts refused to grant international arrest warrants ordered by the judge for the eight accused. Consequently, this did not allow Judge Pedraz to interview witnesses in Guatemala. As a result, in 2008 the trial was moved to Spain where Judge Pedraz and Bernabeu invited witnesses to testify and thus proceeded with the investigation. The fact that the genocide trial was held in Spain and not in Guatemala brought public shame to Guatemala because it reflected the government's corruption, impunity, and denial in confronting its troubled past. Although the national court had indicted former Latin American dictators for crimes against humanity, the Guatemalan genocide case was the first time a national court heard testimony from indigenous communities who survived the genocide.

From Madrid, the audience travels to New York City, home to Yates and her film studio. In her home we see Yates submerged in a storage room full of boxes and film equipment, she carefully opens each box marked "Guatemala" and browses through the reels of film in search of evidence to use in the genocide case. Yates states, "For a quarter of a century, old film cans of 16 mm negative and cardboard boxes of work print had sat

⁶⁴ Emily Williard, "Genocide Trial against Ríos Montt: Declassified Documents Provide Key Evidence." <http://nsarchive.wordpress.com/2012/02/02/genocide-trial-against-rios-montt-declassified-documents-provide-key-evidence/>.

in a warehouse. I got the outtakes from deep storage and began an archeological dig through 25 year-old footage.”⁶⁵ The most significant element of *Mountains* is that Yates filmed it during the summer of 1982 when Guatemala was under the rule of military dictator Efraín Ríos Montt. After the Civil War ended, the CEH confirmed that genocide was committed by the Guatemalan military against indigenous communities.

As Yates watches the footage she used for *Mountains* she states, “Guatemala City in 1982 was a dangerous place, no one would talk to me on camera, everybody was too scared, and death squads were operating openly.”⁶⁶ As we hear Yates’s voiceover we see a young indigenous man with a pink and blue flannel shirt walking with his head down averting the gaze of the camera that still captures angst and fear expressed in his body language. The audience also sees a clip of black and white footage frequently used in documentaries about the Guatemalan Civil War. According to Yates, a confidential source belonging to the guerilla movement leaked this footage to her in 1982, which shows two unknown men beating and holding another man down as a third man kicks the defenseless man violently. It is clear that this attack is occurring in broad daylight in a busy street in Guatemala City as people continue walking or watch helplessly as the man is attacked. After the man is beaten, he is taken into a vehicle where several men with white handkerchiefs over their faces take him away with no disturbance from police officials.

Yates searches for evidence to use in the genocide case by reexamining the old film clips and at the same time relives the fear and torment of that haunting period in Guatemala’s history. As she describes the images and events playing out on the screen

⁶⁵ Pamela Yates, "Granito: How to Nail a Dictator," (New York: Skylight, 2011).

⁶⁶ Ibid.

she states, “Sometimes a story told long ago will come back and speak to you in the present.”⁶⁷ In retrospect, Yates is able to use the film material she collected from working on *Mountains* 27 years ago and insert those images of the past into the present events relating to the genocide trial. Yates’s ownership of the footage gives her the control to select specific images that she brings back into the present, but also a command in constructing her story told through her interpretation of the events she witnessed. Subsequently, Yates simultaneously acts as the filmmaking expert of the legal team who is able to supply a unique piece of evidence but is also the individual behind the camera who has authority of how and what story is told. After introducing the value of her filmstrips and filmmaking role in the legal team, the audience sees the following text on the screen “Story told by Pamela Yates, Documentary maker.”

New York City is also the home to a third member of the legal team, forensic archivist Kate Doyle. The audience finds themselves in the offices of the National Security Archive. The NSA is a non-profit research institute located in New York City, founded in 1985 by American journalists and scholars to expose government secrecy in foreign affairs. The NSA is devoted to declassifying U.S. documents by using the U.S. Freedom of Information Act and acting as a public interest law firm working towards expanding access to government information. Additionally, the NSA played a critical role in the first conviction of a military officer in Guatemala and collected paramount documents for the Guatemalan genocide case.⁶⁸

Furthermore, Kate Doyle, senior analyst of U.S. policy in Latin America at the NSA currently directs several research projects regarding Guatemala. These projects

⁶⁷ Ibid.

⁶⁸ *Indicted for Genocide: Guatemala's Efraín Ríos Montt.*

include: “The Guatemalan documentation project” that emerged in the mid 1990s when the CEH requested U.S. government documents for the Guatemalan truth commission. The Guatemalan documentation project is a collection of declassified U.S. and Guatemalan government documents dating from the 1954 Guatemalan *coup d'état* sponsored by the CIA. Another key project is the Guatemalan Evidence project, which Doyle works on in collaboration with The Center for Justice and Accountability and law Professor Naomi Roht-Arriaza. The Evidence Project “aims to develop evidence to support litigation involving the Guatemalan genocide in Guatemalan and Spanish courts and before the Inter-American Court of Human Rights.”⁶⁹ As a result of Doyle’s archival expertise on declassifying and analyzing state documents, Bernabeu sought her out to act as the forensic activist that excavates the archives in search of more textual evidence.

For example, in Doyle’s first scene, she is studying the pages of the DSD as she says, “First and foremost what I see in the documents are lives. I see human lives. I see the lives of others, I see patterns, I see planning, and I see orders that went into that day when that person disappeared.”⁷⁰ The multiple “I see’s” in Doyle’s statement demonstrates how ocular epistemology shapes the discourse of truth and justice. A more critical question is what doesn’t Doyle see in the document? In other words, Doyle only analyzes what she sees like the photos and the coded language of government and military institutions. In *Granito* and *Echo*, Doyle appears at the sight of a document and her voice transmits the knowledge of what she sees in contrast to what is not there.

Another member of the legal team is forensic anthropologist Freddy Peccereli, who like Doyle plays a dominant role in both documentaries. Unlike Doyle’s expertise of

⁶⁹ The Center for Justice and Accountability, “The Guatemala Evidence Project,” <http://www.cja.org/article.php?id=361>.

⁷⁰ Ibid.

archives, Peccerelli appears at the sight of bones. Peccerelli was born in Guatemala but his family was forced to flee in 1980 due to death threats to his father who at the time was a lawyer in support of the revolutionary movement.⁷¹ At the tender age of eight years old, Peccerelli found himself adjusting to life in Brooklyn, New York. In the film he reflects on leaving Guatemala, "It was one of the worst days of my life...I was miserable because we did not know if we were coming back...miserable because I felt I was ripped out."⁷² Since he was personally affected by the Civil War, Peccerelli holds the unique position of being the only member in the legal team who was born in Guatemala but raised in the U.S.. When he was in college, Peccerelli became more desperate to reconnect with his Guatemalan history and began to get involved in forensic anthropology projects led by Dr. Clyde Snow in Guatemala.⁷³

Peccerelli is the only member of the legal team who lived in Guatemala during the filming of *Granito* despite death threats directed towards him by clandestine groups. Currently, Peccerelli is the director of the Guatemalan Forensic Anthropology Foundation (FAFG). His team of anthropologists has conducted hundreds of exhumations throughout Guatemala City's clandestine cemeteries and the rural highlands. A large poster with thumbnail portraits of men and women who were disappeared is seen hanging in front of a deep pit that is full of bones and scraps of clothes. Peccerelli is squatting, overlooking the pit and holding an old discolored identification card. Wearing a simple black t-shirt and a bright yellow bandana, Peccerelli is surrounded by FAFG volunteers who are wearing all blue uniforms, sorting bones and clothes into black plastic bags as

⁷¹ "Granito: How to Nail a Dictator": New Film Tracks Struggle for Justice after Guatemalan Genocide," in *Democracy Now* (New York, 2011).

⁷² Pamela Yates, "Granito: How to Nail a Dictator." (Skylight Pictures, 2011).

⁷³ "Granito: How to Nail a Dictator": New Film Tracks Struggle for Justice after Guatemalan Genocide."

they record their findings. Other volunteers are wearing all white plastic suits and construction hats as they climb down the pit using ropes and a pulley system that also lifts buckets full of bones from the mass grave. In one shot, we see buckets overflowing with bones and more than thirty femur bones on one table piled up together. Exhumations play a central role in the truth and justice discourse because they become a tangible site for excavating and recovering the bones that represent a factual memory of what happened.

A conclusion that can be drawn from the introduction of each member of the legal team is that Bernabeu chose them because she believes their academic expertise, along with the evidence, access, and control over the video footage, secret documents or exhumations, completes the puzzle needed to establish facts for the genocide case. The legal team is mostly composed of individuals who were not born or reside in Guatemala with the exception of Peccerelli. As a result, it is a contradiction that a Spanish woman (Bernabeu), three American women (Yates, Doyle, and Roht-Arriaza), and a Guatemalan-American man became the leaders of a genocide case that mostly affected Guatemalans. However, in the context of the genocide case, Bernabeu, Yates, Doyle, Roht-Arriaza, and Peccerelli are not viewed as outsiders, but rather experts because of their disciplinary association to documentary evidence. As a result, the members of the legal team become the main protagonists of the film and act as human rights detectives collecting evidence to nail the dictator.

Legal Justice and Visual Analysis of *Granito*

In my visual analysis, I situate Bernabeu's team in a legal justice framework that tells the story of Guatemala's Civil War through a human rights law narrative and functions as a

technology of truth telling. The photographs found in the DSD by Doyle, footage taken by Yates during the genocidal massacres, and the exhumation of bones in clandestine cemeteries in Guatemala City by Peccerelli, form a spectacle of images that “shape the process of cultural and legal recognition.”⁷⁴ In other words, these images and narratives act as a proxy for normative representations of humanity that can be seen in a context of evidential facts but also whose suffering and death is worthy of justice. Subsequently, the truth-telling actors and human rights law have control over what types of bodies deserve justice and what types of crimes are positioned as legitimate human rights violations.

For example, colonized bodies have historically been slaughtered with no legal accountability due to the ways in which colonial structures justified their extermination for the greater good of Western conceptions of humanity. To that end, during colonial times, it was not until colonial Spanish women were experiencing domestic and sexual assault from their Spanish husbands that Spanish civil law intervened to punish their perpetrators.⁷⁵ Yet, the physical and sexual violence inflicted on indigenous women for centuries before Spanish women arrived in the Americas functioned outside the law and it was not until physical and sexual violence marked colonial women that their suffering became recognizable under Spanish law.

In the context of the Civil War, the state and the military used violence to dehumanize rural indigenous people, which differed from the ladino men and women in Guatemala City. Indigenous people have testified that the military killed their entire villages, destroyed all of their crops, burned their homes, killed their dogs, raped girls and women in front of their children, and disposed of newborns in wells among other

⁷⁴ Wendy Hesford. *Spectacular Rhetorics: Human rights Visions, Recognitions, Feminisms*. Durham: Duke University, 2011, 8.

atrocities. However, despite this brutal force against indigenous communities, human rights law is unable to grant justice for these types of human rights violations. Through the eyes of the courtroom, the countless oral testimonies from indigenous survivors are viewed as insufficient evidence. Indigenous gendered bodies fall out of the visual economy of human rights due to their contested position as human within a context of neo-liberal politics that values only those humans that it can “incorporate into social relations that support the logic of a global morality market that privileges Westerners as world citizens.” As a result, the visual economy of human rights is not about finding all military officials responsible for crimes, exposing their unspeakable crimes, attaining closure for the families who lost a loved one in the conflict, or serving justice to all victims and survivors. Instead, the visual economy is about creating the ideal victim-subject whose identity categories are most aligned with the American viewer. Therefore, there is minimal room for cultural difference. In my visual analysis of *Granito*, I will show how the visual economy composed of evidence and academic expertise is entangled in legal justice. In other words, if particular bodies of difference lack legibility and moral value in the visual economy, their probability for obtaining legal justice is minimal.

Enforced disappearances, which largely consist of executions and/or torture to extract information from individual men suspected of belonging to revolutionary groups, have garnered more success in the international human rights courtroom. In addition, enforced disappearances, which were fewer in number because they were not part of the systemic violence against a targeted population, became highly visible through the visual and textual evidence of the archive, resulting in successful convictions of military officials. On the contrary, the excessive and extreme violence enacted against indigenous

women is rendered incomprehensible due to lack of textual and visual evidence under human rights law. Yet these types of crimes remain in impunity and continue to happen as seen with the high rate of feminicides in contemporary society.

I interrogate the legal justice frame to expose the contradiction in which the severe crimes of genocide and sexual violence committed against thousands of indigenous bodies are harder to read and understand under human rights law. Yet individual disappearances of ladino men and women become a repetitive universal representation of extreme brutality of the Civil War. I situate *Granito* as telling stories using the legal justice narrative frame that is repetitive in the sense that they make legible the dominant race, gender, class, and sexuality as seen with the ladino, male, professional, and straight. The individuals might have different names and lives as seen in the list of those who were disappeared, but structurally they embody the same identity politic. In this chapter, I disentangle the ways in which the legal justice narrative is wrapped up in race, gender, class, and sexuality power structures and argue the spectacular rhetoric of enforced disappearance.

Genocide on Trial

In part two of *Granito*, titled “Genocide on Trial,” Yates travels back to Madrid where we see striking shots of the Spanish Supreme Court building with a red and yellow Spanish flag waving in the wind. The camera also focuses in on the white angelic statues located at the top of the building that symbolize justice yet also represent Spain’s colonial history and monarchy. Through Yates’s voice-over we hear, “Finally after 27 years there was a chance Ríos Montt might stand trial here in the same court that indicted the Chilean dictator Augusto Pinochet. The Spanish court claims universal jurisdiction, the right to

prosecute the worst crimes even if they take place in another country.” Yates’s reference to 27 years highlights how slow and tedious the legal process has been in regards to the genocide case that was initiated in the Spanish National Court in 1999 by the Rigoberta Menchu Foundation against eight senior Guatemalan government officials including two other former heads of state, Fernando Romeo Lucas García and Óscar Humberto Mejía Victores.⁷⁶

A central figure that is instrumental to the success of the genocide case is Antonio Caba Caba who is Bernabeu’s key witness. We learn more about Caba Caba back in his small village of Ilo, located in the rural highlands of Guatemala. Caba Caba is also a leader of a victims’ rights group who survived a massacre in 1982 that killed 95 indigenous men, women, children, and elderly, including his own family when he was only 11 years old. Caba Caba states “The Association for Justice and Reconciliation (AJR) is made up of survivors of the war, people that lived as refugees in the mountains, survivors of the massacres. They witnessed what the army did, how their family members were killed. So not only I suffered, there are others and we fight together.”⁷⁷ As we listen to Caba Caba we hear the hurt and anguish in his voice yet also see the determination in his eyes. Caba Caba is an indigenous man in his thirties; his family consists of his wife, children, and extended family such as brothers, sisters in law, nieces, and nephews, all of who live together. The women in Caba Caba’s family are seen making tortillas on a stove, washing dishes outside in a rusty tin, tending to the children and weaving together traditional dresses. Although the women’s beauty and dress is striking, they become part of the background because they remain silent throughout all of the scenes taken in Ilo.

⁷⁶ Doyle, Kate. "The Guatemalan Genocide Case, the Audencia Nacional Spain " <http://www.gwu.edu/~nsarchiv/guatemala/genocide/round1.htm>.

⁷⁷ Pamela Yates, "Granito: How to Nail a Dictator." (Skylight Pictures, 2011).

The only person to talk is Caba Caba who identifies himself as the community representative. The Caba Caba family live in a small and humble house made of wooden logs and pieces of tin with clothes covering the holes on the roof. There is no furniture inside except wooden stools, a small, clay stove and plastic buckets for washing. The conditions of impoverishment the family lives in and the injustice they have experienced is seen on Caba Caba's face as he asserts, "Long before the war, the land belonged to our people."⁷⁸ Caba Caba's words are in reference to the role that land has played as a main catalyst of colonial violence and Civil War against indigenous people. The issue of territorial conflict is minimally discussed in the film. Consequently, a historical context with which to frame how land conflicts are related to genocide is absent in the film. It is only Caba Caba that discusses colonial history by stating that his living conditions are worsening everyday due to the fact that the government has taken the majority of his land. Caba Caba expresses frustration with the government that has left him a fraction of the land he once owned. As a result, he talks about the struggle of growing enough crops in such a small acre of land to feed his family of twelve and he tells Yates that he is contemplating emigrating to the U.S.. Instead of delving more deeply into a critical discussion that exposes the power relationships between the unjust conditions of poverty, history of land conflicts, and labor exploitation that push men like Caba Caba to migrate, *Granito* provides minimal context and even less critical analysis. Yates misses an opportunity to connect with the structural violence that Caba Caba and his family experience in their daily lives because she is too focused on the legal role Antonio plays as a witness to the massacre. Consequently, the colonial history that Caba Caba references and the invisible labor and silencing of indigenous women in Caba Caba's

⁷⁸ Ibid.

family falls into the background without any type of gender or decolonial analysis because they do not fit into the legal justice narrative frame.

Indigenous Witnesses in Spain

In 2000, Caba Caba and other survivors of AJR joined forces with human rights lawyer Francisco Soto and the Center for Human Rights legal action in Guatemala City. AJR witnesses testified to the public prosecutor's office regarding the massacre that they witnessed. However, because the country at that time was under the reign of the Guatemala Republican Front, which is Ríos Montt's party, the cases involving the AJR were halted and no investigation was launched for over five years in Guatemala. Therefore, Spain's reopening of the genocide case in 2008 provided a monumental opportunity for massacre survivors to give their testimony because in Guatemala they were denied the right to testify against Ríos Montt. Caba Caba states "We were interested in going to Spain because here in Guatemala there is no justice." Consequently, *Granito* follows witnesses including Caba Caba to Judge Pedraz's chamber in Madrid where they are given the opportunity to testify and name those responsible for the horrific crimes. The first witness to take the stand is Caba Caba. As he points to a map of Ilom village, he states, "Up here people were killed. They burned down these houses. They burned them with people inside. We had nothing to eat and we stayed..." In the middle of the testimony Caba Caba breaks down and begins to cry and tremble as he repeats, "I cannot understand what happened that day, I cannot understand." His heart-wrenching testimony paralyzes everyone in the room. Both Bernabeu and Judge Pedraz look as if they are holding back tears. Caba Caba continues and is able to finish his testimony followed by several other witnesses who take the stand.

In the voiceover we hear, “Over the next 18 months, I watched Alumudena bring 30 witnesses to Spain.” Out of those 30 witnesses, *Granito* only shows two unnamed elderly indigenous women who testify. During their testimony we do not hear their voices, but rather see them use gestures that express that their wrists were tied when they were held captive. These gestures are the only decipherable statements of their testimony. The way in which the indigenous women’s testimonies were silenced and represented compared to an individual indigenous man like Caba Caba reflects patriarchal ideologies that privilege the voices of men. Even if the indigenous women spoke in their indigenous languages, why was the audience not able to hear a translator? For example, at the end of Caba Caba’s testimony he says “I suffered,” thus the utterance of those words by an indigenous man capture the invisibility of indigenous women’s pain and the ways in which they are limited in naming their pain. According to the National Security Archive, many indigenous women testified in Spain and their testimony actually played a central role in the genocide case.⁷⁹ Unlike Caba Caba who represented a human rights organization, the indigenous women who testified in Spain were part of a women’s organization called the National Coordinator of Widows of Guatemala (CONVIGUA). However, this organization, which was founded by indigenous women and caters to the needs of rural women who lost their husbands in the war, is not referenced in *Granito*, and none of the women members are interviewed on their role in the genocide case. Therefore, the way in which indigenous testimony and leadership is represented in *Granito* demonstrates how indigenous men shape the narrative of the Civil War.

⁷⁹ “The Guatemalan Genocide Case,” National Security Archive, accessed June 2, 2013, <http://www.gwu.edu/~nsarchiv/guatemala/genocide/index.htm>.

As previously mentioned, oral testimony is undervalued in the juridical system, subsequently the testimony from Caba Caba and the other 30 witnesses would not be enough to convict Ríos Montt. In order for Judge Pedraz to issue an arrest warrant, more evidence is needed to prove Ríos Montt was responsible for ordering the genocide. Doyle states, “Human rights investigators traditionally have had to rely almost exclusively on testimony, witnesses, and survivors, people coming and telling their stories. The fact is when you want to make a case, when you want to indict a dictator, you need evidence and you can’t build an entire case. It is very, very difficult to build an entire case on witness testimony.”⁸⁰ The only way of building a genocide case against a former dictator like Ríos Montt was with evidence that demonstrates a command responsibility between Ríos Montt and the soldiers who committed these horrible crimes. In order to prove command responsibility, Bernabeu explains, “It’s not only important that you can prove that the superior was ordering the guys down below, it’s also that the people below were reporting back up.” Consequently, it is clear throughout the film that the demand for more and more evidence intensifies to the point that indigenous victims who experienced the genocide ironically could not provide the type of visual evidence needed.

The need for more evidence causes Yates to look harder for film outtakes that could help expose Ríos Montt as the individual in control of the military. Once again we are back in New York in Yates’s studio as she browses through filmstrips, but this time we do not see scenes from *Mountains*, but rather the outtakes that were not featured on *Mountains*. Yates exclaims: “There it was, the outtake from the interview I had done with General Ríos Montt.” In the interview Yates asks Ríos Montt, “Is there repression by the

⁸⁰ Pamela Yates, “Granito: How to Nail a Dictator” (Skylight Pictures, 2011).

army?” Ríos Montt replies: “There is no repression by the army. Our strength is in our capacity to make command decisions. That is the most important thing. The army must be ready to act, because if I can’t control the army, then what am I doing here?” Ríos Montt’s response captured on film incriminates him due to his confession that he ultimately is in control of the army’s actions. This particular outtake is exactly what Bernabeu was looking for and was submitted as evidence in the trial. However, similar to the insufficiency of testimonial evidence, the footage only demonstrated evidence from the top down, while more evidence was needed from the bottom up.

The following sequence again takes place under the New York skyline, but this time we are back in Doyle’s NSA office. According to Doyle, when she was in Guatemala in 2009, a confidential source gave her a document but told her not to open it until she reached the United States. Once in the United States, she realized it was the original copy of Operation Sofia, a military log depicting Ríos Montt’s counterinsurgency operation that took place in July and August of 1982. This counterinsurgency is known as the “scorched earth policy” that specifically targeted Ixil members of the Mayan communities in central Quiche.

From New York, the film moves back to Judge Pedraz’s chambers in Madrid where the legal team act as expert witnesses and present their evidence. At the start of the sequence, Yates states, “We all felt the weight of responsibility in speaking for the dead and the need to convince Judge Pedraz that there was sufficient evidence to go to trial.” Yates’s statement demonstrates how the expert witnesses – Peccerelli, Doyle, and Yates – have replaced the voice of the indigenous victims and now occupy a central position of speaking for the dead. As I will demonstrate in the following section, the evidence and

knowledge that the three expert witnesses hold is given more value and visibility in *Granito* than the previous testimonies by indigenous survivors. The following is a transcript of the legal team's testimony in the order that it was given in the court scene:

Peccerelli: As archeologists we document all the process like uncovering a crime scene.
Doyle: It is very clear in the document that this was a combat operation. There is no trace of psychological operations. (Operation Sofia)
Yates: I am a documentary filmmaker. One of my first documentaries *When the Mountains Tremble* was filmed in Guatemala between January and July of 1982.

In their first statements given to the judge, each expert identifies their concentration of expertise and connects their knowledge to crucial elements of the genocide case. For example, Peccerelli's reference to a "crime scene" is followed by images of exhumation records and bones, while Doyle's mention of a "combat operation" shows maps from Operation Sofia indicating the conflict zones where the genocide occurred. When Yates discussed her documentary making, we see scenes from *Mountains*, specifically when the army is patrolling the rural highlands.

The following section of the experts' testimonies highlight the ocular epistemology or "seeing is believing" framework that is structured by empirical knowledge and eyewitness reports.

Peccerelli: When they were shot in the head, skull fragments would scatter and they would fall backwards into the pit.
Yates: The army told me the guerrilla was responsible, but eyewitnesses in the village told a different story. I also interviewed General Efraín Ríos Montt. He always said there was no repression by the army, he is always denying that.
Doyle: In this summary of the fourth patrol, it says another person without identification and his arms in the air was eliminated. We are reading the voice of the military. We are reading firsthand how they did this.

The ability to count, analyze, and record information about the bones with pictures and statistical data rooted in forensic science is what gives Peccerelli's evidence truth-value. On the other hand, Yates, who "saw" and recorded on film a civilian massacre and also interviewed witnesses who "saw" soldiers committing the crimes is evidence based on

ocular epistemology. Additionally, Yates's interviews are legible through modes of
visuality, such as face-to-face interaction with the generals and hearing their responses.
Doyle arrived at her conclusions about Operation Sofia from studying the 369-page
document and reading the entries found in the patrol reports of the daily activities in the
camp and deciphering the maps and diagrams used to carry out the massacres. The ability
to see the text on the pages and read it is what allows Doyle to "hear the voice of the
military" and deduce her own analysis.

Peccerelli, Yates, and Doyle's testimonies exemplify what Hesford calls the
visual rhetoric of human rights, which is the foundation for truth-telling projects, such as
documentaries. Therefore, in interrogating the discourse of vision used in truth-telling
genres, I question the prioritizing of speech and writing and the ways in which social
meaning are imposed onto these objects (bones, documents, film) by a Western audience.
The visual rhetoric of the bones, documents, and film takes attention away from the
history of colonialism in Guatemala and the inequalities that have created invisibility of
indigenous communities. In the genocide case, the spectacular rhetoric uses "the seeing-is
power-model"⁸¹ to transform the indigenous victims into spectacles of suffering and
insert the voices of the expert witnesses (lawyers, filmmakers, anthropologists, and
archivists), infused by the power of Western knowledge, to give truth claims and speak
for the victims.

Moreover, Hesford states "Recognition of personhood is dependent on
hierarchical structures, suffering and the visualization of social injustices as scenes of
individual trauma and victimization."⁸² In contrasting the testimony of the indigenous

⁸¹ Wendy Hesford, *Spectacular Rhetorics: Human rights Visions, Recognitions, Feminisms*.

⁸² *Ibid.*, 35.

peoples with that of the legal team we see the hierarchical structures of recognition that define the visible from the invisible. For example, ten minutes of the film were dedicated to listening to the expert testimony of Peccerelli, Doyle, and Yates. On the other hand, attention to indigenous people's testimony, which included more than 30 witnesses who made the trip to Spain, was only given five minutes in the film. Of those five minutes, two minutes and 30 seconds were focused on Caba Caba's testimony and only 13 seconds were spent on the testimony of the two unnamed indigenous women. The rest of the five minutes were spent on scenes of Spain's buildings as Bernabeu spoke about the testimony and shots of the courtroom with different lawyers and scholars. When ocular epistemology is directing the story, it is structured by science and Western expertise that erase gender from the screen and reinforce a modern human rights paradigm that glosses over colonial history and its relationship to contemporary structural violence. Despite *Granito's* attempt to bring visibility to the genocide in Guatemala and attain truth and justice for the victims, the visual discourses around evidence that are entangled with politics of recognition and representation actually simplify and hide the structural factors that led the state and military to commit genocide in the first place. As a result, the experiences of the Civil War as lived by indigenous people and their ongoing struggle in contemporary Guatemala are pushed to the margins of Yates's narrative.

In a visit to a Guerilla of the Poor (EGP) camp, Yates witnessed daily meetings of young indigenous men and women discussing the political situation with students from Guatemala City and guerrilla members. One of Yates's most unique interviews of both documentaries is one she conducted in *Mountains* with three young indigenous women guerrilla members. The interview lasts less than five minutes and only one woman

speaks, but the audience never learns their names. What makes this interview so remarkable is that the audience gets a glimpse into the life and existence of young, indigenous, guerrilla women – a subject position that is silenced and erased in *Granito*. In the interview, Yates asks the woman why she joined the struggle and the woman replies: “When Commander Castillo held a training session in the mountains I went to be trained. After a few days I went home and told my father it’s good to be there; everyone is equal.” As shown in [Figure 1](#) below, the young woman in the middle speaks as the other two young women holding their rifles sit next to her. The woman speaking is sewing a piece of clothing while her rifle is on her lap and she rests comfortably on her friend sitting to her left. Her friend holds her rifle upright as it rests on her shoulder and remains silent while she listens to her.

Figure 1



During the interview, the young woman to the left of her brushes her ebony colored hair and ties it back as she adjusts her rifle across her legs. In *Mountains*, this interview, along with additional scenes of young indigenous men and women guerillas training and conducting operations in the mountains, lasts around 15 minutes. In contrast, this same interview is cut to one minute in *Granito* and the additional scenes of young guerrilla members are cut to less than five minutes. In *Granito* Yates uses the woman’s response

not to incite conversations of how indigenous women guerillas challenged patriarchal gender roles, but rather uses it as a reflection to tell the audience that she identifies with these young fighters, who like herself, want to see change in the world.

Another significant moment featured in *Mountains* is when a young indigenous woman delivers a speech to hundreds of indigenous families that are gathered on the mountainside. Again, her name goes unknown as she states the following in a passionate and assertive tone: “Compañeros, we are far from our homes...so we must fight for our kids. Men and women have to join the war... We women must not stay at our home. We can do more than tortillas. Now is the time for us women to use our intelligence. What do you say, compañera? Is the army going to beat us? Or are we going to beat them?” As she speaks amid the crowd, wearing her traditional dress, her face lights up with the help of the small fires next to her. She stands in front of a red flag imprinted with the face of Che Guevara and stands for the EGP. Her words express valiance as she calls out to women to defend their community, children, and husbands and contribute to the struggle. This young woman challenges her compañeras (female friends) to not stay home and succumb to domestic duties but to “follow the example of many fighting friends” and use their “brains” to take action into their own hands and fight. She also highlights the important role that indigenous women have in their culture by stating, “If the women stay behind, what will happen?” stressing that women have as much to contribute as men. As she speaks, her audience respond with applause and cheers and a feeling of hope builds among the crowd. Thus, this brief moment provides a glimpse into the participation of indigenous women, not only male guerillas and how indigenous women saw themselves as active agents of the struggle. However, this woman’s two-minute speech is completely

cut in *Granito*. The indigenous woman is not even shown at all despite the same footage being used. While, I understand that the filmmakers had to make difficult decisions when selecting what original footage to use for *Granito*, why is it that the moments in which indigenous women become important to the story they are erased? I argue that the legal justice emphasis on evidence prioritizes those presumed to have access and expertise to it and subsequently makes minimal room for the voices of indigenous women.

The last point I want to address in this scene is its haunting nature. In the original footage shot in 1982 for *Mountains*, the camera captured hundreds of indigenous peoples that were hiding from the military in the mountains. In the crowd, we see families sitting down together on the grass attentively listening to members of the guerrilla group. The following dialogue is between Yates and her journalist friend, Naomi Roht-Arriaza, in which they discuss their experience in filming a scene for *Mountains*:

Roht-Arriaza: 15 people showed up and then 50 people showed up and then 100 people showed up and then 200 people showed up. In a way it was kind of magical.

Yates: Do you ever think about all those people on that mountainside and what happened to them?

Roht-Arriaza: So I don't know if people fled and got out in time or fled to the city or if they are dead. I have no idea.

Roht-Arriaza's words capture the haunting aspect of that summer evening in 1982. The guerilla movement transformed an empty mountain space into a lively and populated arena that brimmed with hope. Roht-Arriaza describes this flow of abandoned fields followed by crowds of people as "magical" in the way that the indigenous people appeared and disappeared. Therefore, taking into consideration that it was in these mountains where genocidal operations were performed by the Guatemalan military in 1982, these pictures echo Roht-Arriaza's question concerning whether or not they are dead. Thus, this footage is now populated with ghosts, nameless people and bodies whose disappearance is not noticed by Guatemalan society. However, these people existed even

if it was for a fleeting moment found in old footage. In Figure 2 below, I focus on the presence of the indigenous families on the mountains and describe in detail what their faces look like, how they are dressed and whom they are with.

Figure 2



Figure 2 is a striking picture of five young indigenous women sitting around a thin tree. The two women to the far right are wearing the same traditional dress, which means they are from the same indigenous village. Their huipil (blouse) is made up of stunning roses ranging from orange to red colors. The three young women to the left are also wearing huipils but with purple and blue colors and different designs. Therefore, fleeing to the mountains helped indigenous people build a larger community of resistance where they were forced to come together from different villages. Moreover, the women are sitting with their legs crossed on the floor under their vibrant cortes (skirts) and silently looking ahead. Two of the women in the middle have their hands on their mouths and have a concerned expression on their faces. What happened to all those indigenous peoples, young and old, that were filmed in *Mountains*? What happened to the female guerrilla combatants whose names were briefly mentioned – Berta, Felicia, and Chavela? Where are their stories? I do not intend on writing romance or detective stories that find

objective solutions for Guatemala's future. Instead, I aim to use the fragments and the absences to push for alternative possibilities and question the dominant story.

To Echo the Pain of the Many

Echo begins with white text on a black screen that reads: "*Guatemala is one of the poorest countries in the North American continent. The indigenous, who have historically been victims of political, economic, and cultural exclusion constitute more than half of the population.*"⁸³ Immediately after the introductory text, an indigenous woman appears on the screen. She is wearing a traditional dress with a red and green pattern and a necklace made of colorful beads around her neck, her long ponytail hangs over her shoulder. It appears she is sitting outside her home and behind her there is a wooden counter that has pottery bowls, red and green plastic buckets, and soap bottles. As her eyes water and her face fills with anguish, she states:

The army would grab the boys from their feet and hit their bodies against the trees and the military would use their machetes to cut the stomachs of pregnant women and then the guts of their babies would spill out. Men were hung on trees and pieces of their body would fall apart and if women were not pregnant they were raped and hung on trees with their legs wide open.⁸⁴

We never learn her name or her story, but the abominable acts she describes are a haunting, yet vague element of the film that sensationalizes these grisly acts of violence. However, there is no context or historical background to better understand this indigenous woman and her story.

Following her testimony, we see another indigenous woman in a blue dress narrate a massacre she witnessed, "It was a Sunday; we were in the market selling our things that we would use for the week, when all of a sudden the helicopter came from

⁸³ Lucia Cuevas. "The Echo of the Pain of the Many." Guatemala and UK, 2011.

⁸⁴ Ibid.

above. It was obvious that the helicopter came to investigate if there were people or not. We started running and that's how it happened. More than 400 people died that day.”⁸⁵ As she retells the story, we see black and white video of indigenous women running into the mountains. The women are carrying large loads of food on their backs along with their babies and young children by their side. Again, we never learn the name of these women telling their story or what happened to their family members. It is as if these women only become visible under scenes of suffering and these unspeakable acts against indigenous people are represented as isolated events because of the lack of depth and critical attention to histories of colonialism, imperialism, and neo-liberalism in *Echo*. After the women give their testimony, additional text appears on the screen: “*After the Peace Accords and as part of the reconciliation processes it was agreed that there needed to be acknowledgment of the crimes that occurred during the war. With this objective all of the governmental parts need to open their archive.*”⁸⁶

At first glance, it is impressive that indigenous women's voices and images of attacks in the rural regions by the military are used to begin the film. However, this initial scene only lasts three minutes before it zooms in on the filmmaker, Ana Lucia Cuevas, and her story. The text provides a simplified version of the historical background and operates more as a political platform highlighting the role of the archive in achieving justice related to Civil War crimes. As seen in *Granito*, *Echo*'s priority is to argue for the openness and accessibility of such archives for the purpose of legal jurisdiction.

Lucia Cuevas was born in 1963, three years after the Civil War began, to an upper class family in Guatemala City. Her father, Rafael Cuevas Del Cid, was a well-known

⁸⁵ Ibid.

⁸⁶ Ibid.

lawyer and academic who studied at the University of San Carlos in Guatemala (USAC), and was respected for bringing visibility to human rights violations throughout the country. Due to her father's political activity, Cuevas's family was kept under surveillance and harassed by the state-controlled paramilitary groups. Following their father's footsteps, all of the Cuevas children attended USAC and were part of the resistance movement in the city. In the film *Cuevas* does not reflect on or question her family's upper class status and academic membership in Guatemala in comparison to the structural inequalities faced by indigenous peoples in the highlands. *Echo* fails to capitalize on its potential to discuss more critical racial and class topics such as the political and economic exclusion of the indigenous and working class population and the solidarity between indigenous peoples and ladinos. Whereas in *Granito*, the social capital and status of the "expert" either as the Western professional or academic functions as the norm, in *Echo*, class becomes a pivotal marker that demarcates power.

The film's title, *To Echo the Pain of the Many* is a verse from a poem written by a mother of the disappeared in Guatemala. For Cuevas, the "echo" signifies her family's tragic story and that of 45,000 other families whose loved ones were disappeared by the government. Cuevas expresses several times in her film that her "personal story" is only a piece of a "national story" shared by everybody in Guatemala. However, the danger in universalizing one story as echoing the 45,000 other stories can become a totalizing narrative that distorts the experiences of marginalized populations who do not have the class, race, and special privileges that Cuevas and her family had. In other words, the "echo" becomes a homogenous narrative that acts as a distraction from critical discussions of race, class, and sexuality in relation to truth and justice. Indigenous

Guatemalans in the rural highlands, who were targeted by Ríos Montt's army, have a different experience from non-indigenous people who lived in Guatemala City.

Therefore, universalizing an "echo" runs the risk of conflating experiences that are historically marked by race, class, and gender differences.⁸⁷ Cuevas's story, centered on her personal tragedy, produces an *Echo* that privileges upper-middle class, heterosexual ladinos who inhabited urban space.

The DSD and Carlos Cuevas

In contrast to the project for *Granito* emerging from Yates's participation in the legal team for the Guatemalan genocide case, *Echo* comes from Cuevas's personal connection to a victim of enforced disappearance – her brother, Carlos Cuevas. In 2008 Ana Lucia Cuevas came across an article online on the discovery of the National Police Archives in Guatemala City. Inspired by this archival discovery and what it could mean in the disappearance case of her brother, Cuevas immediately made the decision to go back to Guatemala in search of the truth about her brother's disappearance. Cuevas fled in 1984 due to continuous threats she was receiving for her participation in student movements opposing the military's intervention in the rural regions of the country. But her brother Carlos remained in Guatemala and was a sociology student at the University of San Carlos, Guatemala (USAC) where he was deeply involved in social issues concerning the indigenous population in the rural highlands. According to Cuevas, her brother's participation in student movements and his work in the rural regions marked him as a subversive by the state. As a result, Carlos was disappeared on May 15, 1984 at the age of 24, only two months after his sister had left Guatemala. The year and urban location of

⁸⁷ Guatemalan Commission for Historical Clarification. "Guatemala: Memory of Silence." Guatemala City, 1999.

Carlos's disappearance is significant because it is entangled with race, gender, and class that act as a spectacular rhetoric in enforced disappearance cases. In the investigation of her brother's disappearance, Cuevas found an important clue not in the AHPN but in the Death Squad Dossier (DSD) – a photograph and information of her brother's capture.

The Death Squad Dossier (DSD) is a 54-page document consisting of 183 victims of enforced disappearance during the rule of military dictator Oscar Humberto Mejia Victores in 1983-1985. Historian Kristen Weld describes the DSD as a “gruesome document, in some cases revealing victims’ fate for the first time. Its impact was explosive.”⁸⁸ To borrow Weld's expression, it has been the *explosiveness* of this document that has generated immense interest in human rights discourse, specifically for archival specialists like Kate Doyle. Doyle was the recipient of the DSD in 1999, sold to her by an anonymous source in Guatemala. Doyle, the director of the NSA (National Security Archive), was in charge of authenticating the document and preparing it for use in international human rights courts.⁸⁹

In the image below, created by H.I.J.@.S., we see a portrait of Carlos Cuevas, and next to it the words “disappeared” and “Diario Militar” (DSD). As discussed by Gould and Estrada, this image, which is similar to others created by H.I.J.@.S. that are displayed in Guatemala City serve to memorialize the faces and names of the disappeared. This image exposes the spectacular rhetoric that operates through the naming of the victim (Carlos Ernesto Cuevas Molina), and the date of his disappearance (15-05-84), because they are symbols attached to social values that under the legal justice narrative frame are coherent to American audiences. It is as if the simple yet intricate

⁸⁸ Kirsten Weld. *The Archives of Dictatorship in Guatemala*. Durham: Duke University Press, 2014), 63.

⁸⁹ The National Security Archive. "The Guatemalan Death Squad Diary and the Right Truth." <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB378/>.

distinctions that give the portrait the physical appearance of Carlos Cuevas simultaneously construct his humanity by linking his particular ontology to the trope of *desparecido* and the visual evidence of the DSD.

Figure 3



Another individual found in the DSD is Fernando Garcia, a respected leader of the Guatemalan labor party. In *Granito*, Yates spends a considerable amount of time and attention on the case of Fernando Garcia whose wife, Nineth Montenegro, was a co-founder of Mutual Support Group (GAM). In 2011, Garcia's case became the first forced disappearance case to result in a conviction thanks to documents found in the National Police Archive.⁹⁰ The legal justice narrative frame visualizes the revolutionaries in the images of men like Garcia and Cuevas who are remembered as victims of enforced disappearance who died defending their country.

Why is it that out of 200,000 victims of disappearance, torture, and sexual violence, human rights internationalist discourse has rendered most familiar the cases involving the enforced disappearance of urban ladino men? Yet, according to the truth commission reports, 83% of the disappeared and tortured were indigenous men and 87%

⁹⁰ Doyle, Kate. "27 Years Later, Justice for Fernando García." <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB337/>.

of victims of sexual violence were indigenous women?⁹¹ A positive development has been that the massacres and genocide cases that occurred in the rural villages against indigenous communities have recently reached the court process as well. I will demonstrate in my analysis that the ways in which indigenous testimony and massacre cases are represented in *Echo* compared to enforced disappearances are very different and structured by race, gender, class, and sexuality.

Another layer of pain to Cuevas's story is that after Carlos was disappeared from Guatemala City in 1984, his wife Rosario Cuevas had become extremely active in his search. As a result of her search, she was disappeared on April 4, 1985 along with her two-year old son Rafael and younger brother Maynor. Death squads operated by multiple military dictatorships are to blame for the thousands of disappearances that took place in Guatemala City, including the Cuevas family members. Despite Cuevas's 25 years in exile, she never stopped fighting for justice for her family. In Britain she began a career in social documentary filmmaking. Unlike her previous involvement in student oppositional movements, documentary filmmaking became a new tool that Cuevas used to fight for truth and justice for her brother.

Repression in Guatemala City

As democratic manifestations challenged dictatorships in Guatemala City, the repression intensified in an effort to silence and eliminate all political opposition. As opposed to the indigenous peoples in the rural regions who were fighting for their land rights, the

⁹¹ The Commission for Historical Clarification (CEH), "Guatemala: Memory of Silence," (Guatemala City: CEH, 1999).
Guatemaltecas, *Stitches of the Soul: Memories of Mayan Women Survivors of Sexual Violence During the Armed Conflict*.

political opposition in the city consisted mostly of ladinos who supported the struggle for social equality and justice. In the early 1980s, death squads began to operate in Guatemala City openly, kidnapping professors, students, professionals, and activists, and torturing them to extract information of subversive activity.⁹² Most of those kidnapped were eventually killed and their bodies dumped in clandestine cemeteries throughout the city with no identification, thus these crimes are known as enforced disappearances. As stated in *Echo*, the military intelligence unit, the Estado Mayor Presidencial (EMP) who authored the DSD, carried out enforced disappearances in the city. Guatemala City was controlled and under surveillance by the EMP and the National Police and thus their documents mostly pertain to enforced disappearance cases of ladino, upper and middle class urban men, as illustrated in the film.

Echo presents four cases of enforced disappearance⁹³ and five murder cases all involving ladino men, with the exception of two murder cases involving non-indigenous women, Rosario Cuevas and Myrna Mack. Eight of the nine individuals featured in *Echo* were all disappeared or murdered in 1984 from Guatemala City. The men who were forcibly disappeared are: Fernando García, Oscar Hernández Quiroa, a firefighter, and Rubén Amilcar Farfan, a newspaper editor and humanities student at the USAC. Oliverio Castañeda was a well-known student leader who was murdered during a demonstration in 1978. Héctor Gomez Galito was the director of Grupo de Apoyo Mutuo GAM (Mutual Support Group) and in 1984 he was also murdered during a protest. Benjamin Ronaldo Orantes Zelada was shot to death when the military attempted to kidnap him and his body

⁹² Guatemala, Human rights Office of the Archdiocese of. "Guatemala Never Again: Recovery of Historical Memory Project." New York, 1999.

⁹³ I define "enforced disappearance" as a crime where the body has not been found, and a "murder" is when the body has been found and identified.

was found near a relative's home. His wife, Claudina Beatriz Salazar Barrera, was also captured, but later released. All of the men featured in the film are ladino students, professionals, and labor activists from the urban area who believed in the revolution.

The main case featured in *Echo* involving a woman is that of Rosario Cuevas, Carlos's wife and mother of his young son. Immediately after Carlos disappeared, Rosario embarked on a frantic search for her husband going to all of the jails and morgues looking for any sign of him. In 1984, she became vice president of GAM, a political resistance group that was founded in 1984 by family members of the disappeared. Mothers, sisters, and wives composed the majority of the groups who pressured the Guatemalan government to return their relatives back to them alive. In the following section, I argue that GAM used an exclusionary but strategic maternal political identity to insert themselves in the nation's political economy that reinforced the trope of the disappeared as ladino, urban, professional, and male, who even in the moment of his absence, the story becomes about his legacy.

The Guatemalan Women's movement began in the late 1970s and early 1980s when women such as Nineth Montenegro and Rosario Cuevas began protesting against enforced disappearance of their husbands. Women organized to tackle issues caused by the political and economic crisis of Guatemala, such as unequal land distribution affecting indigenous women in the rural regions, and the unemployment and high cost of living in Guatemala City faced by working class women. The instability caused by the Civil War ironically disrupted women's identities as caretakers and caregivers, driving them to question traditional norms of femininity and masculinity. As a result, women began participating in four types of organizations: human rights, economic based,

revolutionary groups, and student movements. The most notable of the organizations in Guatemala was GAM. Women were pushed to question the structural root of their problems due to their gendered position as women and demand more rights. Susan Berger emphasizes the economic and political conditions that united women and the ways that gender politicized women. However, Berger's racial and ethnic analysis is lacking, and at moments it appears she conflates both ladina and indigenous subjectivities into all women.

In the article "Supermadres, Maternal Legacies and Women's Political Participation in Contemporary Latin America," Susan Franceschet, Jennifer Piscopo, and Gwynn Thomas argue that maternalism is an enduring legacy in Latin American women's political participation. Franceschet *et al.* borrow the term *Super-Mother* from Elsa Chaney's study on how Chilean and Peruvian women leaders from the 1950s and 1960s used maternalism to justify their political participation. I apply the concept of *Super-Mother* to GAM, which, similar to other Latin American countries in the 1980s, mothers took to the front lines marching to demand their loved ones be returned to them. My aim is not to in anyway undermine the political involvement of the Guatemalan women's movement or groups such as GAM and CONAVIGUA. Instead, I seek to understand why the movement worked in this particular way and how it is entangled with a spectacular rhetoric that continues to mold a familiar story.

Historically, discourses of maternalism are rooted in colonial gender roles constructed for middle and upper class Spanish or ladina women that disciplined their bodies and behavior for the home, such as the private/public sphere and gendered division of labor. Franceschet *et al.* trace the colonial order in Latin America that

introduced patriarchy, defined as an ideology that justified monarchical rule by appealing to both the divine and natural order of the patriarchal family.⁹⁴ Patriarchy linked political power to patriarchal privilege, family status, and concepts of honor, subsequently equating political power to elite men as part of the natural order, and decreasing political authority to those identities (race, gender, class, sexuality) who did not share any of these structures of power with elite men

Franceschet *et al.* trace the cultural narrative of maternal identities to colonialism, however, they lack an analysis of how it impacted colonial and colonized women differently. For example, civic maternalism contained women to the private sphere, but ironically served a strategy to transition women into a public role within a democratic society. Latin American women used maternalism to carve a political identity for themselves in social movements. “Women thus mobilized to protest human rights abuses, and marched to demand the return of their disappeared family members, framing their actions as a natural extension of their nurturing roles.”⁹⁵ What is problematic about the maternalism narrative is that when it is used as a strategy to subvert the state, it privileges middle and elite non-indigenous women who have been historically situated within a system of patriarchy. Patriarchal norms value them as the mothers of the nation whose sexual reproduction is needed for the survival of the national body. Therefore, what happens when political identities and spaces of resistance are made possible using colonial legacies such as a maternalism identity that were not available to all women?

In *Echo* we see many black and white photographs and footage of protests held by GAM activists in the city. Photos depict Rosario standing and speaking into a white and

⁹⁴ Ibid., 5.

⁹⁵ Ibid., 9.

yellow megaphone as she reads a document and addresses the crowd. Other photos show large crowds of ladina and indigenous women holding posters of their loved ones who disappeared. In one image we see four people holding together a large white banner sign with black letters that reads: “Hija dónde estás? Papá, Mamá dónde estás? Dónde está tu hermano?” (Daughter where are you? Dad, Mom where are you? Where is your brother?) In another clip we see a crowd of GAM members protesting in front of the government palace as police officers grab them and beat them with their batons. Lucia Cuevas interviews Montenegro about her years in GAM with Rosario and how they searched for their husbands together. She states: “We emerged from the harsh reality and united because we needed mutual support like spiritual and moral because there were moments that we discussed not the political climate but how we were feeling and we would cry.” As can be drawn from Montenegro’s response, GAM was not only a political group but also a source of emotional support for the women who had all experienced the loss of a loved one, specifically a male partner. The courage and accomplishments of GAM women, such as Montenegro and Cuevas who lost her own life in her commitment to GAM, is inspirational and commendable. Both women denounced enforced disappearances publicly during the worst years of the internal armed conflict. Montenegro and Cuevas’s organizing is located during a crucial moment in the Guatemalan women’s movement that introduced inclusive and exclusive politics imbedded in establishing gender as an identity politic for the movement.⁹⁶

However, when GAM is contextualized within The Guatemalan women’s movement and analyzed through the logic of maternalism, the viewer can understand why the leaders and icons belonging to the most active organizations come from mostly a

⁹⁶ Susan Berger. *Guatemaltecas, the Women’s Movement*. Austin: University of Texas Press, 2006, 2.

non-indigenous and middle or upper class background.⁹⁷ Consequently, the women with political power and space to organize during the Civil War were those we see in the documentary, Nineth Montenegro and Rosario Cuevas, who fought under the names of their husbands or fathers of their children. Patriarchal privilege, such as dominant racial category, and middle or elite class status reinforced racist, classist, and homophobic social norms because despite allowing for the resistance of mothers and wives, it reduced political space for alternative identities, such as indigenous women and lesbian or transgendered women.

Even though indigenous women were members of GAM, it is troubling that many of them were not in positions of leadership or remembered in the historical memory narrative in the same way as ladina women. What would it mean for indigenous women to join the marches holding a picture of her female companion? Would she be regarded with the same respect and trust as Montenegro to lead the search of the disappeared? Would she be remembered? The spectacular rhetoric operating in *Echo* makes the ontology and epistemology of these imagined women absent from the narrative, as it is absent from the view of the audience. It is interesting to note how GAM and CONAVIGUA operated through separate political platforms in the Civil War instead of intersecting to meet the needs of indigenous working class women living in the city. Moreover, all the main disappearance cases featured in *Echo* are linked to Carlos, either through his class, gender, racial, and/or sexual identity. Therefore, subjectivities closest to or most similar to his identity, like Garcia and Orantes, become the most visible. In

⁹⁷ Ibid., 69.

addition, all of the forced disappearance cases and murders presented in *Echo* have a connection to GAM.

Massacres and Genocide

In contrast to enforced disappearance, the massacre given the most attention in *Echo* is the Choatalum case in which Cuevas attends the trial of Felipe Cuzanaro, a military commissioner who is the first officer to be charged with forced disappearance that occurred during the conflict. Cuevas states, “In those years I knew the military was exterminating the indigenous population in the rural parts of the country. But it was not until I came back from exile that I learned that one of the most affected areas was only a few minutes from my home.”⁹⁸ Despite the proximity of massacres in indigenous villages to Guatemala City and the high rate of human rights violations committed in rural regions, Cuevas’s statement demonstrates a disconnect between the amount and type of violence occurring against indigenous compared to ladinos. Additionally, in *Echo*, activist Aura Farfan states that massacres in the rural regions were often not denounced by police, but rather remained in silence. In Guatemala City, massacres did not occur but rather enforced disappearances were more common and were frequently denounced resulting in public opposition against the government. Thus, this disparity reflects the ways in which human rights violations involving ladino, revolutionary, urban men are more visible in national and public spaces. On the other hand, human rights violations involving indigenous peoples, such as massacres, forced disappearance, and sexual violence remained in secrecy for many years and only in the last five years have these crimes received legal attention.

⁹⁸ Lucia Cuevas. "The Echo of the Pain of the Many." Guatemala and UK, 2011.

In *Echo*, Cuevas interviews three indigenous women survivors of the Choatalum massacre as they sit on a grassy hill near their homes. Petronila Ixcot retells the horror she lived in the following excerpt, “We could not talk and we were quiet. People said they are coming for us, they are coming for us and I would ask how? Later we heard from the neighbors that the military came at four in the morning and killed their mother. What are we going to do, where are we going to go?” Maria Lucia Bajxa, sitting on the far right, recounts the following:

When they came for my parents I was five years old and my young brother was two years old and my older sister was ten years old. When they came for my parents we were sleeping and they took my dad and my mom was left crying so they came for my mom and took her. At the moment my brother was under the bed and they came for him and took him.⁹⁹

The third woman, Mariana Taybalam, sitting in the middle, fled to the mountains for eleven months with her children to escape the military and when she came back to her village, she found out her husband was tortured and killed. Mariana states that her husband was tortured because the military commissioner was furious that she and her children had escaped. According to Mariana, she only found her husband’s disfigured head and to this day the rest of his remains are missing. The time spent on the indigenous women and their testimony is seven minutes. Unlike the four earlier cases of ladino men, the audience never learns the names of Marianna’s husband and Maria Lucia’s parents or her little brother. No photographs of their family members or more detailed background information is provided about these indigenous victims. Thus, the audience does not get a chance to know who they were and their specific struggle in the ways that they do for ladino victims.

⁹⁹ Pamela Yates, “Granito: How to Nail a Dictator.”

In sum, why is it that in the year 2013, 27 years after the height of the Civil War, there are around ten emblematic cases that are repeated frequently in documentaries like *Granito* and *Echo*? I have provided a theoretical discussion about human rights internationalist discourse that uses spectacular rhetoric to imprint particular cases in the minds of American viewers and effectively simplify the historical context of Guatemala's Civil War that glosses over the United States' role. The films aim to give their audiences a feeling of satisfaction that harm was done by an evil, deranged dictator and his army, but at the end justice prevailed. At the end of both films, only cases that have reached international courts and had favorable outcomes for the victims were highlighted. I also sought to cause discomfort by interrogating the automatic justice and memory given to revolutionary leaders, both men and women entangled with the colonial structural hierarchy of race, ethnicity, gender, class, and sexuality. My aim in this chapter was to illuminate the danger of the legal justice narrative that values visual evidence, like footage and textual documents that visualize the victims with the most agency in the context of a genocidal Civil War. Thus, the revolutionary frame functions to soothe the viewer and package the violence into truths instead of actually remaining outraged at the continuation of impunity and violence on the same indigenous and working class populations.

Chapter 3: Violent Silence: Re-reading Racial Femicide in Operation Sofia

Violent silence was an everyday reality during the worst years of state terror. A Maya woman testifying in Spain recalled that when she returned from hiding out after the army burned to death many of her neighbors she encountered a young woman, almost a child, who was walking slowly, her clothes torn. She asked her what had happened, but the young woman “just looked at me and did not speak, because they cut off her lips. This poor woman had been raped.”

-Egla Martinez-Salazar, *Coloniality of Power*

Introduction: Racial Femicide

Egla Martinez-Salazar uses the phrase, “violent silence,” to speak in a literal sense to the unspeakable horrors experienced by indigenous women not only during the height of the genocide in Guatemala’s Civil War in 1982, but in everyday life. Violent silence transcends the written record and creates a counter-visual that dares to imagine the unimaginable violence. In contrast to the spectacular rhetoric discussed in the previous chapter, this epigraph disrupts human rights internationalist discourse because it leaves an uncomfortable image for the American or international viewer, insofar as it invokes the abject voices and depicts the sexualized racial violence that brutalized young indigenous girls and women. Martinez-Salazar also discusses how the use of rape in torture against indigenous women was normalized not only during the Civil War but outside the war context as well and has remained silent among communities.¹⁰⁰

The rape of indigenous women is a normalized fact of life accepted in Guatemalan society. A militarized racist state strategically attacked the most vulnerable segment of the population – indigenous women who were already viewed as non-human,

¹⁰⁰ Egla Martinez Salazar, *Global Coloniality of Power in Guatemala: Racism, Genocide, Citizenship* (Lanham MD: Lexington Books, 2013).

and not-rapeable.¹⁰¹ In relation to human rights internationalism discourse that prides itself on serving truth and justice to the disappeared of the Civil War, how do indigenous women and sexualized racial violence fit into the narrative of legal justice?

In this chapter, I do not focus on enforced disappearance, emblematic cases, or secret archives. Instead, I use the military log known as Operation Sofia (OS) and interrogate how sexualized racial violence is made visible and invisible through the record. In this chapter, I argue that the epistemic violence enacted in Operation Sofia strips the reader from the heartbreaking image and experience of the young girl walking terrified in the Western Highlands, voiceless and traumatized. This young girl's experience is rendered absent in the record because it cannot be scientifically validated or visualized in colonial disciplinary frameworks of history and archival science that have historically constructed her existence as liminal. It is a contradiction to expect that this type of violence committed against indigenous women be recorded when the colonial record keeper uses it to dehumanize and obliterate indigenous gendered subjectivities from physical and discursive existence.

The United Nations truth commission report known as the *Historical Clarification Commission* (CEH) and the Recovery of Historical Memory (RHEMI) a project led by Guatemalan bishop Juan José Gerardi and sponsored by the Catholic Church, were instrumental tools that aided in the validation of a Guatemalan genocide by using truth commissions and historical memory reports supported by international human rights (CEH) and the Catholic Church (RHEMI). Despite confirming that genocide did occur in the Ixil triangle in 1982, the RHEMI claims: "A premeditated strategy of violence

¹⁰¹ Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Brooklyn, NY: South End Press, 2015).

specifically targeting women cannot be inferred from the information compiled by the RHEMI project.”¹⁰² This claim echoes statements made by the CEH, which also wrote that its investigation and the oral testimony it collected were not enough to prove that sexual violence was connected to the genocide against indigenous people. Challenging this contention, Martinez-Salazar argues that that racialized feminicide is the underside of genocide, which links racialized, gendered, sexualized, and classed violence.¹⁰³ In the following passage Martinez-Salazar stresses the importance of not splitting feminicide from its colonial history and normalizing it as an apolitical term:

While feminicide as a concept and practice is becoming a less marginal topic within some circles, its connections with genocide, racism, and state terror have been obscured, erased, or conveniently forgotten, even by feminists interested in gendered violence... Thus one can argue that feminicide, as one of the most extreme forms of torturing and killing colonized women, has been central in the imposition and perpetuation of modern-global/Coloniality of power.¹⁰⁴

Martinez-Salazar also discusses the importance of merging together conversations regarding gender violence and genocide, especially in the context of Guatemala. I aim to draw from Martinez-Salazar’s historicizing of racialized feminicide by situating Operation Sofia within a discussion of sexualized racial violence. Speaking to gender as a violent colonial system is crucial in order to insert these archival documents into a discussion beyond human rights discourse, legal justice, and archival recovery. Instead, we need to include these archives in conversations about women’s bodies as disposable, inhumane, and expendable.

To further support her argument, Martinez-Salazar tells the story of Juana Marcos, a K’iche woman who was the “first mayor in a *cofradia* (indigenous organizations that combine popular Catholicism with some Maya spiritual practices) and an active

¹⁰² Archdiocese of Guatemala, *Guatemala Never Again: Recovery of Historical Memory Project*. (New York: Maryknoll, 1999)., 79.

¹⁰³ *Ibid.*, 127.

¹⁰⁴ *Ibid.*, 128.

Catholic.”¹⁰⁵ According to Martinez-Salazar, genocidal state terror that grew more pronounced in the 1980s targeted strong female leaders like Marcos who were active in their communities. Consequently, the army arrested Marcos and she was later found with:

[H]er breasts [...] cut off, and her neck and her back were covered with knife wounds. It was an act of patriarchal punishment of the community to leave Juana Marcos’ body in a public place without her breasts. Her neighbors and relatives knew she was a leader and a spiritual guide. Her death was a signal of what was coming to the Maya highlands: genocide.¹⁰⁶

Marcos’s body represents the violent silence of racialized feminicide whose ontology is made abject in the brutalization of her body and epistemology as an indigenous female spiritual leader removed from the visual vernacular of the record, unlike the men in the DSD who are remembered through the revolutionary frame. Epistemological violence is also being perpetuated by the CEH and RHEMI claims that disavow the interconnections of sexualized racial violence and genocide. Thus, such claims produce an official “genocide narrative” that includes men and women as victims. This narrative reinforces hetero-patriarchal capitalist ideologies that protect the “hyper-sexualized expression of social misogyny connected to economic exclusion and exploitation.”¹⁰⁷ Therefore, I seek to re-read the gendered absences in Operation Sofia as sexualized racial violence to dispute the genocide narrative and discursively make room for alternative ontologies and epistemologies.

In this chapter, I will re-insert some of the CEH testimonies given by survivors of the war, such as the story of Juana Marcos, to construct a counter-narrative that challenges the silencing of sexual violence in the records of the military. However, I do not intend to search the OS for explosive content on sexual violence, nor am I looking for names of officers to indict. Instead of asking where these indigenous women are who

¹⁰⁵ Ibid., 132.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid., 126.

suffered sexual violence or what were/are their names, my questions are geared towards why these women disappeared from this document and what other epistemologies fall out in their absence. Moreover, I argue that legal justice and human rights internationalism discourse reinforces impunity against sexual violence crimes because it is constructed on a Eurocentric and male-centered limiting discourse of genocide and enforced disappearance as the dominant death narrative that is recognized under legal and archival frameworks. In other words, death only becomes visible through the bones and mutilated bodies of ladino and indigenous men first and obscures other types of violence, such as sexual violence that does not have those same ontological effects.

American and Guatemalan Institutional Counterinsurgency

After the 1954 CIA-sponsored Guatemalan *coup d'état*, the Guatemalan state was ruled by military dictatorships, which in turn blurred the line between state governance and military rule. As a result of the strengthening of the military influence over the government in the 1960s, the 1970s followed with a myriad of counterinsurgency campaigns aimed at expanding military control over civilian institutions, especially in the Western Highlands where the military had historically struggled to maintain control. A new wave of repression reached a peak during the Fernando Romeo Lucas García regime from 1978-1981. The Lucas García regime deployed death squads in Guatemala City and the rural regions to carry out executions, kidnappings, and forced disappearances that would reach the hundreds per month. According to Jennifer Schirmer, author of The Guatemalan Military Project, the Lucas García regime was an example of 100% scorched

earth warfare that “believes you must kill everyone to get the job done.”¹⁰⁸ The high level of violence produced by Lucas García’s counterinsurgency placed Guatemala in the center of an international spotlight that exposed horrific human rights abuses and pushed for investigations of the massive corruption in the Lucas García regime among civilian and military officers.¹⁰⁹ Additionally, international human rights attention of the Guatemalan Civil War jeopardized the stability and dominance of the military.

In 1981 officials from the Center for Military studies were concerned that the exposure and corruption in the military along with growth of guerrilla warfare in the Western Highlands would lead to a collapse of the armed forces. Unsatisfied with the leadership of Lucas García, Guatemalan army General Efraín Ríos Montt, along with military base leaders and CIA funds, led a *coup d’état* in March 1982 that ousted President Lucas García. Ríos Montt quickly settled into his new position of power and waived the 1965 Constitution.¹¹⁰ Subsequently, Ríos Montt formed a provisional military Junta that controlled both executive and legislative branches of government. Since the 100% scorched earth warfare had not been successful in defeating popular movements and revolutionary groups as seen during the Lucas García Regime, Ríos Montt implemented a 70/30 strategy known as the “Beans and Bullets” operation.

The phrase “Beans and Bullets” combined 70% beans representing a developmentalist approach, and 30% bullets representing the indiscriminate repression applied upon the indigenous populations.¹¹¹ The Guatemalan army adopted a

¹⁰⁸ Jennifer Schrimmer, "The Guatemalan Military Project: A Violence Called Democracy," (Philadelphia: University of Pennsylvania Press, 1999).

¹⁰⁹ Ibid., 11.

¹¹⁰ *Indicted for Genocide: Guatemala's Efraín Ríos Montt*.

¹¹¹ Jennifer Schrimmer, "The Guatemalan Military Project: A Violence Called Democracy," (Philadelphia: University of Pennsylvania Press, 1999), 28.

developmentalist strategy that they learned from U.S. military manuals on the lessons the U.S. army had learned from invading Vietnam.¹¹² This approach positioned the Guatemalan military as an invading army in their own country. Furthermore, instead of enforcing 100% violence like the Lucas García regime, Ríos Montt deployed a strategy of pacification that did not have to kill everyone to finish the job. The Guatemalan army executed excessive force on those it deemed subversive, such as guerilla groups and their supporters, thus they received the 30% “bullets” component of the strategy. The indigenous survivors of the massacres who did not claim affiliation or support to guerrilla groups were relocated to model villages aimed at dismantling the roots of indigenous culture. Model villages functioned as refugee camp poles of development intended to restructure the social, economic, and cultural elements of indigenous life. Indigenous men, women, children, and elders placed in model villages were promised food, shelter, and work by the government in exchange for their loyalty.¹¹³ Therefore, the other 70% component of the counterinsurgency functioned to control the indigenous population and enacted cultural barriers on the survivors. “The beans symbolized the military’s government’s aid to loyal Guatemalans, the bullets symbolized the struggle against the insurgency.”¹¹⁴ The institutionalization of a developmentalist and scorched earth strategy created a ruse that appeared to cease the strict military solution of the past and push for a democratic government. Ríos Montt realized that the appearance of the government serving indigenous communities was imperative for the military’s social order that Guatemalan society not lose faith in their government. Moreover, “Beans and Bullets” was only performed in the rural regions, further demonstrating that Ríos Montt, unlike his

¹¹² Ibid., 29.

¹¹³ Ibid., 27.

¹¹⁴ Ibid., 29.

predecessor, shifted counterinsurgency operations to the rural regions. He justified his shift in geography by claiming that there were 276,000 civilian supporters of the guerrillas in the Western Highlands in 1981 that later grew to 350,000 supporters by 1982.¹¹⁵ Therefore, this shift to the rural region also required a new rhetoric that pushed for a rethinking of militarized life in order to pacify the Guatemalan nation amidst a deadly Civil War, and the National Plan for Security and Development (PNSD) was a pivotal document that began to shape this new way of thinking.

The American National Security Doctrine

In the following section, I take a closer look at the role that U.S. foreign policy played in strengthening the structure of genocide in Guatemala. The U.S. government not only equipped the Guatemalan army with weapons, funding and military training but also by “establishing a national security doctrine that justified brutality in the interest of eradicating leftist subversion.”¹¹⁶ The American national security doctrine exposes the depth of complicity of the U.S. and the transnational connection between Guatemala’s genocidal campaign and the U.S. capitalist agenda. In the context of the Cold War, U.S. President Dwight D. Eisenhower and Secretary of State John Foster Dulles justified the 1954 overthrow of democratically elected president Jacobo Arbenz with anti-communism rhetoric that hid the capitalist policies and institutions that Arbenz did not support. After the 1954 *coup d’état* a 36-year war ensued, carried out by U.S. backed dictators who not only defended the corporate interests of the U.S., but also secured capitalist “free market” policies that functioned in the favor of the elite in Guatemala. As a result, the Guatemalan

¹¹⁵ Ibid., 14.

¹¹⁶ Anita Isaacs, "2013," *The New York Times* We Enabled Guatemalan Genocide, but the Elite Committed It.

oligarchy and the U.S. government formed a powerful alliance to defeat anti-capitalist or communist revolutions in Latin America from the 1960s onward.

Consequently, the army undertook an anti-communist crusade in Guatemala, developed from a U.S. national doctrine that stabilized new ideological and political strategies, which were transformed into military curriculum and taught in the U.S. School of the Americas. These programs aimed to prevent internal revolutionary warfare and thus constructed an internal enemy where the military was no longer neutral, but politicized. Latin Americanist and Political Economist Robinson Rojas states, “The new concept of ‘internal war’ involved the military in a process of surveillance and intelligence-gathering. From here, internal war was a political process in which a section of the population not only had to be defeated but destroyed.”¹¹⁷

U.S. militarization cannot be separated from discussions of its national security doctrine that provided the U.S. and Guatemalan military with a rationale for destroying “all subversives” and constructed a language of internal security that justified genocide. As Guatemalan anthropologist and K’iche woman, Irma Alicia Velasquez Nimatuj, states, “By financing and training counterinsurgency forces that slaughtered indigenous people, the United States shares blame for genocide.”¹¹⁸ The role of the U.S. military in exporting doctrines that legitimate counterinsurgencies as nation-building practices exposes U.S. militarization as an imperial structure rooted in colonial projects.

Significant details of the Guatemalan military planning are revealed in “National Plan of Security and Development written on April 1st 1982 by three colonels in Ríos

¹¹⁷ Robinson Rojas, "Notes on the Doctrine of National Security," <http://www.rrojasdatabank.info/natsec1.htm>.

¹¹⁸ Irma Alicia Velasquez Nimatuj, "Guatemala Suffered for U.S. Foreign Policy," *The New York Times* 2013.

Montt's newly appointed junta and obtained by the NSA. Since the Guatemalan army was trained by the U.S. military on forming counterinsurgencies to combat communists, the PNSD was influenced by the American national security doctrine but shaped by the Guatemalan ideologues that focused on developmentalist approaches. In other words, the PNSD is a product of Guatemala's original developmentalist component fused with American national security rhetoric. An NSA senior analyst states, "The State would act as the engine of a counterinsurgency project that would coordinate the 'political, economic, psychosocial and military' dimensions of national life to defeat the guerrillas."¹¹⁹

The first section of the document titled, "Permanent National Objectives" specifies two goals: "Maintain freedom, sovereignty, and independence of the country," and 2) "Ensure the enjoyment of freedom, security, justice, and common welfare to citizens of this country."¹²⁰ It is apparent that the PNSD was an elaborate effort by Ríos Montt to use nationalist rhetoric in applying democratic concepts of "freedom," "justice," and "sovereignty" to restore a national identity in Guatemala. This national reconstruction urged Guatemalans to come together and align themselves with the government and military to defeat the enemies that threatened the nation state. The PNSD also states that: "At the present time, the political, economic, psychosocial and military stability has deteriorated significantly due to pressure from national and international character and foreign interests."¹²¹ Thus, in denouncing political, economic, psychosocial, and military problems brought upon the nation by subversive forces, the

¹¹⁹ *Indicted for Genocide: Guatemala's Efraín Ríos Montt.*

¹²⁰ Guatemalan Army General Staff, "National Plan for Security and Development," (Washington DC: National Security Archive, 1982).

¹²¹ *Ibid.*

PNSD identifies the guerrillas and their supporters as enemies of the state and declared the Guatemalan military as the sole protector of the nation.

In a section titled “Psychosocial Field,” the PNSD clarified the military’s charges against its enemies: “The subversion has caused havoc on the infrastructure as well as weakened family and social integrity. The programs of development in this field have not been sufficient to reduce the magnitude of the problem.”¹²² Such developmentalist rhetoric functioned as a tool of cultural genocide for the indigenous people who were not physically being harmed but who were being stripped of their land and identity by being placed in model villages that functioned similar to concentration camps. The PNSD also made clear that out of the four problems identified, the psychosocial component was top priority for the military. The objective of the psychosocial component was to educate the population in a doctrine opposed to communism, to contain the advances achieved by the subversion among the peasants, indigenous, and illiterate.¹²³ In other words, the psychosocial component of the PNSD is a subtle cover for instilling population control, and those mainly targeted were indigenous people in Guatemala who have historically been excluded from the national body politic, as is also reflected in the PNSD’s use of the word “citizenship.” Under the psychosocial component section for objectives, the PNSD states: “Structure and determine nationalism, promote it and encourage it in all state agencies radiating in the rural area.”¹²⁴ Once again we see the emphasis on “rural” targets for psychosocial control, in addition to “poor” and “indigenous.”

¹²² Army General Staff, "National Plan for Security and Development." (Washington DC: National Security Archive, 1982).

¹²³ Jennifer Schrimmer, "The Guatemalan Military Project: A Violence Called Democracy," (Philadelphia: University of Pennsylvania Press, 1999), 17.

¹²⁴ Ibid.

The political strategy of the PNSD would manifest itself into one of the deadliest counterinsurgency campaigns in Latin America, known as scorched earth policy in which the goal of the Guatemalan state as learned from U.S. national security doctrine was to redesign an entire indigenous culture. Guatemala offered fertile soil for the U.S. Empire's genocidal tendencies against indigenous populations. For example, Guatemala's geopolitical landscape, made up of an ultraconservative elite ruling class to which Ríos Montt belonged enabled the PNSD to function as another tool of systemic racism that transformed those who challenged capitalist policies and institutions into the undesirable internal enemy. The social control of indigenous people under the PNSD paved the way to the genocide that was ordered by Ríos Montt and his junta in the months of July and August 1982. The PNSD was one of various instruments used to design a brutal counterinsurgency, it provided the initial steps of reorganizing the military and infusing the military project with power it had never possessed before.

Anthropologist Victoria Sanford used the CEH report to compile a database of 626 massacres committed by the army in the Western Highlands during 1980-1983. Sanford's timeline of massacres includes Ríos Montt's 18-month rule between 1981 and 1982 in which his soldiers carried out scorched earth strategies.¹²⁵ Sanford not only sought to examine the different waves of violence such as the genocidal practices that occurred in 1982, but in particular she wanted to study how the violence was shifted onto women and children's bodies with the deployment of a scorched earth policy. Sanford categorized the massacres according to ethnicity, age, and gender of the victim in order to dissect Ríos Montt's counterinsurgency further than the broad understanding that

¹²⁵ Victoria Sanford, "From Genocide to Femicide: Impunity and Human Rights in Twenty-First Century Guatemala," *Journal of Human Rights* 7 (2008).

indigenous peoples were targeted. For example, in the prior Lucas García regime, most of the deaths that resulted from counterinsurgency campaigns that authorized 100% force onto subversives resulted in mostly the deaths of indigenous, male peasants assumed to be supporting the guerrillas. Her analysis showed that more than 43% of total massacre victims died during the first nine months in which General Ríos Montt assumed power of the government and military, further confirming the acts of genocide found in the CEH report.¹²⁶ However, even more telling are Sanford's findings on the ways in which the army committed a gendered genocide:

In 1981, females (including adult women and girls) comprised 14 percent of massacre victims in Rabinal. In June 1982, three months into Ríos Montt's dictatorship, females made up to 42 percent of massacre victims. In mid-1982, the number of women and girls killed rose so sharply that the comparative percentage of male victims actually dropped. This point of intersection represents the successful implementation of a change in Guatemalan army strategy that shifts from selective massacres of men to massive massacres of all men, women, and children. This shift, located in mid-1982, is three months after Ríos Montt came to power through military coup.¹²⁷

As can be drawn from Sanford's analysis of the massacres, not only did the total amount of deaths, including men, children, women, and the elderly increase, but also female bodies in particular were targeted for their reproductive capabilities and brutalized differently than males. As the systematic inclusion of women in massacres increased, so did sexual violence committed against females regardless of their age. "During the war, army soldiers and other security officers were responsible for 99 percent of acts of sexual violence carried out against women."¹²⁸ It is pivotal to scrutinize Ríos Montt's scorched earth policy and how the U.S. national security doctrine shaped it because this not only produced genocide but also replicated colonial racialized femicide violence. In other words, a large outcome of the scorched earth policy was the way in which it deployed

¹²⁶ Ibid., 107.

¹²⁷ Ibid.

¹²⁸ *Guatemala Memory of Silence: Report of the Commission of Clarification*

sexual violence as a weapon of war by training “killers to rape, to mutilate, and to murder women during the war.”¹²⁹ Therefore, the forced sexualization of racialized bodies in the Guatemalan Civil War illuminates how genocide is already sexualized and gendered in conquest.

Background of Operation Sofia

As part of the 1996 Peace Accords, the United Nations organized the Commission for Historical Clarification to launch an investigation into the human rights violations committed during the armed conflict and publish their findings in a truth commission report. The commission not only collected testimonies from the survivors of the conflict, especially in the rural regions, but also asked the Guatemalan government and military to disclose all of their records related to the Civil War. Both the Guatemalan government and military dismissed the commission’s request by withholding relevant documents or vehemently denying the existence of such records.¹³⁰ However, in 2009 Kate Doyle was given a mysterious envelope in Guatemala by a confidential source that told her not to open the package until she left the country.¹³¹ To Doyle’s surprise, the envelope contained original military documents known as Operation Sofia (OS) that detailed a scorched earth operation that took place during July 16th to August 19th in the small villages throughout Quiche and the Huehuetenango area. According to the NSA, Operation Sofia is the first

¹²⁹ Victoria Sanford. “From Genocide to Femicide: Impunity and Human Rights in Twenty-First Century Guatemala.” *Journal of Human Rights* 7 (2008), 19.

¹³⁰ Emi MacLean, "A Still Hidden History of Brutality: The Right to Truth in Guatemala," Open Society Foundation

¹³¹ Film, "Granito: How to Nail a Dictator".

known document belonging to the Guatemalan army to appear in the public eye, and has therefore become known as the military log that documented genocide.¹³²

This plan of operations shows that was a strategy, formulated down to the last detail, to destroy every sign of life in the Ixil area. These military documents give the names of those responsible for the crimes committed...the movements and reports of the patrols operating there...the 'successes' achieved in obliterating indigenous communities and razing their property to the ground.¹³³

Operation Sofia fits an appropriate legal and visual model of evidence because its records reveal the military's genocidal attack on the indigenous population. Consequently, Doyle's recovery of OS exposed the deception of the Guatemalan army and fueled the survivors and larger society to demand the right to truth and push for more military documents to be brought to light.

In 2009 Kate Doyle presented OS as evidence before Judge Santiago Pedraz in the international genocide case held in the Spanish National Court. Doyle's testimony on OS was crucial to establishing authenticity of the military document and exposing a chain of command that implicated Ríos Montt. Doyle testified that Operation Sofia formed part of the national security doctrine that was deployed in 1982 under Ríos Montt's orders. Doyle states, "After months of analysis ...we have determined that these records were created by military officials during the regime of Efraín Ríos Montt to plan and implement a 'scorched earth' policy."¹³⁴ Doyle also testified that Ríos Montt's objective was to massacre thousands of indigenous people because the military trained its soldiers to perceive all indigenous people residing in the Ixil triangle, including children, women, and the elderly as the enemy. The most valuable aspect of OS in the genocide case was

¹³² Kate Doyle, *Operation Sofia: Documenting Genocide in Guatemala*, (Washington DC: National Security Archive 2009), http://nsarchive.gwu.edu/NSAEBB/NSAEBB297/report_doyle.pdf.

¹³³ The Labor Commission, "Operation Sofia: Taking the Fish's Water Away," (2012).

¹³⁴ *Ibid.*

that it unveiled the chain of command that implicated Ríos Montt as the person responsible for giving the orders. OS documents the flow of military communication between the High Command, composed of the military Major, Army General, and Minister of Defense, the Vice Minister of the National Defense, and the soldiers who performed the operations.

Guatemalan historian Marta Casaus Arzu interrogates the relationship between racism and genocide and the roles that the Guatemalan army, oligarchy, and U.S. military intelligence played in designing genocidal military plans as exposed in OS. Arzu argues that OS was a product of racism and functioned as a technology of power because the military and the oligarchy took advantage of Guatemala's history of exclusion and exploitation towards the indigenous population. Additionally, the Guatemalan army manipulated a colonial racist-classist discourse that imagined ladinos as the only legitimate homogenous nationhood representing Spanish ancestry. Arzu states: "Out of the total number of human rights violations that affected life and physical integrity, 70% were committed against Mayans and only 10% against ladinos."¹³⁵

Discursive Analysis: Epistemic Violence

In the following discursive analysis on OS, I use Spivak's notion of "epistemic violence" to attend to the silences produced by colonial and Euro-North-American-centric epistemologies. Such epistemologies function to construct dominant narratives. The physical and material violence imposed on indigenous people is only one layer of the Guatemalan state's destruction of indigenous life. Another element of violence is the erasure of indigenous epistemologies, culture, history, and spirituality that removes indigenous subjectivities in the archive. Mignolo states that indigenous epistemologies

¹³⁵ Ibid.

are “forgotten stories that bring forward at the same time a new epistemological dimension: an epistemology of and from the border of the modern/colonial world system.”¹³⁶ For example, hegemonic epistemologies silence non-western epistemologies, such as the Maya Cosmovision that offers a different epistemological dimension to history and narrative.¹³⁷ My aim is not to recover these forgotten stories, but rather to challenge the racist, classist, and hetero-patriarchal discourse entrenched in the record in order to make room for non-Western epistemologies to emerge on their own.

I initiate my analysis by contrasting OS with the Death Squad Dossier (DSD), a military document that has been used as evidence in the human rights cases of numerous victims of enforced disappearances in the urban region. My aim in juxtaposing these two military documents is to expose how the bodies, names, and types of crimes that become legible in the record books of the military are those that human rights discourses have constructed as the ideal human rights subject. In such context, the archive and human rights normative framework of identity function as sources of epistemic violence that erase the names, faces, and sexual violence from hegemonic narratives. Spivak states, “As the historical record is made up, who is dropped out, when, and why?”¹³⁸ Why can we see the photographs and names of urban men in a military log documenting enforced disappearances but not any identifying markers or indications of sexual violence in a military log that documents genocide? As scholars, we need to question what is recorded in the archive and why, whose voices are heard in the archive, and who is present in the

¹³⁶ Eglá Martínez-Salazar. *Global Coloniality of Power in Guatemala: Racism, Genocide, Citizenship*. Lanham MD: Lexington Books, 2013, 210. Weld, *The Archives of Dictatorship in Guatemala*; Salazar, *Global Coloniality of Power in Guatemala: Racism, Genocide, Citizenship*.

¹³⁷ Ibid.

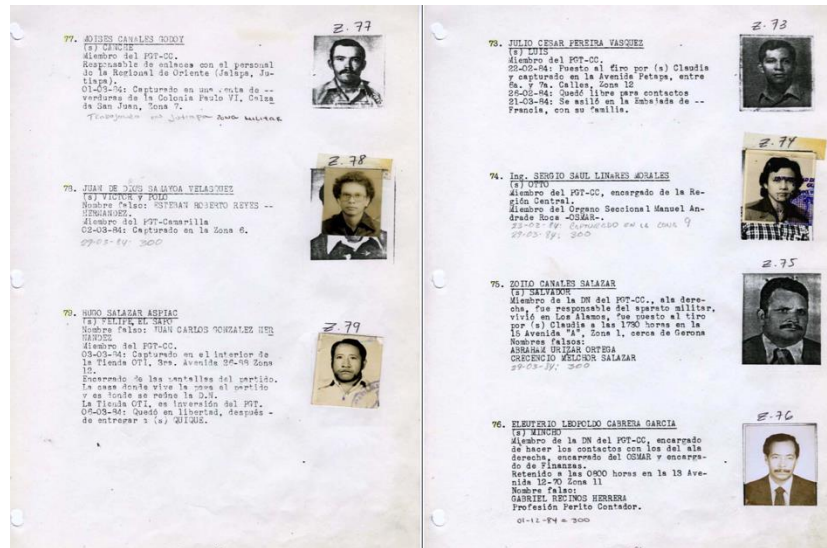
¹³⁸ Gayatri Chakravorty Spivak. *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present*. Harvard University Press, 1999, 238.

narrative. In the case of Guatemala, the archival records such as OS and the Death Squad Dossier have been positioned as truth-telling sources of a violent past that hold the keys to unlocking the secrets and horrors of what occurred. However, if these archives of repression continue to be the official sources for historical writing, it is urgent to reflect on the epistemic violence that is being reproduced through the hegemonic disciplinary formations of history and archival science.

The Traces of the Death Squad Dossier

The Death Squad Dossier (DSD) was also leaked to Doyle in 1999 despite the government's insistence that records of state terror did not exist. The DSD is made up of 54 pages listing 183 entries of enforced disappearance victims by the state. The DSD is a government document authored by Oscar Humberto Mejia Victores's presidential staff intelligence unit known as "El Archivo" during 1983-1985 when the urban campaign disappeared countless of middle class leftist men. "El Archivo" was a powerful intelligence apparatus of the state and military that had access to internal reports from the detective corps such as personal identification details. Each victim is listed individually by name along with a photograph that was ripped from actual identification cards or passports and laced over the printed photo as seen in [Figure 4](#) below. The DSD page featured below consists of all ladino men, entries 74, 76, and 78, belonging to engineer Sergio Saul Linares Morales, accountant Eleuterio Leopoldo Cabrera, and Juan De Dios Samoya Velasquez (profession unknown), who were all members of the PGT. As seen in [Figure 4](#), the number 300 is penciled in and added to the typed entry, which indicates that they were all executed.

Figure 4



Along with the photographs and names of each victim, the DSD also includes captivity information, such as the revolutionary group they belonged to, date, and location of capture, profession, who turned them in, details of suspected activity, and date of their execution or date of release. It is clear from the document that many victims were freed after they successfully gave all information and contacts to the military. They were tortured until they turned in their friends or political comrades. Others were tortured and executed even after complying with their torturers' orders. Weld states, "The dossier both wounded and soothed. It was traumatic to learn that a fallen compatriot had, under torture, turned in two compañeros who were subsequently hunted down and killed"¹³⁹ The DSD answered many questions regarding the fate of the disappeared and brought closure to those families who were searching for their loved one's remains. According to Weld, "the Diario Militar represented the human rights community's first real victory in

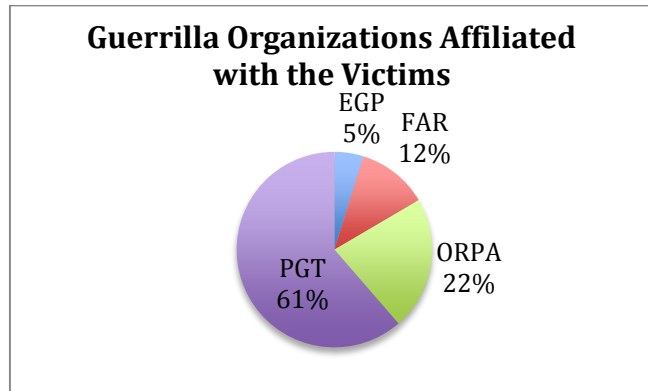
¹³⁹ Kirsten Weld. *The Archives of Dictatorship in Guatemala*. Durham: Duke University Press, 2014, 65.

the ‘archive wars’ of the 1990s”¹⁴⁰ because it was accepted as an authentic document belonging to the Guatemalan government and permissible in court. Additionally, in 2011 the *Jose Miguel Gudiel Alvarez v. Guatemala* case was brought to the Inter-American Court of Human Rights in which families of those named in the DSD accused the Guatemalan state of failing to provide the basic right to information regarding their loved one’s disappearance. Subsequently in 2012, Kate Doyle testified as an expert witness in Guayaquil, Ecuador for a public hearing of the case where family members and victims spoke of how they were affected by the loss of their father, mother, or brother who was disappeared during the Mejia Victores regime.

I acknowledge the significance of the *Diario Militar* and tremendous support of the scholars and activists such as Doyle who have studied its contents and transformed a document immersed in death and terror into a tool for hope and closure for the families of the disappeared. The DSD illustrates the legibility of the non-indigenous, professional, urban male bodies, victims of torture, and/or execution. In contrast, OS does not include photographs or names of indigenous women; the record functions to strip indigenous women of their identity. As a result, indigenous women remain nameless, faceless, and voiceless in these archives, once again representing the liminal gates of Guatemala’s coloniality that disrupts neat dichotomies of the Civil War/post-Civil War/peacetime. The difference between OS and the DSD is that ladino and indigenous men are more easily retrieved from the archival record due to their ontological connection to discourses of vision as demonstrated in the DSD. The ladinos pictured in the DSD largely belong to one of four revolutionary groups that were active during the Civil War as shown in Figure 5 below.

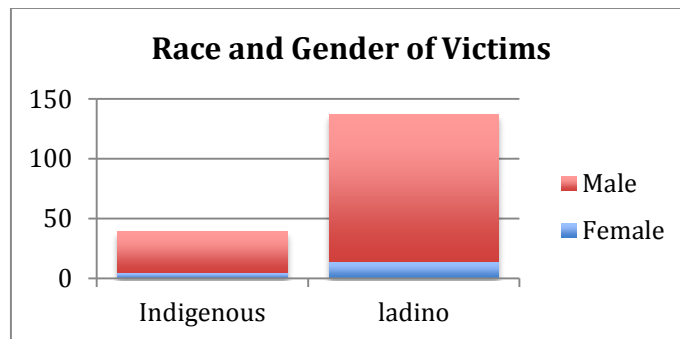
¹⁴⁰ Ibid.

Figure 5



Out of the 183 victims of disappearance in the DSD, most of them belonged to one of the following revolutionary groups that was perceived as subversive by the government: Revolutionary Organization of People in Arms (ORPA), Guerrilla Army of the Poor (EGP), Rebel Armed Forces (FAR), and Guatemalan Labor Party (PGT). In addition, only 19 of the 183 victims were women, 14 of whom were ladina, and the remaining women were indigenous. 62 of the DSD victims were ladino male members of PGT and 12 indigenous male members of the PGT. Figure 6 below breaks down the racial and gendered markers that compose a disproportionate number of ladino and ladina victims found in the DSD compared to indigenous men and women.

Figure 6



It is important to contextualize that a possible factor that contributes to the absence of both indigenous men and women is that the majority lived in the rural regions of the country and not Guatemala City where most of the enforced disappearances recorded in the DSD took place. Nonetheless, I argue that the Guatemalan government took advantage of Guatemala City's racial demographics since they knew it included a majority non-indigenous population because their aim was to instill fear and send a message aimed at ladinos participating in anti-government activities. In other words, indigenous young girls and women, children, and the elderly were not the targets of enforced disappearance; they were the targets of intentional extermination. On the other hand, the revolutionary ladinos and ladinas pictured and named in the DSD are given agency even in their deaths because they had the choice to participate in revolutionary activity and be targeted and killed for that. On the contrary, the young girls and women who had no revolutionary affiliation yet were brutalized in the violent silence of the OS as opposed to the visibility of the DSD. The indigenous girls and women had no choice of joining the revolutionary movement; the choice was made for them by the military simply because of who they were.

Proving Genocide and Enforced Disappearances in Court

Both OS and DSD demonstrate the central role that military documents have played in the quest for truth and legal justice. OS was a valuable piece of evidence that helped indict Ríos Montt of genocide and crimes against humanity. In addition, families representing 26 victims of enforced disappearance named in the DSD brought the *Gudiel Alvarez et al.* case before the Inter-American Court of Human Rights in 2012. The families accused the Guatemalan government of “failure to investigate the crimes of

enforced disappearance” and “failure to provide information to the families about the whereabouts of their disappeared loved ones.”¹⁴¹ The Inter-American Court ruled in favor of the families and found that the Guatemalan government violated “the victims’ rights to life, liberty and freedom from torture; as well as their freedom of association, given that the intention of the disappearances was to silence the victims.”¹⁴² Therefore, under the court of domestic law in Guatemala and international human rights law, it was proven that genocide and enforced disappearance did occur during the conflict. However, missing from this legal justice discourse about OS and the DSD is that genocide and enforced disappearance were not the only heinous crimes committed by the army. Another rampant and horrific crime was that of systematic sexualized violence targeting indigenous female bodies in the massacre.

According to Sanford, 99% of the sexual violence against indigenous women committed by state and military agents during the war remains in impunity.¹⁴³ Why is it that no explosive military document related to sexual violence against indigenous women has been found with entries that give the disappeared victim an identity as seen in the DSD? Where are the pictures, names, professional occupations, information of their capture and fate of the indigenous women killed in the counterinsurgency campaigns of the rural region? OS is the only military document to be found that implicates the army in the genocidal massacres of 1982. Yet it was during those massacres that indigenous

¹⁴¹ Open Society Foundation, "Enforced Disappearances in Guatemala's Civil War: The Right to Truth," <https://www.opensocietyfoundations.org/litigation/diario-militar-case>.

¹⁴² Ibid.

¹⁴³ Sanford Victoria. "From Genocide to Femicide: Impunity and Human Rights in Twenty-First Century Guatemala." *Journal of Human Rights* 7 (2008), 22.

women were being sexually violated, but under the law, OS was only enough to prove genocide but not sexual violence.

It is a contradiction that OS was not enough to prove sexual violence yet it was enough to prove genocide when both crimes were committed under the Rios Montt's scorched earth policy. The difference is that similar to the visibility given to ladino men in enforced disappearance, the name, photographs, and personal stories that become most visible in the context of genocide is that of the indigenous men. Thus, indigenous male bodies and stories stand in for the ways in which Western audiences imagine those who were massacred. Consequently, the bodies of indigenous women fall to the background and are further silenced when the indigenous community has internalized feelings of shame and guilt imposed by patriarchal norms regarding sexual violence.¹⁴⁴ In the following section, I read the violent silences in OS that lie between the intersections of gendered, classed, and racialized absences to show how military documents such as OS were not designed to prove or be valued as evidence of racialized feminicide. On the contrary, OS and DSD demonstrate how state and military institutions strategically formed military documents in ways that took advantage of what a neo-liberal capitalist and racist society already dehumanized and rendered invisible, which were the bodies of indigenous women.

Description of the Patrol Reports

In the following section, I conduct an analysis of the patrol reports included in OS. The patrol reports are a key component of OS written by the chief patrol commander and were submitted to the Army General staff. The reports focus on daily operations taking

¹⁴⁴ Guatemaltecas, *Stitches of the Soul: Memories of Mayan Women Survivors of Sexual Violence During the Armed Conflict*.

place in the villages, for which the chief commander of each patrol unit was responsible. It is important to understand that soldiers wrote these reports as they were in the middle of attacking indigenous villages and that the reason they wrote these reports was to communicate their progress to their superior commanders.

OS is a 130-page-long document that includes 21 typed and hand-written communications, including maps of the Ixil Triangle. In reviewing the reports, it is apparent that the soldiers followed a specific template in writing the report, as seen in Table 1 below:

Table 1

Patrol Report #1:

1. Assignment of the Patrol: France 3
2. Size and composition of the Patrol: 1 Officer, 30 paratroopers and 1 civilian guide
3. References: Map of the Republic of Guatemala Scale 1:50,000
4. Departure Route: From Huehuetenango a: I) Parrauos II) Bixa III) Salquil IV) Canaquil
5. Meeting with the Enemy: Bixa (8512)
 - A. Injury to the Enemy=None
 - B. Mailboxes in the entire village
6. Results with the population: None
7. Injury to the Patrol:
 - A. Personnel
 - i) Soldier Parachutist Jose Luis Lemus gunshot wound to the upper region of the right buttock. Evacuated from Bipana. His wound was a result of an accident.
 - B. Equipment: 11 pairs of boots in disrepair
9 ponchos in disrepair
1 canteen in disrepair
1 machete in disrepair
 - C. Arms
8. Report of expended ammunition:
 - A. Grenades 40 mm. M-79: 12 grenades
 - B. Rifle Grenades: 10 grenades
 - C. Smoke Grenades: 1
9. Corrections to the Map: None
- 10: Miscellaneous information:
 - I) The enemy evacuated the area ahead of the patrols although we repeatedly followed civilians they helped the subversives by putting slugs and evacuating them on time before the arrival of the patrol.
 - II) Outstanding Actions by the Paratroopers:

Excessive aggressiveness and decision-making in combat. Was not afraid of danger in battle. Lifted the combat spirit of his patrol with his determined participation.

11) Morale of Patrol: 100% ready for combat

12) Medical Services:

- i) Luis Armando Hernandez: Stomach ache
- ii) Fermin Coj: Swelling of lymph nodes in regions of the right and left groin
- iii) Elicio Chitiqui Vasquez: Dysentery

13) Recommendations:

- i) Provide Nylon to personnel
- ii) Fence until last day of operation
- iii) For best effectiveness count with the support of civilians for all parts of the operation

As can be seen in Table 1, basic information was provided in the reports, such as the unit size and its area of operation. Each company was divided into four or five patrols composed of 25-30 parachutists. Once the soldiers were divided into their corresponding patrols, OS designated particular missions for each patrol. The report calls this “movement on the field” and it was displayed in the following manner: First Company of rifleman *Quetzals*’ were responsible for forming a siege in Bizalbal...; Second Company of rifleman *Pentagones* were responsible for creating clandestine patrol bases and ambushes in the small villages surrounding the Ixil Triangle, identified as Palob, Bicalama, Xconcabal.¹⁴⁵ Each patrol report is named after a specific assignment and code name for that company, such as *France*, *Escocia*, and *Cameroon*. In several reports, soldiers request that their helicopters be better maintained technically or replaced. By studying OS it can be interpreted that helicopters were frequently used and that the Guatemalan army invested in the airborne training.¹⁴⁶

A main focus of the patrol reports was a section called “meetings with the enemy,” as seen in patrol report Francia III. There are no casualties, but the report does

¹⁴⁵ Ibid.

¹⁴⁶ Jennifer Schirmer, *The Guatemalan Military Project, a Violence Called Democracy* (Philadelphia University of Pennsylvania Press, 1998).

mention “mailboxes” found in the village, which was actually a code word for the homes belonging to the indigenous. It was a common practice for the army to destroy all food and clothes found in the houses of indigenous people who were suspected in aiding the guerrillas. In her expert testimony on OS, Doyle stated that OS is useful for understanding military strategies and objectives of the counterinsurgency, such as how each operation was carried out and the names of military personnel involved in executing the attacks. On the contrary to DSD, which has the names of the victims, OS gives us solely the name of the perpetrators. Therefore, OS cannot be approached like the DSD where family members of the victims searched for the names of loved ones in the log. Instead, insight into the military strategies and tactical details of the counterinsurgency derived from OS was used as evidence to establish responsibility of command.

Nonetheless, it is clear that the military officers and soldiers who wrote the patrol reports were careful how they revealed their identities and their actions. The only direct language used to describe the types of crimes they committed were *eliminated* meaning the victim was killed, *captured* meaning the victim was kidnapped, and *evacuated* meaning the victim was displaced from their home and transferred to a refugee camp. A glaring absence is the reference to sexual violence of women and girls. The Spanish word *violar* (rape) or *violencia sexual* (sexual violence) is not named and is nowhere to be found in the report even though it was simultaneously committed along with the killings, kidnappings, and evacuations named in the report. Yet, how can we read OS as a document complicit in the sexual violence committed against indigenous women, despite its lack of visual or textual evidence?

The epistemological violence in OS enables that the record function to construct the humanity of the soldier in contrast to objectifying indigenous people and guerrilla members in the report. For example, the only person named in the report who is not a soldier is Pedro Santiago who was captured in Nebaj while hiding with a woman and two children, none of which were named, but all were killed along with Pedro. In that same operation two other males were killed, their names were not given, but it is recorded that one of them was 17 years old and unarmed. The referencing of those who were killed or captured looks more like an inventory in which the victims were converted into objects labeled as FIL or ENO (enemy) with no link to gender, age, race, and ethnicity, but rather dead bodies in the record.

On the other hand, a section in the report called “Morale of the Patrol,” provides details on the social and emotional condition of the soldiers. This section gives insight into how the soldiers are feeling related to their mission. Different words are used in varying reports such as: *uncertain, excellent, driven, 100%* and *high morale*, etc.¹⁴⁷ There is also a subsection called “Outstanding Actions” where soldiers like Israel Ascencio Sarcano are admired for their courageous actions. Sarcano was honored for recovering a mortar from sinking in a river. Sarcano’s superior officer, Victor Hugo Mazaritgos, was so impressed by Sarcano’s actions that he asked for a plaque in his honor. Additionally, in patrol report Francia II, Sargent Juan Gonzales Gajalya and Jose Everardo Martinez are mentioned for “showing courage in fulfilling various missions and especially in the conduct of its contact groups.”¹⁴⁸ I provide these examples to highlight the epistemological violence of OS in that it objectifies the dead bodies of indigenous people

¹⁴⁷ Guatemalan Armed Forces, "Operation Sofia," (1982).

¹⁴⁸ "Operation Sofia," (1982).

as inventory, yet constructs the humanity of the soldier by revealing details about his feelings, needs, and military performance.

Another notable section illustrating the soldier's subjectivity is that of "Injuries Suffered." In Francia IV, soldier Jose Luis Lemus was named because he received a bullet wound to the buttocks.¹⁴⁹ It is mentioned in the report that his wound was a result of an accident. It is interesting to note that instead of revealing truths or explosive images as the archive promises, the reader actually visualizes an injured soldier's buttocks caused by friendly fire. Thus, a reader such as myself was left concerned for the soldier instead of feeling outraged for the violence he was committing. The patrol reports also offer information on medical services needed for the soldiers. In patrol report Francia IV, Luis Armaudo Hernandez suffered from a stomachache, Fermin Coj had a sexually transmitted disease and Eliceo Chitiqui Vasquez suffered from dysentery.¹⁵⁰ It is disturbing and haunting to imagine soldiers like Coj who could possibly be committing sexual violence while carrying an STD. It is a contradiction that OS leaves the reader knowing more about the morale, accomplishments, and medical needs of the perpetrator, but nothing about the indigenous women who were on the other side of the violence.

Another interesting section is titled "Equipment damaged and destroyed," where soldiers asked for equipment such as boots, ponchos, canteens, and machetes. It is evident that soldiers paid close attention to their equipment and were very clear in communicating their needs to their superior officers. For example, under the recommendation section of patrol report Francia II, it states, "The type of boot that is

¹⁴⁹ Ibid.

¹⁵⁰ Ibid.

currently used is very hot and damages the feet.”¹⁵¹ Additionally, under this same section soldiers asked for larger portions of food and stated the importance of these needs so that they felt that the military cared about them. As Spivak mentioned in reference to the colonial archive, it is the mundane details that are priceless because they provide insight into the self and begin to form a subjectivity that establishes identity. It is these mundane details that cause the reader to be worried for the injured soldier, the impoverished soldier wearing hot boots or the soldier that feels the military does not care about him. How about the feelings of women being sexually attacked, of children witnessing their entire family killed and raped in their home, of elderly women watching their harvest, homes and dogs burn to ashes in front of their faces? The epistemic violence in OS denies the reader any connection to what the indigenous women could possibly be feeling and needing. Perhaps the most solid record of indigenous women in OS is scribbled in handwriting on Escocia III under a section called miscellaneous: “There were traces of people’s bare feet who fell into the rivers possibly fleeing, but were never found.”¹⁵² Drawing from this brief note, I imagine women and children running for their lives towards the mountain, terrified and taking nothing with them – not even shoes – jumping into a river and vanishing. Those traces mark the shadow-border that Spivak theorizes, which lies between official Western history and what we will never know; those bare feet are all the archive can give us because it denies entry into an indigenous epistemological dimension.

Patrol Report Graphs

¹⁵¹ Ibid.

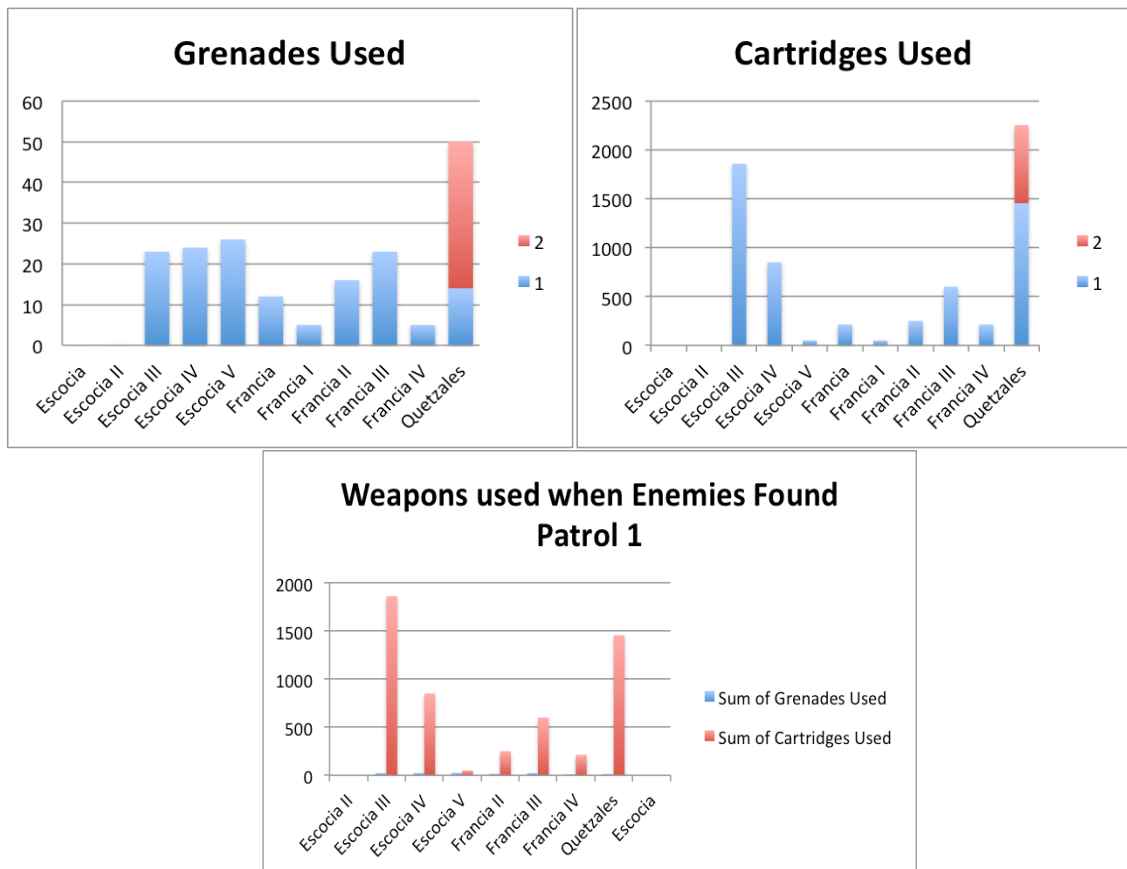
¹⁵² Ibid.

Using excel software, I created several graphs to illustrate certain aspects of OS. I matched each patrol report with the master patrol report and its corresponding company number, name of patrol, and name of appointment. I also dated each patrol report and labeled the size and arraignment of the patrol. The patrol reports were written during August and July 1982, which marks the period of the Civil War when the genocide occurred in the highlands. Yet according to the records written by the soldiers, there were only a total of 17 murders documented in OS. According to the Guatemalan genocide case, 1,771 Ixil men, women, and children were murdered during August and July of 1982, but as seen in OS, the records expose a huge discrepancy.¹⁵³ It is logical that some bodies were simply not recorded because the soldier forgot or did not have the time, but for this to apply to almost 2,000 bodies is hard to believe. When looking at the numbers and the type of violence recorded, OS unmask itself. It is not such an explosive and shocking document after all. For example, there are no large body counts or graphic detailed accounts of massive violence. Instead, there appears to be more detail regarding the mental and health conditions of the soldiers. A question to ask is why did so many bodies not count in the soldier's recordkeeping? This discrepancy further illustrates epistemic violence because it exposes the record as unreliable because even when treated as objects, thousands of bodies never made it on the page. If it were not for the oral history reports and testimonies from survivors an entire genocide could have gone unnoticed through the pages of OS. Yet, human rights internationalism, legal justice, and archival science want to make us believe that the archives hold the truth.

¹⁵³ Emi Maclean to International Justice Monitor, July 13, 2013, <http://www.ijmonitor.org/2013/04/legal-challenges-and-public-debates-mount-in-guatemala-while-the-constitutional-court-deliberates/>.

From studying OS, it appears that the two most common weapons used were grenades and cartridges. As seen in the graph, “Grenades Used” (Figure 7), all of the patrol units in master patrol report one used a total of 148 grenades in combat compared to the patrol units of master patrol report two, which only used a total of 36 grenades. The Quetzals’ from master patrol report two were the only unit to use all 36 grenades. Additionally, as seen in the graph “Weapons Used when Enemy Found” (Figure 7), both units recorded using a total of 131 grenades when the enemy was found and 5,278 cartridges. The amount of weapons used appears excessive when, according to oral history reports, most of the inhabitants of the villages were not armed.

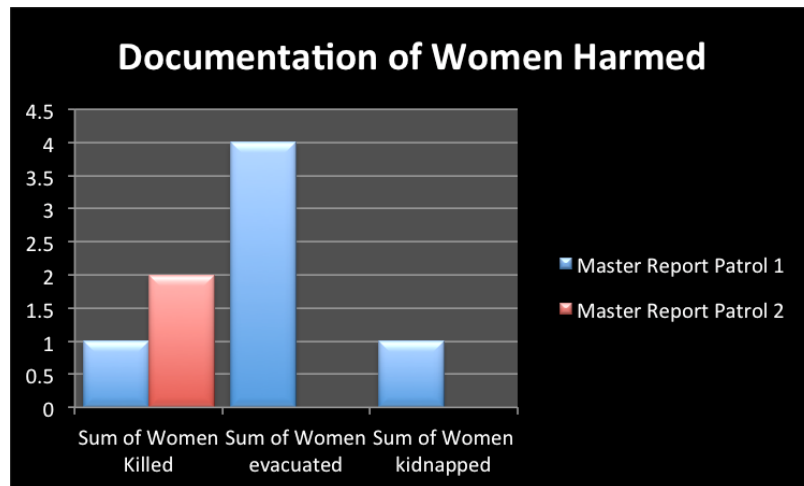
Figure 7



Women Harmed

In the first graph titled, “Women Harmed” (Figure 8), I focused on violence against women in terms of the types of crimes named in the patrol reports, such as murders (eliminated), displacement (evacuation), and kidnapping. In patrol report Escocia III, the largest number of individuals killed that were documented in the report was 5, but their gender was recorded as unknown. As for men killed, patrol report Quetzal had one death recorded and Escocia IV had three men. However, for this analysis I excluded these deaths and focused only on harm done to women named as the victim.

Figure 8



According to the graph in Figure 8, the moment in which most women were harmed at once was not when they were killed or kidnapped, but when they were displaced from their homes. Additionally, there were three women killed (one in master patrol two and two in master patrol two), one woman kidnapped (master patrol one), and four women displaced (master patrol two). For example, patrol report Escocia II reads: “The bodies of two women were found along with two children around the ages of two or

three.”¹⁵⁴ Instead of directly stating that the women and children were *eliminated*, the report claims that their bodies were found in the village they were attacking. However, if the army was not responsible for their deaths, could it have been their own family or guerilla members? In the context of counterinsurgency, it is unlikely that the guerilla members they were supposedly supporting killed these women and children. However, recent historical reports have also noted that guerrilla members committed violence against women.¹⁵⁵ Accepting the deaths of these women and children appears mysterious given the circumstances, though this could also reflect foul play on the part of the army that had absolute control to kill and not record the bodies in the documents they were in charge of writing. In patrol report Escocia IV, it is clearly stated, that “a woman and two chocolates (children who were not given a gender) were *eliminated*.”

The patrol reports treat the bodies of women and children killed as simply part of an inventory list bearing no names, photographs, or personal information. The archive does not reveal any other information about their deaths, but it does expose the ways in which hetero-sexualized violence operated in the log. Unlike the deaths of men mentioned in the report, children also died accompanied by the three women who were killed. In contrast to ladina women who were valued as mothers and protected by maternalism ideologies, motherhood for indigenous women made them more susceptible for heterosexualized violence. The following testimony is from an army corporal, speaking about what he saw in San Juan Ixcán Quiché in 1982. The location and year of his testimony places us in the time in which OS was taking place.

¹⁵⁴ Guatemalan Armed Forces, Operation Sofia, 1982.

¹⁵⁵ Guatemaltecas, *Stitches of the Soul: Memories of Mayan Women Survivors of Sexual Violence During the Armed Conflict*.

We found a woman, I called a solider and I told him: “Take charge of the woman, she is a present from the second lieutenant.” “Understood, Corporal,” he answered, and he called the boys and said: “There’s meat, guys.” So they came and grabbed this girl. They grabbed her little boy from her and they all raped her. It was a gang rape. Afterward, I told them to kill the woman first so she wouldn’t feel so bad about the death of her son.¹⁵⁶

I use this oral testimony to insert the sexualized racial violence context that created extremely violent conditions for indigenous women in which motherhood and sexual reproduction was used to brutalize them. This testimony supports Martinez-Salazar’s claim that sexual violence was used against indigenous women to further animalize them and construct them as polluted racialized and colonized bodies.¹⁵⁷ “Sexualized racial violence does double duty; it provides the sense of power, control, and mastery, and at the same time, it offers an intimacy to what is forbidden to desire or to see as human...Sexualized violence accomplishes the eviction from humanity.”¹⁵⁸ In the testimony discussed above, the child is used to psychologically inflict pain on his mother and simultaneously render the indigenous woman powerless in a moment of brutality to remind her she was never meant to be human in the first place, much less a mother.

Furthermore, this testimony also speaks to the ways in which women’s bodies were dehumanized into objects or “pieces of meat,” as seen in the testimony above. According to the RHEMI, “The rape of women was seen as a sort of prize or “perk” for the soldiers; it was a way of “compensating” them for fighting the war. In the context of violence used as a vehicle for acquiring power and property, female bodies were seen as just one more possession.”¹⁵⁹ In the absences of direct language or images of rape, there are instances in the log that point towards soldiers receiving incentives to boost their

¹⁵⁶ Guatemala Never Again: Recovery of Historical Memory Project, 79.

¹⁵⁷ Martinez Eglá Salazar. *Global Coloniality of Power in Guatemala: Racism, Genocide, Citizenship*. Lanham MD: Lexington Books, 2013, 10.

¹⁵⁸ *Ibid.*, 131.

¹⁵⁹ Guatemala Never Again: Recovery of Historical Memory Project, 79.

morale. In report Francia II, under the section of “Morale of Patrol,” the following recommendation is made: “Parachutists should be given a fun and recreational diversion after each operation, whatever this may be: TV, film, etc.”¹⁶⁰ Similarly, in another report it is recommended that soldiers watch war movies to elevate their morale and make them more aggressive in combat. Thus, the gaze of patriarchal hetero-masculinity animalizes indigenous women’s bodies and views them as property. These recommendations can be interpreted as a subtle reference offering women’s bodies as a “fun and recreational diversion” for the soldier.

Moreover, the total number of women harmed documented in OS was eight, half of which were forcibly removed from their home to be put in a refugee or concentration camp. To claim that only four women were killed and kidnapped during the peak months (August and July) of the genocide is an injustice. However, it is the only empirical evidence written in the record. Even if hypothetically speaking, a more accurate number of women killed was actually recorded in OS, this would still leave the absence of sexual violence, which was the most common crime committed against women. In other words, the erasure of sexualized violence from the discourse of counterinsurgency plans like OS is an act of epistemic violence because it silences heterosexual and racialized violence committed against indigenous women and is used to dehumanize them.

I use the graphs titled “Grenades Used” and “Cartridges Used,” ([Figure 7](#)) to interrogate the ways in which massive massacres executed in the log are silenced despite the excessive inventory of weapons used. In historical memory reports such as the RHEMI, oral testimonies claim that since men were absent from the villages because they had either already been killed by the military or had fled to the mountains, the

¹⁶⁰ Guatemalan Armed Forces, Operation Sofia, 1982.

Guatemalan army massacred villages full of only women and children.¹⁶¹ The RHEMI names the massacre of the villages Pexla Grande, Pulay, and Nebaj, where only women and children were killed during February 1982, only a few months before OS was deployed. The following are RHEMI's findings on the massacre in Pexla Grande: "They seized the people they found, killing some with firearms and burning others. After killing these people, they put their corpses into a deep hole in the ground. Between thirty eight and eighty victims were reported, all of them women and children."¹⁶² The killing of women and children marked a new practice that distinguishes Ríos Montt's counterinsurgency in contrast to the rural massacres during the Lucas García regime that mostly consisted of men. Women and children received the brunt of this systemic violence because the national security doctrine ensured their dehumanization through the eyes of a creole-ladino-militarized-patriarchal state where they were seen as objects and animals that needed to be destroyed.

Therefore, it is a contradiction to talk about massacres including women and children and not discuss sexual violence because in the context of war, these acts of violence are interrelated. For example, in many reports where grenades and cartridges were used, the soldiers also documented that minimal contact was made with the enemy or that armed groups were not detected. Therefore, these circumstances can be interpreted as the army deploying weapons at unarmed civilians, which was confirmed in the CEH, but I am specifically talking about unarmed women and children who the soldiers were indoctrinated to see as the enemy. For example, soldiers in Escocia III used the highest number of cartridges in both master patrols, which had 1,860 cartridges and 23 grenades.

¹⁶¹ Guatemala Never Again: Recovery of Historical Memory Project, 75.

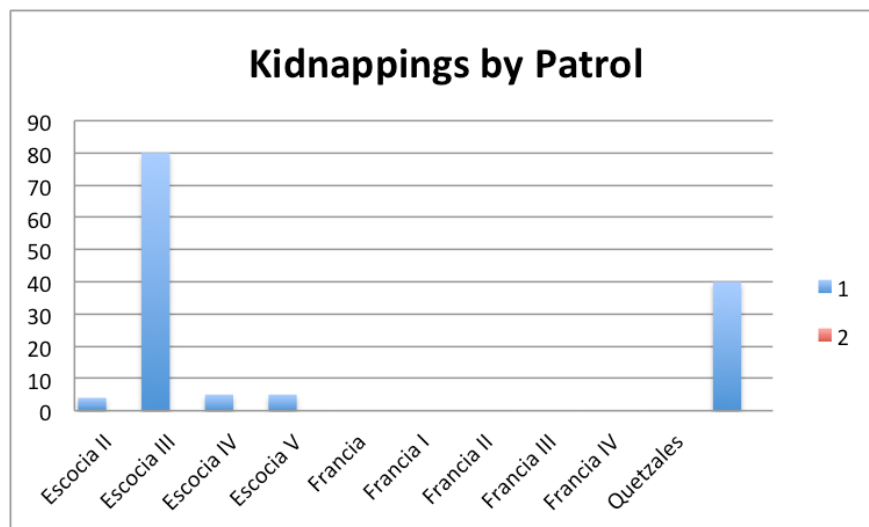
¹⁶² *Ibid.*, 75.

Master Patrol 1 had a total of 148 grenades and 5,541 cartridges compared to Master Patrol 2 that only had 36 grenades and 800 cartridges. The deafening noise of 23 grenades going off at dusk and the thundering of 1,860 cartridges unloaded into homes, churches, and public spaces literally disrupts the silence of the log. Moreover, the excessive use of weapons obscures the aftermath of the massacres by negating the violated bodies and trauma the army left behind.

Kidnappings

OS identifies a total of 81 FIL kidnappings, including men, women, children, and elderly people (Figure 9), detailed in two different patrol reports in Master Patrol 1.

Figure 9



Unit Escocia III kidnapped 80 men, women, children, and elderly but provides no further information such as how many of the 80 kidnapped were women and children. Were most of them men or women? How many were elderly? These questions haunt the kidnappings referenced in the log, however the aim of this analysis is not to discover the specific number, but rather to understand the rural kidnappings that took place using the

context the patrol reports provide. How did soldiers select who to kidnap and where were they taken?

The patrol unit in Escocia oversaw the small village of Bijolom in which they found abandoned houses with old clothes and corn that the soldiers destroyed, and they suspected that the former inhabitants of the house escaped towards Ixconcabal. “On July 22, 1982 the patrol detected large movement on the ranch Las Vegas and begins to chase subversives... patrols capture civilians, a refugee caught in (). Contact is made with subversive group in () a woman is captured.”¹⁶³ The location of where the refugee was caught and where the woman was captured are deliberately left blank and no further information is given about the refugee or the woman. Patrol report Escocia is one of the few reports in which actual contact was made with subversive groups and a pursuit ensued in which 500 cartridges and 17 grenades were used, 25 houses were destroyed, and the patrol morale was at 100%.¹⁶⁴

I illuminate the context of the report to further understand the conditions surrounding the capture of women in the log. It can be interpreted that if she was found with a subversive group perhaps she was a ladina member of a guerrilla organization or the wife or mother of a member. However, if it was an indigenous woman, she did not have to necessarily be linked to a guerrilla group or participate in anti-government activity as was the case of most ladinas and ladinos killed and disappeared during the Civil War. If she was indigenous, then her presence of living in a house and belonging to an indigenous community automatically made her the enemy. In other words, the mere existence of indigenous women in their native lands made them enemies of the state and

¹⁶³ Guatemalan Armed Forces, Operation Sofia, 1982.

¹⁶⁴ Ibid.

justified extreme brutality under the name of national security. A telling element of all of the patrol reports is the ways in which they construct indigenous civilians as inherently the enemy. For example, in patrol report Escocia II, the section titled: “psychological operations” states the following: “In certain areas we have destroyed their crops because we believe they belong to the enemy.”¹⁶⁵ Soldiers used the insurgent movement as an excuse to vilify an entire ethnic population despite the contradiction that as documented in the report, soldiers rarely encountered guerrilla groups in the villages. In other words, the soldiers understood that in the predominantly agricultural economy of the highlands, the indigenous people lived off the crops that they harvested. Thus by destroying their substance of survival because they happened to live in indigenous villages automatically made them suspect of *subversive active*. These practices never targeted ladino families in Guatemala City. Therefore, this strategy emerged from Ríos Montt’s scorched earth policy aimed only at indigenous communities. Additionally, counterinsurgency violence produced fertile ground for sexualized racial violence because it gave the soldiers power to accuse indigenous women as guerrilla members and punish them with rape. A RHEMI testimony claims that, “The army would bring down to the zone big native girls with fat braids in their hair and earrings made of wool thread. They brought them just because they said they were guerrillas. They would rape and disappear them. San Juan Ixcán, Quiché, 1982.”¹⁶⁶ Therefore, the military possessed the power to kidnap anyone they accused of being a guerrilla or an enemy, such as young indigenous women whose only crime under the coloniality of power was to exist in those July and August months of 1982 in the Ixil triangle. In other words, soldiers had the authority to capture all who they

¹⁶⁵ Ibid.

¹⁶⁶ Guatemala Never Again: Recovery of Historical Memory Project, 75.

suspected of collaborating with the “enemy.” Therefore, I am haunted by the fate of the young women, young girls, and elderly women who were kidnapped during the genocide. Only traces of those women are found in OS – a military document overwhelmed by sexualized racial violence that gave soldiers absolute power to pounce on those that the coloniality of power had historically made the most vulnerable within the most extreme conditions of violence.

Chapter 4: Seeking Justice in Archival Terms: Interrogating Human Rights Discourse and Archival Politics of the Guatemalan National Police Archives (AHPN)

Introduction

The Guatemalan National Police Archives (AHPN) in Guatemala City are known as the largest “archives of terror”¹⁶⁷ to be discovered in Latin America. Human rights activists have used such discoveries to prioritize the preservation and access to records formerly belonging to repressive regimes. As a result, human rights discourse and archival science have come together to implement archival policies that protect the collective human rights of “memory, truth, and justice” of societies who have suffered mass violence from authoritarian regimes. A key recommendation from Spanish archivist Antonio Gonzalez Quintana’s study on archives belonging to repressive regimes states: “Documents which bear witness to the violation of human rights should be available to facilitate the exercise of Human rights within a democracy.”¹⁶⁸ The discovery of archival records has supplanted oral testimonies emerging from the experiences of indigenous people who suffered the war in their own flesh. Therefore, under a human rights framework, “to obtain documentary access means to obtain truth and to obtain truth means to obtain justice.”¹⁶⁹

¹⁶⁷ Kirsten Weld, *The Archives of Dictatorship in Guatemala* (Durham: Duke University Press, 2014). Weld defines “Archives of Terror” as documents of repression produced by the state perpetrators of violence usually under a military rule.

¹⁶⁸ Antonio Gonzalez, Quintana. *Archival Policies in the Protection of Human Rights*. Paris: International Council on Archives, 2009, 4.

¹⁶⁹ *Ibid.*, 14.

Moreover the insertion of archival science into a human rights framework places emphasis on the preservation of state documents and the right to access the knowledge of the state record-keeper perpetuating the violence. Instead of indigenous voices and knowledges at the forefront of justice-seeking initiatives, human rights internationalism has constructed a dominant “truth, justice, and memory” discourse synonymous with the recovery of state records and their knowledge of human rights abuses. In this chapter, I examine how the imperative to prioritize archival records due to their “evidentiary value” potential and demand for more access to secret documents in Guatemala reinforces a dominant “truth, justice, and memory” discourse that obscures the experiences and epistemologies of gendered indigenous bodies relating to physical and structural violence in both past and present.

Furthermore, I examine how archival sciences shape archives of terror into political tools to fight impunity, but in the process, they construct a new regime in which they collaborate with U.S. academic institutions – specifically in the disciplinary fields of anthropology, history, and statistical science. International human rights NGOs and state agents exponentially multiply the power rooted in Western epistemology of rationality and science. In other words, archives and the archivist are the driving force of a new regime of collaborators that function to stabilize a singular Eurocentric definition of Western democratic practices for colonized countries like Guatemala. As a result, the archival imperative regime uses the appeal of science as a disciplinary technology to insert an appearance of objectivity and truth to all that it touches in relation to human rights violations, such as documents (archival science), bones (forensic anthropology), and quantifying the casualties and damage of war (statistical science). Subsequently, the

indigenous survivors voices in the oral testimonies and the unrecorded racialized femicide of indigenous women fall outside of the scientific value that the archival imperative has normalized as the promise for acquiring “truth, justice, and memory.” Thus, indigenous epistemology and the historical narrative of genocide and sexualized violence enacted on a colonized population is erased from the record by the archival imperative regime because neo-imperial and neo-liberal ideology construct it as either absent or subjective and lacking the status of truth normally attached to documents produced by the same state agents implicated in the violence.

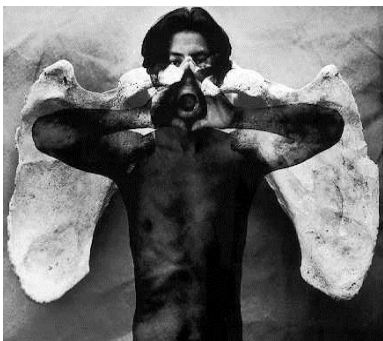
In my fieldwork visit to the AHPN during the summer of 2012, I walked in the front office and saw two marble triangles, ten inches long with the words *justice* and *truth* inscribed on them as seen in Figure 10 (right).

We can also see that behind the triangles there is a poster of the photograph titled, “So That All May Know,” which centers the “Angel of Memory”¹⁷⁰ (Figure 11 below) taken by photographer Daniel

Figure 10



Figure 11



Hernandez-Salazar. The “Angel of Memory” is an image of a bare-chested man with his hands cupped around his mouth in a shouting expression meant to symbolize a voice breaking the silence of genocide in Guatemala. Over the man’s shoulders there are large white collarbones that, according to Hernandez-Salazar, were exhumed from a mass grave to give the illusion of angel wings.¹⁷¹ This powerful image has not only brought

¹⁷⁰ David Gonzalez, "Angels Watch over Memories of War," *New York Times* 2011.

Hernandez-Salazar great success, but has also come to represent the importance of historical memory in Guatemala. “So That All May Know” was the photograph for the cover of the historical memory report published by the Catholic church (RHEMI), as well as the cover for *From Silence to Memory: Revelations of the Historical Archives of the National Polices* (2010).

On the other hand, an earlier photograph taken by Hernandez-Salazar that has not been as widely publicized as the “Angel of Memory” is “Clash of Two Worlds 1492-1992”¹⁷² (Figure 12 right).

Figure 12



This photograph depicts Mayan widows and their children facing off with male police officers who are wearing full riot gear including baton and shield. The Mayan women look fearless and untouchable in the face of terror and appear not to be shouting but rather staring down the police officers. A young girl not older than eight years is standing slightly in front of the women (possibly) holding her mother or grandmother’s hand and looking straight into the sea of police. She seems to show the same defiance as the women that surround her. This powerful representation of indigenous women and girls in the frontlines of a war that that dehumanized their bodies and demonized their culture yet stand tall and fearless in the face of brutal violence is as courageous as any acts performed by revolutionary heroes. Yet their images, names, and stories are absent from the walls of the AHPN where the “Angel of Memory” demands the visitor’s attention.

¹⁷¹ Ibid.

¹⁷² Ibid.

In contrast to the indigenous women in “Clash of Two Worlds,” the body that is made visible in “So All May Know” is a masculine angel. In an interview titled, “Revealing the Image, Revealing the Truth,” Hernandez-Salazar discusses how the “Angel of Memory” was his attempt to visualize the genocide that took place during the Civil War.¹⁷³ According to Hernandez-Salazar, his depiction of the angel was influenced by the Angelic images of Christianity, but he intentionally gave the angel “indigenous features” to symbolize the genocide against indigenous peoples.¹⁷⁴ Hernandez-Salazar states, “Instead of a blond, white skinned, ethereal, nonsexual being, I gave him a more indigenous-mestizo look and photographed him naked in a very human, material way. The angel in my picture is a man of flesh and bone like the rest of us.”¹⁷⁵ It is a contradiction that Hernandez-Salazar connects universal humanity to a genocide committed at the hands of the state and military that dehumanized the indigenous population. In addition, he compares the angel “to the rest of us,” therefore implicating his own self as a ladino and erasing the racist, classist, and gendered demarcations of power that have historically divided rural indigenous and urban non-indigenous groups in Guatemalan society. It is interesting to note that Hernandez-Salazar who lived in Guatemala City was not personally affected by the genocide, but rather photographed the heightened repression in the countryside while on a job assignment.¹⁷⁶

Moreover, I find it problematic to conflate an “indigenous-mestizo look” into one body under the memory of genocide because mestizo or ladino bodies were not targets of

¹⁷³ Daniel Hernandez Salazar, "Revealing the Image, Revealing Truth: Daniel Hernández-Salazar's Visual Memory of the Genocide in Guatemala," *Testimony between History and Memory* 119 (2014).

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Gonzalez, "Angels Watch over Memories of War."

genocide but rather victims of enforced disappearance.¹⁷⁷ The photograph, “So that All May Know,” emerges from the spectacular rhetoric of ocular epistemology that constructs the “Angel of Memory” from the visual ashes of evidence. For example, the exhumed indigenous bones form a masculine and ambiguously racialized figure that only becomes visible by invoking genocidal violence. In other words, the “Angel of Memory” is a reflection and visualization of Hernandez-Salazar acting as a proxy for ladino epistemologies that strategically use the genocide to sensationalize the excessive violence committed against ladino bodies, rather than indigenous bodies. Yet, instead of exposing such critical contradictions, the “Angel of Memory” was received with open arms by Guatemalan society and institutions such as the AHPN. What would it have meant if the AHPN had chosen “Clash of Two Worlds” for their historical memory report instead of the “Angel of Memory?” How different would the AHPN office have looked if the photograph beaming behind the marble triangles of “truth and justice” were courageous indigenous women and children at the brink of violent confrontation with their oppressor?

As I continued to walk around the office, I instantly recognized a large photograph of a man hanging near the entrance to the consulting office.

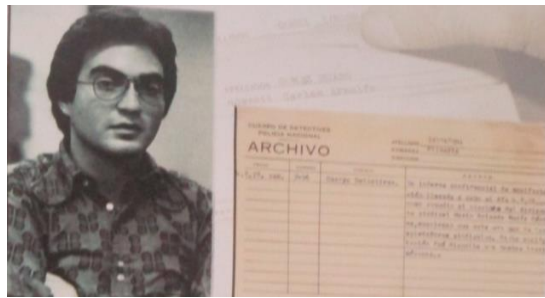


Figure 13

¹⁷⁷ *Guatemala Memory of Silence: Report of the Commission of Clarification* (Guatemala City: Litoprint, 1999).

The photograph was of Oliverio Castañeda de León (Figure 13 above) a student leader who was assassinated in a 1987 protest in Guatemala City. I learned about his story through the human rights documentaries I watched about the Civil War. As seen in Figure 13 above, next to his picture is his identification card that listed the different forms of surveillance he was under before his death. The existence of Castañeda de León's identification card, along with extensive intelligence reports of his daily activities and anti-government affiliations, demonstrates how the National Police closely monitored his political activity. Castañeda de León and several other ladino men were pictured on the walls of the AHPN due to the archival records such as identification cards issued by the National Police that were found in the discovery site that would become the AHPN. In other words, these archival records were the traces of ladino men, which are now used by human rights discourse and archival science to insert the names and faces of the fallen revolutionary heroes into historical memory. As I studied all the photographs and identification cards, I felt the power and seduction of the archive. I too was overwhelmed with sadness and grief of seeing the faces of those men, reading the state of surveillance they were under and imagining the horrors that could have been done to them and the suffering it caused their families. However, the seduction of the archive only scratched the surface of my emotions because my body felt a deeper feeling of emptiness that turned into a haunting presence due to the contradictions entrenched in the AHPN, such as the ways it used the naming of indigenous genocide to decorate the dominant "truth, justice, and memory" discourse with faces of ladinos.

Nonetheless, what becomes visible to visitors like myself who step foot into the AHPN is the horrific state terror that took place in Guatemala against civilians, both

ladino and indigenous, who were fighting for a different Guatemala. I admire the remarkable efforts by the AHPN archives staff members that have rescued the documents and used archival science and human rights instruments to transform the documents into evidence for legal prosecution. However, the hyper-visibility of the an “Angel of Memory” standing in for mestizaje and masculinity with undertones of Christian ideology, along with the photographs of middle-class revolutionary leaders, reminds us that something is missing. I sensed a profound absence in the room of the complex history of the Civil War that resulted in genocide. There was not one photograph or identification card of a ladina woman or indigenous man, much less an indigenous woman. It was as if the documents and evidence had more visibility and desirability in the archive than the existence and epistemology of indigenous women. The AHPN office told an official story. However, I was not there to research the “truth” that the documents reveal, but rather to understand what they conceal and why this archival imperative under a human rights framework has created racialized, hetero-patriarchal, and gendered absences that are accepted in dominant “truth, justice, and memory” discourse.

The Role of Archival Science in the Institutionalization of AHPN

In 2005, Guatemalan inspectors from the prosecutor’s office stumbled upon a trove of documents when responding to a complaint of improperly stored explosives at a former military base.¹⁷⁸ The inspectors found millions of police records that appeared forgotten and were left to rot in the military base. The documents belonged to the former Guatemalan National Police that had been disbanded as part of the Peace Accords due to

¹⁷⁸ Historical Archive of the National Police, *From Silence to Memory: Revelations of the Archivo Historico De La Policia Nacional* (Guatemala: Univeristy of Oregon, 2013).

its role in the Civil War.¹⁷⁹ In 2009, the AHPN archive experienced a significant shift because ownership of the files was given to the Ministry of Culture and Sport from the Ministry of the Interior.¹⁸⁰ This was meaningful not only because it provided the AHPN archives with legal certainty, but also gave power to the Archivo General de Centro America (AGCA), which is a rectory under the Ministry of Culture and Sport that would oversee the transfer of documents belonging to the AHPN.

The change of leadership of the AGCA provided the basis for full entry into the phase of higher development of the AHPN which can be described as a set of proposals and actions aimed at institutionalization, archival stabilization, public access to information and the use of documents from the archive in legal proceedings.¹⁸¹

The relationship between the AGCA and the AHPN is fundamental because it works towards establishing archival rigor, institutionalization, and legal legitimization of the AHPN archive.

To begin to understand how the AHPN is organized, it is vital to understand the history of this professional project and the main actors who assisted in making it possible. In AHPN workshops I learned how to navigate the digital database, the staff members provided a brief history about how millions of scattered documents found in a warehouse by human rights workers had transformed into one of the largest and most unique archives of repression in Latin America. A remarkable element of the AHPN is that the majority of the staff are working-class men and women from all different ages who entered the archival project not through their interest in archival science, but rather through their connection to anti-government participation in the Civil War, or in search of

¹⁷⁹ Weld, *The Archives of Dictatorship in Guatemala*.

¹⁸⁰ Jorge Villagran, "Technology for Document Management " <http://www.palermo.edu/cele/pdf/english/public-information/Villagran.pdf>, 20.

¹⁸¹ Historical Archive of the National Police, "Historical Archive of the National Police: Seven Years of Work," [http://archivohistoricopn.org/media/Informe_de_Avances_AHPN%207o.%20Aniversario%20\(1\).pdf](http://archivohistoricopn.org/media/Informe_de_Avances_AHPN%207o.%20Aniversario%20(1).pdf), 6.

their parents or children who disappeared during the conflict. In other words, the AHPN staff consists of newly trained professional archivists who, prior to the discovery of the records, did not hold a college degree, much less a specialization in archival science. Yet, they took the opportunity offered by human rights organizations and archival experts due to the need for archivists to meet the work demands of the AHPN.

An impressive element of the AHPN has been the ways in which it has “reconstructed hierarchal, operation, and coordination structures”¹⁸² originally used by the National Police (PN). In other words, instead of creating their own organizational structure of the documents in the way they understood it or what thematically worked better for the staff, they have deciphered the original structure of the NP and copied its mode of identifying and storing documents. The only difference is that unlike the NP, the AHPN has translated this archive into a digital database. Thus, if I were to look at an identification card found in the original NP archive files and read the notes that told me where to find that document, I could find it in that exact place because the AHPN preserved the original structure. The purpose of replicating the organization of the original NP documents is central to the AHPN’s mission of rescuing as many documents as possible out of the 80 million found in order to use them in legal proceedings and guarantee public access to the records. The archival processes the AHPN archive undergoes to rescue such documents is an impressive and complex procedure in which the focus is to preserve, identify, and organize the documents for digitization.¹⁸³

The following is a brief description of the seven stages that the AHPN staff performs on the documents in order to guarantee the preservation of the archives. In his

¹⁸² Kate Doyle, "From Silence to Memory: A Celebration of the Report of the Historical Archives of the National Police," <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB347/index2.htm>., xlv.

¹⁸³ Police, "Historical Archive of the National Police: Seven Years of Work".

article, *Technology for the Management of Documents*, Jorge Villagran walks the reader through this archival process.¹⁸⁴ The first stage is the transferring of original documents belonging to the National Police to AGCA documentary deposits by following strict archival regulations. This process requires interagency collaboration from the AGCA, AHPN, and PNC.¹⁸⁵ It is the responsibility of AGCA that the staff from the AHPN and PNC follows the archival regulations it set forth in moving and receiving the documents. The transferring of the documents is taken extremely seriously because AGCA and the AHPN are committed to preserving the conditions of documents and not altering any aspect that can distort the original organization and authenticity of the archive. A frequent obstacle encountered in the rescuing of the documents was finding records thrown around the large rooms or bunched up together that did not follow any order. The organization of different origins of records is carefully designed by teams of staff members and called a *fondo documental* (collection of documents). Through the identification of records, the staff is able to systematize administrative and historical documents supported by the collection of documents.

Stage three is the classification of documents in which the documents are cleaned and excess material such as metal, plastic, animal droppings, etc., is removed. Once the documents are cleaned, its content is further examined to ensure it belongs to the collection of documents and to understand its function and order.¹⁸⁶ Records are then grouped together with other collection of documents that have similar hierarchical structures. These categories then form what the AHPN calls a series of documents, such as Second Corps or Daily News. Stage four consists of the *ordering* of documents by

¹⁸⁴ Villagran, "Technology for Document Management ".

¹⁸⁵ *Ibid.*, 29.

¹⁸⁶ *Ibid.*, 4.

establishing the natural sequence of the record within the series, such as chronological, alphabetical, or numerical order, which can also include geography, such as department or zone in the city. Stage five, the *installation stage*, in which a set of physical material such as cardboard boxes is used to preserve the original documents. Each series of documents is placed inside this installation or box and stored on a shelf. The box is labeled with a number that corresponds with the metadata of files inside. The metadata refers to a number created by the AHPN that corresponds to a collection of documents, sub-archives, and series of documents, and each of these elements are coded. The metadata operates as the base used to systemize and identify the documents, especially in the digitization process. In stage six the description stage, once the archivist has substantial knowledge of the collection of documents and its origin, an archival description is created. Following the General International Standard for Archival description (ISAD'G), the archivist exercises intellectual labor and creates instruments of description to facilitate the consultation process of the documents. The last stage of this process is the reprography of the documents, which are scanned in order to enable digital access and preserve the integrity of the original documents. According to the AHPN, 40,000 documents are digitized a week, “two million each year for more than 13 hours a day divided into two shifts.” Therefore, an insight into the technical criteria of each stage in which the staff studies the documents in relation to structure, contents, and administrative origin provides a glimpse of the remarkable work taking place in the AHPN.

During my fieldwork visit, I had the fortunate experience of participating in a course titled “Human Rights and Archival Research” at the Latin American Social

Science Institute (FLACSO) in Guatemala City.¹⁸⁷ I attended this course to better understand the “truth, justice, and memory” discourse from the archivist and human rights perspective and see firsthand how archival science and human rights came together. My intention was to put myself in the shoes of the archivist and human rights members in order to understand the disciplines from their perspectives and be in conversation with them. Dr. Lizbeth Barrientos taught the classes I attended. She told stories about the initial visits to the discovery site in which the police records were found and how she and other AHPN staff members cleaned and recovered physical documents while Civil Police members threatened volunteers by holding guns to their heads and cautioning them not to plant incriminating documents amongst the original records. Dr. Barrientos admitted she was terrified, that she pleaded with the police and told them that all she was doing was cleaning the documents so that they could be restored to their original order. Dr. Salvado would also tell the class stories about how in the initial stages of recovery many of the documents were covered in rat feces, mold, and other harmful toxins that actually sent several AHPN members to the hospital. It was through these stories that I learned of the extremely unsafe conditions in which AHPN members worked and how many of them were willing to put their lives on the line in order to recover and preserve the documents.

Furthermore, Dr. Barrientos explained the unique organization in which the police records were produced and archived by the NP during the Civil War. According to Dr. Barrientos, the archival system that the NP developed was the fastest and most effective in Latin America. Archivists refer to this system as an early-computerized form of

¹⁸⁷ I am very grateful to Luis Raul Salvado the coordinator of the Human Rights program for allowing me to audit the course for a month.

archiving, despite the technology limitation at the time. For example, Dr. Barrientos stated that police officials generated a highly advanced communication system in which they were able to get information to different units in the police and military departments in less than three minutes. Not only did the National Police create a sophisticated, organized, and systemized database, most importantly, it operated on its own logic.

Moreover, the aim of the course was to professionally train students who belonged to different archival, legal, and state institutions on how to write *peritajes* or expert reports that would legally legitimize all documents found in the AHPN as evidence against human rights violations. The type of dialogue this course was creating between legal and archival professionals, including those who worked for NGOs, was fascinating and the first time it was happening in Guatemala. It was striking to witness professional archivists who initially knew nothing about the Guatemalan criminal justice system be in conversation with career criminal prosecutors specializing in human rights in Guatemala who possessed minimal knowledge about archival methods. Some popular terms in the classroom that I learned were “authenticity” and “valor probatorio” or “proof value.” Dr. Barrientos would discuss in-depth the importance of following archival norms in order to transform these documents into appropriate evidence and qualify them as authentic. She would often say, “All of the documents are dependable and authentic to be used in criminal investigations.” Establishing the authenticity of these documents was a priority because it shaped its testimonial value and potential to be used for criminal investigations. The term “testimonial value” was also used by Dr. Barrientos to describe the police records. In a legal context, documents with testimonial value have more value than the actual voices of indigenous survivors of the conflict, such as those collected in

the CEH and RHEMI. Thus, due to the transformation of the documents through archival norms, the documents inherit a higher status or testimonial value than actual testimonies by indigenous survivors because these interviews undergo more of a qualitative analysis instead of the application of scientific rigor accredited with archival regulations. I was perplexed at how the written testimonies of corrupt PN officials, such as simple and short memos or administrative documents, were worth more through the lens of a scientific approach than the testimonies of indigenous survivors. It was as if the voice of the perpetrator was being given more credibility than the voice of an indigenous survivor because of their proximity to factual and empirical knowledge as opposed to indigenous people who are perceived as illiterate and primitive in ladino Guatemalan society, and whose testimony was in oral, rather than document form.

Moreover, Dr. Barrientos explained that the “proof value” of the document was assessed by how many hands it was put through, which is reflected by the seals and signatures indicating that the boss read the document and was aware of what his soldiers were doing. Furthermore, the emphasis of the course was on diplomatic-science that examines the written document with the aim of establishing the authenticity and revealing the quality of the text. Analysing the seals, verifying authenticity, dependability, and utility are all tied to the “proof value” of the documents. According to Dr. Barrientos, the goal of diplomatic-science is to give legal validity to all written testimony. In Guatemala’s case, this meant the “facts,” implicating that police and the documents shared that pattern of particular traditions and formalities. However, in a room filled with lawyers and human rights professionals, there were particular students who consistently challenged Dr. Barriento’s argument regarding a document’s evidential value. I vividly

remember a class debate focusing on the authenticity of the DSD. Most of the class agreed with Dr. Barrientos's claim that the document held "authentic" signs of belonging to the Guatemalan Army. However, many other students expressed scepticism due to the fact that it randomly appeared by itself, thus having no origin and was sold by an informant to Kate Doyle. As the debate carried on, a female student in the back of the classroom, in an effort to mediate the differing views, said the following: "The past is not a magic wand that brings a solution to the present but can be a step towards transformation of the future." Her comment appeared to calm everyone and the debate dissolved, yet her words left me thinking about how archival science attempts to construct a knowable and all-telling past. Archival science does this through the application of science in order to invest in a notion of "truth" which can appear as "magical" power, as the student framed it, since that document is given power that it lacked before it was transformed into evidential value. It is as if "science acts as a social force that produces legitimacy."¹⁸⁸ Her comment left me thinking about the powerful possibility she was offering the class. Instead of having a divisive black and white debate regarding the authenticity and evidentiary value of the DSD, I interpret her as suggesting that the analysis of the document be used to more critically approach the future and that scholars can learn from this past in order apply that knowledge in a way that would transform the future. Her comment appeared to offer an alternative approach and a relief from the high expectations of the class that positioned archival science as the objective instrument to prove human rights violations.

¹⁸⁸ Maximillian C. Forte, "Force Multipliers: Imperial Instrumentalism in Theory and Practice," ed. Maximillian C. Forte, vol. 5, *Force Multipliers: The Instrumentalities of Imperialism* (Montreal Canada: Alert Press, 2015), 4.

For one of the classes, Professor Omar Erasmo Ortiz Maquin gave a presentation about *Grafotecnica*, forensic and writing examination, and *documentoscopia*, forensic document analysis used to verify the authenticity of documents. According to Professor Ortiz Maquin, criminology disciplines are currently developing in Guatemala as a result of the increase in falsification of documents in the past decade. The presentation was an introduction to the basics of revealing fraudulent documents and discussed different techniques and methods used. To me, as to many of the other students who later shared with me, all of this was new information and confusing at first due to the high level of technicality. For example, Professor Ortiz Maquin discussed how *grafotecnica* professionals study how the brain works in order to understand it at the time of signing and writing the documents and also use chemistry to investigate ink composition. In class we participated in exercises where we learned to identify fraudulent signatures and attempted to reproduce the signatures of our partners. We were also required to bring a magnifying glass to class everyday in order to effectively scrutinize certain documents that Professor Maquin and Professor Barrientos assigned for class exercises. I remember I used my magnifying glass to study the different shades of black in the ink on the signatures and seals of a memo. To this day I remain confused as to what exactly I was looking for in the ink. I share this experience to show how lost and overwhelmed I felt in this course; the fluency and technicality of the Spanish language already proved difficult enough for me to understand, in addition to the layers of archival expertise and scientific concepts. I felt incompetent in the subject that in the context of the Civil War I had studied for the past six years. I felt as if I had delved into another dimension in which I

was no longer the expert because my knowledge and critical analysis on racial and sexual violence was not part of the conversation.

The class was mesmerized of Ortiz Maquin's presentation and asked about his own experience working in the field and information about the criminals he had assisted in apprehending. It was apparent that the students were captivated by his expertise and that Professor Ortiz Maquin was invested in continuing the growth of these types of disciplines. In a class handout he wrote, "The importance of developing this introduction to this thematic, is designed to empower a new group of professionals who technically fight against fraud documents." The discourse appeared solely technical and scientific and the class discussions were impressive in terms of forensic approaches to documentation. I learned a lot about archival advances in one month, however it felt strange that in Guatemala and in a human rights course these conversations left out the serious structural inequalities that were responsible for causing the conflict in the first place. In other words, the class appeared so focused on technical methods and scientific discourse that it overshadowed the actual bodies and human violations that archival science promised to resolve. It was as if the violence, oppression, and people that lived through the conflict fell out of the magnifying glass we used in class because the scientific elements took up most of the lens and pushed everything else to the periphery. Despite the emphasis on technical archival processes, I was more concerned that the combination of human rights and archival science focused so much on scientific expertise that it left critical social questions around violence, genocide, and the aftermath of the war for those who suffered, out of the conversation. In other words, it appears as if the scientific and legal dimensions of justice are advancing at a very rapid and sophisticated

rate, yet the social dimensions of race, class, and gender are lacking in that depth of advancement. For example, I connect this issue to what occurred in the midst of the 2013 genocide trial in which the public debate focused on whether there was a genocide or not instead of focusing more on how it happened and how another genocide in Guatemala can be prevented.

To that end, at the end of class, Professor Ortiz Maquin stated, “For many victims and family members that have come close to these archives, these documents are proof and in a way they validate their experiences. They are a thread to throw in order to continue discovering who committed these crimes, how they organized, and find information on where their loved ones could be.” Ortiz Maquin’s statement demonstrates the ways in which the archival imperative and its scientific status normalized the belief that archival documents and empirical facts will deliver justice. Ortiz Maquin’s use of language, such as “these documents are proof,” reflects post-colonial scholar Achille Mbembe’s argument that the archive is a talisman, the closer you are to it, the more possibility it will evoke its magic and automatically give you truth, justice, and perhaps even closure.¹⁸⁹ It is interesting how Ortiz Maquin speaks to how these documents have helped those who have “*gotten close to them.*” I interpret this as not only in physical proximity to the textual records, but more so the individuals whose racial, classed, and gendered markers have given them a privileged visibility – a proximity to humanity in Guatemalan society in relationship to who we look for in the record as opposed to those bodies we do not even notice missing in daily life, much less in death. In order for experiences to be validated by the AHPN, they must have existed in the eyes of the

¹⁸⁹ Achille Mbembe, "The Power of the Archive and Its Limits," in *Refiguring the Archive*, ed. Verne Harris Carolyn Hamilton, Jane Taylor, Michele Pickover, Graeme Reid and Razia Saleh (Boston: Kluwer Academic Publishers, 2002).

police; one's life had to have counted enough to be worthy of the police to plan and document their death and leave traces of their existence on the record.

Ortiz Maquin invokes existence and humanity in the way in which he connects textual documents to proof and lived experience, yet his use of his scientific language betrays an understanding of the ways in which race, ethnicity, gender, and class are operating in this process. I enjoyed my time in the course and learned an immense amount from the professors and students. However, I initially imagined that I would be in conversation with them, but instead, I felt as if my knowledge was not valued in such technical and scientific contexts in which Dr. Barrientos and Dr. Ortiz-Maquin exercised power in being regarded as the newly appointed scientific experts of human rights.

The Archival Imperative and Human Rights

In 1999, political scientist and human rights Professor Louis Bickford wrote an article titled, "The Archival Imperative: Human Rights and Historical Memory in Latin America's Southern Cone," in which he focuses on archival preservation as an imperative means for remembering.¹⁹⁰ According to Bickford, countries that have experienced mass violence under military dictatorships need to implement a policy of archival preservation of primary materials tied to human rights violations in order to attain democratic practices.¹⁹¹ Bickford's study focuses on the need to preserve primary material created by Human Rights NGOs (HRNGOs) during the armed conflict in Argentina, Chile, and Uruguay. The primary material consisted of reports, bulletins, social movement literature, and intake files created by various HRNGOs. Intake files refer to "testimonies and documentation relating to specific violations as filed by the victims...similar types of

¹⁹⁰ Louis Bickford, "The Archival Imperative: Human Rights and Historical Memory in Latin America's Southern Cone," *Human Rights Quarterly* 21 (1999).

¹⁹¹ *Ibid.*, 1098.

documentation come from the families of the disappeared, who sought legal and written proof of death and abductions and have, therefore, collected everything from photographs to eyewitness accounts to death certificates.”¹⁹² As a result, Bickford was concerned about the deteriorating conditions and the lack of institutional support of the primary material. In addition, he was worried about the possibility that military personnel implicated in the documents would steal these documents.

Even though the types of records that Bickford emphasized such as HRNGO reports and intake files are different from the police records in the AHPN, his argument applies to all documents concerning human rights violations. Bickford states, “This article argues that human rights organizations, international agencies and foundations, and other nongovernmental organizations need to prioritize archival preservation of primary materials relating to human rights abuses.”¹⁹³ Fast-forward 16 years later and it is as if Bickford foresaw the instrumental role that archival preservation would play in Latin American countries transitioning from a traumatic past to a democratic future. However, it is interesting to me that Bickford’s adamant advocacy for archival preservation in relation to human rights abuses in Latin America was voiced through the perspective of an American political scientist and human rights academic. Bickford’s role as an American academic further highlights Western epistemological ideas of democracy, humanity, and genocide in relation to Central and Latin American countries. I situate the term “archival imperative” in a critical framework and question the boom in archival science training and institutions in attaining accountability for human rights violations.

¹⁹² Ibid., 1104.

¹⁹³ Ibid., 1098

The Power of the Archive and the Role of the Archivist

In his essay, “The Power of the Archive and its Limits,” Mbembe argues that the archive gains a status from its attachment to buildings, institutions, and people. In other words, the materiality of the archive consists of scattered documents and organized files, physical space, and people who work in it that construct an “instituting imaginary.” As seen with the AHPN, the discovery of moldy documents along with the intensely rigorous archival process of transferring, cleaning, digitizing, analyzing, and organizing of the documents provide a framework for the institutional imagination in which the police records are produced. Mbembe states: “Archives are the product of a process which converts a certain number of documents into items judged to be worthy of preserving and keeping in a public place, where they can be consulted according to well-established procedures and regulations.” In other words, the archiving of documents is a selective process in which particular records fall outside of the given regulations dictated by the authority in control of the archive. A main factor involved in deciding whether a document is archivable depends on the ritual of “secrecy” in that its content was acknowledged by the state as prohibited to the public and thus was hidden, or remains hidden.

In the case of the AHPN, due to the massive amount of documents, archivists have applied a selective process that prioritizes certain documents over others. Herbert, an AHPN archivist who assisted me during my visit, told me that documents dated between 1975-1985 have been prioritized because those years are deemed the worst years of the Civil War.¹⁹⁴ Therefore, due to the limited number of staff and equipment the AHPN archive has, more than half of the documents have not been processed to this day.

¹⁹⁴ Herbert Cáceres, interview by Maria Vargas, 2013.

Another main factor in the selection of documents are those linked to forced disappearance and other human rights violations in Guatemala City, which was located in the jurisdiction belonging to the National Police at the time. It is important to note that since the police records were discovered in Guatemala City where the PN was stationed and its officers participated in illegal detentions and enforced disappearances that heightened in the early 1980s, the majority of the traces of victims and cases that have the possibility to be found in the AHPN constitute mostly of ladina and ladino men. In terms of indigenous people, the majority of them lived in the Western Highlands at the time when multiple massacres were being executed, such as in the Fernando Lucas García regime (1978-1982) and the subsequent Ríos Montt genocidal campaigns (1982-83). Therefore, the officials in charge of carrying out counterinsurgency operations were in the military attacking the rural region, not the police in urban spaces. In other words, the AHPN is already directing the scholar or student to search in the wrong place if their interest is to learn about the genocide committed against indigenous peoples. However, those types of documents, with the exception of Operation Sofia, do not exist in the capacity and visibility of the AHPN.

Moreover, the two selection criteria imply that the digitized documents available to the public and for research use pertain to only one third of the years that the Civil War lasted and focus on an urban area of 267.2 square miles compared to the rural highlands that is composed of more than 17,000 square miles.¹⁹⁵ The department of Guatemala is only one of 22 departments. Additionally, the two largest departments, Petén and Quiché,

¹⁹⁵ "Departments of Guatemala," <http://www.turansa.com/paginas/general/departments.htm>.

both of which are rural and where the scorched earth operations took place, have not been worked on extensively by AHPN archivists.¹⁹⁶

Therefore, despite the stunning discovery of 80 million documents belonging to the NP, the current digitized documents of the AHPN have been selected according to time period and geography, and thus are not “all revealing,” but rather tell a partial story. Furthermore, the materiality of the AHPN, combined with the process and judgment in deeming documents “archivable,” make the archive not a source of truth or fact, but a status. The status of the archive is defined by the ability of documents to not only have been recorded and recognized by the state, but most importantly, in its potential to serve as tangible and visual evidence “that life existed, that something actually happened, an account which can be put together.”¹⁹⁷ In other words, the “status” is based not only on the materiality of the documents, but that the documents were privileged as “archivable.” In order for documents to be “archivable” they have to appear as fragments or pieces of an imagined life, and events that compose a story must be put in order and be solved.

In order for the power of the archive to remain centralized in the institutional imagination, the archivist plays an instrumental role in fulfilling the criteria required, such as the seven-step archival process practiced by the AHPN. The archivist is the state agent positioned with the power to create order and coherence from the original mess, working to make “truth, justice, and memory” possible for those selected records.

Mbembe states, “Through archived documents, we are presented with pieces of time to be assembled, fragments of life to be placed in order, one after the other, in an attempt to

¹⁹⁶ Documents associated to Petén and Quiché are also not prioritized because they consist mostly of communications between the NP and the Guatemalan army and not “explosive” documents that directly name victims affected by state terror such as the identification cards and intelligence information connected to the NP and the department of Guatemala.

¹⁹⁷ Mbembe, *The Power of the Archives and Its Limits*, 21.

formulate a story that acquires its coherence through the ability to craft links between the beginning and the end. A montage of fragments thus creates an illusion of totality and continuity.”¹⁹⁸ Who are the individuals playing the roles of the archivists and behind the making of particular “fragments of life” and possible stories that emerge from the “institutional imaginary?” The most obvious response are the AHPN archivists who were revolutionaries during the Civil War or family members of a loved one who disappeared during the war. However, they were trained as archivists in the post-Civil War period for the purpose of working in the AHPN. Therefore, if AHPN archivists were not initially archivists, and the legal entity that discovered the documents was a human rights institution, then where did the archival expertise come from?

A popular name that consistently came up in conversations with students, archivists, and professors at FLACSO and AHPN regarding their archival training and experience was Trudy Peterson. Trudy Peterson is a renowned certified archivist who served as the acting archivist for the United States in the mid 1990s, who also worked for the National Archives for 24 years. In the following analysis, I examine Peterson’s background as an American archivist and historian and how her use of archival norms raises particular contradictions in relationship to the AHPN. Peterson obtained her PhD from the University of Iowa and began her archivist career in the 1970s, writing about state archives and historical documents. In the 1980s, Peterson’s research delved more into topics of archival administration and how the process of recordkeeping was being transformed by technology. In the 1990s, Peterson focused on defining new archival terminology and developing methodologies, such as the use of finding aids for

¹⁹⁸ Ibid.,

manuscripts collections. In 2001, Peterson ventured into topics relating to Central and Eastern European countries that had suffered war/conflicts, and the ways in which North American and European National archives engage with this history. In 2004, she published “Archives in Service to the State: The Law of War and Records Seizure,” in which she focuses on seized documents of Iraq and the secret police responsible for disappearing people during the conflict.¹⁹⁹ Thus, it was during this time that Peterson addressed the topic of preservation and access that would lead her in the direction of archival expert. “Archives in Service to the State,” was the first article where she addressed the protection of seized documents from authoritarian regimes but in the context of state armies who are interested in protecting them for the use of human rights.

The two articles published in 2004 signify a meaningful shift for Peterson. In 2005, she published the book, “Final Acts: A Guide to Preserving the Records of Truth Commission.”²⁰⁰ Since publishing that book, Peterson has worked with numerous Truth and Reconciliation Commissions, including South Africa and Honduras, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone. As a result, Peterson’s expertise in human rights and archives was well respected by 2005 when she was consulted by AHPN. However, when we take a closer look from 1975-2004, in almost 30 years Peterson published only two articles on truth commissions and secret police archives, both of which concerned European countries. From 2005-2013, in just eight years she published 13 articles, all focusing on access and preservation of records formerly belonging to repressive regimes. These topics included the application of

¹⁹⁹ Trudy Huskamp, "Archives in Service to the State: The Law of War and Records Seizure", *Llgall: Journal of the Catalan Society of Archivists* (2004).

²⁰⁰ *Final Acts: A Guide to Preserving the Records of Truth Commissions* (Baltimore MD: Johns Hopkins University Press, 2005).

archival standards for human rights and using archives for strengthening democratic governments in Latin America. In her 2013 article, "Securing Police Archives: A Guide to Practitioners," Peterson uses the AHPN as a model to follow for all international secret police archives.²⁰¹ Also, from 2005-2011, Peterson participated in more than 25 speeches and presentations focusing on using archives in a human rights context. Therefore, today many Latin American historians, international human rights activists, and archivists regard Peterson as the leading authority in the field. I highlight these contradictions to interrogate why Peterson, who is trained in archival science from a university in the United States, and who worked with several U.S. government agencies, including powerful clients such as the World Bank, has in the last ten years become the lead advisor in managing records of repression in Guatemala?

Furthermore, when Peterson first visited the AHPN site, she states "The storage buildings were in terrible disrepair: broken windows, missing skylights, water dripping on records, water standing on floors, no concrete floors in places so mud squished underfoot, areas without light."²⁰² According to Peterson, the state of the police files were in the worst conditions she has ever worked in and the disorder of the documents was overwhelming. As described by Peterson and Kate Doyle, both American archivists who were among the first to visit the site, millions of papers were in bundles covered with mud, identification cards were partially filled with mold and thrown in the garbage can, and vermin and bat feces infected the air.²⁰³ Peterson further describes the disorganization of the material, "The police staff at the archives said they had no general

²⁰¹ "Securing Police Archives," *Swisspeace* (2013).

²⁰² Trudy Huskamp Peterson, "The End of the Beginning" (2008).

²⁰³ Kate Doyle, "The Atrocity Files," in *The Guatemalan Reader: History, Culture, Politics*, ed. Elizabeth Ogelsby Deborah T Levenson, Greg Grandin (Durham: Duke University Press, 2011).

inventory or location register; they depended on memory to know what was where. Because of the lack of shelves and the general disorder, the police staff climbed on piles of records to get to records stored in higher piles.”²⁰⁴ After my conversations with Meono and the staff of the AHPN, I realized that Peterson was regarded as the archivist who literally and figuratively brought much needed order to tame all of the chaos of a discovery site that at the time looked more like a disposal site.

In the following excerpt, Peterson reflects on how she worked with the AHPN staff to teach them a new archival language. Peterson states:

“Provenance” entered the language of the Proyecto staff...I knew we had really accomplished this when, earlier this week, I heard Gustavo Meono give a tour of the archives and explain the concepts of “chain of custody” and “provenance” and “original order” absolutely perfectly. I would guess that three years ago Gustavo had never heard of those concepts, and today they are a fundamental part of the vocabulary of everyone at the Proyecto (AHPN).²⁰⁵

As her own words demonstrate, Peterson was instrumental in teaching the AHPN staff the General International Standard Archive Description regulations required to register documents. To begin to put the documents in order, Peterson taught the AHPN staff two main standard archival principals, “provenance” and “order.” Peterson introduced archival terminology and methodology into the human rights vernacular of the AHPN staff that she trained. It is also telling that the two basic principles Peterson shared emerged from renowned European archivists, thus following a familiar logic of Western liberalism tracing back to colonial empires.²⁰⁶ Before Peterson trained the AHPN staff, archival science had not entered the lexicon or methods of obtaining justice for them, because those individuals – many of who were guerilla or student activists – had a

²⁰⁴ Peterson, "The End of the Beginning."

²⁰⁵ Ibid.

²⁰⁶ Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press 2002).

different relationship to the resistance in the Civil War that did not consist of using documents as tools. However, now they were being transformed into archival scientists and taught how to turn documents into evidence by analysing the seals, verifying authenticity, dependability, and utility, which are all tied to the “proof value” of the documents. Since then, hundreds of AHPN staff have been trained to scientifically search for evidence using their archival expertise. It is intriguing to think of the alternative modes of resistance that those staff members could have engaged in before their training and work at the AHPN. Can Guatemalan scholars or activists imagine other possibilities of not only resistance but also justice that the archival imperative is misdirecting Guatemalan society from? My intention is not make Peterson work the object of my critique, but rather, I seek to interrogate the field formations of human rights discourse and archival studies that she represents, and their overriding logic of archival recovery founded on evidence, historical inquiry, and epistemic truths that erases history of colonialism and imperialism. Subsequently, in relation to the U.S., Peterson perpetrates an archival science and technique that fixates on “finding,” fuelled by the desire for access, and lacking critical analysis deep enough to disrupt past and current structural violence.

Archival Imperative as Force-Multiplier

In his chapter titled: “Force Multipliers: Imperial Instrumentalism in Theory and Practice,” Maximillian C. Forte defines force multiplication as the ways in which

political and military institutions have constructed a discourse of science, or the appearance of science, to disguise real policy that serves a new imperial agenda.²⁰⁷

Forte defines force multiplication as the “means of using leverage, proxies, cogs, and networks of collaborators. Force multipliers can also refer to mechanisms, processes, and institutions: trade treaties, military education, or the rule of law.”²⁰⁸ For example, social and cultural forces such as food, humanitarian aid, gender, and sexuality function as pivotal force multipliers that give U.S. political and military leaders the advantage to expand their political and corporate agenda. Therefore, Forte dissects U.S. Empire and its power to expose how new imperial ideology has manipulated “virtually any *thing* and anyone, anywhere, who might advance U.S. interests in any measure.”²⁰⁹

Forte draws from English economist J.A. Hobson’s concept of “new imperialism,” in which the *new* does not refer to novel imperialist ideas, but rather contemporary manifestations of American imperial expansion.²¹⁰ More specifically, Forte contextualizes new imperialism from “that of the U.S., following the end of the Cold War” to place more attention on present day militarization, humanitarianism, occupation, and soft power.²¹¹ For example, force multiplication was used as an instrument of domination for imperialism, which implicates Central America in the historical context of U.S. intervention. According to Major David S. Powell, “The force multiplier concept is rooted in doctrines of ‘low- intensity conflict’.”²¹² Major Powell’s assertion exposes the

²⁰⁷ Maximilian, Forte C. “Force Multipliers: Imperial Instrumentalism in Theory and Practice,” ed. Maximilian C. Forte, vol. 5, *Force Multipliers: The Instrumentalities of Imperialism* (Montreal Canada: Alert Press, 2015), 7.

²⁰⁸ *Ibid.*, 2.

²⁰⁹ *Ibid.*, 9.

²¹⁰ Maximilian C. Forte, "Introduction," in *The “New” Imperialism of Militarization, Humanitarianism, and Occupation*, ed. Maximilian C. Forte (Montreal Canada: Alert Press, 2010).

²¹¹ *Ibid.*, 4.

²¹² Forte, “Force Multipliers: Imperial Instrumentalism in Theory and Practice,” 9.

U.S. military's role in funding and training the Guatemalan army to execute genocidal counter-insurgencies against indigenous peoples in 1982. Therefore, the U.S. Empire used the Guatemalan army as "leverage" to enact maximum force against indigenous peoples and revolutionary groups who resisted the Guatemalan oligarchy and military in defense of U.S. corporate interests, such as the United Fruit Company. Not only was the U.S. successful in securing its capitalist agenda in Guatemala, but more so, the collaboration with the Guatemalan military allowed the:

load-bearing hands of U.S. empire to recede into the background and those of its local collaborators stand out on the front line. This shifts struggles for power from the international arena, between states, to the domestic arena within states. Inevitably then anti-imperialist violence becomes domestic, not international, which is exactly where U.S. leaders want to move such violence.²¹³

Neither the U.S. government, nor military officials have been held accountable for their role in enabling Guatemala to invade their own country and forming powerful alliances with the oligarchy and Guatemalan Army in exchange for their protection of U.S. capitalist ventures. Despite the international and domestic legal victories that have charged government and military officials for genocide and crimes against humanity, it was the Guatemalan state and military that were demonized as the sole perpetrators of human rights violations during the Civil War, and even then it was reduced to a domestic problem of differing political views that incited violence between two armed groups (the military and guerillas). The U.S.'s imperialist actions attracted minimal attention and the U.S. got away with advancing its interests by force, multiplying its power through Central America.

²¹³ Ibid., 6.

Another key factor of the force multiplier is that it transforms social and cultural forces into proxies for U.S. domination through multiple partners or collaborators.²¹⁴ Drawing from Forte's use of force multiplication, I argue that the archival imperative functions as a force multiplier in post-conflict Guatemala to naturalize archival science as the most empirical and effective method for attaining justice related to human rights violations. Archival science functions as the instrument of what I will call the archival imperative regime and its collaborators consist of academic institutions, INGOs, NGOs, and state institutions, such as the police and the public prosecutor's office. The archival imperative functions as a force multiplier to construct as a proxy for democracy promotion in order to depoliticize "justice" and remove non-Western epistemologies of justice, truth, and memory in order to not disturb the centralized power structures controlled by the U.S. Empire and Guatemalan oligarchy. Subsequently, justice for imperialist violence such as racialized femicide is missing from the legal justice narrative of the Civil War because it has been pacified through the insertion of colonial, Western, and American epistemologies. In other words, in the historical moment of neo-imperialism, archival science functions as a force multiplier that transmits Western law, ethics, and scientific reasoning onto colonized indigenous people under a universal Eurocentric, Western style of democracy that does not fit their history and experience of dehumanizing violence.

Neo-liberalism and Human Rights

I juxtapose the historical moments of new imperialism and neo-liberalism to expose the complex and layered ways in which power relations are moving in a transnational context

²¹⁴ Ibid.

between the U.S. and Guatemala. The context of new imperialism and neo-liberal ideology are both powerful conductors of the force multiplication that adds to the larger landscape of U.S. militarization and expansion, especially as it relates to the strategic positioning of NGOs in Guatemala and the ways in which they are manipulated to insert neo-liberal ideology, NGO-ization, and human rights in Central American countries that have been heavily damaged by U.S. imperial and liberal projects. Therefore, in the following section, I will discuss neo-liberal ideology and situate the AHPN as an NGO and interrogate the donor-NGO relationship and the liberal ideas that are foreign to Guatemala because they have been exported from Western human rights institutions.

In the 1980s under the presidency of Ronald Reagan, the United States entered what David Harvey calls the “neo-liberal turn,” a defining moment that would mark the future of Central America, beginning with Guatemala. Harvey defines neo-liberalism as “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade.”²¹⁵ Reagan’s intentions were deregulation and privatization of the market and trade in order to build both domestic and foreign capital accumulation. Under a neo-liberal state, Reagan positioned institutions such as corporations, media, education, and international entities such as the International Monetary Fund to have control over global finance and trade. Harvey states, “the freedoms it embodies reflect the interests of private property owners, businesses, multinational corporations, and financial capital.”²¹⁶ In other words, the interest of society is determined by what is most profitable for market and

²¹⁵ David Harvey. *The New Imperialism*. New York: Oxford University Press, 2003, 2.

²¹⁶ *Ibid.*, 16.

trade, thus blurring the lines between individual and market. Harvey asserts that a neo-liberal state, “brings human action into the domain of the market” thus producing a hegemonic discourse of “human,” “dignity,” and “freedom” that has been constructed as common sense. However, in reality neo-liberalism has reshaped geo-political relations, for example, by setting a new international world order and using the dollar as the global reserve currency for free trade. Subsequently, a neo-liberal state depends on military, police, and other legal structures to protect, legitimize, and make it appear as unquestionable.

AHPN’s Money Trail

In the article, “NGO Dilemmas: Trojan Horses for Global Neoliberalism,” Tina Wallace argues that the funding flow rooted in what she calls the “new public management” model makes NGOs carriers of dominant ideologies practiced in their societies. Wallace states, “Northern NGOs increasingly rely on official donor funding and goodwill, and as the conditionality attached to that aid increase, they are inevitably drawn into supporting and even spreading many aspects of the dominant global agenda.”²¹⁷ According to Wallace, the “new public management” model blurs together the business and NGO sectors resulting in an increase of professionalization and policy planning. The main focus of the article is to explore the ways in which NGOs are funded and if it has an impact on the marginalized population or issue the NGO is targeting. Interrogating the donor-NGO relationship is crucial in order to understand what type of agenda is being implemented. Wallace claims that NGOs that “heavily depend on donor-funding”

²¹⁷ Wallace, Tina. “NGO Dilemmas: Trojan Horses for Global Neoliberalism?”. In *The New Imperial Challenge*, edited by Leo Panitch and Colin Leys. London: Merlin Press, 2004, 203.

implement a top-down approach and do not question a neo-liberal agenda.²¹⁸ For example, NGOs that campaign for impoverished or rural populations do not use anti-capitalist frameworks to analyze the structural problems. Such campaigning efforts expose contradictions in which NGOs actually follow the dominant agendas they are supposedly critiquing. According to Wallace, the competition for funds among NGOs within a development aid context makes it easier for a few institutions such as the IMF, World Bank, and USAID to set and run the neo-liberal agenda. Subsequently, a neo-liberal agenda excludes innovative and alternative approaches towards social inequality, especially in a transnational context. In the following section, I focus on the donor-NGO relationship to interrogate what entities are funding the AHPN.

A crucial component of the AHPN's survival has been not only its partnerships and international funding from INGOs and NGOs, it has also relied on a significant number of donor countries because it has refused funding from the Guatemalan government since the records it preserves are highly sensitive and have been threatened by government and military forces. According to the official AHPN website, since 2005 they have counted on the support of the following organizations: United Nations Development Program (UNDP), OXFAM-UK, the Spanish Agency for International Cooperation for Development (AECID), Swiss Agency for Development and Cooperation (SDC), and Catalan Agency for Development Cooperation.²¹⁹ It is interesting that the donor countries are mostly northern European countries. Indeed, the AHPN published "From Silence to Memory: Revelations of the Historical Archive of the National Police," in 2011 with the following three INGOs named as funders: the German

²¹⁸ Ibid., 204.

²¹⁹ Archivo Histórico de la Policía Nacional, "Donors," <http://archivohistoricopn.org/pages/institucion/donantes.php?lang=EN>.

Development Service and Technical Cooperation (GIZ), the Civil Peace Service (CPS), and the Stewart R. Mott Foundation.

GIZ is a German federal organization that “operates in numerous areas of activity, ranging from the promotion of the economy and employment to Environmental Protection, Natural Resources and climate, through governance and democracy, building peace, security, reconstruction and management of civil conflicts.”²²⁰ Furthermore, GIZ works for numerous state actors. Among their clients are the Federal Ministry for Economic Cooperation and Development (BMZ), the Federal Ministry for the Environment, the Federal Ministry of Economics and Technology, and the Federal Ministry of Defense. Tracing the money trail ironically leads to the German military, which should raise contradictions as to why militarization and “democracy” are in the same funding stream under a human rights framework.

CPS is funded by the BMZ. The CPS website states, “As a joint effort of governmental and non-governmental organizations the objective is to promote non-violent handling of conflicts and potential conflicts, thus contributing to crisis prevention, violence reduction and long-term peacekeeping. Its core element is the deployment of CPS professionals.”²²¹ Thus, the CFP is made up of both civil society and state actors interested in German development policy in Guatemala. The website clearly states that the goal of CPS is to “strengthen civil society” by promoting “non-violent solutions” that build civil society networks and find “conflict-sensitive development cooperation.”²²² CPS trains volunteers to function as officers in these countries in which they deploy

²²⁰ German Development Service and Technical Cooperation (GIZ), "About Giz," https://www.giz.de/en/html/about_giz.html.

²²¹ The Civil Peace Service (CPS), <https://www.ziviler-friedensdienst.org/en>.

²²² Ibid.

conflict management, conflict analysis, and peace education, such as providing psychosocial support for survivors, or practice peace journalism.

The Stewart R. Mott Foundation is an American NGO based out of Washington, D.C. founded in 1968. Named after its founder, Stewart Mott, the foundation focuses on grant making in the areas of peace, arms control, population issues, government reform, and public policy. The foundation website states, “Recognizing that small grants can build capacity and create fundraising leverage for new organizations, the Stewart R. Mott Foundation provided initial support for many of our grantee organizations.”²²³

Additionally, Conrad Martin, the executive director of the organization is also on the board for Center for International Policy and Progressive Congress. Both non-profit organizations focused on research and advocacy about policy questions in relation to the government, civil society, private sector, and international organizations. At the core of these particular INGOs is a Western liberal ideology that prioritizes civil and political rights. According to Makau Mutua, while International Non-Governmental Organizations (INGOs) are welcoming of civil and political rights and fight for individual freedoms and liberty, they are not very friendly towards economic and social rights. Thus, this is a grave limitation when considering that in the case of Guatemala, indigenous people have been dehumanized and deprived of all rights, especially social and economic rights. For example, GIZ, CPS, and the Stewart R. Mott Foundation participate in a neo-liberal discourse in which words such as *democracy*, *peace* and *security*, and *civil society* are depoliticized and treated as ahistorical. Additionally, all of these INGOs are in collaboration with state agencies such as the German government and military that causes a strange coupling when considering the socio-political context of Guatemala’s Civil

²²³ "Stewart R Mott Foundation," <http://www.srmfoundation.org/AboutUs.html>.

War. Therefore, it is important to interrogate the funders of the AHPN to better understand where the money is coming from. Considering the neo-liberal hold behind the financial backing of the AHPN, it is a concern that the power of these INGOs could dominate the agenda and co-opt what initially could have been different intentions. Additionally, INGOs that Mutua's studied, such as the International League for Human Rights (ILHR) and the International Commission of Jurists (ICJ) were also founded in Western European countries in which their "founders crafted organizational mandates that promoted liberal ideals and norms."²²⁴ Similarly, the INGOs that the AHPN collaborates with are also Western civil rights advocates and lawyers.

U.S. universities such as the University of Oregon who translated the AHPN report, "Silence to Memory," and the University of Texas-Austin have also collaborated with the AHPN. The University of Oregon project, which involved translating the AHPN's first report into English, was largely funded by the Network Startup Resource Center. The center focuses on developing internet infrastructure in third world countries such as Latin American and the Middle East and is funded by the National Science Foundation and Google. Another important element of NGOs is the board of directors, which is crucial for networking and private funding. In particular, the national advisory council and international council for the AHPN consist of three anthropologists, six human rights advocates, two historians, three lawyers, two sociologists, one political scientist, and six archivists. Additionally all of the six archivists are foreign and none belong to the National Council of Guatemala. Therefore, what does this say about the introduction of archival science as an avenue to justice in Guatemalan law and society? It

²²⁴ Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: University of Pennsylvania Press 2002), 64.

is important to take into consideration the background and academic expertise of the members to expose the disciplines, fields, and institutions that have power in the NGOs. Alongside INGOs, the AHPN collaborates with domestic NGOs, such as the Forensic Anthropology Foundation (FAFG), Center for Forensic Analysis and Applied Sciences (CAFCA), and the Prosecutor for the Human Rights Council. In contrast to INGOs being the central point for liberal ideology, in Guatemala, the HRM also works through the disciplines of archival science and anthropology. For example, the AHPN, FAFG, and CAFCA are the pioneers of the domestic archival imperative in which Guatemalan born scholars and activists, including those who lived during the Civil War, are the biggest advocates pushing for archival science to help serve justice for human rights violations. Guatemala's narrative frame of legal justice paints a much more complex and ambiguous web of connections than simply the money trail of INGOs. Therefore, in Guatemala, the disciplines of archival science and anthropology are the new "incubators" of neo-liberal rhetoric and not so much the INGOs exporting liberal ideology into the Guatemala. This change of movement speaks to Mutua's claim that INGOs or NGOs are the incubators of Western liberalism and are the institutions financially and socially supported by Western "private non-governmental democracies, lawyers, academics at leading universities, businesses and entertainment elite."²²⁵ I argue that these INGOs and NGOs continue to operate and be funded by Western institutions with capitalist agendas, however domestic NGOs are playing a more central role, but still rely on the financial support of European and American institutions. Subsequently, these Guatemalan NGOs are now partnering with domestic state and legal institutions, such as the Public Ministry and the Guatemalan Police, causing an even heavier saturation of neo-liberal ideologies that are no longer new

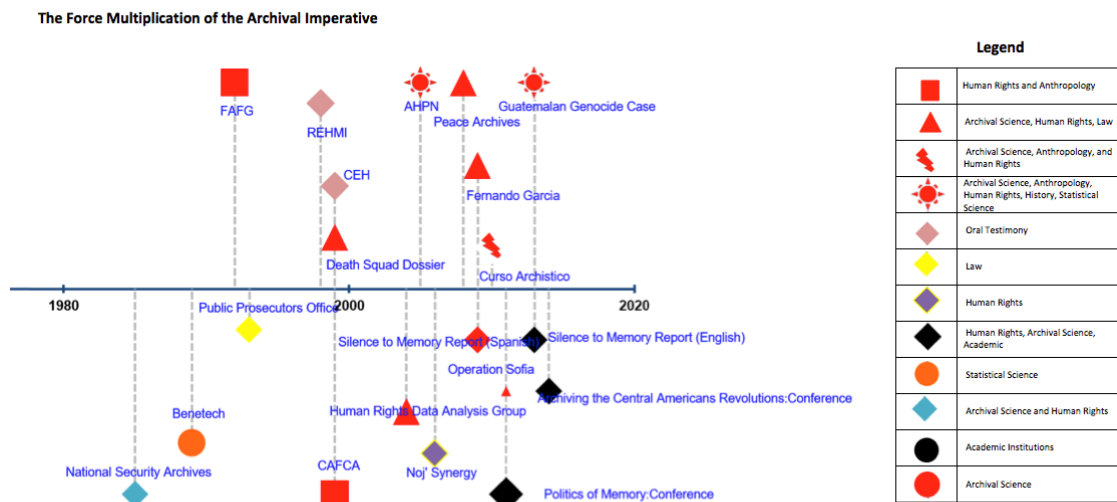
²²⁵ Ibid.

introductions, but rather so entrenched in the local imagination that it is becoming the accepted form of “truth, justice, and memory” in contemporary Guatemala.

Neo-Imperial and Neo-liberal Collaboration

I created a timeline titled, “The Force Multiplication of the Archival Imperative” (Figure 14), that illustrates the multiplication of power by U.S. and Guatemalan institutions after the 2005 discovery of the AHPN.

Figure 14



I focused on the following six disciplines and fields: archival science, human rights, anthropology, history, statistical science, and oral testimony. AGCA was founded in 1846 for the purpose of serving the colonial archives of Central America and in 1957 FLACSO was founded focusing on higher education, specializing in the social sciences in Guatemala. Thus, during this time, archival science and the preservation of colonial archives all functioned separately from academia in relation to social sciences in Guatemala. In the timeline, we see that the earliest merging in archival science and

human rights violations actually did not happen in Guatemala, but in Washington, D.C. with the founding of the National Security Archives in 1984.

Next in the timeline, we see the founding of Benetech in 1989 by Jim Fruchterman, creator of a machine capable of recognizing letters and words. In the beginning, Fruchterman used this innovative technology as a reading machine for the blind but eventually Benetech would turn into a non-profit organization focused on the social good. As a result, a software named “Martus” emerged that would be used to gather and organize statistical information for the genocide trial against Ríos Montt. Another main component of the force multiplication of the archival imperative is the anthropological dimension, in 1992 FAFG was founded and functioned mostly as an organization responsible for exhumations of the disappeared in Guatemala City and rural regions. The Public Prosecutor’s office, established in 1993, is part of the Public Ministry entity. Its instrumentality to the justice machinery in Guatemala and its obligation to constitutional and criminal procedure code provides Guatemalan society with a glimmer of hope in a country lacking safety for its entire inhabitants. Additionally, the Public Ministry works together with the National Civil Police and other law enforcement entities to push forward criminal investigations and arrest perpetrators.

Next in the timeline is the 1998 RHEMI report published by the Catholic Church, and the CEH completed by the United Nations in 1999. Both the RHEMI and the CEH were groundbreaking revelations that shattered the heavy silence and fear left from the genocide.²²⁶ Despite breaking the silence and stigma about the grisly acts committed during the Civil War, the truth commission reports were not enough in terms of objective evidence in the courtroom because the testimonies of witnesses were perceived to be

²²⁶ *Guatemala Memory of Silence: Report of the Commission of Clarification*

solely subjective and biased in legal standards and were subjected to aggressive interrogation by defense lawyers. Also, in the case of the CEH, immunity was upheld as part of the accord, and the names of perpetrators were omitted. Thus, an entire genocide felt as it had simply slipped past any legal repercussions of justice. In 1999, when the CEH was released, the DSD – one of the two most well known archival documents – was leaked to Kate Doyle, and Operation Sofia would come to resurface under the spotlight in 2009. Both of these documents deeply marked the ways in which archival science and human rights would come together in Guatemala.

Seven years after the release of the CEH and RHEMI, the discovery of the AHPN revolutionized human rights discourse. As discussed in the previous chapter, lawyers, archivists, forensic scientists, human right activists, and especially the families of those disappeared placed their hope on the treasure trove of documents to bring them answers and justice for their loved ones. As shown on the timeline, I used a sundial icon to identify the discovery of the National Police files, in contrast to the solid circles indicating the previously explained events that operated within a singular discipline. The initiative of the AHPN was to bring together archival experts to organize and preserve the files, along with human rights activists, many who became archival experts themselves after training. Subsequently, the contribution of archival experts such as Trudy Peterson, historians like Kirsten Weld, forensic archivists like Kate Doyle, and other human rights archivists, statisticians like Patrick Bell, and forensic anthropologist Freddy Peccerelli mounted the success of the AHPN, reflecting the larger merger of multiple disciplines coming together in a way that had not previously occurred. The sundial icon stands for

this particular merger that has become the fuel for the present human rights movement under a transitional justice framework.

The Human Rights and Archival course that was the first of its kind in Guatemala in 2010 exemplifies the role of the collaborator in the force multiplication of neo-liberal ideology manifesting itself through NGOs. The course was made possible by the institutional backing from the Centre for Forensic Analysis (CAFCA), No'j Synergy, the AHPN, and FLACSO in April 2009. CAFCA is a non-governmental organization that emerged in 1999 solely as an institution for forensic anthropological research. However, CAFCA later expanded to the sectors of reparation and redress, legal rights, and supporting survivors of human rights violations. FLACSO is an intergovernmental and international organization for the study of social sciences in Latin America and the Caribbean. In addition, No'j Synergy was founded in 2006. It is a civil society organization that uses a human rights platform to empower women and youth from rural regions in Guatemala. The aim of No'j Synergy is to empower women organizations by training them in leadership skills, critical thinking, and strategic vision.²²⁷ The women can build strong social movements that work towards economic, social, and cultural rights. The following is a description of why each institution was chosen to collaborate with the course: "No'j Synergy was chosen for its methodological specialty training processes, CAFCA for its expertise in the development of legal expert reports, the AHPN's specialty in archival science and the FLACSO-Science for academic specialty in higher education that would design and implement a specialized course to help fill a gap

²²⁷ "Sinergia No'j Association," IBIS, <http://ibisguatemala.org/contrapartes/asociacion-sinergia-noj/>.

in the recovery of records for various uses.”²²⁸ In my meeting with Professor and Coordinator of the Human Rights Program, Dr. Luis Raul Salvado, it was explained to me that in the late 2000s, he was approached by CAFCA and the AHPN to collaborate on a course to better train employees and organizations associated with the development of archival documents on how to use the records for legal investigations related to human rights violations during the internal armed conflict.

In conclusion, Guatemala has come a long way since the unspeakable violence of the Civil War; however, the country still has a long way to go, not only in resolving past and present injustices against all those who experienced violence, regardless of race, gender, sexuality, or class, but also in preventing future genocide. I believe that it is the allure of the archival explosion and the framing of the human rights movement that has created an illusion of justice; a justice that is contingent and unstable. Yet, just because millions of “sexy documents” (through the eyes of American scholars) have generated international attention does not mean that Guatemala is closer to becoming a society free of systemic injustice, especially for the indigenous peoples who are systemically made into the most vulnerable in society. I would like to end with an excerpt from Achille Mbembe’s article, “The Power of the Archive and its Limits”:

This is why the historian and the archivist have long been so useful to the state, notably in contexts where the latter was set up as an appointed guardian of that domain of things that belong exclusively to no one. In fact, both the historian and the archivist occupy a strategic position in the production of an instituting imaginary... The curious thing is the long-held belief that the state rested on something other than on this desire to abolish the archive, to free itself of its debris. What could be nobler? But perhaps it is a condition for the existence of all societies: the need permanently to destroy the ‘debris’— the taming, by violence if necessary, of the demon they carry.²²⁹

²²⁸Historical Archive of the National Police, "Completion of the Specialization Course in Human Rights and Archival Research," <http://archivohistoricopn.org/pages/inicio/actualidad/finalizacion-del-curso-de-especializacion-en-derechos-humanos-e-investigacion-archivistica.php?lang=EN>.

²²⁹ Achille Mbembe. “The Power of the Archive and Its Limits.” In *Refiguring the Archive*, edited by Carolyn Hamilton, Verne Harris, Jane Taylor, Michele Pickover, Graeme Reid and Razia Saleh. Boston: Kluwer Academic Publishers, 2002, 26.

As Mbembe so powerfully explains, the coloniality of disciplinarity lies in the hands of the actor, “the historian or the archivist” who enacts that power. Therefore, not only do we need to be careful and aware as scholars whose interest our work is serving under a decolonial context, but also how we can, as historians and archivists, challenge and change our role in relationship to the state. Mbembe’s use of the word “demon” captivates me because I vividly remember how unsettled and uncomfortable I would feel working at the AHPN for a month as I sifted through those digital files covered with death and ghosts. I read through thousands of explicit acts of violence done to ladino and indigenous men accompanied with photographs and the heart-wrenching letters written by the parents of young ladina women pleading for the assistance of the police to investigate the disappearance of their daughter. As I studied these cases, it was especially hard to get through the entire documents, much less pay attention to the technical details of seals, ink, dates, all important elements of establishing authenticity and evidential value of a document. I certainly felt that “demon” in the files, I heard the laughter of soldiers in the debris, imagined their faces staring at me soulless. Why must we continue visiting that demon, asking the demon for answers or most ironically treating the demon as the expert who will deliver the solution to the wounds it inflicted? My aim in this chapter has been to show the complex and messy story of justice. In other words, I aimed to show the fraction of the story that is glossed over by human rights or transitional justice narratives of legal justice. By complexity, I do not mean the gray areas, I mean the dark pits of oblivion and amnesia, the rooms full of pitch black where justice has never entered. I would like to end with the powerful words of an indigenous male participant at

a conference regarding the civil wars in Central America. His words illuminate the complexity of justice: “Justice has not been equal for everybody, what I have lived will never heal. We have to learn how to live with the pain.”

Chapter 5: *Rastros de Nadie* (Traces of No One): Re-Reading *Disappearance* in the Guatemalan National Historical Archive

Introduction

Guatemala is home to the largest documented number of *disappearances* in Latin America where an estimated 45,000 people were forcibly abducted from their homes or work place by Guatemalan security forces never to be seen again by their families. Victims of these systemic disappearances were targeted by the state because they were perceived as communists or “subversive elements” engaging in anti-government activity. These men and women were taken from their families and held in detention centers where many of them were tortured and executed. Subsequently, their bodies were stripped of any identification cards and dumped in clandestine cemeteries in Guatemala City.²³⁰

The practice of disappearances is rooted in Guatemalan military tactics of secret tortures and executions performed by death squads since the beginning of the Civil War.²³¹ In addition, the Guatemalan Civil War, which lasted longer than any other conflict in Latin America, resulted in the murder, disappearance, and genocide of an estimated 200,000 people. Despite the aforementioned facts that illustrate the depth of violence committed by the Guatemalan army, it was not the Guatemalan Civil War that incited outrage in the international human rights community to legally intervene against human rights violations. Instead, it was the Argentine and Chilean right-wing

²³⁰ Fredy Armando Peccerelli Clyde Collins Snow, José Samuel Susanávar, Alan G. Robinson, and Jose Maria Najera Ochoa, "Hidden in Plain Sight: X.X. Burials and the Desaparecidos in the Department of Guatemala, 1977–1986," in *Statistical Methods for Human Rights*, ed. Jana Asher (New York: Springer, 2008).

²³¹ Barbara A. Frey, "Los Desaparecidos: The Latin American Experience as a Narrative Framework for the International Norm against Enforced Disappearances," *Hispanic Issues On Line* 5 (2009).

dictatorships of the 1970s and 1980s that executed urban campaigns in which military security forces targeted political opponents of the ruling regime.²³² The majority of the victims of enforced disappearance in Chile and Argentina were “intellectual elites—teachers, labor leaders and university students—with ties to international networks.”²³³ This international outrage resulted in the 2006 “Disappearances Convention,” adopted by the United Nations, which “requires States Parties to prevent enforced disappearances and to investigate, prosecute and punish those responsible for carrying them out.”²³⁴ As demonstrated by this convention, human rights law frames enforced disappearance as deserving of legal mechanisms and special procedures to address the particular violence.

Therefore, the term *Los Desaparecidos* (the disappeared) connotes an official narrative that emerged from the legal recognition incited by outrage of a particular type of violence affecting the elite intellectuals and professionals who resisted the military dictatorships. Barbara A. Frey states, “The international community’s recognition of enforced disappearance as a separate human rights violation was crystallized most directly by international outrage at the politically-motivated violence in Argentina and Chile, characterized by arrests, torture, execution and disappearances...”²³⁵ As a result, enforced disappearance, as a human rights violation in itself was valued as a “distinct legal norm” and distinguishable from other human rights violations that were also committed during wars, such as sexual violence against indigenous women.

In this paper, I seek to destabilize the official Latin American narrative of disappearance that constructs the *disappeared* into a dominant trope representing the

²³² Ibid., 53.

²³³ Ibid., 54.

²³⁴ Ibid., 52.

²³⁵ Ibid., 53.

masculine, non-indigenous, intellectual class of revolutionary men. The *disappeared* trope constitutes a normative framework in which the human stories and executed bodies of revolutionary men function to construct a comprehensible and neatly legible narrative of the Civil War. A narrative stripped of the unimaginable brutality of entire indigenous families being massacred and indigenous girls savagely gang raped by soldiers. I interrogate the *disappeared* trope to make room for the gendered and indigenous subjectivities that follow which are not legally recognized as crimes because they follow a different pattern of systemic disappearance than that of the revolutionary man.

Using the police records of the AHPN, I first analyze the bulletins written by popular revolutionary groups towards the beginning of the Civil War. These records ended up in the archive because the National Police confiscated and labeled the material as subversive propaganda. These bulletins offer a unique perspective in which the record-keeper shifts from the state or police official to the member of the revolutionary group, offering insight into the organization and structure of the revolutionary movement from within. I examine these records to expose the *disappearance* of indigenous women epistemology in relation to the erasure of sexual violence suffered by indigenous women during the counterinsurgency, while highlighting and denouncing the massacring of men that occurred simultaneously.

The second set of police records I look at is a photo album containing more than 3,470 ladina and indigenous women who were detained by the NP during the period of the Civil War between 1965-1980. Each woman's entry contained a photograph, date of arrest, and the offense or crime with which they were charged. Why is it that we see an excess of women in the record when it comes to breaking societal rules and being under

police custody, but an absence of indigenous women when they are targeted under counterinsurgency operations? Furthermore, if we juxtapose the photographs and names of ladina and indigenous women who have been criminalized by the state with the revolutionary men imagined in the *disappeared* trope, a key difference reveals that the revolutionary men appear with a photograph and a name, whereas the women in the photo album fall out of the internationally legal norm on enforced disappearance. A major component in the narrative of *the disappeared* are the men's personal stories and how their families relentlessly search for their remains.

On the contrary, despite a photo and a name, the women in the photo album possess no substantial identity for anybody to "search for them." Instead, these women are noted because of their detention for drugs, murder, or prostitution, which brought shame to their families. Thus, these women expose the instability of *the disappeared* trope because unlike the revolutionary men who belong to a normative identity, these women were some of the most marginalized in Guatemalan society due to their racial, gendered, and criminalized subjectivity. Therefore, if their families are not searching for the bodies of these women and if society itself does not even recognize them as missing in the first place, then these women whose whereabouts are unknown do not appropriately fit the *disappeared* trope. However, the same state-sponsored military and police institutions responsible for the *disappeared* and the genocide of indigenous people also systematically removed these women from their existence.

Searching for the Disappeared in the AHPN

According to forensic anthropologists Clyde Snow and Freddy Peccerelli who have led the efforts of exhuming mass graves in Guatemala City and the Western Highlands, the

Civil War consisted of two “overlapping campaigns best characterized as *rural* and *urban*.”²³⁶ The urban campaign targeted union leaders and student activists who were captured by death squads and illegally detained. Many of these victims experienced excruciating torture aimed at extracting information from them to use against the revolutionary movement. The peak of the urban campaign occurred during the General Lucas García regime, where according to Snow *et al.* the rate of violent deaths that were pronounced dead at the scene rose to 25.2% above normal in the period of 1978-1983.²³⁷ Therefore, the police records of the AHPN match the time and place of the darkest period of the urban campaign and thus possess potential evidence that documents the enforced disappearance of ladino leftist men.

For example, during my fieldwork visit, Alberto, a staff member of the AHPN, told me a story about an older woman who had visited the AHPN for a consultation a couple of years ago. She came to the AHPN archive looking for her son, who had disappeared in the early 1980s and whose body had never been found, nor was there information on those responsible for his disappearance. Alberto said he took down all the information she gave him and a team from the AHPN started the investigation. A couple of months later they met with the woman and unfortunately did not have much information to offer other than a single document that had the name of her son on it. “I was sad we could not give her more answers of who did this to her son and why.”²³⁸ As Alberto shared this story with me his eyes deepened with grief. Alberto told me that when he gave the woman the sole document she cried in joy and thanked him for the *rastro*

²³⁶ Clyde Collins Snow, "Hidden in Plain Sight: X.X. Burials and the Desaparecidos in the Department of Guatemala, 1977–1986." 105.

²³⁷ *Ibid.*

²³⁸ Alberto Fuentes, interview by Maria Vargas, 2013.

(trace) of her son. Alberto said, “I will never forget her words, ‘you gave me back a little trace of him. This document proves he existed’.” After telling me the story, Alberto sighed and he did not have to say anything else, I understood that the mother’s reaction was extremely rewarding for him and that the reason why he worked in the AHPN was to give family members a semblance of closure. Alberto’s story demonstrates how the AHPN records function as a tangible site that illuminates the atrocities that occurred and proves the existence of those who suffered it. As Kate Doyle states, “The (police records) are an affirmation of a terrible history but also of the fundamental right of all people to know that history to understand and to arrive at some measure of peace.”²³⁹ Hence, the woman searching for her son in the AHPN and finding a piece of him in the records fits the racial, gendered, classed, and urban normative narrative or trope of *the disappeared*. Yet, what is left out of the trope of *the disappeared* are not the physical bodies but the epistemology of indigenous people who existed outside the time and space limits of the record.

While working in the AHPN Archives, I mostly searched for documents in the “Master Base.” The following records that I will analyze were found in the AHPN’s Master Base, a digital database of over 40,000 documents out of the 12 million that are currently digitized. However, these 40,000 documents were not randomly selected to form part of the Master Base, but rather intentionally chosen from the thousands of available records. The first step of this selection process is that a family member, the Public Ministry, or FAFG consult with AHPN staff and provide them with names and details of an event related to human rights violations during the Civil War. After the

²³⁹ Kate Doyle, “From Silence to Memory: A Celebration of the Report of the Historical Archives of the National Police,” <http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB347/index2.htm>.

consultation, the AHPN archivists opens up an “investigative case” or what they call *casos* (cases) on the matter and begins to scan the 12 million available digital documents for specific names of victims, dates, location of detention centers, names of police officers suspected in the case, etc. – any information that could lead them to learn more about what happened. Subsequently, these investigations become “working cases” in the Master Base and as more documents are found, they are collected into one comprehensible file where one by one the documents begin to illuminate the facts of what occurred, and most importantly, provide possible evidence to be used in court to testify against police and military officials.

Moreover, Herbert, another staff member of the AHPN told me that due to the methodical and rigorous selection process, the Master Base included the most important cases of the Civil War, which after closely studying the digital database consists mostly of enforced disappearances during the urban campaign. Silvia, another archivist I worked with, explained to me that they were trained by the AHPN to only search for documents that could be related to the “working cases. For example, to widen their search they would collect all documents that shared the same year in which the person being investigated was captured or all of the documents were signed by the police officer suspected in the case. These broad searches would produce hundreds of documents to be collected in the file of one person, but it did not mean that they would be relevant for the case. The logic behind this process was that if you were the loved one of someone who disappeared or a prosecutor looking for information on your client, you would scrutinize the available documents in the case file, but discard those documents that were not directly related to who or what you were looking for. This logic became more and more

apparent to me as I worked with the case files of the Master Base. In the following analysis, I aim to study the documents that were discarded because they are not “direct evidence,” but were instead selected due to their relationship to a person or event of interest. In other words, I aim to explore the documents that were devalued due to their lack of evidential potential in a particular case and interrogate how this archival logic disappears indigenous epistemologies that, under a normative human rights framework, are of no use to the legal and state mechanisms it serves to protect.

As I was browsing through the Master Base, case 89 caught my attention. It was labeled: *Violence against Central American women*. I was curious to what type of documents I would find and surprised that most of the records consisted not of newsletters or reports written by women, but bulletins written by male guerilla organizations. These bulletins detailed the horrors that the military was committing in the rural region and also used Marxist-Leninist ideology to recruit support for the movement, especially from the indigenous peasant class. The bulletins were included in case 89 because they mentioned some type of violence against women. For example, a 1981 bulletin written by the Revolutionary Organization of Armed People (ORPA) detailed the massacre of 23 *campesinos* (peasants) in Chubajito, Chimaltenango and a five-year-old girl. The bulletin reads:

In the village Chuabajito, the day April 9 at 7:00 am 60 soldiers armed with rifles and machetes attacked the village, looted houses, and arrested 23 *campesinos* and held them in the local school where they were butchered with machetes before the anguished look of their mothers, wives and children. A five-year-old girl ran crying to her father, who was being slaughtered and she was also killed.²⁴⁰

The heinous nature is evident in the above description of the massacre; the brutality imposed on the male laboring bodies that were “butchered” and how no mercy was given

²⁴⁰ GT PN 30-01 S016 Master Base, Caso #89 [Digital reference F26501. Internal AHPN registration 0004-4136135].

to the young girl who fell victim to the same ruthless violence done to the indigenous men. These men were taken into a school and made into a spectacle in front of their wives and mothers who witnessed their deaths. Despite the mention of the young girl's death, which is the reason why this particular bulletin was chosen for case 89, what is hidden in ORPA's telling of the events is the sexual violence that their wives, mothers, and daughters were subjected to after the men were executed.

Truth commission reports and historical memory reports (CEH, RHEMI, and *Stitches*) claim that the army initially only targeted indigenous farmers in rural communities because it was assumed they were the political leaders in their communities most likely to participate in subversive activities and support guerrilla groups. Thus, when the army entered the villages, they would invade homes looking for those particular *campesinos* (male peasants). However, with numerous rampant massacres occurring, *campesinos* soon recognized what the army was doing and fled their homes before the army arrived. As a result, when the soldiers entered a home and the husband, father, or specific male figure they were searching for was not there, so the soldiers would take the wife or mother and her children to jail or a military base. Subsequently, many children witnessed the sexual violence committed against their mothers by soldiers in military bases. "The women who were raped testified that the army raped them as a punishment that their husbands had fled to the mountains or were already dead when the army arrived."²⁴¹

According to *Stitches*, the particularly large absence of men in Chimaltenango resulted in the highest incidences of sexual violence for the Kaqchikele women of that

²⁴¹ Guatemaltecas, Consorcio Actoras de Cambio/Equipo de Estudios Comunitarios y Accion Psicosocial (ECAP) y Union Nacional de Mujeres. *Stitches of the Soul: Memories of Mayan Women Survivors of Sexual Violence During the Armed Conflict*. Guatemala City: F&G 2011, 158.

region, compared to the Mam women in Huehuetenango and Q'echi women in Valle de Polochic.²⁴² However, this brutality came to light through the testimony of the indigenous women who lived or witnessed such violence, because as seen in the bulletin, the type of violence that was named and denounced was the killing and torture of *campesinos* (men) and a brief mention of a child's death, but there was no reference of the violence committed against women. Nonetheless, the bulletin does shed light on the army counterinsurgency attack in Chimaltenango in 1981, "transforming that department into a site of torture, executions, theft, sexual violence and massacres of entire villages."²⁴³ According to the CEH, there were a total of 62 massacres in Chimaltenango during 1978-1985.²⁴⁴ Additionally, from the testimonies collected from the women, it was concluded that: "In February-March 1981, the army launched its first military campaign against the center of Chimaltenango, where 1,500 peasants died... In October 1981 the army under the Task Force Iximché cost the lives of 35,000."²⁴⁵ Also, the same military troops (Task Force Iximiche) involved in the Chimaltenango massacres carried out their orders in El Quiche, where testimony from indigenous men and women speak to women being forced to watch the torture of their husbands, and men were subjected to seeing their wives being raped by soldiers.²⁴⁶

²⁴² Consorcio Actoras de Cambio/Equipo de Estudios Comunitarios y Accion Psicosocial (ECAP) y Union Nacional de Mujeres Guatemaltecas, *Stitches of the Soul: Memories of Mayan Women Survivors of Sexual Violence During the Armed Conflict* (Guatemala City: F&G 2011).41

²⁴³ Ibid.,165.

²⁴⁴ *Guatemala Memory of Silence: Report of the Commission of Clarification* (Guatemala City: Litoprint, 1999).

²⁴⁵ Guatemaltecas, Consorcio Actoras de Cambio/Equipo de Estudios Comunitarios y Accion Psicosocial (ECAP) y Union Nacional de Mujeres. *Stitches of the Soul: Memories of Mayan Women Survivors of Sexual Violence During the Armed Conflict*. Guatemala City: F&G 2011, 157.

²⁴⁶ Guatemala, Archdiocese of. *Guatemala Never Again: Recovery of Historical Memory Project*. New York: Maryknoll, 1999.

Moreover, the women's testimonies in *Stitches* helps situate Chuabajito²⁴⁷ in 1981 and expose how the massacre of April 9th mentioned in ORPA was not an isolated massacre of 23 rural peasants, but part of a strategic scorched earth campaign that would manifest in genocidal practices. For example, indigenous women also testified about how the soldiers separated men into local schools and women into churches. In contrast to the men, who were tortured and executed in the schools, women and girls suffered sexual violence in the churches and were murdered afterwards. This gendered pattern not only determined what type of violence individuals were subjected to, but was also a signifier of genocidal tendencies that did not occur in the urban campaigns.

On the same page of the bulletin, another news story with the headline "80 farmers killed in Comalapa" details the attack on February 4th 1981 by 270 soldiers who arrived in military tanks and launched grenades at the villagers. More than 80 farmers were killed and kidnapped; the soldiers took the dead bodies along with the men they captured. The ORPA bulletin states, "Seventeen of them appeared the next day with cruel signs of torture. They ripped their arms, eyes, hair and ears."²⁴⁸ This massacre is consistent with testimonies in *Stitches* that talk about the 1981 counterinsurgency campaign in the center of Chimaltenango where both Comalapa and Chuabajito are located. As the newsletter reports, soldiers attacked villages with tanks, weapons and in masses of over 200 troops, it is haunting to imagine the Kaqchikele women hiding alongside their children in an empty home watching the attack on their village and families unfold.

²⁴⁷ I located Chuabajito and found it is located in Patzaj San Martin Jilotepecue in the center of the department of Chimaltenango.

²⁴⁸ GT PN 30-01 S016 Master Base, Caso #89 [Digital reference F26501. Internal AHPN registration 0004-4136135].

Both of ORPA's bulletins focus on the massive disappearance and torture of male peasants and use their experiences to expose the genocide that was occurring while simultaneously erasing the sexual violence that ensued in the absence of men in the village. Below is a testimony from an indigenous woman about what she witnessed during a 1981 massacre in Chimaltenango: "Oh god! In the village, 95 men, 41 women and 47 children were killed according to the census that they gave us about the number of people who died. Some men were hanged. My sister was pregnant and they opened her womb, took the baby out and tied him."²⁴⁹ Her testimony illuminates how the army not only harmed male indigenous peasants, but also demonstrates how indigenous women were attacked differently because of the ways in which militarized-patriarchy sexualized and brutalized their reproductive capabilities. I include the aforementioned testimonies of indigenous women to challenge the gendered silence of the ORPA bulletin and insert these women's voices and epistemology of sexual violence back into the narrative. In other words, the bulletin written from the perspective of majority male revolutionary leaders was intentionally selected to speak about one form of violence and gloss over the sexual violence experienced by indigenous women. Sexual violence was not a secret practice of acts committed in private, but rather, as seen in the testimonies, it was a systemic practice committed in front of entire communities who were conscious of what was happening, because husbands, children, and neighbors were often forced to watch. Yet, the ORPA bulletin names all of the public violence occurring in the villages except sexual violence. These omissions limit a discussion about how sexual violence and the killing of indigenous women was as important and instrumental to the project of genocide as was the kidnapping, disappearing, killing and torture of men.

²⁴⁹ Ibid., 160.

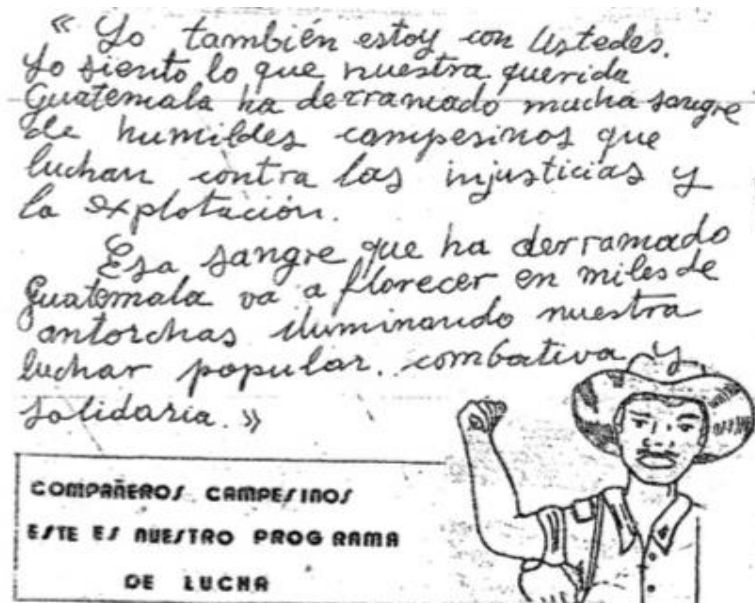
Another bulletin in case 89 that caught my attention was a November 1980 bulletin written by the Peasant Unity Committee (CUC). Unlike the ORPA bulletin that discursively disappeared sexual violence against women, even as it was happening, due to the ways in which it was entangled with the killing of their husbands or fathers, the CUC bulletin offers a counter-narrative in which indigenous women's voices and epistemology reappears. In a section titled *A Girl Writes to C.U.C.*, is the following: "CUC is an organization where women and children participate with the same rights as all its members, because we seek equality for all. Many children show us they have a CLEAR HEAD, CARING HEART AND MILITANT FIST."²⁵⁰ CUC's bulletin is one of a few documents I found in case 89 that includes the experiences of women and children and names them in a political agenda related to injustices and exploitation in Guatemala. In the bulletin, CUC proudly expresses that, as an organization, it is fighting for the rights of the entire indigenous community including women and children who CUC perceives to be as important to the revolutionary movement as the peasants and guerrilla members. I interpret CUC's use of "clear head, caring heart and militant fist" as representing intelligence, passion, and courage — qualities which CUC links to the struggle of equality for everyone, creating space for the inclusion of a twelve-year-old girl to be imagined as a revolutionary. CUC's revolutionary discourse complicates masculinist, patriarchal, and racial norms of who is a revolutionary and what they fight for. For example, a young revolutionary fighter who is described as caring, yet militant, and focused or driven, challenges gender norms that define revolutionary as only possessing

²⁵⁰ GT PN 20-01 S016 Master Base Caso 89 [Digital reference F26478. Internal AHPN registration 0001-4136542].

masculine qualities and having a particular relationship to labor, like those traditionally attributed to indigenous male peasants.

Furthermore, the twelve-year-old girl writes “I am also with you. I feel that so much blood has been shed from humble campesinos fighting against injustice and exploitation in our beloved Guatemala. But that blood will flourish into thousands of torches that will continue to illuminate our solidarity and militant struggle (Figure 15).”²⁵¹ (My translation)

Figure 15



As seen in the image above, her letter is not typewritten like the rest of the newsletter; it is handwritten in cursive, giving it a more personal touch despite not including her name. The young girl was from El Quiche where the army committed genocide just four years after she wrote this letter. This young girl would have been sixteen years old at the time of the genocide. The probability of her village being attacked

²⁵¹ Ibid.

is high, and as a young indigenous woman, the chances of her being murdered, tortured, and/or experiencing sexual violence has a terribly high probability that it occurred. What happened to her and her family? Were they killed? Did she join a guerrilla group or escape to the mountains? I searched the archive for other letters of young girls from El Quiche hoping that she wrote to CUC a second time and that I would at least learn her name. I searched for any clue that would help me learn more about her story, but found nothing, not even another letter from any other young girl. Despite being unsettled by her fate, what stays with me is her powerful spirit and commitment to her people, her country, and her solidarity with the peasants whose bloodshed she was denouncing.

Her short but profound letter reflects a voice that needs to be remembered and be regarded as an essential presence of the revolution. Her words “I am also with you” echo in my head. Those words express her desire to be part of the struggle that she also believes in; her letter enabled her to re-insert herself into the struggle, carving herself into the bulletin through the humble gesture of expressing her support. Her awareness of the violence occurring in Guatemala is demonstrated by her expression of “the spilled blood,” and she respects the “humble campesinos” that fight to make Guatemala a better home for her. Her awareness of “exploitation and injustice” at such a young age reflects the harsh condition she might have lived in and the events she must have witnessed or experienced herself in only twelve years of life to already view her “beloved Guatemala” as unjust. The last sentence of the letter captures the courageous spirit beyond her years and impenetrable commitment to the struggle. She invokes a spiritual connection to those who were disappeared and resuscitates them, transforms them into a supernatural power

emerging from the violence that transcends death and lives in the commitment to the struggle.

This letter is a beautiful reminder and insight into the different voices, bodies, and experiences that fought with a caring, militant spirit for 36 years for a more livable Guatemala. It is important to remember this young girl, especially for indigenous women, whose country at the time of 1979 was on the verge of entering the most violent period of the war. What did she experience in her community a year after writing the letter? If she had continued writing more letters during 1982 and 1983, the time when the genocide occurred, what would she have said? This young girl's letter offers a counter-narrative of the trope of the *disappeared* because even though the reader never hears from her again, and does not know her whereabouts or what happened to her, nobody is searching for her in the way that human rights organizations look for *the disappeared*.

I found her letter in a case filled with hundreds of records, all under the broad topic, "Violence against Central American Women." Her letter was not a single record or case in itself indicating that an organization or a loved one was actively searching for her; instead I encountered her words by random chance, not because the archive directed me. Therefore, this young girl's vision of more inclusion and solidarity between all genders, sexuality, and classes of oppressed populations represents a powerful epistemology that has been violently disappeared in the record. Thirty-six years after this young girl's letter, I urge that her powerful voice be remembered and represent her blood and those of her sisters, just as the blood of the peasants she names in her letter continue to illuminate a revolutionary spirit in Guatemala.

Ladina Women in the Record

One of the highest profile cases in Guatemala regarding sexual violence against women during the Civil War is the case of Rogelia Cruz Martinez, a former Miss Guatemala. Born in 1942, Cruz was raised in a middle class family where her mother – a teacher in the 1930s – represented a small educated class due to the ways in which women were excluded in Guatemalan society from the teaching profession.²⁵² Despite her racial and class privilege, Rogelia's mother, Blanca Cruz, was heavily involved in fighting against the injustices that female teachers faced, such as low wages, and long working hours. Treacy claims it is possible that Cruz was shaped by her mothers revolutionary vision and was also inspired by her years at the Belen Institute for Women, a school that encouraged political awareness in women.²⁵³ Cruz would go on to become an architect student at the University of San Carlos. USAC was a fertile ground for many emerging students who would become well known revolutionaries, such as student union leader Ricardo Martinez Solórzano and Oliverio Castaneda de Leon, president of the Association of University Students (AEU).

Cruz was only 26 years old when she was disappeared by police and military forces on January 11th 1968, yet many Guatemalans are still unclear as to why Cruz was targeted. Several books and articles written about Cruz's life have claimed that it was her association with the Armed Rebel Forces (FAR) guerillas that eventually got her killed by the Guatemalan military.²⁵⁴ However, there are disagreements in the literature as to exactly how deep Cruz's political commitment and participation was in the FAR. Some

²⁵² Mary Jane Treacy, "Killing the Queen: The Display and Disappearance of Rogelia Cruz," *Latin American Literary Review* 29, no. 57 (2001), 49.

²⁵³ *Ibid.*, 41.

²⁵⁴ *Ibid.*

narratives simply claim that Cruz fell in love with the lead guerilla member of the FAR and supported him in his revolutionary journey. The reason as to why there are questions about Cruz's story is because there is a lack of testimonies, memories, reports, etc., that validate any specific narrative of her life or her true political motivations. Cruz's mysterious life has inspired recent scholarship to focus exclusively on her in an attempt to insert her into historical memory as a revolutionary female hero.

In her article, "Killing the Queen: The Display and Disappearance of Rogelia Cruz," Mary Jane Treacy delves into the life of Cruz beyond who she was as a beauty queen and offers a multi-dimensional narrative of the woman, revolutionary, and Cruz's political desires during the last years of her life. According to Treacy, the political violence that Cruz witnessed during the beginning of the civil war impacted her dramatically. As a result, she joined in solidarity with indigenous peoples and had compassion for their suffering despite her inability to identify with them because she had never been subjected to such injustices as a *ladina* middle class educated beauty queen. Treacy also examines the way in which Cruz is remembered in Guatemalan historical memory, she states:

It is her femininity (but not her politics) and the beauty of her body (along with its destruction), that has preserved her name for over forty years. Her image, which blends the youthful promise of a beauty queen with that of a defiled victim of the state has turned Rogelia into an icon that may be evoked in attempts to understand Guatemala's past.²⁵⁵

Therefore, why is the most remembered revolutionary of the Civil War an elite class *ladina* woman?

Moreover, Treacy captures the contradictory logic embedded in the memory of Cruz, in that for a woman to be idolized and become legible in the narrative of war, her

²⁵⁵ *Ibid.*, 41.

role as victim becomes hyper-visible instead of the role she played as an agent of resistance. Treacy states, “Although the press issued the results of her autopsy to show that she had died of cranial trauma...popular opinion held that she was raped, her breasts cut, nipples bitten off, and internal organs slashed open in some way. Individuals offer different versions of the details but all affirm attacks of extreme sexual sadism on the body of the beauty queen.²⁵⁶ In being remembered as a “defiled victim” of sexual violence and as a beautiful object worthy of national praise, she is stripped of her political agency as a revolutionary woman who fought back against the state just like her male colleagues.

Another well-known disappearance of a Guatemalan woman who in her case sparked international outrage from the United States, Europe, and Latin America is that of feminist professor, poet, and human rights activist Alaide Foppa. Born in Barcelona, Spain to an Argentine father and Guatemalan mother, Foppa grew up in Guatemala and married Mario Solórzano, a Guatemalan politician who would later become a member of the Guatemalan Labor Party.²⁵⁷ Solórzano was the director of Social Security agency under the Arbenz government. After the 1954 coup the Solórzano family fled to Mexico in exile. Foppa worked as a professor at the National Autonomous University of Mexico (UNAM) and in the 1970s managed a feminist radio program focused on the oppression of Mayan women. She conducted a series of interviews of peasant Mayan women in El Quiché.²⁵⁸ She was also a founding member of the International Association of Women Against Repression in Guatemala and an iconic literary figure who spoke for women’s liberation using her talent as a poet. On a visit to Guatemala on December 19th 1980, an

²⁵⁶ Ibid., 45.

²⁵⁷ The North American Congress on Latin America (NACLA), "Guatemala- Another Victim?," (2014).

²⁵⁸ Ibid.

armed masked man belonging to the G-2 intelligence unit of the Guatemalan Army ambushed Foppa and her driver Leocadio Actun Shiroy. Foppa's disappearance incited outrage not only among activists and professionals in Guatemala, but more so the international community.²⁵⁹ A report from the North American Congress in 1981 reads: "Although she grew up in a Guatemalan family of wealth and position, Alaide Foppa has worked tirelessly for the rights of the poor in her native country and, more concerned people in the United States are urged by Foppa's supporters to send telegrams demanding the Guatemalan government account for Foppa's whereabouts."²⁶⁰ Additionally, European embassies, Amnesty International, UNAM, and International Pen,²⁶¹ among other organizations, denounced Foppa's disappearance and protested against the Guatemalan government, but to no avail. The government has remained silent about her disappearance. In a December 17, 1981 issue of the New York Review of Books, several members of the Freedom to Write Committee of PEN American Center stated, "As writers, teachers, feminists, art critics, artists, and people concerned with human rights, we are hereby demanding information about Alaide Foppa, a Guatemalan citizen residing in Mexico..." Since that day, every endeavor to obtain information from the Guatemalan authorities about her whereabouts has been fruitless.²⁶²

The second sets of documents I will analyze are found in case 178: Yolanda de la Luz Aguilar Urizar and Leonel Valiente Contreras. The reason I came across case 178 is a result of the multiple suggestions by AHPN archivists and staff who interpreted my research on gender violence as looking for women like the aforementioned Rogelia Cruz

²⁵⁹ Ibid.

²⁶⁰ Ibid.

²⁶¹ A human rights group made up of poets, essayists and novelists.

²⁶² Aaron Asher Dore Ashton, Louise Bernikow, Bell Chevigny, and Ronald Christ, et al., "Missing Person."

and Alaide Foppa. The stories of Cruz, Foppa, and Urizar are the most well known cases involving the disappearance and torture of “women” during the Civil War, which in this case were all ladina women, and interestingly all had their individual case files in the Master Base.

Yolanda Aguilar Urizar is a survivor of the brutal torture at the hands of the Guatemalan military and police. She was kidnapped in October 1979 while she and her friend Freddy Lionel Valente Contreras attended a protest in support of indigenous peasants who had recently been arrested by police for occupying the Calvario church in Guatemala City.²⁶³ According to the police reports in her file, Contreras and Urizar were arrested for “possessing and distributing” subversive propaganda. However, Contreras was later released, but Urizar was illegally detained. Prior to her arrest, Urizar had also come under scrutiny of the state because she was the daughter of America Yolanda Urizar, a prominent lawyer for National Confederation of Workers (CNT) who had initiated protests in solidarity with indigenous communities to denounce the seizure of lands by the state that were taking place in El Quiche.²⁶⁴ Subsequently, armed men disappeared America Yolanda Urizar in March 1983 and her daughter Yolanda never saw her again.

In her testimony, Urizar talks about how she was taken to an interrogation room where a young, light-skinned man in his early twenties, who she describes as a clean cut college student, threatened her and told her that if she did not tell him the information he

²⁶³ Thomas Anderson. *Politics in Central America: Guatemala, El Salvador, Honduras and Nicaragua*. London: Greenwood Publishing Group, 1988, 44.

²⁶⁴ Thomas Anderson. *Politics in Central America: Guatemala, El Salvador, Honduras and Nicaragua*. London: Greenwood Publishing Group, 1988, 44.

wanted that he would order men to hurt her.²⁶⁵ In Urizar's heart-wrenching testimony, she talked about how she was raped by 20 men in the first day of interrogation and that she was taken to a bowl filled with mold that smelled terrible where she was forcibly submerged.²⁶⁶ Urizar named two of her attackers as policeman Pedro Garcia Arredondo and Valiente Tellez, who ordered that she be tortured and raped. Urizar states, "They beat me, they gave me blows to the face and put cigars in my chest and whenever I could make some sense, I saw another man on top of me. When I became absolutely numb and could not feel that someone was on me, I realized that I was in a puddle of urine, semen, I think maybe also blood, it was really a very humbling thing."²⁶⁷ Urizar was only 15 years old at the time of her capture and was disappeared for 15 days. After surviving such an unimaginable torture, Urizar has become a distinguished human rights activist and feminist anthropologist in Guatemala, her defiance in the face of the persecution she experienced is incredible and she continues her fight to shatter Guatemala's impunity left behind by the atrocities of the Civil War.

As I browsed through Urizar's case file I found documents from organizations such as Mutual Support Group (GAM)²⁶⁸ who legally represented numerous families of enforced disappearance victims such as those of Urizar and Valiente. Among the documents were the following files: Contreras's identification card, Urizar's headshot of when she was arrested (Figure 16),²⁶⁹ and a document from GAM requesting that more

²⁶⁵ Ibid.

²⁶⁶ Ibid., 121.

²⁶⁷ Ibid.

²⁶⁸ A popular and well-established NGO focusing on urban enforced disappearances.

²⁶⁹ GT PN 50 DSC Master Base Case# 178 [Digital Reference F29117. Internal AHPN Registration 0083-2737224].

information be available about the illegal arrest and detention regarding enforced disappearance victims named in a list written by GAM which included Urizar.

Figure 16



In her testimony, Urizar recalled that when she was being held captive, a policeman told her that the reason why she was going to be released was because of “international pressures” that the police was receiving due to her particular disappearance. This factor is made clear in her case file, which includes a letter from Marilyn G. Knight, a representative for Amnesty International, directed at the President at the time – General Romeo Lucas Garcia. The letter stated:

We are concerned and distressed about the arrest of Yolanda Urizar Martinez de Aguilar, in addition to Mr. Julio Cesar Cortez, leader of the association of high school students as well as Freddy Lionel Valente Contreras a high school student. Each of the aforementioned persons was arrested last month, following a protest ...it concerns us in the sense that these arrests violate individual rights and deny human rights and free expression rights.²⁷⁰

The Amnesty International document is a good example of how race (all the activists named in the record were ladino), gender (two out of three of the activists were male), class (Urizar came from a middle-class family where both of her parents were lawyers; Cortez and Valente were student-activists also belonging to a middle-class family), and

²⁷⁰ GT PN 50 S002 7/11/1979 Master Base Case# 178 [Digital Reference F32195. Internal AHPN Registration 0001-8334436].

geographic location (all the activists lived and were detained in Guatemala City), shaped the names and stories that surfaced on the record. What would it mean if Amnesty International wrote a letter on behalf of the sexual violence and brutality committed against rural indigenous women who did not belong to a professional or middle class? In the Master Base I did not find any letters from Amnesty International that named or represented the search for indigenous women. Even GAM's list of disappeared named mostly ladino, ladina, and male indigenous urban guerrilla members, but not rural, poor, indigenous women who did not belong to guerrilla groups or who belonged to revolutionary student associations.

As I studied Contreras's identification card, Urizar's picture, and the Amnesty International letter, I could not help but think about the value of being named in a document. In the context of war and international pressure on human rights violations, being named in a document meant the difference between life and death. For example, lawyers, local activist groups, and international human rights organizations were named because somebody was looking for them. It is as if Urizar's picture and Contreras's identification card functioned as the *rastros* or traces of their humanity in an archive full of ghosts. Under a human rights and archival science framework, for an individual to be targeted by the state and registered into a filing system, and then his/her name to be written on legally recognized documents of human rights organizations means that their life counted because some semblance of their humanity was recognized. For example, a note on Contreras's identification card written by the police states: "Requests have been made to respect human rights and freedom expression." I interpret this statement as being a direct result from Amnesty International's intervention in his case. Moreover, not only

does this man have an identification card attesting to his existence, but there is also a note, which demonstrates that the state and police institutions recognized his “human rights” and “freedom of expression.” In other words, even at the moment of disavowal when the state denies responsibility for Urizar and denies having any records connected to the Civil War, genocidal structures are still designed to recognize certain traces of “humanity” and subsequently further disappear the traces of the non-human.

Therefore, it is not a coincidence or random chance whose *rastros* or traces we see in the record and how we see them, because despite the brutal markers of violence on all the victim’s bodies, the ontology of those bodies has never been equal in Guatemala. In other words, even the brutalized or dead ladino and indigenous bodies are entangled within a racial, classist, gendered, and hetero-patriarchal value system that in the context of Guatemala has historically privileged non-indigenous bodies even in their disappearance. Therefore, *the disappeared* in the AHPN are given more visibility and possibility for justice because ladino male bodies count more and are more worthy of outrage in Guatemalan society.

Photo Album of Delinquents

Additional documents in Urizar’s case file included textual descriptions of arrests for the month of October 1979 and a photo album of both men and women arrested during the years of 1965-1980. The reason I stumbled on the photo album was not because a family member, the Public Ministry, or FAFG had launched an investigation into the whereabouts of these women, but rather because the records pertained to a detention center in Guatemala City, which included arrests for 1979, the year of Urizar’s disappearance. The link between the photo album and Urizar is that her name appears in

the photo album because she was registered in the detention center along with having her picture taken with the rest of the detainees. However, the names of the other thousands of men and women registered in the photo album are not the documents of focus. The documents of evidentiary value are Urizar and Contreras's headshots and identification cards because those records placed both of them under illegal detention by the National Police. The relevance of the other documents, including the photo album, was their possibility of being used as supplemental evidence to Urizar's disappearance, but questions about what happened to the other thousand women featured in the album was of no concern to the archivists and institutions who opened the case.²⁷¹ In other words, even though the photo album includes a total of 3,470 women, the reason that case was opened and available in the Master Base is because it is connected to evidence concerning the torture and sexual violence of one woman: Yolanda de la Luz Aguilar Urizar.

The photo album contains 189 pages, yet less than 20 pages depict male detainees, and 3,470 entries correspond to women who were charged with various crimes. Ironically, in most of this project, I focus on the absence of women in the record; however, in this photo album there was such an excess of women's bodies and names. To talk about these women in a photo album of "delinquents" means to talk about *mujeres malas* (bad women) who in some way have broken social norms of respectability and femininity. These are the women society was ashamed of; the women who needed to be disciplined, punished and who were the perfect targets for a murderous and repressive state because they were stigmatized by a society that would not even notice they were

²⁷¹ In most cases it was a family member searching for their loved one who disappeared in the Civil War, the prosecutors office investigating a crime or FAFG looking for archival records to connect to the exhumations they were undertaking.

missing. Each entry contained a headshot of the woman with her name and type of crime they were arrested for underneath the photo. The types of charges included: murder, theft, migration, possession of marijuana, fraud, drug addict, kidnapping of children, infanticide, aggression, corruption of minors, subject to investigation, fighting, forgery of signature, threats, tax fraud, check fraud, shooting a gun, prostitution, illegal stay, and identity theft, among others.²⁷² The scope of the crimes varied from severe matters such as murder accomplice or kidnapping of children to less serious crimes such as forgery of signature and check fraud. The most popular arrests were marijuana possession and theft. It is interesting to note that during the time when the military was committing genocide in the highlands and death squads were kidnapping men and women in broad day light in Guatemala City, these women were being arrested for tax fraud and fighting.

The contradictory, yet deceiving nature of the record concerns the ways in which it seduces the reader to believe that the more information it provides, such as names and photographs, the greater the possibility of finding the truth or obtaining legal justice. However, despite the 3,460 women pictured and named in the album, they retain a liminal presence due to the epistemological violence of the records that has particularly criminalized these women. Even knowing their names and staring at their faces, we still do not know who they are and what they experienced during their time in detention. Moreover, the way in which they are read in the “photo album of delinquents” further marginalizes them due to breaking gender and societal norms. Despite being named in the same album, Urizar is perceived differently because she was illegally detained in relation to her anti-government activism and support of indigenous communities during the Civil War. Through this perspective, her arrest is much more respectable than the other women

²⁷² Ibid.

alongside her in the detention center who were arrested for drug possession, prostitution, theft, etc. It is Urizar's highly recognized name connected to her story that represents the horror, yet strength of those who survived the Civil War. Guatemalan society can empathize with what happened to her and be outraged by the torture she was subjected to by police officials. Yet, Urizar's identity of a young, ladina, middle class, straight woman who was well connected to the revolutionary movement in an urban context are factors that make her legible in the sea of 3,470 other women who do not have a name linking them to a highly respected family in Guatemala, much less a story that can be recognized by the historian or scholar reading these records. Unlike Urizar, their struggle, pain, and rage is illegible and cannot transcend the dirty and torn pages of the photo album.

It is important to note that simply because the women appear in this album does not mean they were killed or tortured by the state during the Civil War, and my aim is not to prove with any evidence and facts that they were. Instead, my analysis of the photo album nuances the *disappeared* trope by situating *disappearance* not within physical presence (whether they are alive or dead in present day) but rather epistemological *disappearance* of an identity despite being attached to a photo and name that left me looking at an empty stare and gesture of a woman whom I could not connect to anything else other than her crime. In addition I push *disappearance* further than the result of explosive acts of violence, such as murder and torture, but rather also being a result of the systemic conditions of captivity in detention centers where detainees had no rights and were under the control of a corrupt police institution that functioned as the right hand of the military. In addition, the police officers responsible for Urizar's torture and sexual violence also held authority over these women and at the time operated in full impunity.

In the following analysis I seek to expose the hetero-patriarchal, racist, and classist structures that disappeared these women in different ways.

Inconsistencies of the Album

The photographs in the album are organized into 4 columns by 6 rows totaling to 24 women per page. There are some pages that have 4 columns and 4 or 5 rows, such as in the image seen below (Figure 17).²⁷³ As seen below, under each photograph, the name of the woman is listed followed by the type of crime she committed and the day she was arrested. This information is both hand-written and typed. Some of the pages in the album also included a title that was hand-written at the top of the page indicating the type of crime that all of the women on that particular page were charged with.

Figure 17



²⁷³ GT PN 50 DSC Master Base Case# 178 [Digital Reference F29117. Internal AHPN Registration 0024-2737165].

A glaring inconsistency is that (as seen in Figure 17) there are entries with names, but that are missing a photograph. For example, in the top row and fourth column of Figure 17, we see the following information: Maria Diaz Soto De Herrera, Marihuana, 5/12/72, but her photo is missing. Why is Herrera's photo missing? Did she refuse to take a photograph? Did she escape before it could be taken or did the staff member in charge of compiling the album simply lose it? Additionally, on the same page in the last row, second column, it appears that a photograph and name have been ripped off and all that is left is a black space. We can even see the jagged edges as if that specific profile was torn apart from the others. Why was the photograph in the bottom row stripped from the page? Did it belong to a woman that the police did not want to reveal they had in custody? Or was it simply a mistake by a police officer?

Inconsistencies seen in Figure 18 appear all over the album – photographs without names and names without photographs. As seen in the selected photographs below (Figure 18), we see three faces of the women, but their names are missing, thus their identity is illusive. Despite the photographs, these women are epistemologically absent because despite the visibility of their faces on the page, their missing names are key identity markers that make it extremely difficult for a scholar to search for them in other databases and investigate what happened to them after their arrest.²⁷⁴

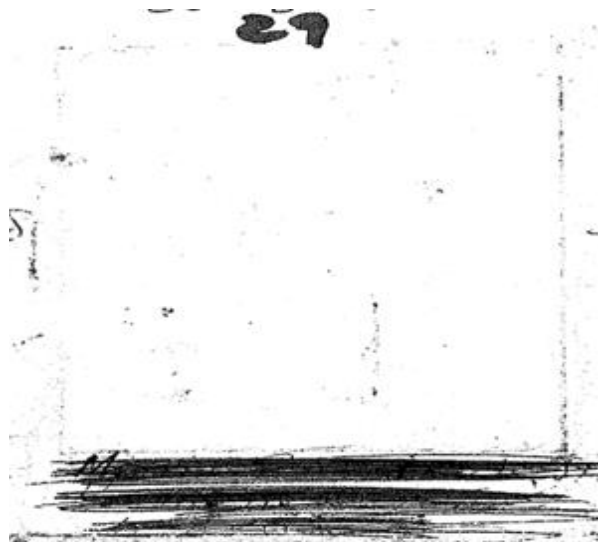
Figure 18



²⁷⁴ GT PN 50 DSC Master Base Case# 178 [Digital Reference F29117. Internal AHPN Registration 0095-2737238]

Another inconsistency I would like to focus on is one particular absence that stood out to me, as seen in the image below (Figure 19). It is that of an empty box numbered 29, found in the section of “fraud.” There is a name and possibly other information below it, but it is scratched off with pen so deeply that the name is no longer legible.²⁷⁵ Why would someone reserve a box in the page, write the name and information of the woman and then not insert a photograph into the box and violently scratch off the name? The inconsistencies I have discussed create a haunting effect on the photo album that despite the record offering the names and photographs of these women, their stories are missing from the official accounts of historical memory. Yet, I argue that similar to the leftist revolutionary men who were forcibly disappeared, these women were also disappeared by the same state and military apparatus. For example, how do we trace the pieces of entry 29 and restore it to a legible identity that is capable of existing and counting just like those victims on GAM’s list of disappeared?

Figure 19



²⁷⁵ GT PN 50 DSC Master Base Case# 178 [Digital Reference F29117. Internal AHPN Registration 0159-2737302].

Subject to Investigation

As I explored the photo album, I specifically looked for women who were arrested for the same crime that Urizar and Contreras were charged with, which was the distribution of “subversive propaganda.” Possession and distribution of subversive propaganda was defined by the National Police as having any sort of material (e.g. books, flyers, etc.) tied to an anti-government group that supported guerilla organizations or leftist ideology or even sympathized with indigenous peasants. Subversive propaganda was a popular charge for urban activists. Therefore, human rights organizations denounced it as an illegal arrest because it could be interpreted as violating the individual’s right to freedom of expression or protest. I found that hundreds of women in the early 1970s during the Lucas García regime were arrested for “subject to investigation,” a charge that appears very ambiguous and broad in terms of what the specific legal rules were that the women broke. As seen in the image below ([Figure 20](#)), 12 women who appear mostly young and ladina were subjected to investigation.²⁷⁶ There is no specific date for the woman in the first row named Florencia Matias Lopez but she is grouped with Margarita Gonzalez Giron Garcia, Aida Azucena Mendez Navas, Angelica Eliza Rodas Lopez, Maria Cristina Arredondo, Maria Del Carmen, and Elizabeth Cabrera, who were all brought in December 1973. Were these women brought in for the same investigation? Did they know each other? A concerning question is why were so many women being subjected to investigation during one of the most violent military dictatorships in the country? Could the women in [Figure 20](#) also have been possible activists such as union leaders, lawyers, students, or teachers fighting against the state in 1973?

²⁷⁶ GT PN 50 DSC Master Base Case# 178 [Digital Reference F29117. Internal AHPN Registration 0174-2737317].

Figure 20



The most popular arrest in the photo album was for possession of marijuana (Figure 21) thousands of women were arrested for this offense. Martha A. Mejicanos de Morataya, Clara A. Ortiz y Ortiz, Juana F. Cifuentes, Maria Marciso Fernandez, Mara I. Linares Cabrera, Rosa G. Velas, Maria Del Carmen Garcia, and Gloria M. Del Valle are among the women pictured in the image below (Figure 21).²⁷⁷ I name the women to counter epistemological violence done by the archive, which disappears them from the narrative of the Civil War and denies them a context and of a story that humanizes them. Why is it that despite their physical presence such as name and photo on the page these women are still absent from historical memory?

Figure 21



²⁷⁷ GT PN 50 DSC Master Base Case# 178 [Digital Reference F29117. Internal AHPN Registration 0184-2737327].

As can be seen in all the images from the album, the headshots are all black and white, and as a result, the nuances of skin color, hair color, eye color, and type of dress are all obscured. The photos appear more like pencil-like sketches that do not capture the women's facial details and gestures. The way in which they are photographed, such as the black and white colors and the hostile conditions, robs them of their identity. In other words, the record removes their identity instead of illuminating it. Initially I set out to count and identify all indigenous women in the album, but as mentioned previously, the way in which we "see" these women in the record neutralizes their racial/ethnic markers and constructs them all as "women." Thus, drawing from Maria Lugones's light and dark side of gender, the colonial category of gender works to strip indigenous women of their specific social, economic, and political conditions in Guatemalan society. Therefore, I use the concept of light and dark side of gender to unpack the different ways in which ladina and indigenous women were racialized and gendered in Guatemalan society, and as result, how it shapes the ways in which they are made absent from the record. In other words, indigenous women, as seen in this album, are lost and overwhelmed by the category of "mujer" (women) that operates to further marginalize them. Therefore, along with epistemic violence, I aim to expose ontological violence of the record, that which makes illegible the indigenous ethnicity even in its presence. For example, I looked for indigenous last names and traditional dress as possible ethnic markers, but I also understand that a woman can still identify as indigenous without these particular markers. I was only able to find a handful of indigenous women that fit this description. This analysis has helped me not to count the totality of indigenous compared to ladina women in the record, but to understand the illusiveness of indigeneity in the record.

Furthermore, why were there so many women arrested on marijuana charges? What drove these women into trafficking or use of this substance? Were they caught helping their boyfriends or husbands in smuggling marijuana? Were they in a desperate financial situation, such as lack of employment or having to help their family and as a result needed money urgently? Did they begin to use marijuana as a way of escape from the chaos and turmoil of daily life? These questions haunt the reader of this album who bothered to take a second look at these women instead of dismissing them and only focusing on Urizar. Most importantly, these questions consider the social and economic factors in these women's lives. It can be argued that women arrested for marijuana and theft did not belong to the Guatemalan oligarchy, but were probably working class and perhaps middle class women. Ladina women in this album also constitute an absence because not only did they already fall out of the elite class status, but were also marginalized because they partook in "illegal" activities such as drug trafficking, which taints all aspects of respectability for ladina woman. Ladina women who were arrested for crimes not related to revolutionary activities during the Civil War and who were not seen as respectable women also constituted an absence in the record.

Degree of Disappearances

A crucial component of the *disappeared* trope is the dominant pattern in which the bodies were disappeared, including the disposal of their bodies. For example, in Guatemala, Chile, and Argentina, men would be targeted due to their political or professional activity and labeled as "subversive." Consequently, they were killed most commonly execution style by a gunshot wound to the head. In the case of Guatemala, after the men were executed, their bodies were dumped in clandestine cemeteries all around Guatemala City.

To hinder any identification of their bodies, paramilitary forces removed their *cedula*. “The *cedula*, is an internal passport which citizens are required to have in possession at all times. It contains the bearer’s name, date and place of birth, height, photograph, and fingerprints.”²⁷⁸ The removal of the *cedula* strips the citizen’s identity, and as a result, the bodies found in Guatemala that could not be identified by the police were taken to the judicial morgue to be examined for the cause of death. Afterwards, the body was buried in the municipal cemetery of La Verbena as “XX,” which is the same as a John Doe. As a result, many of the *disappeared* in Guatemala City are known as “XX.” Peccerelli, director of FAFG, played a critical role not only in exhuming the dumped bodies but also attempting to identify them by applying pathology, archeology, and anthropology. For example, Peccerelli and his team offer DNA testing to families who are looking for their loved ones who went missing during the Civil War in an effort to match the DNA with the exhumed bones.

It is interesting to juxtapose the “XX” bodies whose identities were stripped away by the removal of their *cedula* with the women featured in this photo album who have key identifying markers provided in a *cedula*, such as name and photo, yet are missing a body. In other words, to disappear an urban revolutionary man, it was necessary to remove all identity markers and only leave his unidentified body, but ironically for female “delinquents,” the state was able to disappear them without removing their names and faces. It is difficult to understand if a missing “body” is even relevant regarding these women since they already appear to be disappeared and forgotten in the historical

²⁷⁸ Fredy Armando Peccerelli Clyde Collins Snow, Jose Samuel Susanavar, Alan G. Robinson, and Jose Maria Najera Ochoa, “Hidden in Plain Sight: X.X. Burials and the Desaparecidos in the Department of Guatemala, 1977-1986,” in *Statistical Methods for Human Rights*, ed. Jana Asher (New York: Springer, 2008), 90.

memory narrative. Ironically, in the case of the “XX,” even though their bodies are missing, due to the search efforts from their loved ones, their names and story are part of the official narrative, such as the case of Amancio Samuel Villatoro whose family never ceased looking for him and were successful in identifying his body with the help of FAFG. Yet, who is looking for these women? Unlike the subjectivities that make up the *disappeared* trope, as I will show in my following analysis, these women were among the most marginalized because in addition to their racial, gender, and class identities, they were criminalized in a different way than the *disappeared*. In other words, they were not simply labeled “subversive” or “communists” by a militarized state, but they were also seen as prostitutes, thieves, drug addicts, and murderers by the entire Guatemalan society. Thus, these women fit the pattern of a largely stigmatized population who was made vulnerable not only by a murderous dictatorship but a racist, hetero-patriarchal system that preyed on them because it was assumed that few would notice they were missing in the first place. In the following analysis, I will focus on five women who I have selected from the photo album to study closer. Their names are Maria, Maria Chitay Camey, Michell M. Fonrvoier, Mariz Alicia Ixcot Morozon, and Jarol ([Figure 22](#)).²⁷⁹ What captivated me about each of these women is a particular component of their entry that included the following: migration status (Maria and Fonrvoier), infanticide and accomplice to murder charges on indigenous women (Camey and Ixot), and transgender identity (Jarol). As seen in the first image, the only legible name under the photo is “Maria” – the offense written below that reads “INDOCU” (I interpret as

²⁷⁹ Maria and Camey are found in: GT PN 50 DSC Master Base Case# 178 [Digital Reference F29117. Internal AHPN Registration 0162-2737305]. Ixcot is found in: GT PN 50 DSC Master Base Case# 178 [Digital Reference F29117. Internal AHPN Registration 0165-2737308]. Fonrvoier is found in: GT PN 50 DSC Master Base Case# 178 [Digital Reference F29117. Internal AHPN Registration 0059-2737200].

indocumentada), Spanish for undocumented. Maria stares back at the camera with what appears to be a stoic look – her dark hair contrasts her lighter skin complexion but her face occludes any distinctive features. There are many women in the album like Maria that are listed as “undocumented,” or “migration,” and “Salvadorian,” which I interpret to mean that these women lacked proper citizenship or residential status to be living in Guatemala. Again, as seen with the offenses of marijuana and theft, women being arrested for lack of citizenship status most likely did not belong to the oligarchy, but rather were working class women fleeing their native countries for better opportunities. Even though it is not apparent that Maria is an indigenous woman, it is clear that she is an immigrant in Guatemala lacking basic rights. Where was she from originally? El Salvador? Mexico? Nicaragua? Why had she fled to Guatemala and how was she navigating the hostile political conditions as an immigrant?

Figure 22



Due to Maria's missing middle, maiden, and married names (many women in the album had all three names), it is extremely difficult to search for her in other databases. I interpret Maria's entry as more of an absence than a presence because the people working and reading the archive, specifically this photo album, do not recognize her. If she were "seen," there would be more than this illegible trace of her, linking her to the most common name in Latin America (Maria), and due to her undocumented status, she probably lacked documentation in any Guatemalan civilian registry. If she were recognized, there would be a "working case" for her and a story of what she suffered in Guatemala and her home country. Maria makes me think about all of the countless immigrant women living in Guatemala during the Civil War, many of whom were Salvadoran. I did not know that so many Salvadoran women migrated to Guatemala during this time; I never learned this in any history, archival science, or anthropology book, but I learned it from studying these records.

Two of the most severe crimes I saw included in the album were infanticide and accomplice to murder. Infanticide is defined as the "act of deliberately causing the death of a very young child (under 1 year old)."²⁸⁰ Maria Chitay Camey is charged with infanticide. From these accusations, it can be interpreted that Camey killed a young child and was arrested on January 27th 1968. This is an unimaginable act and difficult to imagine what could possibly drive anybody to harm their own child. Was Camey wrongfully accused? Did she commit the crime under the understanding of a different cultural context? Although difficult to understand in contemporary society, infanticide has been an ancient practice performed by different cultures. "In some cultures, children are not considered to be human beings until certain ceremonies have been performed

²⁸⁰ Humanium, "Infanticide," <http://www.humanium.org/en/infanticide/>.

(name-giving ceremonies or haircuts for example). Infanticide occurs rarely once those ceremonies have taken place but killing a child before them is not seen as a homicide.”²⁸¹

During colonial times in Mexico and Central America, indigenous women were commonly charged with infanticide by the Catholic Church because they killed their newborn children. Yet, as Powers discusses in her book, “Women in the Crucible of Conquest,” indigenous women committed this act because during the military phase of Spanish colonialism, their offspring were the products of rape by the European army.²⁸² I am not attempting to justify any acts, but I aim to complicate the criminalization of these women and offer other explanations, rather than easily judging Camey as an evil immoral woman without her side of the story. During the Civil War, many women like Urizar who suffered sexual violence during torture became pregnant but aborted their pregnancy due to the psychological trauma they experienced and what it would mean to have the child of their torturer. We can understand why Urizar made that decision because we know her story, but we do not know the conditions and circumstances of Camey. It would be contradictory to rely on a record produced by a repressive institution like the National Police and corrupt officers who have been charged in multiple cases of human rights violations. To trust this album and the charges it accuses these women of would mean to believe the men working for a militarized state who were possibly responsible for more and worse crimes.

Maria Alicia Ixcot Morozon was arrested on charges of participating as an accomplice to murder, the date of her arrest is unknown but according to the time frame of the album it occurred during 1965-1970. Who was Ixcot Morozon assisting? Was it

²⁸¹ Ibid.

²⁸² Karen Vieira Powers, *Women in the Crucible of Conquest: The Gendered Genesis of Spanish American Society, 1500-1600* (Albuquerque: University of New Mexico Press, 2005).

her husband, lover, or close friend? What could have possibly led her to make this decision? Was she harmed or threatened by the individual she helped harm? In the book, “The Quiet Revolutionaries, Seeking Justice in Guatemala,” Frank M. Afflitto and Paul Jesilow examine the ways in which the Civil War shaped the internal violence and corruption that continues to plague the Guatemalan criminal system.²⁸³ Afflitto states, “The employment of state-sanctioned terrorism in Guatemala affected the criminal justice system and allowed the police, prosecutors, and courts to be accomplices to the persecution. The impunity with which state-sanctioned terrorists operated rendered the justice system meaningless.”²⁸⁴ Thus, it is ironic that the Guatemalan criminal justice system, including the National Police, was protecting “their own” while detaining other accomplices to murder under the name of “justice.” In other words, how could Guatemalans trust the criminal justice system and its police as an institution to administer justice when under closed doors it was guaranteeing impunity for the state and military?

This systemic violence jeopardizes the credibility of the entire institution that is selectively and in their best interest delivering a type of justice that largely criminalizes indigenous peoples, women, and the working class. For justice to be served there also has to be punishment for the perpetrator, but it appears that in the Guatemalan criminal justice system during the conflict, “justice” only became a tool of repression. Furthermore, “justice” was in the hands of the policeman, prosecutor, and courts, etc., that as Afflitto states, only strengthened state-sanctioned terrorism by providing another way to silence, exclude and socially cleanse Guatemalan society from the undesirable.²⁸⁵

²⁸³ Frank M. Afflitto and Paul Jesilow, *The Quiet Revolutionaries, Seeking Justice in Guatemala* (Austin: University of Texas Press, 2007).

²⁸⁴ *Ibid.*, 45.

²⁸⁵ *Ibid.*

In the context of the Guatemalan criminal justice system, this calls into question the legitimacy of such serious felony charges brought upon an indigenous woman, who in the context of the Civil War, represented “the enemy” to all state actors. Furthermore, whereas in the previous chapter I analyzed Operation Sofia and studied rural indigenous women in the record, in this chapter I studied the National Police photo album to get insight into how urban ladino and indigenous women are seen or made absent in the record. What does it mean that I saw names and photographs of (urban) indigenous women in the police record, but the names and photographs of (rural) indigenous women is absent from the military record that documented the genocide that took place in the Western Highlands?

As I explored the photo album, I encountered an odd profile of a woman that caught me by surprise. The information below her photo read: “Michell M. Fonrvoier, *Fugitive of the United States.*” Fonrvoier has a blank expression on her face. Her facial features were not that different from the rest of the women that surrounded her. She appeared young, had black hair, and a light complexion. There was no date of arrest, but I could not help but wonder, what was a young woman doing fleeing the U.S. for Guatemala when that country was in the middle of a Civil War? What crime did Fonrvoier commit in the U.S.? The fact that Fonrvoier is identified as a “fugitive” is interesting because during the Civil War the most common reason that American women were in Guatemala was because they were nuns or some type of missionaries going to help the indigenous communities. American female journalists, filmmakers, and scholars also visited Guatemala because they were studying and documenting the war. Yet, if Fonrvoier was a fugitive, it excludes all of these possibilities. Why did she choose

Guatemala as the country to run to? Was she simply traveling through the country to get to somewhere else in Central America? Did she go to meet a friend, family, or significant other who lived in Guatemala? Was the crime she committed in the U.S. related to the political situation in Guatemala? Did the other Guatemalan women she was detained with treat her well? Did they talk to her or simply ignore her?

Another question that troubles me is what happened to her? Out of the 200,000 people disappeared in Guatemala, there were only a few exceptions involving the case of an American citizen. As shared in sister Diana Ortiz's testimony, an American nun held captive and tortured in a military base while visiting Guatemala for a mission, the Guatemalan government was reluctant about being in the international human rights spotlight and would often release American citizens who were in the hands of the military. Therefore, there is a high probability that Fonrvoier was not disappeared by the Guatemalan state and that she could have been transferred back to the U.S. to confront her charges. Nonetheless, there are far more questions than answers in her case, which makes her story very complex and unique: an American fugitive woman detained in Guatemala City during the Civil War. Why did this case not receive media attention? What did Fonrvoier see while in detention? Did she experience torture while in detention or was her arrest and detention all a misunderstanding? The record does not give us any answers pertaining to these women. I ask questions about these women not to make any assumptions, but rather to push for other possibilities of who they were and what could have happened to them. I choose not to make up a story about these women or give them a voice through constructing my own narrative. Instead, I leave all of those women as I found them there on the page of a Guatemalan photo album of detainees.

The last woman I will discuss is Jarol Garzoma Caceres, who was arrested for fighting in 1973. I would not have paid close attention to Caceres's profile if it were not for the text written perpendicular to her photo. As seen in [Figure 22](#), the text reads "Affeminado," Spanish for *effeminate*. In my eyes, this woman looks no different from the other women, but it is as if after reading that text, that Jarol's face and upper body appears more masculine. Is the policeman who wrote *effeminate* referring to a transgender identity? The homophobic sentiment of describing another person's physical features as "effeminate" is apparent in Jarol's entry. It is also interesting how Jarol was detained with women instead of being forced into a jail with men, as is most often the case in homophobic and patriarchal institutions that normalize gender as biological. Did Jarol ask to be taken to a women's facility, or was it standard protocol to take an "effeminate" individual to a women's jail? In her entry it lists that Jarol was arrested for fighting. Who did she get in a fight with? Her boyfriend? Friend? Neighbor? Many other women like Jarol were arrested for fighting. It would be interesting to compare this to a photo album of all men to see if a large number of men were also arrested for fighting, or if more women were arrested for fighting because it violated gender norms of femininity since aggression is accepted as a male characteristic in a patriarchal society where women are disciplined to be submissive and passive. "Jarol Garmoza Caceres" is my best attempt at her name, however as seen in the image, the handwritten text under her photo is extremely hard to read. I could be reading her name wrong. It is as if she is partially named but the illegibility of the text denies her from a complete identity. With the information given in the record it would be difficult to trace Jarol and find out what happened to her. I previously noted that indigeneity is illusive in these records.

Transgender and non-gender conforming identities are even more illusive, as seen with Jarol's subtle nuances that I almost missed. Transgender identities, especially transgender women, are gaping holes in the record, rarely seen and discussed in social and academic circles pertaining to the repression of the Civil War. Most commonly when women's voices are expressed, it is that of cis-gendered women's experiences who are centered and legitimated, expressing a "woman" experience. For example, anatomy is further stabilized when discussing the silencing of sexual violence because it serves to fix the category of *woman* and erase other experiences of sexual violence of non-gender conforming individuals to be included in the narrative. What was Jarol's life like? Was she marginalized in Guatemalan society due to her gender identity? Did she experience sexual violence or any other type of physical harm while in custody? How did she experience the Civil War? Where is she now?

My aim in this analysis was to complicate not only the gendering of *the disappeared* trope that is normally masculinized, but also to destabilize the epistemological foundation of the term *disappeared*. Consequently, "disappeared" implies responsibility of the state and the military for that individual's murder. I seek to expand the term to make more space for the women mentioned in this analysis that are not in an official disappeared list and who were possibly not included in any truth commission report or historical memory report written about the Civil War. Ladina, indigenous, and transgender women who were criminalized, as seen in the photo album, did not have the same social value as revolutionary activists but also vanished during the Civil War. I propose that we expand and complicate the term *disappearance*, instead of only linking it to individual cases and evidence of revolutionary leftist men. It is

important to expose the systemic violence of the Guatemalan state by bringing into focus other types of disappearances that are not just acts of explosive violence such as murder, torture, and sexual violence that can be sensationalized by a voyeuristic gaze, and for neo-liberal agendas. The analysis I have shared is an example of more subtle and mundane ways in which the state disappeared people and targeted the most vulnerable and the most stigmatized by society. To disappear these women, the state did not need death squads or counterinsurgency campaigns; it simply used its police officers and their sophisticated record-keeping system. Consequently, the institutionalization of the police proved pivotal because it used policing and disciplining methods that are normalized in society and legitimized it under a genocidal state. My aim was to focus on the banal acts such as theft, marijuana possession, fighting, offenses or crimes that appear mundane compared to tortures, executions, and massive rapes, but at the end of the analysis, all reflect a state-sanctioned murderous and genocidal state that was in control of civilian institutions. What the cases in the photo album bring to light is the social conditions of disenfranchisement, impoverishment, homophobia, and the patriarchal system these women were trying to survive in.

Additionally, in this context it is irrelevant if these women were directly killed by the state or military officials, as proved in the high profile cases of disappearances. At the end of the day, these women also vanished at that moment. It would be an exhausting process to go one by one in all 3,469 cases and investigate what happened to all these women. It is possible many of them survived and are living normal lives. However, it is unsettling to see thousands of names and faces of women under the control of the police during the Civil War and then never see their faces again or hear their stories. In other

words, these women are disappeared from the narrative of the Civil War. They are not found in the historical memory reports that honor the lives of all who suffered. It is not a coincidence that we are talking about thousands of women who inhabit the lowest rungs of society – the “prostitutes,” the “murderers,” the “thieves,” and the “drug addicts.”

To that end, the state assumes nobody cared about these women because in the eyes of the state, they were disposable. Even if a loved one did miss one of these women, perhaps they would feel shame from society’s stigmatization of their loved one and not search for them. The state believed nobody would notice they went missing, that nobody would call Amnesty International because few human rights organizations would support and fight for drug addicts, prostitutes and murderers. It is baffling to think this album only covers 15 years, half of the Civil War. Where is the album that covers the other half, including the most repressive years (1982-1984) of Rios Montt’s rule?

Chapter 6: Conclusion

As I finish this dissertation, a landmark trial is taking place in Guatemala that charges former military officers for the crimes of sexual violence, sexual slavery, domestic violence, murder and forced disappearance. The case is named Sepur Zarco after the military base in El Estor, Izabal where the crimes occurred. The plaintiffs in the case are 15 Mayan Q'eqchi women who were forced to perform twelve-hour shifts in which they had to cook and clean for the soldiers.²⁸⁶ The Q'eqchi women also accuse the military officers of subjecting them to systemic rape. The two defendants charged in the case are the chief of the military base Esteelmer Reyes Giron and regional military commissioner Heriberto Valdez Asij.²⁸⁷ Sepur Zarco exemplifies how sexual violence was not an act of isolated violence separate from the human rights crimes of enforced disappearance and genocide, but rather all three human rights crimes are interrelated.

The Q'eqchi women were targeted because their husbands were peasant leaders who resisted the attacks of local landowners who were taking their land, which the peasant leaders held legal titles to. The landowners called on the military for help in the situation and as a result, the leaders were later forcibly disappeared by the army, leaving the women to live alone in their village. "First the army came for the men...A few weeks later, they came back for the women. Soldiers raped them in front of their children, burned down their houses and crops, stole their meager belongings and made them move

²⁸⁶ teleSUR, "Sepur Zarco Trial: Guatemala Women Seek Justice for Sex Slavery," (2016), "<http://www.telesurtv.net/english/news/Sepur-Zarco-Trial-Guatemala-Women-Seek-Justice-for-Sex-Slavery-20160130-0024.html>". .

²⁸⁷ Ibid.

into shacks outside the nearby military base.”²⁸⁸ This dissertation has exposed how human rights internationalism and truth-telling genres have pushed particular bodies and human violations, such as enforced disappearances, to the forefront of the Civil War narrative. However, the ways in which the case of Sepur Zarco brings together the crimes of enforced disappearance and sexual violence paints a larger picture of the systemic violence that affected everybody under military attack – not just ladino and indigenous men, but also women.

Moreover, Sepur Zarco “... marks the first time in history that sexual slavery charges are prosecuted at the national level, in the country where the crimes were committed...this trial could set a new precedent for prosecuting sexual violence in the context of armed conflict...” It is ironic to end this dissertation that focused so much on the absence and injustices related to sexual violence, with a discussion of Sepur Zarco that at first glance can appear to give a happy ending to this project. In other words, Sepur Zarco can generate a good feeling about the progress of human rights in Guatemala and that the silencing of sexual violence against indigenous women is going to be resolved in this historic trial that is finally bringing visibility to sexual violence crimes after 30 years.

However, this is precisely why I wanted to end with this discussion. I seek to complicate the feelings of progress and justice that audiences are drawn to believe within the framework of human rights internationalism and legal justice. My aim is not to diminish the accomplishments of the Guatemalan women’s groups who worked with indigenous women or undermine the courageous Mayan women who are risking their

²⁸⁸ Nina Lakhani, "Guatemalan Soldiers to Answer Civil War Sexual Slavery Charges in Historic Trial," (2016).

lives for justice. Instead, I argue that Sepur Zarco is not enough when contemporary femicides in Guatemala are still on the rise. Furthermore, Sepur Zarco relies on the truth-telling genre of oral testimony and forensic anthropology, which demonstrates a familiar pattern of constructing the truth regardless of the type of human rights violations. Despite, the exclusion of sexual violence in human rights internationalism, this rhetoric is still operating through the truth-telling genres that enable Sepur Zarco to be co-opted into a spectacle in which the women's experience of violence is sensationalized and taken out of historical and social context. Also, oral testimony makes the women vulnerable to aggressive interrogation and suspicion from the defense attorneys who simply view their experiences as subjective and counter to their defendants' perspective of what happened. For example, in an interview with Hilda Aguilar, the defense attorney for Reyes-Giron, she referred to her defendant as a victim of a justice system that has been manipulated by "ideological and political topics that should not be discussed in a legal setting."²⁸⁹ Aguilar further states, "Not only do these ideological and political platforms cause tort to the Sepur Zarco case but they also injure an entire society."²⁹⁰ In the entire interview, Aguilar uses legal jargon to deflect attention away from the women's testimony of what they experienced and does not even say the words sexual violence when referring to the case.

Additionally, when Moises Galindo, the second lawyer representing Reyes-Giron, was asked about how he felt about defending military officials accused of crimes against humanity, he responded, "I lived through the Civil War and if there were excesses

²⁸⁹ National Guatemalan Alliance, "Sepur Zarco a Judgment Announced," <https://www.youtube.com/watch?v=aLdBxGK9un0>.

²⁹⁰ Ibid.

or errors, horrors of the war that was not a policy of the state or the military.”²⁹¹ I use the responses of Aguilar and Galindo to expose the debate currently taking place in Guatemala, which reflects a deep division in Guatemalan society. A large sector of society, majority non-indigenous, elite and middle classes share the views of Aguilar and Galindo. If I were to engage with them in conversations about legal cases such as the Guatemalan genocide case and Sepur Zarco, their response would simply be that there was no genocide or sexual violence and that the Civil War was a conflict between armed groups. Galindo and Aguilar demonstrate the danger of falling into the discourse of legal justice and human rights that simply leaves you arguing on whether there was a genocide or not. This dissertation argues much more complex theoretical and material concepts that dismantle the neo-liberal and colonial discourses currently used by lawyers, retired military officers, Guatemalan politicians and the larger Guatemalan society to keep the structural forces in place.

This dissertation set out to interrogate the ways in which the human rights discourse of “truth, memory, and justice” are structured on positivist and empirical knowledge that construct a universal human rights subject. In the case of Guatemala, the objective model of visual evidence rooted in Eurocentric ideology and colonial history has positioned the non-indigenous upper and middle class man as the symbol for “truth, memory, and justice” in the narrative of the Civil War. For example, in this dissertation I have interrogated the use of documentary footage and textual documents as imaging technologies that function as a visual confirmation that human rights violations occurred. It is interesting to note that all of the evidence explored in the chapters, such as

²⁹¹ Canal Antigua, "At 8:45 in the Interview with the Case of "Sepur Zarco", "
https://www.youtube.com/watch?v=BRIDU_StNRU.

documentary film, military and police documents, are used in human rights internationalism only to prove two types of human rights violations: enforced disappearance and genocide.

The importance of this study concerns the way in which it interrogates human rights norms and transitional justice discourse in order to make room for alternative epistemological frames that recognize genocide as sexualized and gendered structures. The historic disavowal of sexual violence in human rights internationalism and the contemporary alarming rates of feminicides in Guatemala have further erased the ontological presence of indigenous women. Indigenous women not only suffered the most sexual violence in the Civil War, they continue to be targeted in the post-conflict period. Human rights internationalism has seeped into academic literature and constructed an official Civil War narrative that prioritizes legal justice for enforced disappearance and genocide cases. As a result, the bodies and stories of non-indigenous, middle class men surface in historical, anthropological, and archival literature, lacking a critical analysis of the interlocking structure of race, gender, class, and sexuality. This study sought to answer the following research questions:

- 1) How were ladina and indigenous women targeted by the state and the military during the Civil War? What are the general patterns?
- 2) How did official cultural discourses—state, military, and Catholic Church—construct race, class, sexuality, and gender?
- 3) How is the “archive of terror” (Guatemalan National Historical Archive, Operation Sofia, and the Death Squad Dossier) gendered and racialized?

In Chapter 2, I juxtaposed the documentaries *Granito* and *Echo* to show the contrast between the ways in which ladinos and indigenous people were being targeted differently by the state. *Granito* focused on the genocide that Yates filmed during the summer of 1982, which intentionally targeted the Ixil Triangle located in the Western Highlands of Guatemala, home to majority of indigenous people. *Echo* focused on the enforced disappearances during 1983 and 1984 in Guatemala City that targeted ladinos who belonged to the middle and professional class, such as students, union leaders, and lawyers. Consequently, ladina women were able to use the colonial patriarchal exchange system that rewarded them for their position of motherhood and strategically use maternalist ideology to carve a political identity. Ladina women's hetero-patriarchal privilege enabled them to become the mothers and wives through the eyes of the state and use this super-mother legacy to organize in the way that GAM did in Guatemala City.

On the other hand, Chapter 3 examined the widely known counterinsurgency document authored by the Guatemalan army during the 1982 genocide in the Ixil Triangle. Operation Sofia gained notoriety as a powerful textual document because it was instrumental to proving the chain of command of the military and implicate General and de-facto president at the time of the genocide, Ríos Montt. However, despite Operation Sofia's success in the genocide case it was not used as a stand-alone document to convict individual soldiers much less indict the institution of the military for the crime of sexual violence. As opposed to *ladina* women being victims of enforced disappearance or also fighting for the return of their husbands in Guatemala City, the counterinsurgency campaigns simultaneously taking place in the rural regions were responsible for committing sexual violence against indigenous women.

In Chapter 3, I used the historical memory report *Stitches*, which collected oral testimony from indigenous women survivors of sexual violence during the civil war. According to testimonies in *Stitches*, unlike ladina women who were able to mobilize a political identity using maternalism ideology, motherhood was used against indigenous women. Countless testimonies in all three historical memory reports (CEH, RHEMI, and *Stitches*) recount horrific stories of indigenous women's wombs being opened, pregnant women being raped, and other unimaginable acts of terror targeting their sexual reproductive system.²⁹²

In regards to research question 2, in chapter 3 I examined how official state and military discourses constructed genocidal campaigns intended specifically for the rural regions. Ríos Montt's infamous Operation Sofia counterinsurgency was a product of both Guatemalan and U.S. military intelligence aimed at pacifying unruly communist groups in which the military had identified the indigenous populations as the internal enemy. As seen in my analysis, The National Plan for Security and Development (PNSD) used nationalist and anti-communist rhetoric to construct guerilla members as *subversive forces* of the state. The guerrilla members of the main revolutionary organizations (PGT, EGP, ORPA) consisted of both indigenous and ladino members, however leftist ladino guerilla leaders were very active and the leaders of the armed movement that was taking place in the rural regions. Therefore, the moment that the PNDS becomes racialized and gendered is when it aims not at armed ladino or indigenous guerilla members but more so when it targets subversive forces and their supporters. In the Guatemalan genocide case, the analysis of Operation Sofia by archival experts and historians demonstrated the

²⁹² Consorcio Actoras de Cambio/Equipo de Estudios Comunitarios y Accion Psicosocial (ECAP) y Union Nacional de Mujeres Guatemaltecas, *Stitches of the Soul: Memories of Mayan Women Survivors of Sexual Violence During the Armed Conflict* (Guatemala City: F&G 2011).

military was instructed to view all indigenous residents of the Ixil Triangle as internal enemies. Regardless if they were armed or not, male, female, elderly, or children, etc. were to be considered automatic supporters of the guerrillas and therefore should be eliminated.²⁹³ In contrast, paramilitary units or death squads used a list that named the specific person they were to abduct. There exists no military or state policy that instructed the Guatemalan army to go into Guatemala City and murder all of the individuals named in the list including their supporters, which could be interpreted as family or neighbors.

Therefore, the racialization of the PNSD was rhetoric set up to produce genocidal violence aimed at rural disenfranchised indigenous communities. The way in which the rhetoric dehumanized them into *supportive subversive elements* demonstrates how indigenous communities were stripped from any subjectivity such as having a name and identity on that list. Victims of enforced disappearance were mostly specifically selected and consisted of a single kidnapping in which the family of the intended victim was spared, as was the case for most ladinos living in Guatemala City.

The way in which indigenous peoples were murdered and tortured also reflects the racialization and dehumanization of their bodies. For example, entire villages were massacred meaning that hundreds of individuals were slaughtered like animals.²⁹⁴ It is important to remember that the reason why ladinos were named in a list was because the state was interested in extracting valuable information about the revolutionary movement and capture guerrilla leaders. Consequently, victims of enforced disappearance were not

²⁹³ Kate Doyle, "Excerpt from an Analysis of the Operation Sofia Documents," ed. Kate Doyle (Washington DC 2009).

²⁹⁴ *Guatemala Memory of Silence: Report of the Commission of Clarification* (Guatemala City: Litoprint, 1999).

killed instantly because they were first tortured and interrogated for information. In contrast, the indigenous women and children were not prominent leaders of the revolutionary movement nor did they possess valuable information worthy of extraction, they were just simply in the way and murdered or raped at the moment of attack. Witnesses have even said many of the dead were not kidnapped and taken elsewhere but were murdered instantly and left in the villages. Due to their family escaping to the mountains, their loved ones' remains were not buried properly. Subsequently, their bodies' naturally decomposed and stray dogs in the abandoned villages chewed their bones. It is interesting to note, that many of the enforced disappeared were found buried in clandestine cemeteries in Guatemala City, and in those cases, even without a body, legal justice was served to that individual. On the other hand, the horrific acts of senseless violence enacted on the rural highlands and onto indigenous bodies that were not as neatly covered such as burial of the bodies and organized by the state and military as seen in the sophisticated and tactical planning of enforced disappearance have been more difficult to prove in the courtroom. These acts constituted the most gruesome violence and demonstrated overkill with no bodily integrity for the victim and at the same time leaving all the evidence in plain view such as the bones left to chew by dogs, yet these massacres lack legal justice and international human rights attention and fall into the dark muddled background of the civil war.

Moreover, the counterinsurgency campaigns constructed all indigenous peoples including men, women, children, and the elderly into enemies of the state. Additionally, their oppression was used against them when Ríos Montt claimed that due to the

historical neglect of the state, they were more probable to be hostile to the military.²⁹⁵

Unlike previous massacres under the Lucas García dictatorship that targeted mostly men, massacres during the summer of 1982 included women and children. The military also used the absence of the men who had either been murdered or fled to the mountains in their advantage and committed sexual violence of all the women and girls who were alone in the villages. Indigenous women's sexuality was further constructed as a threat by state and military rhetoric that rendered their sexuality dangerous because of their ability to reproduce future children that through the eyes of the state only meant more enemies to exterminate.

For the third question regarding the archive of terror, all of the chapters examined a particular piece of visual evidence needed to pull together a narrative of truth and justice. The uses of textual documents as evidence for legal proceedings, such as military, police, and government documents, are woven into all of the chapters and the main picture they depict are the stories of enforced disappearances and genocide, which I interrogate in different ways. For example, in Chapter two we are introduced to Operation Sofia, the DSD, and the declassified documents of the NSA. In Chapter three, Operations Sofia and the PNSD (part of the NSA archive) are studied in more depth. Subsequently, in Chapters 4 and 5, I examined the police records of the AHPN and the ways in which archival standards and functions have transformed the records into legal evidence or historical documents. In contrast to Hesford's analysis of how human rights internationalism deploy a spectacular rhetoric through photographs, documentary film, NGO video campaigns, and ethnography, my dissertation centers the archival document

²⁹⁵ Jennifer Schrimmer, "The Guatemalan Military Project: A Violence Called Democracy," (Philadelphia: University of Pennsylvania Press, 1999).

as a vehicle of visual technology. As a result, these documents, such as the patrol reports in Operation Sofia that I analyzed in Chapter 5, function as imaging technologies. Unlike photographs and documentary footage that provide direct visual reference, the reader of the patrol reports imagines in their mind the actors and events that are documented on the record. In other words, the language of the document registers familiar scenes of recognition available to the viewer in order for them to construct the images in their consciousness. In order for the reader to comprehend the text and visualize the document in their mind, the reader has to recognize or identify with the text. Thus, the politics of recognition between the reader and the text is what links the visual technologies to identity markers such as race, gender, class, and sexuality. As argued in Chapters 2 and 4, the DSD and the police records of the AHPN are linked to enforced disappearance that under the revolutionary narrative frame affected mostly ladino, middle and professional class, straight men. In other words, when the readers visualize the text of these records along with seeing the photographs of the men in the DSD, the images that flood their minds construct the ideal human rights subject that American viewers of *Granito* and *Echo* can identify with more easily.

On the other hand, as seen in Chapters 2, 3, and 5, Operation Sofia is often used as evidence of the genocide to expose the structure and behavior of the army – not to prove the murder and sexual violence done to indigenous bodies. Therefore, the imaging technology for Operation Sofia functions differently. Instead of reading the document and imagining the horrors done to the villages and women, the reader imagines the soldier in his daily tasks. The names of the women, their bodies and types of violations they suffered is epistemologically ripped from the record and replaced with the subjectivity of

the perpetrator. Furthermore, the legal and archival application of the term genocide converts the indigenous people into one mass, removing them from individuality and attention to detail that is commonly invested in the victims of forced disappearance.

As seen in Chapter 5, most of the indigenous people kidnapped and murdered in OS are not given a specific gender, name, or address of residence like the victims of the DSD. These factors add to the ways in which the record dehumanizes indigenous people. However the ways in which human rights internationalism deals with the victims of genocide reflects larger structural problems that continue to erase the same oppressed indigenous communities even in the moment of justice. Another pivotal link tied to the gendering and racialization of visual evidence in textual documents is the way in which truth-telling genres function to institutionalize human rights norms. As discussed in Chapter 4, the 2005 discovery of the Guatemalan National Police Archives and the subsequent institutionalization of the AHPN not only produced an archival explosion in which Guatemalan activists and the professional class were being trained as archivists, but it also merged with other truth-telling genres such as forensic anthropology, history, and law. In Chapter 2, I exposed the truth-telling genre of documentary film and law and the ways in which it blurs into human rights discourse as seen in *Echo* and *Granito*. In Chapters 3 and 4, I explored in depth the truth-telling genre of archival science, law, history, and academic scholarship that privileges the expertise from White American academics. Therefore, the thread holding the dissertation together is the way in which these truth-telling genres that emerged from Western epistemology and the U.S. academy are using human rights internationalism as a vehicle to transfer neo-liberal ideology that shapes democracy and justice in Guatemala.

As illustrated in my timeline in Chapter 4, prior to the archival discovery of 2005 the historical memory of the Civil War was narrated through truth commission reports and survivor testimonies. Archival science operated separately from issues pertaining to the Civil War and state actors such as the public ministry were not as engaged in a human rights agenda especially pertaining to the Civil War. However, in current day Guatemala, the archival institutions of the NSA (Washington, D.C.) and the AHPN (Guatemala City) form a transnational imagination that positions the archive as the spectacle feeding national and international truth demands. Furthermore, the funding of INGOs and NGOs connected to the AHPN depict a contradictory political and moral agenda. For example, as discussed in Chapter 4, the primary funders of the AHPN are European countries such as Spain and Germany that under the new public management model channel money from state and non-state agencies under the name of public policy, security, and development. Among the money trail are capitalist corporations of technology and science as seen with the German funder GIZ that is tied to the federal ministry of economics, technology, and defense.

In terms of research question three, the archive of terror is also gendered in the way that the archive deceives the reader into believing dichotomies of truth/false and presence/absence. In this dissertation I have argued for alternative ways to read the absences produced by the archive of terror that focus not on searching for the identity of the missing person but to interrogate the structural forces of the coloniality of power that have removed the ontological and epistemological presence from the record. Furthermore, in Chapter 5 I analyzed not the gendered absences, but rather the excessive absence of ladina and indigenous women in the AHPN. I do not mean absence as in

physically not there because they are pictured and named in the record just like ladino revolutionary men in the DSD. However, human rights internationalism has constructed enforced disappearance and genocide to function as repetitive spectacles, thus leaving no room for other types of experiences that differ from the normative identity and human rights violation representing the ladino urban male revolutionary. For example, in Chapter 5, I discussed the thousands of photographs of indigenous and ladina women in a photo album of detainees during the Civil War and trace back alternative epistemologies occluded in the record. In other words, I interrogate the presence of indigenous women in Guatemala City instead of the more commonly studied space of the rural region. I also examine the ways in which ladina women, despite having racial privilege, fall out of social norms of respectability and femininity because they trespassed societal rules. As a result, I challenged the dominant trope of the *disappeared* that only captures the stories of masculine, revolutionary, ladino and indigenous men by inserting the ontology of these women and subsequently disrupting the official narrative. I do not intend to rescue the women from the archive, but rather interrogate the structural inequalities such as economic, political, and social factors that led them to be disciplined by the state.

I also challenge the way in which U.S. academics are reinforcing the gendering and racialization of the archive of terror. As discussed in Chapter 4, academic colonialism uses truth-telling genres such as archival science, law, and history to transform human rights violations into emblems of forensic science or historical antiques to be archived and stored away by its rightful owner. It is important to remember that these human rights violations occurred only 30 years ago and many still remain in impunity. The structural injustices that led to the Civil War go unresolved and thus play a

relevant role in contemporary Guatemalan society and politics. Yet, current academic scholarship that celebrates the archival discoveries of Guatemala and legal justice accomplishments, lack critical readings of race, gender, class, and sexuality in Guatemalan society.

Consequently, U.S. academic colonialism deploying neo-liberal logic functions to remove the colonial and imperial context from human rights violations and select the ideal human rights subjects that tells a partial story of the Civil War. The selected human rights subjects are rooted in the dominant identity of both U.S. and Guatemalan empires, but who in the context of the Civil War challenged the state and military structures. However, the aim of the structural forces of both Guatemalan and U.S. empires was to commit genocide against the indigenous peoples regardless of whether they were actively resisting the state or not. In other words, many ladinos and ladinas had the political agency to choose to join the revolutionary movement and become guerrilla members because of their own convictions of the social inequality they perceived in their country. Meono talks about his decision to join the EGP because of the consciousness-raising he experienced as a young adult when he visited the rural regions, and Carlos Cuevas learned about the struggle and exploitation of indigenous labor through his sociology program. Indigenous men and women, as we see with the young guerilla members of the EGP in *Granito*, also made a choice of joining the struggle, but in the peak of the violence under Ríos Montt's rule that choice turned into absolute repression as seen with the massacres of unarmed children and women. What political choice could an unborn child have made when he or she was ripped out of the womb of their indigenous mother? The objective of the state and military institutions was the same as in colonial times to

exterminate the non-modern indigenous existence of the majority population to whiten the national politic and construct the ideal non-indigenous national subject.

Theoretical Implications

The analysis that emerged from my research questions expands the current understanding about the ways in which truth, memory, and justice work, shaped by human rights internationalism, is operating in Guatemala. My discursive and textual analysis shows that the promise of legal justice and truth for human rights violations against gendered indigenous bodies is a contentious and contradictory site. Instead of pushing for more scientific and forensic rigor to position human rights violations as pieces of evidence and statistical facts, I propose that theoretically we situate both the Civil War and contemporary violence against women in decolonial theory to incite a different type of conversation.

A decolonial perspective shifts the focus from forensics and legal discourse to a focus on colonial introductions of gender and racial exploitation and displacement of lands. Furthermore, I argue that it is important to locate ladina and indigenous women in a coloniality of gender. The light and dark side of gender recognizes the violent ways in which gender was forced onto the ontology of the colonized to sexually mark indigenous women in the patriarchal system. I historically locate indigenous women's bodies in racial femicide produced by patriarchal and militarized institutions that targets them differently than ladina women. It is imperative to not conflate all Guatemalan women into one category of gender because that reinforces the violent silence that indigenous women have experienced and separates the structures of genocide and sexual violence that in the case of indigenous women operate simultaneously to brutalize their bodies.

Instead, in order to understand indigenous women's experience we need to see a more complete picture of the Civil War, not just how women in the city experienced the state terror, but more so why entire families were labeled as the enemy in the rural regions and why unborn children were ripped from the wombs of pregnant mothers. Additionally, to make more epistemological space for indigenous women we have to challenge the hetero-patriarchal ideologies that favor ladina women, such as the political identity of the super- mothers taking place in the city, which opened a space to organize against enforced disappearances while motherhood was being used in the rural regions to sexually torture indigenous women.

My recommendations for future research are not only that truth-telling genres reliant on forensic and scientific disciplines be interrogated because they are not enough to make structural change that ensures that legal justice be served to the powerless indigenous populations who suffered the most in the Civil War. But most importantly that alternative epistemologies be acknowledged and recognized to decolonize justice. The structural powers of a racist state owned by a few oligarchy families fueling a hetero-patriarchal militarized society in which only those tied to a dominant identity survive is the thread that transcends the history of colonialism, the Civil War and contemporary Guatemalan society. Thus, indigenous women are constructed as the vulnerable and powerless bodies in all those historical periods. Therefore if they continue to receive the brunt of the Coloniality of power then it means those structures remain intact. I argue that it is contradictory to celebrate and invest in a neo-liberal model of legal justice that lacks critical analysis from U.S. academics, NGOs, and INGOs at a time when war is still being waged on the bodies of indigenous, working class and non-heterosexual women. In

other words, what does it mean that the most legible justice we have in the present is for the ideal human rights subject, which I have argued is the ladino urban revolutionary disappeared man? Ladino men and women are no longer under attack like they were in the civil war. Although it is important to bring justice and closure to those cases, it is not enough because it does not address the larger structural oppression that was not aimed at them but at genocide against indigenous peoples. The violent attack on indigenous bodies has not ceased, the torture and sexual violence as was seen in the Civil War manifests itself again in the feminicides in which poor ladina or indigenous women's bodies cannot survive.

Femicide is the true test that exposes the failures and differing political and moral agendas of human rights internationalism. If academic scholarship does not attempt to decolonize discourses of truth, justice, and memory by reaching for further possibilities and alternative epistemologies than the human rights motto of "Never Again" referencing the non-repetition of more crimes against humanity and genocide appears futile. Therefore, I propose that as U.S. academics, we approach countries rooted in histories of colonialism and imperialism in relationship to the U.S. and from which the U.S. empire profited and gained more privilege for its citizens, through a more critical lens when dealing with modes of justice that do not aim to change colonial structures. I propose we decolonize the approach to justice that requires a Western epistemology that is very familiar to U.S. academics who come from histories of oppression. Instead, as academics of all racial and ethnic histories, it is important to begin to make theoretical space in academic scholarship for non-western colonized ontologies and epistemologies to emerge

and speak for themselves and be believed because we understand how the Coloniality of power works and not because of the documents they hold in their hand.

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