

Rights Action - April 9, 2012

Grim Reality of Violence and Repression Against Women in Guatemala ... & Impunity

BELOW

An article "On the Problem of Femicide" about violence and repression against women and girls in Guatemala, and the daily and historic reality of impunity.

HELP THE MAYAN-QEQCHI WOMEN OF "LOTE 8" HAVE THEIR 'DAY IN COURT' IN CANADA

We recommend this article, in its own right, and as a way to better understand why Rights Action is supporting a civil suit, in Canada, against HudBay Minerals for the gang rapes of 11 Mayan Qeqchi women, that took place in January 2007 as part of an illegal and brutal effort to forcibly evict the Lote 8 villagers to make way for the nickel mining interests of HudBay Minerals.

DOCUMENTARY VERSION OF "AVATAR"

The illegal and brutal forced evictions of Mayan Qeqchi communities in eastern Guatemala, carried out to further the interests of global nickel mining companies, are like the reality version of the movie "Avatar".

TESTIMONY OF ROSA ELBIRA

A Mayan Qeqchi woman and gang rape survivor [speaks](#) (September 2011, 5 minutes):

<http://www.youtube.com/watch?v=dSGuDk4cnz4>

IMPUNITY

"On the Problem of Femicide" properly explains why there is virtually no chance of having any justice done in Guatemala, for the gang rapes of the 11 women, let alone other killings and attacks committed in the interests of HudBay Minerals, let alone the daily fare of violence crimes and State repression. Violence against women and girls is the norm; impunity and a lack of justice are the norm.

QUALIFIER

This otherwise excellent article misleadingly presents Guatemala's violence, repression and impunity in a "nation state" framework. The problems that characterize Guatemala are local, national and global issues all at the same time, and particularly related to and caused by US military and economic policies going back at least to the 1954 US-orchestrated military coup in Guatemala that ushered back into power the military and economic elites that dominate Guatemala today, with impunity.

Positive references in the article to the presence and support of U.S. ambassador Stephen McFarland for one of the few rape/ murder trials to even proceed to sentencing, serves to cover-up the historical and on-going role of the US government in arming, training, funding and providing "intelligence" to the very sectors of Guatemala society responsible for the most brutal atrocities, and responsible for Guatemala's endemic corruption and impunity.

MORE INFORMATION

About human rights in Guatemala, in general, and about efforts for justice in Canadian courts for the women of Lote 8, please see below.

- Please re-post and re-publish this information
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ON THE PROBLEM OF FEMICIDE

by AARON SHULMAN, LOS ANGELES REVIEW OF BOOKS, 29th Mar 2012

<http://lareviewofbooks.org/post/20114339891/letter-from-guatemala>

On a sunny April morning in 2009, Norma Cruz sat at the prosecution's table in a courtroom on the 15th floor of the Tower of Tribunals in Guatemala City. A petite, almost mousy woman of 47, she didn't give the impression of someone accustomed to death threats or hunger strikes, yet as the director of La Fundación Sobrevivientes (the Survivors Foundation), a leading force in the fight against gender-based violence in Guatemala, she is no stranger to either.

Dressed in a sharp gray suit, Cruz waited patiently with her hands folded over a legal notepad while observers trickled into the courtroom, among them U.S. ambassador Stephen McFarland. It was the opening day of the trial for a triple murder that had left Guatemala aghast the previous spring: three sisters, Heidy, Diana, and Wendy Suruy, ages 7, 8, and 11, respectively, found dead with their throats slit in the woods of their small town in the municipality of San Lucas Sacatepéquez. Wendy showed signs of rape. Under Cruz's oversight, the prosecution team had spent the last 11 months meticulously assembling a case against the three young men charged with the crime, Moroni Silva, Luis Socoreque, and Áxel Cho. With conclusive DNA evidence, over 60 supporting witnesses, and the murder weapon itself - a machete - Cruz hoped to rack up swift, definitive convictions.

These auspicious factors in the case of the Suruy killers are the exception, not the norm, in Guatemala. A victory for the prosecution would only highlight the tremendous obstacles that need to be overcome in a country where justice for crimes against women is nearly impossible to obtain. Since the turn of the millennium, over 5,000 women have been murdered in Guatemala. To give a better idea of what this figure means, consider that if Guatemala, with its population of 14 million, were the size of the United States, this would add up to 110,000 women murdered in a decade. And conditions are only worsening with the passage of time. In 2000, 213 women met violent deaths in Guatemala, compared to 720 in 2009 and 675 in 2010. Worse still, only an estimated 2 percent of these cases have received legal action. The victims are mostly the "nobodies" of society, poor women, in many cases indigenous, from families lacking resources and education. Their bodies are often found mutilated, with indications of rape. Investigations are routinely botched, if they're even pursued. "She was a prostitute," a police investigator might say if the victim has a belly-button ring or is wearing a miniskirt. The investigation is closed before being opened.

No female is safe from the violence: not little girls, not housewives, not foreigners. The elevated level of aggression against women is not a isolated phenomenon in Central America - El Salvador and Honduras, for example, also present alarming statistics - but nowhere in the region is it worse than in Guatemala, where U.S. Cold War foreign policy aided in establishing a devastating culture of violence that persists today. At the same time, the

situation echoes that of Ciudad Juárez, Mexico, where the murder of approximately 400 women since 1993 has drawn much international attention. Only in Guatemala the problem takes place on a much greater, less localized scale. In other words, simply being female is a dangerous liability throughout the country, and an increasingly fatal one.

If Heidi, Diana, and Wendy could be saved from becoming one more bleak statistic of impunity, it would mean first and foremost that the girls would receive justice, but would also be a direly needed statement in the face of so many cases unlike theirs, in which the perpetrators roam free.

As bailiffs dollied in cardboard boxes holding the prosecution's case, Cruz gave a steadying look of support to the girls' mother, Aura Suruy, who took her seat in the front row of the courtroom. A humble 37-year-old woman with black hair and reddish skin, Suruy wore a pink shirt with a button identical to that of numerous people in the audience. It showed a picture of Heidi, Diana, and Wendy together, with the words: Cero a La Violencia Contra Las Mujeres - Si a La Justicia - No a La Impunidad (Zero Tolerance for Violence Against Women - Yes to Justice - No to Impunity). Moments later a murmur rose as the defendants appeared, escorted to the far side of the room by 10 armed policemen. A photographer snapped pictures of them. Though dazed-looking, Silva, Socoreque, and Cho were used to being in the eye of the media.

In May 2009, when the crime occurred, the news sent a wave of outrage across the country, no negligible feat in a place as inured to violence as Guatemala. During its 36-year civil war, which ended in 1996, over 200,000 people were killed or disappeared, many perishing in gruesome massacres carried out by state forces in a genocidal campaign against indigenous communities under the banner of "anti-communism."

In the years since the accords between guerrilla groups and the government were signed, Guatemala has seen its peacetime hopes buckling. Corruption is widespread, judicial impunity is the norm, drug trafficking has flourished, as have maras or gangs, all of this combining to form a culture of violence even more pernicious than that of the past. An average of 18 people are murdered every day in Guatemala, a shocking figure in such a small country. Many people claim the country was much safer for the average person during the armed conflict, even in its most violent periods. This fact leads to the brutal irony at the heart of the flourishing of woman-killing in Guatemala: it is a result of peace - or "peace."

This is a troubling fact to have to wrap one's head around, but Guatemalans do it every day. When the peace accords were signed in 1996, people knew that establishing a true, modern democracy would be an extremely challenging project, but there was much hope about the future. Civic institutions, however, have proved all too susceptible to the past. The state security apparatus, the very institution responsible for so many years of terror, has remained embedded in government and forms the backbone of the "poderes ocultos" - hidden powers - the powerful network of criminals that has insinuated itself into the bedrock of civil society, reveling in corruption and impunity. There has been jaw-droppingly little legal action taken against war criminals from the civil war period, a precedent that has demonstrated to murderers that justice is nothing to be afraid of.

With such developments emerging as the defining factors of peace, it is no surprise that Guatemalans often react to news of macabre violence with blasé

indifference. It is an emotional coping mechanism. Yet, in spite of this, the killing of the Suruy sisters managed to shock people out of their resignation, sending the public into a bout of painful self-reflection. An account of the case published in *el Periódico* three months after the murders provoked a cascade of soul-searching posts on the newspaper's website.

One reader wrote: "We as a people haven't acted how we need to act." "Whose fault?" asked another. "All of us who let our justice be a rotten shell." One comment ended with a simple wish: "Hopefully it's not one more case that remains in impunity."

In contrast to so many homicides in Guatemala, the culprits in the Suruy case were apprehended, and quickly, thanks to the collaboration of Norma Cruz's Survivors Foundation and government investigators. Cruz visited the crime scene herself after the girls' bodies were discovered near the path they took home from school. She walked among the bloodstained leaves on the ground. When police failed to take DNA samples, the Foundation coordinated an exhumation of the girls' bodies. It is easy to imagine how the investigation could have been blown were it not for the diligence of Cruz and her people. "It was a very fortunate case," Cruz says, eager to underline what it looks like when an investigation is done properly. "In a period of five days, evidence was gathered and those responsible captured."

When the machete used to kill the girls turned up in the family well on the Suruys' very own patio, Áxel Cho, the husband of the girls' older sister, who had lived with the family for the last four years, was arrested, along with two local malefactors, Silva and Socoreque. It soon came out that Cho, the brother-in-law, had touched Wendy's leg in a sexual way earlier in the month. And Silva, nicknamed "The Pig," had previously threatened her life for implicating him in the robbery of her aunt's house. There are other relevant details about the men's behavior, but the specific factors that culminated in the crime do little to explain its heinousness.

The investigation of the Suruy sisters' murders is characteristic of the work of the Survivors Foundation, whose stated goal is to "eradicate every form of violence against women." With such lofty ambitions, Cruz has conceived a dynamic, multipronged approach. Victims of violence who go to the Foundation's offices in Zone One of Guatemala City gain access to a social work team, a psychological unit, legal representation in both civil and criminal cases, and temporary refuge at a battered women's shelter - all for free. Cruz has also joined the fight against illegal adoptions and trafficking in persons. Her legal staff gives a voice to victims unequipped to take on Guatemala's corrupt judicial system, making small but crucial dents in the pervasive culture of impunity. At the behest of Aura Suruy, soon after the murders Cruz became the querellante adhesiva on the case, a legal term making her a third-party private prosecutor. For Cruz, the most important part of her job is just this, *acompañamiento* - which means accompaniment, and has a nuance of deep solidarity, speaking to something beyond just sitting at the prosecution's table and acting as a logistical point person. "It's to put oneself at the front of the case," Cruz says. To put oneself at the front of a case - any case, but especially cases of violence against women - is a dangerous proposition in Guatemala.

From the composed, alert way Cruz took notes during the trial, one wouldn't have guessed she was working with a fresh spate of death threats hanging over her head. They related to a different case also receiving *acompañamiento* from the Foundation. It concerned the rape of a young girl by

her schoolteacher and the subsequent murder of the girl's aunt for pressing charges. The teacher was named Leonel Ayala. His childhood friend Juan José Santos Barrientos, a man with links to organized crime and an alleged participant in the 2008 torching of a bus, which killed 14 fourteen Nicaraguans and one Dutch tourist, ended up in jail with him for their involvement in the murder of the aunt. Using contacts on the outside, Barrientos has devoted himself to threatening Cruz and her family. "Daughter of a whore since you didn't understand, I'm going to kill your children and their whole race," read one threat, a text message sent to Cruz on April 3, 2009, a follow-up to this one from March: "You still have time to retract the case of Juan José, this is the last warning, damned midget, because otherwise you will pay with the blood of your children."

Cruz finds such threats unpersuasive. The text messages come so regularly she has her antagonists' cell numbers programmed into her phone alongside those of her friends and family. She has learned to take them with an almost comic casualness. Before holidays she sometimes calls them to suggest a cease-fire until the workweek resumes. "The objective is to get me to stop supporting the family, something I will never do," she says. "Only last year, 55 aggressors were put in jail [by the Foundation] and I imagine they're not very happy with me. It doesn't bother me anymore. Sometimes it bores me. They're not even creative. It's a bother, and in the long run they're not going to accomplish anything. They're not going to intimidate me. They're not going to make me take one step back."

The presence of Ambassador McFarland at the Tower of Tribunals was a show of solidarity in the face of the recent threats. Cruz was a 2005 nominee for the Nobel Peace Prize and recipient of a 2009 International Woman of Courage Award given to her by Hilary Clinton and Michelle Obama. She is highly valued by the diplomatic community. A January press release by the United Nations demanded the government guarantee her safety and that of her staff. She has a security detail assigned to her and her family, and the offices of the Survivors Foundation receive police protection. Asked about the possibility of the threats one day being carried out successfully, Cruz responds with gentle fatalism. "Then I think I did what was in my hands to do, the role that I had, and the fight that I had to push forward. At least I began it. Because there's not much else to do. Your time comes, well, your time comes."

Death threats, however, aren't a perk exclusively reserved for Cruz. The victims and victims' families she represents also tend to become objects of intimidation. Aura Suruy, for example, found herself receiving threats as the investigation of her daughters' murders progressed, not all of them coming from expected quarters. The families of the accused men threatened Suruy, but the surprising moment came when members of the community, the very people expected to serve as witnesses and help convict the killers, began to threaten her. This, according to Cruz, is part of what makes the case of the Suruy sisters so emblematic. "They were scared that they could get called to testify," she says. "They were scared that justice would be done."

The personal cost of justice in a place with such a long history of impunity is a frightening thing indeed, especially when a hired hit is rumored to go for as little as 100 quetzales, or about 13 dollars. But when Aura Suruy was called to the stand, the first witness to testify, she was defiant, if grief-stricken, recounting her story. "They were innocent, loving girls," she said into the court microphone, her voice ragged with tears. "They

weren't bad. They were loving." The defendants listened with unreadable expressions. "Why did they take their lives?" the girls' mother sobbed. "Why?"

Why is a question that hounds anyone trying to make sense of the violence against women in Guatemala. Many people, and not just the ones actively battling the problem, ask themselves how have things gotten so bad. This search for understanding has brought with it a search for the right vocabulary.

The two most common words used to talk about the murder of women are femicidio ("femicide") and feminicidio ("feminicide"). Though academic terms, they have entered the popular lexicon in Guatemala. Coined by the feminist sociologist Diane Russell in the 1970s, "femicide" is defined as "the killing of females by males because they are female." After Russell introduced the word to Latin America at a conference in Mexico in 2004, it immediately caught on, resonating with activists there even more than it did in the English-speaking world.

With one extra syllable, "feminicide" has also become an important term in the region. As David Carey and Gabriella Torres recently put it in the Latin American Research Review, "feminicide holds the state responsible for violence against women because it tolerates perpetrators' violent acts and fails to ensure the safety of female citizens."

Victoria Sanford, director of the Lehman College Center for Human Rights and Peace Studies and author of the forthcoming *The Land of Pale Hands: A Study of Feminicide and Social Cleansing in Guatemala*, describes the term with more specificity but similar emphasis. "It holds the state responsible," she says, "whether by the commission of the killing, the toleration of the killing, or the omission of the state's responsibility to prosecute." If the part to be stressed, then, is the responsibility of the state, perhaps it's no surprise that the Guatemalan government has offered a response to the growing culture of woman-killing, if not a solution.

In an attempt to stem the rising tide of violence, the Guatemalan congress passed Decree-22 in the spring of 2008, the Law Against Femicide and Other Forms of Violence Against Women. The year following the passage of Decree-22 saw an uptick in the number of women murdered, a fact less surprising when you consider the monstrous institutional indifference the implementation of such a reform faces. Many public prosecutors, the legal representatives of victims, and victims' families haven't read the law, let alone plan on applying it.

Cruz is jaded when it comes to lawmaking in the region, even though she and the Foundation were one of the driving forces behind Decree-22. "It is believed that a law is magically going to make problems disappear and it's not true," she says. "If Latin America has one characteristic, it's that it has been a continent where there have been a lot of laws but also a lot of breaking [of those laws]. In Latin America we can make laws every day without following through on one of them."

Or as Carlos Fuentes, another keen observer of the region, puts it in his recent novel, *Destiny and Desire*, "Throughout Latin America homage is paid to the law only to violate it more thoroughly."

It follows, then, that aggressors aren't particularly afraid of the new law in Guatemala, if they've even heard of it. Critics of the government cannily point out a subtext embedded in the choice of "femicide" over "feminicide" in the name of the law. Cornered by the vocabulary, they couldn't use the term "feminicide" - the more relevant of the two, since it registers the state's responsibility - for reasons of saving face. Calling it the Law Against Feminicide would have been a clumsy mea culpa.

As was expected, Moroni Silva, Luis Socoreque, and Áxel Cho were convicted of the murders of the Suruy sisters. The trial lasted only a week. Even without the confession late in the trial from Socoreque, who claimed to have been forced into committing the crime, the result would have been the same. Each man received 163 years, 50 for each murder, and 13 more for the sexual assault of Wendy. The ruling was a small victory in Cruz's ongoing fight, though her steadfast work and that of others has begun to have an effect on other, bigger rulings, outside of Guatemala.

In July 2010, the Ninth U.S. Circuit Court of Appeals in San Francisco made a decision in the case of Lesly Yajayra Perdomo, a Guatemalan illegal immigrant who appealed her deportation proceedings on the grounds that, as a woman, it was unsafe for her to return to her country. The ruling, which reversed the deportation order of two immigration courts, could significantly expand the possibilities for Guatemalan women seeking asylum because of the extreme rates of murder of women. Such a precedent could also extend similar asylum to women from other parts of the world, solely based on their gender. As is so often the case in our ever more globalized world, one approach to Guatemala's endemic violence against women may be played out on the complex stage of hemispheric politics. U.S. politicians uneasy about an asylum decision legalizing a large group of female immigrants may find an expected motivation to help Guatemala combat its social ills at home.

One ambitious strategy already underway is CICIG: the International Commission Against Impunity in Guatemala. A bilateral initiative between the United Nations and the Guatemalan government formed in 2007, CICIG saw a number of unlikely triumphs in its first three years under the direction of Carlos Castresana, a Spanish magistrate previously known for his legal action against Augusto Pinochet. Among other achievements, Castresana sent former Guatemalan president Alfonso Portillo to jail on corruption charges. Five days before the ruling in the Court of Appeals in San Francisco, Castresana resigned, citing a lack of support and cooperation from the Guatemalan government he was ostensibly collaborating with; he was replaced by Francisco Dall'Anese Ruiz, who left his post as attorney general of Costa Rica to head up CICIG. Like his predecessor, Dall'Anese's mandate is not an easy or enviable one. Along with Guatemala's historical legacies of impunity and violence, he is faced with the region's present-day blight: the drug trade. Forced south by Felipe Calderon's aggressive antidrug campaigns, Mexican cartels are finding refuge on the soil of their southern neighbor and setting up new bases of operation there.

When CICIG was created, one of its primary tasks was to combat violence against women, but it has been substantially sidetracked by the systemic barriers inside the Guatemalan justice system, not to mention so many other issues demanding attention.

In the meantime, Norma Cruz has continued her fight. A week after the Suruy verdict, she sat in her quiet office at the Survivors Foundation discussing the results of the case. She didn't dwell on the victory. She pointed out

that the trial was only one of three the Foundation won that week. The other two were for the rape of a young girl, and a woman who survived a violent attack in which she lost an arm. There is never a shortage of work for Cruz and her people. Dozens more women would be murdered in the coming month and the vast majority of these cases, of course, will fall into impunity. A few, however, like the case of the Suruy sisters, will receive support from the Survivors Foundation and other similarly valorous organizations achieving small victories in the fight against gender-based violence in Guatemala.

Asked what she gets out of her job, Cruz leaned back in her chair, sighed, and responded with a frank look, "I don't think there's any emotional benefit. What one gets is worn down because the cases are so fuerte," the Spanish word for strong, in this case meaning shocking or terrible. "The only thing one has is the satisfaction to be doing what one can do as a citizen of this world."

Aaron Shulman is a freelance journalist who has written for The New Republic, New Statesman, and The Awl. He was a 2009-10 Fulbright Fellow in Guatemala, during which time he conducted the research for this article. He is currently based in Spain.

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