

## Maya Achi women, sexual violence war crimes trial in Guatemala

<https://mailchi.mp/rightsaction/maya-achi-women-sexual-violence-war-crimes-trial-in-guatemala>

*“The plaintiffs were raped collectively and multiple times at the military detachment, and sometimes in the victims’ homes. ... The alleged crimes were carried out as part of the counterinsurgency strategy promoted throughout Guatemala by the military high command.”*

- **Article below:** Preliminary Hearings Commence in the Maya Achí Sexual Violence, May 3, 2019, by Jo-Marie Burt & Paulo Estrada

Following upon the precedent-setting “Sepur Zarco” sexual violence, war crimes trial that concluded in July 2017 (see: <https://www.ijmonitor.org/2017/07/court-ratifies-historic-sepur-zarco-sexual-violence-judgment/>), and as eleven Mayan Q’eqchi’ women pursue justice in landmark lawsuits in Canada against Hudbay Minerals for gang-rapes they suffered in 2007, during an illegal, forced eviction of their community of Lote 8 (see: <http://rightsaction.org/hudbay-minerals-lawsuits-media/>), ...

36 Maya Achi women will be in court, May 10, 2019, 2:30pm (Court Towers, 14th fl., Guatemala City) as preliminary hearings continue in their courageous effort to seek justice for systematic sexual violence they suffered as part of the U.S.-backed genocides and Guatemalan state repression of the 1970s & 1980s.

"THE ATTACK AGAINST  
WOMEN WAS SYSTEMATIC,"  
HISTORIC GENOCIDE  
VERDICT, MAY 10, 2013.



#SUHUBOGENOCIDIOYVIOLENCIASEXUAL

6 years later,  
36 Maya Achi women are courageously  
bringing their case forward.  
Preliminary hearings continue May 10, 2:30 pm.  
Court Towers - 14th Floor  
Guatemala City

Rights Action is proud to have long supported Jesus Tecu Osorio (eye-witness to and survivor of the World Bank and Inter-American Development Bank's "Chixoy dam / Rio Negro" massacres) who – since 1993 – has been at the forefront of truth-telling and justice efforts for the war crimes and genocides suffered by Mayan people across Guatemala, and most particularly in his Maya Achi region of Rabinal.

Since he began his involvement in work and struggles for truth, memory and justice, Jesus has founded and co-founded numerous local community development, education, memory and truth, and justice projects, including the "Bufete Jurídico Popular de Rabinal" that is spear-heading these courageous war crimes trials investigating how the State used sexual violence as part of its systemic repression against the Guatemalan people. Rights Action is proud to have been a direct funder, starting in 1994, of many of these initiatives founded and co-founded by Jesus Tecu Osorio.

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## **Preliminary Hearings Commence in the Maya Achí Sexual Violence**

May 3, 2019, by Jo-Marie Burt & Paulo Estrada

<https://www.ijmonitor.org/2019/05/preliminary-hearings-commence-in-the-maya-achi-sexual-violence/>

Nearly a year after the first arrests in the Maya Achí sexual violence case, and after several [delays](#), the evidentiary phase of the trial finally commenced in Guatemala City last week. Judge Claudette Domínguez of High Risk Court "A" presided over the hearings, held on April 22 and 23, during which the

Attorney General's Office presented the charges against the six defendants, all of whom are former military commissioners from Baja Verapaz.

They face charges of crimes against humanity in the form of sexual violence against 36 Maya Achí women between 1981 and 1985.

After the court verified the presence of the parties, the representative of the Prosecutor General's Office (PGN), Zoé Paíz González, objected to the PGN's participation in the proceedings as a third civil party, which was ordered by a court after plaintiffs filed an injunction to that effect. Paíz González argued that the defendants were not government functionaries during the time of the alleged crimes, thus the state should not bear any civil liability in this case.

Judge Domínguez upheld the court resolution compelling the PGN's participation, which is based on the fact that the accused were members of the civil defense patrols (PACs).

Starting in the late 1970s, the army appointed local military commissioners to organize and control the PACs, which became a central element of the Guatemala's counterinsurgency strategy. In rural areas, all men between the ages of 15 and 60 were forced to participate in the PACs, and by 1984, there were more than 900,000 members of the civil patrol system.

The Recovery of Historical Memory Project at the Human Rights Office of the Archdiocese of Guatemala found that military commissioners and PAC members were identified as perpetrators in [one out of every four massacres](#).

Next, the court invited the representative of the Attorney General's Office, Lucrecia Morales Ruíz, to present the charges. Before so doing, the prosecutor requested authorization to dismiss the charges against defendant Juan Cecilio Guzmán Torres, who died of natural causes on August 29, 2018. Morales Ruíz also sought to add new details about specific charges, which she asserted rose to a level of aggravated crimes; specifically, that three of the victims were pregnant at the time they were sexually violated and suffered miscarriages as a result; and that one of the victims was just 12 years old; and that these facts were known to the alleged perpetrators at the time of the crimes.

The public defender Raisa Rodríguez Najera, who is temporarily representing two of the defendants (Simeón Enriquez Gómez and Pedro Sánchez Cortez), filed a motion objecting to the changes, but Judge Domínguez denied the motion.

Rodríguez Najera also objected to the prosecutor's summary presentation of the evidence. She said that because one of her clients is affected by the new charges, she wanted the prosecution to provide additional details about each piece of evidence. The court allowed this, thus the prosecutor was required to present detailed information about the evidence. The evidence included victim and eyewitness testimonies, expert reports, and certificates confirming the identities of the victim-survivors and the defendants, as well as official military documents.

Three other former military commissioners who were part of the Attorney General's Office's accusation remain fugitive in this case.

## **The Charges**

Prosecutor Morales Ruíz described the crimes of which the six former military commissioners stand accused, stating that the plaintiffs were raped collectively and multiple times at the military detachment and sometimes in the victims' homes.

The prosecutor said that the alleged crimes were carried out as part of the counterinsurgency strategy promoted throughout Guatemala by the military high command during the internal armed conflict (1960-1996). She then presented specific accusations against each of the six defendants.

First, the prosecution stated that Pedro Sánchez Córdex, while patrolling with troops in the Plaza of Rabinal on August 25, 1983, pointed out Paulina Ixpata Alvarado and Pedrina Ixpata Rodríguez, who were then captured and taken to the Rabinal military detachment. The women were then held there for approximately 25 days. The defendant is accused of raping the two women while they were in military custody, along with other military officials, individually and collectively.

The prosecutor accused brothers Benvenuto and Bernardo Ruíz Aquino of taking turns raping 12-year-old Pedrina López de Paz in her home and in front of her younger siblings on August 29, 1982. This occurred after the accused identified the children's parents, who were then taken away by the army. Morales Ruíz stated that the prosecution will present an eyewitness to these crimes.

The prosecutor stated that in October 1981, defendant Damian Cuxum Alvarado entered the home of Marcela Alvarado Enríquez and began interrogating her about her husband. The prosecutor accused Cuxum Alvarado of tying up the victim's daughter, then raping her. Afterwards, he and other patrolmen and soldiers looted her home. Alvarado Enríquez was three months pregnant at the time of these acts and suffered a miscarriage as a result.

The prosecutor accused Cuxum Alvarado, along with another defendant, Simeón Enríquez Gómez, of breaking into the homes of Margarita Álvarez Enríquez and Estefana Alvarado Sic in November of 1981, together with members of the army, and raping both women, despite the fact that they were pregnant. They also looted their homes. Furthermore, Alvarado Sic was taken to the military detachment, where she suffered further rapes over the course of three days. Both Álvarez Enríquez and Alvarado Sic suffered miscarriages.

The prosecutor stated that Felix Tum Ramirez identified Lucia Jeronimo Ramirez and María Candelaria Xoloc Morales in the public plaza of Rabinal in August 1983, after which they were captured by soldiers, who transferred them to the military detachment. At the base, Tum Ramirez and other members of the PACs raped them during the day, while troops stationed at the base would rape them at night.

The prosecutor further accused Tum Ramirez of the rape of Pedrina Ixpata Rodríguez and Paulina Ixpata Álvarez during the time they were held captive at the base. Earlier, the prosecution accused the defendant Sánchez Cortez of being responsible for the initial capture of the two victims and also of raping them.

Morales Ruíz stated that the prosecution would present an abundance of evidence to demonstrate the crimes and the responsibility of the accused, including the testimonies of the victim-survivors.

Eyewitness testimony would also be called upon, including individuals who witnessed the gang rape of Pedrina Ixpata Rodríguez and Paulina Ixpata Álvarez, as well as women from the village of Rio Negro,

inside the military detachment. Other witnesses include former military commissioners and patrollers, as well as ex-soldiers who were pressed into military service.

One of the ex-soldiers stated that he witnessed the [massacre of Río Negro](#) in 1982, declaring that he saw soldiers transfer surviving women and children by helicopter to Military Zone Number 21 (MZ21), located in Cobán, Alta Verapaz. According to prosecutor Morales Ruíz, these victims were located by the Forensic Anthropology Foundation of Guatemala (FAFG) during exhumations conducted in 2011 and 2012 at the site of the former military base, which is currently referred to as CREOMPAZ, the acronym of a UN peacekeeping training site. (The [CREOMPAZ case](#) is currently [pending](#) before Guatemalan courts.) Protected witnesses also testified that they observed the PACs or soldiers taking children and submitting them to forced labor after several massacres.

The prosecution concluded by stating that these criminal acts and aggravating elements constitute crimes against humanity and called upon the court to rule that there is sufficient evidence to initiate public proceedings against the six defendants.

The women survivors are represented by two lawyers, Lucía Xiloj and Haydeé Valley, as well as lawyer Gloria Elvira Reyes Xitumul of the Popular Human Rights Law Firm of Rabinal (Bufete Jurídico Popular de Rabinal). They supported the prosecutor's case and added additional arguments about the nature of the crimes and the criminal responsibility of the six accused. International Justice Monitor will outline these arguments in a subsequent post.

The court scheduled the next hearing for May 10, at which the defense will present their arguments.

### **Who Gave the Orders?**

Between 1981 and 1983, the military detachment of Rabinal, located in the department of Baja Verapaz, was under the jurisdiction of MZ21, in Cobán, Alta Verapaz. After 1983, Military Zone 4 of Salamá was created in Baja Verapaz, and it took over jurisdiction of the Rabinal detachment. While no senior military officials have been charged in this case, the evidence presented by the prosecution in the case points to the criminal responsibility of senior military officials based in MZ21.

To begin with, the prosecution presented the testimonies of protected witnesses who affirmed that Captain José Antonio Solares González commanded the troops and the PACs at the Rabinal military detachment. The witnesses also implicated him in several massacres, including the March 13, 1982 [Rio Negro massacre](#), in which more than 170 persons were killed.

Another protected witness testified that he was captured and held captive in the Rabinal military detachment, during which time he witnessed troops gang-rape women from Rio Negro, including two of the victims in this case. He also stated that he observed Solares González authorize this conduct. (Solares González has been fugitive since 2003, when prosecutors first began investigating the Rio Negro massacre.)

Another protected witness implicated former military official Major [Luis Felipe Miranda Trejo](#), who was the "S2" military intelligence official in charge of MZ21 between September 1, 1981 and April 30, 1982. Miranda Trejo is one of several officials accused in the CREOMPAZ case who remains a fugitive. He is a member of the Guatemalan Association of Military Veterans (AVEMILGUA) who founded the National Convergence Front (FCN-Nación) that brought current president Jimmy Morales to power.

The Army Chief of Staff at that time was Benedicto Lucas García, and the commander of MZ21 at the time was Ricardo Méndez Ruíz-Roshmer. Lucas García was [convicted](#) in 2018 in the Molina Theissen case and was sentenced to 58 years in prison; the judgment in that case established that under his leadership, the army authorized sexual violence against women as part of its counter-insurgency strategy. He is also [awaiting trial](#) in the CREOMPAZ case.

The Attorney General's Office sought the arrest of Méndez Ruíz-Roshmer, who served as Minister of Governance under Efraín Ríos Montt, in relation to the CREOMPAZ case, but he [died](#) just five days before the warrant for his arrest was issued on January 6, 2018.

([Jo-Marie Burt](#) is an Associate Professor of Political Science and Latin American Studies at George Mason University. She is also a Senior Fellow at the Washington Office on Latin America (WOLA). Paulo Estrada is a human rights activist, archaeology student at San Carlos University, and civil party in the Military Diary case.)

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### **Why Hondurans and Guatemalans Flee**

The U.S. and Canadian governments, and north american and global businesses and investors (hydro-electric dams, mining, African palm, tourism, cattle, fruit, etc.) maintain profitable relations with corrupt, repressive governments in Honduras and Guatemala, turning a blind eye to and benefitting from repression, environmental devastation, human rights violations, corruption and impunity.

### **These are "U.S. & Canadian problems"**

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