

Unrelenting Danger

Guatemalan women face the risk of murder, rape and unspeakable violence every day. The courageous among them are fighting the climate of fear.

By Laura E. Asturias and Virginia del Águila

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Nancy Peralta had defied fate once as a teenager: she survived falling from a bus teeming with passengers and being dragged for two blocks. Although doctors told her she might never walk again, she recovered and got back on her feet. She returned to school, became an accountant and enrolled in state college to become an auditor.

Death caught up to her viciously, when she was 30 and palpably close to achieving her dream. On Feb. 1, 2002, her mother saw her off from their home in a gritty working-class neighborhood in northern Guatemala City. The next time her family saw Nancy was two days later at the morgue, her flesh perforated with 48 stab wounds and covered with bruises. Her body had been discovered in an empty lot in a slum in the southwest part of the city, a few miles from San Carlos University—her college and the place where she had been abducted.

Nancy was one of hundreds of women murdered in Guatemala that year. The death toll in what some scholars have called Guatemala's "femicide" has exceeded 1,600 women since 2001, according to the Guatemala City-based Non-Violence Against Women Network. In comparison, 417 Mexican women have been killed in Ciudad Juarez and Chihuahua since 1993. Yet while the gruesome epidemic of murder in Mexico has prompted a global outcry, the "femicide" in Guatemala has received scant international attention.

In June Amnesty International released its report, *No Protection, No Justice: Killings of Women in Guatemala*, presented in Guatemala City by Liliana Velázquez, president of AI Mexico, and Yanette Bautista, AI's investigator of violence against women. Bautista said the atmosphere of tolerance by the state and societal indifference toward all forms of violence against women contribute to the "femicide". "This constant threat of violence has affected women's freedom of movement, their right to work in safe conditions and their right to the highest level of physical and mental health," she said.

Guatemala City is the epicenter of danger, according to police figures, which put roughly half of this year's murder tally in the sprawling metropolis. As in Mexico, many of the Guatemalan

Women murdered in Guatemala since 2000

2000:	60
2001:	303
2002:	317
2003:	383
2004:	527
2005:	313

(January 1 / June 9)

Source: National Civilian Police
(Police Department)

victims are poor working women of childbearing age. Likewise, corpses found in both countries show unspeakable signs of torture and sexual abuse. While the government blames gangs and drug dealers, some have blamed severe gender inequity for the killings in Guatemala, an explanation that echoes analyses of the Juarez murders.

“Crimes against women reflect the dangerous extremes that asymmetrical gender power relations have reached in Guatemala,” according to a study released in May 2004 by the opposition party Guatemalan National Revolutionary Unity (URNG). “Women are considered the property of men, who in fact or by right are legitimated to impose their will even through violent means... with the certainty that they will not be punished for it.”

Sandra Sayas, head of the Office of the Special Prosecutor for Crimes against Women, says her office receives 800 reports of domestic violence per month, with some ending in murder. “Publicly, it has been repeatedly said that the killings of women are related to gangs or drug dealing. This is partly so, but most of the cases we investigated were related to domestic violence. They could have been prevented, if I were able to put the perpetrators in jail. But I can’t.”

Police and criminal justice officials have publicly stated that they routinely investigate the murders. But advocacy groups say the government has demonstrated a lack of political will to deal with the crisis effectively. It is difficult to fathom: 1,600 murders, but only one conviction to date, for the murders of two teenaged sisters in 2003. Sayas says her office has initiated 68 arrests and obtained at least six convictions thus far—a discrepancy that indicates the lack of consistent record keeping and communication among government agencies. And in early July, after the Amnesty report made headlines, the government distributed a brochure in local newspapers that claimed it had arrested 219 suspects for the murders of women.

The manner in which police investigators determine crime motives is also inconsistent, to say the least. The reports classify these crimes as “rape,” “stray bullet,” “passion problems,” and “personal problems,” among others. As many as 17% of the cases were labeled “passion-motivated.”

But as Hilda Morales, a lawyer and recipient of the 2004 Amnesty International Ambassador of Conscience award, points out, “No legal text refers to ‘passion’ as the motive of a crime.” Describing such classification by the police as “absurd and groundless,” she attributed it to “a sustained official position that seeks to justify the crimes.”



Guatemalan Lawyer Hilda Morales.
Photo: Laura E. Asturias, 2005

“In the case of ‘passion-motivated’ murders, it’s the victim who gets blamed for what the perpetrator did,” she says.

The police classified the death of an unidentified female found in 2003 as “passion-motivated,” even though the only evidence was her skeleton, found on the bank of a sewage channel in the town of Chinautla. “Passion” was also listed as the motive in the death of 82-year-old Olga Estrada Bosch, who was strangled in her home in a middle class enclave of Guatemala City, although there is scant information in her file. No suspects were named in either case.

Many police reports are clearly deficient, but some verge on preposterous. In 2003 Mirna Elizabeth Méndez, 19, died from gunshot wounds. The police report names her husband as a suspect, yet it also states, “According to investigations, the deceased had an argument with her husband, who then shot her with a shotgun. Crime motive: Suicide.”

Unfortunately, there are few other sources of information about these murders. The police department is responsible for the initial investigation of each case. Within 24 hours of a crime, the police submit a report to the Public Ministry (PM) and a second one 48 hours later. After this period, the police “only investigate if so ordered by the public ministry,” Morales says. Obtaining a report from the ministry, says Morales, is “virtually impossible.”

Justice officials and law enforcement agents “simply file or dump the cases and later claim they have no resources and therefore can do nothing,” says Morales. Worse yet, she says, “the Public Ministry’s prosecutor does not inspect his own staff.”

Judicial indifference puts the official seal of approval on impunity. Morales is serving as counsel for the mother of María Isabel Véliz, who was murdered in 2001 at the age of 15. After futile attempts to obtain justice in local courts, the victim’s mother, Rosa Franco, finally brought the case to the Inter-American Commission on Human Rights (IACHR) in January 2005. The Public Ministry’s foot-dragging reached the point that the Presidential Commission on Human Rights has been calling Morales, rather than the ministry, for updates on the case.

Domestic violence and sexual harassment are not crimes according to Guatemalan law, and Congress has thus far refused to incorporate them in the Penal Code, a measure that has been proposed by several women’s groups in the country, including the Non-Violence Against Women Network. “The State of Guatemala is responsible for the “femicide” by action and omission,” says Congresswoman Alba Estela Maldonado, head of the opposition party URNG. Moreover, public officials trivialize the murders of women. President Oscar Berger once publicly said, “Only 8% of people murdered are women.”

In February 2004 United Nations Special Rapporteur Yakin Ertürk one week in Guatemala evaluating the magnitude of violence against women. In contrast to the president’s blithe dismissal of the crimes, Ertürk that the statistics on violence against women in Guatemala “have surpassed those of any other country I know.”

While acknowledging that the number of men killed is much higher, Ertürk that female cases “have a different dimension due to the way in which women are killed: they are raped, mutilated, and this has a terrible impact on women and society in general.” She urged the authorities to invest more effort in identifying and punishing the perpetrators.

When Susana Villarán, Special Rapporteur on the Rights of Women for the Inter-American Commission for Human Rights, visited Guatemala in September 2004, she found that state agencies had scant resources to combat violence against women. The Office of the Special Prosecutor for Crimes against Women receives 1,500 reports of violence every month. Yet at the time of Villarán’s visit, the office had only one prosecutor, eight aides and one vehicle to investigate 127 murder cases. In her final report, the rapporteur underscored that for 13 percent of the women who reported domestic violence to the office and were later murdered, the lack of response had contributed to their deaths.

In Guatemala violent crime is rampant and guns are everywhere. The report underscores “the notable sense of insecurity that women in Guatemala feel today as a result of the violence and the murders in particular.” Indeed women carry fear with them at every moment when they walk on the streets of Guatemala City. That fear is excruciating and constant for those women who ride public buses, for assaults are common on public transportation. Passengers have recounted assailants ordering the driver to turn off the lights and keep driving while they force passengers to lie on the floor and rape or molest women and girls. Other attackers force women and girls off the bus into empty lots, using knives or guns. Turning to the police is not a safe option, since so many officers have been implicated in violent crimes.

“The resulting effect of intimidation carries with it a perverse message: that women should abandon the public space they have won at much personal and social effort and shut themselves back up in the private world,” says the Amnesty report, quoting Villarán. Sensational media reports amplify the message by fostering negative stereotypes that blame the victim. The country’s two most popular tabloids, *Nuestro Diario* and *Al Día* commonly label victims as gang members or fixate on the victims’ clothing in a way that insinuates that “indecent” women deserve to die such terrible deaths.

The violence also bears a historical resonance that has exhumed the collective trauma of Guatemala’s recent past. Some have compared the perpetrators’ methods to those used against women during the government’s counterinsurgency operations throughout the 36-year-long civil war that ended in 1996. During the U.S.-backed “scorched earth” campaign, government troops and their paramilitary allies routinely raped, tortured and murdered women in order to destroy civilian communities suspected of leftist sympathies.

The war left an untold number of women suffering from the invisible wounds of widespread sexual violence and torture, as well as legions of men bearing more visible scars. Retired general Efraín Ríos Montt -the “intellectual author” of the war crimes, according to some scholars- not only remains free but was even president of Congress until 2004 and ran for

Guatemala's presidency in 2003. In fact, there have only been a few trials and convictions to date for wartime crimes. As a result, the nation's collective suffering remains raw because most of the perpetrators are still at large.

In a grisly echo of wartime, the bodies of women slain in recent years have shown signs of torture and bullet wounds to the head. María Elena Peralta, who has been struggling to get the authorities to investigate her sister Nancy's murder, says, "It's like going back to those years of conflict, except that now the war is lived at another level, in another space."

Some suspect that former and even current security forces are indeed involved in the killings. After the war, large numbers of former soldiers could not find jobs and turned to organized crime. Many others got jobs at private security agencies and still carry weapons. According to the government's human rights ombudsman, more than ten policemen are prime suspects in some of the murders, but they remain at large—even though the ombudsman provided their names to the Ministry of the Interior last year.

Nine years after the end of the civil war, danger still pervades the daily lives of Guatemalan women. Yet the violence has strengthened the resolve of those who are fighting to re-establish women's most basic right to physical safety. Guatemalan legislators—female and male—from various parties joined lawmakers from Mexico and Spain to form the Interparliamentary Network Against Femicide. The group met in May and again in June to promote the harmonization of national legislation with international law on women's rights; the legislators also want lawmakers to classify violence against women as a crime against humanity.

Courageous individuals are also fighting for justice, even as they are struggling to heal. María Elena Peralta says that since her sister Nancy was murdered, "We tried to move on with our lives, but the pain is always there; it never goes away." Armed with little more than a barely legible forensic report, María Elena, now 32 and a pediatric nurse, has doggedly pursued the authorities, government officials and activists to assist her efforts to find her sister's killer. Since she began her efforts, she has received anonymous threatening phone calls, been followed and was once assaulted by a man at gunpoint near her home, in broad daylight. Undeterred, she is going to law school "to see if this way I can get Nancy's case to be investigated," she says. "And if it isn't, then maybe other cases will be."

"I want to help other people. That's precisely what's missing: solidarity from others. We should all join together and help each other in order to put an end to all this violence."

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www.amnestyusa.org/news/newsletter

Article also available at

www.thirdworldtraveler.com/Central_America/UnrelentingDangerGuatemala.html