

**SEEKING JUSTICE IN GUATEMALA:
DIGNIFYING THE 'DISAPPEARED' IN A CONTEXT OF IMPUNITY**

by

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ABSTRACT

Following Guatemala's internal armed conflict (1960-1996), the Commission for Historical Clarification (CEH 1999) estimated that 200,000 people were killed and 40,000 'disappeared.' The 'disappearances' left relatives in permanent uncertainty and ambiguous loss, while perpetrators maintained positions of power, protected by impunity and sometimes political immunity. I examined perceptions of justice related to the 'disappeared' in a context of long-term impunity, as experienced by the surviving family members and staff members of forensic and archival organizations. This research was inspired by postcolonial and feminist critical geographic methodologies, emphasizing and valuing the voices of the interviewees and their experiences. I conducted fieldwork in Guatemala from May to July 2012. Based on my analysis of 17 in-depth interviews, I argued that the successful future of the country and its people relies on the continued search for justice, being: truth-seeking in its various forms; positive political change; acknowledgement of grave crimes, and legal accountability.

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LIST OF ACRONYMS

AHPN	<i>Archivo Histórico de la Policía Nacional</i> / National Police Historical Archive
CEH	<i>Comisión para el Esclarecimiento Histórico</i> / Commission for Historical Clarification
CICIG	<i>Comisión Internacional contra la Impunidad en Guatemala</i> / International Commission against Impunity in Guatemala
CREOMPAZ	<i>Comando Regional de Entrenamiento de Operaciones de Mantenimiento de Paz</i> / Regional Training Command for Peacekeeping Operations
EAAF	<i>Equipo Argentino de Antropología Forense</i> / Argentine Forensic Anthropology Team
EGP	<i>Ejército Guerrillero de los Pobres</i> / Guerrilla Army of the Poor (EGP)
EPAF	<i>Equipo Peruano de Antropología Forense</i> / Peruvian Forensic Anthropology Team
FAFG	<i>Fundación de Antropología Forense de Guatemala</i> / Forensic Anthropology Foundation of Guatemala
FAMDEGUA	<i>Asociación Familiares de Detenidos-Desaparecidos de Guatemala</i> / Association for Family Members of the Detained-Disappeared of Guatemala
FAR	<i>Fuerzas Armadas Rebeldes</i> / Rebel Armed Forces
FASV	<i>Fundación Amancio Samuel Villatoro</i> / Amancio Samuel Villatoro Foundation
FCT	<i>Fundación Contra el Terrorismo</i> / Foundation Against Terrorism
FCN	<i>Frente de Convergencia Nacional</i> / National Convergence Front
GAM	<i>Grupo Apoyo Mutua</i> / Mutual Support Group
H.I.J.O.S.	<i>Hijos por la Identidad y la Justicia contra el Olvido y el Silencio</i> / Sons and Daughters for Identity and Justice Against Oblivion and Silence
ICTY	International Criminal Tribunal for the former Yugoslavia
IRCA	International Railways of Central America
M-FISys	Mass Fatality Identification System
MLN	<i>Movimiento de Liberación Nacional</i> / National Liberation Movement
MP	<i>Ministerio Público</i> / Public Prosecutors
ODHAG	<i>Oficina de Derechos Humanos del Arzobispado de Guatemala</i> / Archbishop's Office for Human Rights in Guatemala

ORPA	<i>Organización Revolucionario del Pueblo en Armas</i> / Revolutionary Organization of the Armed People
PGT	<i>Partido Guatemalteco del Trabajo</i> / Guatemalan Party of Labour
PHR	Physician for Human Rights
PNC	<i>Policía Nacional Civil</i> / National Civil Police
REB	UNBC Research Ethics Board
REMHI	<i>Recuperación de la Memoria Histórica</i> / Recovery of Historical Memory Project
STR	Short Tandem Repeat
UDEFEGUA	<i>Unidad de Protección a Defensoras y Defensores de Derechos Humanos - Guatemala</i> / Unit for the Protection of Human Rights Defenders of Guatemala
UFCo	United Fruit Company
UN	United Nations
URNG	<i>Unidad Revolucionaria Nacional Guatemalteca</i> / Guatemalan National Revolutionary Unity

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PROLOGUE

CHAPTER ONE: PROLOGUE

This thesis, written at several different points over the past nearly six years, is my personal journey to understand the concept of justice in a context of impunity and appropriate reparations after decades of missing a loved one due to ‘disappearance’ in Guatemala. As I finish this thesis, after long gaps in writing, I call Guatemala home and work as a Technical Sustainability Assistant for the *Fundación de Antropología Forense de Guatemala* / Forensic Anthropology Foundation of Guatemala (FAFG); a nearly perfect example of turning your thesis and passion into a job.

FAFG is a non-governmental organization that accompanies families of the victims as they search for truth, reparations, and justice through forensic investigations to identify and dignify the victims of the internal armed conflict. The two years of living and working in Guatemala has opened my eyes to many elements to this concept of justice, related not only to crimes committed during the conflict, but of the many difficulties and challenges that Guatemalans confront daily: government corruption; inaccessible education and healthcare; violence especially directed against women, and more. Opportunities for the small group of the elite are plenty, but nearly none exist for the rest of the population on the other side of inequality.

In May 2015, the United Nations-backed *Comisión Internacional contra la Impunidad en Guatemala* / International Commission against Impunity in Guatemala (CICIG), announced that Vice-President Roxana Baldetti and other government officials were involved in a highly organized and complex case of corruption. The following Saturday, 30 thousand Guatemalans of all social classes and political alignments filled the Central Park to protest against the corruption within the government. Out of fear, I did not attend this demonstration not knowing how the Guatemalan State would react to such a strong outcry demanding the resignation of key government officials. That day was

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peaceful and for the first time Guatemalans came together and agreed on an issue: no more government corruption. The following Saturday, and nearly every second succeeding Saturday, I was in the Central Park with thousands of Guatemalans demanding the resignations of the Government, fighting for a fair election processes, and criticizing election candidates.

In September 2015, the Otto Perez Molina Government finally fell as more and more evidence was exposed by CICIG indicating the President's direct involvement in the corruption ring, as well as the concrete involvement of many other high-level government employees. Provoked by Molina's stubbornness to resign, Attorney General Thelma Aldana announced an order for his arrest and within the day he resigned. For the first time in Guatemala's history, there were real steps and actions undertaken to challenge the corruption and impunity held by the State during the conflict and sustained by Government immunity. Unfortunately, the elections in the weeks following saw the 'outsider' candidate and former comedian, Jimmy Morales, win the vote and Presidency; as well as the re-installation of many of the former government. This new Presidential political party, *Frente de Convergencia Nacional* / National Convergence Front (FCN), was founded by former military officials, and President Morales is widely seen as the puppet to execute these former military officials agendas.

On 6 January 2016, Attorney General Aldana announced the investigation of Latin America's largest case of enforced disappearance, *Caso CREOMPAZ*, with the arrest warrants for 18 former military officials (Ministerio Público 2016). Some of those who were arrested that day had direct ties to the FCN party, and some were rumoured to be part of Jimmy Morales' growing government list. The case was founded on the forensic evidence recovered by the FAFG, during 22 months of excavations within the *Comando Regional de Entrenamiento de Operaciones de Mantenimiento de Paz* / Regional Training

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Command for Peacekeeping Operations (CREOMPAZ), a former military base, now a United Nations (UN) Peace Keepers training centre (Beaudoin 2016; Burt 2016b; Henderson et al. 2014). FAFG recovered 565 remains from 84 graves and to date over 130 have been identified. Following a pre-trial ruling, there are eight individuals indicted in the case and a trial date is pending (Burt 2016c).

It is important to open this thesis with this brief context of the most recent advances for justice, accountability, and reparations. When I conducted my research and interviews in 2012, the FAFG was only just beginning to understand the extent of the CREOMPAZ investigation and seeing the fruits of their work specifically in the search for the disappeared with the initial identifications confirmed with DNA. There was no hint of a government collapse instigated by CICIG investigations, nor its impact and empowerment that would be transferred to the *Ministerio Público* / Public Prosecutors office (MP) to present such complex and important cases. The words of my interviewees are positioned in a time and space where accountability was a far off distant dream, and they lived in a society governed by a corrupt and military government.

As these steps toward justice for the crimes of the conflict threaten the elite and powerful, so they have organized a counter attack. Groups like *Fundación Contra el Terrorismo* / Foundation Against Terrorism (FCT) recently amplified a smear and defamation campaign against the FAFG and the Executive Director, Fredy Peccerelli. The President of FCT, Ricardo Mendez Ruiz, is a public figure who consistently speaks out to discredit the FAFG, Peccerelli, and the many other Human Rights organizations and defenders in Guatemala (Abbott 2016), including Attorney General Thelma Aldana and CICIG Commissioner Iván Velásquez Gómez. Coincidentally or not, his father who was the General at Former Military Base No. 21 for several years, now known as CREOMPAZ, died five days before Aldana announced Caso CREOMPAZ. We can

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assume that Mendez Ruiz Sr. would have been on that arrest list. FCT and Ricardo Mendez Ruiz have filed countless criminal complaints to the MP office in an attempt to criminalize human rights defenders, including the FAFG and Peccerelli. What once were physical threats alone are now legal threats with baseless cases that are successful in tying up these human rights defenders time, energy, and resources. These criminalization and defamation campaigns illustrate the fear within the elite and former military, as these cases arise and challenge their impunity and power.

The struggle for accountability and acknowledgment of the crimes of the past that occurred is still far away, but now a real possibility. However, in Guatemala nothing is certain, exemplified by the Maya Ixil Genocide case against former dictator José Efraín Ríos Montt and former chief of intelligence José Manuel Rodríguez that was overturned 10 days after its historic ruling in 2013 (Burt 2016d). The trial has restarted and stalled so many times, it is hard to imagine it still carries the hope it once held, but the witnesses and survivors carry the hope and will never give up. In February 2016, two former military officials were prosecuted in the Sepur Zarco case, the first case of sexual violence against and sexual slavery of Maya Q'eqchi' women, homicide, and enforced disappearance (Burt 2016a). Building with the Sepur Zarco case, and continuing to the CREOMPAZ case, there is hope that this trial, and others, will begin a movement to dissemble the deeply rooted impunity and deliver justice to the families of the victims.¹ In all this time, the FAFG continues to accompany family members as they search for truth and the remains of their loved ones. The forensic investigations apply scientific inquiry to a human problem, and have the power to reconnect a family with their loved one who has

¹ For the most up-to-date and rigorous information about the current cases in Guatemala, refer to International Justice Monitor with contributions by Dr. Jo-Marie Burt. Find the blog here: <https://www.ijmonitor.org/category/guatemala-trials/>

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been missing for decades, offering a small piece of reconciliation with a dignified burial for their loved one and the chance to say good bye.

CHAPTER TWO: INTRODUCTION

This thesis is about rethinking and expanding the meaning of justice regarding the search for the disappeared in Guatemala. Through interviews and participant observation, I seek to illuminate a holistic meaning of justice as drawn from the interviewees, the family members of the disappeared, the FAFG and the *Archivo Histórico de la Policía Nacional* / National Police Historical Archive² (AHPN) team members. The question “what does justice mean to you?” instigated this thesis, while examining the context of impunity and exploring the active efforts underway to claim memory, justice, and truth for the victims and survivors of Guatemala’s internal armed conflict.

Walking through *Zona uno*³ in Guatemala City, I get the sense that the solemn faces plastered on the walls are watching me. Their eyes beckon attention with strong gazes. The posters demand “¿Dónde Estan? / Where are they?” Their presence is a haunting reminder of the state terror and violence that unfolded in Cold War era Guatemala, from 1960 to 1996 (Clouser 2009; Hoelscher 2008).

These posters are a mark of 40 thousand people disappeared by Guatemalan State forces. Although they are missing, they were intentionally disappeared for their ideals, intellect, political stance, and vision for a better Guatemala (CEH 1999; Kobrak 1999; REMHI 1999). The Guatemala government pursued these individuals who were not in agreement with the State’s political agenda, especially so during the 1970s and 1980s in the heat of the Cold War, an anti-communism fight reinforced by the United States (Kobrak 1999). Death squads roamed the streets subsequently, disappearing people within

² Archive located in Zone six of Guatemala City, where they are preserving and digitizing documents from the National Police archive as often they are an invaluable resource to examine the human rights violations and violence against the Guatemalan population.

³ *Zona uno* / Zone one is the oldest area of Guatemala City, including the *Plaza de la Constitución* / Central Park, *Mercado Central* / Central Market, *Catedral Metropolitana* / Central Cathedral, popular sixth avenue/*sexta avenida*, and in the context of death, in zone one is where Bishop Gerardi was brutally murdered, renowned anthropologist Myrna Mack was stabbed to death and many other activists killed or disappeared.

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this environment of impunity. Impunity is the “exemption from punishment which ‘negates the values of truth and justice and leads to the occurrence of further [human rights] violations’” (Amnesty International (1992:11) cited in Sanford 2003:396). It is this dominant characteristic that has perpetuated distrust towards the State and lingering sentiments of injustice.

Family members of the disappeared are trapped in an ambiguous state (Boss 1999). After close to three decades of more of uncertainty, they know their loved ones were killed with impunity but there is no body to confirm this belief, so they are stuck living the nightmare of uncertainty, all the while living in a country where the elite who planned the conflict still hold power and authority (Peacock and Beltrán 2003). With no accountability for the crimes of the conflict, this entrenched impunity continues to poison Guatemala and support the permanency of the crime. Impunity is the keystone to the success and continuity that is the crime of the disappearance.

Hijos por la Identidad y la Justicia contra el Olvido y el Silencio / Sons and Daughters for Identity and Justice Against Oblivion and Silence (H.I.J.O.S.), an organization of the children of the disappeared, hang the posters with the faces of the disappeared to claim their space in society to recover truth, demand justice, and claim memory. The State’s goal for the disappearances was to silence certain individuals and generate terror in the population (CEH 1999). Nonetheless, the disappeared challenge the State’s impunity by affirming their presence and memory through numerous means: exhumations, archives, monuments, graffiti, historical memory, and most importantly, in

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the living memory of their loved ones. However, the void created by their disappearance leaves deep ruptures⁴ in their families and in society (Nolin 2006; Zur 1994).

Extending out on a plateau restricted by the steep ravines that cut through Guatemala City is a large cemetery. La Verbena General Cemetery is where unidentified bodies of the past and present, also known as XX⁵, are buried in Guatemala (Snow et al. 2008). Walking through La Verbena following the dirt road, we see to the left expensive mausoleums and on the right are stacked crypts, whose appearance smoothly blends with the houses gripping the steep ravines across the way. The road brings you to a bricked in and enclosed area. Archaeologists and forensic anthropologists worked behind the metal doors, between 2010 and 2014, belaying into seemingly bottomless bone wells, documenting and exhuming the thousands of remains held in these wells. Peering over the edge, one witnesses the undignified resting place where so many souls have been trapped, unacknowledged, and forgotten. Snow and the FAFG hypothesize that within these bone wells are 889 victims who were disappeared during the conflict, the disappeared hidden among the XX (Snow et al. 2008: 115). During the exhumation and excavation, La Verbena was the epicentre for the search for the disappeared for the FAFG and the many families who hoped their missing loved one would be exhumed from these depths.

In *Zona seis* / Zone six, another excavation effort is underway to safely recover vital information in fragile documents, which is encircled by the *Policía Nacional Civil* / National Civil Police (PNC) headquarters. Here, the team members of the AHPN are racing to preserve millions of critical documents that compose the administrative archive

⁴ Ruptures are also created between families when activists fled Guatemala for fear of disappearance and now live in exile in the United States, Mexico, and Canada – *Transnational Ruptures* (Nolin 2006).

⁵ XX indicates an unidentified individual in Guatemala. It is similar to John and Jane Doe. As the person's identity cannot be determined, they are labelled as XX. During the conflict, many bodies appeared on the streets so violently attacked and tortured that their identity could not be determined (or was not truthfully attempted to be determined) and then included in the category of XX. Within AHPN there are many reports on the XX.

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of the National Police (Doyle 2007; Lovell 2013; Weld 2012). Now, hundreds of archivists are working around the clock to clean, sort, and digitize the documents that contain clues or evidence that may indicate or lead to the investigation that a crime was committed, including by the State.

Impunity is the condition that actively permits the crimes from the conflict to remain open wounds that fight against truth and justice. It shapes the lived experiences of its society and victims (Zur 1994). What was a culture of terror formed during the conflict has transformed into a culture of impunity, where “impunity is systemic and systematic” (Sanford and Lincoln 2010:83). Human Rights Watch (2013) reports that 98% of crimes committed in Guatemala in 2012 did not result in prosecution. Even with ‘peace’ signed in 1996, the country is trapped in a violent struggle where public security is compromised and the military is the main actor in public security operations and law enforcement (Abbott 2017; Manz 2008). Murder rates and gender based violence is increasingly high and the State neglects to implement action to prosecute these crimes as a result of lack of political will (Alston 2007). Moreover, femicide,⁶ and its institutionalized counterpart, feminicide⁷ are on the rise, founded in violence perpetrated by the army during the conflict (Nolin and Fraser 2015; Sanford and Lincoln 2010:86). Human rights and environmental defenders live in constant threat of violence as the government disregards their safety as they speak out against projects and policies that the government implements, such as extractive industries and mining (Human Rights Watch 2015:259; Pedersen 2014). In January 2017, state security forces and paramilitary killed two environmental defenders while peacefully protesting the Pojom hydroelectric project

⁶ Femicide is a hate crime committed against women as an attack at their gender (Sanford and Lincoln 2010).

⁷ Feminicide, beyond femicide, is the murder of women where the state tolerates these acts of violence by not protecting women’s rights and following through with any truthful application of the law or investigation (Sanford and Lincoln 2010:86).

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in Huehuetenango (GHRC 2017). The environment of fear created during the conflict (Green 1999) through state terrorism, massacres, murders, and disappearances still occur today and much of the contemporary violence is rooted in unaddressed violations of the past (Manz 2008). Overshadowed by the ambiguity of a disappeared loved one, family members continue to dwell on the fact that without remains to bury, their loved ones is *not alive, nor dead* (Boss 1999; Zur 1994)⁸.

Research Questions and Objectives

In ‘peacetime’ Guatemala, the chronic state of impunity, corruption, and violence maintained since the internal armed conflict perpetuates injustice, distrust, and weakens democracy (Afflitto and Jesilow 2007). A person grounds his or her perception of justice in broader definitions when the truthful application of the law for past (and present) crimes is unforeseeable (Afflitto and Jesilow 2007). In the case of disappearances, family members focus their attention to the search for their loved ones (Robins 2011). As part of this search, an active process of exhumation contributes to justice and dignifies the victims (CEH 1999; Sanford 2003). Forensic and archival investigations can offer hope in a bleak situation (Colwell-Chanthaphonh 2007; Sanford 2003).

This thesis seeks to illuminate the ‘perceived’ meaning of justice, focusing on the disappeared but inherently touching on many elements of the conflict. As Nathan Einbinder (2010) and Alexandra Pedersen (2011) have used the word ‘perception’ to convey their participants’ views shaped by lived experiences, I too use ‘perception’ to explain their self-determined view of justice. My objective is to explore the context of the disappearances, demonstrate its impacts in present day Guatemala, and situate the

⁸ “Ni vivo, ni muerto. La busqueda sigue” (Not alive, not dead. The search continues), Rosalina Tuyuc told Fredy Peccerelli in his bullet proof car after a meeting with the Canadian Parliamentary Secretary of the Minister of International Development, July 2016.

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search for truth and justice surrounding the disappeared and their families within the work of the FAFG and AHPN. The question is:

What does justice mean in cases of the disappeared? Related to the disappeared in Guatemala, what are the goals of the FAFG, the AHPN, and the family members of the disappeared in relation to justice?

Approach

As a Master's student of the Interdisciplinary Studies (IDIS) program, I study Human Geography and Anthropology and am enlightened by postcolonialism, feminist geographical approaches, forensic archaeology, human rights solidarity, and ethnography. Drawing from these frameworks allows me to dwell within the questions of the disappeared, actively engage within the search, and respectfully approach family members. The opportunity to apply forensic anthropology and archaeology amplifies my understanding, while postcolonialism and feminist geographical approaches ground my critical analysis of the question of justice.

Researching from a stance of "bearing witness" (Farmer 2005:25), this thesis is grounded in social change and action (Kobayashi 1994; Nolin 2006). A postcolonial lens evokes the colonial past to subjectively critique it, contemplate the power filled discourse, and 'amplify the voice of the marginalized' (Gregory 2004; Pedersen 2011; Power 2003). Coactively, a feminist geographical approach acknowledges and equalizes power while embracing positionality and engagement (Kobayashi 1994; Nolin 2006). I was able to bring these approaches together to, as Nolin Hanlon and Shankar (2000) and Nolin (2006:37) write, "to speak out *and* provide space in [my] work for multiple voices despite the unequal relations that shape our engagement with those with whom we collaborate". The interviewees are the key informants and are included extensively throughout the thesis. I wish to highlight their perceptions from a position of solidarity in their struggle, search, and fight for truth, memory, and justice. I am always advocating for the

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organizations of the family members, the FAFG, and the AHPN. By critiquing the hidden powers, impunity, and corruption, I am uplifting and respecting the struggles of the family members, survivors, and victims of past and present violence. This type of positioning is well supported in contemporary, critical social science research, and published in journals such as *Antipode: a Radical Journal of Geography* and issues as *The Professional Geographer* (1994 – vol. 46 iss. 1) (Kobayashi 1994; Nolin 2006).

Overview

This thesis explores the meaning of justice for the disappeared, engaging family members and the organizational actors involved in the search. Through my learning and understanding, this thesis has developed to cover the story and highlight the efforts underway to search for and identify the disappeared, with the FAFG and AHPN. The thesis is structured and developed according to normative thesis guidelines, but may be different in that I made the conscious decision to include the voices of the interviewees throughout so their voices are upfront and centre. By the conclusion, I hope this thesis has shared a history of Guatemala and the on-going struggle and efforts underway to claim space for the disappeared and their family members. This thesis is written from a position of deep solidarity for the family members of the disappeared, and all survivors of the conflict (Hale 2006; Kobayashi 1994).

The methods, methodology, and conceptual framework chapter follows this introductory chapter where I explain my research methods, ground myself in a postcolonial approach, and share my reflections on time spent in Guatemala. In Chapters Three and Four, I synthesize a body of literature on enforced disappearance from the conflict to the search for the victims, all explored through a lens which appreciates the role of forensic sciences and human rights and acknowledges the dominant role of impunity in Guatemala. The context from Chapters Three and Four is fundamental to

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understand the perceptions of justice shared by the interviewees. Chapter Five is the analysis of my research interviews and discussion of key themes. Concluding, I will summarize the findings and situate the research within the present day context of impunity in Guatemala, acknowledging the importance to continue the search for the disappeared to challenge impunity, and the colonial present.

CHAPTER THREE: METHODS, METHODOLOGY AND CONCEPTUAL FRAMEWORK

The objective of this thesis is to explore the various definitions of justice surrounding cases of the disappearance and challenges to impunity. I chose particular methods and methodological approach to ensure that I am positioned as a rigorous and reflexive researcher while up-holding validity and reliability of the investigative process and analysis. To this end, I employed qualitative research methods – semi-structured interviews and participant observation - to engage with the participants and share in constructive and comprehensive conversations about their views on and desires for justice in Guatemala. My grounding in a postcolonial approach structured my understanding, the interviews, and how I analyzed the data to draw out the broader themes of justice.

Positioning

Guatemala was introduced to me during a very transformational point in my life. Quickly, I was captivated by the people and the place, and am fortunate now to call Zone 1 of Guatemala City my home. I remember the feeling, addiction, and craving that remained with me following my first visit to Guatemala that encouraged me to pursue this thesis as a means to stay connected and build a deeper understanding for the country and its people.

It all began back in 2010 on the *Culture, Rights, and Power* Human Geography Field School (May), co-taught by Dr. Catherine Nolin and Grahame Russell of Rights Action. During the delegation, we witnessed and examined the ripples of social injustice from the internal armed conflict, the violations stemming from Canadian mining companies, and the strength and resilience of the Maya. In preparation for on-the-ground learning, Dr. Nolin taught a two-week intensive course covering topics of Guatemala's historical context, social justice, methodology of horror, structural violence, and

contemporary lived experiences of resource extraction⁹. The readings, images, documentaries, and discussions attempted to prepare the delegation for, what Dr. Nolin calls, a ‘process of witnessing’¹⁰.

No time was wasted; we were thrown quickly into the raw realities of Guatemala. From the very inception of the delegation I began unraveling feelings of grief and loss, parallel sentiments that we had read in the REMHI report (1999) and heard in the initial days in the field. At that time, I was still pained by the unexpected murder of a close friend, Brittany, who had fallen into gang and drug activities in my hometown of Prince George, BC. Her sudden death and my jarred feelings of loss left me unable to understand the context of impunity through which she was killed.

As we witnessed and discussed the grief felt by family members looking for their loved ones who were disappeared or massacred in the 1980s, I felt a strange comfort in learning my feelings of loss were shared. I connected to the struggle of these families and was finally able to breath and process the murder of my dear friend. Brittany’s death is different than a disappearance – she was murdered, her life taken unexpectedly, and buried in what is still an unmarked grave¹¹ in the Prince George Cemetery. But the context of her death left me feeling unsure of the crime, if she was still alive or dead, always holding on to the hope that the murder never happened. As I began to understand the even more painful “ambiguous loss” felt by the families of the disappeared, it spurred my internal questioning of justice and reparations. I am thankful that I do have a place to

⁹ GEOG 426 – Culture, Rights, and Power – was my first introduction to many of these intense and powerful topics. The two-week intensive class is important as the students then have the opportunity to engage with one another prior to traveling through Guatemala and we then have the knowledge and lens needed to digest and situate what we witness while on the delegation.

¹⁰ Dr. Catherine Nolin refers to fieldwork as ‘a process of witnessing’ as opposed to a process of observing. The difference is that from a stance of “bearing witness” (Farmer 2005:25), compared to observing, you are witnessing in solidarity with the purpose for social change and action. A process of witnessing is never neutral or objective.

¹¹ In September 2016, a headstone was placed to mark her grave.

visit, bring flowers, and know the “partial truth” (Clifford 1986) surrounding Brittany’s death. My understandings of justice and grief stem from my own experiences with sorrow and accordingly frame and position my perspective of justice and impunity on a wider scale.

Over the course of the field school, Catherine and Grahame led us throughout the country. We all cried and reflected together as we continued through our process of witnessing and “un-learning” (Pedersen 2011), a difficult process of coming to terms with the truths that what we have learned through life and in a University class room may not apply in these Global South settings and there is a large context to unpack. I was challenged to reflect deeply on what I was seeing, hearing, and witnessing.

Specific meetings and places left deep impressions on me. In Guatemala City, we visited the FAFG office, a large house converted to an office and osteology lab with many tables with blue cloths. On the tables were sets of remains – some full, some in fragments, some with personal artifacts, such as clothing and hats. I was instantly captivated by the possibility of recovering, identifying, and returning the remains and truth to searching family members from the internal armed conflict. Then we travelled to La Verbena General Cemetery in Zone 7 of Guatemala City. Here the FAFG was venturing into the unknown, excavating deep bone wells called *osarios* in search for individuals who were disappeared and “hidden in plain sight” (Snow et al. 2008) in these wells.

Every visit and my prolonged time in Guatemala has exposed deeper the complexities surrounding justice, grief and resolve surrounding enforced disappearance, and the structural violence and climate of impunity holding the country and its people captive. I began thinking deeply about the following questions: What is justice surrounding the disappeared and missing? Is justice possible when there are no remains?

What does justice mean to the family members? What are the needs of the family members? These reflections led to the more general and larger question: What is justice? The internal armed conflict that ripped through Guatemala had been carried out with impunity, and most intellectual authors have not been prosecuted for the systematic human rights violations against the citizens of Guatemala.

Guiding Theory

This thesis is guided by the critical and reflective nature of postcolonialism, with influence from a feminist geographical perspective. Imprinted on the landscape and visible in the lives of the Maya is the lingering impacts of conquest and colonialism which has created what historical geographer, W. George Lovell (1988:26) terms, “conquest as a *way of life*”. A postcolonial lens provides the tools to recall colonialism, critique it, balance the discourse, and ‘amplify the voice of the marginalized’ (Gregory 2004; Pedersen 2011; Power 2003). Feminist geographical perspectives support the equalization of power, recognize positionality, and encourage engagement (England 1994; Katz 1994; Kobayashi 1994; Nast 1994; Nolin 2006).

Postcolonialism

Present day Guatemala - the way it smells, tastes, sounds, feels, and looks - is due to lingering colonial realities (Lovell 1988). The impact of the colonial past cannot be disregarded as unimportant to the staging of impunity and violence in present-day Guatemala (Lovell 1988). In 1970, Severo Martínez Peláez, Guatemalan historian and political activist, explained that “[u]nderstanding Guatemala as it is today demands that we approach the development of our society in terms of colonial origins and survivals” (2009[1970]:280). In the same vein, Lovell is often asked about why he writes of Guatemala’s colonial experience. His response, “I write about colonial Guatemala in order to understand the country as it exists today” (2005:199). I employ a postcolonial

lens to acknowledge the “colonial present” (Gregory 2004), start to understand the dominant development discourses as legacies of colonialism (Power 2003), attempt to stabilize and equalize the power imbalances in the research project, and recognize a diversity of perspectives in the research (Raghuram and Madge 2006).

Postcolonialism is a means of thinking critically about connections between the Global North and Global South and the “stretched-out geographies” of development, including power relations and colonial legacies (Power 2003:122). Many scholars (Gregory 2004; Howitt and Stevens 2010; Jazeel 2012a, 2012b; Lovell 1988, 2005; Martínez Peláez 2009; Power 2003; Radcliffe 2005; Raghuran and Madge 2006; Sharp 2009; Young 2001) situate their research, questions, comments, and understanding in a postcolonial framework in order to situate their research in deeper context. Derek Gregory (2004:9) argues that:

Postcolonialism, we might say, has a constitutive interest in colonialism. It is in part an act of remembrance. Postcolonialism revisits the colonial past in order to recover the dead weight of colonialism: to retrieve its shapes, like the chalk outlines at a crime scene, and to recall the living bodies they so imperfectly summon to presence. But it is also an act of opposition. Postcolonialism reveals the continuing impositions and exactions of colonialism in order to subvert them: to examine them, disavow them, and dispel them.

Although ‘postcolonialism’ may indicate time past or beyond colonialism (Jazeel 2012a; Power 2003; Sharp 2005:4), Gregory’s (2004:7) explanation clearly demonstrates that postcolonialism is an “optical shift” and criticism of the colonial past and the continuity through to the ‘colonial present’. Being informed by postcolonialism allows one to deconstruct critically “the material and discursive legacies of Colonialism” (Radcliffe 1999:94 quote in Power 2003:119).

Postcolonialism critiques the ‘othering’ and labeling of vast geographic regions that arose from colonial journeys (Jazeel 2012a; Power 2003; Said 1978). Domineering

discourse, such as ‘East’ and ‘West’, ‘Undeveloped’ and ‘Developed’, ‘Third World and ‘First World’, and ‘Global South’ and ‘Global North’, contain deeply entrenched geographic power imbalances that are perpetuated through the ‘colonial present’ (Power 2003). These discourses conjure internal images within our geographic imagination, embedded with rankings and hierarchies of power (Gregory 2004). Edward Said’s critical postcolonial scholarship, including ‘*Orientalism*’ (1978), awoke a new shift to examine the ‘East’ and the ‘West’ in terms of geographical categories which he respectively termed ‘Orient’ and ‘Occident’ (Jazeel 2012a; Power 2003; Said 1978). Orientalism “stresse[s] that what makes them seem eastern (Oriental) and western (Occidental) to us is the vast repertoire of categorization that is made to seem like common sense through representation, through the things we say about the world” (Jazeel 2012a: 6). Therefore, the construction of cultures within the colonial modernity is now infused with a hierarchy of power and colonially constructed “imagined geographies” (Gregory 2004:4). Often, the ‘Orient’ immediately brings up images of ‘exotic’ and foreign landscapes (Said 1978).

Postcolonialism can be used to amplify the voices of the marginalized (Pedersen 2011; Raghuram and Madge 2006) who are often forgotten, dominated, or purposefully disregarded. Power (2003:121) argues “postcolonial literatures are important precisely because they provide reflections on a whole variety of themes relating to social and political inequality and the unevenness of the material world”. The light is no longer focused only on the ‘West’ but now redirected on the voices that have been silenced through history. The marginalized voices are amplified and respected. Postcolonialism is essential to acknowledge the spectrum of voices to understand the variety of ways people talk about justice and the disappeared. The goal of interviewing members of the FAFG, AHPN, and family members is to gather voices from individuals who directly work with

or are affected by disappearances and amplify their subjective perspectives and experiences.

Impunity in Guatemala is supported and maintained through power imbalances that were founded during colonialism. The country's judicial system, through which the crimes of the past and present should be processed, has "failed to guarantee the application of the law" due to "deliberate ineffectiveness" (CEH 1999:18). The role that "development," a process accelerated during the colonial era, has played in legitimizing and supporting the government and the weak rule of law in Guatemala has ignored and manipulated the situation to work towards its benefit (Nolin and Stephens 2010). I need to understand the context of development to understand the impunity in Guatemala. Since postcolonialism "re-centers development processes within the lived experiences and consciousness of those subjected to development" (Power 2003:126), it then reemphasizes the agency of people in order to amplify their voices like the approach championed by feminist geography.

Feminist Methodological Approach

The use of a feminist geographical lens parallels my interests to amplify voices from the margins (Nast 1994), balance power relationships (Kobayashi 1994:76), and work for social change (Kobayashi 1994; Nolin 2006). Since "research is a *process* not just a product" (England 1994:82) feminism shapes how I am informed, how I structure my questions, and how I analyze my experiences and research (Moss 1993). As well, it shapes the understanding that as a researcher, I am not objective but rather subjective, and only by making my position clear will my positionality also be made transparent (Winchester and Rofe 2010:16). The application of feminist qualitative techniques empowers the research process at every stage to be open to different ways of knowing and respects all voices shared.

We are constantly engaging in relationships of power. As researchers, we should be cognizant with which sort of power relations we are engaging: reciprocal, asymmetrical, or exploitive (Dowling 2010:32). By recognizing the political and social power relationships that one engages within, feminism attempts to reach a reciprocal relationship that is focused in empathy, mutual respect, and shared knowledge (England 1994:82). While in Guatemala, I approach every individual open to the possibility of learning from them, respecting that their knowledge and experience is greater than mine (England 1994:82). I do not view my interviewees “as mere mines of information” (England 1994:82) but rather as individuals with appreciated, important, and valuable opinions and perspectives worthy of highlighting and amplifying to explore an alternative view of history and its impacts. As Catherine Nolin (2006:37) explains, “[a]cademic engagement with people ‘on the margins’ comes, one hopes, from an ethical and moral commitment to work for social change, to change public consciousness about an issue, or to influence public policy”. I use academic sources to support but not dominate the voices of the interviewees to reach social change.

I demonstrated to the FAFG, AHPN, and family members that I am genuinely interested in the post-conflict reconstruction of Guatemala and the ceaseless pains and repercussions associated with the prolonged disappearance of a loved one. Positioning myself and the research assisted me in gaining the trust and building relationships with the interviewees, the FAFG, and the AHPN. I am not a neutral being; my subjectivity and positionality is inserted into the research practice (Dowling 2010:35; Winchester and Rofe 2010:16). As a concerned individual, I stand and research in solidarity with those who desire a ‘better Guatemala’ and denounce the social injustices associated with enforced disappearances, in an effort to work towards historical clarification and social change (England 1994:78, Hale 2006; Nolin 2006).

In this thesis, I am engaging with a postcolonial approach and am influenced by aspects of feminist geography. Feminism and postcolonialism together analyze and work to adjust the hierarchies of power; space exists to include voices that provide alternative experiences of the victor's history, and "a powerful critique of 'development'" (McEwan 2001:94). A postcolonial feminist perspective challenges the Eurocentric notions of progress and development. As researchers, we must critically work back through our prejudices so that we can respectfully hear and share from another's point of view (McEwan 2001:105). To conclude, postcolonial feminism will assist me by navigating through the social, political and global power to work towards social change.

Importance of the field

Without fieldwork and primary data collection – semi-structured interviews and participant observation – this thesis would not include the depth and multiplicity of perspectives of justice that I aimed to explore. Every visit and stay in Guatemala has been transformative and awakening in a way that could not be fully realized by only dwelling with academic resources in offices and libraries. It was, to be honest, the experience of attending Catherine and Grahame's UNBC/Rights Action field school in 2010 that sparked my interest in research. In their field schools, Catherine and Grahame follow the philosophy of cultural geography pioneer Carl O. Sauer (1956:296), which I have learned to appreciate and respect:

The mode of locomotion should be slow, the slower the better, and be often interrupted by leisurely halts to sit on vantage points and stop at question marks. Being afoot, sleeping out, sitting about camp in the evening, seeing the land in all its seasons are proper ways to intensify the experience, of developing impression into larger appreciation and judgment.¹²

¹² March 29, 2012 – UNBC *President's Roundtable on Internationalization and International Programming* Presentation – While attending this presentation, I heard Dr. Catherine Nolin refer to this particular quote from Sauer (1956) while discussing the importance of field schools and the value of learning through the soles of our feet.

Catherine encouraged me to conduct fieldwork. I appreciate that few researchers have the capacity or funding to dwell in one field for lengthy time periods to participate in deep research encounters (Clifford 1997:87).

Historically, fieldwork and ‘the field’ included displacement between physical places (Clifford 1997:190; Katz 1994:68). Some academics (Clifford 1997; Katz 1994; Nast 1994) have turned that concept on its head and argue that they are “always, everywhere, in ‘the field’” (Hyndman 2001; Katz 1994:72). My constant dwelling with the research matter – justice, impunity, Guatemala, disappearances – discussing and sharing my research topics with curious individuals is interacting in ‘the field’, no matter if that is in Guatemala, on the UNBC campus, or anywhere in between. Understanding ‘the field’ accounts for our past and present context and activity in ‘the field’.

The social terrain that is ‘the field’ where we conduct and reflect on our research is “messy” (Bailey et al. 1999:172; Price 2001), political, sensitive, and enriching (England 1994; Hyndman 2001:262; Nast 1994). England explains that “[w]e do not conduct fieldwork on the unmediated world of the researched, but on the world *between* ourselves and the researched” (1994:86). It is the space between the participant’s ways of talking about justice and the disappearances and myself that I am seeking to understand (England 1994; Katz 1992, Katz 1994). Within the betweenness, I analyze the participant’s perspectives of justice and witnessed during participant observation through my own subjective filter (England 1994). As Anthropologist Linda Green (1999:21) writes, “I do not claim to be giving ‘voice to the voiceless’ but rather ... ‘to give voice to sight’, to say what I have actually seen, to convey my own experiences while living among the Mayas”. In as much as I can interpret, I understand that the data, interpretations and observations are “partial” (Clifford 1986:7) and “situated” (Katz 1992:504). I am a more truthful and rigorous researcher by respecting and accepting the

partiality of “truths” collected throughout the qualitative research process (Clifford 1986:7). I recognize and acknowledge that I can only attain partial truths as it is in no way possible to gather the full truth with one, or even a dozen, interviews with the participants (Clifford 1986; Katz 1994). I have no intention to bloat the research in an attempt to make it more than it is, I can only speak on what I have witnessed and what the interviewees shared during the interviews.

In Guatemala, I always keep an open heart, mind, and eye with a notebook at the ready to journal and map what I am witnessing, participating in, and hearing. Journaling and note taking are important to refresh one’s memory once I returned to/from Guatemala. My journals are full of notes, sketches, and emotions – they are my observations and interpretations of the ‘betweenness’ while in the moment. This “uncontrolled observation” (Kearns 2010:243) is open to include what I see on the social and physical landscape – see, hear, smell, and feel.

Accompanying such engaged observing and witnessing, many emotions will overcome the researcher; sadness, anger, fear, threat or hope. For example, participant observation includes the empathy the researcher feels towards the researched and this empathy builds a strong sense of responsibility towards the researched from the researcher (Smith and Kleinman 2010:173). Academia is accepting that researchers are not objective but rather empathetic with their research and emotions can offer illustrative insight (Davies 2010: 10). A research journal offers another medium to record self-observations and any other observations concerning activities in Guatemala (Dowling 2010:31). Journaling observations and emotions provides the researcher with the reflexivity needed to sort through the listening, seeing, and witnessing that occurs while in the field.

While in Guatemala, challenges and ethical responsibilities often arise that we as researchers must navigate and manage. As I research these sensitive issues of impunity in Guatemala, I became vulnerable as the interviewees become vulnerable and now reflect on their memories, experiences or work with the people who were disappeared in Guatemala during the conflict (Behar 1996:24). I kept my emotions in check with journaling in a research diary. It was comforting and reassuring being in Guatemala with good friend, Alexandra Pedersen¹³. Just as Billo and Hiemstra (2013:318) found while conducting research that “simply having another person to whom one can verbalize problems, thoughts, and feelings can be crucial. Our conversations with others not only lent emotional support, but were critical in helping us work through the logistical problems we faced as researchers”. As I was nervous about conducting interviews and research, Alexandra was always there to provide support, guidance, and friendship that kept me stable while in Guatemala.

Reflexivity and qualitative research work hand in hand. Many scholars (Bailey et al. (1999); Clifford (1986); Creswell and Miller (2000); Dowling (2010); England (1994); Mansvelt and Berg (2010); Nast (1994); Sundberg (2005)) write about the importance of critical self-reflexivity. Mansvelt and Berg (2010:344) argue that “[r]eflexivity is about writing critically, in a way that reflects the researcher’s understanding of their position in time and place, their particular standpoint, and the consequent partiality of their perspective.” This process involves thinking about one’s positionality and how it affects the research. Being reflexive allows for more flexibility within the research process since the researcher can reflect and adjust the research as necessary. One should also be open to

¹³ My good friend Alexandra Pedersen is presently a PhD Candidate at Queen’s University working with Dr. W. George Lovell and Dr. Catherine Nolin. She is researching peaceful community resistance to the pressures of mining at La Puya, near the capital of Guatemala. Alexandra’s Master’s thesis explores perceptions of development in Guatemala. We first met on the 2010 UNBC/Rights Action delegation and have since travelled to Guatemala together in May-June 2012 and met in Guatemala July 2013 as she was conducting her PhD research.

the fact that through critical reflexivity, it is possible that new directions in the research will open (Dowling 2010:37). Bailey et al. (1999:172) argue that reflexivity offers a means of validating the research process through every stage. To be reflexive requires a rigor and dedication towards constant critical evaluation of oneself. It is important to uphold validity, truthfulness and rigor in my research so that I am a credible researcher. A research diary is my critical self-evaluation of my research process in order to be a rigorous and reflexive researcher.

Research Methods

I employed multiple methods to ensure rigor and credibility in my research methods and process. Three main stages make up this research project. First, I conducted preparatory research and literature review during my first year as a new graduate student prior to leaving for Guatemala. The second stage was fieldwork, conducted from May to July 2012, including participation in the UNBC/Rights Action delegation, and six weeks interacting with the FAFG and AHPN conducting semi-structured interviews, participant observation, and a planned but not fully carried through document analysis. Third, upon returning from fieldwork, I transcribed and analyzed the collected data to examine the multiplicity of ways individuals speak about enforced disappearance and justice.

Fieldwork Location and Access

UNBC has signed agreements of cooperation with the FAFG and the AHPN. Thanks to these unique agreements and my supervisory committee I am able to conduct my research in collaboration and participation with the FAFG and AHPN. Dr. Catherine Nolin¹⁴, Grahame Russell¹⁵, and Dr. Richard Lazenby¹⁶ connected me with the key people

¹⁴ Since 2004, Catherine Nolin has been conducting the field school to Guatemala with Grahame Russell of Rights Action. Every field school, Catherine and Grahame first visit the FAFG in Guatemala City so the students can gain that initial understanding of the current post-conflict situation in Guatemala. As such, the FAFG and UNBC have built a strong relationship and respect which encouraged my chances for participation and trust. In addition, Catherine and Grahame began visiting the AHPN in 2010 (August

at the FAFG and AHPN so that communication and collaboration could begin around this thesis research. With their support, guidance, and connection my research project was validated and I was able to build strong initial relationships with key individuals that allowed me access to continue with fieldwork (Kearns 2010:251). It was a strong fit to collaborate with the FAFG and AHPN as their mandates, purposes, and connection to truth, memory, and justice matched my research questions/interests.

Participant Observation

In this research project, participant observation provides “complementary evidence” (Kearns 2010:242) to the semi-structured interviews. It widens the breadth of includable knowledge gained while participating with the FAFG and AHPN (Kirby and McKenna 1989:76). My field notes are a subjective text that I dutifully wrote while in Guatemala, then analyzed and reflected upon after returning to UNBC. Kirby and McKenna (1989:76) argue that the researcher as participant-observer can add understanding to participant’s behavior in a flexible and reflective manner. Over the course of my many visits to Guatemala during my graduate research, I observed, witnessed and participated in various activities, including with the FAFG and AHPN, which highly enriched my understanding of post-conflict Guatemala, the lingering pain of

Graduate Student Delegation) and then signed an Agreement of Cooperation. Again, those initial connections and respect assisted me in getting in the door and building connections of my own. Acknowledgement is due where support, guidance, and ‘gatekeeping’ connected me with the right people to move forward with research and allowed me to participate and volunteer in ways not accessible to most students and graduates. On her own, Catherine has been visiting Guatemala since 1992 interested in issues of forced migration, identity and transnational migration.

¹⁵ Grahame Russell is co-director of NGO Rights Action. He has been working in Central American for more than two decades and now facilitates transformative delegations to Guatemala and Honduras through Right Action.

¹⁶ Richard Lazenby first travelled to Guatemala in 2005 to visit the FAFG during which he gave a series of presentations organized by former FAFG employee Alan Robinson. Richard returned in 2006 to give a one week course in forensic bone histology which was the first certified / tested course that the FAFG hosted. His research area focuses on the origins of handedness, as well as teaching as part of the UNBC Northern Medical Program and consulting forensic anthropologist for the regional Coroner for Northern BC.

the uncertainty of the disappeared, and how forensic anthropology and archival processes are important for supporting justice.

Every day was an opportunity to learn by observing or participating with the FAFG. Some days I would spend the day at La Verbena familiarizing myself with the complexity of the project and assist with the cleaning of remains. These days were always instructional and emotionally draining. In a unique opportunity, I spent five days in the Cobán CREOMPAZ former military base participating in forensic archaeology with a team of five amazing FAFG archaeologists. During that time I was fully involved in the process of excavation and exhumation of large mass graves of disappeared individuals with their hands and feet tied and many blindfolded (Henderson et al. 2014)¹⁷. I am unable to detail every experience, observation, and learning moment with the FAFG in this chapter; however, I must acknowledge that all of these experiences shape my perspective.

For a period of two weeks, I visited the AHPN most afternoons to conduct a document search within their digital archives. I have reframed this time at the AHPN as participant observation, as opposed to a research collection activity, because of my limitations to properly use the information gathered within this thesis. The AHPN, parallel to their motives to digitize and preserve the documents in the National Police Archive, believe that everyone has the right to know, the right to access of information, and the right to freedom of information. After instruction on the digital archive system and gaining approval to conduct document search, I was ready to search through the systematic and rigorously organized archive in their computer system. The goal was to conduct a document analysis with the plan to evaluate the AHPN documents to gather an

¹⁷ Details concerning the Cobán CREOMPAZ exhumations will be covered in a later chapter. From those five days, Catherine, Fredy Pecereilli, and I published a paper examining exhumation as an act of place making to the *Journal of Latin American Geography*, “Dignifying a Bare Life and Making Place through Exhumation: Cobán CREOMPAZ Former Military Garrison, Guatemala.”

in-depth understanding of how the National Police documented and reported on cases of unidentified individuals, XX, and other relevant documents. The intention was to triangulate the document analysis with interview material and fieldnotes (Bowen 2009:29).

The process of document analysis is recursive and reflexive as it requires the researcher to interact and dwell on the investigation of the documents while being “systematic and analytic but not rigid” (Altheide et al. 2008:128) during investigation. Altheide et al. (2008:128) explain that the emphasis of document analysis “is on discovery and description, including searching for contexts, underlying meanings, patterns and processes, rather than on mere quantitative or numerical relationships between two or more variables, which is emphasized in traditional quantitative content analysis.” With the guidance of an AHPN team member, I gathered and saved large amounts of scanned documents from folders organized into categories such as ‘*Cadaverses XX y Desaparecidos Forzada*’ / XX Cadavers and the Forcibly Disappeared, ‘*Cadavers Consignales de Violencia*’ / Corpses Consigned of Violence, and ‘*Desconocidos*’ / Unknown. Once home, I realized the extent of my limitations that challenged my ability to conduct a document analysis as planned. I do not have the capacity to read, analyze, and interpret thousands of scanned documents in Spanish, including police discourse and codes. Any document analysis I conducted on the files collected would not do justice to the amount of information on those pages.¹⁸ Although in practice, I did complete document research to gather that information, I consider the time in the archive as experience, participation, and witnessing which greatly shaped my

¹⁸ Emotionally it is difficult to shake the terror and the systematic planning and violence written within the documents. The hundreds of unidentified and deceased faces in the reports haunt me. Those documents are my breaking point. The pages are horrifying. I gained deep information about the process of searching through the archives and the extent that the National Police went to documenting every action of those they followed.

perspective and is now repositioned as an act of ‘participant observation’ (Kirby and McKenna 1989:76).

Semi-Structured Interviews

Semi-structured interviews are “organized around order but flexible questioning” (Dunn 2010:110). Semi-structured interviews are informant focused and were a natural choice for this research project since the interviews were more conversational than structured (Dunn 2010:111; Kirby and McKenna 1989:66; Longhurst 2010:103). I wrote the interview questions ahead of time and allowed movement and shifting during the interview as necessary (Dunn 2010). Often interviews began with discussions of who the participant is, how long they worked for FAFG/AHPN/ family member representative organization which then transitioned into their opinions regarding past and present Guatemala, the disappearance, and justice. While guided by initial questions, the interviewees focused on areas within the research that they felt were most important allowing space for sharing of personal perspectives of justice and the disappeared (Dunn 2010:103).

My goal was to collect ten to 12 interviews. In the end, I conducted 17 interviews: seven with FAFG team members, five with AHPN team members, and five with individuals with a disappeared loved one(s). I employ postcolonial and feminist methodologies to “research from the margins” (Kirby and McKenna 1989:28) to act by, for, with, and in solidarity with the participants chosen through purposeful sampling. Many individuals were interested to speak with me once I gained access into the circle of the FAFG, AHPN, and organizations for family members. The individuals I interviewed were chosen by my points of contact, selected because of their experience and understanding of the topic, and acknowledged the trust imparted to me through my

personal point of contacts. After spending the time with the FAFG and AHPN, my points of contact knew that I was working on this particular aspect so they directed me to people who could answer the research question I posed. I worked closely with FAFG Director of Identifications, Toni Girón, to decide who would be best to interview. ALBERTO Fuentes of the AHPN suggested the interview participants. In order to collect the perspectives from family members, I made a strong relationship with SAMUEL Villatoro and SALOMÓN Estrada Mejia of the *Fundación Amancio Samuel Villatoro* / Amancio Samuel Villatoro Foundation (FASV) who then contacted REGNA and initiated conversation with AURA ELENA and DOÑA BLANCA from FAMDEGUA¹⁹.

All interviews but one were conducted in Spanish with the enlisted help of a hired translator. The translator is entrusted with the difficulty of translating between languages while ensuring the meaning between the languages remains the same (Temple and Edwards 2002:2). With a suggestion from friend Rev. Emilie Smith²⁰, a Canadian who lived in Guatemala, Alejandro Arriaza²¹ worked to simultaneously translate in all the interviews and meetings. I recognize it is difficult to complete all translations without losing some of the original meaning (Haig-Brown 2003:421-422) and that the interpreters might incorporate their own perception of the translation (Gade 2001:376). Haig-Brown (2003:422) explains that there are layers of interpretation that effect movement of speech between languages. Therefore, during all interviews I took extensive notes of the conversation and the space of the interview.

¹⁹ *Asociación Familiares de Detenidos-Desaparecidos de Guatemala* / Association for Family Members of the Detained-Disappeared of Guatemala (FAMDEGUA)

²⁰ Emilie Smith is a long-time social justice advocate and friend of Catherine who served as interpreter for Alexandra during her Master's and PhD fieldwork.

²¹ Alejandro Arriaza conducted excellent translation. As well, he was very familiar with the work of the FAFG and AHPN and is friends with many of the team members which work only to the benefit of comforting the participants during the interview.

As survivors and victims continue to live in a state of fear (Green 1999) with systemic impunity, they are cautious to speak openly of their opinion and experiences. Therefore, it is important throughout the research process to create a safe space where the participants are comfortable to share their views. Although no interviewees requested to remain anonymous, I ensured every participant I would uphold confidentiality to the highest of standards (Longhurst 2010:111). I conducted interviews in the FAFG El Sauce Office, La Verbena, AHPN, and FAMDEGUA office where interviewees felt comfortable and any potential harm or risk to the interviewees was minimized.

The UNBC Research Ethics Board (REB) reviewed my proposal before venturing to Guatemala to conduct any research (Appendix A). The REB application included measures to ensure informed consent, privacy, and mediate harm (Dowling 2010:28-29). A 'Participant Information and Consent Form' was drafted, approved by UNBC REB and translated into Spanish (see Appendix B). This informed consent form included an outline of the purpose of the research and expectations of informants who agree to participate (Dowling 2010:29). With the assistance of translation, I read the informed consent form. If they agreed, they signed the consent form, one copy for themselves and a copy for me. Every participant was given the option to participate, the right to be anonymous or named in the transcribed material, to receive a copy of the transcriptions, to change or remove their response, to stop the interview at any stage, and the right to stop the voice recorder or video camera when desired (Dunn 2010:114). I have the responsibility as the researcher to respect all of the interviewees' rights and to listen attentively to each participant (Haig-Brown 2003:416). While in Guatemala and upon returning to UNBC, I took great care in ensuring this sensitive material was locked and stored at all times in a safe and secure location. I am concerned with the safety of my participants and myself;

therefore, I took care to uphold the highest level of safety possible throughout the entire research process.

Fieldwork has its limitations – time, money, and language. As my own funds and resources fund my thesis research, I could only afford to be in Guatemala for 12 weeks at first. As many other graduate student researchers have indicated (Einbinder 2010:29; Gade 2001; Pedersen 2011:82; Reade 2005:63; Stephens 2005:27), lack of fluency in Spanish was a limiting factor in some cases. Alexandra and I participated in three weeks of intensive Spanish language school in Xela (also known as Quetzaltenango) prior to conducting any fieldwork. During those three weeks of Spanish School, I gained sufficient confidence and knowledge in Spanish for small conversations and reading.

The choice of semi-structured interviews and participant observation was most appropriate as it allowed for a very guided and focused direction, including flexibility and space for my own witnessing and observations (Baxter and Eyles 1999:179). Clifford (1986:7) argues that a researcher is rigorous when they accept that their collected data are only a ‘partial truth’. It is unlikely that I could gain all variations in perspectives of justice and a full knowledge of the lived experiences of enforced disappearances, the needs and wants of family members and how forensic and archival evidence best supports the process for justice, truth, and memory.

Analysis

The third step, upon returning to UNBC from fieldwork, was to transcribe and analyze the interviews for manifest and latent content (Kirby and McKenna 1989). I transcribed all seventeen interviews and incorporated my interview notes that included emotions, pauses, and other observations. Guatemala City is not quiet, often car alarms sound and, surrounding the AHPN, gun shots are fired at the nearby police firing range.

Throughout ALBERTO²²'s interview, gunshots echoed through the room, not only making it difficult to conduct and transcribe the interview, but made it emotionally difficult to speak of justice and enforced disappearance with the background noise. I was careful to listen to each interview several times in different volumes and speeds to catch all information.

While coding for manifest and latent messages, I consulted the guidance of Kirby and McKenna (1989), Hay (2010), and my supervisor, Dr. Nolin. A manifest message is an obvious theme that stands out within the analysis and produces codes (Cope 2010:282); whereas latent messages are subdued and contain the implied message of the data (Cope 2010:282). From the transcribed interviews, I focused my analysis on discussions of justice. Based on answers, I grouped the different ways the interviewees spoke about justice into themes. To assist identifying the different themes, I produced many mind maps and, what I like to call 'academic doodling', so to visualize the different perceptions of justice (see Appendix C).

Conclusion

To conclude, this chapter explores my positionality as a researcher through the 'messy' and transformative process of research, the qualitative research methods I employed to collect data, and how I endeavored to uphold rigor, reflexivity, and balanced power relations during my Master's thesis research. Postcolonialism and a feminist geographical perspective helped me frame my understanding of enforced disappearance and how to approach fieldwork. My experiences during fieldwork and information shared by the interviewees are further developed in the analysis chapter.

²² When participants are mentioned in this thesis, their first name is capitalized to quickly highlight their participation.

CHAPTER FOUR: HISTORICAL CONTEXT

One cannot fully comprehend the context of disappearance and the connections to the present impunity without understanding the historical context that buttresses Guatemala's violent past and present. FAFG Forensic Anthropologist JORGE MARIO poignantly comments that "*It's not a matter of living in the past, but we have to have one foot in the past and the other in the present in order to see into the future*". Inspired by his outlook, this chapter explores the impact of Spanish colonialism, antecedents that founded the environment that justified the massacres, murders, and disappearances of Maya and outspoken leaders. For the purpose of this thesis, I include events in history that illuminate the colonial legacies in the context of the disappearances and shape the interviewees lived experiences of justice. Historical topics discussed in this chapter will then be further developed in the following chapter to provide an overview of the importance for archival and forensic investigation with regard to truth, memory, and justice.

Invasion and Colonialism

Two million Maya populated pre-conquest Guatemala (Lovell and Lutz 1994:133). Various Maya confederations such as K'iche', Kaqchikel, Mam, Tz'utujil, and many more thrived before the existence of the borders that now constrain Guatemala; many still do (Grandin et al 2011:39). Among them they experienced conflicts but also developed a "complex intellectual and spiritual culture" (Grandin et al. 2011:11). Land, community, and connections to place are essential elements to Maya identity and culture (Lovell 1988: 27) which have since been exploited and challenged throughout the generations by the Spanish *conquistadores*, the United States (Handy 1984; Jonas 1991; Lovell 1988), and multi-national extractive industries (Nolin and Stephens 2010).

The rivers run red and the soil has been soaked with blood of the Maya population since Pedro de Alvarado's arrival to Guatemala's rich and lush landscape in 1524 with the first wave of conquest (Galeano 1997:19; Lovell 1988). Only some years before, previously unknown diseases brought from the Old World spread south from Mexico and infected the Maya populations with smallpox and a pulmonary plague while severely reducing their numbers and hindering their ability to resist Alvarado's arrival (Handy 1984:19; Lovell 1988:29, 2010:63). Epidemics devastated the Indigenous population. Galeano (1997:18) writes, "The Indians died like flies; their organisms had no defense against the new diseases". On top of disease, the shock of conquest, including the sight of horses, steel, and firearms, contributed to the Maya's unfortunate fate (Lovell 1988:30). However, disease and epidemics played the most significant role in dramatically reducing the Maya population after 1520 (Lovell 2010: 64).

While under Spanish colonial rule, from 1524-1821, the Maya population suffered as the *criollo* exploited the Maya's land and labour (Handy 1984; Jonas 1991; Lovell 1988). Imperial soldiers forcefully organized the Maya who lived scattered throughout the mountain landscape into new settlements, *congregaciones* (Lovell 1988:30). These new villages enabled the Spaniards to reach imperial objectives, control local labour through concentrated living, conversion to Christianity, and civil administration (Jonas 1991:15; Lovell 1988:30). The Spanish continued to exploit Maya labour and control land through various legal mechanisms to gather wealth and power (Lovell 1988:30). As the South pacific coastal lands are more accessible and agriculturally more suitable for growing cacao and indigo (the desired mono crop of the time), the Maya in this region experienced those colonial forces to a different degree than those to the north in the Highlands (the region known as *tierra fría* / cold land) (Lovell 1988:31-32). Highland Maya resisted colonial pressures to a greater extent than did the Maya to the south and were able to

maintain more cultural traditions and a stronger connection to ancestral lands (Lovell 1988:32-33).

Independent Guatemala

Independence from Spanish colonial rule in 1821 brought with it the second wave of conquest to the Maya population: “conquest by local and international capitalism” (Lovell 1988:37). By 1821, colonial policies had established “mono-export, extreme concentration of wealth juxtaposed with extreme poverty, decapitalization ..., lack of infrastructure, an impoverished state, a polarized class structure, and systematic oppression of the indigenous population” (Jonas 1991:16). The Maya’s communal land was privatized and restructured to benefit economic interests of the Guatemalan elite (Afflitto and Jesilow 2007:13). The economic approach of mono-culture crops, like coffee, continued the subjugation of the Maya people as their land was taken from under them and they were forced to work on plantations (Jonas 1991; Handy 1984). A string of dictators – Barrios (1871-1885), Cabrera (1898-1920), and Ubico (1931-1944) – implemented “liberal” policies, established a militarized state, and opened Guatemala for investment from big American companies (Jonas 1991; Grandin et al. 2011:110).

During liberal rule, three large American monopolistic companies – United Fruit Company (UFCo), International Railways of Central America (IRCA), and Electric Bond and Share (EBS) – relished in unchallenged power and control of Guatemala’s land, transportation, and electrical facilities until the 1940’s (Jonas 1991:19; Schlesinger and Kinzer 2005). Guatemala’s “Ten Years of Spring” (1944-1954) began with the fall of Ubico and the democratic election of Arévalo (1945-1950) and Arbenz (1951-1954) (Jonas 1991). In attempts to dismantle feudalism and return economic control and benefits to Guatemala, Arévalo tried to decentralize political power (Jonas 1991). His actions were seen by global powers as socialist inspired as he was concerned for “humanitarian ideals

and public welfare” (Jonas 1991:23). Arbenz, the more identified socialist of the two, implemented land reforms with objectives to redistribute income and dramatically shift the economy from “dependent capitalism to national and independent capitalism” (Jonas 1991:26). In hopes of creating a new Guatemala, Arbenz enacted Decree 900, “an agrarian reform that sought to redress chronic landholding disparities and the appalling social and economic inequalities that accompany them” (Lovell 2010:139). Decree 900 spurred backlash from the UFCo, with participation from the American State Department and the CIA, as their benefits of tax-exempt exports on bananas since 1901 would soon end (Cardenas 2010:35; Schlesinger and Kinzer 2005).

To combat these new liberal policies, the UFCo and the CIA took action to change the direction of Guatemala’s future. The CIA’s operation PUBSUCCESS overthrew President Arbenz’s “communist regime” in a coup d’etat on June 27, 1954 (Cullather 2006:8; Kobrak 1999:21; REMHI 1999:188). Selected by the American government, Col. Carlos Castillo Armas became President and took control on July 3, 1954 (Kobrak 1999:20; REMHI 1999:188). Shortly after the coup d’etat, the National Committee to Defend against Communism (*Comité Nacional de Defensa contra El Comunismo*) was created and began a rigorous and systematic record of individuals who opposed the government (REMHI 1999:189). Political solutions were not a viable and realistic option for the majority of the population (Afflitto and Jesilow 2007:22). Legislation was passed to minimize opposition by outlawing communist organizations and varied social movements (Afflitto and Jesilow 2007:21) and paving the foundation for nationwide and internationally supported war.

Internal Armed Conflict and State Terror

The internal armed conflict began 13 November 1960 when a group of army officials ventured to oust the corrupt President General Miguel Ydígoras Fuentes (Ball et

al. 1999:13). This revolt led to the formation of the revolutionary movement and the counterinsurgency. Four left wing guerrilla groups, the *Ejército Guerrillero de los Pobres* / Guerrilla Army of the Poor (EGP), the *Organización Revolucionario del Pueblo en Armas* / Revolutionary Organization of the Armed People (ORPA), the *Fuerzas Armadas Rebeldes* / Rebel Armed Forces (FAR), and the *Partido Guatemalteco del Trabajo* / Guatemalan Party of Labour (PGT) were each organizing in response to the political repression and national misdirection²³. Nationally and internationally, these groups were seen as communist aligned rebels, therefore, the government answered with a disproportionate response in attempts to defeat the threat of communism.

Throughout the 1960s, State repression was strategic, often occurring against individuals and groups expressing discontent with the government. The government compiled unconfirmed suspected subversive and kill lists. Dead bodies began to appear, and others vanished, others seen grabbed from the streets, all to incite terror in the population and suppress any resistance. President Julio César Méndez Montenegro instigated the death squad, disappearances, and large-scale military involvement at the beginning of his rule in July 1966 (Kobrak 1999:36; REMHI 1999:199; Simon 1987:24). The death squads that rattled Guatemala was composed of the Guatemalan military and the *Movimiento de Liberación Nacional* / National Liberation Movement (MLN) (Simon 1987:24). Death squads quickly gained momentum and skill implementing state terror and cementing fear in the population

Repression against the revolutionary movement continued throughout the 1970s in Guatemala City (Kobrak 1999). Students, professors and unionists continued organizing to protest the inequalities and corruption of the government by forming student groups

²³ In 1982, the four guerrilla groups combined to form the *Unidad Revolucionaria Nacional Guatemalteca* / Guatemalan National Revolutionary Unity (URNG)

and supporting guerrilla movements (Kobrak 1999). As they became more coordinated, the government viewed the University of San Carlos as the core base of all subversive organizing, including the guerrilla activity deep in the Highlands. After the devastating February 1976 earthquake, urban activists and the rural-based Indigenous social movements united in the struggle against the repressive government.

The conflict quickly intensified in 1978 as General Fernando Romeo Lucas García took office (July 1978 – March 1982) (REMHI 1999). The military government demonstrated very publicly that they were intent on silencing any individual, group, and community that spoke or organized with political opposition. Death squads abducted or murdered individuals in broad daylight, working in known conditions of impunity and government officials denied any responsibility for the crimes. Furthermore, the military government's counter-insurgency strategy plummeted to unimaginable levels with the terrible event of the 29 May 1978 massacre in Panzós (Grandin 2011; Lovell 1988). Outspoken leaders and university students with the urban revolutionary movement took up arms with the guerrilla groups as the government's strategies followed the guerrilla movement into the isolated Western Highlands (Lovell 1988:45).

Abruptly, the Maya communities were under threat against a militarized machine intent on bringing down communism (Falla 1994; Manz 2004). Because the guerrillas, at times, initiated attacks against the Army with the cooperation of communities, the Government and military came to associate the unarmed Maya communities as active participants in the revolutionary struggle (Ball et al. 1999:27). Terror tactics included massacring communities, and burning villages, homes, and crops in a "scorched earth" campaign to depopulate the Western Highlands (Ball et al. 1999; CEH 1999:38; Jonas 1991; Manz 2004). The President General Efraín Ríos Montt argued that the purpose of this military strategy was to "drain the sea that the fish swim in" (quoted in Ball et

al.1999:27) -the guerrilla are the fish and the Maya population as the sea. As fish cannot survive without water in which they swim, Ríos Montt strategized that the guerrilla movement could not survive without Indigenous community support. Ríos Montt replaced Lucas García after the March 1982 army coup d'état, the terror and massacres continued, and he created methods to control the population, such as the establishment of militarized 'model villages.' Between 1978 and 1984, the military massacred thousands of Maya because the State viewed the rural Maya population as the "internal enemy" (CEH 1999:39). Placed in the context of deep racism against the Mayan ethnic groups, the State's disproportionate response to the small guerrilla movement was genocide in geographical and ethnic regions in the highlands, such as for the Ixil in Quiché and Achi in Baja Verapaz.

In total, throughout the internal armed conflict, the State planned and perpetrated 626 recorded massacres of Maya communities, often exterminating whole communities (CEH 1999:34). The CEH (1999:41) concluded in their report, *Memory of Silence*, that the "State of Guatemala, within the framework of counterinsurgency operations carried out between 1981 and 1983, committed acts of genocide against groups of Mayan people which lived in the four regions analyzed." When the massacres and strategic policies are represented spatially in maps, it is possible to see the genocidal strategies were concentrated on the Maya cultural landscape (Steinberg et al. 2006).

The Guatemalan government, through juridical law and exclusion of rights and assistance, and in full colonial fashion, denied the Maya the right to a life of value and worth. We (Henderson et al. 2014) argue that these violent and, too often, deathly perceptions of the Indigenous Maya held by the Guatemalan elites led to brutal actions which vanquished Maya political existence and therefore reduced them to a "bare life" (Agamben 1998). Political theorist Giorgio Agamben (1998) argues that 'bare life' is the

result of a legal denial to political stature and therefore people are, as a result, merely existent and receive no recognition by a larger authority. An individual is reduced to 'bare life' when they are perceived to be of no worth.

The State did not exclude the Maya from the law; however, it ensured that legal structures were in place to deny the Maya the right to proper treatment and political value (Schirmer 1998). Schirmer (1998:138) argues that "the Guatemalan military views itself as the supra- and intraconstitutional guardian – simultaneously above and within the law" in order to legitimize such horrendous violence and create a situation where they could kill with impunity (Tyner 2012:10). Parameters were set by the manipulations of power by the State to create a sense of moral inclusion and exclusion (Tyner 2012:11). The State categorized the Maya as "natural allies of the guerrillas" (CEH 1999:34), therefore justifying their criminalization (CEH 1999:27) and genocidal acts to exterminate the 'internal enemy' (Sanford 2003:152; Tyner 2012:11).

Key figures of the revolutionary movement were still under strong threat in the capital as the conflict was mainly waged in the Highlands. Paramilitary death squads abducted and disappeared people daily with impunity. As the situation worsened, many participants of the political movement hid underground, joined the guerrilla struggle, or fled into exile (Kobrak 1999; Nolin 2006). After the height of the terror, which peaked in the years of 1978 to 1984, many people continued to suffer under severe threats of state terrorism, until the signing of the Peace Accords in 1996 between the government and the *Unidad Revolucionaria Nacional Guatemalteca* / Guatemalan National Revolutionary Unity (URNG) thus officially ending the internal armed conflict.

In the context of the Cold War, the citizens of Guatemala have been attacked with state repression and terrorism in the name of counter-insurgency to destroy and dissolve

any potential threats against the military governments (Cardenas 2010:36; Grandin 2011). Two large-scale investigations were undertaken in the 1990s to understand the full extent of the violence that occurred over the 36 years. The *Oficina de Derechos Humanos del Arzobispado de Guatemala* / Archbishop's Office for Human Rights in Guatemala (ODHAG) released the *Recuperación de la Memoria Histórica* / Recovery of Historical Memory Project (REMHI) titled *Nunca Más* / Never Again, on 24 April 1998. Almost one year later, the United Nations-sponsored *Comisión para el Esclarecimiento Histórico* / Commission for Historical Clarification (CEH) report titled *Memoria del Silencio* / Memory of Silence was released on 25 February 1999. Both reports used interviews and collected *testimonios* (Nolin Hanlon and Shankar 2000). The CEH and REMHI presented reports detailing horrific acts and unimaginable loss of life. Over 200 thousand individuals were killed or disappeared (CEH 1999:17; REMHI 1999) and hundreds of thousands of people fled the country as refugees (Nolin 2006). The Commission for Historical Clarification (CEH 1999:42) estimates that the State, particularly the Army, committed 93% of the violations, contrasted by the guerrillas who committed 3% of the human rights violations. The perpetrators who orchestrated, planned, and committed the grave human rights violations have enjoyed the impunity and power accumulated since the conflict, and this has forever shaped Guatemala's cultural, political, social, and economic landscapes.

Repression by the State played out on two different landscapes; rural and urban. The violence changed depending on the strategic counter-insurgency tactics aimed at extinguishing any activity seen or perceived as communist, as clearly documented in Ball et al.'s (1999) analysis. Rural violence was characterized by massacres intended to exterminate entire villages with the reasoning, founded in lies and manipulation, that the residents were communist and supporting Guerrilla forces in combat (Ball et al. 1999:11,

26; CEH 1999; REMHI 1999). Whereas urban violence was carried out by paramilitary death squads who would abduct, kidnap, murder and then disappear targeted individuals, such as outspoken university students, professors, unionists, intellectuals, journalists, politicians, and communist party participants (Ball et al. 1999; REMHI 1999).

Landscapes of Fear and Terror

Decades of violence, terror, fear, massacres, genocide and conflict, preceded by more than 500 years of conquest (Lovell 1988), is imprinted onto the cultural landscapes that form Guatemala. Described as “A Beauty That Hurts” by geographer W. George Lovell (2010), Guatemala’s varying natural landscapes can take one through thick and humid tropical jungle, steep ravines, and luscious highlands to dry and arid hills. The beautiful diversity of natural environment masks the grief and terror that haunts these landscapes and its people (Lovell 2010, Steinberg and Taylor 2003).

Guatemala’s landscape is dotted with clandestine mass graves and the brutal memories of the violent internal armed conflict that shocked the country and “remains an open wound in the country” (CEH 1999: 28). Guatemala City is glazed with posters, images, and graffiti of disappeared victims calling on them to be returned, as an everyday reminder of the past terror and ongoing impunity (McAllister and Nelson 2013; Nelson 2009; Peacock and Beltrán 2003; REMHI 1999: xxxiii).

Terror as a weapon, wielded by armed actors, transforms specific places and regions into landscapes of fear. These landscapes of fear and terror must be placed within historical context in order to be best understood (Tuan 1979). Landscapes can conceal past pain, violence, suffering that occurred at that location, such as clandestine cemeteries and mass graves. However, a landscape may “embody other traces of blood, sweat and tears, and sometimes these are not hidden at all. They are deliberately written on the face

of the earth to inspire fear on the faces of those who inhabit them” (Gregory and Pred (2007), quoted in Clouser 2009:8). Landscapes of fear dismantle local and regional social relations and the cultural landscape; the particularly jarring and frightening characteristics of a landscape of fear may be quite visible and imposing in the area (Oslender 2006). Remaining military bases, burnt homes, abandoned and model villages are some of the obtrusive and dominating traces of terror (Clouser 2009, Oslender 2006). When families or people return to post-conflict zones, often there is an enduring sense of terror and fear that remains marked in people’s imagination (Oslender 2006, Tuan 1979). Our imagination adds immeasurable amounts of fear, perhaps reinforcing a landscape of fear as a constant reminder of traumatic past events (Tuan 1979).

Landscapes of fear are subjective and are shaped based on the individual’s memory and recollection of the distressing event(s) (Tuan 1979). The returning fear and terror that an individual is overwhelmed by is associated with certain features and places on the landscape. If death is experienced as a social fact, more than physiological, then that location could be associated as a space of death (Oslender 2006). After interpreting landscapes of fear and characteristics that sustain the felt fear, Clouser (2009) determined that scorched earth and model villages, clandestine graves and exhumations, and landmarks and memorials are present reminders of fear in rural Guatemala. In addition, Steinberg and Taylor (2003) interpreted the post-conflict landscape in Guatemala and concluded that commemorative monuments in communities are representative of the struggle to voice history concerning the internal armed conflict as the military continues to control the scene of the landscape. The still active military bases are private, closed spaces, where the army has constructed barriers to keep people out and instil a sense of domination (Allen 2003: 172). The closed spaces are another reinforcement of landscapes of fear extending back to the conflict. Regarding clandestine graves, Clouser (2009:15)

argues, “violence is thus literally embedded not only in the social landscape, but also in the physical landscape of the countryside.”

Disappearances

To disappear is to vanish, to become missing, to be suspended in a limbo without physical evidence of what might have been. To disappear causes friends and relatives anguish for years and decades. Legally, forcible disappearances are crimes against humanity – they have no end. (ReVista 2013:7)

Over those 36 years, at least 40 thousand people were disappeared as a mechanism of state terror with the objective to dismantle the revolutionary movements that the State considered subversive and create a lasting climate of fear and terror in the population (Afflitto 2004:240; CEH 1999; REMHI 1999). The disappearance of thousands of fathers, mothers, brothers, sisters, students, professors, union leaders, intellectual, journalists, and many more, ripped a large hole in Guatemala society that is filled with impunity, uncertainty, and criminalization. DOÑA BLANCA, co-founder of FAMDEGUA and a strong activist in the search for those disappeared, explains that:

Truly for me there is nothing more twisted. There is no more, no crime more horrible than forced disappearance. Because this is a life cycle that was not closed and the mourning that does not end. They're neither among the living nor among the dead. Because while their remains are not found the cycle is not closed. Because you remain in this absolute uneasiness. One day you're in agreement with this fate then the next you take hope and you live like that. It's not like with a martyr, which is not desirable or good at all, but you can take the remains and bury them and you know where your loved one is. There is a constant void in the house. Regarding this as a mother, I could have a hundred more children, but that would not replace the space of a missing son. When a husband is gone you can get around the corner, but finding, replacing a child is very hard. And then in their case, what's even more sad, so is that they were healthy, they were hard working they were honest, they thought, they maybe thought different to the government and that what caused them their lives, because they wanted a better world, we were not talking about thinking just about the country but about mankind in general.

As DOÑA BLANCA explains, a disappearance is a complex crime where the terror “assaults everyone’s values and dignity” (CEH 1999: 26). The ambiguity of the crime is

distressing for all concerned and will continue until the truth is uncovered and their fate known.

The verb “to disappear” or *desaparecer* was coined in Guatemala in 1966; however, the practice has since occurred in countries around the world, including many in Latin America (Amnesty International 1981, 1993:13; Afflitto 2004:240; Simon 1987:14). Enforced disappearance, different from a disappearance, is defined as such when the State is known or believed to be the perpetrator. Forensic expert and director of the Peruvian Forensic Anthropology Team (EPAF), José Pablo Baraybar (2008:534) defined enforced disappearances as “a well-planned practice designed to provoke anguish in the population and relatives of the missing person, as well as a sense of a relentless and unstoppable process.”

In 1996, the Inter-American Convention on Forced Disappearance of Persons defined a disappearance – a definition of enforced disappearance grounded in impunity:

The act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the state or by persons or groups of persons acting with the authorization, support, or acquiescence of the state, followed by an absence of information or refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees. [Organization of American States 1996, Article 2]

The emphasis in the definition of a disappearance is that the State is aware of the kidnapping, which results in the vanishing of the individual where there is no information to locate the individual; therefore, cruel, uncertain grief affects the family and all those close to the victim of disappearance. Given that there is no body to mourn and no knowledge as to the fate of the individual, the family is stuck in relentless grief. FAFG forensic anthropologist, ALMA, explains the crime is permanent “*because it’s a constant mourning process both for the family and for the remains.*”

In essence, the disappearance of an individual is so striking since they do, literally, disappear (Dorretti and Snow 2009:304). The family members are left “in a chronic state of intense uncertainty” (Afflitto 2000:118) since their loved one was used as a weapon of terror by the state (Afflitto 2000:116). ALBERTO²⁴ explains,

We believe there was a sequence of terror. A person was captured. But this capture immediately became an abduction because this person was not taken to a detention center and there was no official arrest warrant issued by a jury, but by a court. So, we have the capture that became abduction that lead to torture that lead to execution and then the bodies were just thrown into ravines or left by the side of lonely highways or roads. So, a justice of the peace, the police, and the fireman all of them went to the place where a corpse was found. And the fireman, by the way, had the duty of moving the body to the morgue. According to the laws of the country, whenever you found a corpse the police had the duty of taking the fingerprints. This procedure was never done. So, the bodies, they are unidentified bodies without any documentation were carried to La Verbena graveyard where they were buried as XX. There is a special entry in the books in La Verbena that says XX body. And, is buried in such and such block, and there is hundreds of cases. Later on all these unidentified bodies were moved to mass graves.

The government of Guatemala strategically planned and orchestrated these active disappearances (Doyle 1999). The system functioned in a deliberate way so that family members could recover their loved one among the unidentified bodies, and in return ensuring the death squads could continue to operate with the unacknowledged support of the State.

Death squads

Death squads functioned in daylight with complete impunity throughout the conflict. A ‘death squad’ is a team that can be composed of specialists, troops, police, paramilitary who complete political killings based on an order (Amnesty International 1993:36). The implementation of death squads by governments illustrates the desire for “quick fix” solutions to political opposition (Amnesty International 1993:36) with the objective of terrorizing the general population, and dismantling revolutionary movements

²⁴ ALBERTO is the Assistant Director of the AHPN. He is in charge of security and maintenance of the facilities, and receiving visitors, and of inter-institutional coordination with the National Civilian police.

and targeting “subversives” (CEH 1999:36). Death squads are “untraceable groups” that often identify as independent, when really they are linked to the state (Amnesty International 1993:36). The State allowed the death squads to operate with impunity and little concern about legal repercussions (McSherry and Molina 1992:2) all in order to instill terror and fear within Guatemalan society.

Ambiguous Loss

A disappearance “creates a sense of ambiguity and heightened distress and anxiety over what actually happened and the whereabouts of the body” (REMHI 1999:19). The associated pain and grief related to the disappearance is considered permanent until the person who was disappeared is found (REMHI 1999:294). KATIA²⁵ speaks about the permanency of the crime:

It is very difficult to say that it's an ongoing crime, is the term right? With permanence. But as a person that talks to relatives, I can tell you that it's a very, very cruel thing because they don't know if their relatives are dead or alive. They don't know if they should be waiting for them, they cannot bury them according to their own beliefs or traditions. So even though it's difficult to say so, its valid to say that it is an ongoing crime. Because they keep living it again and again, every day, over and over again. The mothers for example keep saving food for their sons or daughters, if, in case they come back.

Many relatives of disappeared will always have a thought that there might be some possibility that they are alive (Dorretti and Snow 2009:311). The unresolved grief associated with the sudden and long-term disappearance of a loved one can be debilitating (Boss 1999).

Not only is the act of disappearing someone deadly for the victim but also for the family who will continually wonder about the whereabouts and fate of their loved one (Afflitto 2000:118; CEH 1999; REMHI 1999:19). ‘Ambiguous loss’ occurs when a loved

²⁵ KATIA was the FAFG Coordinator of the unit of research on forced disappearance and identifications. She worked with the FAFG (at the time of the interview) for seven years and worked very closely with family members.

one is absent and there is no opportunity to know their fate (Boss 1999). Psychologist and researcher Pauline Boss (1999:4) argues that ambiguous loss is possibly the most difficult type of loss to resolve. Boss 1999:4). REGNA²⁶ reflects on the trouble of her husband 'leaving without goodbye' and the uncertainty of this fate:

But then I never heard from him again. And we started looking for him; I didn't know what to do. I did not tell the authorities because to look for him because then they could find him. That was exactly what we didn't want to happen because I knew they were the ones looking for him. So, we started searching but we didn't know anything about his whereabouts. We thought that maybe he could have been moved to another country, say Cuba or something like that, because those things happened.

The family members of the disappeared have "deep psychological scars" (Afflitto 2004: 246) and are unable to resolve their grief until they know the fate of their loved one, have a body or bones to mourn, and can bury their loved ones with dignity according to their cultural practices.

The families and loved ones have a right to know the whereabouts and fate of their disappeared family member (Afflitto 2000:12; Baraybar et al. 2007:273; CEH 1999:III, 27; REMHI 1999:316). Afflitto (2000:122) argues that the right to know has two components: the family members have the right to know the fate and whereabouts of their community member or loved one; as well, at the same time, the right to demand the recognition and accountability from the state about their role in the formation and propagation of the death squad that is responsible for the disappearances. AURA ELENA, co-founder of FAMDEGUA, speaks on her lived experience with the disappearance of her brother:

I think forced disappearance is the very worst thing they could have done here, really, the very, very worst thing because you go to bed and you get out of bed thinking 'will he appear today? Or tomorrow?' that's an ongoing torture and

²⁶ REGNA is the wife of Jose Perfirio Hernandez Bonilla who disappeared on 7 January 1984 and was a prominent member of the PGT. He is number #41 in the military diary with the terrifying '300' beside his log.

absolute uncertainty. And in my case, for example, one of the most painful things is seeing my 95 year old mother still cooking for the beloved son that did not come back.

Conclusion

This chapter includes a brief overview of Guatemala's colonial, independent, and internal armed conflict history, with specific events chosen to illustrate the state terrorism and the geographic differences experienced by the population which will allow for a better understanding the context in which forensic and archival investigation, the victims are hopefully recovered and remembered. The crimes of disappearances are introduced to begin to explore the complexities of the physical suffering of the victim and the psychological grief felt by relatives (Lovell 2000:51).

In the following chapter, I will introduce the FAFG, AHPN, and the family support groups to illustrate their hard work in searching for the disappeared. In doing so, I expand the meaning of justice, historical clarification, and the meaning of accountability surrounding the disappeared. I will discuss how forensic and archival evidence are mutually supportive, can be used to challenge impunity, strive for justice, and provide hope for the relatives.

CHAPTER FIVE: SEARCHING FOR THE DISAPPEARED: KEY ORGANIZATIONS

Relatives of the disappeared have struggled for three decades, searching for their missing loved ones and constantly demanding of the State that it speaks about their role in their current pain. Momentum and hope is building that their loved ones can be returned from their clandestine graves through the combination of forensic and archival sciences that open spaces for the truth to be shared. This chapter examines the recent successes in the search for the disappeared that shaped the context in which I conducted my interviews. In order to ground the importance of the victim identifications, I examine the role of the forensic sciences in supporting human rights and introduce the *Fundación de Antropología Forense de Guatemala* / Forensic Anthropology Foundation of Guatemala (FAFG). Accompanying the role of forensics is the archival search for official State documentation of terror in the *Archivo Histórico de la Policía Nacional* / Guatemalan Historical National Police Archive (AHPN). Even in the climate of impunity and with the current oppressive government, the FAFG, AHPN, and family members continue to work in this challenging environment to search for the disappeared.

Dónde Están? / Where are they?

The survivors and family members of the victims of the conflict demand to know what happened to their loved ones and want to uncover the truth. Abductions were happening publicly in the streets, secretly in the night, creating the sense of fear and terror that grew throughout the population. The abduction of a loved one and their continued disappearance left many family members in distressing situations. Some family members went to the hospitals and morgues in hopes to identify their loved one's body, in case they had been left deceased in the streets, as often happened. In other cases, families would lay low, even to the extent of never even denouncing that their loved one was missing out of

fear of backlash or further violence. Reactions were varied, but it must be understood that families had few options at the time.

The first support group for families of the disappeared was *Grupo Apoyo Mutuo* / Mutual Support Group (GAM). Formed in the early 1980s by five women looking for their disappeared family members, they encouraged other families with a disappeared loved one to join together and demand answers about the truth of these abductions and disappearances. They protested and publicized these abductions, never got answers, and in most cases, never found their loved ones. AURA ELENA Farfán was one of the founding members of GAM, and also moved on to be a founding member of *Familiares de Detenidos y Desaparecidos de Guatemala* / Families of the Detained and Disappeared in Guatemala (FAMDEGUA). AURA ELENA and other representatives of GAM and FAMDEGUA demanded answers regarding the disappeared, and also connected with communities who had been suffering massacres and other grave attacks. These organizations reached out to Dr. Clyde Snow, knowing that he had trained teams in Argentina and Chile, to request that he come to Guatemala and help initiate a formal forensic search for their loved ones and the massacred in Guatemala.

The Forensic Anthropology Foundation of Guatemala (FAFG)

In fact, sadly here in Guatemala we had a 36- year long war that left scars that have recently wanted to be denied or forgotten. But the work that we [FAFG] do provides proof that these things happened and proof cannot be denied. So, even if people want to forget or turn the page, what we do brings actual physical proof that these events did take place. [ALMA]

Since 1992, the FAFG has been working with organizations such as FAMDEGUA, to search for the victims of the internal armed conflict. FAFG applies multidisciplinary scientific methods to forensic investigations to search for and return the identity of disappeared persons, to provide truth to the victims' families, assist in the

search for justice and redress, and strengthen the rule of law. The investigations are victim-centred, applying locally-based approaches to support transitional justice processes in post-conflict Guatemala. FAFG has recovered over 8 thousand victims' remains from the conflict and returned over 5 thousand remains to their families. FAFG has identified over 300 victims of disappearance through their uniquely developed Multidisciplinary Human Identification System, including the application of DNA comparison through the National Genetic Database for families and victims of enforced disappearance, operated by FAFG's Forensic Genetics Laboratory. Since 2010, FAFG's Genetic Lab has maintained ISO 17025:2005 accreditation and specializes in the process of extracting and analysing DNA of degraded skeletal samples, and investigates and manages complex cases of unidentified victims.

FAFG provides forensic, physical evidence to the Public Prosecutor's office to be employed and used in emblematic cases from the internal armed conflict. As such, every investigation the FAFG conducts is at the official request of the Attorney General's office and they are named the forensic expert for the investigation. This evidence can help establish the timeline of events, it may corroborate with the testimonies of witnesses, and illuminate patterns of violence. It is up to the prosecutor's to interpret the evidence and apply it to their case. FAFG manages a rigorous chain of custody from the time the ground was excavated through the osteology lab, and DNA lab. As of early 2017, the FAFG has conducted over 1,800 cases related to the Guatemalan internal armed conflict. They also assist the Guatemalan Attorney General's Office when requested for current cases, including disaster victim identification, paternity cases, femicide investigations, homicide investigations, rape, and illegal adoptions.

First, FAFG gains the trust of the families. Trust is key to the success of the investigation. As FAFG acts independently of the State, family members are more at ease

about sharing details of their disappeared or extra judicially killed loved one(s); however, FAFG always takes the time to build a relationship with the community and family to foster their trust in the organization and process. Included in this discussion is the importance of explaining the expectations from each side, the FAGF and the family members, and never over-extending promises. Throughout the investigation, FAFG interacts with the family and upholds their respect and dignity, as their work is dependent upon the trust that they share with us to venture with them in their search for truth, accountability, acknowledgement, reparations, and justice, in its most holistic sense.

FAFG interviews the family member and gather a buccal (cheek) swab to collect a DNA sample. During the interview, the investigator documents all details of the event that the family may remember, including when and where the victim was last seen. In addition, they record any physical details of the person, including their height, sex, age, and any individual characteristics that may assist with the investigation, such as dental work or previous bone injuries.

Often at the same time, the archaeologists are surveying locations that have possible graves. These locations may be identified from eye-witness testimony of the event or where the family remembered burying their loved one. Trenches are dug in the area in hopes to locate a grave or notice disturbances in the soil that may indicate the dimensions of a grave. Also depressions in the earth, if visible, are all pieces in the possible puzzle. The graves are excavated, being very careful and cognisant of the remains and any associated artefacts that may indicate details of the crime. The remains are gently exposed, and all the details are documented with sketches and photographs. The archaeologists exhume the remains, being very careful to document and recover all the remains for more detailed examination back at the lab. The archaeological site is a crime scene, so the archaeologists treat it as such, knowing that the scene is destroyed

with the excavation. However, family and community members are always present to witness this symbolic uncovering of truth and breaking the secret prison that held these victims for several decades.

At the osteology lab at Simeon Cañas in Zone 2 of Guatemala City, the forensic anthropologists continue the investigations, diving deeper into uncovering details about the uncovered victims. Each cardboard box holds one set of remains, labelled with the FAFG specific investigation nomenclature for each set of remains. To begin, the unopened box is x-rayed to see whether or not there are any metal fragments. The remains are removed from the box and cleaned, and each fragment and bone is labelled with its nomenclature. If possible and necessary, some of the bones are reconstructed to show possible trauma and patterns.

The forensic anthropologists lay out the remains anatomically and begin their analysis. First, they examine the biological profile of the victim based on the bones: determining height, sex, age range, and noting any individualizing characteristics. If possible, they will determine the cause of death and note any circumortem trauma (at time or near time of death). All these details are important to understand who was the victim and potentially what happened. A sample is cut from the posterior side of a femur to be sent to the DNA lab to for processing and analysing.

Internationally recognized with ISO 17025 accreditation, the FAFG DNA lab is specialized in extracting DNA from degraded bone. It is the only lab in the region with that level of accreditation. The bone samples are broken down and pulverized to better locate and extract the DNA from the sample. Special chemical reactions and equipment help determine the amount of potential DNA in the sample. Currently, the FAFG is using a DNA kit to examine 16 regions of the DNA, counting the STRs (Short Tandem Repeat),

however there is better technology that increases it to 24 STR markers, thereby increasing the potential for a match. The family reference samples are also analysed to gather the genetic profile.

The genetic profiles from the bone samples and the family reference samples are inputted into the database to then compare these two different groups. The software, Mass Fatality Identification System, also known as M-FISys ('sounds like emphasis'), was developed to identify the victims from the Twin Towers 9/11 event. It is specially designed to understand the genealogy of the family of the victim, placing the victim within the family genealogy and the relationships with the family, especially those who donate a DNA sample. The closest relatives (parents, siblings, children) are the most desired as their genetic relationship will be the closest and deliver the most statistically determined genetic coincidence.

A genetic coincidence initiates FAFG's Multidisciplinary Human Identification System, because a match in the database is not a confirmed identification. This system then reviews all the information gathered throughout the investigation to ensure the pieces match and statistically confirms identification with the highest level of certainty. This means that the information gathered from the victim investigation unit is compared against the archaeological report, the biological profile determined from the osteological analysis, and the genetic coincidence. In some cases, investigators will return to collect more DNA samples from other family members to complete the family genealogy.

FAFG provides families with the highest possible level of professionalism and scientific certainty in the identification of their loved one. Following the identification of a victim, their family is then presented with several choices and options that were not as accessible without the validation of an identification, such as applying to the National

Reparations Program, individual or collective legal accountability for the crime, memorialization, or whatever is their desire. However, without proper knowledge of their options and empowerment to request it, families may not know what avenues they can pursue.

Exhumations and forensic investigations challenge the impunity that represses the truth, as a transformative act and response to dignify the victims and their families (CEH 1999:54). FAFG's principal objective is to find their missing and disappeared loved ones to reunite them with their families so they can know the truth and have a dignified burial. All the while, they follow a strong forensic technical methodology that ensures proper handling of evidence to international standards that will safeguard the possibility of bringing the perpetrators to justice, to curb corruption, and strengthen state judicial accountability.

JESSIKA, the FAFG's Victim Investigation and Documentation Department Director explains:

We are one of a few institutions that can provide scientific proof. ... It contributes to dignify the victims, it contributes, I don't know how to say this but, contributes to heal the wounds of the relative of the victims and it contributes with the providing evidence to reconstruct the past. My hero, who is Clyde [Snow], says this, he says 'let the bones speak'. When we let the bones speak they tell us what happens. And thus we can prove there was, there were forced disappearance that there were crimes committed, because what the bones say are things that we can see actually. The bones tell the truth.

Forensic Sciences and Human Rights

Clyde C. Snow, established the first forensic-based human rights team in the early 1980's in Argentina, the *Equipo Argentino de Antropología Forense* / Argentine Forensic Anthropology Team (EAAF). He and his team applied traditional forensic anthropological methods to cases of human rights abuses (Steadman and Haglund 2005:1). In the 1990's several other human rights-based organisations were established to

support the demand of justice and accountability by survivors for crimes committed during civil conflict (Steadman and Hanglund 2005); the five most prominent forensic-based, human rights-based organizations are FAFG, EAAF, Physician for Human Rights (PHR), the International Criminal Tribunal for the former Yugoslavia (ICTY), and the *Equipo Peruano de Antropología Forense* / Peruvian Forensic Anthropology Team (EPAF) (Dorretti and Snow 2009). Forensic anthropology and archaeology fulfill fundamental requirements for justice, individual and collective reparations, and reconciliation (CEH 1999:54; Colwell-Chanthaphonh 2007; Stover and Ryan 2001).

In large-scale cases with human right abuses, the scientific methods of forensic anthropology are best understood in conjunction with other evidence or forms of truth-telling, such as survivor testimony (Nafte 2009:167; Sanford 2008:251; Steadman and Haglund 2005:3; Stover and Ryan 2001:7). The collection of individual and communities' testimonies and *testimonios* (Nolin Hanlon and Shankar 2000) allows the team to understand the structure and context in which the violence and conflict took place (Sanford 2003:28). The combination of the memories of the survivors or witnesses with the forensic evidence provides the foundation to strengthen the judicial process.

The process of exhuming the remains also symbolically exhumes the concealed truth and confirms the survivors' memories while breaking the structural silence surrounding the conflict. These truths need to be exposed; they were once trapped with the dead in clandestine graves without dignity. AURA ELENA of FAMDEGUA explains: *"If the exhumation hadn't happened, this would have remained impunity just like many other massacres that haven't been tried and remain in silence; because they have not been dug out. The exhumations are very important; as well as, the support given by forensic anthropologists to the relatives of the victims."* Through excavations, the silences are exposed and the truth is out in hopes that these crimes will never happen again.

The Commission for Historical Clarification (CEH 1999:54) states that “the exhumations of remains of the victims of the armed conflict and the location of clandestine and hidden cemeteries, wherever they are found to be, is itself an act of justice and reparation and is an important step on the path to reconciliation.” Justice can be in the form of legal prosecution to hold the intellectual authors and perpetrators accountable for their actions; for crimes committed in a climate of impunity that lingers to the present (Peacock and Beltrán 2003).

All the evidence gathered throughout the investigation – forensic and testimony – is processed with the purpose of presenting the evidence and forensic expert reports to the Public Prosecutor’s office if requested for cases to legally determine the perpetrators and those accountable for the crime (Dorretti and Snow 2009:319; Nafte 2009:167). As is the case when the perpetrators remain in places of power, the political climate in the areas of investigation may be uneasy due to the potential for threats and the obstruction of judicial processes that might impede any legal justice or prosecutions (Nafte 2009:167). Prosecution of the perpetrators is crucial for the movement of re-establishing any form of rule of law or democracy within a post-conflict country (Sanford 2003:270) where structures are in place to ensure that the intellectual authors of crimes against humanity, including genocide, live with impunity (Afflitto 2004; Peacock and Beltrán 2003). ALEX, the FAFG lawyer, reflects *“I should say that one of the main obstacles for justice in Guatemala is that both the government and the powerful sectors are very opposed to the application of international law principles in Guatemala.”* By presenting the forensic expert reports in a court of law, perpetrators may be held accountable, and therefore, begin to dismantle the protective barriers which they have built to shelter themselves (Sanford 2003:271).

As always, the primary objective of the FAFG's work is to reconnect families through a scientifically proven identification, so that the remains of their loved ones can be returned and buried with dignity according to their cultural tradition. However, the national judicial system is developing the capacity to use this evidence to hold the perpetrators accountable building on the work that has taken place in countries like Peru, Argentina, Chile, and so on. "When a torn society does not fully and honestly confront its past, when the truth about the past remains buried and obscured, the perpetrators of violence in a very real sense remain triumphant" (Colwell-Chanthaphonh 2007:25). This is Guatemala's present reality (McAllister and Nelson 2013; Peacock and Beltrán 2003). It is in the current climate of political corruption that the FAFG continues to uncover the truth of the armed conflict hidden in Guatemala's landscape.

Strategies for Searching for Victims of Disappearance – La Verbena

Just as the State sanctioned violence took different forms between the rural and urban arenas, the search for victims requires different methodologies, conducted with the same mission. In the beginning, the FAFG focused their forensic efforts upon the known sites, such as massacres and extrajudicial executions, while now they search for the disappeared (FAFG 2010:97).

In the cases of massacres, the family members and communities often know the locations of the graves. In the communities, some survivors witnessed the massacre and perhaps even buried the victims. In these cases, FAFG gathers all possible information to understand all possible victims from the event. The FAFG classifies these as Closed Context cases. The FAFG conducts these investigations and exhumations, identifies as many victims as possible by comparing the biological profile of the remains against the antemortem interview information from the family members, and returns all the victims to

the community at their desire to be buried with dignity. In the 1990s and early 2000s, DNA was only entering the picture, and requires significantly more funding.

The investigations get more complicated in Open Context cases, also known as the search for the disappeared. In these cases, there is no knowledge of the whereabouts of the victims. The FAFG knew the only way to feasibly search for and identify the disappeared was to integrate DNA into their methods. Investigating the cases of the disappeared means conducting investigations and exhuming graves with unidentified victims, hypothesized as the disappeared, and comparing the DNA of the unidentified remains to a database with family reference samples. These are the cases thought to never be possible to solve, but the FAFG is successfully identifying the disappeared.

The symbolic epicentre of the search for the disappeared is located at La Verbena, the general cemetery in Guatemala City, where Clyde Snow and the FAFG hypothesizes based on an analysis of the cemetery records that 889 individuals were disappeared and hidden in the depths of the La Verbena bone wells (Snow et al. 2008). To this day, unidentified deceased bodies are buried at La Verbena as XX, as the system is too overwhelmed to be able to properly process the high numbers of violent deaths and unidentified deceased that still fill the system everyday.

In the 1980s, as the number of missing people rose, families tried to go to La Verbena in hope of identifying their lost loved one's body before being buried as an XX, an unidentified body. AURA ELENA reflected about the difficult times and what she witnessed:

I think that many of the disappeared will appear there. Because, I remember those times, truly awful times, that we had to live in the 80s, especially years '84 and '85, where we had to we kept on going, running to La Verbena to see if we could identify the bodies there. We saw them; many, many of the bodies were truly

disfigured. They often had their fingertips cut and their faces completely messed up and disfigured, clearly in order for them not to be identified.

During the internal armed conflict families were afraid to visit La Verbena as the military, police and death squads were always paying attention to those looking for loved ones. FAFG's investigation is working to change the space from one of fear to one of truth. The FAFG's ALMA explains:

Well, for me being here in this place, it's very interesting, it's very important; it has a lot of volume. Like for example, you've notice that when you walk here, there are all the pictures of disappeared peoples. So to me it's like if it was in the air, these voices saying 'Look for me, look for me, find me, treat me well, take care of me'. Like silently calling, right? So every piece of the work, like, even a piece of garment, even though it's something very simple, it has a lot of meaning.

The FAFG team members believe that the disappeared are hidden in La Verbena as the unidentified deceased, labelled as XX (Snow et al. 2008). The XX, are disposed of in deep *osarios* – bone wells - in La Verbena (Snow et al. 2008: 89). Every year, people are dumped in these wells as the morgue cannot properly identify all the individuals (Snow et al. 2008). As well, extra remains are disposed of in the *osarios* as their families cannot keep up with the payments for the original burial space in the cemetery; this practice still continues today. Snow et al. (2008) noticed in the records, at the height of the violence in the 1980s, an excessive number of people were buried as XX in the *osarios* in La Verbena.

The La Verbena project required new methodologies to safely conduct the investigation in these deep bone wells. The archaeologists rappel over the edge of the bone well down into the depths of the disorganized grave where skeletons were scattered and cockroaches thrived in the dark, cool pits. All the skeletal remains removed from the well are stored on site. FAFG team members complete the skeletal analyses on site. In the background, a drill noise is audible as a DNA sample is collected from every viable left femur in hopes that a match will be made with a family members searching for their

disappeared loved one through genetic comparisons in the National Genetic Database of Relatives and Victims of Enforced²⁷. Without the use of DNA analysis, the whole La Verbena project would not be feasible as there are too many bones and sets of remains that were disarticulated to conduct a full skeletal analysis and confirm identity through traditional forensic anthropological techniques (Baraybar 2008:533; Dorretti and Snow 2009:318). The FAFG creates methods to establish a minimum number of individuals, such as counting and sampling the left femurs.

The FAFG excavated three deep bone wells from top to bottom, the deepest reaching 25m deep. With over 15 thousand sets of remains exhumed from the three bone wells, the FAFG team and family members are extremely hopeful that some of these remains will finally have their identity returned. MISHEL²⁸ shares her hope and motivations for identifications from La Verbena: *“Yeah, even if it’s just one that we find there I think it’s totally worth it. For the family that’s looking for this person and it’s totally worth it. So even though we haven’t found anything we’re confident that eventually we’ll find at least one. And if we succeeded just with one, it would be worth it.”* Even without every set of remains identified, Emilie Smith (2012) explains that the exhumation of the cruelly killed and buried restores dignity to the dead and honours their struggle.

As of September 2016, the FAFG has identified eight individuals from La Verbena, and the work continues. These identifications are motivation for the FAFG to keep searching and motivation for family members to come forward to provide their testimony and DNA sample. These identifications support the FAFG’s and Clyde Snow (2008) hypothesis that there were victims of disappearances hidden in these bone wells.

²⁷ Reverend Emilie Smith spent three days at La Verbena participating in the skeletal analysis and exhumation. Her reflective piece, “Can These Bones Live”, examines the emotions and experience of participating in activities so closely linked with the disappeared and argues that the process of exhumation dignifies the dead. See: <http://sojo.net/magazine/2012/06/can-these-bones-live>

²⁸ MISHEL is chief of Forensic Genetics Department at the FAFG.

The forensic investigation process involves regional and national public outreach campaigns called “My Name is Not XX” to raise awareness and inform the public about the possibility of identifying their disappeared relative through DNA comparison.

JESSIKA explains:

Yes, there is always an underlying fear in the families. The way we work is that we have this line, this direct line, which is 1598. So you make a phone call to us, we record and then we call back to make an appointment. But when we call back, we have different answers then, people hesitate. They say ‘we’ll think about it’, ‘we’ll let you know later’. And then they tell us that they are concerned that if they give their DNA sample the story will be repeated, that ‘we don’t want this to happen again’, ‘if we give our sample we don’t want them to come in and take our family members’. So, yes there is fear present and I think with this government we have, right now, even more so.

The function of this campaign is to gather as many DNA samples of family members with a loved one disappeared between 1960 and 1996 in order to build up the FAFG’s Genetic Database for Relatives and Victims of Enforced Disappearance, which began in 2009. The campaign is straightforward; family members place a telephone call to 1598 that is a direct line to the FAFG to set up an appointment to meet with an investigator. In 2012, the campaign evolved to focus more specifically on the connection between DNA and the opportunity to identify a family member. With the initial identifications, the campaign evolved to focus specifically on the family members who are announcing that after 29 years, they have found their loved ones: *¿Tienes un familiar Desaparecido entre 1960 y 1996? Con AND los estamos identificando. ¡Ya los encontramos! / Do you have a family member disappeared between 1960 and 1996? With DNA we are identifying them. We found them! As the FAFG continues to identify victims of disappearance, family members may see the results as positive progression to dismantle the entrenched fear that still pains many family members (Green 1999).*

A Clandestine Archive Appears: Guatemalan Historical National Police Archive (AHPN)

The Guatemalan government denied the existence of any evidence, files, reports, or archive that recorded the state terrorism when requested by the Truth Commission (Doyle 2007). Unexpectedly, in July of 2005, Cifuentes Medina working under the Attorney General's Human Rights office found the National Police archive (AHPN 2013; Lovell 2013:200). Hidden in Zone 6 of Guatemala City, behind the Civilian Police compound at Avenida La Pedrera and engulfed in garbage and crumpled cars, is a warehouse filled with decomposing documents, photos, and loose pages all rigorously detailing the everyday events and functions of the National Police. After further investigation, the thousands of packets of papers and books were proven to be the administrative archive for the National Police (Weld 2012).

MAGDALENA²⁹ remembers when she first visited the archive after its discovery and reflects on its transformation:

All this has changed a lot. When I first came here, all the documents were lying on the floor. There were roaches, there were bats, wherever you saw there were mice. You had to walk in the very tiny path in the middle of all the junk yard; everything of that has changed. Now, the documents are in boxes, in their own boxes, that's how they are studying them. First when I came they had bricks and pieces of wood as tables. There were just a few people, now they have grown and grown and they are maybe more.

Kate Doyle (2007; 2010; 2011), Kirsten Weld (2012) and W. George Lovell (2013) have all published on the discovery of the archive. Due to its intensive recovery and preservation of the documents, the AHPN is a symbol for historical clarification

²⁹ MAGDALENA is a janitor at the AHPN. She has worked there since its discovery in 2005 and has seen its full transformation. MAGDALENA's sister was a guerrilla killed in rural Guatemala in conflict. The FAFG exhumed and returned her sister's remains to MAGDALENA and her family a few years back. She is now buried in Huehuetenango.

(AHPN 2013; Lovell 2013)³⁰. Speaking on the relevance of the AHPN, ANA VIRGINIA, Technical Archive Operator at the AHPN, says it is:

Because the recent events in our country's history, to document them, to support them with evidence. There is an oral history, there is spoken stories about the history, but there are also documents that prove events and there is a chance that we can move the course of the history that we've been taught up to this point which is false in many cases. So we have to really bring down to the last detail these documents to put up a real history. Because there have been a lot of injustice in this country, but also there is a lot of ignorance about what has been the story. We have been taught an official history that is not true. So we have to manage all these spoken stories, spoken history, oral, this oral history with the documents that we have. And this is an issue in which Guatemala is way behind compared to other countries; this documenting of the true story that happened.

The AHPN has chosen to maintain the exact same organizational structure in which the documents were discovered to ensure no information is lost and to ensure the chain of custody and legal integrity of the evidence is guaranteed; this is a method called “continuous custody” (Doyle 2007:60). The archive contains *Fichas*, or personal identification cards, whose purpose was to manage the population and chronicle all suspected revolutionary members’ routines (Doyle 2007:60). These fichas include fingerprints, photos, any identifying particulars, and confirm the individual’s protests and political stance. The fichas represent “evidence not only of brutal abuse but also of social protest – a rejection, even during the most intense periods of state violence, of a regime’s economic and political project, and a re-imagining of what the country might become” (Doyle 2007:64). These fichas are only one portion of the wealth of information and history held hostage in the archives that the AHPN team is working to preserve.

The continuation of the archive and exposing its hidden secrets imparts power to the AHPN (Weld 2012). Historian Kirsten Weld (2014) argues that the archive project contributes to the *reivindicación* of the history of struggle and political rejection (2012).

³⁰ The AHPN (2013) released a final report in 2013, *From Silence to Memory: Revelations of the AHPN*, which extensively details the structure of the National Police and their archive.

Reivindicar has no direct English translation; however, Weld (2012:42) describes it as forms of rehabilitation and recognition where there occurs “reassigning specificity, subjectivity, and identity to those targeted by the counterinsurgency, dead or living”. Therefore, through the cleaning and organizing of the archive, dignity is returned to those who fought for a better Guatemala (Weld 2012). *Reivindicar* is looking to the future, while acknowledging the past.

The AHPN team strongly upholds the right to memory, truth, and justice (Lovell 2013). As such, the archive is open and accessible, ensuring that the secrets once hidden are out in the open for all to know (AHPN 2013; Doyle 2010). The AHPN partners with the University of Texas at Austin and digitally uploaded over 10 million scanned images of documents from the archive³¹. After some brief instruction on the structuring of the archive, anyone can search through the millions of accessible files from any location. In addition, Guatemalan citizens and organizations can request files pertaining to an individual, organization, or event directly from the AHPN. Investigators in the archive will pull all known relevant documents and deliver an “uncensored response” (Doyle 2010:12). As a student or investigator, it is possible to complete the investigating yourself within the walls of the archives with the use of their systems. Individuals can be granted access to the entire digitized archive on site as an *Investigador Externo*, External Investigator³². These are all important aspects that complement the empowerment of the archive, its team, and expose the truth of the terror documented over decades (Weld 2012).

³¹ AHPN/University of Texas website at <https://ahpn.lib.utexas.edu/home>

³² While conducting research in June 2012, I completed the process to access the entire digitized archive as an External Investigator. In order to best understand the software and system of the archive, I participated in a day course with Emilie Smith, after which I was prepared to conduct investigations independently with some guidance and direction from AHPN team looking for files related to ‘XX’ and *desconocidos* – unknown persons.

The use of the archive has already demonstrated its ability to challenge the impunity in Guatemala. With the documents as evidence, a handful of significant cases were built and followed through to prosecution (Doyle 2010; Lovell 2013). Fernando García, a prominent labour leader and activist, was disappeared in 1984. His fate was unknown until the appearance of the archive. Through the use of the hundreds of files in the archive related to Fernando, in March 2009, four former police officers were prosecuted for their role in his disappearance (Doyle 2010). As Fernando was a prominent leader in the struggle, his disappearance did not slip through the cracks of societal memory; he is fondly remembered for his actions and political stance. As such, his case did not go by unnoticed and brought attention to the secrets excavated from the archive (Lovell 2013:205). There are however many thousands of less-prominent people, who were striving and fighting for a better Guatemala, included in the archive's millions of documents (Lovell 2013:205). Overall, the documents illustrate that the National Police were focused on tracking and removing subversives with impunity instead of fighting crime (Doyle 2007:60). As more cases come before the courts, with supporting evidence from the archive, the stronger the fight against long entrenched impunity in Guatemala.

The rigorous process and system developed to clean, sort, digitize, and archive the documents by the AHPN is exceptional. Strategically, the AHPN hires Guatemalans so they can participate with the recovery of history, which has so intensely shaped their present (Weld 2012:49). ANA VIRGINIA shares: *“Well, this gives me a level of moral satisfaction. When you decide to work in social sciences you know that you’re not going to get a lot of money, but there are other things that are important. This gives me lots of moral satisfaction.”* The young Guatemalans can see deep into the wounds cut through society where leaders should be standing but who have been strategically removed by the State as a reactionary plan against those who dreamt of a forward looking and overall

healthier country and future. Perhaps the young Guatemalans will identify with the parents, university students, professors, activists, and all those targeted during the dark years of repression, and offer a critical look at the neoliberal reality founded in violence from the conflict (Weld 2012:49).

Hope from the Military Diary

A few years before the discovery of the archive, a document appeared which offered the first glimpse into the terrible mind of the military. The State continued repeating its denials and family members continued to request their loved ones return and/or the truth be known. Hope and truth for the family members appeared in 1999 in the form of a document, known as the Military Diary or *Diario Militar*.

The Military Diary is a carefully assembled catalogue of suspected subversives compiled by death squads from August 1983 to March 1985. Crafted together and updated like a scrapbook, the 183 names in the log are of men and women, some survivors and some disappeared, and who were suspected subversives and targeted for their ideologies and political alignment. Information on each person includes pseudonyms, political membership and revolutionary movement groups, links to other suspected subversives, and daily activities. As the notes continue, there are dates of abduction, interrogation, transfer to other departments for further interrogation, sometimes the date of release, and further coded data. Upon closer inspection, certain codes have been shown to indicate the person's date of execution (Doyle 1999:50). Around 100 people in the document have an execution code included in their entry (Doyle 1999:50), the number '300', and in a few entries the chilling phrase *se lo llevo pancho*, meaning "bit the dust" (Russell 2010:101). The military used execution codes "to

maintain a veneer of deniability” in case these documents would ever surface (Doyle 1999:50).

As chilling as this document is, it provided the first sign of light and truth surrounding the disappearance of 40 thousand people, whose family members have received no further information. Grahame Russell reflects after reviewing the chilling pages: “In the registry of death, I see a photo of Carlos Cuevas, brother of my friend. He was a young man when *se lo llevo* PANCHO. Seventeen years later, his family has final proof of what they have long known” (Russell 2010:101). The revelation of the Military Diary finally gave some family members and supporting organizations confirmation that the military and State were active in the disappearance of their loved ones, even if the Military continued to deny the validity of the Military Diary.

Well we didn't talk that much about it among ourselves at first. But as soon as the Military Diary appeared it was like a shaft of light, of hope. But we didn't know what to do, we were around like 'we have to tell someone like look at this there's information here' so what should we do? What doors to knock? So we started going to FAMDEGUA first and through there we started going to other institutions, like to opening the widening the space right? [SALOMÓN]³³

Most of the individuals included in the Military Diary were disappeared and killed; however, some were freed after providing information that lead the death squads to other suspected subversives (Nolin 2006:71-72). Such was the case for former PGT member Julio César Pereira Vasquez, number 73 in the death registry. The diary notes that Pereira was set free for providing contacts on 26 February 1984 after having been captured and held for four days (Nolin 2006:71). After the Military Diary appeared Pereira explained to the press that after four days of torture, he cooperated with his captors to abduct Sergio Saúl Linares Morales (number 74 in the Military Diary) and

³³ SALOMÓN is a volunteer for the Amancio Samuel Villatoro Foundation – *Fundación Amancio Samuel Villatoro* (FASV). He supports the Amancio Samuel Villatoro Museum, accepting visitors and visiting family members to explain the purpose of the foundation and museum. He has two brothers who were disappeared.

Alma Lucrecia Osorio Bobadilla (number 34) (Nolin 2006:72). Presently, Pereira lives in Canada with his family after reaching the Canadian Embassy in Guatemala City and being granted asylum. The Military Diary illustrates the space of violence and terror created by state repression that thousands of suspected subversives tried to safely navigate; as such, many activists sought exile in the north or farther, often in Mexico, United States, or Canada (Nolin 2006).

Nolin (2006:74) noticed that some of the individuals listed in the Military Diary had escaped death in Guatemala and sought refuge in Canada. Considering the thousands of individuals disappeared by the state who do not appear in the Military Diary, there are thousands of cases where individuals have sought refuge elsewhere. Nolin (2006:74) argues that the state terror from the death squads created new cultural geographies, whereby there are probably more individuals who were at risk of abduction and left to seek international refuge from the violence, adding to the void of leaders today in Guatemala to oppose the continuation of poisoned political parties and impunity of the perpetrators.

Military Diary and the Six Comalapa Military Base Identifications – Archive and Forensic Evidence

On 22 November 2011, the FAFG announced in a press conference the identification of two individuals forcibly disappeared and included in the Military Diary – Sergio Saúl Linares Morales (number 74) and Amancio Samuel Villatoro (number 55), the first identifications of this kind. With these two identifications came a new strength and sign of hope for the thousands of family members trapped in a brutal cycle of ambiguous loss waiting for the truth concerning the fate of their loved ones. These two identifications would lead to four more in the following year by the FAFG through a

collaboration of forensic evidence and the Military Diary – exemplifying how forensic and archival evidence can buttress each other and, when combined, allow for a larger picture to unfold.

In 2003, the FAFG began a large-scale exhumation in the Comalapa Military Base, Chimaltenango, of 220 skeletal remains from numerous mass graves. One grave contained the skeletal remains of six individuals; Linares Morales and Villatoro, mentioned above, were two of those six. The identification was only possible because some family members had provided testimony and a DNA sample to the FAFG National Genetic Database. Upon further investigation, the FAFG noticed that both Linares Morales and Villatoro were not only in the Military Diary, but shared the same execution date of 29 March 1984 [29-03-84: 300], handwritten into the Diary besides their entry. Within the Military Diary, four others shared that same 300 date, matching the number of individuals within the grave in the Comalapa Military Base exhumation. Then, on 22 March 2012 the FAFG, confirmed through DNA analysis, that three of the other four individuals were those same individuals who shared the date of execution: Juan de Dios Samayoa (number 78); Hugo Navarro Mérida (number 81); and Moisés Saravia López (number 88).³⁴ Not only does this case provide some insight into the processes of abduction, length of capture, and execution, it also provided family members and many others with the strong hope that their disappeared loved ones too could be identified. The AHPN's ALBERTO affirms the importance of the Comalapa identifications:

After talking about the public prosecution office, I want to talk about the FAFG, who are doing an amazing job. They have this DNA Bank that is being operated and help the relatives of the disappeared. I want to talk about two cases. We have the military base in Comalalpa where the remains of 220 people were dug out. On pit number nine, out of all the pits they dug out there, they found the remains of six people. And from the beginning they called their attention because these people

³⁴ The sixth individual is presumed to be Zoilo Canales Salazar (number 75), but he has not been officially identified.

had dental work, had sunglasses, and had different kind of clothes. So they concluded that these were not peasants, these were not indigenous people. Five of these remains have been scientifically identified without any doubt by FAFG. All these people had been abducted in different dates and different places around the city. But they shared the same remark at the end of the file that had a date and the code '300' which was the code which was used to indicate date of execution. So, this is unquestionable proof of the truth of the military diary.

All six of the individuals disappeared were captured on different dates around Guatemala City and held in a clandestine prison for different amounts of time. The Military Diary included a capture date for five of the six individuals in their entry (Salazar's entry did not include a date of capture) and shows how long they each suffered before their ultimate fate. SAMUEL³⁵ explains how this knowledge was extremely distressing: *And that gave us another piece of information that he had been held by the state for 57 days and that is the piece of information that has cause us most pain, that has hurt us the most, because we knew then that he had been tortured for 57 days and that is very painful to know*³⁶. Receiving new information of a disappeared loved one never comes easy and often brings back many strong emotions from when they disappeared.

The identifications from the Comalapa former military base are the first of many to come. The five identifications were only possible because of the DNA bank opened by the FAFG that offers the possibilities of searching for the thousands of disappeared when the location of their fate is unknown. These identifications have proven the authenticity of the Military Diary and shed light on the mass execution techniques used by the death squads and military related to all those disappeared and listed within the Diary. When looking through the pages of the Diary, there are repeats of 300/se lo llevo Pancho/ se fue (+) dates among disappeared individuals. We might presume that those individuals with matching execution dates are hidden in a similar grave in a similar location, possibly

³⁵ SAMUEL is the son of Amancio Samuel Villatoro and founder of the FASV.

³⁶ To set the context, SAMUEL's interview was conducted in the FASV museum. SAMUEL was sat next to his father's remains which are on display in a glass case and would often glance to his remains. His father has been identified, now SAMUEL has a strong connection to the search for all the disappeared, so they too can escape their clandestine hostage and regain their identity.

within or surrounding former military bases. Only time will tell if this is an accurate hypothesis and can hopefully lead to prosecution and acknowledgement that these suspected ‘subversives’ were not subversives at all, but speaking out for a better Guatemala and had every right to do so. En fin, there is no such thing as ‘subversives.’

Conclusion

I'm amazed at the commitment of the family members that keep pushing these efforts. Because I sometimes think that they would give up, not only because they just don't want to, but because of the pain that the whole process brings onto them. But they endure this pain and they keep pushing forward so they would eventually have justice for their loved ones and for themselves. [ALMA]

Spaces are opening in the climate of impunity and fear to speak about the victims of disappearance and the numerous successful identifications, with the appearance of the AHPN, Military Diary, identifications, and important work of the FAFG and family members. This context is especially important to understand how the interviewees formed their perceptions of justice, grounded in forensic and archival investigations and needs of the family members. I include the voices of the family members, FAFG and AHPN in this chapter, which will then be amplified in the following chapters of analysis and discussion, while exploring the spectrum of perceptions of justice.

CHAPTER SIX: ANALYSIS AND DISCUSSION

The meaning of justice surrounding the disappeared

Through the connections established during the months of fieldwork in 2012, I was fortunate to approach the FAFG and AHPN team members and families of the disappeared to discuss their perceptions of justice. Through these conversations, my personal view of justice grew and was influenced by the desires and meanings shared by the interviewees. It is humbling and grounding to construct this analysis from primary data and center this thesis around the words shared in confidence by my interviewees. I acknowledge the responsibility I bare to share and represent the words of the FAFG, AHPN members and the family members with the upmost respect due to its personal matter and the importance of their perceptions (Kirby and McKenna 1989).

When asked, “what is justice”, family members and the team members of the FAFG and AHPN answered with a range of meanings. I transcribed our interviews (17), conducted content analysis, and identified four main themes in their responses: **accountability**; **political change**; **acknowledgement**; and **truth seeking**. In this chapter, I will explore these themes, and at the end, ground them in the discussion of the process of transitional justice. These responses must be understood and examined within the time and context of when I conducted the interviews, in June 2012, as the perceptions shared with me emerged from the experiences of the interviewees at that time.

The purpose of this analysis is to explore the interviewees’ narratives and their perceptions of justice regarding disappearances. Through the discussions and interviews, I documented personal accounts and concepts of justice, starting from the crime and violation of the disappearance, and extending further to the conflict as a whole, as well as the lingering impacts of impunity. It was apparent to me that these personal accounts are

shaped by their individual and collective experiences. The interviews and analysis must be understood and examined as a snapshot in time as their opinions are shaped by experience. These themes are dynamic and overlapping. Direct quotes from the interviewees are used extensively throughout the entire thesis to emphasize the experience of living with a disappeared loved one, and to highlight the value I place on their words – consistent with a post-colonial approach.

Without truth or answers about the disappearance of their loved one, the disappeared remains neither dead, nor alive. This disappearing act ruptures families and disrupts the social fabric. Families cannot bury their loved ones with dignity according to their cultural practices. The disappearance of a loved one has deep and broad impacts on the relatives. During the interviews, family members reiterated that they want to know what happened, they want the remains of their loved ones, they want to say goodbye, and bury them with dignity. The identification of a disappeared victim reconnects the family and provides some answers to their questions and hopes. Most of all, the family has the opportunity to remember their loved one, hold a wake, say goodbye, and bury him or her, as well as open up new avenues for reparations and justice. Intertwined within these conversations of justice, there was also recognition for the traditional concepts of justice, such as accountability, the importance of trials, and associated forms of truth seeking.

In some cases, the lines between impunity and immunity are blurred as some hypothesized perpetrators enjoy political immunity that thus upholds their impunity. Congressional immunity protects individuals as they remain in the political arena and take advantage of a system and laws that ensure they remain untouchable (Burt 2016e). However, efforts are underway that gradually chip away at this foundation, in the hopes to reveal the truth and clarify the crimes committed during the conflict. Forensic and

archival investigations confront the foundation of impunity, but also hope to answer the questions of the family members as they search for truth.

The evidence, forensic or archival, can be applied in criminal cases, thereby challenging the impunity enjoyed by the perpetrators and intellectual authors of these crimes. The judicial processes place the awareness of the crimes at a societal level, and if a verdict is reached, then it should recognize these crimes as part of the country's 'official' history.

Individual and communal meanings of justice

If individual's perceptions of justice are shaped by experiences such as state terrorism (Afflitto and Jesilow 2007) and the persisting climate of impunity, then we could expect the responses to the question 'What is justice' to be located within Guatemala's extreme inequalities and impunity following the conflict. Interviewees' responses captured a spectrum of perceptions of justice, and their answerers empathized a meaning of justice that was grounded in their personal or professional experiences. The themes mentioned are not rigid, but overlap and connect. Their answers included personal aspirations and desires for society. These descriptions of justice require a broad gaze to examine the connections and challenges of obtaining justice. These particular sub-topics ranged from truthful application of the law to challenging hidden powers, and end contemporary criminalization of human rights defenders to having a place to lay a flower and remember.

The meaning of justice for family members embodies personal and individual desires that are served through recovering the truth of what happened to their loved one. Receiving their loved ones' remains and the accompanying ceremonies are deeply personal, although they often occur in communal settings. The answers of the

interviewees who are family members' are reinforced the responses of members of the FAFG and AHPN, highlighting that recovering the bones of their missing family member contributes to this progress towards justice, as does the continued search for the disappeared.

The impact of prosecuting perpetrators and upholding accountability reaches a societal level, stating the clarified history as fact and acknowledging the violations occurred. Where as, respecting and meeting the relatives of the disappeared request to continue the search for truth and their loved one touches a much more personal level for truth. These different impacts of the diversity of justice compose the perceptions of justice as explained by the interviewees.

The interviewees' answers are informed by their personal and professional experience with the topic, or by their daily interaction with the topic/their work (i.e. family members, FAFG, or AHPN). In the case of the forensic anthropologists/archaeologists/geneticists and investigators working at the FAFG, they deal so closely with remains of victims and family members that their work influences their perceptions of justice. It is important to note that the team members of the FAFG or AHPN may also have been directly impacted by the conflict in the many different ways that Guatemalans were affected, all experiences that would shape their perception of justice. JESSIKA's work with relatives has informed her impression of justice:

There are many ways to face the issue of justice. There is the issue of the actual trials of the legal trials, to the suspects. But me, for example, as I am personally in touch with many victim's, many relatives, I would say that many, many of them, or maybe most of them are not really so interested any more in this legal trials issue. They want more possibility to have a place to bring a flower, or to go and talk, to have a conversation about anything. So that would be a part of this, this process that should be tried to, we're [FAFG] trying to achieve.

JESSIKA witnesses the loss and pain felt by family members searching for their loved ones. In this context, she then frames her perception on their needs. She understands the families' desire to know the truth, have answers, and recover the physical remains of their loved ones over pursuing legal prosecution. The FAFG's KATIA as well emphasizes the needs of the family members because of her close work with them at the FAFG: *"Well to me, ideally, justice would be a situation where families would know where their dear ones are buried and they can be free to decide if they want to pursue a trial, a legal process or not."* The perceived interests of justice are slanted heavily in favour of their personal or near personal experiences. These aspirations are based on the lived understanding of justice and every individual can desire different priorities.

AURA ELENA has been confronting the government and demanding answers regarding the whereabouts and fate of her disappeared brother and the many victims from the conflict. She is instrumental in advocating for the investigation, search for, and exhumation of the disappeared and is a prominent human rights defender. As death squads were openly abducting and disappearing people in the 1980s, she was constantly on the front line in hopes of identifying her brother and other friends in the thick of state terror. Her devotion to the disappeared is unbroken. AURA ELENA understands the complex connections regarding the pain of a relative searching for their loved one, the impunity of the State, and the importance of truth. In response to the question, 'what does justice mean to you?' AURA ELENA responds:

It's a difficult question. Because we would want that everybody involved in their disappearance, both intellectual planners and the actual perpetrators to not be walking freely in the street, but detained. And that they would tell us where was the final destination of our loved ones, because that is what we want in the end, to know what happened to our loved ones. And when I say I would like them in jail, it's not out of desire for vengeance but as a struggle to build a better Guatemala, to prevent future generations from suffering what we suffered.

AURA ELENA's response exemplifies that the meaning of justice includes a spectrum of many elements. She describes various themes and clearly illuminates their overlaps: legal justice, needs of family members, and political change. Not only does prosecution mean there is accountability for the crimes committed, but also through the legal process, hopefully, the accused will share the details leading family members to their loved ones. In sharing her motivation for prosecution, AURA ELENA shares that within the sphere of justice is national transformation so future generations will live in a "better Guatemala". For many years, AURA ELENA has been speaking publicly to pressure the State to answer her and other family members questions regarding the location and fate of their loved ones. Her desire to know the truth does not conflict with legal justice; however, for her personally, knowing the fate of her brother serves her direct needs. AURA ELENA and the other interviewees are very aware of the connections and breadth of themes relating to justice for the disappeared.

This range of meaning and broad impacts of justice support the concept of "justice-ongoing" that H.I.J.O.S., the organization of the children of the disappeared, continues to illustrate and propagate (Vrana 2016). "Justice-on-going" is this notion that justice will not be served in a moment, rather "justice to come" as these efforts compound upon each other and will require continuous struggle, fight, and search. My analysis of interview conversations reinforced that justice is a process. Although when I began my investigation I had little understanding of 'transitional justice', my knowledge has broadened to include the different aspects in the pursuit of justice following serious human rights violations. The themes complement the general ideas of transitional justice that it is a holistic notion (De Grieff 2012) and the sense that it must be 'victim-centred' or focused on the family in the process to preserve memory to uphold the right to truth, memory, and justice (Mendez 2016). Just as ALMA said, the common thread through the

conversations, interviews, and analysis is that each of these concepts of justice “*has their own space that breaks the wall of impunity.*”

ACCOUNTABILITY

Expanding up the normative notions of justice that summons remarks and theories of fairness and lawfulness (Rawls 1971), the interviewee often began from this point in building their perceptions of a holistic concept of justice. All the interviewees indicated this was an important element of this concept of justice, while mentioning the concept is not narrow, but open to include other components that support justice and will be explain in the following sections. Through my content analysis, I brought together all the comments related to rule of law, the desire to set a precedent, the concept of ‘Never Again’, and prosecution as part of the theme of accountability.

As of 2016, 27 people have been convicted for their involvement of committing crimes during the conflict, from Genocide, Crimes against Humanity, Homicide, and Enforced Disappearance (Burt 2016f:146). So, how does the impunity enjoyed since the conflict extend and impact today? Looking at impunity in the context of crimes committed during the conflict, it is no surprise then that crimes committed today go largely unpunished. In 2012, levels of impunity for everyday crime reached over 90% (Human Rights Watch 2013), perpetuating the feeling of non-trust that any crimes committed will reach a trial, let alone a verdict. Civic trust in the judicial system and its officers decreases as accountability is not achieved. It was widely known that anyone could essentially get away with murder. A recent documentary film is even titled “Killer’s Paradise” (2007). Claudia Paz y Paz became Attorney General in 2010, and by the end of her term, which was cut short by six months, her leadership and intolerance for impunity had lowered the percentage of impunity by 30% (Burt 2016f). At the time of my

interviews, impunity was widely known and its impacts experienced daily. Crime was up, with no repercussions and nothing to deter theft or common crime. Violence and insecurity is driving migrants out of Central America, including high number of children who are fleeing their communities to seek refuge in the United States (WOLA 2016).

All interviewees identified that prosecutions and accountability were important components of their construct of justice. Prosecutions, setting a precedent, and providing evidence in trials were mentioned as contributing to justice. The *Ministerio Público* / Public Prosecutors (MP) presents a case if there is sufficient evidence to link a supposed perpetrator to a crime. Forensic investigations, archival evidence, and witness testimony may be used to support and build the case. The FAFG and the AHPN work closely with the MP. The FAFG is assigned as the forensic expert in these cases, and are called to stand trial and present the expert forensic reports. Likewise, the AHPN is often requested to submit information from the archive to the MP, so much so that in 2012, when my interviews were completed, the MP had opened an office within the AHPN to better deal with the official requests.

The intellectual authors of forced disappearance and former military official relish in the luxuries and freedom that they are dependent upon and supported through corrupt systems. Prosecutions are attempts to hold intellectual authors accountable for their actions and alters the local power structure (REMHI 1999:90). As the intellectual authors deny the past, they also support the corrupt judicial system that enables them to hold onto power that they gained through their criminal actions. Over the decades, the family members, survivors, and victims have lived in difficult situations, financially, socially, and mentally, while most of the architects of the violence roam freely with impunity. As stated by REGNA *“Impunity persists. We have had several civilian governments, but impunity has always continued... But I do believe that no matter who comes to power, this*

impunity will keep going because it's not for their own interests that these deeds go out into the light". It is important that the impunity of the elites is challenged and their crimes exposed. As the perpetrators live without the consequences and continually benefit from their crimes, impunity prohibits the family members and survivors from claiming any power to their lived experience. Their loved ones are hidden and held in clandestine graves, while the perpetrators enjoy the freedom and power associated with impunity.

The process to hold perpetrators accountable and hear the statements of the witnesses encompasses a long and rigorous process that hopefully achieves accountability. If the case leads to a prosecution of the perpetrator in cases of crimes against humanity and human rights violations committed during the conflict, this then supports the communal and societal levels of needed justice. The evidence, the testimonies of the experts, the personal statements of the witnesses are heard in the court, hopefully publicly, to be recorded as part of the clarification of history. It may not be accepted within all society as a truth; however, it is an important and progress to make waves of changes through what is understood and accepted as truth from the crimes of the conflict.

Setting a legal precedent means these crimes, in theory, should not happen again, and the law recognizes and reinforces that point. However, people are still disappearing, leaving families wrought with the pain that a disappearance brings (GAM 2015). The accomplishment of prosecutions and the journey to attain accountability supports the broadest horizon of justice, impacting the greater society.

Respondents, when speaking of whom to prosecute, would refer to intellectual authors and perpetrators. As stated by ALMA: *"The state has the duty to do justice. Not only, not only to for the crimes, for the human rights violations, but for all this denial, denial attempts, these attempts to deny what happened, right? And it should do all possible*

efforts to bring perpetrators and masterminds of these crimes to justice and judge them and try them.”

This complexity obscures the application of law for those crimes – who to charge and how?

And I think the trials, the legal processes that are happening right now are important. Because even if those that the exact people that grabbed my son and took him away cannot to be tried, because that would be kind of impossible maybe to find the exact one that committed that crime; seeing the intellectual authors sitting in trial makes me feel better, it would be enough for me. Because from those devilish minds and mouths were issued the orders that came to all of them, all the cases. [DOÑA BLANCA]

DOÑA BLANCA and other interviewees prioritized that the high authorities, politicians, elites, who mostly all still hold high levels of power should be prosecuted. However, she recognized the multiple levels to the prosecution. Prosecuting the intellectual authors is a process that dismantles the deep impunity in the country. Through dismantling the entrenched power associated with corruption and violence, an opportunity exists for political reform (out with the old, corrupt, and militarized; in with the new, just, socially and environmentally aware).

Some interviewees believe that the legal system functions as much as the elites with “hidden powers” allow (Peacock and Beltrán 2003). The elites and many political authorities built and maintained power in association with the many crimes from the conflict. Their connections, nationally and internationally, rely on their impunity and their ties to corruption that would be compromised if cases lead to conviction. A tactic to push away these crimes of the past is to argue that they should be forgotten. FAFG’s Legal advisor, ALEX explains:

There are many people that deny this and that say that in order to leave this behind we have to forgive. But as I said before it’s because there are many interests at stake, and in the end these people do so because if the processes go to

the end, they will be affected or people close to them will end up being affected, sentenced.

As the intellectual authors and their networks of colleagues relish in the power from the conflict, it is in their best interest to leave the truth of these crimes in the past. Family members, FAFG, AHPN, and other supporting organizations exclaim that forgiving and forgetting is not an option. Instead, remembering and speaking out against the intellectual authors who benefit from the power should occur, and these actions could foster public awareness of these injustices and could lead to arrest warrants.

Many respondents spoke forcefully of the need to set precedents so that the crimes are not repeated in the future. SAMUEL, whose father Amancio Samuel Villatoro was identified in 2012 and returned to the family, expresses his view: *“The fact that these people are in jail right now, well even though they may be a bit too old to be doing the same stuff again, but the fact that they are held in custody in prison guarantees that this will not be repeated and that is what we are looking for. It’s not out of hate for them, but to make sure that these things won’t happen again.”* Many emphasized that these crimes should not be repeated, in Guatemala or elsewhere. Specifically, DOÑA BLANCA says:

Well, it would be that they are tried, that these people responsible are tried according to the laws of the country. And even though they are standing trial and being beaten in front of a judge with proof, with evidence, which is something that our loved ones didn’t have, and it is very important for me that that happened to set precedence so this is not repeated in the future and to let the whole world know what happened and how we are dealing with it here.

Part of DOÑA BLANCA’s desire for legal justice and the continuation of trials is grounded in the fact that their loved ones were not provided a just process. During the conflict, individuals were labelled subversives and criminalized, then in some cases, subsequently disappeared. The family members continue to live with this criminalization as there has been no process to redress and clarify the accounts that the State took matters into their own hands and did not follow the application and process of rule of law. Instead,

they carried out arbitrary executions, kidnappings, and disappeared the victims, leaving the family to suffer.

Participating in these emblematic cases and processes, such as the Ixil Genocide case and the Sepur Zarco case, empowers the FAFG and AHPN team members and experts, and especially the witnesses and family members (Burt 2016f). The experts understand the responsibility that comes with taking on these requests, and they all take it seriously. Their participation in these cases is understood as contributing to this aspect of justice. The forensic and archival investigations, and the diligent work of the MP, are crucial for promoting and advancing justice for crimes perpetrated during the conflict and especially those related to the disappeared.

Interviewees spoke of the empowering feeling of working with evidence and supporting the judicial process. ALMA, an expert forensic anthropologist, has worked many years with the FAFG and she has testified in court to support and explain the evidence included in reports:

Regarding justice, as I said, I expect justice to happen. For example, every time we hear about trials, that there's going to be a trial, that a possible culprit is going to be brought to trial, we get really excited when they talk about us being called as expert witnesses. It's really exciting because that's what we want to happen, we want to go to court, we expect to be called to court and say 'yes we saw this, we did this research and we can testify that this happened' just like the families say it did. Just as memory indicates it is not just talk, because we saw it and we can prove it. This is evidence that we brought. So, this is very important for me because it's a part of this effort for justice.

ALMA is empowered in the act of supporting the judicial system to complete truthful cases. When the courts request technical witnesses, such as the FAFG and AHPN, for further explanation or clarification, it is strengthening the system and repels corruption from the legal process.

The desire for legal justice is grounded in the desire for accountability, progress towards a better Guatemala, and acknowledgment. As such, legal justice is one component of the range of meaning that justice embodies, as explained by the interviewees. Trials are essential to set a legal precedent so the crimes of enforced disappearance will happen no more, intellectual authors and perpetrators will no longer enjoy the freedom of impunity, and the truth will be heard.

Accountability is often the first component thought of when contemplating justice. However, the next few sections of analysis explain that justice is a term that includes various meanings. Connected to challenging authority and corrupt powers is the aspiration for a better, peaceful Guatemala.

POLITICAL CHANGE

Guatemala's corrupt political elites, such as former President Pérez Molina, established high levels of power growing from the context of the armed conflict and often held into the present day. Family members of the disappeared live, not only with the ambiguous loss of their loved ones, but also in similar social status as thirty years ago when the crimes occurred. The intellectual authors of the crimes of conflict enjoy political freedom built on violence, human rights abuses, and impunity. Family members and those working closely with the topic of and the search for information regarding the disappeared explain that part of the range of meaning of justice includes challenging the political and hidden powers that has little changed since the conflict (Beltrán 2016).

Through the conversations and interviews, interviewees mentioned within their definition of justice that part of this process and path of justice is political change. No progress towards reconciliation, reparation, and clarifying history can be achieved without political change and efforts that dissolve the illegitimately cemented foundations

of power of the politically inclined and elites. According to most interviewees, it is offensive that some of the intellectual perpetrators of these crimes have gained their power on the foundation of the crimes and events of the conflict.

Interviewees highlighted the unbroken chain of power from the time of the conflict and the challenge this continuation of authority creates for justice processes, democracy, and transition. If those involved and implicated in the strategic plans that harmed the population are the figure head or in high positions of political power, no possible space exists to acknowledge what occurred in the conflict, acknowledge the pain, the suffering, and the damages to the social fabric that occurred.

Former president, General Otto Pérez Molina, is one of the most visible examples of the ability to transfer power gained during the conflict to the present day's political context. Otto Pérez Molina is a retired army general who was stationed in the Ixíl region of Quiché during the worst years of the conflict, including former president General Ríos Montt's rule. When he was democratically elected to office in 2012 on the controversial platform of the *Mano Dura* / Tough Hand, some individuals viewed it as a move to solidify the Military's position within government. DOÑA BLANCA, founding FAMDEGUA member, said:

...everybody knows that Otto Pérez Molina was together with the repressors at some point and now he's in power just like Ríos Montt was for many, many offices, office terms in Congress... In his political campaign, Otto Pérez Molina said he would not tolerate any criminals here, but that was like fire coming out of a dragon's mouth because we know he was part of this criminal structure that abused all this damage in the country.

Pérez Molina's direct involvement in atrocities during the conflict in Quiché would come out in trial proceedings during the Genocide case. (Burt 2016f). Distrust of the system and government builds as the public becomes more aware of the impunity and political immunity, which ensures the perpetrators freedom and power.

Some of these visible powers join with organizations, such as the *Fundación Contra el Terrorismo* / Foundation Against Terrorism (FCT) who are implicated and perpetrated the violations during the conflict, to speak out against the search for the disappeared, defame the victims and families members of the disappeared, and criminalize the human rights defenders. They are supported and guided by the hidden powers (Peacock and Beltrán 2003), are one of the reasons for continued distrust from Guatemalan citizens and international intervention. The United Nations supported the establishment of the *Comisión Internacional contra la Impunidad en Guatemala* / International Commission against Impunity in Guatemala, also known as CICIG, with the mandate to combat impunity in Guatemala and strengthen the capacity of the judicial system. In addition, then Attorney General Claudia Paz y Paz received high acclamation following the advancement of emblematic cases, such as the Maya Ixíl Genocide case against former general and dictator Ríos Montt, and for bolstering and empowering the legal system to handle these cases and tackle impunity. This momentum and international praise has continued with the present Attorney General Thelma Aldana and CICIG Commissioner Iván Velásquez, who have not remained unaffected by the criminalizations and defamations, and threats by the hidden powers and groups such as FCT, as they move forward an agenda to undermine the deeply-rooted impunity and structural corruption embedded in the Guatemalan institutions (Beltrán 2016).

Otto Pérez Molina was the Guatemalan President when I conducted the interviews in 2012. At that time, there was no inkling that his government would be dissolved in the coming years through months of arrests of government officials issuing in “a new era of accountability” (Beltrán 2015). The CICIG publically denounced and arrested members from all levels of the government, including Ministers, the Vice-President, and President Otto Pérez Molina himself. At the same time, signaling the needed for institutional

reforms that have been designed and instated to allow corruption and forgo accountability (Beltrán 2015).

Reflecting on 2015, Guatemalan society has driven, witnessed, and experienced a transformation within the power and corruption of the government. CICIG exposed several large-scale criminal rings and corruption scandals that implicated government officials, sparking a massive people's movement across classes and ideologies. The movement's impact coalesced when Congress voted to remove President Molina's immunity and he stepped down, thus making him totally vulnerable to the truth of his criminal ties (Beltrán 2015).

However, these allegations opened space for an outsider to win the presidential elections in the Fall of 2015, as Guatemalans looked for leader who was unconnected to the political arena and corrupt establishment (Isaacs 2015). President Jimmy Morales, a Guatemalan comedian, with no former political experience took office. He was the candidate of the National Convergence Front (FCN); a political party founded and supported by retired military officers with ties to crimes of the conflict (Isaacs 2015).

As part of the demonstrations, and what I believe is a small part of a struggle for justice, was the action to ensure the government was not once again backed by the corrupt officials. Presidential candidate, Manuel Baldizon, a well-known businessman, was expected to win the Presidency as he led in the polls. However, as the weeks moved forward and the public continued to protest in Guatemala City's Central Park, attention also turned to defaming Baldizon in a campaign as his running mate's hands were also painted with corruption charges (Malkin and Ahmed 2015). Unfortunately, the other alternative candidate was also very undesirable and not generally seen as a step toward upholding justice for the crimes of the conflict.

The importance of changing the political landscape within Guatemala is illustrated with the damaging actions of military sympathizer groups such as FCT. The figurehead of FCT is Ricardo Méndez Ruiz, the son of former Military General Ricardo Méndez Ruiz Sr., the commander of Military Zone No. 21 in the 1980s, now CREOMPAZ (Abbott 2016). The narrative projected by FCT and similar groups is that those who are progressing or supporting the trials of cases from the conflict are ‘terrorists’. When in reality, FCT is attacking and threatening human rights and its defenders (Abbott 2015). *Unidad de Protección a Defensoras y Defensores de Derechos Humanos - Guatemala / Unit for the Protection of Human Rights Defenders of Guatemala (UDEFEGUA)* concluded in their 2015 annual report that “there is no doubt that there is a sustained increase in the security risk of Defenders of Human Rights” (UDEFEGUA 2016:20). Political change requires confronting these political and public narratives that may attack against human rights defenders and communities who are demanding that their right to justice not be obstructed.

ACKNOWLEDGMENT

Publically telling the truth, illustrating and presenting another side to the history of the conflict, acknowledges the experiences of the survivors and confirms what was witnessed and suffered. According to the interviewees, acknowledgement is a significant component of their meaning of justice. Acknowledgment actively challenges the silencing, ‘forgive and forget’, or denial narratives that are perpetuated by those who were not impacted by the violence or who perpetrated the atrocities. It means ending the criminalization of human and environmental defenders and the undignified treatment that the families suffer, while restoring the reputation and dignity of the victim and the family.

The official and public clarification of history is a vital component of the process of attaining justice for the disappeared and crimes of the conflict. The family members demand that official history, that has always been ignored or portrayed from the stance of the State, be explained and validated from the perspective of the victims. KATIA highlights the range of meaning of justice, and where acknowledgement fits:

Well first of all acknowledgment, but not only acknowledgment of the government like doing an act, a public ceremony and asking for forgiveness and these are the names of the victims, but social acknowledgment that the end of this criminalization, that people stop thinking that these were all criminals, they were executed that people really acknowledge that these were professionals that had their jobs and that were hard working people and that were also working to change Guatemala. Also that the story of the country should be told as it was, should be told truly... Acknowledging what happened is really important as a society.

Acknowledgment nods to reconciliation, which is an effort to largely bring together and make amends, but also hinges in institutional reform and economic amendment (Mack 2011).

Acknowledgement requires that there is an admittance of wrongdoing, and devolution of information to further the transitional justice processes. REGNA says, *“that the State would hand out all the military bases. So we could search and that they would deliver information on all the disappeared, right? So we could have our loved ones just like we have Don Amancio here, that we could each have our loved ones.”* In the case of Don Amancio Villatoro, who has been identified, and all those in the Military Diary, they have been acknowledged through their inclusion in the document.

Acknowledging and telling-truth of the past require a reflection and review of the events of the conflict. Forgiving and forgetting is not considered an option for the families and the survivors of the conflict. A wrong has been committed against them, and that must be acknowledged and repaired appropriately. They tell me that burying the past is an

omission of history, and is a direct assault against the victims and their families.

SAMUEL reflects:

In Guatemala you often hear phrases like 'Why don't you leave all this behind? Why don't we get out of this backwardness? Why don't you turn the page and look into the future?' but we tell these people that that's what we are doing. We are looking in to the future that is why we are here. We are professionals and that is why we are pushing this work ahead. Cause we are looking into the future. Findings the remains of my father was a way to remember those 28 years that we were trying to live a normal life and leave everything behind, but his remains are a reminder to us that we cannot forget the past and we have to keep it alive in order to look into the future.

The demands of the family members to continue searching for their missing loved ones, the exhumations, the preservation of the archive, and the progress of cases by the MP are all direct actions to ensure the conflict is not forgotten and dismissed to actively make it a non-issue. These steps are especially integral to mending of the social fabric when the newest generations are not educated about the conflict. FAFG's Chief of Genetics, MISHEL reflects:

I would say that some people, especially young people, don't really understand what we're doing and what's the importance of it. So it's really hard to explain and sometimes the organization is not perceived as it should be in the general population. They don't believe that the work is important because other people believe just 'it's the past' 'leave it there', 'don't waste any more time, more money doing this'. It's a challenge to explain this to people, in order for them to see the importance.

Making it public, telling the truth, restoring the victims reputation, and acknowledging what happened during the conflict was placed by the interviewees as actions that met their meaning of justice. Acknowledging and accepting the past is crucial to tell the families that, as ALEX said, "you are not criminals" and neither was your loved one. The significance of verbally recognizing and stating this truth is essential in this progress towards reconciliation, as recommended in the CEH (1999:48) "to preserve the memory of the victims." This process of acknowledgment, also parallel to reconciliation, is not linear and crosses through the individual to the communal reflection

of the conflict (Mack 2011). Acknowledging and preserving the memory of the survivors and victims is fundamental in a victim-centered approach to transitional justice (De Grief 2012). Acknowledging occurs between individuals, through society, to the level of the State. All these levels and different forms of acknowledgement must occur, and challenge the “forgive and forget” or “leave it in the past” narratives, as illustrated by the interviewees in these interviews.

TRUTH SEEKING

Truth seeking and the family members want and need the remains of their loved ones. Therefore, the meaning of justice must be founded in the search for the disappeared. Without the truth, family members and the victims cannot move forward and their search for justice is not achieved. However, the continued search for the disappeared is the core of the meaning of justice as it signifies that someone is applying all forensic and investigative measures to locate their whereabouts, clarify what happened, and return the remains to their loved ones.

The family members and the interviewees said it best: *Justice is the truth; to put the truth into light, to bring it out. Also, to dignify all these people cause they were not XX; they were people who dreamt, who struggled, who suffered, who cried, who laughed, who thought of a better country. And to tell the State that these people were this, they have dignity.* [ANA VIRGINIA]

Families want to know what happened, to close the door on their constant and perpetual state of unknowing and uncertainty. Receiving their remains and the confirmation of identification initiates a series of options and steps for the family. The family may decide to hold a wake and receive their family members. The FAFG presents the remains of their loved ones to them, often attended by the whole community, and they

lay the remains in anatomical order within the casket and with the clothing that was found with them. This gives them a place to mourn, a place to bring a flower, a place to remember.

ANA VIRGINIA reflects:

Well in my personal case, justice would be to know fully that the person that I have there buried, is my mother. And I think the same goes for all the relatives of the victims, that they would receive the bodies and the certainty of the people that, the remains that are receiving. Because legal justice is important, we should try to pursue the cases as far as we can get them. ... Then that's not like that main thing, I think most of the people, what they want is to get the remains of their loved ones, to know where they are and to have them.

The search for their loved one, that has already taken them three decades, is not finished until the truth is recovered. MAGDALENA clearly says: *justice would be to keep searching for the disappeared.* Because, as DOÑA BLANCA says:

This is a life cycle that was not closed and the mourning that does not end. They're neither among the living nor among the death, the dead. Because while their remains are not found the cycle is not closed. Because you remain in this absolute uneasiness, one day you're in agreement with this fate then the next you take hope and you live like that, it's not like with a martyr, which is not desirable or good at all but you can take the remain and bury them and you know where your loved one is.

In the search, there is no guarantee that families will be reconnected and they will receive their loved one. Given the many challenges to positive identifications, most families will not receive the bones nor the information to answer their questions of what happened to their disappeared loved one, so acknowledging their struggle is important. As such, the continued search is even more important. The families and the victims deserve their right to truth to be respected and be given the most scientifically sure methods to reconnect families.

The positive confirmation of the identity of a disappeared victim thereby allows the family to receive the remains of their loved one to be buried with dignity according to

their cultural practice. As the CEH (1999:54) states “it is a act of justice because it constitutes part of the right to know the truth.” This identification means the family receives a death certificate and can explore new spaces for reparations, such as seeking compensation or bringing cases of the abuses and grave crimes endured in front of a court. The identification of their disappeared loved one recognizes the family, confirms and dignifies their struggle and search. It delivers a personal and familial level of justice that reverberates through to the community and further. The direct impact is for the families.

The meanings of justice overlap the various themes that I drew from the content analysis of the interviews, as it was explained clearly by the interviewees time and time again: *Well, for starters we find him, to find his remains would be just for us. To be able to bury him properly, to know where he is. And to try the people that were responsible for these deeds. That would be justice for us* [REGNA]. The meaning of justice for my interviewees is holistic and complex. In the same breath, it extends from legal accountability to the personal return of remains, serving societal to personal needs of justice from the conflict. But in the end, as REGNA says: *There is really no legal justice that can compensate for or any type of justice that compensation for the lives of our loved ones. No matter the amount of sentences of other type of justice that were reach, that will not do for all the pain that was caused and for their lives. The thing is that what they did to them was not worth it, nothing can compensate the value of all these lives that were just taken.*

The collective search for all the disappeared

For me, personally, the most moving part of the interviews with family members, and certainly the most illustrative support for solidarity between family members, was that they felt a genuine and strong solidarity with the other families of the disappeared.

All the family members who I had the great privilege and honor of interviewing ended on the note that they felt it was now a search for all 40 thousand, not just for their disappeared loved one or loved ones. This point illustrates the importance of the continued search. Not only as reinforced in the themes derived from the analysis of the interviews, but they stated it as they felt they were now connected like family.

AURA ELENA, who has dedicated her life since the disappearance of her brother to searching for him and advocating for all victims and their families of the conflict, said “for me it’s not only Ruben Amilcar, its 45,000 disappeared and all the relatives”.

Similarly, DOÑA BLANCA exclaimed:

I am of course looking for him and my other relatives, but somehow we have adopted all of them. So we need to keep looking for all of them and looking for justice for them. Many of them don’t have any relatives any more. Their relatives have passed away so they need somebody to call out for them, to demand justice for them. So in many cases of them, back then the people did not claim them or look for them because fear and presently often because the people more related are older, much older and the younger ones don’t know what happened to them or why this happened to them, so we need to keep struggling to keep their memories alive.

REGNA shared:

I don’t think it would change my struggle if I received the remains of my husband because... Well if that happened, us as relatives we would thank god that we have him back. But it doesn’t change the fact that there’s thousands and thousands of other fellow Guatemalan that are disappeared so we should have to continue in the struggle, all of us, to have this fellow Guatemalans appear again. ... It’s the suffering of a whole nation.

SAMUEL, son of Amancio Samuel Villatoro who was disappeared for nearly 30 years, and identified in late 2011, said:

And however when the remains were found it was as if the crime had happened yesterday. I went instantly back 28 years, those 28 years disappeared and all the feelings came to the surface again. And now I’m committed to this work because I am, I feel myself as a member of one of the 45,000 families that are sharing this grief. And I, not only as a son, but as Samuel Villatoro, have a commitment to keep doing this work.

Even after his father was identified, SAMUEL felt that the struggle still continued for him personally, struggle to find truth for the others who remains hidden in clandestine graves throughout the country, whose families still might not speak out because of fear. Yet, SAMUEL highlighted his hope and determination to continue advocating for the truth surrounding the disappeared, *“I’m going to hope that they appear all of them. That’s going to be my hope and my struggle till the day I die”*.

Conclusion

Using a postcolonial and feminist geographical approach, I placed the words shared by the interviewees to explore and understand their perceptions of justice in the context of the disappeared. The analysis of these 17 interviews drew out 4 main themes, each with many sub-themes: **Accountability, Political Change, Acknowledgement, and Truth Seeking**. Respecting the trust and their opinions they imparted with me, it was important in my view to allow their words dominate the body of the analysis, while I was a means to strong together the points and the pieces, to create this larger argument to support the right to justice for the relatives of the disappeared.

CHAPTER SEVEN: CONCLUSION

This thesis is an exploration and discussion about the search for the disappeared from Guatemala's 36-year long internal armed conflict (1960 - 1996) and the ways in which surviving family members and members of key organization (FAFG and AHPN) speak about seeking justice in a context of post-war impunity. It is composed of conversations, reflections, and analyses of their perceived meanings of justice. The key research question that drove the interviews was:

What does justice mean in cases of the disappeared? Related to the disappeared in Guatemala, what are the goals of the FAFG, the AHPN, and the family members of the disappeared in relation to justice?

My proposed research project was titled: "*Kingdom of Impunity*": *Analyzing the Maintaining Factors of Impunity in Guatemala*. Throughout the processes of learning and discovering more about the country context, my focus shifted from the issue of impunity to the issue of justice in the context of impunity in Guatemala.

I embraced an interdisciplinary approach, grounded my literature review in human geography and anthropology, as well as applying experience in archaeology and knowledge of forensic anthropology while in the field. The motivation for this research flourished from an influential and transformational field school to Guatemala in the formative years of my undergraduate, led and facilitated by Dr. Nolin and Grahame Russell of Rights Action. These pivotal experiences and the process of 'un-learning' illuminated a path that led to a focus on justice-seeking in the context of impunity rather than the issue of impunity itself.

I made a conscious decision to include the transformational moments that occurred throughout this process of exploration and learning, placing them at the forefront, as inspired by feminist geography methodology and holding true to the importance of

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reflexivity (Clifford 1986; England 1994; Katz 1994; Mansvelt and Berg 2010; Nolin 2006). Inspired by a postcolonial and critical geographic approaches to research, I included the words of interviewees - the FAFG, AHPN, and family members – throughout the thesis as these approaches emphasize the need to value and make room in our work for the voices of our interviewees and participants (Green 1999; Hale 2006; McEwan 2001). I acknowledge and recognize the power imbalances that are inherent in scholarly research and therefore employ the necessary and appropriate feminist critical geography and postcolonial approach to their perspectives on justice.

I conducted participant observation and interviews in Guatemala from May to July of 2012, a time period that shaped responses to my questions. The emphasis, understanding, and desire for justice surrounding the disappeared is grounded in reparations, and the then-current insecurity (Afflitto and Jesilow 2007). In this context, it is important to give place for the memory of the disappeared and the appropriate attention to the efforts underway to resolve these perpetual crimes, such as the work of the FAFG and AHPN. I acknowledge and speak to the void created by the disappearances and the sustained ambiguity where the family is trapped until they receive the truth and the remains of their loved one to be buried with dignity (Boss 1999; CEH 1999).

Four themes emerged from my analysis of the conversations with the interviewees: Accountability; Political Change; Acknowledgement; and Truth-Seeking. These themes are not discrete in the sense that points covered under each theme may also relate to the other themes. The meaning of justice is dynamic and fluid, changing as the events of the day influence the experience of the interviewees, and broadly all Guatemalans. Justice is understood at a personal level with the needs of the family members and seeking the truth, and at a national level with the legal cases against the perpetrators to uphold accountability to challenge the deeply rooted impunity. However, for the families -- as

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they mentioned in their interviews and reinforced by the other interviewees -- the most important consideration is that they learn what happened, recover the truth, and receive the remains. This point cannot be over looked.

I choose to end this thesis with one recommendation. This recommendation is informed by what I learned from my interviewees about their perceptions of justice in a context of impunity as well as by my current position within the FAFG as the Technical Sustainability Assistant. In this position, I seek out and work to secure funding for the organization as we search for the disappeared. I recommend that the International community, private foundations, and foreign governments continue to support, financially and politically, the organizations that focus their work on the issue of the disappeared and the crimes committed during the internal armed conflict. This support would include the FAFG and AHPN, and also more broadly civil society and legal organizations that represent the family members as they present cases to the Attorney General's Office to pursue accountability and challenge impunity. While I worked on this thesis research, several significant steps have been taken towards supporting the family members, more victims have been identified and reunited with their families, and cases are being presented in the local judicial system. The momentum must continue which requires secure and sustained financial support.

The families will never forget, so we must stand in solidarity and accompany them as they demand truth and justice, and preserve the memory of their loved one. The successful future of the country and its people relies on continued truth-seeking in its various forms, positive political change, acknowledgement of grave crimes committed during the conflict, and legal accountability. As JORGE MARIO poignantly explained, *"It's not a matter of living in the past, but we have to have one foot in the past and the other in the present in order to see into the future"*.

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UNIVERSITY OF NORTHERN BRITISH COLUMBIA

RESEARCH ETHICS BOARD

MEMORANDUM

To: Erica Henderson
CC: Catherine Nolin

From: Andrew Kitchenham, Acting Chair
Research Ethics Board

Date: May 9, 2012

Re: E2012.0419.062.00
"Kingdom of Impunity": Analyzing the Maintaining Factors of Impurity in Guatemala

Thank you for submitting amendments to the above-noted proposal to the Research Ethics Board.

These amendments have been approved for a period of 12 months from the date of this letter. Continuation beyond that date will require further review and renewal of REB approval. Any changes or amendments to the protocol or consent form must be approved by the Research Ethics Board.

Good luck with your research.

Sincerely,



Dr. Andrew Kitchenham
Acting Chair, Research Ethics Board



3333 University Way, Prince George, B.C., Canada V2N 4Z9

Erica Henderson,
MA Interdisciplinary Studies candidate

Tel: (250) 960-5875
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Participant Information and Consent Form

“Kingdom of Impunity”: Analyzing the Maintaining Factors of Impunity in Guatemala

Researcher: Erica K. Henderson, Candidate for Masters of Arts in the Interdisciplinary Studies Program, University of Northern British Columbia.

Objective: The objective of Erica Henderson’s Master’s research is to explore the issue of impunity in Guatemala, specifically the search of those people abducted by state forces and never returned – the so-called “disappeared” or “*los desaparecidos*” – as one avenue to end impunity in Guatemala. This research is conducted in participation and cooperation with primarily the Guatemalan Forensic Anthropology Foundation – Fundación de Anthropología Forense de Guatemala - (FAFG) and secondarily the Guatemalan National Historical Police Archive – Archivo Histórico de la Police Nacional de Guatemala - (AHPN) to examine two main research questions:

- How has the forensic evidence from La Verbena and the documents in the Guatemalan National Police Historical Archive (AHPN), in relation to the search for the disappeared, contributed to legal processes that challenge impunity and promote justice in Guatemala?
- Related to the disappeared in Guatemala, what are the goals of the Guatemalan Forensic Anthropology Foundation (FAFG), the AHPN, and the family members of the disappeared in relation to justice? In other words, what does justice mean to these various groups?

You have been invited to participate in this study because you are involved with human rights based efforts to challenge the climate of impunity in Guatemala.

The study entitled “‘Kingdom of Impunity’: Analyzing the maintaining Factors of Impunity in Guatemala’ is being conducted by Erica Henderson, a graduate student at the University of Northern British Columbia, Prince George, British Columbia, Canada. The study will seek to understand how impunity relating to the disappearance of thousands of individuals - as a form of state terror during the internal armed conflict - can be challenged and what are the processes of seeking justice.

Procedure: You are being asked to participate in interviews with Erica Henderson and an FAFG employee acting as translator. The interviews will be conversational in style with some predetermined questions; however, the interviews will be flexible and will allow you to expand on any topics that relates to the greater issue of impunity in Guatemala if you feel it is important and relevant. The interviews are not a set length of time but they will depend on your availability of time and participation and will be conducted at a convenient time for you and the interviewer, Erica Henderson. If required, several interviews may be conducted to allow for you and the interviewer, Erica Henderson, to get to know one another and ensure you are comfortable sharing with her.

Overall, questions will be asked about your perspective of the disappeared in Guatemala during the internal armed conflict and your interpretation of what justice means. Questions will be asked for you to explain your connection to the disappeared, whether it is through employment or you are a relative/loved one of an individual who was disappeared.

The interviewer will ask for your permission to video record and audio record the conversation to ensure the interview is well documented and your responses will be accurately obtained. The interviewer will provide you with transcripts of your interviews for your observation and approval before any of your words will be included in the research.

Confidentiality: It is your choice to remain identified or anonymous within the research project. If you choose to be anonymous, you will select your personal pseudonym and no identifying information will be recorded. If any identifying information is recorded it will be deleted immediately. You may request a digital copy of your interview conversations. All digital records, transcripts, names, and information will be kept confidential and locked for 5 years at the University of Northern British Columbia, after the 5 years the data will be destroyed.

Risks and Responsibilities: It is your choice to participate within this research project and interview; participation is voluntary. You have the right to stop the interview at any point; the right to remove yourself from the interview and research project; the right to be listened to; the right to remain anonymous; the right to request a digital and/or hard copy of transcripts; and the right to stop the video and/or audio recorder at any point in the interview. If you choose to withdraw from participating in the research project, Erica Henderson will withdraw all information that has been provided.

Guatemala is place where violence is a daily occurrence and as such Erica Henderson respects your decision to not participate in the research project if you feel it could pose you any harm. If you choose to participate and to be anonymous, Erica Henderson will take all steps to ensure your identity is not revealed for your safety. Discussing the sensitive topic of disappearance as a mechanism of state terror could surface difficult memories and distressing emotions. The FAFG works with a Non-Governmental Organization (NGO) called Community Studies and Psychosocial Action Work Team (ECAP) – Equipo de Estudios Comunitarios y Acción Psicosocial – who can council or assist at any time if desired

Compensation: Your time is greatly appreciated.

If you choose to participate in the research and interviews, at completion you will receive a copy of the research results, the thesis, and any subsequent publications. You will be delivered these documents by Erica Henderson or a colleague or employee of the FAFG she entrusts with the delivery of the documents.

Contact Information: Erica Henderson can be contacted confidentially, at any time, by emailing at hender4@unbc.ca.

If you have any question, comments, or concerns regarding about your rights as a research participants or the conduct of the study, please feel free to contact the University of Northern British Columbia's Office of Research by email at reb@unbc.ca or by telephone at 001-250-960-6735. You are also free to contact Erica Henderson's research Supervisor Dr. Catherine Nolin from UNBC Geography by email her at nolin@unbc.ca or by telephone at 001-250-960-5875.

If there is any material in this information and consent form that is unclear, please feel free to seek clarification with Erica Henderson at this time or when you are comfortable. She is willing to further explain any questions or comments that you may have after being read this information and consent form so that you fully understand the objective, procedure, confidentiality, risks, and responsibilities of the research and your participation.

Statement of Consent

Name of Interviewee: _____

Place of Interview: _____ Date: _____

I agree to participate in the research conducted by Erica Henderson for the purpose of her Masters research at the University of Northern British Columbia on impunity in Guatemala.

I understand the purpose and procedure of the research. I have been informed of and understand my rights as a research participant. I understand that my participation is voluntary

and I can remove myself from the research project at any point. I have the right to choose to be anonymous in the records from the research, as well as the presentation and subsequent publications from our conversations.

Yes, I do want my name to be used in the research records, presentation, and subsequent publication. []

No, I do not want my name to be used in the research records, presentation, and subsequent publications. []

I agree to allow Erica Henderson to video record our conversation.

YES [] NO []

I agree to allow Erica Henderson to audio record our conversation.

YES [] NO []

If yes, I agree to allow Erica Henderson to use direct quotes from our recorded conversation in the research presentation and subsequent publications.

YES [] NO []

If I have any further questions, comments, or concerns I have Erica Henderson's contact information as well as the University of Northern British Columbia's Office of Research and Erica Henderson's Supervisor contact information.

Consent: As the project researcher, I have reviewed this statement of consent with the interview participant.

Researcher's Signature: _____ Date: _____

THESIS OUTLINE # TIMELINE

① INTRODUCTION

- Walk with me through Guatemala City

↳ graffiti > Faces of the disappeared
↳ Posters



¿Dónde Están?

⇒ SPATIALITY OF LIFE AND DEATH

- La Verbena
- AHPN
- Zona 1
- Military garrisons and detachments (Cobán, Comalapa)

"... We have to have one foot in the past and the other in the present in order to see into the future." (JM:I:1:16:47)

- Introduce thesis, chapters and Research Questions

RESEARCH
QUESTIONS

① How has forensic evidence and archival documents, in relation to the disappeared, contribute to legal processes to challenge impunity and promote justice in Guatemala?

② What are the goals of the FAFG, AHPN, and the family members of the disappeared in relation to justice? What does justice mean to these varying groups?



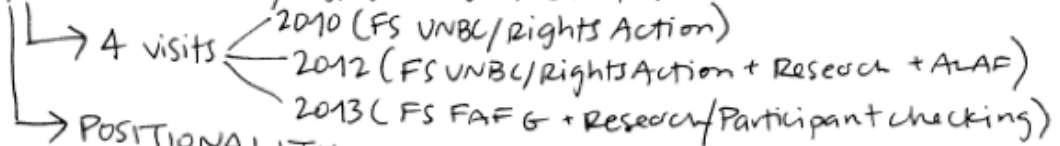
- HOW DO PEOPLE TALK ABOUT JUSTICE?
- MULTIPLICITY OF PERSPECTIVES
- WHAT ARE THE NEEDS OF FAMILY MEMBERS AND HOW IS THAT BALANCED AGAINST JUSTICE?

(1)

② METHODS + METHODOLOGIES

- INTRODUCTION

- MY EXPERIENCES/VISITS TO GUATEMALA



- POSITIONALITY (Britt/impunity/Justice)

- "Did I choose Guatemala or did Guatemala choose me?" (Lovell 1995, x)

- GUIDING THEORY

→ informed by feminism — balance power, different ways of knowing, whose voice

→ Postcolonialism — colonial present, critical of stretched geographies

LENS GO

Postcolonial Approach argues for the needs for a radical reconstruction of history and knowledge production, demanding attention to a diversity of perspectives and priorities" (Raghuram and Madge 2006: 27)

→ ACKNOWLEDGE A SPECTRUM OF VOICES TO UNDERSTAND THE MANY WAYS PEOPLE TALK ABOUT JUSTICE AND THE XX



MULTIPLICITY OF PERSPECTIVES (including the family members and FAFG/AHPN)

.... because postcolonialism: "is an act of remembrance. Postcolonialism revisits the colonial past in order to recover the dead weight of colonialism: to retrieve its shapes, like the chalk outlines at a crime scene, and to recall the living bodies they so imperfectly summon to presence. But it is also an act of opposition. PCism reveals the continuing impositions and exactions of colonialism in order to subvert them: to examine them, disavow them, and dispel them." (Gregory 2002)

• IMPORTANCE OF THE FIELD

↳ **WHERE** is the 'field'? **EVERYWHERE!!**

- messy
- betweenness
- point of reference
- participant observation
- the FS and the value of being afoot, on the landscape. Stopping at question marks
- build relationships for social change

• APPLICATION OF METHODS IN THE 'FIELD'

• 2012 (May to July)

- ↳ Xela to learn Spanish - Why?
- ↳ Rights Action / UNBC FS
- ↳ Research in collaboration with FAFG + AHPN
 - UNBC/FAFG and UNBC/AHPN Letters of Cooperation

- acknowledge gatekeepers through which I gained access.
- support and emotions in the field.
 - ↳ value of a friend (Alexandra)
 - ↳ journaling and reflecting/reflexivity

• PARTICIPANT OBSERVATION

→ **AHPN** Document Search, what I did, how I feel, what I learned, the benefits of the time spent dwelling in that place with those papers.

→ **FAFG** In-depth interaction/participation, time in the office, El Sauce, La Verbena cleaning boxes, Coban, Jalapa, the people, multidisciplinary, what I observed/witnessed and did.

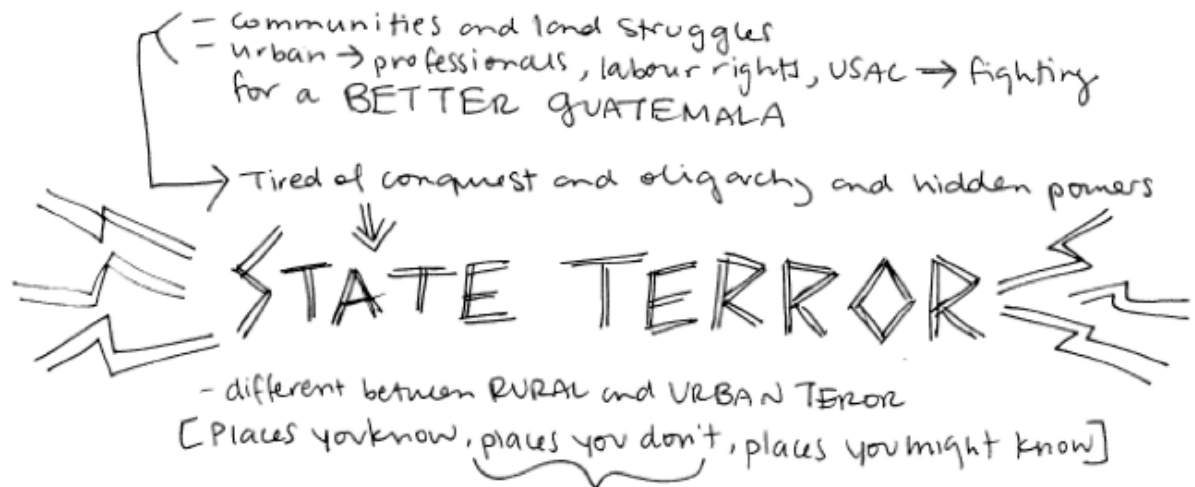
→ **EVERYWHERE** Always everywhere soaking in what I saw, observed and experienced. ⁽³⁾
 Talking with people, building connections

- PARTICIPANTS AND INTERVIEWS (2012)
 - semi-structured interviews
 - ↳ flexible/organized questioning
 - FAFG (7), AHPN (5), Family Members (5/6)
 - TOTAL OF 17(18) INTERVIEWS OVER 2 WEEKS.
 - why these 3 groups?
 - how were the participants gathered?
 - who are they?
 - Participant checking/re-connecting 2013.
- RIGOR, REFLEXIVITY, AND PARTIAL TRUTHS.
 - ↳ insider vs outsider
 - ↳ critical self reflexivity
 - reciprocal relationships
 - confidentiality, ethics, consent → REB
- ANALYSIS - full transcripts, fieldnotes/journals
 - ↳ code for latent and manifest meaning.
- LIMITATIONS → money, time. Spanish, this is only a thesis!

③ HISTORICAL CONTEXT

- 500 years of conquest (Lorell)
 - 3 cycles of conquest
- ↓
- 1950's - coup 1954 and how that shaped US involvement/policy
- GLOBAL CONTEXT → COMMUNISM *
- * COLD WAR
- breaking point between rural and urban population

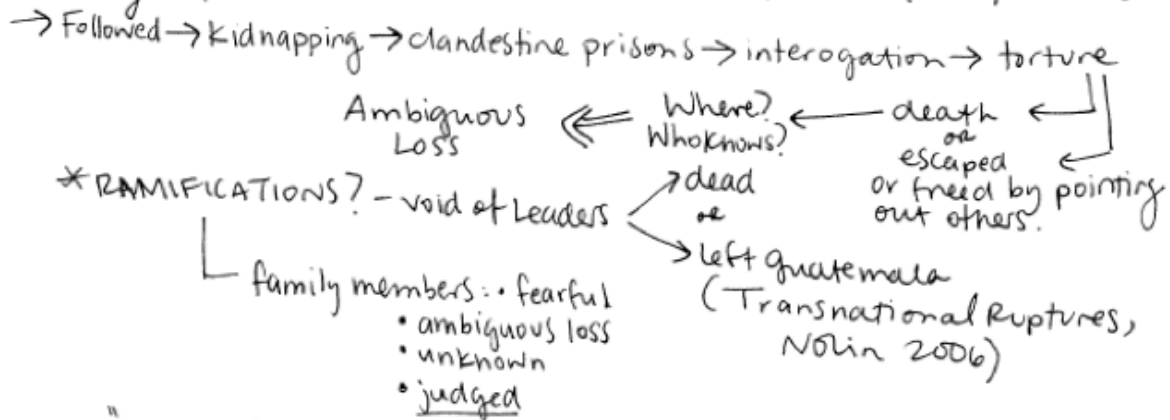
(A)



ENFORCED DISAPPEARANCE

SYSTEMATIC VIOLENCE.

* What is it? "Enforced disappearance is a well-practiced planned practice designed to provoke anguish in the population and relatives of the missing persons, as well as a sense of a relentless and unstoppable process." (Baraybar 2008:53)



"... social acknowledgement that the end of this criminalization, that people stop thinking that these were all criminals, then they were executed. That people really acknowledge that these were professionals that had jobs and that were hard working people and that were also working to change Guatemala." (KO:I:1:00:47)

(5)

- * Who was disappeared? - Professionals, labour, union leaders, students, professors
 ↳ anyone gathering or opposing the gov't
 - * Who did the disappearing? - Death Squads
 - * Why in Guatemala? (Kobrak)
 - history of enforced disappearance
 - ↳ WWII
 - ↳ named and widespread in Guatemala.
- SPATIALITY OF LIFE AND DEATH.

All this in a climate of
IMPUNITY...

④ PRESENT DAY/CASES/ORGANIZATIONS

- Introduction - who are the current players, actors, aspects in the search for the disappeared and justice.
- ARCHIVAL
- Military Diary 1999 → Names, Faces, Lines of those disappeared
 - * Planned + state driven.
 - 1st exposure - daily log of death squad activities.
- 183 NAMES. 300 - Execution Code.
 + date of abduction.
- AHPN 2005 → Administrative Archive for the National Police.
 ~ 100 years of documents
- 80 Million Documents. → * RECOVERY OF HISTORICAL MEMORY *
- Recover documents, clean, classify, digitize, investigate. (12)

(FORENSIC/BONES)

- FAFG 1990's → Interdisciplinary Investigations into the XX
 - archaeology, anthropology, geography, genetics, physical anthropology, legal
 - driven by the requests of family members and communities.

→ Investigations yield objective, unbiased evidence

"THE BONES DON'T LIE (snow)"

* Identifications - Comalapa, Coban, La Verbena

→ FAFG DNA BANK

6 from military diary.



The evolution of the search for the disappeared.

- (I) (2009) Instigate the DNA Bank and collecting DNA
- (II) (2010) Do you have a family member disappeared between 1960-1996? Your DNA can identify them!
- (III) (2013) With family member - After 29 years we've found them!

→ LA VERBENA - epicenter of the search for the disappeared
 ↳ 3 osorios and 2 graves.

→ COMALAPA - Military base, connected Military diary to remains, 6 identifications.

→ COBÁN - Former military garrison. Identifications, my experience.

HOW ARCHIVAL AND FORENSIC EVIDENCE SUPPORT EACH OTHER

- what do they each provide and when combined how does it challenge impunity, ~~the~~ justice, and support family members?

(2)

* ORGANIZATIONS: FAMDEGUA, FASV, HIGOS, GAM

* Let the disappeared Speak and hold Space and Political/Societal importance.

↳ RECOGNITION

⑤ JUSTICE/ANALYSIS

* WHAT IS JUSTICE? (LIT. REVIEW)

- just
- fair
- worth
- value
- right

- individual/communal?
- legal?
- reconciliation
- reparations.

* scholarly overview of justice literature...

Rawls, Barry, Smith...

transitional justice

- ↳ truth (archival/forensic)
- ↳ memory (testimonio of family members)
- ↳ justice. (what is justice?)

... in Guatemala with the disappeared....

* HOW DO PEOPLE TALK ABOUT JUSTICE?

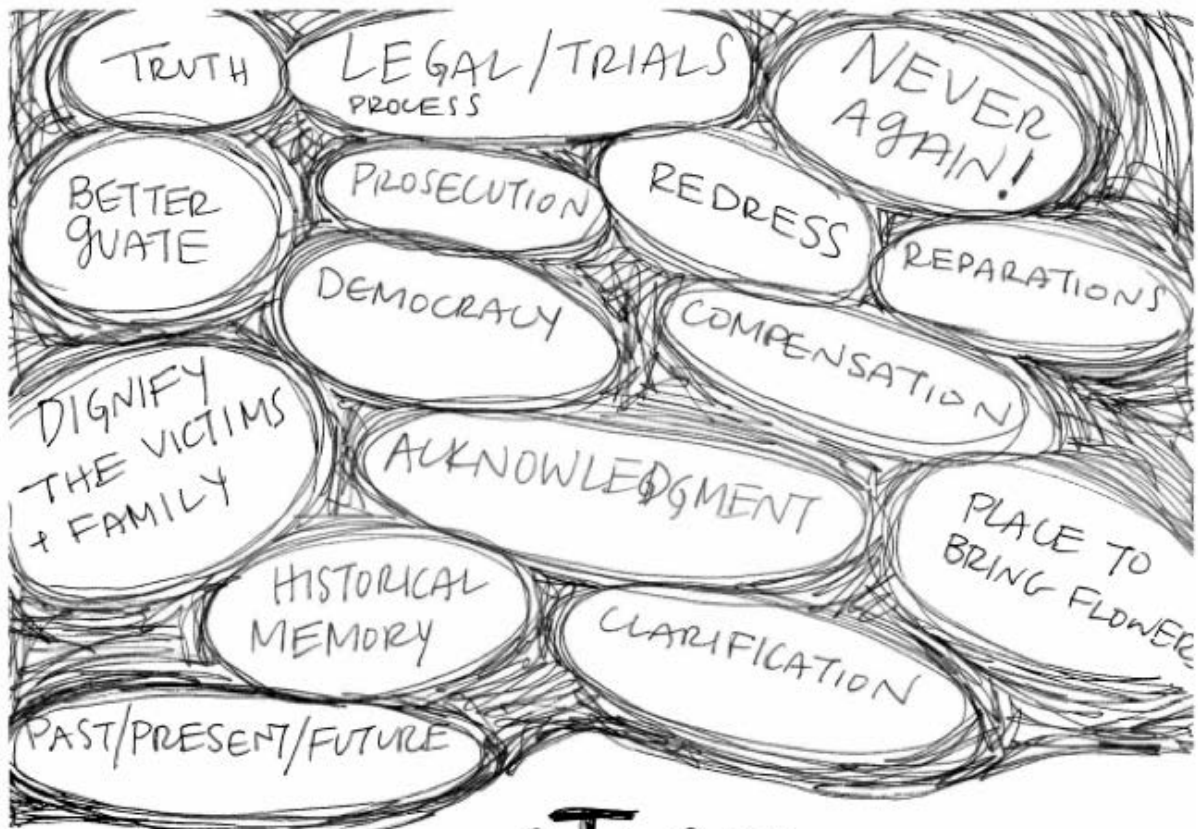
* HOW DO THE DIFFERENT GROUPS VIEW JUSTICE (IMPUNITY)?

FAFG

AHPN

FAMILY MEMBERS.

⑧



JUSTICE

... more analysis
QUOTES!!!

- how do they all connect?

⑥ DISCUSSION / CONCLUSION

- what's the importance of this knowledge, information?, desires of the family members, those disappeared?
- how does this fit into the current context?

"So All Shall Know"



DIAGRAM.

→ Present Justice and impunity in Guatemala

6a

- Certain court cases
 - ↳ Constitutional Court
 - ↳ International Human Rights Court → case of the 28 disappeared
- **GENOCIDE** Rios Montt / Rodriguez Sanchez Trial. *¡SI HUBO GENOCIDIO!*
- current targeting of human rights defenders.
 - ↳ Systematic terror
- What's next for Guatemala? *HOPE/FEAR?*
 - ↳ International attention?
 - ↳ SPATIALITY OF LIFE AND DEATH.
- What's the next step?
 - The importance of acknowledging and recognizing the crimes of the past and their affect on the family members, society, and country.
 - ↳ Family members will never stop searching
- "I'm not only thinking about me but about the 45,000" (SV:I:0:42:10)
- "...because for me it's not only Ruben Milka, it's 45,000 disappeared and all the relatives" (AE:I:0:41:42)
- "...we would thank god that we have him back. But it doesn't change the fact that there's thousands and thousands of other fellow guatemalan that are disappeared so we should have to continue in the struggle, all of us, to have this fellow guatemalans appear again". (RJ:II:0:17:19)
- * "...we have to have one foot in the past and the other in the present in order to see into the future" (JM:I:1:16:47)