Before and After

As she drifted off to sleep, I used to tell my daughter a story about floating in the warm waves of the Pacific, the water gently lapping into a Costa Rican cove. I would describe the sun shining on us, the fresh smell of the ocean, the sweet aroma of the flowers, the salty breeze, and the sounds and colors of capuchin monkeys and toucans. Mostly, I would describe the rhythmic movement and whoosh of the water as it gently buoys your body up to the sun and back down to a new wave. And when I would give her this image to dream, I would remember the scent, sight, and sound of the ocean and tropical rain forest in Costa Rica. But that was before I began working on a Jane Doe case in Guatemala. Now whenever I try to imagine water, sun, and floating, I feel that Guatemalan girl and lack sufficient imagination to visualize myself, much less my daughter, floating in the Costa Rican sun. Instead, I feel emptied by the visceral sensation of that Guatemalan girl, cold, dumped alone, lifeless, floating in dirty water on a cloudy day, waiting to be discovered in a gravel pit.

I am not the only one with a before and after on this case. Certainly, her parents have a clearly demarcated life before and after the...
killing of their daughter. No doubt all homicide cases carry this kind of rupture in the timeline of life for the survivors left behind. When I have worked with genocide survivors in Maya communities in Guatemala, the massacres marked their life cycles with before and after—often because they spent years in flight in the mountains after the massacres in order to survive. The Guatemalan Commission for Historical Clarification (CEH), a truth commission, documented 626 army massacres of Indigenous villages, with victims numbering more than 200,000. Among those who survived, 1.5 million were internally displaced and 150,000 sought refuge in México. While the CEH was charged with documenting the violence between 1964 and 1996, the human rights violations can be traced to the US-backed overthrow of democratically elected president Jacobo Árbenz in 1954,2 as well as US support for army dictatorships and counterinsurgency training in the second half of the twentieth century. In international, regional, and national courts, the extreme and brutal violence of the Guatemalan army is recognized as genocide against the Maya.3

The violence in Guatemala was silenced for decades. The often-used terms “civil war” and “internal armed conflict” intimate some kind of parity of armed resistance and fail to capture the brutality of successive military regimes gaining and maintaining power through violence and corruption. In 1966, the Guatemalan Congress declared an army state of siege as a civil war, granting the government unlimited powers to wage war against its unarmed populace without a time limit.4 For massacre survivors, this period is remembered as La Violencia (The Violence), and there is a before and after, not only of the massacres, but also of their lives in flight from the Guatemalan army and their return to their communities, if they returned.

The before and after of the urban experience of state terror was somewhat different because people were disappeared more often than they were openly assassinated. In fact, Guatemala is credited
with having invented the political condition of being “disappeared,” wherein the state or its agents detain, torture, and kill a citizen without ever acknowledging state custody of that individual. In the final four decades of the twentieth century, more people were disappeared in Guatemala than in any other Latin American country; of 90,000 reported disappearances in Latin America, 50,000 happened in Guatemala, with 5,000 of those being children. For the families of the disappeared, there is only the “before.” Lacking a body to bury, they are denied the closure of “after” and live in a cruel limbo of uncertainty. The ambiguity of their daily lives is reinforced by administrative denial of their condition: without a body, there is no death certificate; without a death certificate, the wife is not a widow; without the legal classification of widow, the woman cannot collect her husband’s pension, claim property, or remarry.

Children of the disappeared carry the stigma of guilt by association. Though peace accords were signed and a truth commission found the Guatemalan army responsible for 93 percent of all human rights violations, the army’s disinformation campaign has successfully blamed the disappeared as being responsible for their own condition, and, in fact, the army and its apologists hold the victims of the violence responsible for precipitating the army’s genocide and crimes against humanity.

But the Jane Doe case, like the murders of more than 500 other girls and women in 2005, happened in twenty-first-century Guatemala, nearly ten years after the 1996 peace accords were signed and more than two decades after the genocide. And, like other contemporary homicide victims, this Jane Doe was blamed for her own death.

It was in February 2007 when I first saw her in a video image taken shortly after her bloated body was found floating in shallow water in a ravine near a gravel pit on the periphery of Guatemala City. The video camera lingered over her face, which was swollen
and covered with red puncture marks—marks that one US expert would later describe as probably caused by a Phillips screwdriver or knife. This day in 2007, the video of the girl was on the computer screen of a Guatemalan human rights lawyer. “The image is really harsh,” she said, as she moved the screen out of sight of Jorge Velásquez, the father of Claudina Isabel, a murdered law student. “It is a girl, another feminicide case,” she said. “But this one is different because powerful people are implicated.”

This lawyer is an important fixture in the Guatemalan human rights community. A perfectionist in every way, she sits erect, back straight, manicured and coiffed as she mulls over cases and develops legal strategies to bring perpetrators to justice. This is no small feat in a country where violence is often the first recourse for the resolution of conflict and neighbors have frequently chosen to lynch suspected criminals rather than turn them over to police. Indeed, sometimes citizens have lynched police for freeing suspected criminals. Of course, lynching victims tend to be poor and powerless. This case implicated high-ranking government officials and prominent leaders.

I agreed to the lawyer’s request to look for an expert to review several cases that were far afield from my expertise at the time. There were complete copies available of several files, but this Jane Doe file lacked a duplicate. A few days later, Jorge Velásquez took me back to the Office of the Human Rights Ombudsman to pick up a complete copy of the file. After passing through several security checks and being buzzed through various doors, we were buzzed into a secure waiting room filled with a cross section of Guatemalans of all ages—rich, poor, urban, rural, white, Maya, men, women, youths—staring at the floor or whispering to their companions. Anxiety hung in the air. No one wants to be seen in the Ombudsman’s Office. Fear and the need for help brought us all to this room. The receptionist called names on a microphone from behind bulletproof
glass. One by one, after presenting identification again, the suppli-
cants were buzzed in. I heard my name called over the loudspeaker,
but the receptionist did not buzz me in. The lawyer I was to see was
out of the office. Her secretary sent the file down with an assistant.
“[NAME] CASE” was marked across the large manila envelope in
thick, black letters. It made me nervous that the file was labeled
with her real name because it meant that everyone who saw it (from
the second-floor office down to reception and the waiting area at
the Office of the Human Rights Ombudsman) would know I had
the file on the extrajudicial execution of the girl. And anyone who
knew what the file contained, whatever their interest might be, was
surely wondering, “What is that gringa doing?” I occasionally
ask myself more or less the same question. Certainly, I did not imag-
ine that accepting the case folder meant losing a bedtime story
and would eventually challenge my own sense of safety in the
world.

A Cold Case

While many homicides are filed away as Jane and John Does, or in
Guatemala as case XX (unidentified victims), there are also cases
that should be treated as homicides but are filed away as accidents.
We do not know how many of these cases exist in Guatemala. We do
know that this Jane Doe case was filed away as an accident. The late,
great Florida cold case detective Greg Smith told me that the girl’s
case should have been treated as a homicide from the moment her
bloated, lifeless body was found floating in a sand pit nearly twenty
miles from her home five days after she disappeared. In the United
States, a case like this would be treated as a homicide until proven to
be an accident.

The girl disappeared on March 5, 2005. Her dead body was found
four days later. All police and morgue documents report the cadaver
was in an advanced stage of decomposition. Detective Smith taught me that the first questions an investigator should ask about a dead body are, “Who is this person?” and “How did she get here?” And Detective Smith knew the questions to ask. He was the first detective in the United States dedicated to investigating cold case homicides.

But in Guatemala, the Ministerio Público (MP), or Prosecutor’s Office, casts doubt on the victim and her family without ever conducting an earnest investigation. This causes Jane Doe’s father to ask, “Who does the MP protect? Is the MP on the side of victims and their families or on the side of criminals? Is the prosecutor just playing with the pain of families of victims of violence in Guatemala?”

These are questions I have frequently asked myself as I investigated homicide cases in that country. I wonder how I became so deeply involved in these cases and, in the process, exposed to the intimate emotional experiences of victims and their families. While I have always found field research somewhat serendipitous, this project was like an ever-growing snowball that just dragged me along. I never sought to do this research. On the contrary, I had tried to stop working on Guatemala. In 2006, I was there simply to accompany my daughter’s father and spend one semester of leave working on a book about peace communities in Colombia, but that is another story and one that is yet to be finished. I got pulled back into Guatemala when my friend Amílcar Méndez invited me to meet Jorge Velásquez, and Amílcar’s daughter Ana María (whom I had known since she was three) asked me to accompany Jorge to the Prosecutor’s Office as he sought justice for his daughter’s murder—another young woman treated as a Jane Doe even after she was identified by her parents. Ana María went to law school with Jorge’s daughter, Claudina Isabel. At the time, I was confused about what they wanted me to do. My previous work in Guatemala
had been mainly with Maya massacre survivors in rural communities, which is how I met Amílcar, who was honored in the 1980s with Kennedy, Carter, and Mitterand awards for his brave human rights work with K’iche’ Maya communities. In the process of my research on genocide, I had worked on an exhumation in Amílcar’s home community of San Andrés Sajcabajá and accompanied the mostly monolingual K’iche’ Maya-language speakers as they sought justice from a nonresponsive legal system. Now Amílcar and Ana María were asking me to accompany Jorge, a sophisticated, urbane, conservative, evangelical, upper-middle-class auditor who is taller than me and whiter than me. I did not understand why Jorge needed me to accompany him. After all, his Spanish is better than mine.

Against my better judgment, I agreed to accompany Jorge because of my profound respect for Amílcar, who at the height of the genocide had collected more than thirteen thousand thumbprint signatures from illiterate Maya peasants who did not want to participate in compulsory army-controlled civil patrols. I also appreciated the earnest efforts of 19-year-old Ana María trying to unravel the murder of her friend during her first year of law school. Now an international human rights lawyer, Ana María remembers her decision to seek justice for Claudina Isabel: “I could not stand by without doing something. In my family, we were taught to struggle for justice regardless of the cost—to defend life and practice solidarity.” Ana María began to accompany Jorge and introduced him to her father, insisting that they had the right to demand the truth of what happened to Claudina Isabel and that her murder should be investigated and the perpetrators brought to justice. Then they reached out to me.

For my part, I acquiesced to the accompaniment because I was guessing that Jorge and I would not get along alone for more than about fifteen minutes: I mistakenly expected him to try to evangelize me. He never has, and all these years later, I continue to accompany him and his family as they seek justice for his daughter’s murder.