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Sepur Zarco, Guatemala:

“Bodging Forth” and Forensic Aesthetics of Witnessing in the Courtroom and Beyond

Silvia Posocco

Abstract

Drawing on long-term anthropological research in Guatemala, the article examines the case of sexual and labor slavery in armed conflict known as ‘Sepur Zarco’. Focusing on the scene of selected court hearings related to events that took place in a military base near the village of Sepur Zarco, Izabal, between 1982 and 1986, the analysis focuses on ‘bodging forth’ (Das 2007), as a process of witnessing, materialization and subjectification that emerges in the declarations of the different parties, as they conjure up Dominga Cuc Coc, a local Maya Q’eqchi’ woman, on the riverbank washing army uniforms under duress, or as the body of the forensic exhumation. ‘Bodging forth’ is tied to performative forensic imaginaries and aesthetics in the courtroom, the broader Guatemalan body politic, and beyond. It challenges the epistemologies underpinnings of law and science to re-center the necessary differential and differentiated accounts of the witnesses and their appeals to justice.

Keywords: witnessing, trials, sexual violence, body, forensics

Yes, I remember, because that is where they killed a woman. I will say it, because I saw it. . . . That’s where they captured a woman, she was imprisoned for three weeks with the soldiers. Every day, every day she was raped. That’s where they killed her. She had two daughters. Her name was Dominga. . . . I noticed the soldiers were carrying spades, and

that the spades were needed to bury that woman. They carried the spades to the riverbank.—Witness One

I remember seeing a woman, Don Amilcar's wife. This woman had two daughters, they took her to the river and that's where they killed her. . . . Yes, I saw her, I was there that day doing my shift, when they took her away and she did not return. That's where her bones were exhumed (*levantaron sus huesos*) by those who have done the exhumations. Doña Minga, that is the name I knew her by.—Witness Two

The *milpa* was high, when they took my husband away.—Witness Three

In September 2012, fifteen Maya Q'eqchi' women and three Maya Q'eqchi' men appeared as witnesses at pretrial hearings in the Court for High Risk Crimes, in the tower that is part of the Palace of Justice compound, in Guatemala City. These hearings were related to events that took place in a military base near the village of Sepur Zarco, Izabal, in the east of Guatemala, between 1982 and 1986. The events were framed as the ground for the first major case of sexual violence committed by the Guatemalan army during the Guatemalan conflict (1960–96) to reach the courts and the first case of sexual and labor slavery in armed conflict to be heard in a national court. I was able to attend the proceedings in the course of anthropological fieldwork on the forced removal of children through transnational adoption circuits during the conflict (Posocco 2020). The Palace of Justice is part of the large modernist complex built in the late 1960s following the demolition of a vast penitentiary facility that held political prisoners during the dictatorship of General Jorge Ubico y Castañeda (1931–44) (Schlesinger 2014) (Figure 1). In

2013, the building rose to prominence in the national consciousness and internationally as the site of the trial for genocide and crimes against humanity of Efraín Ríos Montt, an ex-army general and de facto head of state, and of General José Mauricio Rodríguez Sánchez, the ex-director of military intelligence of the much-feared intelligence service unit known as G-2. While the legal proceedings against Rodríguez Sánchez led to his acquittal because of lack of evidence, Ríos Montt was found guilty of both charges. The crimes against the Maya Ixil population between 1982 and 1983 included 1,771 murders, the forced displacement of 29,000 people, and numerous cases of torture and sexual violence. Ríos Montt was sentenced to eighty years in prison, but on May 21, 2013, the Guatemalan Supreme Court of Justice overturned the verdict, deeming it unconstitutional and ordering his immediate release (Oglesby and Nelson 2016). In view of the outcome of this high-profile trial, the modernist complex increasingly appears as a palace of aporias of justice, that is, a monument to the impossibility of justice in the present and future absence of “the principle of some responsibility” and the temporally open-ended effects of histories of violence and suffering (Derrida 1994, xviii). Ríos Montt died on April 1, 2018, having evaded prison.

[Figure 1 here: Posocco, Silvia--Sepur Zarco, figure 1]

Six months before the high-profile trial of Ríos Montt and Rodríguez Sánchez, a series of pretrial hearings on events that took place in the army base near the village of Sepur Zarco was already marking the profound role of trials in the articulation of a “juridical unconscious” (Felman 2002), as public interplays of trauma and justice in Guatemala. The Sepur Zarco hearings were not as widely reported, but made their own claim to historical significance, as they dealt with the Guatemalan army’s involvement in systematic sexual violence against a group of Maya Q’eqchi’ women who were routinely assaulted and also forced to work with no

remuneration in army barracks between 1982 and 1986—a period that included the years of General Ríos Montt’s rule. The Sepur Zarco hearings specifically dealt with the role of the Guatemalan army in systematic sexual assault and sexual and labor slavery; the hearings aimed to establish that such charges should be investigated, thus determining the viability of future judicial proceedings. The hearings foregrounded the possibility that the chain of command for the events that took place in Sepur Zarco might eventually lead to Ríos Montt.¹ This line of inquiry, however, was not fully pursued in court. In the Sepur Zarco pretrial hearings of 2012, Judge Miguel Ángel Gálvez was very clear from the outset that the purpose of the hearings was exclusively to review the case and consider whether there might be scope for further investigation from the public prosecution, so that possible perpetrators could be identified and a case be brought to court.

When the case eventually came to trial in February 2016, it was a widely publicized event that attracted considerable media attention in Guatemala and internationally. Images of the fifteen women from the Sepur Zarco hearings, wearing shawls covering their heads to protect their anonymity, circulated through social media and turned what had been a tentative pretrial rehearsal, with a small audience of the women’s relatives, a handful of researchers, and local human rights and feminist activists, into a widely reported trial with important global resonances. The trial culminated with two convictions, and the survivors and their communities were eventually granted reparation measures.² Felman (2002) has argued that trials, notably those that are presented as watershed moments of “reckoning” (Nelson 1999, 2009) with histories of violence, conflict, and mass atrocities, are sites of articulation of the “juridical unconscious.” Felman’s analysis proceeds from an examination of the Eichmann trial and includes an extensive discussion of the O. J. Simpson trial. Such trials, Felman argues, are structured around a peculiar

conceptual articulation of law and trauma. Their function is not primarily or exclusively to establish guilt, innocence, or absolution but rather to “restore the world’s balance by reestablishing the law’s monopoly on violence and by conceiving of justice not simply as punishment but as a marked symbolic exit from the injuries of a traumatic history: “a liberation from violence itself” (Felman 2002, 1). Felman’s contention is that although trials attempt to articulate and contain, the very performance of the trial entails reenactment and repetition. The law reenacts, repeats, and restages, rather than repairs or redresses, traumatic experience. In this sense, trials mark a fundamental point of crisis of law, culture, politics, and truth (Felman 2002, 4–5). As Fassin and Rechtman (2009, 20) incisively note, trauma in this psychoanalytically inflected sense marks an unbearable experience and the judicial blindness that demands its reenactment. Further, trauma stands for social, cultural, and historical practices of testimony, that is, of witnessing the endurance of humanity in the face of dehumanization. Trials depend on testimonial practices, and, in this frame, questions of authenticity continue to be fundamentally concerned with ascertaining, or validating, the veracity of suffering. To a significant extent, then, the victim’s suffering is also always partly on trial, and a more robust regime or frame of validation (Feldman 2015; Grinberg 2018) is required to rectify the idiosyncrasies and fragmentation of the witnesses’ accounts.

In this article, I contribute a feminist anthropological perspective on the relationship between witnessing and trials, as they relate to performative processes of materialization and subjectification. While there are important interventions that seek to make sense of the Sepur Zarco case and its implications for understanding gender violence (Crosby and Brinton Lykes 2019; Crosby, Brinton Lykes, and Caxaj 2016; Crosby, Brinton Lykes, and Doiron 2018; Fuentes 2016; Hernández Salazar 2012; Méndez Gutiérrez 2013; Muñoz 2012; Velásquez

Nimatuj 2016), sexual violence in conflict (Boesten 2017; Casaús Arzú and Ruíz Trejo 2016; Sanford 2020), and the affective dimensions of the legal proceedings that unfold in the courtroom (Crosby Brinton Lykes, and Caxaj 2016), my aim is to explore the emergence of a range of modes of witnessing. Focusing on the partial scene of the pretrial court hearings, I examine processes of subjectification with their differential affective registers and logics of evidence. Drawing on the work of Das (1996, 1998, 2007), I focus on “bodying forth,” that is, on how voicing seems to always be tied to the body. Felman ([1980] 2003) also observes that the speaking body challenges assumptions about the distinction between matter and language. More specifically, the speaking body’s role in the courtroom means that the act of testimony is not merely discursive, but rather it participates in the staging of “dramatically physical theaters of justice” (Felman [1980] 2003, x; 2002, 9). These theoretical arguments converge in bringing the question of witnessing back to the body. They provide a preamble and an entry point for an exploration of how the Sepur Zarco case offers a glimpse into Indigenous approaches to justice and another way to think about trauma and aporias of justice.

Bodying forth (Das 1996) refocuses attention on multiple materializations that occur through voicing in juridical spaces, where I was able to conduct fieldwork in 2012. Focusing on the declarations of the witnesses, I show how bodying forth progressively appears to be tied to a body. In the course of the different depositions, the witnesses gradually and fragmentarily conjured up the body of Dominga Cuc Coc on the riverbank washing army uniforms under duress, in the company of her daughters, and as the victim of assault. Dominga Cuc Coc was gradually spoken into presence and precariously positioned between remembrance and oblivion through testimonial accounts. The processes of bodying forth in the witnesses’ statements are tied to precarious forms of materialization and subjectification. However, the witnesses’

testimonies are increasingly seen as having to be supplemented—and, perhaps, supplanted—by equally performative imaginaries of forensic witnessing that are called on to validate testimonial accounts. The scientific practices and evidentiary forms of forensic anthropology that are produced through forensic exhumation elicit forensic modes of bodying forth. These dynamics play out in the courtroom and in the broader Guatemalan body politic, where forensic imaginaries circulate widely. Forensic aesthetics of witnessing are closely intertwined with anthropological epistemologies and modes of representation that have emerged over the past thirty years, as anthropologists have actively participated in creating accounts of the Guatemalan conflict (1960–96) and its violent aftermath. The emergence and wide circulation of forensic aesthetics of witnessing in Guatemala connect to the rise and consolidation of a peculiar form of forensic humanitarianism whose politics are commonly taken for granted and rarely examined. A critical reflection on the aesthetics of forensic witnessing and its movement in and out of the courtroom entails a consideration of the role of anthropology in framing the relationship between witnessing and forensics, as well as questions about anthropological forms of witnessing and their effects. This article first offers an ethnographic account of the juridical space of the pretrial proceedings. It foregrounds the practices of testimony as they unfolded in the courtroom, focusing on bodying forth and the circulation of pain through voicing in the witnesses’ accounts. Bodying forth in testimonial accounts is then contrasted with modes of forensic witnessing that appeal to legal and scientific epistemologies to offer frames of validation (Keenan and Weizman 2012), or “super truths”, which the aporetic testimonial accounts cannot provide. Different modes of witnessing are tied to forms of materialization that may or may not result in returning a body, a face, or a name to the dead. Amid such heterogeneity, the fragmentary testimonial

account marks the aporia at the heart of witnessing and the fundamental fragmentariness of the unassailable truth voiced by the survivors.

The Scene of the Utterance: The Sepur Zarco Pretrial Hearings

The Sepur Zarco court hearings of September 2012 were pretrial procedures through which legal teams and witnesses specifically aimed to capture and hold the attention of the law, as both juridical system and public and political discourse. They were the culmination of years of work by the legal teams of activist and advocacy groups who sought to support the plight of the women and men from Sepur Zarco. The hearings aimed to establish that there were sufficient grounds to justify a public inquiry to build the first case against the Guatemalan army for systematic sexual violence during the conflict and to justify a judicial inquiry into a case of sexual and labor slavery in armed conflict, where precedents exist only for international tribunals. The hearings focused on the testimonies of fifteen Maya Q'eqchi' women and three Maya Q'eqchi' men voiced in front of a judge, and in the presence of legal teams of the public prosecution and the Alliance Breaking the Silence and Impunity³—the latter also acting for the prosecution—and a meager pro forma defense team. They took place over one week and attracted a small audience mainly consisting of feminist activists, journalists and photographers from the Guatemalan press and activist news services, international observers, a handful of researchers, and the relatives of the witnesses. The witnesses sat in front of the judge, flanked by a translator to their right and a psychologist to their left (Figure 2). They spoke in Maya Q'eqchi', and the translator mediated all the exchanges.⁴

[Figure 2 here: Posocco, Silvia--Sepur Zarco, figure 2]

On September 27, 2012, the witnesses, along with the translator and psychologist, entered the courtroom through a side door. With their faces covered by scarves, they walked hesitantly and sat in front of the judge. Each witness had to answer a set of introductory questions, and the judge reminded them that it is a crime not to tell the truth, or to abstain from telling the truth. The public prosecution team then questioned the witnesses. The first witness of the day recounted that she lived in the village of Sepur Zarco and that her husband was taken away in 1982. The details emerged slowly through questioning and events became progressively clearer. It was 10 a.m. on April 25, 1982, when they took him away to Hacienda San Miguelito. This location was of interest to the legal team; it soon transpired that Hacienda San Miguelito was the large plantation where a number of villagers were taken after being accused of being *guerrilleros* (insurgents). “The army took him. Those who took him were wearing uniforms,” the witness stated. The witness said that others were taken on the same day and gave their names. The public prosecutor asked whether the witness could recall in what conditions she found her husband when she went to look for him. “Was your husband hurt or beaten?” “Yes, they were all hurt,” she replied. At this point, the witness broke down and was visibly very distressed. I was sitting behind the witness, the translator, and the psychologist, just two meters away. I recoiled. Despite her sorrow, the witness seemed undeterred and carried on, adding that when she visited her husband while he was being kept against his will in Hacienda San Miguelito, he told her that “they used a hot iron and they put it in his ear,” that he was tortured. “*Esto es lo que me duele mucho* (this is what is causing me great pain),” the witness said, and repeated this a number of times in the course of her testimony, punctuating the account of the events with statements about the pain caused by the knowledge of what happened and by the demand to recall. It then transpired that her husband was murdered. The witness stated that “they cut his throat, my eight-

year-old child saw his body, I did not go to see it as I would not be able to cope, it causes me great pain. . . . I was seven months pregnant.”

Following her husband’s death, feeling unwell and heavily pregnant, the witness moved to a nearby village and then returned to Sepur Zarco to resettle there. She recalled that progressively more soldiers arrived in the community. The prosecutor pressed on and asked whether she had to do any tasks for the soldiers. “Yes, my child was six months old, and the soldiers were bringing many people over to build the house in which they would eventually settle [in the army base].” “What services did you have to provide?” asked the prosecutor. “As you don’t have an older son who could work for us,” the soldiers said to her, “you will have to work in the military base (*destacamento*).” She then explained that the local women whose husbands had been tortured and killed were taken to the military base where they had to cook for the military personnel. The witness became visibly distressed again, when she was asked to repeat the names of the *comisionados militares* (civilians enlisted to work for the army). “Does she recall if she or her children suffered any aggression at the hands of the soldiers in the community?” asked the prosecutor, addressing the translator. “When I went to the military base, that’s when they grabbed me and raped me.” At this point, the witness was distressed and could no longer speak. The psychologist and translator tried to support her.

“How many times a week did you have to go to service the soldiers?” asked the prosecutor. “Three days a week.” “Can you recall in exactly what part of the military base you were assaulted by the soldiers?” asked the prosecutor. “They took me to their house, where they had their bed, that’s where they took me. They also raped me in the *garita*, the checkpoint.” “Can you recall the names of any of these soldiers?” continued the prosecutor. “No, but when I had to stay in the military base for six months, I remember the names of two soldiers who were

there. They did not rape me, but they raped other women.” “Do you remember the names of the women who were raped?” inquired the prosecutor. “Doña Elena,” replied the witness. “Do you remember the name of the sergeant who was in charge?” “No, they just said ‘sergeant.’” “Were you raped in your own home by the soldiers?” “No, I was raped in the military base and on the riverbank. The soldiers used to say to us, ‘Now you are in our hands, this is the law,’ and they would show me their weapon, and I had to wash their trousers (in the river).” The line of questioning from the public prosecutor moved on to consider the health effects of the witness’s ordeal, and questions on sexually transmitted diseases and other ailments followed. The witness recounted that ever since, she suffered “*una enfermedad de nervios,*” an illness of the nerves. When the prosecutor asked whether she suffered any hemorrhaging, the witness replied: “Yes, I had a hemorrhage, but they gave me medicines for that, they carried medicines, they would give us injections. I could not read or write. I did not know what kind of injections they were giving us; they were injections so that we would not get pregnant. They would say that the government sent [the medications] to them so that they could rape us and that we were in their hands. We could not do anything. I had no strength.” The prosecutor insisted on pursuing the line of questioning focused on the repercussions of the rapes for the witness and asked, “Did you get pregnant as a result of the rapes?” “No, I didn’t, because they gave us those injections. . . . They burned my house. There was nothing I could do.”

Widowed, homeless, and with young children in her care, the witness was left with no option and returned to live with her father. At this juncture, her narrative turned away from her own plight to focus on others. She stated: “Yes, I remember, because that is where they killed a woman. I will say this because I saw it.” The memory of the events and the shift from the account of her own suffering to the act of witnessing the events around her seemed to induce the

witness to break down, but her state of despair did not last long and she soon carried on. “That’s where they captured a woman, she was imprisoned for three weeks with the soldiers. Every day, every day, she was raped. That’s where they killed her. She had two daughters.” The prosecutor asked whether the witness could indicate the name of the woman in question. “Her name was Dominga.” “What was her surname?” “I don’t know her surname; I know she was from the village of Manguito.” “Do you remember the names of her daughters?” “No. I don’t know the names of the daughters. We were not introduced. I noticed the soldiers were carrying spades, and that the spades were needed to bury that woman. They carried the spades to the riverbank.”

“Could you indicate whether Dominga’s husband was the person who was taken prisoner by the soldiers?” “Yes, they took him to Puerto Barrios.” “Could you indicate the name of Dominga’s husband?” The witness stated the name and surname, then added, “I saw him again three months ago, I had not seen him since.” “Do you remember the names of any of the other women who were there with you in the military base?” In reply, the witness offered four names. “Do you know where the soldiers went when they left your community?” “They went to Chavilán, Saquijá and Pataxte, and Tinajas in 1982.” “Did they bury your husband?” “No. The vultures ate him. If I had gone for him [to retrieve his body], they would have killed me; I could not go, for the sake of my children, and this causes me great pain (*me duele mucho*).” The public prosecutor acknowledged the witness’s efforts and thanked her, but the questioning continued and the witness was pressed to recall the names of the soldiers who were in the community. She gave some names and then said: “This happened to me for being a woman (*por ser mujer me pasó todo eso*). I was twenty-two years old when all this happened to me. When this happened to me, people hated me. They would say that the soldiers raped me every day and that I stank.” She then described with more precision the place where she was kept captive, recounting that there were

holes⁵ in the ground where people were imprisoned. People would then be taken out of these holes and would be led outside the military base to be killed. There were many of these holes and many people were held captive. “Once a person in one of these holes used a stick and hurt Lieutenant Reyes’s eye. He was the officer in charge, and so to take revenge, he threw grenades into the holes. He then left the military base on a helicopter.” In the audience, there was a shudder, a tacit convulsion; there was now the name of an army officer, someone who might one day be called to answer for all the violent events the witness was able to recall and recount.

There were more men in the audience the next day, on September 29, 2012. I spoke briefly with one of the members of the feminist advocacy organization’s legal team, and she said that it would be a long day, with testimonies from four witnesses. She also confirmed that at this stage in the proceedings, the lawyers for the defense had no defendant. There are no defendants in preliminary hearings of this kind. The first witness of the day was also the first man to appear before the judge. He proceeded to recount that he was a worker in a large plantation in the area and described the poor working conditions and low pay. He was paid sixty centavos per day and was given no land to grow maize and beans to support his family. People would be taken to the military zone, which was under the control of Lieutenant Reyes in 1982. The military base was built by coercing local people to offer free labor and materials, and he described how locals built the *calabozos* where people would be imprisoned. The witness said:

I found this out the day they punished me for not following an order. They wanted me to go and get Manuel Cuc, who was accused of giving food to the guerrillas. They took me to this *calabozo* in Sepur Zarco. It was a house made of wooden planks. There were holes in the ground and people were being kept in these holes. Lieutenant Reyes was in charge.

. . . Three men died there. They caused an accident to Lieutenant Reyes. The lieutenant was hurt in an eye with a stick and for this they were killed.

Among those who were killed was the husband of the witness who had given her testimony the day before. For those in the audience, events were starting to slowly merge into a more cohesive yet also more elaborate narrative, as new questions emerged. The witness continued to recount what had happened. “There were others in the *calabozo*. When the lieutenant was hurt in the face, the soldiers killed them with two grenades. Seven people died then.” The man then noted that there were women in the military base. They were widows. They cooked and washed the soldiers’ clothes. He said he had not seen women being raped but remembered this was talked about. The women were widows whose husbands were either killed or had disappeared. They were not paid for the work they did. There were about twenty women at any one time. He recalled seeing six to seven women washing the soldiers’ uniforms on the riverbank.

The second witness of the day was another Maya Q’eqchi’ man. He communicated through the translator, who sat next to him and translated directly as the witness paused. Like the others before him, the witness answered the questions put to him directly by the public prosecution legal team, following the mediation by the translator who sat to his right. The prosecutor asked, “Dominga Cuc Coc, did you know her?” The man replied, “Yes, she was my wife.” The prosecutor then asked whether he had any children, and he replied that he had two, Anita and Ermelinda, two girls. He added:

My wife was with me when I was taken to the military base. And the children were with their mother. She had just turned twenty on June 25, when we were taken. . . . The girls were nine and seven years old; Ermelinda nine, Anita seven. . . . They said somebody had accused me of supplying the guerrillas and that is why I was taken.

The testimonies that unfolded in the pretrial court hearings of November 2012 in the Torres de Tribunales drew a picture of the events that took place in Sepur Zarco decades earlier. Their tight succession, the repetition of the structure of the line of questioning by the public prosecutor, the pace set by the syncopation tied to the role of the translator in mediating the exchange between the legal team and the witness, and the glaring absence of defendants—all required an adjustment of the sensorium of those present to the site-specific “micrological description” (Feldman 2015, 23) of Sepur Zarco. The development of a sensibility to register the rhetorical construction of the witnesses’ accounts unfolded alongside an awareness of how, for such “sites, situations, and scenes of force, as incompletely constituted realities . . . entry and participation must occur by other than the cult of the immediately ascertainable fact” (Feldman 2015, 25).

Bodying Forth and Forensic Witnessing

The Sepur Zarco pretrial hearings are sites of production of multiple forms of embodied subjectivity marked by profound experiences of violence and social suffering (Kleinman, Das, and Lock 1997). The work undertaken by the legal team with the witnesses over the years before the hearings was notably occluded from view. The pretrial hearings were the products of rehearsals painstakingly undertaken to ensure that the experiences of the witnesses might be translated in the rhetoricity proper of the court setting and be heard in the frames and terms set out by the law. The overarching narrative of the events that emerged from multiple accounts offered by the witnesses individually had the compelling effect of holding the attention of those present. Small recurrent details cumulatively lent facticity to the accounts. The *calabozos*, for example, the holes in the ground where people were kept captive, were a narrative anchor, the

beginning of a *fact*. Another was the riverbank, where Dominga Cuc Coc and her daughters appeared alive, and then dead. Subtle processes of subjectification and materialization performatively unfolded as the court proceedings elicited a multiplicity of voices and perspectives but also multiple modes of witnessing. Witnessing, as contingent encounter, emerged at the intersections between social experience and the domains of expertise of law and science, with notable points of friction with “awkward, unequal, unstable . . . qualities of interconnection across difference” (Tsing 2005, 4) and significant disjuncture. While the law insisted on asking for precise details of dates and events, this was in practice very difficult for the witnesses, who struggled to recall, caught up in the aporias of memory and the interwoven character of remembering and forgetting (Ricoeur 2004). Memory is constituted by the complex interplay of recall, oblivion, and interpretive reconstructions that have moral and political consequences (Antze and Lambek 1996; Argenti and Schramm 2010). More fundamentally, as Laub (2002, 62) has argued, “knowledge in the testimony is . . . not simply a factual given that is reproduced and replicated by the testifier, but . . . an event in its own right.” While Laub (2002, 62) refocuses attention not just on speech but on “the very boundaries of silence which surround it,” Das proposes the expression “bodying forth” to refer to the relationship between language, pain, embodiment, and meaning to grapple with the processes of subjectification and materialization in play in witnessing. Das draws on Wittgenstein to think through how one’s pain “may reside in another body” (Das 2007, 39). For Das, the relationship between pain and language expressed in the declaration “I am in pain” shows that pain is transitive and transactional (Das 1996, 69–70). Pain does not interrupt the relationship between subjectivity and language, as argued by Scarry (1987).⁶ Rather, one person’s pain can be felt in another body. The dynamics at play in testimonial practices, and the social, cultural, and historical trajectories

leading to their expression, are, for Das, not a matter of knowledge but a matter of acknowledgment. Pain and its transitivity move us beyond the logic of evidence and facticity based on notions of truth and verification of legal (and scientific) discourses, as processes of bodying forth challenge the epistemologies underpinning of law and science, and the logics of legal and forensic technologies.

The Sepur Zarco hearings powerfully restage a series of questions about the status of the speaking subject, and the conditions of the possibility of witnessing specifically in relation to legal discourse. They are performative scenes of “renarration” (Das 2007) that show that historical narratives about experiences connected to the Guatemalan conflict, rather than explicit and forceful performatives, are in fact fundamentally complicated by the adjacent domain of the periperformative, that is, the contexts surrounding the performative utterance (Sedgwick 2003). The periperformative implicitly undermines totalizing historical narratives and accounts, pointing to the indeterminacy and hesitation that also constitute them (Sedgwick 2003). Bodying forth is thus seemingly governed, enabled even, by this “sense of adjacency” (Das 2007, 95) that enables the precarious emergence of Dominga Cuc Coc and her materialization in the court proceedings. The testimonial speech act therefore raises—rather than settles—questions about its embodied dimensions and materializing consequences. It references the non-semantic that emerges in every act of speech and determines the limits of speech in the distinction between the said and the unsaid. The question of testimony, then, concerns itself not so much with the subject’s entry into discourse but rather “in testimony . . . the empty place of the subject becomes the decisive question” (Agamben 2002, 145). The opening up of the space of the periperformative, of what Agamben (2002) refers to as the liminality of testimony, and Das (2007) marks in the “sense of adjacency” that is constitutive of witnessing, all suggest the

performative subjectificatory emergence at play in testimonial accounts. The empty place of the subject and the multiple and complex dilemmas of testimony are restaged in the Sepur Zarco hearings through the tenuous emergence of Dominga Cuc Coc and her daughters into discourse and their fragile and transient materialization on the riverbank, where Dominga Cuc Coc is said to have been seen washing army uniforms, assaulted, killed, and hastily buried. The performative domain conjured up by the narratives of the Sepur Zarco witnesses engender a fragile periperformative space, which immediately appears to be populated not just by Dominga Cuc Coc and her daughters but also by Doña Elena and those killed in the holes in the ground. Dominga Cuc Coc and her daughters remain faceless but are progressively spoken into presence through the course of the hearings in the domain of the periperformative and the condition of adjacency.

Bodying forth is not concerned with truth and functions beyond the logic of referentiality. The activist legal teams worked to collect and guide the testimonies of witnesses into the frames of intelligibility of Iberian juridical facts-as-evidence. Yet, as observed in Quechua-speaking Peru (Huaman 2019; Theidon 2013, 2015), Indigenous modes of bodying forth also summoned tropes that tied the body, memory, and testimony to the land. In the case of Sepur Zarco, they point to the performative emergence of other stories and histories in the moving of places, the barracks, the holes in the ground, the riverbank, the *milpa* (maize plants). The registers and domains of this differential bodying forth, with their specific mnemonic devices, re-center the storying of the repeated and brutal rape of Dominga Cuc Coc and of the witnesses. Their multiple body forthings appear to be intensely complex and deeply storied through their accounts of being widowed, raped, enslaved, drugged, made barren, and bereaved. As the vulture ate the bodies of the dead that could not be redeemed and given a proper burial, the witnesses spoke of

being reduced to animality. At the same time, they determinedly insisted on bearing witness to the plight of those caught up in the events and to one's humanity in the demand to be allowed to grieve the dead. So much else "was said" and performatively bodied forth in their testimonies.

The Sepur Zarco hearings dramatize and make explicit multiple processes of bodying forth that are at stake in legal proceedings. This process of being spoken into presence is differentiated and differential. Dominga Cuc Coc is gradually spoken into presence through a pain that becomes transitive in the utterance, circulatory even. Anthropological analyses concerned with elucidating the status, nature, and consequences of practices and processes of bearing witness in legal contexts show that testimony, as a situated social practice, exemplifies the problems inherent in thinking through the relationship between legal discourse and the production of embodied subjectivity. Ross (2003) highlights the possibilities but also the limits of legal discourse for representing situated experience, as a focus on legal proceedings reveals processes of elision of gendered struggles for the establishment of alternative social worlds, the inadequacies of human rights discourse for accounting for social suffering, and the epistemic violence and psychic and embodied costs inherent in the process of enforced retelling, recounting, recollecting, and re(-)presenting. This perspective reverberates through the anthropological record. Sanford (2006), for instance, stresses the importance of "trajectories of meanings," whose circulation extends to the public domain but also encompasses the narrower and more intimate socialities of individual and familial milieus. For Sanford (2006, 8), "it is one's location on a given trajectory of meaning that locates one's structure of understanding—which ultimately shapes the contours of 'understandable' truth."

These analyses focus on how discourse congeals into socially constituted taxonomies of identity, personhood, and kinship that organize relations. Another way to understand the

productivity of processes of bodying forth might be to stress their constitution in and through what Spivak calls, after Derrida (1976), trace structures (Spivak 1999), or instances of effacement in discourse (1988), that is, the fundamental epistemological aporias that constitute what Das places at the heart of the scene of acknowledgment. Far from restoring “the world’s balance by reestablishing the law’s monopoly on violence” and marking any “symbolic exit from the injuries of a traumatic history” (Felman 2002, 1), “effacement in discourse” foregrounds the importance of refraining from inscribing processes of bodying forth within the logics of truth, trauma, and the metaphysics of presence. The analytical effort is to reimagine the status of practices of speaking and their relationship to differential, differentiated, precarious, and transactional materialization and mattering, as those Indigenous bodying forths that emerged in the pretrial hearings. Bodying forth and the trace structures of witnessing stand in juxtaposition to the logics and regimes of the evidence of law and science. As noted previously, when questioned, the Sepur Zarco witnesses repeatedly seemed unable to recall dates or the year in which events had taken place. The witnesses’ ability to recall operated through different logics. They could describe how high the milpa was at the time of the forced disappearances, but they struggled to situate events temporally in the terms mobilized by the law. In contrast, forensic witnessing in the context of the pretrial hearings operated in the domain of certainty and was mobilized as a truth-making device to corroborate the narratives of survivors. Reports from the Guatemalan Forensic Anthropology Foundation—the team that since the 1990s has undertaken many high-profile mass grave exhumations and provided forensic expert witness statements and evidence in numerous judicial proceedings (Sanford 2006), including the Ríos Montt trial—provided a true(r) narrative, free of the imprecisions and forgetting of testimony. While survivors’ narratives were beset with hesitations and inconsistencies, forensic evidence produced

a hard-fact type of materialization. It produced a “super truth” out of a “super-subject” – the forensic remain - (Keenan and Weizman 2013, 62) that located Dominga Cuc Coc’s body irrevocably and indisputably on the riverbank, removing ambiguity. Forensic anthropology offered the certainty that the witness, in light of the intermittencies of memory and the circulatory pain, could not provide. Within the terms of reference of forensic humanitarianism set by pioneering forensic anthropologist Clyde Snow, forensic remains are said to speak unambiguously (Snow et al. 2008; Weizman 2014). This framing of forensics as a superior truth-telling technology that can bypass the idiosyncrasies of the witnesses’ account and offer scientific facts that can be translated into truths in the terms recognized by the law purposefully elides the realities of forensic analysis and the difficulties tied to the fact that though remains might speak, it may not be clear what they actually say.

Conclusion

As Keenan and Weizman (2012) have argued, the emergence of expert knowledge on forensic science and forensic anthropology in the juridical space of trials concerned with human rights violations is tied to a momentous shift in the organization of the epistemologies underpinning practices of bearing witness. Bearing witness through the document—as in the Nuremberg trials (November 20, 1945–October 1, 1946)—or through the witness—as in the Eichmann trial (April 11, 1961–December 15, 1961)—has seemingly been supplanted by new practices of bearing witness through bones or human remains. Not only are bones said to speak, but they are said to speak truth (Weizman 2014). As Keenan and Weizman (2012, 13) note about the rise of forensic anthropology, “these processes did more than introduce new forms of evidence—they did nothing less than shift the conditions by which that evidence became audible and visible, the way

in which juridical facts were constructed and understood.” Forensic inflections of empiricism and forensic objectivist epistemologies aim to consolidate or validate the necessary differential and differentiated account of the witness. In their increasingly wide circulation through the Guatemalan body politic, they purport to speak a truth that is superior to the witnesses’ accounts. They give genocide a face (see Figure 3).

[Figure 3 here: Posocco, Silvia--Sepur Zarco, figure 3]

Although forensic anthropology has worked to support individuals and communities affected by the Guatemalan conflict in their quests for justice, the rhetorical framing of bones speaking unambiguously remains problematic, in view of the fragmentary and aporetic testimony *and* unassailable truth spoken by the witnesses whose testimonies produced the tenuous bodying forth of Dominga Cuc Coc and her daughters and allowed their lives and deaths to appear. The coarse narrative of forensic positivism glosses over the ambiguities and inconsistencies that in reality beset the making of scientific objects. The rhetorical appeal to scientific objectivity actively obfuscates the actual practice of forensic science and the challenges inherent in the production of what might register as identifications in the parameters set by law and science. Furthermore, forensic technoscientific apparatuses for the documentation of sexual assault have, in fact, been shown to lead to the re-victimization of survivors (Quinlan 2017). Historically, Indigenous women, Indigenous men, and the poor have actively engaged with the judicial system and the oppressive regimes that have sustained them, from the dictatorships of Manuel Estrada Cabrera and Jorge Ubico to the regime of Ríos Montt (Carey 2013). Their testimonial practices have unfolded through a continuum. They were central to the reports of the Recovery of Historical Memory Project (1998) and Comisión para el Esclarecimiento Histórico (1999) and have progressively shaped processes of reckoning with genocide in judicial spaces and in

popular culture (Gould and Estrada 2014; Nelson 2009). In the Sepur Zarco case the witnesses asked for justice, and it is through their accounts, in all the idiosyncrasies and fragmentariness, that bodying forth operates by making pain circulate across bodies. The perspectives of feminist anthropology on these courtroom events can provide an insight into how these bodying forths come to constitute their own unique modes of differential justice and how, as evidenced, they can be powerfully marshaled to intervene in other more dominant modes of justice used to harness retribution. The distinctions that appear through bodying forth in the court proceedings are important, as so many decades after the crimes were committed, the trials can come to mean something else. They can point to how past events might in fact connect to gendered violence in the present (Torres 2015; Torres and Carey 2010). In the Sepur Zarco pretrial hearings, justice for the dead was transcended by the women and men from Sepur Zarco pleading for their basic humanity, still, thirty years later. These bodying forths and differential modes of witnessing did not exclusively pluralize the law (Sieder and Barrera 2017). Rather, and fundamentally against all odds and a Spanish-speaking law, the memories and bodying forths tied to Dominga Cuc Coc and those who perished in the holes in the ground continued to push through the testimonies of the Maya Q'eqchi' witnesses, beyond pluralizing analytics. They worked to unsettle the coloniality of the law and its regimes of evidence (Esmeir 2015). They offered a glimpse into the complex and non-univocal Indigenous gendering of bodying forth, as it oscillated between the strategic essentialisms expressed by the witnesses as they spoke of violence as tied to a gendered condition—“*por ser mujer me pasó esto*”—and gendering *as* violence, as they reflected on how they were pharmacopolitically gendered (see Chivalán Carrillo 2020) by the injections forced on them by the soldiers.

The scene of the Sepur Zarco trial foregrounds processes of bodying forth and multiple materialization that emerge from the witnesses' accounts. It illustrates how the condition of adjacency and trace structure entail articulations of contiguity, presence, and absence that are necessary for accounts of violence to turn into what might appear as justice (Feldman 2015). While a feminist anthropology can attend to such scenes of force specifically by providing an ethnographic account of the domain of the periperformative, the emergence of forensic modes of witnessing tied to the logics of the evidence of forensic anthropology ossifies this complex and shifting terrain, appealing to the seemingly self-evident, unmediated narrative of the forensic remain (Weizman 2014, 2017), but evading questions about the relationship between forensic witnessing and the witnesses' accounts. The politics of forensic humanitarianism, forensic paternalism, and forensic anthropology's seemingly uncontested capacity to produce "supertruths," where survivors were able to only offer fragmentary and aporetic accounts, are also occluded from view. If trials entail an articulation of "the juridical unconscious," as Felman (2002) has suggested, what remains hidden or legally illegible is the way anthropological modes of witnessing may be implicated in these processes. The juridical unconscious at play in the Sepur Zarco pretrial hearings, therefore, also unsettles anthropology's relationship to bodying forth in testimonial accounts *and* proximity to forensic witnessing and its aesthetics of revelation.

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Figure Captions

Figure 1 - Palace of Justice and Tribunals Tower, Guatemala City, 27/09/2012. Photo by the author.

Figure 2 - The scene of the utterance, 27/09/2012. Photo by the author.

Figure 3 - 'The Face of Genocide' – Activist installation, Guatemala City, 22/10/ 2012. Photo by the author.

Alt Figure Text

Figure 1 – This is a photograph of the Palace of Justice and Tribunals Tower in Guatemala City. The white modernist buildings are set against a blue sky. The photograph was taken by the author on 27 September 2012.

Figure 2 – This is a photograph taken by the author at the Sepur Zarco pretrial hearings. It shows one of the witnesses with the translator seated on her right-hand side and the psychologist to her left. They are facing the judge with their backs to the camera. The psychologist has her arm around the witness, while the translator speaks into the microphone. The witness's head is covered with a scarf.

Figure 3 – This photograph shows an image of a forensic exhumation that was taking place in Guatemala in 2012. It shows human remains in a mass grave. 'The face of genocide' appears in bold letters, above the image. At the bottom of the image is the following: 'Exhumation in the military zone of Cobán 2012. And despite this, do they/do you still deny the genocide?'. Bordering this image and text are many smaller photographs of faces of disappeared individuals. The image has been pasted on top of a double wooden door with a central padlock. This padlock is the center point of the image and of the open grave. The photograph was taken by the author.

Notes

¹ Sanford (2020) has noted how those investigating the Sepur Zarco case viewed it as potentially connected to the Ríos Montt case. The expert testimony of Guatemalan anthropologist Marta Elena Casaús Arzú at the Ríos Montt trial in 2013 also sought to make a case for an understanding of the place of sexual violence within a set of genocidal strategies and practices deployed by the Guatemalan army during the conflict in different areas of the country (Casaús Arzú 2011).

² The *abuelas* (grandmothers) from Sepur Zarco, as they are now widely known, have become iconic human rights advocates who are involved in struggles for social justice and activism against gender violence. They no longer shield their faces in the course of their public activities and campaigns.

³ Alianza Rompiendo el Silencio y la Impunidad is a coalition of feminist and human rights organizations established in 2009 that is committed to accompanying women victims of sexual violence during the Guatemalan conflict. The organizations forming the coalition are Unión Nacional de Mujeres Guatemaltecas, Equipo de Estudios Comunitarios y Acción Psicosocial, and Mujeres Transformando el Mundo.

⁴ The mediations of the translators unfolded in a similar way to the process described by García (2019) in reference to the Ríos Montt trial.

⁵ These holes are subsequently referred to as *calabozos* by other witnesses.

⁶ “Physical pain does not simply resist language, but actively destroys it, bringing about an immediate reversion to a state anterior to language, to the sounds and cries a human being makes before language is learned” (Scarry 1987, 4).