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ABSTRACT

I use the concept of gendered embodied structures of violence as the analytical framework for illustrating how in rural Huehuetenango, Guatemala, historical and contemporary structures and processes of violence which center the normalization of multiple forms of implied or actual physical and sexual violence against women (and often other men and children) continue to undermine efforts to strengthen women's rights and provide access to safety and justice for women. Overlapping structures of primarily male power suggest the difficulty of separating state and non-state actors from the vectors of violence affecting women. This article contributes to emerging literature on indigenous women's access to justice in Latin America through adding a transnational lens to this discussion and suggesting why we cannot separate public from private violence and state from non-state actors.

KEYWORDS

Gendered violence; justice; transborder communities; Guatemala; indigenous women; refugees

Introduction

Gendered violence is a leading reason why many rural women and girls flee their communities. Increased awareness of the unique nature of women's gendered experiences of violence, displacement and migration have prompted attempts to 'gender' the law by adjusting state institutions to better serve marginalized women, or by creating parallel specialized state institutions designed specifically with women in mind (Musalo 2010; McKinnon 2016). This article draws on two such attempts to increase access of Mam indigenous rural women victims of violence to security and justice: immigration courts in the US that were adjusted to recognize gendered violence as a valid basis for asylum under Obama and recently readjusted by the U.S. Attorney General to dismiss 'domestic' and 'private violence' as a basis for asylum, and the world's first system of specialized courts that focus exclusively on violence against women, in Guatemala. I use the concept of gendered embodied structures of violence as the analytical framework for illustrating how in rural Huehuetenango, Guatemala, historical and contemporary structures and processes of violence which center the normalization of multiple forms of implied or actual physical and sexual violence against women (and often other men and children) continue to undermine efforts to strengthen women's rights and provide access to safety and justice for

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women. Such an analysis requires an intersectional framework highlighting how abstract social categories intersect and co-construct specific contexts of violence and 'shape the lives of men and women as well as their ascribed social roles, experiences, and life prospects' (Sieder and Barrera Vivero 2017, 637). In the cases of Mam women described here, these categories include indigenous, poor, rural, and female. Overlapping structures of primarily male power such as the military, civil patrols from the 1980s–1990s, security committees from the late 1990s to the present, organized crime, and hetero-patriarchal kinship and domestic arrangements in which the father and husband is at the center and the leader and boss, suggest the difficulty of separating state and non-state actors from the vectors of violence affecting women. The gendered embodied structures of violence I discuss here are rural, in that they are manifested on the ground in the department of Huehuetenango – a department of 1,024,324 inhabitants representing about 7.8 percent of Guatemala's total population that is 70.4 percent rural and characterized by a majority of indigenous inhabitants (65.1 percent) (Aquiadora 2017) from nine different ethnic groups (mam, tectiteco, acateco, jacalteco o popiti', chuj, kanjobal, aguacateco, k'iche, and chalchiteco), a 23 percent illiteracy rate, a 71 percent poverty rate and 21.2 percent extreme poverty rate (Instituto Nacional de Estadística 2014, 14, 23, 25). Because of the isolation of many communities (with travel times of up to 12 h to get to the department capital city of Huehuetenango), many indigenous language speakers, and a high rate of monolingualism among women, the effects of gendered embodied structures of violence are intensified and access to national police, specialized gender violence courts, and supporting institutions such as the regional office of the Defensoria de la Mujer Indígena (DEMI) is limited.

Though fairly recent in its use by indigenous organizations and women's organizations, the concept of territory and its relationship to women's bodies is an important lens for viewing the specific forms of violence used to control and discipline the Mam women whose stories I focus on here. As suggested by Hernández Castillo (2016, 13) and others, controlling women's bodies through actual sexual violence and ongoing threats of sexual violence is a way to demonstrate control over territory. This strategy was amply applied by the Guatemalan army during the civil war and continues as a strategy of security committees and organized crime groups and their affiliates in Huehuetenango. Part of the strategy of controlling women through implied or actual physical and sexual violence also involves stigmatizing those who are survivors of violence as 'deserving' it and bringing it on themselves. This logic can come into the family and household when women who have been raped and physically assaulted become objects of ridicule by family or community members. This form of discipline encourages silence and can instill fear of denouncing perpetrators and attempting to access justice.

While the 2008 femicide law and the opening of specialized courts for gender violence beginning in 2010 provided an avenue to justice for gender violence, these courts are handling a miniscule part of the on-the-ground instances of violence. Through publicity campaigns, the number of complaints filed through various avenues for gender violence has greatly increased going from 40,948 in 2012 to 51,131 in 2016 (Instituto Nacional de Estadísticas 2017, 4). By contrast the number of these complaints that went forward, were investigated, accepted into specialized gender violence courts and resulted in verdicts went from 525 in 2012 to 2668 in 2016 (Instituto Nacional de Estadísticas 2017, 41). There are thus very significant obstacles preventing women's complaints from being

successfully pursued in court. These many extra-legal factors include kinship networks, organized crime networks, transborder community networks which are conjoined with the historical structures mentioned above to produce contemporary gendered embodied structures of violence. Such structures in turn embed women's access to justice in more than one legal order, with different and sometimes opposite normative values in constellations of legal pluralism (Merry 1988). In Huehuetenango, the juridical power given to civil patrols and local security committees, for example, results in multiple legal orders that are not perceived as separate entities, but as 'different legal spaces superimposed, interpenetrated, and mixed' in the minds and actions of Mam women, creating spaces of interlegality (see Santos 1987, 297–298; Barrera Vivero 2016, 7–8).

These structures of violence and spaces of interlegality do not exist in isolation in Huehuetenango. They are transnational and transborder, moving across national borders and following the networks of what I call transborder communities, tightly networked from multiple locations in Huehuetenango through Mexico and into various states in the U.S. In the particular cases I follow, these transborder communities encompass sites in Huehuetenango, and in California and Oregon (see Stephen 2007, 2012, 2017). My analysis thus takes place in a transnational field of justice and considers not only the experience of primarily rural women who have suffered violence in Huehuetenango gender justice courts, but also explores the experiences of those who never made it into these courts and flee to the U.S. and attempt to access protection and justice through petitioning for asylum in the state of Oregon, via Mexico and California.

I follow the experiences of three specific Mam women in these gendered legal processes in part to illuminate the tolls women and their families pay who go through these processes (Drysdale Walsh and Menjivar 2016, 34), but also to highlight extra-legal structures and sets of relationships that can simultaneously help and hinder women in their struggles to find safety. As described below, a broader set of interviews and observations is incorporated into my analysis. The first case is of Virginia, a young Mam woman who was raped and physically assaulted in a small rural hamlet of Huehuetenango who sought justice in Guatemala's Femicide and Gender Violence Courts as well as through attempting to petition for asylum in U.S. Immigration Court. She was deported. The second case is of Elvira, another young Mam woman also from rural Huehuetenango who suffered from violence as a child, armed threats as a young woman, and was raped on the way home from work by a local gang. Unaware of the existence of Guatemala's specialized courts for femicide and gender violence and afraid to report her rape to National Civil Police due to death threats from the people who raped her, she fled to the United States and petitioned for asylum. The third case is of Ramona who was assaulted and then raped by the head of a local security committee when her husband refused to serve. The group threatened to kill her and harm her children if she reported what happened. She first fled to a distant hamlet where her sister was and then when she received information that the security committee was trying to find her, decided to flee to the U.S. At the time that she and her husband were initially threatened, local security committees were often integrated into local structures of indigenous governance.

Through an analysis of these three cases, I seek to contribute to the emerging literature on indigenous women's access to justice in Latin America (see Hernández Castillo and Canessa 2012; Calla 2012; Barrera Vivero 2016; Hernández Castillo 2016; Speed 2016, forthcoming; Sierra 2017; Sieder 2017; Sieder and Barrera Vivero 2017) through adding

a transnational lens to this discussion. While significant attention has been paid to indigenous women accessing international, national, and local forms of justice, little attention has been paid to the transnational and transborder framework within which many indigenous communities exist. Attention to the ways in which particular communities and regions reconstitute themselves in multiple locations in multiple countries has some focus on gender relations (Aquino Moreschi 2012; Cruz-Manjarrez 2013; Blackwell 2015), but does not delve into access to justice. In addition, my analysis suggests the difficulties of separating public from private violence and state and non-state actors in official legal realms (Fluir and Piedalue 2017). This latter project is particularly relevant given the 11 June 2018 ruling by U.S. Attorney General Jeff Sessions that attempts to bracket 'private' domestic violence from other kinds of violence as a basis for asylum in the U.S.

Fraught in complex, collective contexts, gender violence is treated by Guatemalan and U.S. legal systems as a problem to be resolved through helping an individual victim receive justice and protection and in Guatemalan specialized courts for gender violence by convicting an individual perpetrator of a crime and sentencing that individual to prison time. I suggest that the survivors of rural gendered violence described here who eventually flee from their natal communities, do so in the context of complex intersectional and transborder gendered relationships, networks and communities that span from rural Huehuetenango into Mexico and to many parts of the U.S. The experiences, agency, and outcomes of women's decisions about how to seek relief, safety, and justice have to be seen in the context of these connections and collective structures. In the story of gendered violence documented here, women's organizations are present at the margins. In one of the cases described, that of Virginia, two organizations were involved in supporting her case. The first is Fundacion Sobreviventes, based in Guatemala City, which maintains a lawyer and therapist in Huehuetenango in their office. They support some high profile cases of femicide and sexual violence in the specialized gender violence courts. The other is the Huehuetenango regional office of the Defensoría de la Mujer Indígena or DEMI, which also provided some support for the case. DEMI is a national Guatemalan government agency but has a lot of activists in it. In Huehuetenango it functions more like an NGO. The Huehuetenango DEMI office sometimes provides support to women who are in the U.S. or who have family members in the U.S. They could be said to be indirectly supporting transborder communities through their advocacy for migrant indigenous women in the U.S. and Mexico.

Women's organizations are not actively involved in Mam transborder communities. More important are extended family and kinship connections, community connections and Evangelical churches. The context of these transborder communities does not easily facilitate women working together outside of their families. Women do provide solidarity for one another through translation, help in getting rides, finding health and educational resources (see Stephen 2017). While many have asked about or looked for a social movement or organizational story here, there is not one to find right now. Women who flee do so under extreme duress and terror and their strategy is survival and arrival in the U.S. (see also Speed, forthcoming).

Methodology

My analysis draws on 40 Mam women I interviewed in Guatemala and the U.S. who have fled from gendered violence in rural areas and many of whom have sought relief in

Guatemala in various legal contexts and in the U.S. through petitioning for asylum from 2015 to 2018. Beginning in July of 2015, I began a collaborative project with several non-profit organizations and a number of immigration attorneys in Oregon to interview Mam refugee women and adolescents who were fleeing multiples violences and seeking asylum in the state.

The collaborative plan I worked out with the NGO staff and attorneys involved making a commitment to devote some of my research funds and time and to hire two graduate students to work with me. Our collaborative activities include (they are ongoing) setting up and conducting interviews, transcribing the interviews, preparing summaries of the interviews in Spanish for the clients to review and correct or change, and then translating these summaries into English as the basis for declarations. We also offer the audio interview and the entire transcription to the lawyers and legal team for each person to facilitate their preparation of each asylum case. These materials also provided helpful information for me to supplement that gained by research in Todos Santos and other areas in Huehuetenango and Quetzaltenango for writing expert opinions about the specific national, regional, and local conditions within which a person's particular experiences took place. Interviews are conducted in Spanish with a Mam translator. Most are done in the offices of the non-profits or immigration attorneys where the asylum seekers had already visited and obtained services. I have also observed cases of gendered asylum in immigration courts in Seattle and Portland from 2015 to 2018.

Together with my colleague political scientist Erin Beck, I have conducted fieldwork three times across three different locations in Guatemala, where three of Guatemala's 13 specialized gender violence courts are located: the capital (Guatemala City, largest population center), Quetzaltenango (the second largest city with significant indigenous population), and Huehuetenango (regional city close to Mexican border with majority indigenous population). Part of the research has involved working with a range of actors and institutions in Guatemala who support indigenous women seeking protection from gendered violence. These include the Defensoria de la Mujer Indígena (DEMI) in Huehuetenango, and Fundacion Sobrevivientes in Guatemala City, and Huehuetenango. We are also building relationships with local Mam women's groups such as Asociación de Comadronas del Area Mam (ACAM) in Concepción Chiquirichapa, Quetzaltenango, Asociación de Mujeres Rio Isquizal (AMRIS) in San Sebastian, Huehuetenango, and the Oficina Municipal de la Mujer in Todos Santos, Cuchumatán. We have discussed the 2008 femicide law, knowledge about the law, specialized courts, and challenges these groups find in supporting women with gender violence cases in these courts. Through triangulating our court observations (where detailed stories are told from a variety of viewpoints by witnesses), interviews with indigenous women's organizations and individual survivors' and their families, and the files of completed gender violence court cases we have been able to develop a detailed knowledge about the complex context for gendered violence in Huehuetenango and Quetzaltenango.

Gendered embodied structures of violence through time

A Spanish colonial system of *castas* (castes or hierarchy of rights and privileges based on constructed racial categories), which relegated indigenous people to the bottom of a

racial/ethnic hierarchy and resulted in more than 500 years of indigenous peoples serving as the labor source for Guatemala's colonial and modern economy, persists today on the ground. While the majority of Guatemala's population continues to self-identify as indigenous and the country has 16 different indigenous languages (including Mam), indigenous people continue to face ongoing discrimination and abusive treatment on a daily basis (see Hale 2006). Indigenous women often face multiple forms of discrimination based on race, gender, and if they are poor, their economic status.

The vast majority of the population in Huehuetenango engages in subsistence farming with some regions carrying out small-scale commercial agriculture of products that include carrots, cauliflower, potatoes, broccoli, and coffee. According to interviews I have carried out in the municipality of Todos Santos Cuchumatán and in other rural communities, at least half of the population is landless as a result of violence and displacement during the civil war, population increase, and the selling off of land to fund migration to the U.S. All of the women I have interviewed identify as living in rural areas and the concept of territory is a shared concept of belonging to specific places and geographies, outside of actual property ownership.

To document specific gendered embodied structures of violence that have operated in Huehuetenango, I discuss forms of militarization and paramilitarization that strongly impacted Huehuetenango and then link them to their contemporary post-peace accords (1996) manifestations in relation to local security committees, gangs and organized crime, and the ambivalent role of the National Civil Police. Such a review is necessary to explain how Guatemala came to have the fourth highest femicide rate in the world. I narrate this history not to disparage the many important indigenous, women's, justice reform and other important post-war movements and organizing efforts, but to highlight the historical connections and ongoing challenges for those doing social movement and judicial reform work.

A woman is killed every twelve hours in Guatemala and 7, 272 femicides were recorded from November of 2008 to November 2017 (Telesur 2017). These alarming statistics are linked by many scholars to the use of violence that was gendered, racialized, and sexualized during the Guatemala civil war that resulted in over 200,000 people killed, 45,000 people disappeared, 1.5 million people displaced, and 1,465 cases of sexual violence (Crosby, Brinton Lykes, and Doiron 2018, 169). While the Guatemalan state is widely acknowledged as a perpetrator in these atrocities, in the post-civil war era initiated with peace accords in 1996, it is now also a space of intervention for violence such as femicide, human trafficking or domestic violence (see Sanford, Stefatos, and Salvi 2016, 3). How is it that the state can be both a past and current perpetrator of gender violence but also be supporting institutions such as Guatemala's pioneering specialized courts for gender violence? Is it possible to separate state from non-state actors in carrying out gendered violence and providing for its impunity?

I have participated in many asylum cases from the municipality of Todos Santos Cuchumatán. I use the history of militarization, paramilitarization, and its contemporary continuity in local gangs and security communities as a lens for exploring the historical depth of gendered embodied structures of violence. Their focus around masculine control of local territory, policing through inflicting violence and intimidation on the bodies of those who oppose them, and use of actual and threatened sexual violence against women are defining characteristics. Because these institutions of militarization and paramilitarization

permeate local communities and kinship relations, they are necessarily a part of wider transborder networks that connect people across multiple borders.

Like many regions in Huehuetenango, Todos Santos was organized around a series of religious and civil cargos that was the basis of local policing and governance. Such systems are often called *Alcaldías Indígenas* and include offices such as mayor, vice mayor, court clerk, secretary, forest rangers, water and health committees, and others. According to multiple sources, prior to the early 1980s, there was no national police or military presence in Todos Santos (Bossen 1984, 101; Burrell 2013, 27). Young men appointed to lower level civil cargos as part of an age-based hierarchy of civil and religious positions of authority used to govern the community and did community policing. This system of community protection changed abruptly in the early 1980s and has been significantly transformed by decades of militarization and paramilitarization.

During the early 1980s, Todos Santos and other municipalities in Huehuetenango had their *Alcaldías Indígenas* interrupted first by the presence of the Guerilla Army of the Poor (EGP) and then by the Guatemala Army. According to an article published in summer 1981 in *Social Justice*, interviews I have carried out with people from Todos Santos, and other sources, the Comandante Ernesto Che Guevarra Guerilla Front of the EGP took over the municipal center of Todos Santos and several other municipalities in 1981 (Guerilla Army of the Poor 1981; Burrell 2013, 28). Several months of military training was carried out by the EGP for men and boys and by mid-1981 the EGP also had their own Justice of the Peace in the town hall in the center (Burrell 2013, 28), beginning the demise of the indigenous governance system. Businessmen and local landowners were targeted by the EGP and some were killed and left in the town square.

In April of 1982, the Guatemalan military arrived. A platoon of two to three hundred Kaibiles arrived and burned 150 houses in the aldea of El Rancho and then advanced towards the municipal town center. On the way they raped and otherwise attacked women, some of who later died of their injuries (Ikeda 1999; Burrell 2013, 28). The Kaibiles gathered all the residents, separated two hundred people named as subversives who were tortured and dismembered. Others were killed at a distance (Ikeda 1999; Burrell 2013, 29, 172, note 9).

This action was followed by disappearances, murders, and kidnappings and many people fled. Others left to join the EGP. A majority of the life histories of women I have interviewed contain references to families fleeing to Ixcan and to Mexico. In some cases, people did not have birth certificates or other forms of identification because they spent their childhoods in flight or out of the country.

In March of 1982, the army returned, gathered all the villagers in front of the church and locked the men inside and told them they would all be burned. The men waited through the night until dawn and discovered that the army had been recalled due to a coup carried out by Efraín Ríos Montt (Burrell 2013, 29). Sometime later that year *Patrullas De Autodefensa Civil* (PACS) were established in Todos Santos and a majority of municipalities in Huehuetenango. Men between eighteen and sixty were required to patrol in 24-hour rounds. Civil patrolling empowered locals who were active in leading patrols and linked them to local military bases and commanders.

The PACS contributed to a consolidation of power among PAC leaders and to a general culture of distrust. This climate, a shortage of land, and the pressure on men to remain and serve in the PACS are linked to the earliest migrants to the U.S (Burrell 2013, 36).

Researchers Suzanne Jonas and Juan Rodriguez calculated that, by 1985, an average of 13,000 legal and undocumented Guatemalan migrants were coming annually to the United States, (2014, 29, 33), some of whom began the process of seeking asylum.

Some who fled the war and came to the U.S. returned to Guatemala to find that they were forced to serve in civil patrols. While before the war, justice and local policy was administered through *fiscales*, *ixcueles*, *regidores*, and *mayors* (elders who held the highest positions in the civil-religious hierarchy (Burrell 2013, 157–158), during the conflict authority shifted to PAC leaders linked to local army commanders. As noted by Rachel Sieder, ‘the civil patrols effectively became a part of community authority structures and norms’ (2011, 175). The patrols were both part of a state system through the everyday actions and normalization of patrolling and also a state effect, demonstrating the ‘power of the counter-insurgency state’ (Sieder 2011, 175). The gendered cultural forms and relations of power through which the PACs operated also laid down a template for later local security committees that appeared just a few years after PACs were officially terminated in 1996.

Post war security: from PACS to security committees and the national civil police (PNC)

In an effort to deal with widespread insecurity in 1996 following the signing of the Peace Accords, the Álvaro Enrique Arzú Yrigoyen government quickly trained, expanded, and attempted to deploy the new PNC, but in reality incorporated much of the old National Police ranks and officers into the new structure. On the ground, this meant that little would change. In remote areas of Guatemala such as Todos Santos, the presence of the PNC had little to no impact in decreasing crime. According to Jennifer Burrell, several PNC agents were assigned to Todos Santos in 1999 and their presence was welcomed as it was anticipated that they could help in the local campaign against gangs. This assistance failed to materialize, and the presence of the PNC became highly problematic and polarizing.

Several years after the PACS were ended, *Todo Santeros* formed local security committees. Anthropologist Sharp (2014) refers to the emergence of the local security committees in Todos Santos as *vigilantes*, contrasting with the terminology of Burrell (2013, 139), who uses the local term *comité de seguridad* or ‘*seguridad*’ as the committees are referred to by locals. Both agree that the appearance of ‘*seguridad*’ in the early 2000s filled what was perceived as a security vacuum. ‘*Seguridad*’ involved past practices linked to civil patrols such as ‘constant surveillance within communities, rapid and collective response to detain interlopers and the occasional summary and spectacular use of physical violence’ (Sieder 2011, 176).

Francisco Portes López, who lived in Todos Santos until 2015, recounted the formation of ‘*seguridad*’ in a conversation we had in 2016.

We had a period of relative tranquility from maybe 1998 until 2000. You could walk around with no problem. But what happened after that? Why did the security committees get formed? Well, this started to happen everywhere, not just in Todos Santos. People were drinking. They were getting drunk on the street. The people would fall down in the street, but then they would go home. There was not a problem with this. But between the drunks, and the bars the *maras*, gang members began. They were delinquents, kidnappers. ... Then they started

fighting among themselves. They started to beat one another up and then one and then another started to rob people. A lot of people said that people's animals (livestock) were disappearing. They would also break and enter into people's houses. 'But who are they? Who is doing this?' asked the people. Is it possible that they are coming here from other towns? What should we do? So the people began to keep watch among themselves. ... they said that they found some of the policemen were among the robbers? ... Then people said that we had to do more than talk. So we formed the security committees.

Anthropologists Ellen Sharp and Jennifer Burrell suggest that local security committees were able to achieve a great deal of power and continue the culture of surveillance, use of physical violence, and empowerment of male leaders that emerged under the PAC system. Both Sharp and Burrell attribute the emergence of 'seguridad' to the emergence of a strong youth culture fueled by identification with the cultural and fashion trappings of U.S. hip-hop, usually coded as gangster style. Sharp notes that the ability of at least 1000 Todos Santos to achieve citizenship through political asylum in the U.S allowed large numbers of people from the community to come and go after they were legalized (Sharp 2014, 28). Some of those who were mobile included young people who had grown up in California, primarily in and around the San Francisco area and brought back hop-hop culture and gangster fashion to Todos Santos. Identified as belonging to gangs or 'maras,' local youth began to wear hip-hop inspired clothing, hang out together, drink, grow their hair long, sometimes stealing from community members, and perhaps taking drugs (Burrell 2013, 139–141; Sharp 2014, 112–151). This description roughly coincides with what Francisco describes above.

Some but not all mareros had migrated to the United States and returned; some had green cards. They were not planting corn and beginning to carry out low-level cargos in the civil-religious hierarchy, traditional activities for young males. Burrell states that these gangs in their local form granted Todosantos a means by which to achieve recognized masculinity (Burrell 2010, 100).

Burrell and Sharp both analyze the emergence of local gangs as an inter-generational struggle for masculine power as young men seek ways of obtaining social recognition and power. These groups of youth became came, in the words of Burrell, 'the scapegoats for all that was intolerable, uncontrollable, and threatening' (2013, 143). Their activities, at least while she and Sharp were conducting research (from the mid-1990s through 2011) were distinct from the urban gangs that came to dominate Guatemala City.

The first Todos Santos 'comité de seguridad' was established in the early 2000s. Apparently an initial version of the security committee 'wore masks' (Sharp 2014, 79), and according to Jennifer Burrell was established in relation to a continuing vacuum of power. All adult males were required to participate in patrols. They operated much like civil patrols and enforced a local curfew. According to press reports from 2003, the patrols clandestinely imprisoned their captives, held people without legal recourse, sometimes in outhouses, and carried ropes and whips that they used to administer physical punishment. Nevertheless, seguridad attempted to address the reality of poorly trained, under-funded and often absent PNC agents, none of whom spoke Mam or were familiar with local cultural norms and systems of governance and justice.

After the mayor of Todos Santos was called into Huehuetenango in 2003 to meet with a supreme court judge regarding illegal actions of the comités de seguridad, the groups reformed somewhat, but pressed ahead with an anti-gang security campaign that resulted

in a death threat to a judge, and consolidation of political power and influence by leaders of the security committees. Sharp describes the *seguridad* structure as each canton having its own patrol, as did the rural *aldeas* (hamlets). The number of days men were required to patrol varied. Those who did not show up had to pay a fine and if men were in the U.S. and not able to pay the fine, women had to pay the 25–50 Quetzal fee (U.S. 2.75–\$5.50) (Sharp 2014, 30).

During my fieldwork in the summer of 2017, I interviewed a judge who served as the local justice of the peace in the municipality of Todos Santos in 2005. He openly discussed what he called ‘extreme local customs’ carried out by the local security committees that included ‘immersing people in cold water’ even at night. Others have described this as torture when people are left in very cold water for long periods of time.

Several of the women seeking asylum I have interviewed reported violence and intimidation on the part of security patrol members and leaders. Physical assault, threatened rape, and actual rape were used as ways to punish women as proxies for their husbands who had fled security duty and in two cases as a means to pressure women to join the committees themselves in the absence of their husbands. One of these cases is described below.

According to Sharp, each security committee had an all-male governing board that ‘included a president, vice president, treasurer, secretary and several spokesmen’ (2014, 31). And the leaders of each of these lower level patrols in cantones and *aldeas* elected leaders to a general security committee at the municipal level who made policy for the entire municipality and met every Saturday. The general security committee also heard petitions every Saturday, the market day, thus setting up another local-level justice system that appears to have worked in conjunction with most municipal authorities, who are also authorized to hear legal complaints. According to Sharp, the ‘cases’ heard included arranging restitution for injuries, mediating debt-repayment plans, settling land disputes, and some security committees also intervened in cases of infidelity, lack of child-support payments, and domestic violence (2014, 31, 103). Sharp notes that most people preferred to bring their petitions to the security committee or the mayor because of language and cultural barriers (2014, 31–32). Todos Santos announced itself as an *Alcaldía Indígena* in the 2000s and security committees have been clearly linked to local governance structures until very recently. Most people preferred to work with ‘*la ley del pueblo*’ (the law of the community) rather than ‘*una ley grande*’ (a big law) that involved the formal justice system, lawyers, documents, payment of fees, and Spanish fluency (2014, 104). ‘*Ley grande*’ refers to the Justice of the Peace, which has an office on the outskirts of Todos Santos and is the local arm of the federal justice system.

Burrell and Sharp both condemn the culture of ‘*seguridad*’ that came to take hold in Todos Santos and dominate daily life. Burrell writes that *seguridad* ‘exercised control over the local judiciary, publically humiliated community members by dunking them in the fountain; and in short, brought back the kinds of ‘forcivoluntary’ paramilitarized forms that characterized the war years’ (2013, 156; MacAllister and Nelson 2013). By the time I began interviewing refugees in Oregon in 2015, many described people being persecuted by local authorities including *seguridad*, the PNC, and municipal deputy mayors if they did not wish to submit to the wishes of those authorities. In early 2016, a new mayor formally abolished the security committees and was attempting to work with a

reinforced PNC to provide security to Todos Santos but some of the more distant hamlets I visited continue to have local security committees operating, according to people I spoke with in 2017 and 2018.

Local gangs become more violent

The masculinity of the older generation may be built on policing that of the younger one in Todos Santos, but the masculinity of part of the younger generation has advanced to more aggressive and violent activities identified with two gangs in the municipality of Todos Santos. Self-documentation is available from one of the gangs in Todos Santos who posted videos during 2014–2016. Sureños 13 (known as the Blue Gang) published its own videos on YouTube. On 15 February 2014, a YouTube video was published titled ‘Sureños 13 Guatemala Todos Santos’ by Rolix Carrillo (2014), which featured photographs of local young men dressed in the Todos Santos traditional red striped pants. Another video titled ‘Sur 13 chapines.todos santos rifa sur 13’ (Sur 13 Guatemalans Todos Santos), was published on 16 June 2015 by Ahiloncarrillo Carrillo (2015). These videos have clear photographs of local young men often sporting blue handkerchiefs (known locally as *los azules*) and with clear references to Sureños 13. Posting these videos on line may be an additional way for local youth to claim public space and build their social prestige.

The video posted on 16 June 2015 ends with a picture of a blue affiliated-gang member from Todos Santos aiming a rifle at another man who is kneeling and bound, looking like he is about to be executed. The image, whether ‘real’ or posed for the purpose of the video sends a chilling message. The photograph at the end of the video also suggests that the person to be executed is a part of the red gang, the opposition of the blue gang. A final video posted on 18 March 2016 titled ‘todos santos sureños de por vida’ published by El Chapinsito y sus Aventuras (2016) is similar to others, but features some photographs clearly taken in the U.S. The video begins with the words ‘These are my homies of my barrio calvario,’ in reference to the neighborhood near the local cemetery where some of the pictures are posed. This is followed by a photo of Sureños Matias, with reference to another neighborhood in Todos Santos. Other photos follow in specific locations. The rap song in the background makes repeated references to ‘our territory.’

These videos feature local young men with red and white striped pants, some with shirts off, in a variety of poses that suggest masculine strength and toughness. The young men in them perform a stereotypical gang masculinity through the flashing of gang signs, tough poses, implied potential violence through poses with a gun, and photos of local landmarks and neighborhoods. I suggest that the production and posting of these videos is another way for local gangs to mark and claim territory.

Interviews I carried out in July of 2016 and in 2017 in Todos Santos suggested that local women strongly believe and have observed violence against women that they believe is carried out by gangs. Cristina (a pseudonym), age 20, related to me an incident in 2015 of rape and femicide, when I asked about violence against women and girls.

There is violence here for women. They killed a girl. She was walking to school, but she never arrived. They found her raped and dead in the hamlet of Chicoy. They also found a handicapped person who had been killed there in Chicoy as well as a boy who was killed there.

Lynn Why there in Chicoy?

Cristina There is no PNC in Chicoy. A lot of families are afraid there ... You have to really watch what you wear because of the gangs. For example, if you are walking around with red shoes or a red sweater, they (the Blue gang) will tell you that you can't wear that. This happens in the center of town too.

In June of 2015, local news reports highlighted the kidnapping and murder of a young Mam girl as she was walking to school in Caserio Chicoy, the story told above by Cristina. The father of the kidnapped and murdered girl identified the male who was part of a couple accused of the kidnaping as being the leader of Sureño 13 in Todos Santos (Notivisión CVC 2015). A couple was detained in Caserio Pajón, Todos Santos Cuchumatán, Huehuetenango (see Castillo 2015) by locals who turned them over to the PNC. The young girl's body was unearthed in the Caserio of Chicoy. A newspaper article states that the couple maintained their innocence but 'admitted to having carried out the crime to keep from being lynched' (Castillo 2015). In September of 2017, Rodrigo Rodriguez was found guilty of kidnapping and holding twelve-year-old Blanca Carolina Carrillo Velázquez. He was sentenced to 40 years in prison. His wife Martha Hernandez was sentenced to 20 years in prison for her knowledge and collaboration in the event. Both were found to be linked to text messages and calls to the families of the kidnapped child, requesting Q100,000 for her safe return (LaSuper 2017). Three other suspects in the kidnapping and murder remained free. The trial and sentencing lend credence to the testimonies of women from the hamlets and center of Todos Santos I have interviewed who talk in detail about the presence of criminal activity in Todos Santos.

If an indigenous woman from a place like Todos Santos knows about specialized courts for gender violence such as that established in Huehuetenango in 2012, what would her experience be like trying to pursue a case there?

Femicide and gender violence courts in Guatemala

Legal frameworks such as the 2008 Law Against Femicide and Other Forms of Violence Against Women and specialized tribunals implemented in Guatemala since 2010 that are dedicated to hearing cases of femicide,¹ domestic violence, sexual violence, or other gendered forms of violence offer the possibility of formal justice for women who have been victims of violence. Specially trained judges, social workers, psychologists, lawyers and women's rights advocates and organizations have heard thousands of cases in these specialized courts for femicide and violence against women. There are currently twelve specialized gender violence courts operating in Guatemala in 11 departments (Alta Verapaz, Chimaltenango, Chiqimula, Alta Verapaz, Escuintla, 2 in Guatemala City, Huehuetenango, Izabal, Quetzaltenango, Quiché, Solola) and seventeen women's district attorney's offices that offer services to women around the clock. Despite this innovative specialized justice system, there are many burdens placed on victims and their family that prevent many from ever getting to court.

¹The 2008 law defines femicide as "the violent death of a woman caused in the context of unequal relations of power between men and women and in an exercise of the power of gender against women" (Centro Nacional de Analisis y Documentacion Judicial 2008).

In order to report a crime, most women go to the nearest outpost of the National Civilian Police (PNC). In far-flung rural hamlets in many parts of Guatemala, this can be one or several hours away from home. The only option in many remote locations is to report a crime to local authorities known as *agentes*, who may or may not call the PNC. In many of the asylum cases I have provided expert witness reports and testimony for from Guatemala, PNC officers did not respond or were reported to be corrupt and to take money from the perpetrators of crime and/or their families in order to set free the person detained for a crime of gender violence (see Stephen 2017). The survivor and family members and others who were close to what happened are then asked to provide declarations to the Public Prosecutors office about what happened.

After the crime is reported, police are supposed to work with the crime scene investigators from the Public Prosecutor's office to secure physical evidence and guarantee that it has a chain of custody. This should involve close inspection of the crime scene and collection of physical evidence such as clothing, weapons used to perpetrate violence, and other artifacts. Crime scene specialists from the Public Prosecutor's office visit the crime scene and prepare a photographic album of evidence showing the different location(s) of a crime and photographs of physical evidence. This is supposed to involve careful documentation of the interior and exterior of buildings, if appropriate, as well as outdoor locations. This protocol, however, is often not full realized.

If women do report a crime, then the next step is to undergo a medical examination in the office of the National Institute for Forensic Sciences of Guatemala (INACIF), which may be hours away. There, forensic doctors, carry out the exam. In Huehuetenango women who underwent these exams and their advocates from DEMI complained that the doctors and support people at INACIF do not speak the indigenous languages of many women and have little patience for cultural practices that usually prevent men from seeing women's bodies. Male doctors do many of the exams. Women's bodies are examined for physical evidence of rape, sexual assault, and physical violence through documenting bruises, cuts, scrapes, and other interior and exterior lesions. If they arrive a week or more after a rape or assault, this physical evidence will be minimal.

In order to proceed with a case, a woman needs to make an average of 8–10 trips to the regional capital in order to undergo physical exams, provide testimony, meet with public prosecutors, and attend the various phases of trial. This entails expenditures for buses, food, and often lodging, particularly if women come from distant communities. There are thus significant obstacles for women to simply go through the process of getting their case into court. Once a case successfully makes it into a specialized court, the chances of conviction are much higher. According to lawyers we interviewed who work at gender violence-focused NGOs or government offices such as the DEMI, women's cases are likely to be taken much more seriously by public prosecutors and judges when their cases are managed by such organizations (see Beck n.d., 11).

Once a woman's case is in the trial phase, while she may have support from the Public Prosecutor's office, access to psychological counseling to recover from trauma, and child-care while the trial is going on, there are other factors that may limit her ability to continue coming to court. Several weeks of court observations in Guatemala City, Quetzaltenango, and Huehuetenango in the summers of 2017 and 2018 revealed that economic factors, family members who actively oppose a woman's case and threaten her physically, with death, or to throw her and her children out of the house, organized crime or gang

threats to the survivor or others giving testimony can all contribute to obstacles for women to remain in court cases, once they begin.

Gendered asylum hearings in U.S. Immigration courts

For many women who do not know about the specialized gender violence courts in Guatemala and/or who face multiple obstacles to getting their case to court as discussed above, fleeing to the U.S. and seeking protection from deportation back to Guatemala through petitioning for asylum or related protections emerged as an option in about 2011 but was severely threatened in June of 2018 through Jeff Session's ruling, described below. Knowledge about the U.S. asylum system is found in some transborder communities which have longer histories of migration and settlement in the U.S. Through the construction of transborder communities – which extend historical bases to other places, across national, racial, and ethnic borders, and linking them through economic and social networks – Guatemalan migrants have settled in many parts of the U.S. Like other migrants, Guatemalans are strongly connected to multi-sited 'home' communities spread throughout Guatemala, Mexico, and the United States through multiple migration flows that cross generations (See Stephen 2017, 2012, 2007).

The numbers of Guatemalan families crossing into the U.S. has been significant since 2015. In fiscal year 2016, 77,674 Central American family units (usually women and children) were apprehended at the border; 23,067 of these family units were from Guatemala (U.S. Customs and Border Protection 2017). This overall number decreased in fiscal year 2017 to 75,722; 14,827 of these family units were from Guatemala, significantly fewer than the year before (U.S. Customs and Border Protection 2017). However, in FYTD 2018 (1 October 2017–30 June 2018) there were 68,650 family units 'apprehended' and 23,067 were from Guatemala, a significant increase from FY 2017 (U.S. Customs and Border Protection 2018). These figures do not include those who set out from Central America for the U.S. and never make it, either disappearing in the process or being deported from Mexico (see De León 2015). And they do not include those who successfully crossed the U.S. border undetected. In my fieldwork with indigenous Guatemalan refugees in Oregon, the period from 2014 to 2018 is marked by an increase in undocumented women from Mam and other transborder Guatemalan communities. Many women also came with some of their children, leaving more vulnerable and younger children behind with relatives. Almost all were seeking to escape multiple forms of violence and reunite with family members in rooted transborder communities.

All of the Mam women I have interviewed and worked with passed through the Guatemalan departmental capital city of Huehuetenango, a strategically positioned stopover for the trafficking of drugs, cash, arms and people into Mexico. Its streets jammed with large SUVs and cars, Huehuetenango has all the trappings of a small city bursting with money laundering enterprises like new high-end high rise hotels, sleek Italian restaurants, marble-front stores that advertise high fashion brands, and resorts contrasted by poor neighborhoods with indigenous migrants.

Seeking asylum in the United States was one of the only routes to safety, offering protection from deportation back to Guatemala for women fleeing violence. According to the American Immigration Council, 'asylum is a protection granted to foreign nationals already in the United States or at the border who meet the international definition of a "refugee"'

(2016). Asylum can be granted to an applicant in the United States if the applicant can demonstrate he or she has been persecuted in the past or has a well-founded fear of persecution in his or her country of origin on five grounds: (1) membership in a particular social group, (2) religion, (3) race, (4) nationality, or (5) political opinion. Asylum permits those receiving it to apply for lawful permanent residence status and ultimately citizenship as well as to receive work authorization. The United States is bound to recognize valid claims for asylum under the 1951 United Nations Convention Relating to the Status of Refugees (UNCRSR) and its 1967 Protocol Relating to the Status of Refugees (Goodwin Gill 2008).

The United States began recognizing gender-based persecution in the early 1990s, and in 2009, the case of a Guatemalan woman named Rody Alvarado established a key precedent for gender-based asylum claims. Alvarado engaged in a fourteen-year struggle to obtain asylum and achieve legal recognition of survivors of domestic violence as a social group subject to persecution and meriting protection (Center for Gender and Refugee Studies 2014). In March 2013, Obama reauthorized the Violence against Women Act, which has been increasingly used to grant asylum to refugee women who are victims of domestic violence in their home countries. In August 2014, the nation's highest immigration court ruled that women who survive severe domestic violence in their home countries could be eligible for asylum in the United States (Preston 2014). This opened a new pathway for the thousands of Guatemalan indigenous women fleeing gendered violence who were already in the United States or on their way.

In June of 2018, U.S. Attorney General Jeff Sessions reversed a 2016 ruling by the Justice Department's Board of Immigration Appeals, that granted asylum to A.B., a Salvadoran woman who fled to the U.S. after suffering long-term violence and after going to the Salvadoran police, who did nothing about it. Sessions reversed a 2016 ruling by the Justice Department's Board of Immigration Appeals, that granted asylum to A.B. Session's reasoning was based on an argument that domestic violence victims are not persecuted as members of 'a particular social group.' In a precedent setting case of Ms. Cifuentes from Guatemala (Matter of A-R-C-G- et al., 26 I&N Dec. 388; BIA 2014), it was found that an applicant could qualify for asylum as a member of a particular social group of 'married women in Guatemala who are unable to leave their relationship.' The Board of Immigration Appeals found that in Guatemala spousal rape is common and police fail to enforce domestic violence laws. Sessions disagreed and undid this precedent. What this means for women seeking asylum is still unfolding. Session's statement that, '*claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum*' is likely to have far reaching consequences (U.S. Department of Justice 2018, 320, my italics.)

Engaging with asylum in the U.S. first requires that women fleeing Guatemala become aware of the existence of this legal tool. If they don't know about it from family and community networks, some women learn about the existence of asylum from other women while they are being held in detention. They may try to talk with a Customs and Border Protection (CPB) official to tell them that they fear persecution, death, or great harm or returning to their country and that they wish to apply for asylum. They should then be offered a *credible fear interview* conducted by an officer in the USCIS (United States Citizenship and Immigration Services). A majority of women whose cases I have worked on are indigenous, with little knowledge of Spanish. Their ability to communicate their story to

a border official or even to get a *credible fear interview* is often dependent on someone else partially translating for them.

If a woman is able to get a *credible fear interview* with an asylum officer and her asylum application is accepted, she will most likely work to try to get a family member or other person to pay her bail (can be nothing to up to \$15,000 in cases I have worked on), and send her a bus ticket. Until May of 2018, she was usually released to a family member to await her first court date with a judge. If a woman enters the country without presenting herself at the border or being detained, she can initiate an affirmative asylum application within one year of when she entered the U.S. Often Guatemalan women fleeing gendered violence who successfully enter the country undetected, will find out about the possibility of seeking asylum from others in their community or family in the U.S. Then the primary obstacle to initiating an asylum process is usually financial. While there are some lawyers and clinics that do pro-bono cases, most women initiating asylum cases are paying lawyers. Obtaining financial support from a relative in the U.S. can be crucial for initiating a case. The same system of transborder communities and networks that facilitate the act of fleeing to the U.S. are also potential systems of financial support for women seeking asylum.

At the same time, if a woman is fleeing an abusive husband, father, or other family member, the extensive community networks can also be a source of fear as a woman's actions can be reported back to Guatemala via cellphone, facetime, messenger or Whatsapp. Violence connected to local gangs and organized crime groups can make women fearful of sharing their story in the U.S., even with people from the same community or family, thus inhibiting them from making an asylum claim.

Once a woman finds a lawyer to represent her, and often accompanying children, she begins a process of crafting her declaration (story of what happened to her that suggests the kind of persecution she has suffered, type of violence, gendered or other), locating identification documents (birth certificate, national identity card, marriage certificate if available), and working with relatives, neighbors, or others who have witnessed or have knowledge of the kind of violence she has suffered.

Three Mam women seeking justice and protection

Virginia

This account of Virginia's case is compiled from court records, interviews with Virginia and her family in 2017 and 2018, lawyers and NGO workers who supported her case. Her name, location, and some dates have been changed to protect her identity. One evening, 12-year-old Virginia finished making tortillas with her mother and left her home to go and visit a friend. She tripped on something in the road, fell, and was grabbed from behind by a man with a facemask on. She began to scream but the man put his hand over her mouth, pulled her towards a patch of coffee plants and threw her on the ground. She grabbed the mask and his identify was revealed. He was her neighbor. She asked him what he was doing, but he told her she had to do what he said. He had a knife. He beat her, threw her to the ground, and raped her.

Virginia returned home some hours later, with blood streaming down her legs, and with a battered face. She told her mother what had happened who then relayed the

information to her father. Virginia's parents accompanied her to denounce the crime with local officials in her hamlet known as auxiliaries. They then called the police sub-station of the Policía Nacional Civil (National Civil Police, PNC). The police came in the middle of the night and looked at where the rape had taken place and then returned to the municipal center where they shared the complaint with the local justice of the peace. No further action was taken there. About two weeks later, Virginia and her parents made the long trip to the regional city of Huehuetenango where she made a formal declaration and complaint in the Office of the Ministerio Publico (Public Prosecutor). Virginia's mother and father also filed formal declarations with Ministerio Publico.

Before making her formal declaration, Virginia underwent a gynecological exam by a forensic doctor. The exam took place almost a full week after Virginia was attacked. A medical report was issued. The forensic doctor also took a vaginal fluid sample. A further report is a biological analysis of the fluid, which was taken a week after the rape in order to look for evidence of semen. Unsurprisingly, none was found. This evidence needs to be gathered within two days of a rape.

Several months after the rape, a forensic photographer from the Public Prosecutor's office arrived to take pictures of Virginia's house and the location where she was attacked. Virginia also underwent a psychological evaluation by a forensic psychologist who worked for the 'Office for Attention to Victims' in the Public Prosecutor's Office of Huehuetenango.

An arrest warrant was issued for the accused rapist by the Public Prosecutor's office in Huehuetenango. By the time the arrest warrant was issued, the accused had fled and was nowhere to be found. Several years later, he was finally arrested and put in detention in Huehuetenango. After this, Virginia's case started up in the Femicide and Gender Violence Court. Her parents struggled mightily to make sure that the accused remained in jail and put all their resources into traveling back and forth to all of the court dates.

Virginia also had to attend all the court dates and at one point, it all became too much for her. She stated,

I had to start going to court and they asked me many questions that were painful. I was so traumatized by it all that. I told my parents, 'I don't want to do this anymore.' So I headed to the U.S. That is when the migra got me and I was detained.

Virginia fled to the U.S. through Mexico crossing over the border. She was walking in the desert for four days and was picked up by the border patrol. She was detained for four months. While she was in jail she tried to start the asylum petition process.

Meanwhile in Guatemala, her lawyer and the public prosecutor sent a petition to the detention facility requesting a video conference with Virginia so that she could testify in the trial that was still ongoing in Guatemala. Instead of granting the video trial, the judge who received the request for the video testimony and was hearing her case decided to deport her. The U.S. immigration judge determined that she could receive justice in Guatemala because of her ongoing court case in the specialized gender violence court in Huehuetenango.

Virginia was deported and returned to the trial in Guatemala, despite all of her fears. She reported that she had to plead with the judge to not let the accused free. Finally he was found guilty of physical and psychological violence, but not of rape for lack of physical evidence. He was sentenced to three years in jail.

While he was in jail, Virginia left her hometown to go and work in Mexico in a place where many people from her hometown find employment. One day after work in 2017, she saw two men trailing her. They were carrying her photograph. Terrified, she immediately returned home to her parents in Huehuetenango, afraid that the man who raped her had sent them looking for her.

The previous summer, the man who had raped her had been let out of jail and returned to live next door to her. He was there when she arrived. Since she returned to her community, she has remained in her home, seldom leaving. She now has a two-year-old child. While she had once hoped to come to the U.S. to try and receive asylum, the separation of parents from their children as a part of the 'zero tolerance' policy of the Trump administration towards undocumented migrants and daily newcasts of traumatized children and parents discouraged her. In the summer of 2018, she asked in an interview, 'how can they do that? I just can't believe it.'

Elvira

This account of Elvira's case is compiled from an in-depth interview with her and a family member, with her lawyer, and documents related to her petition for asylum. Dates and locations are changed or obscured to protect her identity. Elvira grew up in a very small, rural hamlet high in the mountains in Huehuetenango. From the time she was ten years old she went to work at 4:30 in the morning with her father in the fields. She describes a very difficult childhood marked by daily beatings by her father, little food, and constant work. When she was 19 years old, she worked for a time selling fruit outside of her parent's home. One evening, an older man in his 30s approached her and said that he

'wanted me.' I didn't pay any attention to him. ... later he returned somewhat drunk and he had a pistol. He said, 'are you going to accept my proposal?' I went running into my house, and he shot his pistol three times into the house. Afterwards the local officials grabbed him and put him in jail, but then because he was their friend, he got out in just four days. This frightened me.

Elvira continued to work in the fields of her father, but felt very alarmed at what had happened. One day a man who worked the land in a neighboring plot owned by someone Elvira's family knew approached her as she was finishing with weeding. She was 21 years old.

I knew that I had to get out of this situation. He came to talk to me in Mam, but it was a different Mam then where I was from. He told me a lot of beautiful things. He wanted me to go with him, to be with him (sexually). He told me that we would be happy, that he would take me with him, that he would take care of me. So I accepted his proposal ... But later, when he saw that I was pregnant, he left.

Abandoned by the man she had hoped to live with, Elvira returned home to her parent's house. By the time her daughter was six months old, her father had run her out of the house. 'He beat me because of the child and he treated me really badly. He beat me every day.' Elvira said that neighbors who witnessed this treatment said,

'Well, you just have to tolerate this. Your father will get old and then you will have to take care of him. Be patient.' I didn't go to complain to the authorities because I knew that if I complained, that my father would just get out of jail and then he would make it even worse for me.

Elvira went to first live with one aunt and then another with her small daughter. At her second aunt's house, which was located close to a larger town, she settled in and found work in a local restaurant. For a while all went well. Then she began to notice members of a local gang watching her as she walked home from work at nine or ten at night. After watching her for a while, one night they stopped her in the road. 'They stopped me, but someone came by and I was saved. I ran home.' The second time they stopped her ended much worse.

I finished work at ten o'clock at night and I was heading back to my Aunt's house. They stopped me in the road again and this time they raped me. Only one of them raped me, but the others were there. I was able to escape. I did a lot of stuff to the one who raped me to try to get away. I bit him several times and then I ran and fell into a ditch. They didn't see me, but they started shouting out to me. 'If you go to denounce us and file a complaint, then we will kill you.' I waited a long time until one in the morning until they were gone and ran to my aunt's house. I told her everything that happened.

Elvira wanted her aunt to take her to a clinic to get help, but her aunt told her that she didn't have money for that. She took care of her and helped her recover with herbal medicine. After the rape she was afraid to leave the house so she didn't go back to work. Elvira reported that she had no knowledge of the specialized gender violence court in Huehuetenango. She was too afraid to even report the rape to the police and stated that her Aunt also discouraged her as family relatives were involved in the gang. She cited her previous experience with reporting a violent crime to local authorities and the perpetrator being released. She believed that local PNC officers would most likely just release the gang member who raped her because they could pay them off.

She then became depressed and desperate, as she didn't have money for food or to take care of her daughter. When a local elderly person offered to help arrange her passage to the U.S., she decided to go. One coyote (human smuggler) took her over the border to Mexico and then another took her up to the border where she was told to scale a wall. As she was climbing over, she was picked up by the border patrol in late 2016. She was detained. 'I didn't understand anything they said to me. The number I had to call didn't answer so in desperation I gave then another number, that of my cousin. She answered, and she sent me a bus ticket.' Elvira filed an application for asylum as she was deemed to have credible fear in her conversation with an asylum officer. She is now waiting for a date in immigration court to have her case heard before a judge.

Ramona

This description comes from an in-depth interview with Ramona, with her lawyer, and consultation with documents associated with her case. Ramon was born in the mid-1980s in a rural hamlet of Huehuetenango. As a child she spent time first in Ixcán and then in Mexico as her family fled the violence of the war. Her father was forced to march as a civil patroller when he returned and her family has faced local accusations that they were guerillas because they fled to Mexico. Her mother died in childbirth when she was eight years old.

Ramona met her husband Antonio when she was about 17. They first lived with her father and then set up house on a small piece of land they bought. They had two children. In 2006

several men from a local security committee came to the house to speak with Antonio. They included neighbors and at least one person connected to Ramona's family through marriage. Antonio explained that he didn't want to participate. 'He noticed that they used wooden sticks and machetes to hurt those who refused to join ... they would try to extort money from people.' One day after several conversations with members of the security committee Antonio, came home covered with blood. He had been severely beaten and told that if he didn't join the security committee he could be killed.

Antonio fled to Mexico for a while and then returned after a year. Before long, men from the security committee came looking for him again. Ramona hid him and told everyone he had not returned. After receiving more threats, Antonio decided to flee again to the U.S. The security committee returned again to Ramona's house and began to beat her. She went to a far away community where a distance relative lived for about year and then returned again. After several weeks, a relative of one of the security committee members saw her in a market. Later that day, the leader of the local security committee broke down her door, and raped her while her children were present.

I did not report any of this to the police. They have no power and real power is in the security committee. And I really don't want to tell male policemen what happened to me. They might do something even worse to me. I do not trust them. And they are far away from where I live. It would take hours just to get there to talk to them.

She quickly fled her community with her children and hid with a sister in another community. After rumors that she would be found, she fled to the U.S. and was detained on the U.S.-Mexico border in Arizona. While in detention, she met another woman from the same municipality who eventually was able to put her in touch with others from her community in the U.S. The woman contacted her husband in a city in California where many people from Ramona's community live. The husband knew how to contact Antonio. Eventually Antonio paid Ramona's bail. She was reunited with him and once out, filed for asylum. She reports that her sister has let her know that the men from the security committee continued to look for her after she left and periodically inquire about her whereabouts.

Extra-legal relationships and networks influencing women's search for justice

In the sections that follow, I look at the gendered and transborder social and structural relationships and spaces within which the gendered violence experienced by Virginia, Elvira, Ramona and others I interviewed took place. My goal is tease out the tension in each of these locations that can simultaneously act as a source of support and an impediment to women seeking access to justice through Guatemala's specialized gender violence courts and in U.S. immigration courts. These spaces are permeated by the gendered embodies structures of violence I have described above.

The double-edge of kinship and generational cultures of masculinity

As suggested by recent feminist anthropologists' research on transnational kinship (Abrego 2014; Yarris 2017), it is readily apparent that kin networks are a crucial resource in the U.S., in Central America, and transnationally. In the stories of Virginia, Elvira,

Ramona and other women, their kin networks are crucial to their ability to flee to the U.S. where they have siblings, cousins, aunts and uncles. But because of conflicts in Guatemala, such networks can also be double edged.

In Huehuetenango, family and kin networks can be crucial sources of support for women as they attempt to access justice through femicide and gender violence courts. Virginia's parents stood steadfastly by her from the moment she was raped through five years of tortuous evidence collection, delays, disappearance of the perpetrator after his arrest warrant was procured, and finally through a long trial. They supported her case with their own testimonies, and supported her financially through the process. When she fled to the U.S. out of fear of continuing the court case, they received her back from deportation and accompanied her to the end of the trial and afterwards. Local extended family members, however, offered little to no support and did not intervene when the family members of the person who raped Elvira taunted her and stigmatized her publicly on the street where she lives in a small community.

Ramona's sister offered her and her children shelter when she was assaulted and raped by local security committee members. On the flip side, local security committee members who first threatened Ramona's husband included neighbors and one person who had married into her family. Community connections that Ramona found in a detention center in Arizona helped her to eventually locate her husband Antonio in California and to secure her release from detention through paying her bail.

Elvira's story suggests that the opposite is just as possible. After Elvira was threatened at gunpoint by a neighbor who wanted to become sexually involved with her and was only jailed for four nights, her parents did nothing to support her and in fact her father continued to physically beat her. When she became pregnant with a child whose father fled, her parents kicked her out of the house and she found refuge with an aunt. This aunt housed her and her child and supported her with herbal treatments, after a local gang raped her. Fear of retaliation from local gang members, who likely included extended family members of the aunt, kept the aunt from supporting Elvira reporting the rape to police. Elvira's own very real fear about retaliation from the gang also prevented her from going to the police, along with her previous experience.

The fact that local authorities, security committee members, and in some cases gang members can be related through extended family ties to women who are survivors of violence makes those relationships fraught with fear and tension. In addition, such relationships are gendered. Local cultures of masculinity, which often validate the authority of fathers over children and husbands over wives, can make it challenging for women to find support to defy this authority (Viveros-Vigoya 2016). Women like Elvira are counseled by other women to just 'be patient' and wait out the violence inflicted on them by their fathers or others. The presence of local gangs is another strata of masculine authority, mediated by the younger age of local gang members. Often shut out of traditional authority structures in which older males cycle through civil and religious cargos investing them with authority and prestige, younger men may take a different route to achieve power and authority, as discussed above in relation to the emergence and transformation of gangs in Todos Santos Cuchumatán (Burrell 2013).

Organized crime: source of violence, provider of 'travel services' for women fleeing violence

Organized crime groups and networks are an important part of the local context within which gendered violence takes place. Such groups also control access to routes from the Guatemalan border, through Mexico to the U.S., thus serving as an important resource for women seeking to escape violence. Local gangs may be affiliated with larger organized crime groups. Conversations I had, for example, with two men who recently fled from Huehuetenango to the U.S. revealed details about local gang activity. One man reported that two gangs had divided up the territory of his municipality. He fled after gang members threatened him because of involvement with a woman that one of them indicated interest in. The threat was based on claiming the body of the woman as part of gang territory and as a possession of the gang. Another man stated that the local gangs could call in their larger affiliates when they needed them. He suggested that one of the gangs in his municipality might be affiliated loosely with an organized crime group that controls drug shipment routes through the municipality, into Huehuetenango. The same group controls routes into Mexico used to get people over the border.

If local gangs are indirectly backed by organized crime groups they can operate with significant impunity. In Huehuetenango politicians and national police officers are documented to collaborate with the Huistas drug smuggling group, which manages land routes for the smuggling of cocaine from the Honduran and Salvadoran borders, as well as from the Pacific coast and Guatemalan City, to the Mexican border. The Huistas have storage facilities in Huehuetenango (Insight Crime 2016). The National Civil Police rarely intervene in these types of situations. In fact, 'it is common knowledge that some of its members are on the group's payroll' (Insight Crime 2016).

While not all police and personnel in the justice system are involved with organized crime, the presence of those who are and the fact that they are well known discourages many people from reporting a wide range of crimes. When they do, often, nothing comes of it or if there is an informant in the office of the PNC, then there can be retribution against the person who reported the crime.

Virgina, Elvira, Ramona, and all of the women and girls whose asylum cases I have worked on have utilized what might be called 'the travel services' of organized crime groups that run routes from within Guatemala, over the southern Mexican border, through Mexico and into the United States. It is common knowledge in numerous communities in Huehuetenango and in the district capital city itself where one can go to contract these travel services, how much they cost, and how to raise money to pay for them. In one community I have worked in, if women or their children or other relatives have land, they can borrow against their land and homes to raise the funds needed to get to the U.S., usually about \$8,000 or \$9,000. Coyotes (human smugglers who arrange trips from Guatemala to the U.S. border through Mexico) from in town or in Huehuetenango offer loans to people who want to flee. This trend was documented in 2016 by two New York Times reporters.

Especially here in Guatemala, smugglers, or "coyotes," have grown increasingly adept at marketing themselves to poor families, drumming up hopes with false depictions of American immigration policy, then squeezing their prey with death threats, demanding payment through bank loans or property titles (Cave and Robles 2016).

Anthropologist David Stoll documents the myriad ways that families from the Ixil Maya community of Nebaj in El Quiché have financed multi-generational migration through local lenders, development association, micro-credit lenders, and national agro-banks, resulting in a situation of mounting debt for many (Stoll 2013). In places like Todos Santos, security is purchased by paying a higher price to be smuggled into Mexico and from there in to the U.S. These trips require engagement with organized crime groups who control the routes and connect through Huehuetenango to local communities. In this sense, organized crime groups and networks become a resource, providing needed services for women fleeing violence. It is, a kind of perfect business model. Organized crime groups with agreements with local gangs can help to ensure the impunity of such gangs in their local activities and then can make an additional profit by providing victims of violence and other crimes with the necessary services to help them escape further violence.

Transborder communities

For Guatemalans fleeing the violence, the 1986 Immigration and Reform and Control Act (IRCA) and Special Agricultural Workers Program (SAW) proved to be a crucial legal resource for settlement in the U.S. Almost 50,000 Guatemalan migrants who applied for legal status under IRCA received it (Garcia 2017). Some of those Guatemalans who were regularized through the 1986 IRCA program slowly applied for their family members to receive residency. Once Guatemalan migrants were legal residents, they could travel freely back to Guatemala. This freedom allowed them to build what I call transborder communities (Stephen 2007), which became the foundations for multi-generational networks connecting settled communities in the United States with home communities in Guatemala. For transborder indigenous communities in Huehuetenango stretching among the states of Oregon, California, and Washington as well as in different parts of Mexico and the home community in Huehuetenango, Guatemala – the ability of a first generation of migrants to secure permanent residency through IRCA and, for some, through political asylum established a basis for additional legal and undocumented migration that continues to this day.

As indicated above, local communities in Guatemala can be both a source of support, or a source of impunity and harassment for women who have suffered gendered violence. Elvira's father and neighbors did not help her and suggested she just had to 'buck up' and take the gender violence meted out to her. At the same time, a local elder who helped her to make the necessary connections to cross the border and her cousin in the U.S. who paid her plane ticket to get her out of detention and received her in her home, were important supports for helping her and her daughter escape. Ramona was able to receive support from her husband through a connection she made in detention in Arizona.

Once women like Elvira and Ramona have successfully crossed the border and gotten out of detention (if they were detained), they are connected to spouses, siblings, and extended family members who are already here. The rich community and family networks forged by previous generations of Guatemalan migrants are resources for women, their children, and unaccompanied minors who are recent arrivals.

I have observed many demonstrations of solidarity and caring between those who have received asylum and those who are seeking it. One of the most important ways that

women support one another is through helping each other with childcare when they have to work with lawyers. Because many women are not fluent in Spanish, those women who are bilingual in Mam and Spanish, for example, have served as translators for other women in the preparation of their court cases as well as helping them in other situations where translation is necessary, such as attending well-baby appointments, during interactions with local schools, and obtaining other forms of support. Men have also served as strong supporters and translators, helping siblings and children.

Networks of extended families and religious communities linked to both Catholic and Evangelical churches provide spaces of refuge and support for Guatemalan refugees. Women and men have been active in such churches and in organizing cultural activities such as dinners, dances, marimba concerts, and more. Another arena of connection is through traditional healers and midwives who bring knowledge of herbal medicine, massage, and other healing techniques with them into U.S.-based Guatemalan communities.

All these tools of unity and healing are needed now more than ever, as the fear of being deported back to dangerous situations is now present in every undocumented family. Family connections are also crucial in gaining access to education and secure employment. Kin and community connections help recent arrivals find housing, gain knowledge about social services, and learn how to enroll children in school, and how to find food banks, pro-bono legal services, and English classes.

The U.S. ends of transborder communities and networks, however, may also reproduce local divisions and even protections for gang members and others, if they have a strong presence in the U.S. Several women whose asylum cases I have worked on have quietly relocated away from groups of people from their hometowns for fear that the spouses who severely beat and abused them will know where they are in the U.S. and send people to look for them. In one case this involved a move of 300 miles to another state.

Conclusions

Access to gendered justice for rural indigenous women is not a simple or easily accessible path, whether in Guatemala or in the U.S. Gendered embodied structures of violence reach back almost five decades. These include: (1) sexual and physical violence perpetrated by the Guatemala army as a strategy of territorial control and dominance in indigenous communities; (2) a decade of civil patrols that required all men to patrol community territories and tortured and punished those who did not and also intimidated their families; (3) the emergence of local security committees linked to indigenous systems of male authority that used physical violence to discipline youth and others who were labeled as criminal and targeted women with physical and sexual violence as proxies for men who did not cooperate; (4) the emergence of youth gangs seeking to assert a different basis of social mobility than elders; (5) the increasing violence of some youth gangs; (6) the dismantling of indigenous systems of governance and justice and their reconstitution through PACS and then security committees in some areas. All these structure of masculine control and competition have contributed to ongoing gender violence in Huehuetenango. Such gendered violence is packaged in local concepts of contested male territorial control in which women's bodies are disciplined to submit to male authority. In communities such as Todos Santos where

masculine authority is contested between men of different generations and strongly influenced by transborder linkages with Todos Santos in the U.S., the social remittances of masculine culture can result in new patterns of gender subordination that overlay those previously embedded through the war and its aftermath. In the absence of sufficient funding and staff for women's organizations and NGOs that have the capacity to reach into the most isolated parts of Huehuetenango, recent changes in Guatemala's justice and policing system that attempt to decrease violence against women have had limited success in providing relief for indigenous Mam women who are survivors of gendered violence.

Structures of gendered violence are embedded in transborder kinship and community networks stretching from Huehuetenango, through Mexico to several parts of the U.S. In a very real sense, these networks extend the territorial limits within which survivors of gendered violence exist and seek safety and support. In the absence of knowledge about and access to Guatemala's specialized court system for gender violence, transborder community networks become the primary point of engagement for women fleeing violence. Such networks have, in some instances, provided women with information about the institution of asylum, which until June of 2018 was seen as a source of hope for women like Elvira, Ramona, and Virginia.

The June 2018 Sessions ruling suggested that survivors of domestic abuse and gang violence generally will not qualify for asylum in the U.S. under federal law because such violence is viewed as 'private.' It is not. These structures of gendered violence inhabited by the Guatemalan military, paramilitary civil patrols, community security committees, and organized crime groups converge in women's bodies, which are their targets and incorporate an accumulated history of violence. This convergence of violences in women's bodies and the continued use of women's bodies through threatened and actual physical and sexual violence as a means to establish control over territory makes it impossible to parse 'private' and 'public violence,' state versus non-state actors. Mam indigenous women's strategies to seek justice through the U.S. asylum system suggests the importance of expanding analysis of indigenous women's access to justice to include a transborder lens. Within these complex transborder networks and links, indigenous women such as Virginia, Ramona, and Elvira heroically navigate. Their strategies to flee violence and improve their lives, their faith and hope that they can find safety and security need to be seen as acts of heroic proportions which continue to challenge the anti-immigrant and racist legal interpretations of the U.S. government under the administration of Donald Trump.

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References

- Abrego, Leisy. 2014. *Sacrificing Families: Navigating Laws, Labor, and Love Across Borders*. Palo Alto: Stanford University Press.
- American Immigration Council. 2016. "Fact Sheet: Asylum in the United States," August 22, 2016, <https://www.americanimmigrationcouncil.org/research/asylum-united-states>.
- Aquiahora. 2017. "ONU presenta cifras de población indígena en Guatemala." August 6, 2017. Aqui Ahora. <http://aquiahora.com.gt/index.php/2017/08/06/onu-presenta-cifras-de-poblacion-indigena-en-guatemala/>.
- Aquino Moreschi, Alejandra. 2012. *De las luchas indias al sueño americano. Experiencias Migratorias de jóvenes zapotecos y tojolabales en Estados Unidos*. Mexico City: Casa Chata.
- Barrera Vivero, Anna. 2016. *Violence Against Women in Legally Plural Settings: Experiences and Lessons from the Andes*. New York: Routledge.
- Beck, Erin. n.d. Gender-based Violence and Specialized Justice in Guatemala. Manuscript in possession of author.
- Blackwell, Maylei. 2015. "Geographies of Difference: Transborder Organizing and Indigenous Women's Activism." *Social Justice* 42 (3-4): 137–153.
- Board of Immigration Appeals (BIA). 2014. Matter of A-R-C-G et al., Respondent/s. 26 I&N Dec. 388. U.S. Department of Justice, Executive Office for Immigration Review. <https://www.justice.gov/sites/default/files/eoir/legacy/2014/08/26/3811.pdf> Accessed August 16, 2018/.
- Bossen, Laurel. 1984. *The Redivision of Labor: Women and Economic Choice in Four Guatemalan Communities*. Albany: SUNY Press.
- Burrell, Jennifer. 2010. "In and Out of Rights: Security, Migration, and Human Rights in Postwar Guatemala." *The Journal of Latin American and Caribbean Anthropology* 15 (1): 90–115.
- Burrell, Jennifer. 2013. *Maya after War: Conflict, Power, and Politics in Guatemala*. Austin: University of Texas Press.
- Calla, Pamela. 2012. "Luchas legales y política de las calles en torno al racismo: decentrando la patriarcalidad del Estado Plurinacional de Bolivia." In *Género, complementariedades y exclusiones en Mesoamérica y los Andes*, edited by R. Aida Hernandez Castillo, and Andres Canessa, 43–61. Copenhagen: IWGIA.
- Carrillo, Ahiloncarrillo. 2015. "Sur 13 chapines.todos santos rifa sur 13." Published June 16, 2016. Accessed August 16, 2018. <https://www.youtube.com/watch?v=zeCDc9UFHCw>.
- Castillo, Mike. 2015. "Capturan a esposos sindicados de muerte de niña." *Prensa Libre*, June 17, 2015. <http://www.prensalibre.com/guatemala/huehuetenango/capturan-a-esposos-sindicados-de-muerte-de-nia>.
- Cave, Damien, and Frances Robles. 2016. "A Smuggled Girl's Odyssey of False Promises and Fear." *New York Times*, October 5, 2014. Accessed August 14, 2018. <https://www.nytimes.com/2014/10/06/world/americas/a-smuggled-girls-odyssey-guatemala-migration-abduction.html>.
- Center for Gender and Refugee Studies. 2014. "Domestic Violence-Based Asylum Claims: CGRS Practice Advisory." September 12, 2014, San Francisco, Calif. https://cgcs.uchastings.edu/sites/default/files/DV_Advisory_9-12-2014_FINAL_1.pdf.
- Centro Nacional de Análisis y Documentación Judicial. 2008. Ley contra el Femicidio y otras Formas de Violencia Contra la Mujer. https://www.oas.org/dil/esp/Ley_contra_el_Femicidio_y_otras_Formas_de_Violencia_Contra_la_Mujer_Guatemala.pdf.
- Crosby, Alison, M. Brinton Lykes, and Fabienne Doiron. 2018. "Affective Contestations: Engaging Emotion Through the Sepur Zarco Trial." In *Resisting Violence: Emotional Communities in Latin America*, edited by Morna Macleod and Natalia De Marinis, 163–187. Cham, Switzerland: Palgrave Macmillan.

- Cruz-Manjarrez, Adriana. 2013. *Zapotecs on the Move: Cultural, Social, and Political Processes in Transnational Perspective*. New Brunswick: Rutgers University Press.
- De León, Jason. 2015. *The Land of Open Graves: Living and Dying on the Migrant Trail*. Los Angeles: University of California Press.
- Drysdale Walsh, Shannon, and Cecilia Menjivar. 2016. "What Guarantees do we Have? " Legal Tolls and Persistent Impunity for Femicide in Guatemala." *Latin American Politics and Society* 58 (4): 31–55. doi:10.1111/laps.12001.
- El Chapinsito y sus Aventuras. 2016. "Todos Santos sureños de por vida." *Youtube*. March 18, 2016. <https://www.youtube.com/watch?v=5g6-f-Atv2U>.
- Fluir, Jennifer L., and Amy Piedalue. 2017. "Embodying Violence: Critical Geographies of Gender, Race, and Culture. Gender." *Place & Culture* 24 (4): 634–533. doi:10.1080/0966369X.2017.1329185.
- García, Jerry. 2017. *Latinos in Oregon*. The Oregon Encyclopedia. https://oregonencyclopedia.org/articles/hispanics_in_oregon/#.W8TtqJRFBI.
- Goodwin Gill, Guy S. 2008. "Convention Relating to the Status of Refugees, Geneva, 28 July 1951 and Protocol Relating to the Status of Refugees, New York, 31 January 1967." *Audiovisual Library of International Law*. Codification Division, Office of Legal Affairs, United Nations. Accessed October 29, 2017. <http://untreaty.un.org/cod/avl/ha/prsr/prsr.html>.
- Guerilla Army of the Poor. 1981. "Documents from Guatemala by the Guerilla Army of the Poor." *The Guatemalan Revolution*. Contemporary Marxism, No. 3. Revolution and Intervention in Central America. Summer 1981, pp. 33–36. Published by Social Justice/Global Options. Accessed August 16, 2018. <https://www.jstor.org/publisher/socjsgloopt>.
- Hale, Charles. 2006. *Mas Que Un Indio (More Than an Indian): Racial Ambivalence and the Paradox Of Neoliberal Multiculturalism in Guatemala*. Santa Fe: School for Advanced Research Press.
- Hernández Castillo, R. Aída. 2016. *Multiple Injustices: Indigenous Women Law and Political Struggle in Latin America*. Tucson: University of Arizona Press.
- Hernández Castillo, R. Aída, and Andres Canessa, eds. 2012. *Género, complementariedades y exclusiones en Mesoamérica y los Andes*. Copenhagen: IWGIA.
- Ikeda, Mitsuho. 1999. "The Cultural Involvement of Violence: A Guatemalan Highland Community and Global Economy." Center for Studies of Communication Design, Osaka University. <http://www.cscd.osaka-u.ac.jp/user/rosaldo/991008CIVgua.htm>.
- Insight Crime. 2016. "Guatemala Elites and Organized Crime: The Huistas." *Insight Crime*. September 1, 2016. <http://www.insightcrime.org/investigations/guatemala-elites-and-organized-crime-the-huistas>. Accessed August 16, 2018.
- Instituto Nacional de Estadística. 2014. Caracterización departamental Huehuetenango 2013. December 2014. Guatemala: Instituto Nacional de Estadística. Accessed March 20, 2018. <https://www.ine.gob.gt/sistema/uploads/2015/07/20/yYXFscGDOuzXzAzSVWOzGnaa1WSaqajj.pdf>.
- Instituto Nacional de Estadística. 2017. República de Guatemala. Estadísticas de Violencia en Contra de la Mujer 2014–2016. <https://www.ine.gob.gt/sistema/uploads/2017/12/14/20171214202518Qofx8MPyS9OdyK8BAy1XeZ3hIDJ1sUO9.pdf>.
- Jonas, Susan, and Nestor Rodríguez. 2014. *Guatemala-U.S. Migration: Transforming Regions*. Austin: University of Texas Press.
- LaSuper. 2017. ONDENADOS!! SECUESTRARON A UNA NIÑA DE 12 AÑOS EN TODOS SANTOS CUCHUMATÁN, MENOR FUE ASESINADA. Noticiero La Super, 17 Septiembre, 2017. Accessed August 14, 2018. <https://www.facebook.com/noticiero.lasuper/posts/localescondenados-secuestraron-a-una-niC3B1a-de-12-aC3B1os-en-todos-santos-cuchumatC3A1n-701391263382418/>.
- MacAllister, Carlota, and Diane Nelson. 2013. *Aftermath: War by Other Means in Post-Genocide Guatemala*. Durham: Duke University Press.
- McKinnon, Sara L. 2016. *Gendered Asylum: Race and Violence in U.S. Law and Politics*. Urbana: University of Illinois Press.
- Merry, Sally Engle. 1988. "Legal Pluralism." *Law & Society* 22 (5): 869–896.
- Musalo, Karen. 2010. *A Short History of Gender Asylum in the United States: Resistance and Ambivalence May Very Slowly Inching Towards Recognition of Women's Claims*, 29 REF. SURV. Q. (SPECIAL ISSUE)

- 46 (2010). Accessed March 23, 2018. https://repository.uchastings.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=2153&context=faculty_scholarship.
- Preston, Julia. 2014. "In First for Court, Woman Is Ruled Eligible for Asylum in U.S. on Basis of Domestic Abuse." *New York Times*. August 26, 2014. https://www.nytimes.com/2014/08/30/us/victim-of-domestic-violence-in-guatemala-is-ruled-eligible-for-asylum-in-us.html?_r=0.
- Rolix Carrillo. 2014. Sureños 13 Guatemala Todos Santos. Posted February 7, 2014. Accessed August 16, 2018. <https://www.youtube.com/watch?v=gZRzioqemg>.
- Sanford, Victoria, Katerina Stefatos, and Cecilia M. Salvi. 2016. "Introduction." In *Gender Violence in Peace and War: States of Complicity*, edited by Victoria Sanford, Katrina Stefatos, and Cecilia M. Salvi, 1–16. New Brunswick: Rutgers University Press.
- Santos, Boaventura de. 1987. "Law: A Map of Misreading: Towards a Postmodern Conception of Law." *Journal of Law and Society* 14 (3): 279–302.
- Sharp, Ellen Jane. 2014. "Vigilante: Violence and Security in Postwar Guatemala." Ph.D. Dissertation, Anthropology. Los Angeles: UCLA, e scholarship. <http://escholarship.org/uc/item/0p78b6vf>.
- Sieder, Rachel. 2011. "Contested Sovereignities: Indigenous law, Violence and State Effects in Postwar Guatemala." *Critique of Anthropology* 31 (3): 161–184.
- Sieder, Rachel. 2017. "Introduction." In *Demanding Justice and Security: Indigenous Women and Legal Pluralities in Latin America*, edited by Rachel Sieder, 1–28. New Brunswick: Rutgers University Press.
- Sieder, Rachel, and Anna Barrera Vivero. 2017. "Women and Legal Pluralism: Lessons from Indigenous Governance Systems in the Andes." *Journal of Latin American Studies* 49: 633–658.
- Sierra, María Teresa. 2017. "Indigenous Autonomies and Gender Justice: Women Dispute Security and Rights in Guerrero, Mexico." In *Demanding Justice and Security: Indigenous Women and Legal Pluralities in Latin America*, edited by Rachel Sieder, 97–120. New Brunswick: Rutgers University Press.
- Speed, Shannon. 2016. "States of Violence: Indigenous Women Migrants in the Era of Neoliberal Multicriminalism." *Critique of Anthropology* 36 (3): 280–301.
- Speed, Shannon. *Forthcoming*. *Incarcerated Stories: Indigenous Women Migrants in the Neoliberal Multicriminal Settler State*. Chapel Hill: University of North Carolina Press.
- Stephen, Lynn. 2007. *Transborder Lives: Indigenous Oaxacans in Mexico, California, and Oregon*. Durham : Duke University Press.
- Stephen, Lynn. 2012. "Conceptualizing Transborder Communities." In *The Handbook of International Migration*, edited by Marc Rosenblum, and Daniel Tichernor, 456–477. New York: Oxford University Press.
- Stephen, Lynn. 2017. "Mam Refugees in Oregon: Gender Violence in Guatemala and U.S. Gendered Asylum." *Oregon Historical Quarterly* 18 (4): 64–93. <http://www.jstor.org/stable/pdf/10.5403/oregonhistq.118.4.0554.pdf?refreqid=excelsior%3A8b65150cfd32b1650f68592142d502f0>.
- Stoll, David. 2013. *El Norte or Bust! How Migration Fever and Microcredit Produced a Financial Crash in a Latin American Town*. Lanham: Rowman and Littlefield.
- Telesur. 2017. "At Least 62 Women Killed Every Month in Guatemala: Report." November 3, 2017. <https://www.telesurtv.net/english/news/At-Least-62-Women-Killed-Every-Month-in-Guatemala-Report-20171103-0028.html>.
- U.S. Customs and Border Protection. 2017. "United States Border Patrol Southwest Family Unit Subject and Unaccompanied Alien Children Apprehensions Fiscal Year 2016." Accessed September 27, 2017. <https://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2016>.
- U.S. Customs and Border Protection. 2018. "U.S. Border Patrol Southwest Border Apprehensions by Sector FY2018." Accessed August 1, 2018. <https://www.cbp.gov/newsroom/stats/usbp-sw-border-apprehensions>.
- U.S. Department of Justice, Attorney General. 2018. Matter of A-B-, Respondent, Decided by Attorney General June 11, 2018. 7 I&N Dec. 316 (A.G.2018). Accessed August 5, 2018. <https://www.justice.gov/eoir/page/file/1070866/download>.
- Viveros-Vigoya, Mara. 2016. "Masculinities in the Continuum of Violence in Latin America." *Feminist Theory* 17 (2): 229–237. doi:10.1177/1464700116645879.
- Yarris, Kristin. 2017. *Care Across Generations: Solidarity and Sacrifice in Transnational Families*. Menlo Park: Stanford University Press.

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