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Abolition Feminism and Transitional Justice: Reflections on Theory and Praxis from Guatemala

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ABSTRACT

Abolition feminism and transitional justice are two bodies of scholarship and practice which have rarely been in direct conversation with each other. This article attempts to bridge that gap by applying an abolitionist analysis to Guatemala's near 30-year transitional justice process. I focus on the limits of the transitional justice process in Guatemala in addressing the depth of intergenerational harm of historic and ongoing colonialism in a heteropatriarchal and racially stratified state. Drawing from ethnographic research with the Centre for Training, Healing and Transpersonal Investigation – Q'anil – in Guatemala, I provide a practical example of what abolition feminists would call 'life-affirming practices' in the pursuit of healing and justice in the aftermath of conflict. I argue that abolition feminism may guide us towards alternative ways of understanding and doing justice in the aftermath of conflict and in response to the historic and ongoing harms of colonialism.

KEYWORDS: Abolition feminism, decolonization, gender-based violence, Guatemala, postconflict

INTRODUCTION

The year 2026 marks 30 years since the signing of the Peace Accords which ended Guatemala's 36-year Internal Armed Conflict (IAC) (1960–1996). Not only has the social and political landscape of Guatemala transformed over these three decades, but the international human rights community and institutions of international law are, in many senses, unrecognizable. We are writing from among the ruins of atrocity, wondering what will be left of the international rule of law in the aftermath of two years or more of genocide in Gaza.[1] As scholars of law, justice and human rights, we are left to grapple with the sustained failure of the international community, legal frameworks and institutions to prevent and halt a genocide. Such a context demands a radical interrogation of what we mean by justice and law and who is excluded from the international community, or indeed, the category of human.[2]

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1 Yassin Brunger and Sophie Rigney, 'Abolitionist Geography: Disrupting ICL Through Pro-Palestine University Encampments,' *AJIL Unbound* 119: (2025): 48–53.

2 Ibid.

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Drawing from abolition feminist thought and practice, this article reflects on the nature of postconflict justice in Guatemala. The persistence of many of the conditions which led to the IAC – extreme poverty, inequality and social exclusion and the quotidian violence exercised by state and private actors – gives rise to similar demands for a radical interrogation of what is meant by justice and law and of who continues to be excluded from Guatemala's political community.[3]

This article aims to contribute to ongoing discussions around the imperative to decolonize transitional justice processes, of which abolition feminism has emerged as a key area of debate. The Guatemalan context feels particularly pertinent for bringing an abolition feminist approach into conversation with transitional justice. On the one hand, accountability for genocide and crimes against humanity, as well as other violent legacies of the IAC, remain both urgent and necessary in Guatemala.[4] On the other hand, the transitional justice process in Guatemala has always been tentative and state institutions have demonstrated increasing hostility towards the demands for truth and justice from victims and survivors.[5] The State increasingly uses the judicial system to criminalize and incarcerate social actors, from transitional justice advocates, to human rights defenders, journalists and others.[6]

Guatemala also has a record of dynamic feminist activism on the prevention of, and accountability for, historic and contemporary acts of gendered, sexual and racialized violence. Many women's rights and feminist organizations have played a key role in Guatemala's transitional justice process by supporting survivors in their quest for justice through institutional and community-centred pathways.[7] They form a rich tapestry of organizations working for women's rights and feminist visions of justice and safety that represent the 'both/and' pragmatism of abolition feminism: the need to remain engaged with existing institutions of justice while working actively towards abolitionist futures.[8]

This article will focus on the work of one organization, the Centre for Training, Healing and Transpersonal Research – Q'anil (hereafter just Q'anil) – which works towards healing with a wider community of survivors. While not identifying as an abolitionist organization per se, I argue that Q'anil's feminist and decolonial pedagogies embody the kind of 'life-affirming practices' that are central to abolition feminism.[9] They reflect the urgency of the current context which demands that we imagine and enact 'countercultural visions of justice' which are rooted in 'epistemologies of Black feminist and abolitionist praxis.'[10]

Following a brief summary of my methodological approach and positionality, this article engages with the dialogue between critical transitional justice scholarship and abolition feminists. I then provide a brief overview of Guatemala's continuum of violence and outline some of the challenges in relying on judicial proceedings to account for and address the violent legacies of gendered, sexual and racialized violence. I situate Guatemala's feminist movement in relation to the struggle for justice for victims/survivors of the internal armed conflict. Finally, I present

3 Brunger and Rigney, supra n 1; Mahmood Mamdani, 'Justice and Reconciliation: Responses to Critics in Anthropological Theory,' *Anthropological Theory* 23(4) (2023): 459–470.

4 Alison Crosby, 'Lost in Translation? Agency and Incommensurability in the Transnational Traveling of Discourses of Sexualized Harm,' *Genealogy* 7(3) (2023): 69.

5 Roddy Brett and Lina Malagón, 'Realizing Victims' Rights to Reparation, Truth and Justice in Guatemala in the Midst of a Zero-Sum Game,' *QUB Law School Working Paper Series* (2020), https://reparations.qub.ac.uk/assets/uploads/Guatemalan-Report-.pdf (accessed 28 May 2025).

6 UDEFEGUA, 'Defensa de Los Derechos Humanos Se Sostiene a Pesar de La Cooptación Del Sistema de Justicia—UDEFEGUA,' UDEFEGUA (2025), https://udefegua.org.gt/comunicados/defensa-de-los-derechos-humanos-se-sostiene-a-pesar-de-la-cooptacion-del-sistema-de-justicia/ (accessed 29 May 2025).

7 Crosby, supra n 4; Jo-Marie Burt, 'Gender Justice in Post-Conflict Guatemala: The Sepur Zarco Sexual Violence and Sexual Slavery Trial' (2019), http://dx.doi.org/10.2139/ssrn.3444514 (accessed 28 May 2025).

8 Karen Engle, *Towards an Abolitionist Human Rights Court: Rethinking Responses to Gendered and Racialized Violence* (Cambridge: Cambridge University Press, 2025).

9 Angela Y. Davis Gina Dent, Erica Meiners and Beth Richie, *Abolition. Feminism. Now* (Chicago: Haymarket Books, 2022).

10 Brunger and Rigney, supra n 1 at 48.

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Q'anil's work as an example of the 'life-affirming' practices which can contribute to abolitionist futures and a practice of justice as healing.[11]

A BRIEF NOTE ON POSITIONALITY AND METHODOLOGY

This article is a reflection of my near 10-year involvement with the Q'anil community: first as a student, then as a volunteer and an occasional facilitator, and most recently through an ongoing research collaboration that includes my PhD (2019–2023), current writing projects and other forms of exchange. While abolition has not been the central focus of my research nor of Q'anil's work, this article is a product of ongoing conversations with Q'anil's founder, Yolanda Aguilar, about Q'anil's vision of justice and the relationship that the organization has with institutionalized transitional justice processes. I am grateful to Yolanda for her openness in allowing me to reflect on the relevance of abolition feminism to Q'anil's work and the struggle for justice in Guatemala more broadly, as well as her direct inputs to this article.

The reflections on Q'anil's practice are based on the experience of direct collaboration over the last 10 years as well as the participant observation and interviews with participants, staff, facilitators and volunteers from Q'anil carried out between 2020 and 2021 as part of my PhD research. This included participation in and note taking for two of Q'anil's diplomas (*Cuerpos, Eroticismos y Sexualidades* – Bodies, Eroticism and Sexualities – CES and *Cuerpos y Sexualidades Racializadas* – Racialised Bodies and Sexualities – CSR). Interview participants included 20 cis women, two trans women, two cis men, one non-binary participant, three Mayan women and 22 Ladinx/Mestizx/European participants. I applied a thematic analysis approach to the data collected from these interviews and the participant observation to explore themes such as sexuality, race, the nature of healing, the possibilities for justice supported by the processes offered by Q'anil and Q'anil's attempts to build an affective community of survivors doing justice by and for themselves.[12] Though abolition feminism was not a focus of these interviews, I hope the insights I have shared from participants shed light on what we mean by 'life-affirming practices' and how these can be connected to healing and justice in contexts affected by colonialism and conflict. All interviewees have been provided with pseudonyms to protect their anonymity, except for two, for whom anonymization was neither practicable nor desirable: Yolanda Aguilar, Q'anil's director, and María José Aguilar, the somatics facilitator and the only practitioner and teacher of somatics currently working in Guatemala. Both welcome being identified by name.[13]

This article further reflects my journey from a human rights community deeply invested in transitional justice processes, particularly through strategic litigation, towards a growing interest in the possibilities for understanding and doing justice beyond the limits of the law. In moving to Guatemala in 2014, my work with non-governmental organizations (NGOs) principally focused on accompanying transitional justice processes through observation, reporting and external advocacy. It was not uncommon for me to attend a hearing relating to crimes against humanity committed during the IAC one day and the next day to attend a hearing in a criminalization case against a human rights defender facing fabricated charges. Often, the very same lawyers and NGOs were valiantly fighting both kinds of cases against an ever more intransigent judicial system. I began to question the incongruencies of fighting for justice within a system that seemed dedicated to persecuting the poor, the vulnerable, those demanding social change and, increasingly, the victims/survivors themselves. Recognizing my position as an outsider – a white,

[11] Davis et al., supra n 9.

[12] The thematic analysis approach was guided by Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (Los Angeles: SAGE, 2022).

[13] Ethical approval for research with human subjects was granted by the University of Galway Research Ethics Committee in December 2019, reference number 19-Dec-31.

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European, cis woman – who has mostly observed the processes described from the sidelines, this article reflects a personal and political commitment to understanding how abolition feminism can support calls to decolonize transitional justice. I am further interested in exploring how abolition feminism complements decolonial ethics and practice, and supports an orientation towards 'life-affirming' initiatives, rather than carceral solutions, to harms which are historical and ongoing and which reach across generations, bodies and territories.[14]

ABOLITION AS DECOLONIZATION OF TRANSITIONAL JUSTICE?

Abolition feminism is grounded in a recognition of the interconnected and structural nature of gendered, sexual and racialized violence 'that emanates from the lasting effects of colonialism and the slave trade.'[15] As a body of theory, ethics and praxis, abolition feminism recognizes the 'relationality of state and individual violence' and challenges criminal legal systems that understand justice as retributive or 'that punishment is the very essence of justice.'[16] Abolition feminists dispute the predominance of carceral feminism – feminisms which support incarceration as a solution to gendered violence – in liberal discourses and practices of justice. They question 'the overreliance on carceral approaches to solve the problem of gender violence, despite research that clearly establishes that the carceral regime harms black and other people of color and other marginalized groups.'[17] Abolition feminism recognizes the need to attend to 'our collective immediate and everyday needs for safety, support, and resources while simultaneously working to dismantle carceral systems.'[18]

Abolition feminists have only just begun to grapple with the interconnected legacies of historical and ongoing violence originating within settler colonial states and often led by Indigenous, First Nations and Aboriginal women. Their critiques are twofold: 1) the disproportionate impact of incarceration and other forms of institutionalization on Indigenous, First Nations and Aboriginal women, and 2) the failures of criminal law to account for or prevent contemporary violences or injustices stemming from white supremacist-heteropatriarchal capitalist orders and (neo)colonial harms.[19] Abolition feminism as applied within this framework 'allows us to dislodge the logic of imprisonment' from across our work in justice, peace and reconciliation.[20] Park argues that paradigmatic transitional justice processes too often result in 'historicizing injustice' and 'relieving settler guilt while positioning Indigenous peoples as perpetual victims.'[21] Anna Secor questions how can we expect justice from a legal system that has made a commodity of justice and which continues to be an incarnation of colonial oppression, where the law has been used to create 'unrecognizable others' whose existence has rarely, if ever, been valued.[22]

Colombian activists and scholars have also begun to explore the potential of abolition for confronting the harms of prolonged conflict as well as ongoing extractive violence against

[14] Davis et al., supra n 9.

[15] Francia a Márquez Mina and Angela Davis, 'I Am Because We Are: A Conversation Between Francia a Márquez Mina and Angela Davis,' The People Forum, NYC, YouTube, 8 September 2021, https://www.youtube.com/watch?v=qOLZaA509dI (accessed 4 November 2025).

[16] Davis et al., supra n 9 at 47.

[17] Davis et al., supra n 9 at 109.

[18] Davis et al., supra n 9 at 2–3.

[19] Debbie Kilroy, Tabitha Lean and Angela Y. Davis, 'Abolition as a Decolonial Project,' in *The Routledge International Handbook on Decolonizing Justice*, eds. Chris Cunneen, Antje Deckert, Amanda Porter, Juan Tauri and Robert Webb (New York: Routledge, 2023), 227–234.

[20] Ibid., 232.

[21] Augustine S. J. Park, 'Transitional Justice and Decolonization,' in *The Routledge International Handbook on Decolonizing Justice*, eds. Chris Cunneen, Antje Deckert, Amanda Porter, Juan Tauri and Robert Webb (New York: Routledge, 2023), 402–412, 403.

[22] Anna Secor, 'An Unrecognizable Condition Has Arrived,' in *Violent Geographies: Fear, Terror, and Political Violence*, ed. Derek Gregory and Allan Richard Pred (New York: Routledge, 2007), 37–53.

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Indigenous communities. Gutiérrez Quevedo and Olarte Delgado's extensive volume explores the abolitionist possibilities for restorative justice in Colombia. Contributors argue that Colombia has relied too heavily on criminal law and ever harsher sentences for those who have committed atrocity. This fails to solve the problem of structural violence and creates an escalation of criminal penalties. They argue for alternatives to criminal trials, including truth and reconciliation commissions and other initiatives that support a 'dignified life' for all members of society.[23] Francia a Márquez Mina has engaged in sustained dialogue with Angela Davis regarding abolitionist futures in Colombia where Indigenous and Afro-descendent communities continue to bear the brunt of extractive violence and the corresponding criminalization.[24]

Indigenous abolitionists organizing in settler colonial contexts, such as the US, Canada, Australia and New Zealand, highlight how systems of incarceration – prisons, residential schools, psychiatric institutions – have their roots in colonial legacies of control and annihilation of Indigenous populations and the destruction of Indigenous kinship between people and territories. Carcerality is understood as part of a continuum of colonial harm 'from land, wealth and wage theft, to containment, expulsion, illness and genocide,' as well as military occupation and policing. Systems of incarceration are 'derivative and co-constituted by empire' which extends from the 16th-century Spanish colonization of the Americas to US imperialism from the 19th century onwards.[25]

While abolition feminism has deep roots in movements for Black liberation and European anti-incarceration movements from the mid-20th century, the conversation between transitional justice and abolition feminism is embryonic and principally emanates from international criminal law (ICL).[26] A growing number of international legal scholars are beginning to engage in an abolitionist critique of the carceral logics that often drive its over-arching aims of anti-impunity and justice for victims.

Rigney describes ICL as 'a carceral system, which responds to mass atrocities by holding some individuals criminally responsible for these events and then, generally, imprisoning those individuals.'[27] Engle argues that anti-impunity has become almost synonymous with criminal punishment and that the 'turn to criminal law has become part of "human rights common sense."'[28] Rigney and Engle agree that carceral feminism, particularly in response to racial, gendered and queerphobic violence, has 'taken hold' in ICL and has become the predominant response to violence against women, both in domestic law and in ICL. This is despite ample evidence that criminal law rarely centres victims/survivors' interests and that increased policing and criminal justice responses to structural violence disproportionately impact marginalized communities.[29]

Critical ICL scholars argue that the criminal law response to mass atrocity, which is necessarily limited to a focus on individual victims and perpetrators, cannot account for the structural issues which gave rise to the violence in the first place. These can include historic and ongoing (neo)colonial projects as well as 'economic coercion, resource extraction, global

[23] Ana Lucía Moncayo Albornoz, 'La justicia transicional en Colombia, un espacio de deliberación contra el populismo punitive,' in *Política Criminal Y Abolicionismo, Hacia Una Cultura Restaurativa*, ed. Marcela Gutiérrez Quevedo and Ángela Marcela Olarte Delgado (Bogotá: Universidad Externado de Colombia, Centro de Investigación en Política Criminal, 2018), 147–188.

[24] Márquez Mina and Davis, supra n 15.

[25] Clarissa Rojas and Nadine Naber, 'Genocide and "Us"∗ Domination ≠ Liberation, Only We Can Liberate Ourselves,' in *Abolition Feminisms* Vol. 1, ed. Alisa Bierria, Jakeya Caruthers and Brooke Lober (Chicago: Haymarket Books, 2022), 11–57, 19–20.

[26] Sophie Rigney, 'Building an Abolition Movement for International Criminal Law?' *Journal of International Criminal Justice* 22(1) (2024): 211–233; Engle, supra n 8.

[27] Rigney, supra n 26 at 212.

[28] Engle, supra n 8 at 1.

[29] Rigney, supra n 26; Engle, supra n 8.

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wealth distribution and enforced impoverishment (or) the slow violence meted out by the toxic remnants of certain weaponry.'[30] Mamdani is critical of transitional justice processes that rely on criminal justice as the principal response to political and structural violence.[31] The focus on the perpetrators and the reliance on an individualized criminal justice process fails to account for structural causes and the socio-historical continuum of racial and heteropatriarchal violence, and risks setting up the conditions for the next war or repeating the cycle of violence.[32]

Regarding gendered harms, the necessary focus on individual perpetrators in criminal law obscures the fact that the state is directly implicated in violence through the 'generalized practice of sexual violence perpetrated by the armed forces and the state reconsolidation based on hetero-patriarchal logics that reduce women to their experience of victimhood.'[33] Bueno-Hansen cautions against the reduction of gendered harm to the experience of sexual violence, the sidelining of other gendered expressions of violence during conflict and beyond and the reinforcing of heteropatriarchal sex-gender binaries.[34] The singular focus on sexual violence as the only gendered impact of conflict reinforces 'the image of the woman as a victim subject,' an attitude that is endemic to the international women's rights movement.[35] Maihi is deeply critical of the adversarial nature of international judicial processes, where these are predicated on the construction of false binaries between '"innocent" and "guilty", "good" and "evil" and "victim" and "perpetrator"' and reproduce the colonial logics of hetero-patriarchal and racial violence 'which sexualise and demonize Black and Brown bodies.'[36] Maihi further argues that 'due process' as practised in the courtroom has 'institutionalised the disempowerment of victim-survivors through legitimating the dispute of their experiences' rather than relying on more care-full ways to deal with testimony.[37]

Finally, many critical legal scholars highlight ICL's roots in Western imperialism and the push towards adopting neoliberal economic policy from the 1980s onwards. The imposition of a Western model of criminal law in postconflict and postcolonial contexts marginalizes other conceptions of justice, particularly communitarian or restorative justice practices.[38] ICL supports the focus on civil and political rights over more radical Global South demands for social justice, redistribution and self-determination, while the 'criminal turn' within human rights law and advocacy has 'echoed the need for a strong punitive state to implement neoliberal restruc-

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[30] John Reynolds and Sujith Xavier, 'The Dark Corners of the World: TWAIL and International Criminal Justice,' *Journal of International Criminal Justice* 14(4) (2016): 959–983, 981; see also Michelle Burgis-Kasthala and Barrie Sander, 'Contemporary International Criminal Law After Critique: Towards Decolonial and Abolitionist (Dis-)Engagement in an Era of Anti-Impunity,' *Journal of International Criminal Justice* 22(1) (2024): 127–150; Rigney, supra n 26.

[31] Mahmood Mamdani, 'Beyond Nuremberg,' *Politics & Society* 43(1) (2014): 61–88.

[32] Ibid.; Pascha Bueno-Hansen, 'Decolonial Feminism, Gender, and Transitional Justice in Latin America,' in *The Oxford Handbook of Gender and Conflict*, eds. Fionnuala Ní Aoláin, Naomi Cahn, Dina Francesca Haynes and Nahla Valji (Oxford: Oxford University Press, 2017), 456–467.

[33] Bueno-Hansen, supra n 32 at 3.

[34] Pascha Bueno-Hansen, 'The Heterosexual System Denuded Ecuador's Truth Commission,' in *Masculinities and Queer Perspectives in Transitional Justice*, eds. Philipp Schulz, Brandon Hamber and Heleen Touquet (New York: Routledge, 2024), 113–135; Christine Bell and Catherine O'Rourke, 'Does Feminism Need a Theory of Transitional Justice? An Introductory Essay,' *The international Journal of Transitional Justice* 1(1) (2007): 23–44.

[35] Ratna Kapur, 'The Tragedy of Victimization Rhetoric: Resurrecting the Native Subject in International/Postcolonial Feminist Legal Politics,' *Harvard Human Rights Law Journal* 15(1) (2002): 1–38.

[36] Natalie Hēni Maihi, 'Justice for the Invisible, Unspeakable and Inevitable: An Abolition Feminism Analysis of Sexual Violence and the International Criminal Court,' *International Journal for Crime, Justice and Social Democracy* 14(2) (2025): 143–154, 147 & 148.

[37] Ibid.

[38] Rigney, supra n 26 at 219.

turing projects around the world.'[39] Moreover, ICL is aligned with the imperatives of 'good-governance' and economic and political stability in the aftermath of atrocity or authoritarianism, which legitimizes the neoliberal order and its attendant structural inequalities and violences.[40]

Abolition feminism, however, is not about freeing the state from accountability for harm. Rather, it recognizes that the pursuit of accountability through judicial means rarely delivers the kind of social transformation necessary in the aftermath of atrocity, authoritarianism or colonialism. It acknowledges that 'the existing criminal justice system is not capable of bringing into being a world without atrocity.'[41] McEvoy and McGregor argue that one answer can be found in the turn towards 'transitional justice from below,' a legal praxis that is driven by local needs and community participation.[42] Similarly, Park argues for a radicalization of transitional justice as a step towards decolonization through practices which take place outside of state institutions, which 'emerge endogenously within a community' and involve a shift from legal to social and political questions.[43] Serrano-Amaya argues for a queering of transitional justice from below, where these initiatives should 'unsettle the illusion of transition from chaos to order and the return to "normality" that still underlines conflict resolution, peacebuilding and transitional justice.' This is particularly important in contexts where the marginalization of certain 'undesirable' social groups (women, LGBTQIA+ communities, disabled people and racialized or minoritized communities), Secor's 'unrecognizable others,' was present and normalized before the outbreak of conflict and continues in the aftermath of conflict.[44]

Abolitionist ICL scholars argue for a movement away from penal or criminal responses to mass atrocity, towards non-criminal responses and the need to examine our 'impulse to criminalize' in the first place.[45] An abolitionist approach to atrocity crimes would 'refuse imprisonment and policing as the main responses,' would attempt to understand the structural causes of atrocity and would question why and how criminal law has become the principal response to gross violations of human rights, crimes against humanity and genocide.[46]

Engaging with abolitionist thought and practice thus becomes a:

> way to recognize and confront unaddressed past injustices centred on slavery and colonialism as well as persisting racialised, gendered and classist practices that coalesce around police violence and the 'prison industrial complex.'[47]

Brunger and Rigney argue for an abolitionist praxis which decentres the state in favour of communities and survivors and considers the conditions that lead to atrocity, so as to envision a 'society which foregrounds structural violence and prioritizes resolving injustice via accountability, prevention, and restorative practices over punishment.'[48] Mamdani forwards the concept of 'survivors' justice,' whereby survivors are understood not as the victims who survived the war but as the society as a whole, including, perhaps controversially, as perpetrators and bystanders.

39 Burgis-Kasthala and Sander, supra n 30 at 128.
40 Reynolds and Xavier, supra n 30 at 961; Marina Veličković, 'Abolition of International Criminal Law: A Marxist Critique,' *AJIL Unbound* 119 (2025): 54–58, 57.
41 Rigney, supra n 26 at 231.
42 Kieran McEvoy and Lorna McGregor, *Transitional Justice from Below* (London: Bloomsbury Publishing, 2008).
43 Park, supra n 21 at 408.
44 José Fernando Serrano-Amaya, 'Queering Transitional Justice from Below,' in *Masculinities and Queer Perspectives in Transitional Justice*, ed. Philipp Schulz, Brandon Hamber and Heleen Touquet (New York: *Routledge* , 2024), 251–277, 252; Secor, supra n 22.
45 Burgis-Kasthala and Sander, supra n 30 at 148; see also Reynolds and Xavier, supra n 30.
46 Rigney, supra n 26 at 212.
47 Burgis-Kasthala and Sander, supra n 30 at 145.
48 Brunger and Rigney, supra n 1 at 49.

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Survivors' justice is driven by the issues that caused the war and is about balancing the need for justice for crimes of the past with the needs of those living in the aftermath of the conflict to have access to a transformed and more inclusive society:

> A survivor narrative is less perpetrator-driven, more issue driven. Atrocities become part of a historical narrative, no longer seen as standalone acts but as parts of an ongoing cycle of violence.[49]

Abolition feminism is a decolonial project which includes demands for 'land back' and an end to incarceration of all kinds, and which advocates for 'life-affirming' practices that support community-led initiatives for justice and reparations beyond the limits of the Western legal imagination.[50] Abolition 'requires us to all disentangle ourselves from the pull to vengeance, the pull to retribution and revenge, the pull to punishment, the pull to surveillance.'[51] An abolitionist approach to transitional justice might, therefore, create spaces for and support community-led initiatives which challenge the carceral impulse and focus on 'life-affirming' practices as a way to create individual and community safety while 'we dismantle systems that cage and punish' so that 'we can explicitly fight genocide and dispossession and create a world focused on radical reciprocity and accountability.'[52]

GUATEMALA'S VIOLENCE CONTINUUM: FROM COLONIZATION TO CONFLICT AND BEYOND

The decolonial and abolitionist feminist frameworks invite us to expand our understandings of harm beyond the contained and linear timeframes and specific acts of violence which tend to be the focus of transitional justice and criminal law processes. Violence and harm are understood as structural, with roots in historic harms such as colonialism or slavery whose legacies echo into the present.[53] The (neo)colonial violence that has shaped Guatemala from the arrival of the Spanish in the early 16th century can be broken down into five cycles: 1) the colonial period; 2) the post-independence or 'liberal' period, roughly 1860–1954; 3) the period following the 1954 US-backed coup; 4) the IAC, 1960–1996; and 5) the current period of neoliberal extraction beginning in 1996 and extending to the present day.[54] The Spanish colonial order imposed on Guatemala was an economic, philosophical, religious and political project that reconstituted the relationship between 'man' and 'nature,' the body and the mind, and created hierarchies of (re)productive or sovereign bodies versus non-sovereign, exploitable, extractable and excludable body-minds. These hierarchies were created along racial, sexual, gendered and (dis)abled lines, the legacies of which remain with us through the present.[55]

Guatemala's cycles of (neo)colonial violence are characterized by the mass dispossession of peoples from their territories, and the extraction of labour from those peoples through enslavement, indentured servitude and other bio-political techniques of corporeal expropriation. This produced a necropolitical regime in Guatemala where the cyclical expropriation and exploitation of the 'territory-body and territory-land corresponds to a multiplicity of ways of

[49] Mamdani, supra n 31 at 21.

[50] Kilroy et al., supra n 19; Rojas and Naber, supra n 25; Aya Gruber, 'Colonial Carceral Feminism,' in *The Routledge International Handbook on Decolonizing Justice*, eds. Chris Cunneen Antje Deckert, Amanda Porter, Juan Tauri and Robert Webb. (Routledge, 2023), 11–59.

[51] Kilroy et al., supra n 19 at 21.

[52] Kilroy et al., supra n 19 at 231.

[53] Márquez Mina and Davis, supra n 15.

[54] Marco Chiválan-Carrillo and Silvia Posocco, 'Against Extraction in Guatemala: Multispecies Strategies in Vampiric Times,' *Interventions* 22(4) (2020): 514–532, 524.

[55] AVANSCO, *Hacerse de un cuerpo* (Guatemala: AVANSCO, 2021); AVANSCO, *Sexo y Raza* (Guatemala: AVANSCO, 2015).

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producing death and life simultaneously.'[56] The imperialist project imposed on Guatemala from the 16th century onwards can thus be understood as a process of genocidal violence which is both cyclical and ongoing:

> genocide and ethnocide are historic in Guatemala and this is how hate, aggression, resentment, cruelty and the negation of the existence of another culture has been maintained and reproduced from generation to generation, learned from a young age and archived in the subconscious.[57]

Guatemala's IAC, while extreme, is but one expression of this genocidal violence and source of (neo)colonial soul wounds.[58]

Considered to be one of the most devastating conflicts in contemporary Latin American history, Guatemala's IAC lasted roughly from 1960 to 1996. The conflict was characterized by increasing state repression throughout the 1960s and 1970s as social movements demanded a return to democracy following the 1954 coup. From 1975 onwards, the state engaged in massive counter-insurgency operations using increasing brutality and violence against the civilian population, with the aim of annihilating the guerrilla and insurgent forces, and anyone suspected of supporting them, including students, unions, journalists, the Catholic Church, campesino cooperatives and Indigenous communities. The counter-insurgency was characterized by urban and rural death squads and scorched-earth campaigns in the highlands carried out by the army, National Police and paramilitary Civil Self-Defense Patrols (Patrullas de Auto-Defensa Civil – PAC).[59]

By the early 1990s, a tentative democracy had been restored and moves towards negotiating a peace agreement, presided over by the UN, began in 1990. The Peace Accords were signed in December 1996, with all remaining armed revolutionary forces laying down their arms.[60] A UN-mandated Commission for Historical Clarification (Comisión de Esclarecimiento Historico – CEH) found that the IAC had resulted in:

> A total of 42,275 victims, including men, women and children. Of these, 23,671 were victims of arbitrary execution and 6,159 were victims of forced disappearance. Eighty-three percent of fully identified victims were Mayan and seventeen percent were Ladino.[61]

The CEH estimates that the number of persons killed or disappeared during the IAC reached a total of over 200,000, and attributes 93 percent of these crimes to state forces, 3 percent to the revolutionary armed forces and 4 percent to other actors. The CEH identified the root causes of the war as the concentration of land, natural resources and wealth among the political and economic elites, the systemic discrimination and exclusion of the country's majority Indigenous Mayan and Xinka populations and the political and economic dominance of a tiny oligarchy,

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[56] Chivalán-Carrillo and Posocco, supra n 54 at 524.

[57] Emma Chirix, *Cuerpos, poderes, y políticas: Mujeres mayas en un internado católico*(Guatemala: Ediciones Maya'Na'oj, 2015), 219 & 220.

[58] Cash Ahenakew, 'Towards Scarring Our Collective Soul Wound,' Gesturing Towards Decolonial Futures Collective (2019), https://decolonialfutures.net/towardsscarring/ (accessed 4 November 2025).

[59] Kirsten Weld, *Paper Cadavers: The Archives of Dictatorship in Guatemala* (London: Duke University Press, 2004).

[60] Hilde Salvesen, *Guatemala: Five Years After the Peace Accords. The Challenges of Implementing Peace* (Oslo: PRIO, 2002), https://www.prio.org/publications/7267 (accessed 4 November 2025).

[61] Comisión para el Esclarecimiento Histórico (CEH), *Guatemala, Memory of Silence: Report of the Commission for Historical Clarification, Conclusions and Recommendations* (Guatemala: Comisión para el Esclarecimiento Histórico, 1999), 11.

backed by a militarized state, who have obstructed progressive movements and policies at every turn.[62]

The CEH documented how sexual violence, particularly the rape of women and girls, was used in a systematic and widespread manner as a weapon of terror in the state's counter-insurgency strategy. The CEH registered a total of 9,411 victims, 89 percent of whom were Mayan Indigenous women, 10 percent Ladina women and 1 percent from other ethnic groups. These figures do not capture the true prevalence of gendered sexual violence committed during the conflict: the CEH and other reports are punctuated by 'omissions and occlusions.'[63]

Despite over 30 years of peace in Guatemala, the continued social, political and economic exclusion of Indigenous communities and violent repression of their social struggles is frequently characterized as a 'war by other means.'[64] The expulsion and displacement of tens of thousands of Indigenous peoples from their land during the IAC, much of which was handed over to military officers, politicians or members of Guatemala's economic oligarchy, has allowed for the massive reconcentration of land ownership over the last three decades.[65] Extractive enterprises penetrate new frontiers of the body-territory, including the expropriation of land for mining, hydroelectric plants, monocultures and other extractive projects, corresponding with the persecution of defenders of the land and territory.[66]

The Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEGUA) has documented a steady growth in aggressions against human rights defenders in Guatemala over the last number of years. Officials from the judicial system made up half of those targeted, followed by journalists, people working on access to justice and defenders of land and territory. They are frequently subject to judicial persecution, including spurious arrest warrants, fabricated charges, extreme failings in due process and punitive sentencing procedures. The misuse of preventative and pre-trial detention is a punitive measure that serves to remove community members from their resistances and restrict their liberty, rights and connection to their community while the judicial process is underway.[67]

A 2017 fire at the Virgen de la Asunción (HSVA) 'safe home' in Guatemala City is emblematic of the continued use of extreme violence by the state against Guatemala's most vulnerable populations. On 7 March 2017, many of the 700+ teenagers resident at the HSVA began protesting the quotidian abuse, violence and neglect experienced at the HSVA which they, along with many human rights organizations, had been denouncing over months and years. After a momentary breakout, dozens of teenagers were rounded up by police officers and 56 girls were locked into a small classroom overnight. The following morning, a fire broke out in the classroom. The police officer guarding the door refused to open it for nine minutes.[68]

Nineteen girls perished immediately and 22 more died in the following days. Fifteen girls survived but with life-altering injuries. In June 2025, after eight years of struggle by the families of the victims and survivors, accompanied by civil society organizations, a court found six government officials guilty of manslaughter.[69] Despite the semblance of victory, the court process has distorted the nature of the crimes and reduced responsibility to individual acts/decisions by

62 Ibid.

63 Crosby, supra n 4.

64 Carlota McAllister and Diane M. Nelson, eds., *War by Other Means: Aftermath in Post-Genocide Guatemala* (Durham: Duke University Press, 2013).

65 Chiválan-Carrillo and Posocco, supra n 54.

66 Ibid.

67 UDEFEGUA, supra n 6; UDEFEGUA, 'Venganza, política pública de Estado Guatemala: En grave crisis democrática' (2023), https://udefegua.org.gt/noticia/venganza-politica-publica-de-estado-guatemala-en-grave-crisis-democratica/ (accessed 29 May 2025).

68 OACNUDH, 'Las víctimas del Hogar Seguro Virgen de La Asunción un camino hacia la dignidad' (2018), https://www.oacnudh.org.gt/images/CONTENIDOS/ARTICULOS/PUBLICACIONES/InformeHSVA.pdf (accessed 29 May 2025).

69 Leire Ventas, 'Caso Hogar Seguro: El incendio en el que murieron 41 adolescentes en un albergue en Guatemala por el que ahora condenan a prisión a 6 exfuncionarios' (BBC, 2025), https://www.bbc.com/mundo/articles/c209zx3p751o (accessed 4 November 2025).

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low-ranking officers and government officials. The overwhelming focus on accompanying the long, unwieldy and purposely exhausting judicial process has diverted an already overstretched civil society's attention away from questions of alternative models of care for vulnerable youth. The HSVA case is emblematic of a continuum of incarceration, where the institutionalization of vulnerable groups continues to be used as a solution to remove 'undesirable' or 'unproductive' individuals from Guatemalan society. These institutions exist to punish impoverished families, non-normative gendered behaviour and disability through the deprivation of liberty, as well as the neglect abuse and everyday violence which happen within the walls of these "homes".[70]

THE CHALLENGE OF ACCOUNTING FOR FIVE CENTURIES OF HARM

The Peace Accords established a broad programme for constitutional reform recognizing the cultural rights of Guatemala's Indigenous peoples, a state reparations programme, reforms to the police and army and the establishment of government institutions to oversee the implementation of the Peace Accords, including institutions intended to redistribute land and protect and promote human rights.[71] Successive governments, however, have failed to implement these constitutional reforms, while many of the human rights institutions experienced chronic underfunding from the outset and were consistently undermined until their eventual closure in 2021.[72]

A demand for judicial accountability for the individuals responsible for genocide and crimes against humanity from victims organizations and civil society arose in parallel to the government's programme of reform.[73] Four cases – the Ríos Montt trial (2013), the Sepur Zarco trial (2016), the Molina Theissen trial (2018) and the Maya Achí genocide trial (2022) – evidenced the gendered nature of state violence, particularly the uses of rape, sexual violence and sexual enslavement by state security forces and paramilitaries.[74]

The Sepur Zarco case, in particular, represented a major victory for women's rights advocates who had been working with survivors since the early 2000s to raise awareness about the gendered impacts of the IAC and break the silence on the uses of rape, sexual enslavement and other expressions of gendered violence.[75] Fifteen Maya Q'eqchi women took the state to court for the forced disappearances of their husbands and their subsequent sexual enslavement at a local military detachment. The court found two low-ranking army officials guilty of crimes against humanity and sentenced the defendants to 120 and 240 years in prison. The ruling also acknowledged the historical continuity of the gendered, sexual and racialized violence.[76] The court ordered several individual and collective reparations, including personal damages, investigations into the whereabouts of the disappeared in Sepur Zarco, the construction of a health centre and the provision of basic services such as land and housing to the victims through local development committees. The court also ordered a number of symbolic reparations, such as the translation of the ruling into all 24 Mayan languages, the declaration of 26 February as

[70] Marco Chivalán-Carrillo, 'Cuerpos en experimentación. Sífilis y fármacopoder en la Ciudad de Guatemala (1946–1948),' *EntreDiversidades* 7(2) (2020): 127–159; OACNUDH, supra n 68; Priscila Rodríguez, Laurie Ahern and Eric Rosenthal, 'Still at Risk: Death and Disappearance of Survivors of the Fire at Hogar Seguro Virgen de La Asunción,' Disability Rights International' (2021), https://www.driadvocacy.org/sites/default/files/2023-09/Still%20At%20Risk%20Guatemala%20%28English%20Report%29.pdf (accessed 29 May 2025).

[71] Salvesen, supra n 60.

[72] Peace Brigades International (PBI), 'The Closure of the Peace Institutions' (2021), https://pbi-guatemala.org/sites/pbi-guatemala.org/files/B45_Eng.pdf (accessed 28 May 2025); Salvesen, supra n 60.

[73] Crosby, supra n 4

[74] Burt, supra n 7.

[75] Crosby, supra n 4; Burt supra n 7.

[76] Mujeres Transformando el Mundo (MTM), 'Sentencia del Caso Sepur Zarco' (Guatemala: MTM, 2016), 486–487, https://mujerestransformandoelmundo.org/documentos/ (accessed 28 May 2025).

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the National Day of the Victims of Sexual Violence and Sexual and Domestic Slavery and the construction of a monument to the plaintiffs in their village.[77]

Despite the recognition from the court of the historical continuum of violence enacted against the bodies and territories of the Q'eqchi women, the lack of implementation of the material and symbolic aspects of the ruling and the continued extractive violence experienced by the same communities evidence the difficulties of relying on the judicial system to deliver the kind of transformative justice necessary to address historical and structural harms.[78] The Guatemalan state has consistently and systematically repudiated both the reformist agenda of the Peace Accords and attempts to achieve justice through the courts.[79] Even when cases are successful, the subsequent annulment of the Ríos Montt ruling by the Constitutional Court in 2013 and repeated attempts to pass a retroactive amnesty law all indicate that there is no guarantee that these outcomes will be respected.[80] Civil society organizations, victims and survivors who have pursued justice for crimes committed during the IAC, as well as contemporary corruption cases, continue to be targeted with threats, violence, judicial harassment and criminalization. The repression from within the judicial system is increasingly targeted at judges and public prosecutors, many of whom have been forced into exile due to threats on their liberty and lives. This is representative of a strategy of retaliation against those responsible for successful prosecutions as well as a tactic for disincentivizing future prosecutions.[81]

In reflecting on the outcomes from the judicial process, I do not mean to devalue the bravery of women who, as Irma Alicia Velásquez Nimatuj highlights, seek justice in a deeply racist Guatemalan legal system 'that does not recognize their maternal languages, that racializes them as culturally inferior, and as beings who do not feel, do not suffer, do not dream.'[82] Their desire to have their day in court and speak their truth is well documented.[83] Rather, the abolitionist framework may support an improved understanding of the tensions between a feminist and human rights movement which has principally pursued judicial strategies of justice and repair within a judicial system which is often unwilling or ill-equipped to provide the kind of transformative justice demanded by victims/survivors and wider civil society. Moreover, this judicial system actively criminalizes and incarcerates whole sectors of civil society, with Mayan communities continuing to bear a disproportionate burden of carceral violence.

77 Burt, supra n 7; UN Women, 'Handbook for National Action Plans on Violence against Women: Documenting Good Practice On Accountability For Conflict- Related Sexual Violence: The Sepur Zarco Case' (2022), https://www.unwomen.org/sites/default/files/2022-07/Research-paper-Documenting-good-practice-on-accountability-for-conflict-related-sexual-violence-Sepur-Zarco-en.pdf (accessed 28 May 2025).

78 PBI, 'We Defend Life! The Social Struggles in Alta Verapaz' (Guatemala: PBI, 2020), https://pbi-guatemala.org/sites/pbi-guatemala.org/files/We%20defend%20Life_cL.pdf (accessed 28 May 2025); Amandine Fulchiron, 'Poner en el centro la vida de las mujeres mayas sobrevivientes de violación sexual en la guerra: Una investigación feminista desde una mirada multidimensional del poder,' in *Otras formas de (re)conocer: Reflexiones, herramientas y aplicaciones desde la investigación feminista*, eds. Irantzu Mendia Azkue, Marta Luxán, Matxalen Legarreta,Gloria Guzmán, Iker Zirion and Jokin Azpiazu Carballo (País Vasco: Universidad del País Vasco y HEGOA, 2017), 127–146; Amandine Fulchiron, 'La Violencia Sexual Como Genocidio. Memoria de Las Mujeres Mayas Sobrevivientes de Violación Sexual Durante El Conflicto Armado En Guatemala,' *Revista mexicana de ciencias políticas y sociales* 61(228) (2016): 391–422.

79 UN Women, supra n 77; Brett and Malagón, supra n 5.

80 Impunity Watch, 'The Struggle for Truth and Justice in Guatemala: Victim and Survivor Participation in Informal Transitional Justice Processes' (2023), https://www.impunitywatch.org/wpcontent/uploads/2023/07/Impunity-Watch-Guatemala-victim participation-report-English.pdf (accessed 28 May 2025).

81 WOLA, 'Guatemala's Downward Spiral' (2022a), https://www.wola.org/analysis/guatemala-downward-spiral/ (accessed 29 May 2025); WOLA, 'When the Dominoes Fall: Co-optation of the Justice System in Guatemala' (2022b), https://www.wola.org/wp-content/uploads/2022/10/When-Dominoes-Fall-F.pdf (accessed 29 May 2025).

82 Cited in Alison Crosby, M. Brinton Lykes and Brisna Caxaj, 'Carrying a Heavy Load: Mayan Women's Understandings of Reparation in the Aftermath of Genocide,' *Journal of Genocide Research* 18(2–3) (2016): 265–283, 269.

83 Crosby, supra n 4; Burt, supra n 7.

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FEMINIST RESPONSES TO GENDERED AND SEXUALIZED HARM IN GUATEMALA

There is no explicitly abolitionist movement within Guatemalan feminism. Nor is there an explicitly abolitionist critique of how criminal justice operates in Guatemala, despite the checkered 30-year experience with transitional justice processes and the increasing burden of criminalization on social movements, civil society, journalists and defenders of land, territory and human rights. Though some feminist scholars in Guatemala are beginning to critique specific aspects of the litigation process, particularly the role of victims/survivors, the weight of research reflects significant continued support for the pursuit of justice and repair through the courts.[84] The Sepur Zarco case, in particular, has already produced a significant body of scholarly and activist reflection as an emblematic success story.

Less attention has been paid to the pursuit of non-judicial processes for justice and healing by survivor-centric, grassroots initiatives. Organizations like Q'anil, Actoras de Cambio (Actors for Change), Mujeres Kaqla (Kaqla Women) and the TZK'AT Red de Sanadoras Ancestrales del Feminismo Comunitario Territorial desde Iximulew (TZK'AT Network of Ancestral Healers of Territorial Community Feminism from Iximulew) have chosen to pursue healing and justice largely outside of institutional frameworks. While none of these organizations identify as abolitionist, they have created an ecology of alternative epistemologies and practices that reflect the abolitionist concern by creating space for 'life-affirming practices' and non-carceral responses to violence and injustice. Working as close allies, they share similar visions regarding the importance of addressing individual and collective trauma of (neo)colonization and conflict and forging alternative paths towards healing as part of a broader project of social transformation from within their respective communities.

The reluctance, disengagement or scepticism of state-centred processes demonstrated by these four organizations is characteristic of the autonomous feminist organizing which emerged across Latin America from the 1990s onwards. This was in response to the institutionalization and NGOization of civil society and the women's movement in the post-war periods when human rights discourses and dynamics took hold in former revolutionary contexts.[85] Yolanda Aguilar attributes Q'anil's ethical commitment to this non-institutionalized turn in feminism to 'Difference Feminism,' which emerged in Italy in the 20th century, sharing close ties with the anarchist movement.[86]

Aguilar is a survivor of the IAC. Her father and brother were murdered and her mother was forcibly disappeared during the conflict. At 15 years of age, Yolanda was arrested, detained and tortured by state security forces. She left the country as a political activist and joined the armed resistance. Yolanda returned to Guatemala towards the end of the war and participated in the Recovery of Historical Memory (REMHI) project which produced the Guatemala Nunca Más (Never Again) report. Yolanda, alongside Amandine Fulchiron, co-founded a consortium, supported by the National Union of Guatemalan Women (UNAMG) and the Community Studies and Psychosocial Action Team (ECAP), called 'From Victims of Sexual Violence to Actors for Change,' in 2003. This consortium was the first initiative established to allow for Mayan women who had been victims of sexual violence during the IAC to develop a consciousness regarding their status as survivors through the healing and psychosocial support accompaniment processes provided by the consortium.

84 Fulchiron, supra n 78; Crosby, supra n 4; Burt, supra n 7.

85 Crosby, supra n 4.

86 Unless otherwise stated, the information contained in this section is drawn from recent in-person and email communications with Yolanda Aguilar.

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The consortium subsequently divided between those who preferred to seek redress through legal mechanisms and those who opted for justice through community healing processes, the latter forming the Actoras de Cambio collective. Actoras de Cambio work principally with Mayan indigenous survivors of historic and contemporary violence, and have been vocal critics of the judicial process and how it has instrumentalized Mayan women's pain and narratives, to forward a (neo)liberal state/economic agenda.[87]

Although Yolanda remained an ally and collaborator of the Colectiva Actoras de Cambio for a time, she felt the need to work with Ladina/Mestiza women, a group who have not generally been included in the narratives of survival regarding Guatemala's IAC. Yolanda, who identifies as Ladina/Mestiza, insisted on investigating the specific experience of Ladina/Mestiza women who identified as feminist but who had not experienced racism and also benefited from and reproduced racial hierarchies and white supremacist ideologies in Guatemala. Yolanda played a central role in questioning the concept of 'victim' as an identity directed and instrumentalized towards suffering. She questioned this dynamic through her personal experience and in the dominant postconflict discourses and movements towards accountability and justice. She realized that for real healing to occur she needed to shed the identity of 'victim' and work towards alternative forms of doing justice outside of state-centric initiatives.

These three elements contributed to the foundation of Q'anil in 2008 and its central mission to challenge the heteropatriarchal and white-supremacist dynamics which permeate personal, political and social relations in Guatemala. Q'anil is committed to accompanying people within social movements to challenge their own racist attitudes, which are reproduced through social and political mandates about bodies and sexualities. Q'anil's insistence on working with a principally Ladinx/Mestizx population, or people who have experienced Ladinization or mestizaje processes (political processes which are characterised by an aspiration to whiteness), has made it even more of an outlier in a movement which tends to direct support and attention towards Mayan women as, however belatedly, recognized victims of atrocity in Guatemala.

SPACES FOR HEALING AND JUSTICE BEYOND THE CARCERAL STATE

Q'anil is one space in Guatemala which engages in the kind of life-affirming practices advocated for by abolition feminism and reflects the concept of abolition as a radical pedagogical praxis which teaches 'us how to create ways of being that transform our reliance on carceral state power and the logics that perpetuate it.'[88]

Q'anil offers therapeutic and experiential learning processes aimed at activists, members of social movements and people providing accompaniment to survivors of gendered violence and/or human rights defenders. While Q'anil does not target its processes directly towards survivors of the conflict, it assumes a position similar to Mamdani's: survivors include not just the victims who survived the war but society as a whole.[89] Nevertheless, many of the participants in Q'anil's processes *do* identify as survivors of state, institutional and/or intimate violence.

The processes that Q'anil offers include their CES and CRS diplomas, alongside extended collective therapy processes (*Terapia de Reencuentro* (Rencounter Therapy – TR) and other ad-hoc training, workshops and accompaniment processes. The CES and CSR diplomas draw from a wide range of feminist, queer, decolonial and critical race theory, with classes that take participants on a journey of personal-political interrogation which captures everything from

[87] Fulchiron, supra n 78.
[88] Qui Alexander, 'Teaching Abolitionist Praxis in the Everyday,' in *Abolition Feminisms Vol. 2*, ed. Alisa Bierria, Brooke Lober and Jakeya Caruthers (Chicago: Haymarket Books, 2022), 275–291, 276.
[89] Mamdani, supra n 31.

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the origins of hetero-patriarchy and white supremacy to the nature of heteronormative desire and the ways in which racial hierarchies shape desire. The theoretical classes are complemented through somatic and TR sessions which aim to support participants in processing the emotional, psychological and embodied impact of the discoveries made throughout the theoretical journey.

While transitional justice mechanisms and judicial prosecutions tend to focus on the material, tangible and quantifiable impacts of conflict, Q'anil is concerned with the interconnected wounds of the recent conflict and 500 years of external and internal colonization, particularly the legacies of gendered, sexual and racialized violence. Q'anil understands the wounds of conflict and colonialization as relational, whereby colonization severs, separates and segregates the mind-body and body-territory as well as creating divisions between colonizers and colonized, and those who consume and are consumed.[90] Q'anil's pedagogical approach, therefore, sits somewhere between activism, pedagogy and research.

Q'anil creates space for participants to explore the embodied impacts of historic and ongoing racialized and sexualized woundings. The body, its memory, emotions and physical sensations, becomes a privileged site of knowing and knowledge creation. Their pedagogical approach blends the practice of *sentipensar* (feeling/thinking), where theory complements experience and not the other way round. They encourage accompaniment between participants that is based on an ethics and practice of radical listening and wit(h)nessing: being with, while also witnessing, another's pain or trauma and 'resonating with an-Other in a trans-subjective encounter-event.'[91] Participants are encouraged to share their experiences and to accompany themselves and each other through collective wit(h)nessing in pairs, small groups and plenaries. This creates space for dialogues where White, Ladinx, Mestizx and Indigenous or Afro-descendent participants can interrogate shared as well as conflicting and painful histories of wounding. They are encouraged to work together to dismantle the reproduction and/or impact of racialized and sexualized violence in their personal lives and the broader social movements they are involved in. Many participants in this research spoke of the importance of being listened to and heard with and through each other:

> We listened to what the others had to say and that's important, right? (. . .) then we learn from the other contexts without the need to judge and that is somehow healing.[92]

> It moved me a lot to listen to some of the stories from my classmates, because I saw myself reflected in some of those stories (. . .) it's true that the struggle is personal, but when you collectivize it, you realize that it is a shared struggle.[93]

These acts of radical dialogue can allow participants to transcend the moments of grief, guilt and catharsis, to share, listen and explore collective possibilities for dismantling systems of oppression.[94]

By cultivating their *sentipensares*, participants learn to listen to and feel their bodies and to recognize the knowledge contained in those feelings and sensations. A pedagogy of *sentipensar* understands the body as an integrated whole where mind/body/spirit are connected, feeling and thinking together.[95] The aim is to awaken and access the body's own internal intelligence by

[90] Rosalba Icaza Garza and Valiana Aguilar, 'Un feminismo otro: On the (Im)possibilities of Encountering Each Other Across the Colonial Divide,' *Journal fur Entwicklungspolitik* 38(1/2) (2021): 210–238; Ahenakew, supra n 58.

[91] Bracha L. Ettinger, 'Matrixial Trans-Subjectivity,' *Theory, Culture & Society* 23(2–3) (2006): 218–222, 220.

[92] Participant interview, 'Adela,' Guatemala City, June 2021.

[93] Participant interview, 'Cristina,' Guatemala City, October 2021.

[94] Icaza-Garza and Aguilar, supra n 90.

[95] Xochitl Leyva Solano, 'Undoing Colonial Patriarchies: Life and Struggle Pathways,' in *Decolonization and Feminisms in Global Teaching and Learning*, ed. Sara de Jong, Rosalba Icaza and Olivia U. Rutazibwa (London: Routledge, 2018), 43–59.

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exploring the physiological components of the body and learning to pay attention to emotions and physical sensations through dialogue, subtle movement and by creating sounds with their bodies.

Somatic practice invites participants to develop an awareness of and explore lesser known and more difficult to access parts of their physicality such as their glands, internal organs and fluids. TR has multiple exercises focused on arousing the senses and stimulating specific parts of the body including hands, feet, faces and the pelvic region. Some exercises are individual while others involve consensual and care-full contact between participants. TR is principally concerned with the emotional and relational mind–body connections between individuals and across communities. The somatic practice applied in Q'anil emphasizes an embodied understanding of our biology, physiology and evolutionary journey that connects us to ancestral legacies and life-worlds beyond the human.

Q'anil's pedagogies of wit(h)nessing and *sentipensar* are grounded in the language of *buentrato* (goodtreatment), as opposed to *maltrato* (mistreatment), towards the self, others and the earth. *Buentrato* is a conceptual and relational project that has emerged from TR and has been adapted by Q'anil to the Guatemalan context. It resonates with the Latin America-wide movement of *Buen Vivir* (living well). Cuisicanqui defines *buen vivir*, or *Sumak Kawsay* in Quechua, as:

> The organising nucleus of our cosmovision, in our resistance to the rise of neo-liberalism over recent years, with the ultimate objective of establishing a universal cosmic order in harmony with life, where the plurality of cosmovisions-knowledge, self-governance and self-determination of peoples are respected, whether they are Indigenous, mestizo or Afro-descendant.[96]

Buentrato, within this wider philosophy of *Buen Vivir*, is a way of conceiving of healing as a practice which can (re)shape our interpersonal, interspecies and territorial relationships. In moving from *maltrato* to *buentrato*, or from victimhood to survivor, the aim is to recognize and confront colonial wounds without remaining trapped in the traumatic space delineated by those wounds. One participant described their internalization of the concept of *buentrato* as the following:

> Q'anil is not only about working on trauma and opening spaces to talk about it but also about how you transform and get out, how you manage to resignify trauma or the wound and be able to act from an idea of *buentrato*, beginning with relationships.[97]

Moving from *maltrato* to *buentrato* represents a linguistic shift which decentres Anglophone understandings of violence and harm towards Latin American alternatives for a life beyond violence. It mirrors the abolitionist imperative to replace the retributive impulse with restorative or transformative visions of justice, community accountability and healing. In creating an affective language of *buentrato*, Q'anil is working towards building a community and coalitions around this shared language and shared understanding of the world. Q'anil thus functions as an 'enabling space,' an affective community where an expanded community of survivors can exercise transformative, critical and creative agency, and practise 'social redress' by and for themselves.[98]

96 Silvia Rivera Cuisicanqui, 'Ch'ixinakax utxiwa: A Reflection on the Practices andDiscourses of Decolonization,' *The South Atlantic Quarterly* 111(1) (2012): 95–109, 102.

97 Participant interview, 'Cristal,' Guatemala City, September 2021.

98 Annika Björkdahl and Johanna Mannergren Selimovic, 'Gendering Agency in Transitional Justice,' *Security Dialogue* 46(2) (2015): 165–182.

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CONCLUSION: TOWARDS AN ABOLITIONIST PRAXIS OF SURVIVORS; JUSTICE?

Without characterizing Q'anil's work as explicitly abolitionist, their pedagogical approach does speak to abolition feminist visions. These include the necessity of redirecting our energies away from systems of incarceration towards building life-affirming institutions and of focusing our energies on improving 'access to resources for community development, mutual aid or healing and creat[ing] new analytical and material spaces to imagine and experiment with more authentic forms of safety.'[99] The focus on *Buentrato*, within the larger context of the *Buen Vivir* movement, reflects the call to relearn or remember 'skills for living better and increasingly in right relation with one another and all life.'[100]

To comprehend how this kind of work could be understood as a praxis of justice, I return once more to Secor's invitation to separate the idea of justice from law.[101] We might begin by conceptualizing harm or the condition of injustice as a violent strategy of 'dismemberment' of the mind–body, body-territory. This is (re)produced through a colonial order which has created conditions of separateness and division between those who consume and those who are consumed, creating soul wounds in the mind-body and body-territory.[102] We might also understand how this injustice manifests in the racialized and sexualized trauma and woundings which were inflicted during, but also before and after, Guatemala's IAC. As such, an alternative paradigm of justice might begin with creating spaces for individual and collective healing of wounds to the mind-body and body-territory.

Transitional justice could be understood, then, as a project intent on creating peace and justice within the mind-body and body-territory. Q'anil's somatics instructor María José Aguilar shared some of her learning from a diploma in Embodied Social Justice and how this speaks to how she envisions her work with Q'anil:

> The course starts with the idea that justice *lives in the body* (. . .) This has everything to do with my approach to the transformation of the body and the relationship with life. I had felt it intuitively but I had not named it like that. (. . .) People who commit injustices, who live in oppression, as well as people who are oppressed, live outside of the body. And if you're outside the body you are not going to be able to do anything about it [justice]. So, I feel that I don't know what justice is, I feel that in this country [Guatemala] I can't say that I have experienced justice.[103]

In putting the body and experience at the centre of the learning, healing and justice processes, Q'anil's pedagogies of *sentipensar* and wit(h)nessing support our (re)connection with ourselves, with others across difference and with non-human life-worlds. Q'anil makes a space for survivors in Guatemala beyond the immediate victims who survived the war, thus recognizing the collective nature of trauma and the importance of collective healing processes. In attending to the intergenerational and transgenerational wounds of racism and cis-heterosexism, Q'anil creates a space to process historic and contemporary wounds that transcend the limited timeframes and specific communities of victims/survivors which tend to be the focus of institutional legal mechanisms.

[99] Davis et al., supra n 9 at 113.
[100] Rojas and Naber, supra n 25 at 19 & 20.
[101] Secor, supra n 22.
[102] Icaza-Garza and Aguilar, supra n 90; Ahenakew, supra n 58.
[103] Participant interview, María José Aguilar, Guatemala City, August 2021.

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Here, I return to Mamdani's concept of survivors' justice, where the project of 'giving the living a second chance' is a central concern, which echoes the abolitionist ethic of supporting 'life-affirming practices.'[104] Q'anil's processes strive towards healing, while remaining cognizant of a reality where the wounds to the mind–body and body-territory are deep, pervasive and ongoing, so that a full recovery may never be possible. Ahenakew recognizes that healing produces pain and a necessary scarring, rather than the generation of new tissue, in the pursuit of wholeness between the mind-body and body-territory.[105]

Indeed, the context in which healing processes take place in Q'anil, and in Guatemala more broadly, is fraught with tensions. Guatemala's judicial spring is well and truly over and the judicial system is increasingly used to criminalize Indigenous resistance.[106] The profound co-optation and corruption of the Public Prosecutor's Office in Guatemala over the last few years means that the judicial system cannot guarantee due process or just outcomes. Continued collaboration within this system in the pursuit of justice for past crimes implicitly legitimizes a criminal justice system which is increasingly used to repress, criminalize and incarcerate vulnerable groups or those considered to be enemies of the state or of business interests.[107]

Crosby recognizes the 'pressing need for community-oriented approaches to justice and redress' but that these should happen 'in addition to, rather than as a replacement for, holding the Guatemalan state accountable through the judicial system for the atrocities.'[108] The demand for judicial accountability cannot be denied, but as a decolonial and abolitionist feminist I question whether the state is the best place to direct our time, energy and focus. Perhaps it is time to interrogate our continued reliance on criminal law as a response to atrocity and how this may grant legitimacy to and help sustain modes of incarceration which disproportionately impact poor people, disabled people, queer people and people of colour? Would it not serve us, and our communities, better to reorientate the focus of our activism and research towards an abolitionist praxis?

The specific and experimental nature of its work and this research project means that Q'anil's model is not easily replicated, and this research is not readily applicable to all postconflict or postcolonial contexts. Nevertheless, there are lessons to be learned from Q'anil's approach to the deeply charged legacies of racialized and sexualized violence and the ways in which we can conceive of survivorship and work with communities beyond the immediate victims of conflict. Q'anil's focus on building community and expanding networks through participants and collaborators is less about replication and more about contributing to a paradigm shift in Latin America, where it complements and actively contributes to a wider movement towards healing as justice in the body-territory.

[104] Mamdani, supra n 31 at 22.

[105] Ahenakew, supra n 58.

[106] Ibid.

[107] WOLA, 2022 a & b, supra n 81; Karen Engle, 'Feminist Governance and International Law: From Liberal to Carceral Feminism,' University of Texas, Public Law Research Paper No. 690 (2017), https://ssrn.com/abstract=3091260.nn (accessed 29 May 2025).

[108] Crosby, supra n 4 at 13.

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