

GUATEMALA - The never-ending (and incredible) struggles against Impunity: the "Genocide Trials" and the "Chixoy Dam Reparations Campaign"

April 23, 2008

BELOW: updates on two amazing and inter-related struggles against impunity in Guatemala.

* Genocide victim-survivors testify, for the first time, in Guatemala courts in the Spanish genocide case. One man giving testimony, Jesus Tecu Osorio, was an eye-witness to and survivor of the March 13, 1982 Rio Negro massacre (of 177 people);

* Genocide survivors and Mayan-Achi people forcibly evicted from their home communities in the Chixoy river basin continue with their efforts to seek justice for the massacres and forced evictions committed by the genocidal regime of the 1970s and 1980s to make way for the Chixoy hydro-electric dam project funded and spearheaded by the Inter-American Development Bank and the World Bank. The Rio Negro March 13, 1982 massacre took place in part in the context of this "development" project.

Since 1995, Rights Action has funded community based groups playing lead roles in both these efforts to seek justice and end impunity, and educated about and been involved in activism related to both these efforts.

FOR MORE INFO & WHAT DO TO: see below. To get on/ off this elist: info@rightsaction.org

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GENOCIDE CASE TESTIMONY HEARD TODAY IN GUATEMALA

April 17, 2008

[This summary was based on information from www.nisgua.com, Network in Solidarity with the People of Guatemala]

For the first time in history, a genocide and State repression survivor gave public testimony today in a Guatemalan court about the genocide committed against Maya peoples.

Jesus Tecú Osorio, a Mayan-Achi man from the isolated rural village of Río Negro, Rabinal (department of Baja Verapaz), gave an emotional testimony to a packed courtroom, with national and international media and observers present.

With the two domestic genocide cases languishing for years in Guatemalan courts, with little to no movement (due to well entrenched impunity), the courageous witnesses are finally having their day in court, as part of the "genocide case" now being heard in Spanish courts. Twenty-nine eyewitnesses and experts are scheduled to testify between today and May 6th.

Judge Eduardo Cojulun of the 11th Criminal Court is moving forward with the testimonies in support of the ongoing genocide investigation by Spanish judge Santiago Pedraz. The presentation of testimonies will continue on Monday in Rabinal.

BACKGROUND

Last December, Guatemala's highest court effectively halted the Guatemalan genocide case in Spain, expressly rejecting the principal of universal jurisdiction and ruling that the investigation led by Pedraz could not continue in Guatemala.

Nonetheless, according to the legal principle of judicial reciprocity a Guatemalan judge can receive declarations from witnesses and share them with Spain, in support of Pedraz's investigation, since Pedraz has been blocked from conducting investigations on the ground in Guatemala. In late March 2008, the Constitutional Court rejected an injunction by defendant Efraín Ríos Montt, which allowed the 11th Criminal Court to proceed.

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CHIXOY DAM AGREEMENT

By Hugo Alvarado, www.prensalibre.com

Translated by Rosalind M. Gill, for Rights Action

The Government and communities affected by the construction of the Chixoy Dam have signed an agreement to set up a reparations plan. Diego Paz, representative of the OEA, Rafael Espada, Vice-president, and Juan de Dios García, sign the agreement. The Signatories agree that:

- within nine months a report will be submitted, detailing reparations for the communities affected by the construction of the largest hydroelectric dam in the country;
- besides financial compensation, productive programmes in the areas affected will form part of the compensation;
- repairs will be carried out in some areas affected by the construction of the dam.

A reparations plan will detail compensation to be provided to communities affected by the construction of the Chixoy Hydroelectric Dam. A recently-signed agreement stipulates that demands of affected families must be met within nine months.

The Government and the COCAICH (Coordinator of Communities Affected by the Chixoy Dam) have signed an agreement which stipulates that a reparations plan must be drawn up to provide details on the extent of damage and destruction caused by the construction of the dam and the reservoir. The INDE (State Electricity Institute) has invested US\$150,000 (approximately Q1.1 million) in the investigation and is about to hire a company to carry out the work, according to Rafael Espada.

The Agreement also stipulates that representatives of the OEA (Organization of American States) will act as observers to ensure that parties to the agreement meet their responsibilities. As such, the Government will have to act on the stipulations of the agreement and will have to determine what reparations are owing to affected families.

Juan de Dios García, representing the communities, stated that 28 communities were affected by the construction of the dam. He pointed out that some of the destruction took place in archeological sites, as well as in the departments of Alta Verapaz and Quiché. He also stated that the communities claim that at least 74.5 caballerías of land were flooded by the dam and that, as a result, 5000 families were displaced and now live in extreme poverty.

MEASURES TO BE TAKEN

In September, 2004, some 800 local people staged a protest at the dam to underline the lack of respect for their rights on the part of INDE. In 2006, both parties signed a political agreement which allowed for a one-month period of dialogue to find a solution, with the OEA as observers.

Espada indicated that reparations will also include productive programmes to provide help to the communities in the area. “We should avoid future confrontation, because there will be more dams in the future, so we must arrive at an agreement”, said the Vice-Governor. García backed up Espada’s comment and stated that communities should be informed of development projects.

Construction of the Chixoy Dam and Reservoir was initiated by the Government in 1967, as a way of providing a reliable source of electrical energy.

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WHAT TO DO: info@rightsaction.org, www.rightsaction.org

WHAT IS RIGHTS ACTION?

Based in Guatemala, Rights Action (with tax-deductible legal status in Canada and USA) funds and works with community-based development, environment and human rights organizations in Guatemala, Honduras, El Salvador and southern Mexico (Oaxaca, Chiapas); and educates about and is involved in activism related to global development, environmental and human rights struggles.

TO MAKE TAX-DEDUCTIBLE DONATIONS for indigenous and community-based organizations that are working for justice and to end impunity, and to implement their own development, human rights and environment projects, make check payable to "Rights Action" and mail to: UNITED STATES: Box 50887, Washington DC, 20091-0887; CANADA: 422 Parliament St, Box 82552, Toronto ON, M5A 4N8. CREDIT-CARD DONATIONS: www.rightsaction.org.

* EDUCATION AND ACTIVISM – GOLDCORP Inc. Annual Shareholder's Meeting

Before and on May 20th, in Toronto, Canada, and Guatemala City, Rights Action – along with other groups in North America, Honduras and Guatemala, will be planning and carrying out education and activist events related to the environmental harms, destruction of local economies, and human rights violations caused directly or indirectly by Goldcorp's mining operations. For more information and to get involved: info@rightsaction.org.

* EDUCATIONAL DELEGATION - From July 7-12, Rights Action is leading an educational delegation to Honduras to investigate the territorial and human rights struggles of Indigenous/Garifuna peoples and community-based resistance to the environmental and economic harms and human rights violations being caused by Goldcorp Inc's open pit, cyanide leaching mine. If interested: info@rightsaction.org.

* 3rd SOCIAL FORUM OF THE AMERICAS – GUATEMALA, OCTOBER 7-12, 2008 - Form your own group and/ or join a Rights Action delegation to come to Guatemala around the time of the 3rd Social Forum of the Americas. More than 10,000 people from across the Americas are expected at this gathering to debate and discuss (and enjoy awesome music, art and theater) how Another World Is Possible ... And Necessary. For more info: info@rightsaction.org.

JOIN: Rights Action's listserv and newsletter lists.

CREATE YOUR OWN E-MAIL LIST: and re-distribute this and other information.

LISTEN: to the www.democracynow.org news program every day.

READ: Eduardo Galeano's "Open Veins of Latin America"; Naomi Klein's "The Shock Doctrine"; Paolo Freire's "Pedagogy of the Oppressed".

SMILE: And live to make another world is possible, everyday.