

September 21, 2009

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- Interview with Gregoria Crisanta Perez, a Mayan-Mam woman
- Article: Guatemalan government declares hunger emergency
- Article: First conviction for crime of "forced disappearance" in Guatemalan history
- Article: Guatemalan armed forces sold children of repression victims, during armed conflict

SPEAKING TOURS: "RESISTANCE TO MILITARY COUPS & GOLD MINING DEVASTATION IN HONDURAS & GUATEMALA"

In October, activists with Rights Action will be on speaking tours in Ontario, Quebec and eastern Canada, and north-east USA, showing slides and short documentaries and speaking about the on-going pro-democracy, anti-coup movement in Honduras and about indigenous and community resistance to Goldcorp Inc.'s open-pit, cyanide leach mines in Guatemala and Honduras.

- Karen Spring (spring.kj@gmail.com), in Ontario
- Francois Guindon (francois.guindon@gmail.com), in Quebec and eastern Canada
- Grahame Russell (info@rightsaction.org), in north-east USA

How to donate funds to the pro-democracy movement and what to do - See below

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CONFRONTING GOLDCORP: AN INTERVIEW WITH A GUATEMALAN ACTIVIST

by James Rodríguez (james@mimundo.org), <https://nacla.org/node/6093>

Since 2004, Canadian mining giant Goldcorp has been extracting gold from the Guatemalan highlands. Operated by Goldcorp's local subsidiary, Montana Exploradora of Guatemala, the open pit "Marlin mine" is located along the border between the municipalities of Sipakapa and San Miguel Ixtahuacán, in the westernmost department of San Marcos. Populated almost entirely by Mayan indigenous peoples, both municipalities have claimed a right to decide on the use of their land, as stipulated by the International Labor Organization's Convention 169, which Guatemala signed on to in 1997.

The Marlin project has helped spark a new wave of peasant protest in Guatemala. Local communities have overwhelmingly disapproved of the mine because of, among other things, irregularities in the company's land acquisition, the threat posed to the water

supply by mining, and the very low profits for the local economy (0.5% go to the federal government, 0.5% to the local municipality, and 99% to Goldcorp shareholders).

On May 22, 2009, hundreds of residents from San Miguel Ixtahuacán came to Guatemala City and marched on Montana Exploradora's office and the Canadian Embassy to protest the health, environmental, and social problems caused by the mine. The date coincided with the Goldcorp shareholders' meeting in Vancouver, Canada.

During the protest, independent photojournalist James Rodríguez interviewed grassroots leader Gregoria Crisanta Pérez.

A single mother from the Agel hamlet just a few miles from the Marlin mine, Pérez has been accused by Goldcorp of sabotaging its electric lines. In June, local courts issued an arrest order for Pérez and seven other local women.

Since the interview took place, the conflict in San Miguel Ixtahuacán has sharpened. Hundreds of residents burned down Goldcorp's machinery in June in response to its continuing expansion, which locals consider land usurpation.

After receiving numerous death threats, Pérez and her four young children have at the time of this writing gone into hiding with the help of the local Catholic Church.

WHY ARE YOU HERE TODAY PROTESTING IN GUATEMALA CITY?

We are here today because right now, in Canada, the shareholders and directors are splitting their profits. Meanwhile, here in Guatemala, the people of San Miguel Ixtahuacán continue to live in poverty. We have come to demand our rights. And now, at last, the people of San Miguel Ixtahuacán are starting to wake up.

WHAT IS HAPPENING IN SAN MIGUEL IXTAHUACÁN?

Since the arrival of Montana Exploradora, many problems have come up. For example, dozens of homes have large fissures along the walls due to the explosions from the mine. Our water sources and wells have dried up, and many people suffer from skin diseases, particularly welts, and some of the people who have worked for the company have died mysteriously.

These are some of the reasons we are so worried. This is why we have come today to protest in front of the Canadian Embassy. Today we are also visiting other offices here in the capital so that our voices may be heard, because many of our fundamental rights have been violated. We do not want the mining company to continue operating in San Miguel Ixtahuacán. We are here today because our rivers and wells have been contaminated. We are here also because of our natural resources. Montana is destroying our trees and forests. What we no longer want is for that company to continue damaging our communities in San Miguel Ixtahuacán.

In addition, Montana is buying more land, extending its territory. The people of San Miguel Ixtahuacán live with this tremendous worry. If these people continue buying up our lands, where are we to go?

As indigenous peoples, we live here! We do not want the company to continue buying our land, because if they do, we will be left with nothing.

So here, today, in front of the Canadian Embassy, the people of San Miguel Ixtahuacán ask the mining company to leave.

HOW DID THE CANADIAN EMBASSY RECEIVE YOU?

We were able to meet only with the Canadian ambassador . From what I understood, they claim that our people were consulted and had asked if we, Maya Mam people, accepted the mining operations in our territory. But the truth is they never consulted us. That was the first of many violations of indigenous rights against the people of San Miguel Ixtahuacán. All of us here today are witnesses that the local people were never consulted.

DO YOU BELONG TO ANY ORGANIZATION?

Well, we basically have a small organization without a name. We are just a very small group of women from the Agel hamlet who decided to organize ourselves for the sake of our children. We do this only when we have some spare time.

SO ARE YOU NOW ORGANIZING OTHERS AGAINST THE MINING COMPANY?

Since the foreigners first came to take earth samples about 10 years ago, most of us in San Miguel Ixtahuacán did not want the mining company to operate. But mostly due to fear, we had not organized ourselves. Now, however, we are getting organized and carrying out small community consultations so that the company will cease its operations.

HAVE YOU RECEIVED THREATS BECAUSE OF YOUR ACTIVISM?

Yes, I have received many threats. Even today I continue to receive direct threats from the mining company.

If it weren't for Montana Exploradora, we would be very happy in our communities of San Miguel Ixtahuacán.

WHY DO SOME PEOPLE IN SAN MIGUEL IXTAHUACÁN SUPPORT THE COMPANY WHILE OTHERS OPPOSE IT?

Montana is a very big company and has paid off many community leaders, as well as local auxiliary mayors. Also, there are the few who work for the company; obviously, they and their families support the company.

Lately, Montana has also been paying off some key neighbors in order to divide us. In my community of Agel, I know for a fact that the company has paid them 35,000 quetzals [about \$4,300] in exchange for supporting the company's operations. This community division is the main reason that I have been a victim of violence.

[Pérez claims she has been harassed and threatened directly by neighbors who have been paid off by the company. In October 2008, when this interviewer visited Pérez at her home, a neighboring family threatened everyone present with rocks and sticks, and warned the journalist never to interview Pérez again.]

What the majority of the population wants is for Montana Exploradora to leave San Miguel Ixtahuacán. We demand our rights because we do not want to be poisoned or killed violently by the mining company. We ask the government to please listen to our demands, because we are the legitimate owners of those territories. We are indigenous

people, we were born there, and we should die there. But God, not the mining company, should decide our deaths.

(James Rodríguez is an independent Mexican-U.S. photo-journalist based in Guatemala. His work focuses on documenting regional struggles involving land tenure, indigenous rights, and impunity in Central America's post-war era (mimundo.org))

RIGHTS ACTION COMMENTARY:

For information about the criminal "trials" against Crisanta and other villagers opposing the environmental and health harms and rights violations caused Goldcorp's open-pit, cyanide leach mine: info@rightsaction.org.

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GUATEMALAN GOVERNMENT DECLARES HUNGER EMERGENCY

<http://www.democracynow.org/2009/9/10/headlines#7>

Guatemala has declared a "state of public calamity" over what it calls a dire hunger and nutritional crisis. In a national address, Guatemalan President Alvaro Colom said Guatemala has suffered from climate change and the global economic meltdown.

Guatemalan President Alvaro Colom: "On one side, the inherited problem was worsened by the drought resulting from the climate change and those of the global economic crisis. Actions carried out by the government through pro-rural and cohesion social programs prevented the problem reaching more serious consequences. The government will not get lost in a discussion of technical issues. For us, one life has invaluable importance and value."

Guatemala has the world's fourth highest rate of chronic malnutrition and the highest in Latin America.

RIGHTS ACTION COMMENTARY:

The underlying causes of this dire and very predictable situation are much less "climate change and the global economic meltdown", and much more Guatemala's historic unjust economic and undemocratic political systems and its terrible land-tenure and use system. For information about NGOs and community based groups struggling for serious land and indigenous and human rights reform in Guatemala: info@rightsaction.org.

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FIRST CONVICTION FOR CRIME OF "FORCED DISAPPEARANCE" IN GUATEMALAN HISTORY

(Translated for Rights Action by Rosalind Gill [RGill@glendon.yorku.ca])

After 27 years of impunity, yesterday, the sentencing court in Chimaltenango issued the first CONVICTION FOR FORCED DISAPPEARANCE IN GUATEMALA against ex-military commissioner, Felipe Cusanero Coj, who was responsible for the disappearance of six people: Lorenzo Ávila, Alejo Culajay Ic, Filomena López Chajchaguin, Encarnación López López, Santiago Sutuj and Mario Augusto Tay Cajt, from the village of Choatalum in Chimaltenango, during the civil war.

With this conviction, the court has set historical precedence in our country. Forced disappearance was defined as a crime in 1996, but no case has ever been tried until now. This conviction underlines the resolution by the Constitutional Court that the crime of forced disappearance is permanent, as it continues to be committed while the victims continue to be disappeared.

The court's decision was based on evidence presented by the Public Prosecutor's Office and the plaintiffs in the case. Evidence included testimonies by family members who had witnessed arbitrary negation of freedom during the time of the internal armed conflict, anthropological forensic studies that demonstrate the existence of a military detachment in the area at that time and reports such as "Guatemala Nunca Más", "Memoria del Silencio" and the Interamerican Commission report.

The conviction does not violate the principle of retroactivity of criminal law and it complies with the International Human Rights Law.

The conviction called for the immediate arrest of Cusanero. He was sentenced to an incommutable prison term of 25 years for each disappeared person. The court laid out the criminal persecution procedures that the Public Ministry must now follow, given that the names of two military personnel supposedly involved in the case were mentioned during the proceedings.

This sentence is a highly important one for the thousands of victims of the internal armed conflict. It opens the road to justice for those who suffered crimes against humanity committed by the State of Guatemala through its repressive armed forces. Today a military commissioner is in prison, but there are still many more who walk freely in the streets in total impunity and they were the very ones who gave the orders to carry out the forced disappearances.

We wish to express our appreciation to the Court of Chimaltenango, the lawyers, Walter Paulino Jiménez Tixaj, Alba Delia Moscoso Linares and Neslie Guisela Cárdenas Bautista, who used the letter of the law to formulate this sentence and performed their duties as judges with integrity. This shows that there are Guatemalans in this country who do not want the crimes of the past to be repeated, who insist on recognizing the responsibility of the State and who have the humanity to bring justice to the 45 thousand disappeared people.

We also wish to recognize the contribution of the Public Ministry, which performed its role with integrity and demonstrated that when there is political will, this kind of sentence can be achieved.

We express our gratitude to the journalists from the national and international media who, since the beginning of this process, have demonstrated their commitment to the people, to freedom of expression and to the idea that a country should be provided with unbiased information.

We recognize the courage of the families of thousands of victims of the internal armed conflict who have dared to speak up and denounce the perpetrators of crimes against humanity and we encourage those who, out of fear, have not yet done so, to go ahead and speak up. And we say to all those who, day after day, must live in a country suffering from collective amnesia, imposed by the very system itself, and to those who refuse to

stay quiet any longer and fight for truth, memory and justice, to remember that, step by step, justice will be achieved. We guarantee that this ordeal of pain will never be repeated.

Today, Guatemala is an example to the world, and especially to countries in which the dignity of all of humanity has been affronted. Today we can say justice has been achieved. To quote the sacred Mayan book, the Pop Wuj, "the dawn has arrived, it is time for work to stop and for those who sustained and nourished us to appear, let us see the children, the civilized people, let humanity appear, on the surface of the earth." We will stay on this road to justice and truth, the road that leads to a life of dignity for every individual.

FOR THE RIGHT TO A JUST COUNTRY!

The families of the six disappeared people of this case.

FAMDEGUA (Families of Disappeared People of Guatemala)

CALDH (Centre for Human Rights Legal Action)

Guatemala, September 1, 2009

RIGHTS ACTION COMMENTARY:

This is a precedent setting legal case in Guatemala. FAMDEGUA and CALDH, along with the witnesses, fought a long and courageous battle against impunity and repression. At the same time, the "military commissioner" is a very low-ranking hybrid soldier-civilian, who was following orders sent down through the military chain of command. This breakthrough case, with respect to the crime of "forced disappearances", is similar to the jailing of 6 civil defense patrollers from the Achi village of Xococ for their participation in the Rio Negro massacre of March 13, 1982. Both cases are precedent setting and in both cases the "intellectual authors" of Guatemala's state repression and genocide continue to get away with impunity.

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GUATEMALAN ARMED FORCES SOLD CHILDREN OF REPRESSION VICTIMS, DURING ARMED CONFLICT

September 10, 2009, By Sarah Grainger

GUATEMALA CITY, Sept 10 (Reuters) - At least 333 children, and probably thousands more, were taken by Guatemalan security forces and sold abroad during the country's 36-year civil war, a government report said on Thursday. Soldiers and police killed children's parents, lied about how they had been found, and handed them to state-run homes for sale to adoptive parents in the United States and Europe, said the report, which was based on government archives.

The archives in the Guatemalan presidency's social welfare department show hundreds of children whose parents were killed by the army or who were forcefully taken from their families and were put up for adoption with false papers.

"Some of the people involved in organizing these adoptions made the process into a very lucrative business for themselves, and with that in mind they gave priority to international adoptions," Marco Tulio Alvarez, the report's author and the director of the archives, told a news conference.

By the end of the war in 1996, Guatemala was the second largest source of children adopted internationally after China, but numbers have dropped after the government tightened regulations in 2007.

Investigators studied 333 cases for this preliminary report into adoptions during some of the most violent years of the war, between 1977 and 1989, after the archive was opened by President Alvaro Colom last year.

Around 250,000 people, mostly indigenous Mayan Indians, died in the war between successive right-wing governments and leftist insurgents, which ended with the signing of UN-backed peace accords in 1996.

Human rights groups hope that dozens of people could be prosecuted based on the new report. There may be thousands more cases but little paperwork survives as proof.

Bernabe Gutierrez was 3 years old when his mother was killed by soldiers and his father fled to Mexico in 1980. He and his three siblings were taken by a local pastor and then split up. Gutierrez and his sister remained in Guatemala and a brother was adopted in Italy. Gutierrez' youngest brother has never been found.

"(I'm) very sad, devastated, because it's unacceptable that armed men can come into a home and take the lives of defenseless people like they did," said Gutierrez, who has been reunited with some members of his family.

Experts are also working on digitalizing and making public a massive police archive of millions of documents that were discovered, covered in dust and bat droppings, in a warehouse on the outskirts of Guatemala City four years ago.

The huge paper trail contains everything from parking tickets to arrest warrants and could help prosecute former police officers who killed activists and union leaders during the civil war.

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FOR MORE INFORMATION about and/or how to get involved in efforts to support human and indigenous rights defenders in Guatemala, and in efforts in the USA and Canada to hold accountable Goldcorp Inc, investors in Goldcorp (like the Canada Pension Plan, and numerous pension funds across North America) and other global companies and investors: info@rightsaction.org, www.rightsaction.org

TO DONATE FUNDS to indigenous and campesino groups resisting the harms and violations of mining &, hydro-electric dams, make tax deductible donations to "rights action" and mail to:

UNITED STATES: Box 50887, Washington DC, 20091-0887

CANADA: 552-351 Queen St. E, Toronto ON, M5A-1T8

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Upon request, Rights Action can provide a proposal of which community organizations resisting the harms and violations caused by mining in Guatemala and Honduras we are working with and channeling your funds to.

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