

Rights Action – February 5, 2012
Guatemala – Rio Negro/Chixoy Dam massacres trial

RIO NEGRO/CHIXOY DAM MASSACRES TRIAL IN THE INTER-AMERICAN COURT OF HUMAN RIGHTS Justice and Reparations Delayed, 30 Years and Counting

BELOW: A very moving article by Lucrecia Molina about the Rio Negro/Chixoy Dam massacres Hearing that took place June 19-20, 2012, in San Jose, Costa Rica, before the IACHR (Inter-American Court on Human Rights).

Survivors of the Rio Negro/Chixoy Dam massacres are seeking justice and reparations in the Inter-American human rights system for the illegal forced eviction, the killings of over 440 Rio Negro villagers and for other human rights violations that the Rio Negro village suffered in 1981-1982, so as to make way for the Chixoy Hydro-electric Dam, an investment project of the World Bank and Inter-American Development Bank in partnership with successive military regimes (1975-1985).

This Hearing was the culmination of a process begun in the mid-1990s, aiming to hold the Guatemalan State responsible for the massacres that killed over 440 children, women, men and elderly. The process passed through the Inter-American Commission on Human Rights and was accepted by the Inter-American Court on Human Rights. At this point, the final decision of the Court is expected in late 2012.

To date, neither the World Bank nor the Inter-American Development Bank -- that both profited from their investments in this “development” project -- have accepted any responsibility for their role in the Rio Negro/Chixoy Dam massacres, nor have they properly compensated the village of Rio Negro, and 32 other Mayan villagers that were forcibly displaced, repressed and suffered other harms and in varying degrees, by this project.

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WHAT TO DO: see below

LA AUDIENCIA DE RÍO NEGRO / THE RIO NEGRO HEARING

30 de junio de 2012

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(Translated by Rights Action)

The Rio Negro hearing on June 19 and 20th, was preceded by a Mayan ceremony led by a spiritual guide that took place in the Inter American Court of Human Rights. In an irregular semi-circle, “westerners” and indigenous, men and women, witnessed a beautiful ritual in a language I do not understand, Maya-Achí, splashed with Spanish expressions like lawyer, judges, Court, courage and strength.

In addition to us, a warm and humid breeze and a tall rubber tree accompanied the ceremony. The sun at its zenith, burning, lit up the moment from a clear, blue, transparent sky. In the center, the fire, the colored candles, the flowers, the offerings (sugar, tobacco, chocolate, myrrh and pom), all wrapped in the fragrant cloud of incense that was burned in a Guatemalan earthenware red pot, brought from a land soaked with blood.

MEETING OF FAMILY MEMBERS OF VICTIMS AND MASSACRE SURVIVORS

Throughout one afternoon and one morning, the voices of the witnesses Jesús Tecú Osorio and Carlos Chen Osorio and of the experts Michael Mörth and Rosalina Tuyuc painted, in the judicial premises, an altarpiece made of a thousand stories of misery and profound suffering. The girl raped at age 5, the boy enslaved by the military officer who stole him after killing his family, the mother who carried her baby in a wrap tied on her back, where half of his tiny body remained while the other half rolled on the floor after the soldier hacked him with a machete, the young women subjected to sexual servitude, the older brother who saw how his younger brother was strangled to death, the houses burned, the harvests destroyed, the dead animals, almost 500 people massacred – men, women, boys, girls, the elderly –, the ancestral lands flooded and under water, with the sacred places, the forest that provided medicine and other means of life, the flowers, the bees, the multicolored birds with their songs, the bones of the grandfathers and grandmothers, the life of the town of Río Negro.

For all of that, the Maya-Achís (the victims) told us that they ask the land for forgiveness, the mother who was first drowned in blood, tons of it from those almost 500 victims of the massacres, and then in water, which must have turned purple as it flooded the terrain.

The people who survived the massacres that occurred one after another in the first years of the 1980s in this locality in the north of the country, re-settled in an area called a red zone, without schools nor health services, where the “roads are ravines”, as one of the witnesses explained. The insulting and absurd paradox is that they do not have electricity, after being massacred in order to construct a hydroelectric dam.

And justice? Bad, very bad. To this altarpiece of multiplied, profound pain, the expert report added the persistence of the people, invoking justice, and their repeated collisions against a wall of stone and cement: that insurmountable, damned, impunity.

The slow and quiet voice of Rosalina Tuyuc carried the truths of the victims, regarding the way the countless repetition of physical death can bring with it the cultural death of the indigenous people. The tragic route from genocide to ethnocide is replete with countless losses of references of identity and belonging, such as the disappearance or murder of the elders, the mothers – who transmitted the language and the ancestral customs –, the fathers who were no longer there to teach their male children to work.

From this perspective, a territory is the scenario in which the life of the community unfolds, the place in which the multicolored strings of time are coiled, and the continuation of the past is weaved with the present and the future in the interminable circle of history. This place, with physical, spiritual and magical dimensions, is the place where life existed, where the Maya-Achí people of Río Negro was what it was, and would have been always, and was lost forever below the water [ed. Note: of the Chixoy Dam’s flood basin].

The strings of identity were also lost for those forced to move to other areas, to conserve the only thing left after the massacres: life. Those who survived were forced to transform themselves, to stop being who they were, to camouflage themselves, disguising themselves as others; they stopped speaking their language or their names, they stopped using their beautiful colorful clothing, and they had to leave aside their cultural practices and hide where they had been born. This is without even mentioning the situation of the boys and

girls who were “removed” from their surroundings, in terms of territory, identity and family, and were unduly appropriated by military personnel or given in adoption.

Dominga Sic was there, the girl who lost all of her family and was brought to the United States. Now she is a woman, who doesn't even speak Spanish, much less the language of her ancestors.

But life, memory and the loyalty to blood ties pushed the victims to pursue their profound need for justice and united them in the Association for the Integral Development of the Victims of the Violence of the Verapaces, Maya Achi (ADIVIMA). They were motivated to come to the Inter American System for Human Rights to achieve what our country is incapable of giving to those of us who are victims of state terrorism: the restitution of our dignity and the respect of our rights and condition of human beings and citizens, through justice and acknowledgment of the truth about what happened.

In this story, every action has an equal or contrary reaction, as occurred in the voice and conduct of the Agent of the Honorable Guatemalan State, as it is called in the language of the hearings. My ears were pained by the defiant denial uttered by the State Representative in response to the accusation of genocide pronounced by the strong and courageous lawyer who represents the victims.

The state representative's participation didn't end there. Using the court room of the Inter American high tribunal as a political platform, he reinterpreted the Inter American Convention on Human Rights in accordance with the political interests that prevail in Guatemala since January. He lectured the Court, putting in doubt their authority to typify State crimes, urging them to declare their incompetence to rule in this case, since the incident occurred before the country accepted the authority of the Tribunal.

And if that weren't enough, he affirmed – with that voice that didn't seem to want to come out of his throat – that the Maya-Achi women and men sitting on the other side of the court room hadn't come there out of their own will and decision, but were “instigated” by human rights organizations and the Inter American Commission on Human Rights, assuring that they were motivated by the interest in obtaining a high monetary compensation.

In his discourse, he did not forget to lash out at the Attorney General for belonging to a “subversive” family. He mentioned that in the “armed confrontation” -- euphemism used to cover the acts of genocide and State terrorism, in the same manner that they have prostituted the term “internal armed conflict” – there were equal numbers of deaths on both sides, in addition to the fact that they were just indigenous people killing each other in the typical Cold War scenario of the USSR versus the U.S.

The agent of the State was so intent on denying the acts of genocide that had been committed, that in response to one of the Judge's interventions, he thought he heard that word, thus he reminded him again that the Court did not have authority to hear this case nor to make any pronouncements to that end. Moreover, by his criteria the Court should have no part in any case, because it is not participative in any penal system. The cases should be left in the internal jurisdiction where the National Program for Reparations could deal with these issues.

His counterinsurgent style State discourse also included the amnesty granted by the Law of National Reconciliation decreed in 1996. From his biased point of view -- shared by those sectors interested in maintaining the impunity of the Criminal State terrorists, such as the military officers like the ex head of state Efraín Ríos Montt who is provisionally protected by the Constitutional Court that invoked the validity of that law in the causes against him for the Ixil Genocide and the Dos Erres Massacre – the judicial processes in those cases are

deemed inadmissible. That law shouldn't even have excluded forced disappearance because it hadn't been typified in the legal system when the law was enacted.

Once the hearing had ended, while still taken aback by those words, I felt them pass by me, as one feels when they leap into the void. I left the court room of the high tribunal for Human Rights with the impression that all of the roads to truth and justice merge into one spot: the abyss of impunity and the counterinsurgent truth of that tragic stage of Guatemalan history that flourished from the atrophied throat of the State representative.

Listen to the pretensions of that crushing power, inhale the air poisoned with racist, manipulating breaths, heavy with hate, that seek to destroy the hopes for justice and to find the truth about what happened to Marco Antonio, made me feel that I was close to something that was beyond me, that I do not understand, something dirty, dangerous, hidden, secret, that cannot be publicly known.

But even without that hope, I will not give up. I owe it to my brother, I owe it to my father and to my mother, I owe it to the blood, hundreds of thousands times spilled.

VIDEOS OF THE RIO NEGRO HEARING IN THE INTER AMERICAN COURT OF HUMAN RIGHTS

<http://vimeo.com/44549978>

<http://vimeo.com/44357617>

OTHER LINKS

- The Association for the Integral Development of the Victims of the Violence of the Verapaces, Maya Achi (www.ativima.org)
- The story of Dominga Sic: Denese Becker recovers her memory [La historia de Dominga Sic: Denese Becker recupera su memoria] (http://elpais.com/diario/2002/03/02/internacional/1015023615_850215.html)
- Illustrative Case Number 14 Forcible Move of Child Survivors of the Rio Negro Massacre (<http://shr.aaas.org/guatemala/ceh/mds/spanish/anexo1/vol1/no14.html>)
- Scorched Land: The Pak' oxom Massacre in Rio Negro [Tierra Arrasada: La Masacre en Pak'oxom, Rio Negro] (<http://www.mimundo-fotorreportajes.org/2009/03/tierra-arrasada-la-masacre-en-pakoxom.html>)
- Photos of the visit to the Inter American Court (http://www.oas.org/es/cidh/indigenas/actividades/paises_Guatemala2009.asp)
- Analysis of the Myrna Mack Foundation on the Amnesty Law (<http://www.myrnamack.org.gt/index.php/analisis/289-a-proposito-del-amparo-provisional-otorgado-a-efrain-rios-montt-y-los-intentos-por-perpetuar-la-impunidad-un-analisis-de-la-amnistia-en-guatemala>)

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OTHER BACKGROUND

- Public Letter to the World Bank and Inter-American Development Bank: <http://rightsaction.org/action-content/stop-delaying-reparations-plan-victims-%E2%80%9Cchixoy-dam%E2%80%9D-forced-evictions-and-massacres>

PLEASE WRITE ... to the World Bank and the Inter-American Development Bank, and keep on writing, and send copies to your own elected senators, members of congress and parliament, demanding their full financial support for a complete reparations program for the victims of their Chixoy dam project. 30 years is too long to wait for justice and reparations. The WB and the IDB must pay – along with the government of Guatemala – full reparations and compensation for all that was lost and destroyed.

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TO MAKE TAX-DEDUCTIBLE DONATIONS

for Mayan Achi communities demanding reparations & compensation for the harms & destruction caused by the Chixoy dam, make check payable to "Rights Action" and mail to:

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

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

CREDIT-CARD DONATIONS: <http://rightsaction.org/contributions.htm>

DONATIONS OF STOCK: info@rightsaction.org

FOR MORE INFORMATION IN GUATEMALA:

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