

Rights Action
October 23, 2012

A MEASURE OF JUSTICE AND REMEDY FOR VICTIMS OF THE FIVE “RIO NEGRO/ CHIXOY DAM” MASSACRES

The Inter-American Court of Human Rights has found the Guatemalan State guilty of the five Rio Negro/ Chixoy Dam massacres, and has ordered the Guatemalan State to pay compensation, amongst other actions it must take.

Below - a statement sent by Jesus Tecu Osorio, a massacre survivor and leader in Rabinal in all work for truth, memory and justice.

THANK-YOU VERY MUCH ... to so many friends and supporters of Rights Action, who – for years – have financially supported our work. Since 1994, Rights Action has funded Rabinal-based victims groups fighting and struggling for truth, memory and justice, including these massacre cases that have finally worked their way through to this sentence.

YES ... your continued financial support is needed. The struggle of the Rabinal survivors of the genocide and Chixoy Dam related massacres is far from over. See below: how to donate.

BELOW:

New film: “CHIXOY DAM: NO REPARATIONS, NO JUSTICE, NO PEACE”
Article: “INTER-AMERICAN COURT CONDEMNS GUATEMALA FOR FIVE RIO NEGRO/CHIXOY DAM MASSACRES”

MORE INFORMATION:

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(Film – 16 minutes, English with Spanish)

“CHIXOY DAM: NO REPARATIONS, NO JUSTICE, NO PEACE”

In the early 1980s, at the height of the Guatemalan internal conflict, genocide and repression, the World Bank and Inter-American Development Bank invested close to \$1 billion in the Chixoy hydroelectric dam project. Thirty-two indigenous Mayan communities were forcibly and illegally displaced to make way for the dam, and hundreds of indigenous Mayan Achi people were massacred – mainly in the

community of Rio Negro. Thirty years later, survivors are still struggling for truth, justice and comprehensive reparations.

To watch (16 minute, English and Spanish)

Youtube: <http://www.youtube.com/watch?v=xF3YI7XMNEE&feature=youtu.be>

Vimeo: <https://vimeo.com/50015125>

[Sent to Rights Action by: Jesus Tecu Osorio, jesustecu@hotmail.com]

“INTER-AMERICAN COURT CONDEMNS GUATEMALA FOR FIVE RIO NEGRO/CHIXOY DAM MASSACRES”

The Inter American Court of Human Rights condemned the State of Guatemala for the five massacres perpetrated by members of the army and civil defense patrols (PAC) in 1980 and 1982 against the Rio Negro Community in Rabinal, Baja Verapaz, and for the persecution and elimination of members of the community and later human rights violations committed against the survivors, as well as the absence of any investigation of these incidents.

Despite the present government’s intention to impede the Inter American Court from hearing the Rio Negro case, the Court considered that, even though Guatemala acknowledged the competence of the Court on March 9, 1987, and in doing so it specifically indicated that the Court would have competence for the “cases that occurred after” that recognition, under that consideration and the principle of the non-retroactive nature, the Inter American Court resolved its competence to hear the acts or incidents that were brought before it after that date of acknowledgment, that had caused immediate, continuous or permanent human rights violations.

The Court also determined its competence to hear the cases of continuous or permanent human rights violations, even if the first violations had taken place prior to the recognition of the Court’s competence, since those human rights violations continued to be committed after the recognition of competence, thus this determination does not violate the non-retroactive principle.

With that reasoning, the Court resolved its competence to hear these incidents and the presumed violations of human rights in terms of: forced disappearances; absence of impartial and effective investigation of the acts; harms to the personal integrity of the families and survivors due to the investigation of the incidents; lack of identification of the persons executed and disappeared; the “destruction of the social fabric of society”; and, forced displacement.

The Court established that their Final Ruling is a form of reparation, per se, and - in addition – the Court ordered the Guatemalan State:

to seriously and effectively investigate the incidents that originated the violations described in the present Sentence without delay, with the objective of bringing to trial and punishment those presumed responsible;

to carry out an effective search to discover the whereabouts of the victims who suffered forced disappearance, and find, exhume and identify the people who were presumably executed, and determine the causes of death and the injuries inflicted prior to death, and should implement a bank of genetic information;

it should issue the publications indicated in the Sentence;

it should carry out a public act of international acknowledgment of responsibility for the acts committed as seen in this case;

it should carry out public works in terms of infrastructure and basic services in favor of the members of the Rio Negro community that live in the Pacux colony in accordance with the terms indicated;

it should design and implement a project to protect the Maya Achi culture;

it should provide medical and psychological treatment to the victims of the present case;

it should pay the sums established for the concept of reparations for physical and immaterial damages, and for the expenses incurred in bringing the case to this tribunal; and

it should establish an adequate mechanism so that other members of the Rio Negro Community can also be considered as victims of the human rights violations declared in this Sentence and can receive the individual and collective reparations as ordered.

This ruling is yet another demonstration that the incidents occurred during the internal armed conflict cannot go unpunished. Now the Guatemalan State should investigate and bring to trial the material and intellectual authors of the barbarity carried out against the Maya Achi people.

We express our admiration towards the survivors of Rio Negro in their tireless struggle for JUSTICE.

SEE THE FULL SENTENCE AT:

http://www.corteidh.or.cr/docs/comunicados/cp_27_121.pdf

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WRITE LETTERS

to the World Bank and the Inter-American Development Bank, with copies to your own elected senators, members of congress and parliament.

While this Court decision is a major step forward in 30 years of work and struggle for truth and justice, it is unrelated to the comprehensive reparations that the government of Guatemala must give to the 32 Chixoy Dam affected and harmed communities for all that they lost, was destroyed or illegally taken from them due to the Chixoy Dam, a project of the World Bank and IDB.

Demand the complete financial support of the WB and the IDB for the reparations program. The main demand is that the WB and IDB have the responsibility to work with the Guatemala regime and provide the approximately \$150,000,000 for the already agreed upon Chixoy Dam Reparations Plan.

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DONATE (TAX-DEDUCTIBLE in Canada and the U.S.)

To support the Chixoy Dam Reparations Campaign, make check payable to "Rights Action" and mail to:

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

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

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to donate stock, contact: info@rightsaction.org

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