

Rights **Action**

www.rightsaction.org • June 2003

GUATEMALA

CRISIS, WHAT CRISIS?

As we soberly consider the state of on-going repression in Guatemala, it is crucial to understand human rights in Guatemala in a global and historic context, not only a national context. In 2001, we began an article about Guatemala: Though painful and sad, the most-recent-wave-of-repression ripping through Guatemala is not a surprise. Repression, impoverishment and racism are endemic in Guatemala, not simply ended by the signing of a final peace accord in December 1996.

Today, repression and impunity continue unabated. Amnesty International reported on May 11, 2003 (*Guatemala: Deep Cause for Concern* web.amnesty.org): “instead of improvements [in the areas of] implementation of Guatemala’s 1996 Peace Accords, human rights protection and the battle against impunity, Guatemala has experienced dramatic deterioration: virtually every major human rights organization has suffered serious abuses over [the past year], including threats, rape, torture and extrajudicial executions.”

Yet, this situation is not a crisis. Crisis suggests something different from the normal state of affairs. Impunity and repression are the normal and historically entrenched state of affairs. Democracy and respect for human rights and the rule of law would be a crisis.

Power relations in Guatemala (economic, political and military) are local, national and global in nature. The roots of Guatemala’s repression, racism, exploitation and impunity — including the years of genocide (1978-1983) — go back through centuries of European colonial racism and exploitation, and the subsequent dominance of United States economic interests and military interventions. More recently, one finds the roots of repression and impunity in the legacy of the 1954 military coup orchestrated by agencies of the US government to promote US economic investments.

Consultative group: Business as usual

The Consultative Group (CG) was set up after the signing of the final Peace Accord (1996). It is made up of countries and international organizations supposedly supporting the peace process in Guatemala. Members include Argentina, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, Mexico, Netherlands, Norway, Spain, Sweden, Switzerland, United Kingdom, USA, the United Nations, the Organisation of American States, the

continued on the following page



Thank You!

Thus far in 2003, we have channeled US\$375,000 of your funds to community and development projects in Guatemala, Honduras, Peru & Chiapas.

Guatemala

continued from page 1

Inter-American Development Bank (IDB), the World Bank (WB) and the International Monetary Fund (IMF).

Levels of poverty in Guatemala — and across the Americas — are staying the same or increasing.

The majority of financial support made possible through the CG is loans. Most projects that these loans are invested in are designed and implemented by the IDB, WB and IMF, including land market programs, the privatization of health care, education, roads, water, etc. Levels of poverty in Guatemala — and across the Americas — are staying the same or increasing.

The CG held its most recent meeting in Guatemala, May 14-15. At its last meeting in Washington, D.C., February 2002, the CG identified implementation of the Peace Accords, respect for human rights and the ending of impunity as areas in which it wanted to see progress. There has, unsurprisingly, been no progress. Indeed, the amount of loans the Guatemalan government obtained through CG members over the past year — as repression and impunity peaked was higher than previous years. The most recent meeting came and went unsurprisingly with business as usual.

Political, military and economic power in Guatemala does not come from, and almost never has come from democratic processes and relations with the people. Power comes from the military, economic, political relations that the national power-holders maintain with a range of global actors (governments, inter-government institutions, companies, banks), many of whom are members of the CG.

Democracy & human rights from below

Despite this situation, Rights Action is very proud to have your trust and financial support, as we work with and support community development and human rights organizations in Guatemala [see updated list: www.rightsaction.org] that have a local, national and global vision about the nature of the issues they are working to address and transform.

In the measure that we people — north and south — increasingly understand that poverty, repression and racism are global problems, and that we need to work together, north and south, we will continue to take the right steps forwards towards a global order based on human rights, equality and justice for all. ▶

Grahame Russell & Annie Bird are co-directors of Rights Action.

RightsAction

UNITED STATES

Rights Action
1830 Connecticut Av, NW
Washington DC, 20009
T: 202-783-1123
info@rightsaction.org

E-MAIL LISTS

If you would like to be on our e-mail list and receive regular information about the work and issues that our partner groups are addressing, let us know.

How to make TAX-CHARITABLE contributions:

Make checks payable to "Rights Action" and mail to our Washington DC office.

HONDURAS

LAND, INDIGENOUS PEOPLE AND REPRESSION

Rights Action is concerned for the safety of indigenous community development activists Marcelino Miranda and Leonardo Miranda, who are illegally imprisoned in Gracias, Lempira, since they were detained and tortured on January 8, 2003. On April 6, 2003 they were again tortured in prison by members of the Honduran elite police force, the Cobras.

This report is based on a site-visit report prepared by Tarik Perkins of Rising Roots (www.risingroots.org). Supported by Rights Action, Rising Roots computer experts and activists are working with COPINH (Civic Counsel of Indigenous and Popular Organizations of Honduras) that, as nominated by Rights Action, was a 2002 recipient of the Body Shop Human Rights Award for their courageous grassroots human rights work.

Endless terror for indigenous community defenders

The hike up the hill to where the prison of Gracias over looks the city, was physically taxing and made the walls and barbed wire of the jail more foreboding. I was accompanied by two compañeros of COPINH, one of whom is a resident of Montaña Verde, the lush and fertile terrain from where the four inmates hail.

We entered the gates and proceeded to the prison registration area. Our possessions and persons were thoroughly searched by guards. They retained a few personal items: a nail trimmer, a money clip, along with my passport and driver license. After the search, we waited in the corridors outside of the gated prison yards. A young man, who I recognized as a Miranda brother from his resemblance to other family members I interviewed in Montaña Verde, was being escorted out of the prisons in handcuffs by armed guards. It was Marcelino. He was being taken to meet with his attorney provided by COPINH.

We were led into the prison yard, where we waited. I finally met Felipe Bejarano, who has been detained in Gracias for twenty seven months, and Luis Benites, who has been there for more than fourteen. When I asked Felipe what he thought was the reason for his illegal imprisonment, and that of fellow campesinos

continued on the following page



Left to right: Felipe Bejarano, Leonardo Miranda, Luis Benites and Marcelino Miranda

Honduras

continued from page 1

from Montaña Verde, he said it was simply a case of the rich land owners trying to get them to leave their homeland.

The torture

I then spoke with Leonardo Miranda who told me that ever since the incident on January 8, 2003, when he was severely beaten and tortured in front of his wife and children [full information available: info@rightsaction.org], his memory has not been good. He delivered his account of what happened on April 9, in a whisper. At sometime around nine in the morning, April 9, two Cobra military force members terrorized him, assuring him that his days were numbered. He was beaten on his shoulders and back. Scars on his knuckles were prominent. I asked what medical treatment they had been given — just one band-aid each.



At that moment Marcelino Miranda was escorted back into the prison yard. He sat down with us. He clarified that it was actually on Sunday, April 6, and that there had been a routine prison check in which Cobra officers normally do not participate. The cell searches started at five in the morning. He confirmed that the two Cobra officers were two of the four from the previous incident on the illegal January 8 incursion into Montaña Verde.

They dragged him out of his cell, punched him in the stomach and then gun butt him in the back of his head. They kicked him and threatened to kill him right there.

They also threw Leonardo to the ground with punches and kicks. They told him to place his fingers on the curb. They began to smash his fists with a heavy steel pipe. "If he had opened his hand his fingers surely would have been cut off," explained Marcelino as his voice started to crack. The torture lasted thirty minutes in plain view of inmates from cells five and six. Five days passed before the brothers had the courage to leave their cells.

The announcement was made over the microphone. The cheers and chants got louder and louder. "El pueblo unido, jamás será vencido!"

Freedom

Marcelino assured me that their struggle for Montaña Verde land. I delivered some medication and food to the four men and left the prison yard in complete and total amazement of what I had been told. On the night of April 30, as I entered the crowded Central Park of La Esperanza, word was spreading that Luis Benitez and Felipe Bejarano were free. The announcement was made over the microphone. The cheers and chants got louder and louder. "¡El pueblo unido, jamás será vencido!" Chants, followed by celebrations, including a huge wire framed bull that launched brightly colored fireworks into the dark night sky, worn on the head and shoulders of a dancer, who leaped and pranced in a fashion reminiscent of a Chinese dragon dance. Luis and Felipe are free, but Marcelino and Leonardo Miranda remain locked away in the penal fortress that overlooks the city of Gracias. ▸

PERU

THE SEARCH FOR TRUTH AND JUSTICE

Rights Action supports a number of organizations and efforts in Peru working for truth and justice. The full report (of what is summarized here) plus information about our work in Peru are available.

Underlying causes

The Peruvian State's historical centralization of power and control in Lima created tremendous levels of economic and racial exclusion with devastating effects on the Andean peasant (Quechua and Aymara peoples) and indigenous Amazonian populations. The intertwined problems of historic racism and exploitation produced social conditions ripe for an armed revolutionary movement.

The human toll

Routinely cited figures conclude that in a country of 27 million inhabitants, some 40,000 persons were killed, 6,000 disappeared, as many as 600,000 people forcibly displaced from their home communities, and an estimated 500 villages were razed. More than 22,000 people were detained for terrorism and torture during detention was routine.

Proportioning responsibility

Efforts to proportion responsibility for the violations to the different actors are controversial. During the 1980s and 1990s, as part of a well-planned psycho-social campaign it was common to attribute 80% of the violence to the armed rebels. However, some sources in Peru now estimate that the insurgent forces are responsible for 20% to 40% of the violence with as much as 60% to 80% attributable to State forces.

Actors in the political violence

- ▶ Communist Party of Peru—Shinning Path (PCP-SL)
- ▶ Tupac Amaru Revolutionary Movement (MRTA)
- ▶ Peruvian Armed Forces
- ▶ Civil Defense Committees (CDCs)
- ▶ Police and intelligence agencies
- ▶ Paramilitary organizations


A complicity of international actors

The United States provided weapons, training and intelligence for Peruvian military and police forces during the 1980s and 1990s. Thousands of Peruvians were trained at the School of the Americas and other US military training institutions. Moreover, the Peruvian armed conflict facilitated the Fujimori government's neo-liberal economic policies, adopt[ing] guidelines of the Washington Consensus for economic reform and the State apparatus. Despite knowledge of the brutal conflict, and the diversion of international funds to development programs in emergency zones, international financial institutions

continued on the following page



Routinely cited figures conclude that some 40,000 persons were killed, 6,000 disappeared, as many as 600,000 people forcibly displaced from their home communities.



(IFIs) provided significant loans to Peru. National and international investors took advantage of the political climate to profit from privatized State services.

Anti-terrorist legislation & the police state

Although laws against terrorism predate his government, Fujimori issued legislation that violated international human rights norms. In June 2000, the Inter-American Commission published a report on Peru outlining the ways the anti-terrorist legislation (ATL) violated human rights standards. The vague definition of terrorism in the ATL allowed almost any act of violence to be defined as terrorism and allowed for arbitrary detentions that often involved torture. Police agents—not judges—formalized charges against detainees. Judges could not release those accused under ATL, even if sufficient evidence for detention was lacking—a clear violation of prisoners’ rights to presumption of innocence. Military and special civilian courts were presided over by masked judges, barring the right to a public trial and to a defense. These trials had a conviction rate of approximately 97%.

The mafia state

Fujimori’s harmful economic policies, combined with massive corruption and repression, contributed to the construction of a mafia state. Throughout the 1990s, State-owned enterprises were privatized. Funds that were not stolen or channeled into corruption schemes were used to fund social programs manipulated for political gain. A Peruvian congressional report on corruption released in June 2002 estimated that of the stolen funds, US\$1,885 million was used to arm and support the parallel mafia state.

Peru's truth commission

After his July 2001 inauguration, President Toledo formally established the CVR (Truth and Reconciliation Commission/Comisión de la Verdad y Reconciliación) that would have 18 months, extendable for five more, to complete its work. The principle objectives are:

- ▶ investigation and analysis of underlying conditions that contributed to political violence,
- ▶ investigation and clarification of the crimes and human rights violations,
- ▶ proposing plans for reparations and to prevent political violence in the future, and
- ▶ establishment of follow-up mechanisms for the implementation of the plans.

Obstacles & challenges to truth, justice & reconciliation

The deep historic divisions in Peru are key to understanding the roots of the armed conflict. While these conditions continue to exist, the success of truth and reconciliation efforts are threatened.

The psycho-social anti-terrorist campaign of the last two decades not only shapes the population’s receptiveness to the CVR’s report and conclusions, it potentially hinders a full understanding of the violence. The CVR has the potential to clarify and rectify impunity and civil society’s lack of access to a functional justice system.

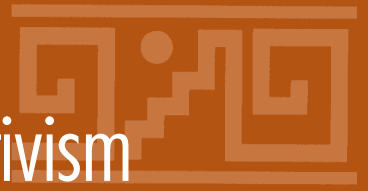
The role of international actors, particularly foreign governments and transnational entities, during the internal conflict remains uninvestigated. Development monies and other funds should be examined to verify that they were not misused or directed to fund counterinsurgency efforts.

Even during the on-going CVR investigations, the illegal and abusive ATL (anti-terrorist legislation) remains in effect, effectively prohibiting people from sharing information regarding the actions committed by the armed insurgency.

To get the full report, and for more information about the groups and efforts we are supporting in Peru, contact Rights Action.

The CVR has the potential to clarify and rectify impunity and civil society’s lack of access to a functional justice system.

Opportunities for Education and Activism



You are invited to join educational-activist trips to Mexico and Central America. You are invited to organize speaking events for community development and human rights leaders we are bringing to North America on speaking tours.

Contact: info@rightsaction.org, 416-654-2074.

Right to education: Guatemala

July 14-19 delegation to Guatemala

Participants will explore the challenges faced by community schools and educators in Guatemala, and witness dynamic education alternatives being implemented. You will examine obstacles that Rights Action partner organizations confront, firstly at the grassroots level as educators struggle to develop innovative materials, curriculum and methodology and, secondly, at the policy level, challenging education privatization schemes.

Creating global alternatives

July 15-24 delegation to Honduras

Participants will attend a week of forums, listening to and speaking with community leaders from across the Americas dealing with: The impact of hydro-electric dam projects on community development; the impact of the free-trade model of development on ecosystems and cultures; and the impact of CAFTA (Central American Free Trade Agreement), FTAA (Free Trade Area of the Americas) and the Plan Puebla-Panamá on community development, working towards a popular response to the 5th Conference of the WTO (World Trade Organization) in Cancún, México.

Enabling global activism

July 25-August 8 human rights seminar-delegation to Guatemala, Chiapas & Honduras

Participants will visit rural communities and talk with national and international human rights experts about a wide range of indigenous, development and human rights struggles in Guatemala, Chiapas and Honduras, and of how they can get involved in legal and political work to resolve the on-going violations.

De-railing the WTO

September 8-15 delegation to Cancun, Mexico

Participate in a 6-day global mobilization of education and alliance building efforts with community development and human rights leaders from across the Americas, around the 5th Ministerial Meeting of the WTO (World Trade Organization) in the resort town of Cancún, México.

Confronting & challenging impunity

September 13-19 delegation to Guatemala

International and local human rights activists will visit rural communities that suffer repression and impunity, participate in meetings with human rights groups and officials from the United Nations, Organization of American States, governments of Guatemala, Canada, USA, to focus critical attention on the forthcoming work of CICIACS (Commission to Investigate Illegal Bodies and Clandestine Security Apparatuses in Guatemala).

Truth & justice in Peru

October-November speaking tour in the United States

Rights Action will bring a leading Peruvian activist on a speaking tour to discuss efforts for truth and justice in Peru, also focusing on the situation of over 2,000 persons in Peru still incarcerated for political crimes. This tour will visit the North-East Coast and then the Midwest of the United States.

On the road to the FTAA meeting

October-November speaking tour in the United States

Rights Action will bring leading community activists from Central America on speaking tours that will begin in the New York City / Washington DC area, and end up in Miami, Florida, where the governments of the Americas will meet to formalize the FTAA Free Trade Area of the Americas.

Confronting the crimes of the past, seeking truth & justice

Educational delegation to Peru

Rights Action will organize an education delegation to Peru in late 2003, or early 2004. This delegation will focus on the local efforts for truth and justice, including the legal aspects involved in reconciliation for all Peruvians.

Supporting community controlled development • De-railing the WTO •
Creating alternatives • Enabling global activism •
Confronting & challenging impunity • Truth & justice in Peru

You are invited to join educational-activist trips to Mexico and Central America. You are invited to organize speaking events for community development and human rights leaders we are bringing to North America on speaking tours.

Details of these opportunities for education and activism can be found on **page 7**.

Rights**Action**

1830 Connecticut Av, NW
Washington DC, 20009

