

GUATEMALA & the GENOCIDE CASES

We re-distribute, here, a summary of the genocide legal case working its way through the information was prepared by Kate Doyle, Senior Analyst at the National Security Archive 1440, ext. 238, kadoyle@gwu.edu.

This is a moving and well written summary of a hugely important legal case.

In 1994, Rights Action began to fund and support massacre and genocide survivors in the mass graves where their loved ones were dumped during the worst years of 'the violence' efforts to properly rebury their loved ones with Mayan and Christian ceremony, in their eternal monuments to commemorate the lives of their loved ones.

Rights Action continues to support the community based human rights work of a number referred to below, who went to Spain to give testimony.

Since that time, we have also funded and supported efforts to hold the intellectual and repression and genocide legally accountable. This work is dangerous, often resulting in y difficult given the structures of impunity that characterize the economic and military elite sectors.

THE "ELEPHANT IN THE ROOM"

Even as justice against the principal Guatemalan authors of the repression and genocide there is even less attention on the substantial, direct and indirect roles that the United States played, particularly, as well as other governments (Chile, Argentina, Israel) and other companies) in Guatemala's repression and genocide.

In the Spanish court proceedings, expert witness Allain Nairn "extended [the] chain of command officers, intelligence personnel and civilian politicians of the United States, who – he told played a role in aiding and abetting torture, state terrorism and genocide in Guatemala

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The two national "genocide cases", that are stymied in the Guatemala courts, and the ' proceeding in the Spanish courts (as reported on here by Kate Doyle) are hugely important support. Funds and international support will be needed, for years to come, so that the particularly the witnesses and victims groups – can maintain their pressure and presence justice for the atrocities of the past.

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WHAT TO DO / HOW TO GET INVOLVED: see below.

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Monday, February 4, 2008

The international human rights case charging eight Guatemalan former military and police genocide, state terrorism, torture and other crimes began on Monday, February 4, in Madrid. Judge Pedro Pedraz presided in his chambers in the Audiencia Nacional (Spanish federal court) as lay complainants – Almudena Bernabeu of the Center for Accountability and Justice and M Asociación Pro-Derechos Humanos – presented their first two witnesses. The witnesses, with under protection of anonymity, focused their testimony on the effects of the Guatemala counterinsurgency offensives that targeted the Mayan communities in the north of the country.

witness's house was occupied, and he was interrogated and tortured. He joined resistance by 1981, he said, 90 percent of the people who had survived the Army's scorched earth policy in the mountains in hiding.

The Army used the offensives to eject the Ixil people from their territory and occupy their land. He described how the military would sweep through an area and destroy anything in its path who stayed behind, robbing their possessions, and burning their houses to the ground – in the process, the population while at the same time opening up vast tracts of land for development. The witness and his companions survived by organizing themselves into groups of resistance – what later became known as Popular Resistance, or CPRs. They lived for 16 years in the mountains above their origin until the peace accords were signed in 1996.

After the war ended, the witness recounted, he and some 400 Ixil Maya organized a program of resistance behind their experience fleeing the Army operations. The witness ended his testimony by describing the specific operations Ixil and Plan Sofia, which targeted the communities where he lived. In the effect of the counterinsurgency sweeps, the military created "Task Forces," made up of small military units all over the country and concentrating their power to destroy the Ixil communities and their people.

The second witness told the judge that he was a survivor of the Ixil massacres. The witness said the Army arrived in his town in 1978 and began a program of forced recruitment of the young men from nearby communities. He recalled the appearance in 1980 of members of the CUC (Comité Campesino – Committee of Peasant Unity), their efforts to organize the people and their families who no longer wanted to serve as migrant workers – maltreated and poorly paid – in the plantations in the south. He remembered his first encounter with guerrillas from the EGP in the Ixil massacres that followed.

In 1982, the violence ravaging his village and surrounding communities worsened. "That's not for good." They burnt the houses. They burnt the fields and the forests around them. Many people tried to flee into the mountains, the troops would pursue and kill them. The military in the village that if they wanted to live peacefully they would have to carry an Army-issue rifle. In 1982, the witness's father was disappeared by the military after he went to the local base. The witness never saw him again.

The witness and his mother and two older brothers decided to continue living in the village occupied by the military. The witness's most wrenching testimony described life inside the village living under strict rules about how much food was permitted, what clothes one could wear, and what was allowed to leave one's house. It was a hard life, in which, he said, "You had to be silent, and we were not free."

The Army forced the witness's older brother to join the civil patrols, or PACs, as his mother continued to live in the village. The authorities used a local convent as a center for internment. In mid-1982, the witness – then 10 years old – and his mother were tortured by the military and his mother raped. They survived, but decided to flee into the mountains. There, life was harsh. They escaped to the sierra, without access to their homes, their clothes, their animals or food, and the weather was cold. It was unbearable – so much so, that they finally returned to their village in 1983.

They lived under the brutal conditions of the Army occupation for years. Eventually, Dora organized, becoming a member of CONAVIGUA (Coordinadora Nacional de Viudas de Campesinos), so, she became a military target again. In 1990, the witness and his middle brother left to study human rights. While they were gone, the Army killed their mother.

The witness ended his emotional testimony with a plea for justice. He pointed out that he

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February 5, 2008

Day two of the Guatemalan genocide hearing before Judge Santiago Pedraz in Spain's continued on Tuesday, February 5, with testimony from three more survivors of the Quiché testimony from expert witness Allan Nairn, an independent U.S. journalist who wrote extensively about the Guatemalan Army's scorched earth policies in the 1980s.

The first witness described what happened to his aldea, near Nebaj, when the military began its operations in 1981. The first time they came, they kidnapped four leaders from his community. In 1982, the area was accompanied by members of the civil patrols (PACs), burning houses and destroying the witness's house was burned to the ground on May 15, 1982. He and his family moved to a remote enough that they would be safe and built a second house, but the Army found them too in December. They fled the area altogether. Neighbors who did not leave were killed. Names

The family went into hiding in the mountains. In January 1983, the witness joined the guerrillas later when he realized his wife and children were starving without him. He was able to survive with other families and planted corn, beans, vegetables and fruit trees, but the Army found them. "We had no more food," remembered the witness. "We had to eat the leaves of trees in potato and roots." The Army would pass over the areas where the communities came people also died of hunger and cold. The witness told of a clandestine cemetery organized by the communities so they could bury their dead. When the soldiers retired to their bases for the night, they would creep down from the mountains and pick up the bodies so they could bury them.

On April 26, 1984, the Army set fire to the woods where the people were hiding, and on that day captured the witness's two sons, ages 12 and 9, and forced them to march with them. He never saw them again. They also caught his mother-in-law, who was 65 years old, for her hands and feet, and left her corpse. The witness and other surviving refugees escaped the run from the Army, subject to constant attacks, bombing, and the destruction of the witness remained in the mountains until 1992. "That is the story of what we lived."

The second witness to testify said that in 1979 and 1980 his community heard tell of a guerrilla in the area of Ixcán in northern Quiché. One day in 1980, a group of people arrived in the area. They were from the EGP. They spoke of a war that would last for 80 days and put up a banner telling the people not to remove it. The Army arrived in the area shortly afterward. That is when the occupation of Nebaj began, when the soldiers began controlling who came and who left. In March or April of that year, the Army ordered the community leaders to bring all the men 18 years of age to a nearby base to get their military IDs, but when they came many of them were captured.

The witness described how the military swept through the valley, capturing and killing the those who survived to live in controlled villages, and many people fled, including him. From the Army encircled the zone, below Chiantla, from Huehuetenango, up to the Finca La Perla surrounded. The communities survived in the mountains, but when the Army saw their small farms they would destroy them. When they came upon their crops, they would destroy them; when they found the people they would kill them. The witness's grandmother died of hunger in the mountains. "We all cried because

armed forces had a program to eliminate all opposition and dissent, directed particularly at the indigenous peoples because of their history of resistance. The methods used included torture, state terrorism, and the program was executed through a strict chain of command. Much of Nairn's testimony was based on the stories told by the protected witnesses to Judge Pedraz.

Nairn gave examples of what he learned through his reporting about the Army's methods. A witness told him how they tortured people to make them talk: with a rope used as a garrote, drowning, slicing with knives, burning with lit cigarettes, beating, electroshock and mutilation. A witness standing over recently killed bodies demonstrated how he would press a wooden club against a witness's throat until he was on the edge of death as a means of persuading him to talk.

Nairn described state terrorism as the government's policy of killing civilians for political purposes. A witness told him how the people would react when troops arrived in their village: "They would run into the mountains" Nairn: "And what do you do?" "We capture some of them alive but some die." Nairn: "When they run for the mountains we have to kill them." Nairn: "Why?" "Because they could be a threat."

Nairn talked about the Guatemalan state's effort to "annihilate" the Maya. Ríos Montt suggested in interviews with Nairn that all Mayan people were potential subversives and targets of the Army. Soldiers and massacre survivors alike told Nairn that the Army was ordered to kill all Mayans they grew up to become subversives. The children were called "delincuentes subversivos." In addition to attacking Mayan communities, soldiers told him of killing their animals, burning their homes and possessions.

Finally, Nairn cited interviews with military officers confirming the Guatemalan Army's strict chain of command. Officers in the Ixil triangle, for example, told him that there were only two levels of command between themselves and Ríos Montt (during 1982 and 1983): the colonel, the lieutenant colonel, and the Minister of Defense. They reported frequently to the colonels by radio-telephone during operations and approval in advance of attacks – and kept a daily log of operations which was often critiqued by their superiors.

Nairn extended that chain of command up to military officers, intelligence personnel and the United States, who – he told Judge Pedraz – also played a role in aiding and abetting the military and genocide in Guatemala.

The last witness of the day was a former member of the civil patrols in the Ixcán in northern Guatemala. He testified as to how the scorched earth operations of the Guatemalan Army arrived in his community when he was 18 years old. Although some residents of his aldea decided to flee, his family chose to stay in what became a military-controlled village. As a result, he and his brother were recruited into the PAC. In 1983, the witness was taken as part of his group of civil patrollers to the military base in Quiché to form part of a task force with other units. His company, headed by Captain H. Maldonado, received four months of special training. "They would tell us, you have to be a family; they said that everyone living in the Quiché was a guerrilla and so we had to kill them."

The witness spoke about the military "task forces" that were created to sweep through the Ixcán, including Gumarcaj and Tigre. He participated in numerous operations with the task forces. He said that the military operated through the chain of command: from military staff to senior officers, to junior officers, and the hierarchy was always followed."

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Day three of the Guatemalan genocide case took place in the chambers of Judge Sanmore witnesses from the Quiché and the first woman witness, who testified about the Arr Alta Verapaz. Almudena Bernabeu, attorney for the complainants with the Center for Ju Accountability, questioned the witnesses.

The first man to speak was from Chajul, where the Army began harassing and killing the were massacres near where he lived, and the communities began to establish look-outs soldiers. At the beginning of 1982, the witness was watching and saw soldiers hurrying up village. He ran to the aldea and began banging on people's doors, telling them to run. I soldiers arrived and chased some people and killed them, they burned others in their ho recalled: "The soldiers surrounded the village. They were all over the village. They grabbe catechista, also the alcalde cancellar and another 8 people. Altogether 18 people died the people felt so frightened. The soldiers completely destroyed this village. The pigs, the animals, the trees with fruit – they killed all of them and cut down the plants and trees. Th were left with nothing, nothing, nothing."

The witness fled with other families and went to the mountain, where they lived for more and more troops were moving into the Ixil. In 1983, the Army built five new bases encircling when he and other refugees were trying to find food in the abandoned aldeas, the Arm took him to Nebaj in a helicopter to be interrogated. The commander of Nebaj, Otto Pé the witness and told him, "You people all deserve to die." The witness was tortured in Nel to Sta. Cruz del Quiché and tortured by men in civilian clothes carrying revolvers; he beli members of the G-2 (intelligence).

He was a prisoner of the military for many months, then he was forced to work on a finca in 1984 with the amnesty. As the witness finished his story, he said to Judge Pedraz, "Sir I v about our arrival in Spain. We're not here for the buildings and the beautiful streets. We c good offices and to bring our testimony. We want the capture of these perpetrators; an department of Quiché, but in the other parts of the country."

The second witness also spoke about the arrival of the military in his village in the Ixil and family and neighbors. The Army came into his area in waves during 1982 and 1983 from I Nebaj. His family died in August 1982 and he fled to the mountains, where he joined the Resistance (CPR) and lived for a year and a half. He was captured by the military in 1984

The third witness was 11 when the Army massacred his village. For months previously, solc nearby aldeas and questioned people, capturing some, killing others. In 1982 they came times to rape and rob the people. One day the witness, who was learning how to farm h walking home with his father when they passed a small community that seemed aband father said, Look, something happened here. We kept going, when we got to edge of o sombrero thrown in the path. My papa said, don't touch it, but we were children so we p but then we saw it was bloody inside and dropped it." They learned that the army had c they were at the milpa. They killed seven people and burned two houses down.

In March the Army came to finish off the community. They gathered the people in the pl we are going to kill all the guerrillas here." The lieutenant who commanded the troops sp chief. He forced all of the men and children into the church; the women were put in the men were called out and some were shot and killed, including his father; others were sa The witness and his brothers were among the children forced to help bury the bodies. Th people 15 minutes to gather their belongings and then they burnt his house and all the h built with reeds and leaves [as the Maya there built them] were burnt. If the house was n left them alone.

The witness was taken with other children to the property belonging to the finca "La Perl

name was Enrique Arena. He would often come with the soldiers, so he knew very well w his property. The witness said that all the finqueros were paying money to the army to pr they wanted the campesinos off the land.

The final witness was from Rabinal. She began her testimony by recounting the crimes by Army against her and her people: she was raped by soldiers in Rabinal, her husband wa her mother was burned alive inside her house, her aunt and sister-in-law were raped, and massacre in her village, where 32 people died.

The witness gave the judge the details of these crimes. She was taken to an Army base c with rope and naked for 15 days, repeatedly raped by soldiers. Her uncle finally came to her, took her out of there. "I wanted to die," she told the judge. She went to work in a wo

"Now we will never recover our land, we live in poverty. I was with my husband for 12 ye much. I feel this sadness."

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February 7, 2008

Four witnesses spoke during the fourth day of the Guatemalan genocide hearing, held in Nacional (federal court) in Madrid, Spain. The first two, both women and protected witn what happened to them and their families when the Army attacked their aldeas in Rabi third and fourth witnesses were men who have testified publicly about their experiences Jerónimo, who lost 18 family members including his wife and four children in the Plan de July 18, 1982, and Jesús Tecu Osorio, who survived the Río Negro massacre of March 13,

All of the witnesses coincided in their descriptions of the use of rape by the Guatemalan of the civil patrol to abuse and humiliate the Mayan women of Rabinal. The first witness s began showing up in her village, they camped out in front of her neighbor's house for th in front of her children.

In 1982, the witness was at home on a Sunday, market day, while most of the aldea and communities were in the market doing their shopping. That morning she heard the sounc Rabinal, and grew anxious. In the afternoon an enormous volley of gunfire broke out. The plaza, where the people were shopping. The witness was able to watch what was happ small trees in front of her house. "I saw the soldiers enter the house of my neighbor, Maric with her children. They were shooting them." She took her baby and ran into the mountc where they spent a miserable night under a tree in the cold and rain. They could hear th screaming below. Later there was a huge plume of smoke from the village and a strong

The witness returned to the aldea the next morning. "There were people outside their ho arrived in the center, I saw a huge pile of ashes and cinders, a pile of bodies, half of the square was full of blood, I saw bullet shells scattered everywhere. We went back to my h containers of water to try and put of the fire. We tried but could not put it out. It continue of the poor people burning was like burned chicken feathers." The witness left the plaza

testimony, saying she and her community wanted their rights as Maya Achí so that what would never happen again. "Thank you for listening. We have kept this story in darkness - light."

The second witness described the same massacre for the judge, but from a different vantage point. On the morning, the witness was returning home from the market with her sister, when a group of soldiers caught up with them and surrounded them. The soldiers stopped others coming down the street and pushed everyone back to the plaza, where there was an enormous group of people gathered in the square. There was a helicopter overhead, and the soldiers spoke on their radios; one of them said, "Don't worry." Three soldiers left to take the rest of the aldea's people out of their houses and bring them to the plaza. Once everyone was gathered, the troops grabbed the babies from their mothers and threw them on the ground. They forced as many people as they could into one house and the remaining people into another house, among them the witness. "They threw bombs in that other house, there were screams, people begging pardon, children crying. God help us! I was praying. Don't let us smell the poor people burning. My grandmother died there, my sisters and brothers. All night we were there."

The witness and the others heard the soldiers meeting outside their house; one said, "Even though we were carrying out the orders of the commander in Cobán. There are only a few left and we are waiting for you." The witness saved herself by hiding under a pile of corn stalks in the corner of the room. The soldiers came out and killed them with knives, and she was able to escape from the plaza by running through the trees. There she walked many miles to the house of her parents-in-law.

Juan Manuel Jerónimo, survivor of the Plan de Sánchez massacre, was the third witness to testify before Judge Pedraz. In 1982, he and his family were with his mother when someone came running to the house saying that the Army was coming. His mother urged him and his brother-in-law to flee and not to worry about their children: "You are the ones they are looking for, not us!" They left the aldea but hid near the mountains. What happened as the soldiers attacked. When they returned the next day, Jerónimo found his family in the home of one of his brothers. They were all there: his wife, four children, siblings, and his mother. They were 18 of the 184 people who died in the massacre.

Jerónimo and his brother-in-law buried the bodies of their relatives and fled. He told Judge Pedraz that he could not rest anywhere for thinking about our dead. When I thought of my house, I imagined my mother and I felt tremendous pain. The soldiers killed them. They took our animals. They cooked our chickens and ate them, without shame, as though they were the owners of our things. When they had finished, they burned our houses, including our clothes and our land documents." The witness fled to the mountains for the next three years, "but we never went far. We didn't want to leave our village."

When the witness had finished, one of the assistant lawyers asked him if in the years leading up to and after he returned in the amnesty of 1984, the military had placed any prohibitions on cultural practices. Jerónimo said yes, "They prohibited everything connected to our culture. They didn't allow us to wear traditional clothing, they prevented our religious customs. We weren't allowed to gather to pray. Our mother language was Achí, but they no longer permitted us to talk in this dialect."

The final witness to testify before Judge Pedraz was Jesús Tecu Osorio. Tecu was a child when the military was attacking the communities of Rabinal with increasing intensity during 1981 and into 1982. Many people had moved into his village of Río Negro because of massacres in the zone. The Army and the civil patrol (PAC) of nearby Xococ ordered the people to organize and told them it was obligatory to capture and kill local men suspected of subversion – but Tecu never did that, Tecu said, unlike PACs in other areas. This angered the military.

In February 1982, Tecu's parents were disappeared when they reported to the nearby base. Tecu hid with his father's military ID card (cedula). One month later, on March 13, 1982, the Army and the civil patrol came to Río Negro. Tecu recounted how they removed the women and children from their houses and took them to the base.

away, but there were too many soldiers. By that afternoon, they finished the killing. Several remained alive. One civil patroller from Xococ, Pedro González Gómez, told Tecu that he refused because González didn't have children and he wanted to give Tecu to his wife. He refused to be his brother, however, and so took the child from Tecu's arms and smashed him against some dead body. He then threw him down in the ravine with the rest of the corpses.

Teecu survived as a prisoner of González Gómez – first with the Xococ patrol, and later in 1983. Under questioning after he completed his testimony, he told the judge that he was convicted to the death penalty for his crimes in 1999. But Tecu pointed out that the Decree of Guatemala's Constitutional Court not to extradite senior military and police officers for that reason, that "the government is willing to condemn an indigenous to the death penalty, but not intellectual authors of the genocide. For that reason, we came to Spain."

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Friday, Feb 8

The fifth and last day of the Guatemala genocide hearing took place on Friday, February 8, 1999. Judge Santiago Pedraz of the Audiencia Nacional in Madrid, Spain. Testimonies were heard from three protected witnesses.

The first witness described his experiences leading up to and following the Río Negro massacre in 1982. He was a young farmer growing corn, beans, tomatoes and jocote for market, who wanted to destroy the life of his community during the regime of Gen. Romeo Lucas García. Lucan patrols, and the patrollers entered the aldeas with soldiers and harassed the residents, attacked guerrillas, captured and killed them. The witness and other men in his family began hiding for days at a time to avoid the patrols. "We couldn't work peacefully anymore. We would sow but we couldn't sow peacefully. We would take in the harvest but we couldn't eat it peacefully."

On March 13, 1982, the army and the Xococ PAC came to take away the women and children. The witness was not in the village that day but was in the mountains nearby. He learned that the army and patrollers arrived, they went into the houses and asked the women, where the children were, asked the children too, and when the children answered in Achí they would get mad. They understood Achí so that they could hide the fact that they came from the same places. The women were indigenous too. The soldiers and patrollers grabbed the women and children and killed them. Children died that day.

The witness stayed in the mountains for many months, trying to survive on the food gathered from hidden milpas. In 1983 an airplane flew overhead and dropped pamphlets saying that violence was over and there was an amnesty. The witness and his companions decided to go to the nearby destacamento (base). But he was not freed; he was arrested and tied up for three days. He was taken to the Cobán military base and imprisoned in a cell where they planned to kill. Every three days they took him out to be tortured and interrogated. After he was removed and sent into the mountains with soldiers. He was forced to carry food and later medicine. The soldiers would enter villages and pretend to give the residents medicine. The witness was a nurse, though he was not. "It was only a trick to get the people to talk." When they went to the people they would ask them the whereabouts of certain suspects. He passed four months. Eventually, he was freed and given papers saying he had collaborated with the Army.

The second witness was also from Río Negro, Rabinal, Baja Verapaz. He talked about the massacres in and around the aldea of Río Negro – five massacres in all. He talked about the government project to build a hydro-electric dam in the area [the Chixoy Dam]. The first massacre was in 1980, when soldiers and members of the Policía Militar Ambulante (a military police force) and guards for the dam killed seven campesinos who refused to leave their land; the land was

to Pacoxom, the hill where the massacre had taken place. They saw clubs, machetes, b the ground. The bodies were piled there. Everyone in the witness's family was killed: his p small children, his sister, his mother-in-law and her daughter.

The witness fled to the mountains with other survivors from the zone. They organized then so they couldn't all be killed at once. People who did not remain in the mountains were into service on the Cobán military base or imprisoned there. The witness remained in hidi

Under questioning, the witness said that Captain José Antonio Solares was the officer wh the zone. Although the government knows this and there is an arrest warrant out for him, capture him. Solares continues to receive his military pension and lives with impunity.

The last protected witness was an eyewitness and survivor of a massacre that took place Rabinal, Baja Verapaz, on July 29, 1982. He was tending to his animals on the hillside by f shots and saw soldiers and patrollers enter his house. They came out with his wife and fo members were corralled with others in a goat pen belonging to another house in the alc they were tied up and tortured, their faces and bodies cut, and then killed. The bodies w near the house; there were 27 in all. When the group of men left, the witness was able to 10 soldiers and 15 patrollers. He named all those he recognized for Judge Pedraz.

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Another World Is Possible, Everyday ...

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

EDUCATIONAL DELEGATIONS

In April (April 26-May 3) and July, Rights Action is planning educational delegations to Gt to learn more about efforts to end impunity and have justice done for human rights violoc State repression and genocide of recent past, and community-based resistance to the f mining companies. If interested: info@rightsaction.org.

EDUCATIONAL SPEAKING TOUR

In March-April 2008, Rights Action is organizing an educational speaking tour in Canada USA) on the global mining industry, the interests of North American investors, and human environmental and development harms caused by the mining industry – and Goldcorp l Mexico, Guatemala and Honduras.

RIGHTS ACTION

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

To make TAX-DEDUCTIBLE DONATIONS for indigenous and community-based organizatio justice and to end impunity, and to implement their own development, human rights an