

WORLD BANK LINKED TO REPRESSIVE, VIOLENT LAND-OWNER IN HONDURAS

Rights Action Letter to World Bank and U.S. Treasury Department

Human rights advocates tell World Bank (WB) auditors that the WB is obligated to respect the rights of the “Panama” campesino community in Honduras, who were shot at while protesting the illegal and violent land usurpations that they are suffering at the hands of the Dinant Corporation, a WB loan recipient.

- Please send letters and call the US Secretary of the Treasury, the Canadian Minister of Finance, and the Executive Directors for the U.S. and Canada in the World Bank - Contact information below.

On March 6, 2013, the Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) and Rights Action presented a brief to the Compliance Advisor Ombudsman (CAO) of the World Bank’s International Finance Corporation (IFC) in reference to an ongoing audit the CAO is conducting of a \$30 million loan to the Dinant Corporation, a Honduran African palm oil producer controlled by Honduras’ largest landowner, Miguel Facusse. The WB loan was made in late 2009, to the military-backed regime that came to power in Honduras after the June 2009 military coup, and that was engaged in widespread repression and human rights abuses against the Honduran people.

- Brief: see below

Even as the WB examines the loan, widespread violence and repression continues in the very region where the WB is invested in Dinant’s African palm production. The day before Rights Action and GI-ESCR presented the brief, Honduran security forces opened fire against a group of campesinos from the Panama farm protesting the ongoing usurpation of their land by the Dinant Corporation.

Two weeks ago, Rights Action published a comprehensive report investigation documenting human rights violations by Honduran security

forces, and private security forces hired by African palm producers, describing the murders of 93 campesinos and those perceived to be their supporters. The day the report was released, February 21, Yoni Adolfo Cruz and Ezequiel Guillen Garcia disappeared; their tortured bodies were found on February 24th.

- Link to Bajo Aguan report:

Demand that the World Bank, the U.S. and Canadian governments comply with international law and cancel the Dinant loan.

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THE GI-ESCR & RIGHTS ACTION BRIEF: WORLD BANK AND MEMBER STATES ARE OBLIGATED BY LAW TO PROTECT AND DEFEND HUMAN RIGHTS

The GI-ESCR / Rights Action brief explained that the World Bank was created as a Specialized Agency of the United Nations. As such, it is obligated by international law to further the objectives of the United Nations Charter by article 59 of the Charter, which mandates that “the creation of any new specialized agencies require[s] accomplishment of the purposes set forth in Article 55.”

The purposes set forth in Article 55 include “universal respect for, and observance of, human rights and fundamental freedoms for all.” Thus international human rights law must be used to interpret and define policies and directives of the Bank, and the Bank should defer to the agencies created to oversee compliance with international human rights law must determine if loans contribute to the violation of, or do not further the respect for human rights.

Further, “The Member States within the World Bank are legally obligated to abide by their respective human rights obligations within the context of decisions and actions taken as such Member States.” The brief concludes that the CAO must find Member States of the World Bank in violation of their respective human rights obligations with relation to violations that resulted from the Dinant Corporation loan. The CAO should find that the World Bank must ensure “that the victims are afforded just remedies and that those victims are allowed to actively, freely and meaningfully participate in any decision related to such accountability and remedies as well as any further projects aimed at development within their territories.”

SHOOTING ON THE PANAMA FARM DURING CAO AUDIT

Early in the morning on March 5, 2013, a group of heavily armed men dressed in military and police uniforms opened fire on a group of

approximately 200 unarmed campesinos from the town of Panama. Miraculously no one was injured, though bullets grazed belongings carried by 2 people. The campesinos had come to ask for dialog with the military following a shooting incident this past Saturday, March 1, in which men dressed in national police uniforms opened fire on campesinos at the same site. A journalist filming the incident was threatened with death by a Dinant employee.

According to witnesses, Dinant Corporation had begun construction of a road over a plot of land on the shore of the Aguan River that according to residents legally belongs to and has for decades been farmed by the community. However, the plot is accessed by a path through a palm plantation claimed by the Dinant Corporation.

The land on which the road is being built and the palm plantation surrounding it is reported by campesinos to form part of 200 hectares of land the community holds title to, but which over the years has little by little been taken by the Dinant Corporation as it expanded the palm plantation beyond the boundary of the Paso de Aguan/ Panama farm. Approximately 800 hectares of palm plantation was purchased under dubious or illegal conditions by Miguel Facusse, owner of Dinant, or corporations under his control, in the late 1990s.

On the morning of March 5, 2013, the campesinos had come to explain this situation to the force of approximately 100 soldiers, approximately 60 National Police and another approximately 40 security guards dressed in National Police uniforms and bearing arms which accompany Dinant corporation employees constructing the road. Police and guards in police uniforms are carrying R-15 and other automatic weapons not issued to police, in addition to the police issue weapons.

The Panama farm has been occupied by armed men dressed in police and military uniforms since February 28, 2013, when a police Land Cruiser drove over and destroyed the community's legally permitted gate, without any previous warning. The uniformed men opened fire with tear gas on the town residents gathered in the road, including infants, causing at least one child, a 28 day old baby, to require emergency medical attention in the area hospital. Tear gas was also fired directly into homes. One man reports that as his elderly mother suffered a respiratory reaction, he beseeched a man in a police uniform for medical assistance

believing she was in danger of dying, but the uniformed man replied, “Let her die, she is old.” Community members also identified dozens of private security guards participating in the operation, dressed in police uniforms.

Private security forces had not been present on the Panama farm since July 6, 2012, when the Dinant security forces, together with the Honduran military, evacuated the Panama farm after community members, accompanied by national and international human rights observers and Honduran police, discovered the shallow grave that held the tortured body of the Panama community catechist, Gregorio Chavez, exhumed later that day by Honduran forensic scientists. Evidence in Chavez’s garden, that borders the Panama farm, indicated he had been bound and drug into the farm, at that time under the tight control of aggressive and abusive Dinant security forces, on July 2, 2012.

NEW REPORT DOCUMENTS TARGETED CAMPESINO KILLINGS, DEATH SQUAD ACTIONS

According to an investigation published February 21, 2013, since January 2010, 95 members of campesino movements or those believed to be associated with them have been killed, 53 while waiting for buses riding bicycles or driving on public roads, 13 were in their homes or undisputed farmland, 10 abducted and their bodies later found, most tortured, while another 3 remain disappeared. Another 16 were killed on or neighboring land in dispute, though many of those reportedly not in the context of an eviction but also apparently in targeted killings.

Reports indicate that hundreds more have been wounded, many disabled, raped, tortured, had their homes and families destroyed. The day the report was released, February 21, Yoni Adolfo Cruz and Ezequiel Guillen Garcia disappeared; their tortured bodies were found on February 24th.

As the World Bank deliberates, the campesinos of Panama loose even more of their land at the point of hundreds of guns, and campesinos throughout the Aguan await the next victim of the violence the World Bank loan has facilitated.

QUESTIONS / COMMENTS:

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