



November 20, 2012

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Re:
**Ruling by the Inter-American Court on Human Rights on Rio Negro Massacres
Reparations for the Communities Affected by the Chixoy Dam, Guatemala.**

Dear Dr. Kim and Mr. Moreno,

On July 25, 2012 NGOs first wrote to you to draw your attention to the outstanding debt that the World Bank and the Inter-American Development Bank have to the Maya-Achi communities affected by the construction of the Chixoy Dam. We still await your response to this letter, for which we also sent a reminder on October 18th. Please find the letter enclosed again, for reference.

We are writing today to give you an update on the October 19, 2012 ruling by the Inter-American Court of Human Rights (the Court) on the **Case of the Rio Negro massacres versus the State of Guatemala** (enclosed). This case, presented by survivors of the Rio Negro massacres, was submitted to the Inter-American Human Rights Commission in 2005 in a petition calling for the Guatemalan State to be held responsible for five massacres that left 445 children, women and men of the Rio Negro village dead due to their opposition to the Chixoy Dam. The Commission accepted the case in 2008. After issuing recommendations to the government of Guatemala and soliciting the required reports, the Commission finally submitted the case to the Inter-American Court of Human Rights in 2011.

The Court resolved that it was within its jurisdiction to address the issues of human rights violations relative to: forced disappearances, lack of impartial and effective investigation (by the State), lack of identification of executed people and disappeared, and the destruction of the community's social network and forced displacement. The State of Guatemala in turn partially recognized its international responsibilities for some of the human rights violations. Among those, the violations against the right to life, right of children, rights to personal integrity and right to personal integrity.

The survivors of the Rio Negro massacres, plus another 32 communities **have also been seeking reparations for damages caused by the construction of the Chixoy Dam, which both the World Bank and the Inter-American Development Bank financed during Guatemala's civil war.** For these communities, the Court observed, the construction of the Chixoy Dam "meant shutting or cutting down the flow of the water (of the Chixoy River), which signified shutting down people's lives."

In their October 19, 2012 ruling, the Court noted that massacres like the one perpetrated on March 4, 1980 were associated with the construction of the Chixoy Dam. In this specific instance, military police arrived in the village of Rio Negro seeking a number of people who they accused of stealing food from workers of the National Electricity Institute of Guatemala (INDE), in charge of building the Chixoy Dam. Seven villagers were killed as a result of this incident. Later, two Rio Negro leaders negotiating the resettlement with INDE were called to a meeting in Chinatzul and asked to bring along the books containing the agreements that they had already made. The two leaders never returned to their village; their naked bodies were discovered several days later in Purulha, Baja Verapaz, with firearm injuries.

The Inter-American Court of Human Rights expressed their grave concern that members of the Rio Negro community are still unable to perform funeral rituals because 17 disappeared villagers have not yet been found and identified. Additionally the Chixoy Dam flooded some of the sacred sites where these rites would have been held.

The Court concluded that the construction of the **Chixoy Dam and its reservoir irreversibly changed the ancestral lands of the Rio Negro communities**, making it impossible for them to return to the way they lived before. According to the Court ruling "the resettlement meant the loss of "the relationship that [the community] had with nature, of "the celebration of traditional festivals related to agriculture and water, of the contact with their main sacred lands and burial sites, that were the cultural references of their ancestors and the history of their people..."¹ The Pacux resettlement site created conditions that have not allowed the villagers to pursue their traditional livelihoods; instead they have had to depend on unstable incomes. Basic necessities of health, education, electricity and water have not been provided in full. All of these facts have contributed to the disintegration of the social, cultural and spiritual lives of the communities. The Court found that even though Guatemala has made some efforts to resettle some of the Rio Negro massacre survivors, it has not established adequate conditions for repairing or mitigating the effects of the displacement it caused.

In a reparations negotiation process facilitated by the Organization of American States, Guatemala, the World Bank, the Inter-American Bank and the communities affected by Chixoy have spent years identifying the damages caused by the construction of the Chixoy Dam.

As a result of the negotiations, two reports were produced and endorsed by communities and the government: The Identification of Damages², and a Reparations Plan for Damages and Negative Impacts Suffered by the Communities Affected by the Construction of the Chixoy Dam (the Reparations Plan – April 2010)³. The Reparations Plan was produced, agreed upon and signed by all parties in April 2010. This set a historical precedent not only for Maya Achi communities, but also for other communities in Guatemala affected by the state-sponsored violence of the 1970s and 1980s. Nevertheless, political and economic interests have hampered the legalization and implementation of the Plan.

With this Inter-American Court of Human Rights ruling, you, Mr. Presidents, have the great opportunity to make things right. Communities affected by the Chixoy Dam deserve reparations for the damages caused by the dam, damages that were sustained as a result of their opposition to a project that was funded by your institutions. Your banks have already engaged in a process to address these issues. Now, it is time

¹ http://www.internationalrivers.org/files/attached-files/resumenoficial-casomasacresderionegro_101912.pdf

² <http://www.internationalrivers.org/resources/report-on-the-identificacion-and-verification-of-damages-caused-by-the-chixoy-dam-2473>

³ The Reparations Plan is available upon request from: <adivima@yahoo.com>

to put into effect the Reparations Plan that the Guatemalan government, the banks and communities agreed upon.

The World Bank and the Inter-American Development Bank have an outstanding debt to the Maya-Achi communities that were affected by the construction of the Chixoy Dam. We ask you to:

- **Lobby the government of Guatemala to sign the Government Agreement as agreed at the negotiations that ended in April 2010, thereby making implementation of the agreement legally binding.**
- **Agree to fund reparations for the damages caused to communities affected by the Chixoy Dam construction. The total amount agreed upon in the Reparations Plan to cover all these damages is US\$154.5 million and should come from both the World Bank and the Inter-American Development Bank.**

Affected communities are resolute in seeking reparations from Guatemala, the World Bank and the Inter-American Development Bank, and the Court's ruling is a powerful step towards gaining the justice that they deserve.

We look forward to your response.

Sincerely,

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