



InterAmerican Court of Human Rights
Case of the Rio Negro Massacres vs. Guatemala
Official Summary Submitted by the
InterAmerican Court
Sentence of Sept. 4, 2012



The present case refers to the five massacres perpetrated against the members of the community of Rio Negro executed by the Guatemalan Army and members of the Auto Defense Civil Patrol in the years 1980-82 as well as the persecution and elimination of their members and the later violations of human rights against the survivors including the lack of investigation of these events.

General context

Between the years of 1962 and 1996 there was a civil war in Guatemala that resulted in a great cost in lives, materials, institutions and morals. The Commission on Historical Record estimated that the loss due to deaths and disappeared as a result of the war was more than 200,000 people and that the Army and paramilitary were responsible for 93% of the human rights violations committed including 92% of the forced disappearances. It was within this context that the massacres in this case took place.

Massacre of March 4, 1980 in the chapel of the Rio Negro community and assassinations on July 8, 1980

On March 4, 1980 two members of the Guatemalan Army and an agent of the itinerant military police arrived at the village of Rio Negro in search of some people accused of stealing things from the workers constructing the hydroelectric dam on the Chixoy river. The members of the community of Rio Negro met in front of the chapel of the village after which there erupted an argument and apparently the agent of the military police was struck. There is a discrepancy as to whether it was this agent or his companions who began shooting into the people in the group resulting in the death of six of them while another was injured and transported to the hospital in Cobán, Alta Verapaz where he later died. The seven people assassinated were leaders and representatives of the community.

After this massacre, Valeriano Osorio Chen and Evaristo Osorio, two leaders of the community committee of Rio Negro who had negotiated the resettlement terms with the electric company were called to a meeting which would be held on July 8, 1980 in the offices of the said company located in Chinatzul, between Santa Cruz and San Cristóbal, Verapaz, with the instructions that they bring with them the books containing the agreements and promises obtained by the same. The two community leaders left this day with the intention of meeting with the electric company, nevertheless, they didn't return from this meeting and their naked bodies were found several days later in Purulha, Baja Verapaz, with wounds produced by firearms.

Massacre of February 13, 1982 in the village of Xococ

At the beginning of February of 1982 a group of armed men set fire to the market place in the town of Xococ and killed five people. The Guatemalan army associated these acts with the guerrillas and with the community of Rio Negro. As a result, the community of Xococ declared Rio Negro an enemy and broke all commercial ties that they had had. The army armed, trained and organized the people of Xococ in Auto Defense Civil Patrols who confronted the community of Rio Negro.

On the sixth or seventh of February 1982 the patrols of Xococ invited various members of the community of Rio Negro to their village in the name of the Guatemalan army. On arriving at Xococ, the people from Rio Negro became objects of punishment and recrimination on the part of the patrols of Xococ who accused them of being guerrillas and of having burned the market place. The patrols retained the identification documents of the people from Rio Negro and ordered them to return the next Saturday to reclaim them.

On February 13, 1982 some members of the Rio Negro community returned to Xococ to pick up their documents. Waiting for them were Auto Defense Civil Patrols from Xococ and military armed with clubs, sticks, ropes and machetes. They surrounded the people from Rio Negro who were there, begged money from them and then let them do their shopping in the market. About noon, the patrols from Xococ put the people from Rio Negro into a line and separated the men from the women and children. The men were taken to a cliff and then was heard a hollow sound and it was understood that they had been killed.

Afterwards, the patrols of Xococ gathered the remainder of the Rio Negro people in front of a church, tied up some of them and attacked them with clubs and machetes. Then they locked them in a building without food or water and some stayed there for two days.

The group of people from the Rio Negro community that went to Xococ consisted of approximately 70 people, mostly men but also children and women, some of them pregnant. Only two people returned to Rio Negro.

Then the afternoon of Sunday, February 14, 1982, the woman Teodora Chen escaped from her captors and walked all night towards Rio Negro arriving in the morning of the next day to tell them what happened in Xococ. She suggested to the community members that they hide themselves and because of that some people left their homes and went to live in the nearby hills. This day soldiers and patrols from Xococ arrived at Rio Negro asking in every home for the men, accusing them of having joined the guerrillas. The patrols and soldiers told the women that if the men did not appear within a month, they were coming for them (the women.)

Massacre on March 13, 1982 on the mountain Pacoxom.

A month later, about 6:00 in the morning on March 13, 1982, members of the Guatemalan army and patrols from the village of Xococ arrived at Rio Negro carrying firearms, sticks, pickaxes, ropes, wires and machetes. They went from house to house asking for the men but most of them weren't there because they had spent the night in the mountains for reasons of security. Using accusations that the reason the men were absent was because they had joined the guerrillas, they demanded that the women, including the pregnant ones and the elderly and all the children leave their houses supposedly to participate in a meeting and they emptied the village.

Later the patrols and soldiers required the people, mostly women, some of them tied by the neck or the hands, to walk approximately three kilometers up the mountain without water or food toward a hill known as Pacoxom. While walking to this mountain, the soldiers and patrols insulted, pushed, hit and

jabbed them with branches and clubs including the pregnant women and killed anyone who couldn't continue. They also made the women dance, according to them, like they would do with the guerrillas. Some of the girls and women were separated from the group and sexually violated and, according to the record, at least one of them was pregnant. Maria Eustaquia Uscap Ivoy, a minor during the time of these events, was one of the people that was taken to the hill of Pacoxom. On arriving at this place a soldier took away her brother who had carried her on his back. Later, she was led to a hill where she was raped by two soldiers and two patrols. On returning, she found that her grandmother who had arrived at Pacoxom had been killed. After this she was taken to Xococ where she was raped again in the marketplace by a patrol.

On arriving at the mountain of Pacoxom, the patrols and soldiers dug out a pit and proceeded to kill the people of Rio Negro that were there. They strangled some people using sticks and rope and others they killed with machetes or gun shots. They killed the babies and children with machetes, grabbed them by the feet or the hair to throw them against the rocks or trees until they died. Or also gathered them together in small groups to shoot all of them at once. The bodies of the people massacred were thrown into a nearby ditch or a pit that the patrols and the soldiers had dug that later was covered with rocks and branches.

At the same time, during the massacre, the patrols and soldiers chose 17 children from the community of Rio Negro to take with them to the village of Xococ. Some of the children or mothers offered themselves to the patrols to be taken in order to not be killed. After the massacres, the children were made to walk with hunger and thirst towards Xococ where some were taken by the soldiers or patrols while others were taken to a church in the village to be delivered to members of the community of Xococ. The children of Rio Negro were required to live with these people, some for two to four years and were forced to work. According to the record, some of these children were threatened and abused and were prohibited contact with surviving relatives of the massacres. Some children were forced to take on a new identity until they were returned to relatives thanks to meetings held by the municipal authorities. In addition to the 17 children mentioned, few people survived the massacre. At least 70 women and 107 children were killed.

Massacre on May 14, 1982 in “Los Encuentros”

Some of the survivors of the massacre in Pacoxom took refuge in a sacred site known as “Los Encuentros.” In this place on May 14, 1982 at approximately 1:00 pm, a group of soldiers and patrols attacked the community, shooting and throwing hand grenades. They raped several women, set fire to houses and hanged some people from the trees, or made them stand on a hot plank over a fire until they died. In this way, the patrols and soldiers killed a least 79 people. At the same time, on at least three occasions, an army helicopter arrived at the community where they forced at least 17 people to get on board. They have never been heard of again. Some of the survivors fled to the mountains where they took refuge from the siege of the army and patrols.

Massacre on September 14, 1982 in “Agua Fría”

A group of survivors of the massacres of Pacoxom and Los Encuentros fled to a village known as Agua Fría in the department of Quiché, Guatemala. On September 14, 1982 a group of soldiers and patrols arrived here and they gathered the people in a building. They shot at them from outside and then set fire to the building killing about 92 people. Only one person, the women Timoteo Lajuj López, survived the massacre as a result of the intervention of her brother who had volunteered for military service.

Life in the mountains and the resettlement of the members of the Rio Negro community in the camp Pacux

The people who managed to escape the different massacres perpetrated against he community of Rio Negro took refuge in the mountains, some for years, stripped of all their belongings, sleeping in the elements and moving continually in order to flee the soldiers and patrols who pursued them even after the massacres. Some people were killed by gun fire during these persecutions. Also the members of the Rio Negro community experienced severe difficulties in obtaining food to the extent that some children and adults died of hunger after the army and the patrols destroyed the plantings they had started. Some women gave birth in the mountains and could only register their children at a later time with false dates and places of birth to protect them.

With the passing of a strong law of amnesty in 1983, some survivors of the massacres went down from the mountains and were resettled by the government in the camp of Pacux, located behind the military establishment of Rabinal. Nevertheless, the violence against the members of the Rio Negro community continued in this place.

At least 289 survivors of the massacres of Rio Negro still reside in this semiurban camp of Pacux. Notwithstanding the efforts of the government, the living conditions in the camp of Pacux are precarious and the land is not adequate for subsistence farming. Also the resettlement implied the loss of the relationship that the community had with nature, of cessation of the celebrations of the traditional fiestas linked to agriculture and water, the loss of contact with their sacred places of origin and cemeteries that are cultural links to their ancestors and the history of their people, the loss of their leaders and spiritual guides, as well as the lack of material elements for the production of their art and music and the loss of their language, Maya Achi.

The investigation of the events

On Oct. 7, 1999 and May 28, 2008 the Court of Penal Sentencing, Narcoactivity and Crimes committed against the Environment of the Department of Baja Verapaz handed down two sentences by which two of those responsible were condemned for the events relating to the massacres of Pacoxom and Agua Fría. At the same time on Oct. 7, 1993 they completed a thorough exhumation in the village of Rio Negro at Pacoxom. They were successful in establishing the identification of three skeletons, Marta Julia Chen Osorio, Demetrio Osorio Lajuj y Margarita Chen Uscap. The 19, 20 and 21 of February of 1996 in a clandestine cemetery they exhumed the remainder of the members of the community of Rio Negro who died during the massacre of Agua Fria. They weren't able to identify the victims but they were able to determine, in spite of the deterioration of the bones, that they had been killed through violence and that recently the grave had been sacked ignoring the quantity and quality of the lost evidence. From the fourth to the seventeenth of September of 2001 they completed the exhumation of remains found in the village of Xococ. They were able to identify the victims Tereso Osorio Chen and Crispin Tum Iboy.

Reparations

The Court established that its sentence constitutes a form of reparation and additionally ordered the State:

- 1) to investigate without further delay, in a serious and effective manner, the events from which originated the violations included in this Sentence, with the purpose of judging and eventually sanctioning those presumed responsible;
- 2) to begin an effective search for the whereabouts of the victims of forced disappearances in order to find the locations, exhume and identify the people presumed executed, and the determination of the causes of death and possible previous injuries and they must implement a bank of genetic information;
- 3) to create the publications indicated in the Sentence;
- 4) to accept responsibility for the events in this case through an international public act of recognition;
- 5) to build the infrastructure and basic services for the members of the community of Rio Negro who live in the camp of Pacux in the terms indicated;
- 6) to design and implement a project for the recovery of the Maya Achi culture;
- 7) to provide medical and psychological treatment for the victims of this case;
- 8) to pay the amounts fixed for the indemnity for material and immaterial injury and for the reimbursement of costs and expenses;
- 9) to establish an adequate mechanism so that other members of the community of Rio Negro later can be considered victims of violations of human rights declared in the verdict and receive individual and collective reparations according to the orders.

The Court will supervise the entire completion of the Sentence by exercising its responsibilities and in accordance with its duties conforming to the American Convention of Human Rights and will pronounce concluded this case once the State of Guatemala has throughly completed the requirements.