



January 20, 2006

Mr. Enio Eduardo Najaro Barrios
Juez de Primera Instancia Penal Narco-Actividades y
Delitos en contra del Ambiente
Alta Verapaz, Cobán
Guatemala
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The undersigned would like to express deep concern over the criminal charges pending since 2004 against nine leaders of the communities affected by the construction of the Chixoy dam. The nine leaders- Juan de Dios García, Carlos Chen Osorio, Antonio Vasquez Xltumul, Santiago Fernández, Juno Santiago, Victor Leo Colorado, Domingo Sis Rafael, Felix Alonso Raymundo, and Miguel Picón- are represented by Guatemalan counsel, and the U.S.-based international law firm of Winston & Strawn, LLP, a firm with 900 lawyers around the world.

In September 2004, following decades of inaction in response to the communities' legitimate demands for consideration of their claims arising from the construction of the Chixoy dam, thousands of community members staged a brief peaceful protest at the dam site. A document signed by representatives of the Government and the Instituto Nacional de Electrificación (INDE) at the conclusion of the protest expressly stated that no damage to persons or property had resulted from the protest. And in that same document, the Guatemalan Government and INDE agreed to the creation of a verification commission to consider the communities' claims for reparations for the damages suffered as a result of the construction of the Chixoy dam. The document was signed by nine community leaders, and the demonstrators dispersed peacefully.

Despite the lack of harm and the peaceful agreement and disbursement of protestors, criminal charges were thereafter lodged by INDE against nine community leaders who had signed the agreement. The Government of Guatemala and INDE have thus responded with political persecution of the leadership of the communities at the same time that they have agreed to consider the claims of those communities. This course of action gives, at the very least, an appearance of impropriety and sends a very negative message to the world about the Guatemalan Government's concerns for social justice and the human rights of its citizens, and is likely to bring unwanted consequences for Guatemala's relations with other nations and international institutions.

The negotiations process initiated by the Government, INDE, and the affected communities is a very positive step, and appears to have been undertaken in good faith. The World Bank and Inter-American Development Bank's participation in this process is also a very positive development. The Verification Commission held its initial meeting in Guatemala City with full participation of all parties for the first time on December 13, 2005, with the communities represented by another U.S. based international firm, Holland and Knight, a firm with 3,000 lawyers in thirty offices around the world.

The undersigned fully support the negotiations process, and are hopeful of a successful resolution for the communities and the Government. For all the above reasons we would like to respectfully request that the charges against the community leaders are dismissed. Until the criminal charges are dismissed, there will be a pall over the negotiations that threatens the very legitimacy of the process.

Sincerely,

Monti Aguirre
Programa America Latina
International Rivers Network

Lewis Gordon
Project Director
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cc

Presidente de la República de Guatemala
Vice Presidente de la República
Presidente del Congreso de la República
Fiscal General de la Nación
Procuraduría General de La Nación
Presidenta del Organismo Judicial
Fiscal de Cobán
Comisión de Derechos Humanos del Congreso de la República
Banco Mundial
Banco Inter-Americano de Desarrollo
Instituto Nacional de Electrificación
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Corte Interamericana de Derechos Humanos
Comisión Interamericana de Derechos Humanos

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