



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2001/NGO/45
23 January 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-seventh session
Item 17(b), of the provisional agenda

PROMOTION AND PROTECTION OF HUMAN RIGHTS:
HUMAN RIGHTS DEFENDERS
SCIENCE AND ENVIRONMENT

Written statement*/ submitted by the international treaty council,
a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 January 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

b) Human Rights Defenders

The International Indian Treaty Council and its Guatemala affiliates Defensora Maya and Comité Campesina del Altiplano report the situation of Guatemala to this Commission. We begin with the assassinations of José Alfredo Quino, age 29, and María Elena Mejía, age 21, Director and Secretary, respectively, of CORCI, a Guatemalan Indigenous organization primarily dedicated to the peaceful resolution of disputes arising from the return of Indigenous refugees. They were assassinated on July 20th, 2000 by six hooded men armed with Galil rifles, solely used by the Guatemalan military.

On July 7, 2000, Mr. Domingo Sequec Sunún, council member of the Municipality of Concepción, indigenous leader and member of the organization Cívico “La Luz del Cambio” was assassinated under similar circumstances.

The characteristics of these assassinations, the perpetrators, their methods and armaments, all lead to the conclusion that governmental para-military groups are again operating in Guatemala, and are directing their attention to Indigenous human rights defenders.

Our delegation also brings to the Commission’s attention, the kidnapping and interrogation by unidentified men, of Mr. Celso Balban Argueta. He is a CALDH human rights promoter involved in the investigation of clandestine mass graves of victims of the recent genocide in Guatemala, was kidnapped and interrogated on September 4, 2000. The heavily armed men also looted and sacked the Guatemala City offices of the Association of Families of the Disappeared, and terrorized its staff and leadership.

Death threats have been received against Nobel Laureate Rigoberta Menchú Tum and others involved with the complaints recently filed by various Guatemalan Indigenous leaders and organizations, in the Spanish Courts. Numerous death threats have also been directed against Indigenous leader Ms. Rosalina Tuyuc, founder and President of CONAVIGUA, the Widows' National Coordinating Committee of Guatemala, and a past Guatemalan Congressional representative.

Whole communities who defend their rights are at risk in Guatemala. On September 19, 2000, agents of the Ministerio Público, a Guatemalan Ministry, judges, and members of the National Police assigned to the Department of Quiché, arrived by helicopter at the indigenous communities of Xachboj, Chaxá, Santa Rosa, Cimientos Chajul, San Marcos Kumlaj, all of the Mayan Ixil Peoples in the Department of Quiché. They informed the Indigenous communities that they had an order of removal of these communities from their lands, which were now “owned” by the company Navalija.

The communities refused to leave. Early in the morning of September 20, 2000, National Police and Guatemalan military, in a show of force clearly intended to threaten and intimidate, concentrated in the central plaza of Chajul, Quiché, where the communities were peacefully meeting.

In September 2000 The International Indian Treaty Council filed an urgent communication to the Rapporteur on Extra-judicial, summary or arbitrary executions, addressing the assassinations of Jose Alfredo Quiño and Maria Elena Mejia, but to date we have received no response. The IITC urges the Commission's Rapporteur on Extrajudicial Executions to prioritize an investigation into these incidents, and the increased intimidation and violence against Indigenous Human Rights defenders in Guatemala since the installation of the new government of President Alfonso Portillo.

d) Science and the Environment

Indigenous Peoples are disproportionately impacted by exposures to Persistent Organic Pollutants (POPs) on a global level, depriving them of their health, development, reproductive capacities, means of subsistence and right to practice their cultures, religious ceremonies, and traditional ways of life.

IITC and its affiliate, the Indigenous Environmental Network recognize the breakthrough by the 5th Intergovernmental Negotiating Committee for an International Legally Binding Instrument for Implementing International Action on Certain Persistent Organic Pollutants last December in Johannesburg, South Africa, where language for a Treaty on POPs was finally approved. The Treaty now supports elimination and the precautionary approach, strongly advocated by Indigenous representatives and NGOs.

Elimination language blocked attempts by states to establish trading systems whereby an increase dioxin releases from some sources and reduction of others, might result in a "a net decrease." This cynicism was precisely what the United States and a few other industrialized states proposed at the 6th international conference on global warming at the Hague last November. The IITC deeply regrets the ongoing efforts of industrialized countries to protect destructive industrial practices at the expense of the global environment as well as the health and human rights of all Peoples

The POPs Treaty requires all Parties to "regulate with the aim of preventing the production and use" of new pesticides and industrial chemicals which have POPs properties (toxic, persistent, bioaccumulation, long range transport). Since the Treaty contains no mechanisms to insure industry responsibility, state parties will need to exercise maximum responsibility and vigilance to monitor compliance and full participation of industries, including multi-national corporations.

The IITC calls upon member states of the Commission to ratify without delay the POPs Treaty and all of its provisions so that it can enter into legal force, taking into consideration the well-documented human rights impacts of the proliferation of Persistent Organic Pollutants. The IITC also urges states to adopt implementing legislation at the domestic level in order to become full parties to this important international Treaty.

Finally, again with regard to science and the environment, our delegation draws the Commission's attention the Nevada Test Site, located within Newe Sogobia, (Western Shoshone) ancestral and Treaty lands, 65 miles northwest of Las Vegas, Nevada.

The United States and Great Britain conducted 1,000 full-scale nuclear explosions there, leaving the landscape barren and contaminated before the 1992 Comprehensive Test Ban Treaty banned any further testing. Since that time, the US Department of Energy has continued to conduct "sub-critical testing" to "demonstrate" whether nuclear weapons components such as Plutonium and Uranium will develop problems as they age. As of October 1999 only the US and Russia acknowledged that they engage in "sub-critical" nuclear testing.

Yucca Mountain, a sacred mountain to the Western Shoshone Peoples is situated there. The US now proposes a dumping ground for the US high-level nuclear waste at this site despite the protests of the Western Shoshone Nation. Studies on environmental impacts of this project have revealed that storage at Yucca Mountain is fundamentally unsafe due to active fault lines and an extremely high water table, which has been leaking into the nuclear storage tunnel within the mountain.

Corbin Harney, Western Shoshone elder and spiritual leader, requested that we present this message directly to the Commission members at this session:

"I'm going to talk a little bit about the Test Site, the Test Site where the Nuclear Energy Department have said one time that they weren't going to test any more. But they continue to test every month but they are not telling the public nothing about what they've been doing...We, as a people are a guinea pigs for the Department of Energy. So far we are running out of things like water for one. All the berries that used to be out there for the animal life is not there, the birds.

"Yucca Mountain is not something that they should be putting the nuclear rods into. High-grade nuclear rods, they put thousands and thousands of rods into it. Now the tunnel is hot, it's going to get hotter because the water's leaking into the tunnel and what are they thinking putting nuclear rods in it? When it gets hot what's going to happen to that mountain?

"So I would say to you people it's for you to bring this attention to the world that we are suffering from the DOE, what they have been doing to us...We already began to witness a lot of different things that the DOE has been doing so this is the reason why we, as a native people, I would say we have suffered. Enough is enough.

"We don't have clean water anywhere throughout the world. Some places the world is now suffering for water. Let's not let this continue. Let's think about the younger generation, what they going to be doing in the future. So this is something that I'd like to say to you, I really appreciate what you are going to do, so that way we all connect ourselves together as one people. Let's not think we're different from each other. We're not. We're on one world here all of us. We're drinking that same water around the world."...

Our delegation notes the mandate of the Commission's Rapporteur on Toxic Dumping and urge the Commission to enlarge her mandate in order to full examine the effects of nuclear waste on human rights and fundamental freedoms.
