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International Tribunal
On Genocide in Central America

Planning Document #1
DRAFT PLAN OF ACTION
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OVERVIEW

Within the sub-continental region of Central America and Mexico eight states were formed following three hundred years of colonization by the European states of Great Britain and Spain. During the 19th century, the former colonies achieved independence resulting in the formation of the states of Mexico, Guatemala, Belize, Honduras, El Salvador, Nicaragua, Costa Rica and Panama.

This region that had come to be occupied by eight states was not without an original population. Indeed, even as the colonies were formed, and subsequently achieved the status of independent states more than fifty self-governing nations with a history of territorial occupation extending over 9000 years engaged in what is now a four hundred year struggle with the colonial states, their colonies and with the successor states. The patterns of struggle between the indigenous nations, european states, colonial populations and the successor states have ranged from direct violent confrontation, to benign coexistence and to periodic times of violent confrontation again.

During the last fifteen years (1970-1986), the Central American Region has experienced renewed violence following a period of sporadic violence and benign coexistence. Indeed, the intensity of violence within the region has reached new levels verging on a near total break-down of state institutions and open warfare between state governments, competing rebel forces challenging state authorities and indigenous nations. In a document promulgated by the U.S. based National Congress of American Indians in 1982 the climate in Central America was described in this way:

The more than fifteen million indigenous peoples located within the asserted boundaries of Panama, Costa Rica, Nicaragua, Honduras, El Salvador, Belize, Guatemala and Mexico constitute majority populations within their respective territorial enclaves.

The majority of Central American Indigenous peoples retain their own cultural practices, their own native languages and internal political systems, and have maintained their distinct group identity despite Spanish and British colonization of their territories and subsequent formation of eight . . . states by Spanish and British descendants.

Over the generations, rival groups of Spanish and/or British descendants have met in violent confrontations to control the various state governments which have in turn, formulated laws or used violence to confiscate indigenous lands and natural resources for the direct benefit of a minority of wealthy, landed families.

Thus forced off of their rich lands into less productive lands, indigenous populations in Central America and Mexico now occupy the last remaining parts of their original homelands.

During the last twenty-five years, indigenous territories now occupied, have been found to contain vast amounts of petroleum, gold, nickel, timber and other raw materials of economic importance to the wealthy, landed families; and of significant strategic importance to the industrial states of North America and Europe.

The current violence in Central America reflects a resurgence of rivalries among non-indigenous groups seeking to hold or gain control over the instruments of state government to gain ultimate control over newly found wealth in the remaining indigenous territories. In the course of resurgent violence, acts of genocide and ethnocide are being committed against indigenous groups. Indigenous populations are caught between the rival forces as a 'third political force' which holds ideals and aspirations, values and political views in opposition to non-indigenous rivals." (NCAI Resolution No. 3-82: 1.0)

Allegations of state sponsored and rebel force sponsored genocide against indigenous peoples have been repeatedly made throughout the course of the last fifteen years. Sporadic reports of massacres, torture, forced military service, land seizures, arbitrary arrests and imprisonments, population relocations, and systematic attacks on civilian populations within indigenous nations by state governments and rebel forces have been issued by indigenous nations themselves, numerous international nongovernmental organizations, and religious groups. For each of the first four sessions of the United Nations Working Group on Indigenous Populations testimony has been presented by representatives of indigenous nations and nongovernmental organizations detailing specific instances of genocide against indigenous nations in Central America. The Organization of America States has issued a report on the situation of the Miskito Nation, Sumo Nation and the Rama Nation revealing evidence of genocidal practices against these nations. And at its Fourth

General Assembly held in Panama in 1984 the World Council of Indigenous Peoples adopted a resolution calling for the convening of an International Tribunal on Genocide against Indians in Guatemala and Nicaragua.

The weight of ever increasing allegations and reports of instances of genocide being committed against indigenous nations in Central America and Mexico by states governments and non-state rebel forces is heavily laid on the table of public opinion. Yet, despite the growing record of escalating genocide in Central America and Mexico no state, international state organization or other responsible party outside of indigenous nations themselves has given official recognition to the allegations and charges made to date concerning genocide against indigenous nations. This condition exists despite the extensive allegations and reports, and despite the passage of the Convention on the Prevention and Punishment of the Crime of Genocide by the United Nations General Assembly in 1948; and the incorporation of this convention in the domestic laws of signatory states which includes many of the states in Central America.

No party to the Genocide Convention has invoked Article VIII of the Convention which authorizes that Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III . . . (of the Convention). This despite the frequent submission of allegations and reports to United Nations Organs.

No party to the Genocide Convention has invoked Article IV which asserts that Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals. Again, no action under the existing convention has been taken by responsible parties despite public allegations and authoritative reports of acts of genocide being committed against indigenous nations in Central America.

Trial of persons charged with the crime of genocide is provided for under Article VI of the Genocide Convention relying upon a competent tribunal of the State in the territory of which the act was committed But, again despite the charges made and reports of crimes issued no state within Central America has taken such action. The Convention further provides for the establishment of such international penal tribunal as may have jurisdiction . . has been invoked by a state or other responsible party. The Genocide Convention is silent on the question of creating a tribunal.

Absent the explicit or even conditional willingness of states parties to the Genocide Convention to convene a tribunal to bring to trial those persons alleged to have committed the crime of genocide against various indigenous nations in Mexico and Central America the nations of Sami, Haudenosaunee, Shuswap have decided to take the initiative with the support and assistance of various non-governmental organizations including the National Indian Youth

Council, Cultural Survival, Anthropology Resource Center, Indian Law Resource Center, Center for World Indigenous Studies, Institute for the Study of Genocide, Sami Institute and the Jewish Documentation Center.

That there is sufficient evidence to warrant the convening of a tribunal goes without question. The trial of individuals and institutions is contemplated to determine guilt and/or culpability. An International Tribunal on Genocide in Central America and Mexico will be convened in the Spring of 1987 hosted by the Sami Nation in cooperation with the Parliament of Norway.

PROJECT SUMMARY

The Nations of Sami, Shuswap, and Haudenosaunee have joined together to convene an International Tribunal on Genocide in Central America in accordance with the natural law of nations to consider allegations and charges lodged against individuals and institutions for the crime of genocide against indigenous nations located within the boundaries of the states of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, and Panama . In support of this effort the assistance of the Jewish Document Center (Vienna, Austria), Center for World Indigenous Studies (Snoqualmie, USA), Sami Institute (Sweden), Institute for the Study of Genocide (New York, USA), Indian Law Resource Center (Washington, DC, USA), Anthropology Resource Center (Washington, DC, USA), Cultural Survival (Boston, USA), and the National Indian Youth Council (Albuquerque, USA) has been secured to perform organizational and technical preparations for the Tribunal over a nine month period beginning in July 1986 and ending in March 1987 when the International Tribunal on Genocide in Central America will be convened in Oslo, Norway.

The Center for World Indigenous Studies will function as the Tribunal Secretariat and provide facilities for a Fourth World Documentation Center which will combine to support the organization and execution of the International Tribunal. Two working groups (Working Group on Investigations and Working Group on Documentation) including participation from convening nations and supporting organizations will be formed in the early stages of the project to identify allegations, charges and defendants; and to identify witnesses for the prosecution. A Tribunal Steering Committee Chaired by a representative of the Haudenosaunee Nation and including participation from the various organizational support groups will be formalized to guide organizational and tribunal implementation efforts throughout the nine-month period.

A panel of twenty-five eminent authorities on human rights and international law will be impanelled as the judiciary for the Tribunal.

The findings and judgements of the Tribunal Judiciary will be made public in the form of a Tribunal Report which will be transmitted to indigenous nations and states directly as well as the competent international organizations and non-government organizations. Following the Tribunal's conclusion, the Fourth

World Documentation Center will continue to function as the instrument by which the Tribunal's judgements will be impressed upon competent authorities within states and among international organizations for implementation.

PURPOSE:

The purpose of this initiative is to create in the short-term a forum for the competent consideration of charges and allegations of genocidal crimes against indigenous nations located in the region of Central America and Mexico and the rendering of judgement on the guilt or innocence of parties charged; and the creation of an ongoing long-term international capability of monitoring and documenting the extent to which the crime of genocide is being committed against indigenous nations in Mexico and Central America and elsewhere in the world.

GOALS:

To organize and conduct an International Tribunal on Crimes of Genocide in Central America and Mexico and to establish an ongoing Fourth World Documentation Center concerned with the recording of events, allegations and charges of genocide and the active bringing to trial of those parties charged with the crime of genocide against indigenous nations.

OBJECTIVES:

Organize and conduct short-term and long-term fund raising to support the conduct of an International Tribunal on Genocide in Central America.

Organize fund raising to secure up to \$64,304 US by July 30, 1986.

Organize fund raising to secure up to \$200,000 through a "Pennies for People Campaign" beginning July 15, 1986 and ending March 10, 1987.

Establish organizational linkages between the International Tribunal Steering Committee and key Indigenous Nations and State organizations and governments to arrange facilities and protocols at a tribunal site by September 1986.

Establish procedures and methods for identifying and securing potential and actual witnesses by July 30 1986.

Establish a working group of "investigators" charged with identifying, interviewing and documenting potential witnesses by August 1986 made up of 5 investigators who will conduct their inquiries from August through February 1987.

Identify, interview and document up to ten witnesses for each potential "case area" with initial emphasis being placed on the Maya Nation (to be concluded by November 1986), the Pipil Nation (to be concluded by January 1987 and the Miskito, Sumo and Rama Nations (to be concluded by February 1987).

Secondary emphasis will be placed on Paya in Honduras, Monimbo in Nicaragua, Boruca in Costa Rica and the Guaymi and San Blas Kuna in Panama. Emphasis will be placed on the Zapotec and Mixe in Mexico. Final determinations of actual witnesses will be made by February 1987.

Establish a working group on documentation with no more than five individuals and define the methodologies for documentation (contained in a Documentation Center Plan of Operation) using a computerized database by August 1986.

Design data collection and data format methodologies by August 15, 1986.

Design Final Tribunal Report Format Document by the end of September 1986.

Organize a database network by October 15, 1986.

Formalize site location, on site support, and facilities for the International Tribunal by October 1986.

Formalize Tribunal process and procedures by January 1987.

Formalize Tribunal Judiciary Panel by February 1, 1987 with up to twenty members.

Conduct four Tribunal Steering Committee Progress and Planning Sessions with an organizational meeting in New York, NY in late June 1986, a Progress Review meeting in September 1986, a further Progress and Final Scheduling Meeting in January 1987 and a Final Scheduling meeting in late February 1987.

Schedule and make final arrangements for Tribunal and witness transportation to tribunal site by mid February 1987.

Conduct the International Tribunal on Genocide in Central America by March 20, 1987.

Prepare, publish and circulate the Final Report on the International Tribunal on Genocide in Central America by May 20, 1987.

BUDGETS & EXPENSES SUMMARY

It is anticipated that for the period from June 1986 through March 1987 costs associated with the development and conduct of the International Tribunal on Genocide in Central America will be an estimated \$301,416. This overall cost is distributed across six functional categories as follows: Administration (\$16,151 [5.36%]), Fund Raising (\$56,900 [18.88%]), Tribunal (\$129,579 [42.99%]), Documents Center (\$32,614 [10.82%]), Witness Preparations (\$34,222 [11.35%]), and Tribunal Steering Committee (\$31,951 [10.60%]). The bulk of these costs (59.22%) will be expended during the last three months of the project period (January, February and March).

Expenditures by Budget Category are anticipated to include: Personnel (\$71,716 or 23.79%), Consultants (\$10,500 or 3.48%), Travel (\$163,000 or 54.08%), General Expenses (\$56,200 or 18.64%).

Personnel costs cover employment of a full-time Coordinator, full-time Assistant Coordinator, part-time Researcher and a part-time Administrative Assistant and Secretary. Consultant costs are anticipated to include expenses for interpreters and translators as well as temporary experts. Travel includes a primary expense for witnesses and judges who will participate in the Tribunal, Steering Committee travel to planning meetings and the Tribunal and staff and investigator expenses for fund-raising, witness preparation and organizational linkages. General Expenses include costs for supplies, copy/duplication, postage, equipment leasing for core operations and the tribunal, telephone and telegraph, accounting services for audits and expenses associated with the publication and distribution of a final Tribunal report.

FUND RAISING STRATEGY

The International Tribunal and the Fourth World Documentation Center are anticipated to receive the majority of funding support directly from indigenous communities and indigenous governments (73%). The remainder will be secured from the Jewish Documentation Center (its own fund-raising activities), Churches, individual contributions from "non-indigenous", state citizens, and non-governmental organizations.

Indigenous communities the world over will be invited to make individual and small group contributions in amounts ranging from the equivalent of one cent (US) to one dollar (US). While all indigenous communities, families and individuals will be invited to participate in what will be known as the "PENNIES FOR PEOPLE" campaign to support the International Tribunal on Genocide in Central America, primary emphasis will be placed on indigenous nations in the South Pacific, North America, Central America, South America and Western Europe. The "PENNIES FOR PEOPLE" will have to reach in excess of 550,000 people to raise an estimated \$200,000 (US). Accordingly, the fund raising campaign will be organized at the community level to invite individual and family contributions. To organize this campaign it is estimated that seed funding will have to be \$47,415 (US) or 16.667% of the total projected to be raised.

Funding raising efforts aimed at securing support from non-governmental organizations, churches, indigenous governments and non-indigenous individuals are expected to require \$9486 (US) or an amount equal to 11.24% of the \$84,397 (US) designated to be raised.

The Jewish Documentation Center is anticipated to assume the costs for raising its contribution to the Tribunal.

The funds required to raise \$244,516 (US) to support the Tribunal and the Documentation Center will be \$56,900 (US). This sum combined with the \$244,516 (US) equals the total budget of

\$301,416 (US) currently projected.

Forty-one percent of the projected budget is anticipated to be spent between June 1986 and December 1986. Fifty-nine percent of the projected budget is expected to be spent during the last three months of the project. In accordance with these projections, Operational and fund raising support amounting to \$64,304 (US) must be secured within the first three months of operation. After this period an average of \$40,000 must be raised each month to cover monthly operational costs and to support the ballooned expenses near the end of the project period.

INDIAN NATIONS WITHIN CENTRAL AMERICAN STATES

(Nations in boldface type suggested for testimony at the Tribunal)

Guatemala:

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23 MAYAN NATIONS -- genocide, massacres, murder,  
torture arbitrary arrests, forced  
military service, army bombings,  
destruction of villages, forced  
relocation, displaced populations,  
international refugees, denial of  
asylum.

Pipil  
Black Carib

Belize:

~~~~~

MAYA (MOPAN AND KEKTCHI) -- ethnocide, paraquat
spraying, land invasions.

Black Carib

Honduras:

~~~~~

Pipil  
Lenca  
Jicaque  
Chorti  
Miskito  
Sumo  
PAYA -- seizure of land, appropriation of resources,  
ethnocide.

El Salvador:

~~~~~

PIPIL -- genocide, massacres, murder, torture, arbitrary
arrest, forced military service, army bombings,
destruction of villages, displaced populations,

international refugees, denial of asylum.

Achi

Nicaragua:

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Monimbo -- forced military service, land expropriation, appropriation of resources, displaced peoples.

Subtiava

Sumo

Rama

MISKITO -- genocide, massacres, murder, torture, arbitrary arrests, forced military service, seizure of lands, appropriation of resources, army bombings, destruction of villages, forced relocation, displaced peoples, international refugees, denial of asylum.

Costa Rica:

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BORUCA -- seizure of lands, appropriation of resources, ethnocide, denial of fundamental rights.

Chirripo

Quepo

Panama:

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Bayano Kuna

Bribri

Choco

GUAYMI -- dispossession, imposed roads, pipeline, Cerro Colorado copper mine, Teribe-Changuinola hydroelectric project, arrests and imprisonment.

SAN BLAS KUNA -- The Kuna have their own Indian-run autonomous nation, including lands, waters and resources. What the Kuna have is a goal for most other indigenous nations.

|             | 1985 Total Population<br>Claimed by State | 1985 Population of<br>Indigenous Nations | % of Indige-<br>nous Peoples |
|-------------|-------------------------------------------|------------------------------------------|------------------------------|
|             | ~~~~~                                     | ~~~~~                                    | ~~~~~                        |
| Guatemala   | 8,000,000                                 | > 4,200,000                              | > 50%                        |
| Belize      | 200,000                                   | 20,000                                   | 10%                          |
| Honduras    | 4,400,000                                 | 350,000                                  | 8%                           |
| El Salvador | 5,100,000                                 | 1,025,000                                | 20%                          |
| Nicaragua   | 3,000,000                                 | 150,000                                  | 5%                           |
| Costa Rica  | 2,600,000                                 | 25,000                                   | 0.1%                         |
| Panama      | 2,000,000                                 | 120,000                                  | 6%                           |
|             | -----                                     | -----                                    | -----                        |

25,300,000

5,890,000

23%

- \*\* The collective Indian population in Central America is greater than 50% of the member states of the United Nations.
- \*\* Yet within each Central American state and internationally, indigenous nations have no political representation, with the exception of the San Blas Kuna Nation.
- \*\* Almost six million people -- Indians -- are the survivors of 500 years of genocide in Central America. But, today, these six million survivors are threatened by the same genocide that exterminated their forefathers: European wars and conquest, death and invasion, seizure of lands, theft of resources.
- \*\* The Indian population of Central America is larger than the population of Israel.

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