

UA 90/02

Extrajudi**GUATEMALA**Cecilio Méndez Hernández (m)

Other workers on the Lanquin II banana plantation

Killed: José Benjamín Pérez Gonzáles (m), aged 21

Land activist José Benjamín Pérez Gonzáles was killed on 8 March. According to other peasant farmers who were present, he was wounded by a police officer, and then shot and killed by a local rancher, known to be a paramilitary leader. However, the police have charged peasant farmer Cecilio Méndez Hernández with his murder. Local sources fear there will be more violence.

Pérez and Méndez claim and had been farming plots of land on the Lanquin II banana plantation, in Morales, Izabal Department. The Guatemalan banana company BANDEGUA has been offering Lanquin II's lands to local cattle ranchers: the ranchers are anxious to gain control of the lands, and are reportedly threatening and harassing the farmers.

On 8 March around 70 farmers, walking in a large group for safety, were on their way to spray their crops. Some ranchers passed them in a truck, and then returned with around 30 armed men, who blocked the road. Police arrived and charged the farmers, who fled. Farmers who saw what happened say that José Benjamín Pérez was first shot in the back as he fled by a police officer, then shot again at close range by a known paramilitary leader as he lay wounded on the ground. Police arrested Cecilio Méndez Hernández, and charged him with the murder and possession of an illegal weapon.

Some 500 banana workers staged a protest on 11 March, demanding the release of Cecilio Méndez and calling for the real culprits to be brought to justice.

BACKGROUND INFORMATION

BANDEGUA is the Guatemalan subsidiary of the multinational fruit producer, Del Monte Fresh Produce. In 1998 Hurricane Mitch destroyed the buildings, equipment and infrastructure of Lanquin II and other Guatemalan plantations.

Apparently in order to avoid having to pay rebuilding costs or to be responsible for them in case of other such natural disasters, BANDEGUA now wants to sell the Lanquin II plantation to local cattle ranchers, and pay them to grow and package bananas.

The company is said to already be leasing the disputed lands to the ranchers, and before it can definitively sell the land, BANDEGUA must remove around 350 peasant farmers who claim they have the right to cultivate plots on Lanquin lands under an earlier collective agreement reached by their union, SITRABI. In 1999, in a bid to weaken the union, BANDEGUA broke the agreement by illegally firing 918 banana workers, 350 of them those who claim the plots on Lanquin II lands.

A few months after the peasants had been fired, armed ranchers were among the gunmen who took over a hall where SITRABI was meeting to protest against the dismissals. For their own safety, the union's leaders were forced to resign, and later fled the country.

Local peasant organizations have been attempting to resolve the conflict peacefully, and in 2000 BANDEGUA agreed to award the illegally fired workers

some compensation and not to turn over land to any of those involved in the takeover of the union hall.

Local peasant groups also claim that the Lanquin II land actually belongs to the Guatemalan government, not BANDEGUA. Under the 1996 Peace Accords, state-owned land was to be "used to promote the peasantry's access to land" ("*promover el acceso de los campesinos a la propiedad de la tierra*" which the peasants understand to mean that it should be distributed to them.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish, English or your own language:

- expressing grave concern that José Benjamín Pérez González was shot dead while police were present, on 8 March, on the Lanquin II banana plantation in Izabal, after he was wounded by a police officer and urging the authorities to bring those responsible to justice;
- expressing concern that Cecilio Méndez Hernández has been arrested for the killing, and urging that if investigations prove him innocent as claimed, he be immediately released and compensated for wrongful arrest;
- urging the authorities to protect the dismissed BANDEGUA workers who have remained on the Lanquin II lands, to ensure their safety until the dispute is settled;
- urging the authorities to prevent further violence by addressing the issues raised by the Lanquin II land conflict as soon as possible, reminding them that under the 1996 Accord on Socio-economic Issues and the Agrarian Situation, part of the Peace Accords, the government is to "develop an integrated strategy in rural areas that will facilitate the access of peasant farmers to the land and other productive resources, offer judicial redress and promote the resolution of conflicts." ("*Que en el área rural es necesaria una estrategia integral que facilite el acceso de los campesinos a la tierra y otros recursos productivos, que brinde seguridad jurídica y que favorezca la resolución de conflictos.*")

APPEALS TO:

Minister of Agriculture, Livestock & Nutrition
Sr. Leopoldo Sandoval Villeda
Ministerio de Agricultura, Ganadería y Nutrición
Ministerio de Agricultura Ganadería y Nutrición
Edificio Monja Blanca, 7^a Avenida 12-90 Zona 13
Ciudad de Guatemala, GUATEMALA

Fax: + 502 332 8302

Salutation: Dear Minister/Señor Ministro

Director of Land Fund (Established under the Peace Accords to administer public finance for the acquisition of lands for "Re-ordering land use," [*reordenamiento territorial*] promoting a "transparent" land market, etc)

Señor Director,
Fondo de Tierras
7 Avenida 8-92, Zona 9,
Guatemala City, GUATEMALA

Fax: + 502 334 6373/334 6376/334 2422

Salutation: Dear Director/Señor Director

COPIES TO:

Comité de Unidad Campesina (CUC)
31 Avenida A 14-46 Zona 7,
Ciudad de Plata II Guatemala, GUATEMALA
Tel/Fax:+ 502 434 9754
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and to diplomatic representatives of Guatemala accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 6 May 2002.