

Guatemala: Land of injustice?

Appeals cases

In January 2004 a new government, headed by President Óscar Berger, came to office. The new administration began a widespread policy of resolving land disputes by systematically evicting *campesinos* (rural workers) occupying land. Between January and November 2004, 36 evictions took place, more than half of which were violent. In its final report, the UN mission for Guatemala, MINUGUA, created to oversee the implementation of the 1996 Peace Accords,¹ noted: “[T]he change in Administrations also brought with it a troubling increase in forced, sometimes violent, evictions of squatters, a trend that gave the impression of undue deference by the Government to the demands of landowners.”

Since President Berger came to office, thousands of rural families, most of them occupying land to protest against alleged violations of their labour rights or living on disputed land, have been evicted from their homes. During many evictions security forces have used excessive force, resulting in the destruction of homes and property, beatings and other ill-treatment, and some killings. The evictions have also been marked by inadequate provision of basic safeguards, including alternative housing and food. In some cases, those being evicted also resorted to violence, resulting in deaths and injuries on both sides.



Injustice in rural areas of Guatemala was identified as one of the major contributing factors to Guatemala’s internal armed conflict (1960-96) during which approximately 200,000 people “disappeared” or were extrajudicially executed. As MINUGUA noted in its final report: “Extreme poverty and income inequality, skewed land distribution, state abandonment of the rural areas and the exclusion of the rural population from political and economic decisions were among the root

causes of the armed conflict”.

The internal armed conflict left a legacy of violence, repression and increased landlessness for many rural communities. Over a million Guatemalans were displaced. Many thousands spent decades in refugee camps before attempting to return to their villages or being relocated to different areas.

The 1996 Peace Accords, as well as formally ending the internal armed conflict, included key commitments from the government on land issues. It provided a comprehensive framework for resolving agrarian disputes and addressing the underlying causes of rural poverty, inequality in the

President Oscar Berger signs a document in March 2004 presented to him by the indigenous and *campesino* movement, demanding he fulfil his electoral promises regarding agrarian disputes © AI

¹ The 1996 UN-brokered Peace Accords, signed between the guerrilla group, Unidad Revolucionaria Nacional Guatemalteca (URNG), Guatemalan National Revolutionary Unity, and the government, formally ended Guatemala’s 36-year internal armed conflict. The Peace Accords are 13 separate agreements negotiated and signed between 1994 and 1996. All agreements came into effect on 29 December 1996 with the signing of the final Agreement on a Firm and Lasting Peace.

distribution of land, and exclusion of Mayan peoples from the political process. The government agreed to policies aimed at solving long-term problems related to land, notably by enforcing labour laws in rural areas, increasing land ownership for *campesinos* (rural workers), establishing judicial and non-judicial mechanisms for the resolution of land disputes, and improving access to justice for *campesinos*.

If implemented, the Peace Accords would have constituted a significant contribution to the resolution of agrarian disputes. However, Amnesty International (AI) believes that little progress has been made. In the case of labour protection, for example, the Peace Accords state that the government will “ensure that labour legislation is effectively applied in rural areas” and will pay “urgent attention to the abuses to which rural migrant workers, casual workers and day labourers are victim”. In 2003 the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples noted that in Guatemala basic rules relating to pay, security of employment or working conditions for rural workers fell short of international standards, and that the situation had not improved since before the internal armed conflict.

Land inequality is acute in Guatemala. In 2000, 1.5 per cent of the population occupied nearly two-thirds of land in Guatemala, while 94 per cent of the population occupied less than one-fifth of the land. Rural households in Guatemala constitute 77 per cent of all households considered poor and 93 per cent of those are considered extremely poor. The decline in coffee prices from 1999 led to some 108,000 job losses as farmers laid off workers. In such circumstances, agrarian disputes are common. In December 2005 the government agency for the resolution of land conflicts reported 1,052 pending cases of agrarian disputes across Guatemala.

AI believes that failure to resolve the underlying causes of agrarian disputes will prevent rural communities from exercising their right to a decent standard of living, including adequate food and housing. This effectively leaves them in poverty and vulnerable to violence.

The case studies included in this document illustrate different types of agrarian disputes in Guatemala. While the specific context of each dispute differs, the common factor is the abdication of responsibility by state authorities for the rights of *campesinos*, in contrast to their forceful and efficient response to the demands of wealthy landowners. *Campesinos* often face insurmountable obstacles when trying to reclaim their unpaid wages and other labour entitlements (annual bonuses, paid holidays and redundancy payment) or to legalize ownership of land they have lived on for generations. However, the full weight of the law and judicial system is often used to enforce evictions and defend landowners’ interests.

All the appeal cases are covered in more detail in AI’s report, *Guatemala: Land of Injustice?* (AI Index: AMR 34/003/2006), published in March 2006.

GUATEMALA APPEAL CASE

Two track justice system: the case of the Nueva Linda farm

In September 2003, Héctor Reyes, a union leader and administrator on the Nueva Linda farm, went missing in mysterious circumstances near the port of Champerico, Retalhuleu, South West Guatemala. The farm owner and the head of the farm's security were subsequently identified by the police as the main suspects. The following month some 200 *campesinos* from the Nueva Linda farm and the surrounding area occupied the farm to protest against the lack of investigations into the suspected abduction. Eight months later, on 31 August 2004, they were forcibly evicted. A number of police and *campesinos* were killed, including three minors. Thirty months after the abduction of Héctor Reyes, his fate and the circumstances in which he went missing are still unknown.

In the early morning of 31 August 2004 around 1,000 police officers assembled near the Nueva Linda farm.

"We never imagined the force they would use."

Ramiro Segundo Castillo

The first line of police was unarmed. As they advanced, three policemen were shot and killed in disputed circumstances; another policeman later died of his wounds. Eight *campesinos*, including three minors, were also killed. *Campesinos* as well as journalists covering the event were beaten and threatened by police agents. Several journalists also had their video cameras seized after allegedly filming extrajudicial executions and beatings by police. All the homes, including contents, were burned by the police.



Photographic evidence taken by journalists shows police officers beating a *campesino* © private

According to a report by the Guatemalan Human Rights Ombudsman's office, 17-year-old Jacobo Vicente Elias was shot in the head and lower back while lying on the ground surrounded by police.

Sixteen-year-old David Natanael, who had come to the farm with his mother, Julia Cabrera (see photo below), to sell fruit and vegetables, was also reportedly shot in the back as he ran away from the police in fear. His mother was reportedly grabbed by the hair, beaten and forcibly taken to the police station. Her baby was taken away and not returned for two days.



Julia Cabrera in the police station where she was detained for 11 days, before being released due to lack of evidence. © Jacqui Torres

Following the eviction, instead of sealing off the area as a crime scene, the farm was formally handed back to its owner. The next day the farm owner reportedly cleared all the debris using heavy equipment, thereby destroying much of the forensic evidence.

Two-track justice system

Judicial authorities acted quickly to evict the *campesinos* from the Nueva Linda farm. In contrast, both the investigations into the abduction of Héctor Reyes and investigations into the violence – including allegations of extrajudicial executions

- committed on the day of the eviction have been painfully slow.

Héctor Reyes was last seen when he was picked up at dawn on 5 September 2003 by the farm's head of security, ostensibly to run an errand. The police subsequently identified the farm owner and head of security as the main suspects in the abduction. The Prosecutor overseeing the case ignored numerous requests by the police to obtain a search warrant for the premises and vehicles belonging to the farm owner and his bodyguard. It was not until six months after the abduction that a test to detect traces of blood was carried out on the truck in which Héctor Reyes was taken away on the morning he disappeared.

Likewise, investigations into all the deaths during the August 2004 eviction have produced virtually no results. The results of forensic tests on the bodies of those killed were limited and inconclusive. For example, reportedly the Assistant Public Prosecutor's preliminary conclusions were that 77-year-old Anastasio López was beaten to death and then buried. However, the official autopsy was inconclusive as to the cause of injury and death. To date, only two arrest warrants have been issued in relation to the

violence on the day of the eviction; both are for *campesinos*.

Violence and intimidation continues

Following the eviction some of the evicted *campesinos* returned and camped along the main road which cuts through the farm. As well as calling for investigations into the abduction of Héctor Reyes they are also demanding that the authorities investigate the deaths that occurred during the eviction. On several occasions they have reported being intimidated. In November 2004 shots were reportedly fired into the air by security guards in an attempt to evict the *campesinos* who had returned. In January 2006 another alleged attack by security guards against *campesinos* protesting outside the farm resulted in four *campesinos* being wounded.

Investigations into both the abduction of Héctor Reyes and acts of violence, including allegations of extrajudicial executions during the August 2004 eviction have produced no concrete results. After two and a half years, the fate of Héctor Reyes is still unknown. There have been no convictions for the killings or violence committed during the eviction.

TAKE ACTION!

→ **Write to the Guatemalan authorities and the Guatemalan embassy in your country:**

- calling on the authorities to investigate the destruction of property, beatings and deaths that occurred during the August 2004 eviction;
- reminding them that they are obliged to follow rigorously the guidelines established by the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions in their investigation of the 11 individuals killed during the eviction. Also request that appropriate technical, especially forensic, expertise is sought to ensure a thorough investigation into all the killings;
- calling on the authorities to investigate and review the conduct of the Public Prosecutor's Office in its investigation of the abduction of Héctor Reyes;
- calling on the authorities to end the practice of forced evictions and to promote the just and fair resolution of ongoing agrarian disputes in Guatemala.

Appeals to:

President of Guatemala: Presidente de la República de Guatemala, Licenciado Oscar Berger Perdomo, Casa Presidencial, 6 a. Avenida, 4-41 zona 1. Ciudad de Guatemala, Guatemala, Fax: +502 2239 0090.

Attorney General: Fiscal General de la República, Juan Luis Florido, 8a. Avenida 10-67, Zona 1, Tercer Nivel Antiguo Edificio del Banco de los Trabajadores, Ciudad de Guatemala, Guatemala, Fax: + 502 2251 2218

Copies to: Asociación de Comités de Desarrollo Campesino (CODECA): 10ª calle A, 5-39 zona 2, Mazatenango, Suchitepéquez, Guatemala, Telefax: +502 78721545

GUATEMALA APPEAL CASE

Demand for labour rights ends in eviction: the case of Chitocán community

On 5 May 2004, 52 Q'eqchi indigenous families who for several generations had lived and worked picking coffee on the Chitocán farm were forcibly evicted from their homes. For two years the families had occupied part of the Chitocán farm in the municipality of Cobán, Alta Verapaz, in an effort to pressure their employers to pay them many years worth of their labour entitlements – annual bonuses, paid holidays and redundancy payment.

Magdalena Chub was preparing breakfast with her eight children when she was evicted. She watched as the police set her home alight. She lost not only her home, but also her clothes, chickens and stores of maize.

“They burned the only things we had.”



During the eviction police set alight to the communities homes © MINUGUA

Fleeing for their lives

In the early hours of 5 May 2004, over 500 police officers came to evict the families. The community was not notified of the exact day of the eviction. Community members described how the police began by firing their weapons and tear gas into the air and then advanced on the homes. The community fled in fear for their lives. One woman (see photo below) said after the eviction:



“I saw them burn my home and it hurt me. I cried when I saw them burn all my clothes. I now only have what I am wearing.”

© MINUGUA

A government report states that, during the eviction, private individuals hired by the farm owner set fire to the community's homes. Homes in two neighbouring communities outside the area authorized in the eviction order were also burned down.

Fifteen years on and still waiting for justice

The origins of the present conflict began in 1990 when the community went to their local Labour Inspectorate, in an attempt to reclaim unpaid labour entitlements for their work on the coffee plantation. Their entitlements included annual bonuses, paid holidays and redundancy payment.

In September 1998 the majority of the workers were made redundant. They received no redundancy payments.

The community also allege that the farm owner denied them access to a road across the farm, forcing them to sell their surplus crops to her rather than at a nearby market at a higher price. In March 2002, the dispute culminated in the murder of a lawyer acting for the community, a community leader and a neighbouring farm owner, all of whom were trying to resolve the dispute peacefully. Four individuals, including the farm owner himself, were subsequently sentenced to between 25 and 50 years in prison.

In April 2002, after occupying part of the Chitocán farm, the new farm owner offered the community 22 hectares of land in exchange for the amount owed to them in unpaid wages and labour entitlements. The community rejected the offer as the land was insufficient and the farm owner could not demonstrate legal ownership of it.

Unfulfilled promises

After the eviction in May 2004, the farm owner offered to sell them land in one of her other properties, Choctún farm. According to the

community, lawyers representing the farm owner threatened them with another eviction if they did not accept the offer. The families agreed and moved into the Choctún farm on 21 May 2004. The agreement stipulated that government agencies would fund the land purchase.



Q'eqchi indigenous rural workers who were evicted in May 2004 from the Chitocán farm in May 2004 photographed in their new community "New Israel" (Choctún) for which they still have no formal title.
©AI

In 2005 the farm owner began to collect rent payments from the community, allegedly to put pressure on the government to speed up the process of buying the land. The community paid the first two months, but have since refused to pay.

To date the 52 families have not been made the formal owners of the land in Choctún as funding has not been secured. The unpaid labour entitlements have still not been paid.

No investigation has been carried out into the abuses carried out during the 5 May 2004 eviction.

TAKE ACTION!

→ Write to the Guatemalan authorities and the Guatemalan embassy in your country:

- calling on the authorities to investigate the destruction and violence during the 5 May 2004 eviction;
- reminding them of their obligation, as outlined in the 1996 Peace Accords, to provide appropriate legal support to the community to secure their unpaid labour entitlements;
- calling on the relevant authorities to take the necessary steps to secure legal ownership rights for the community on the Choctún farm;
- calling on the authorities to end the practice of forced evictions and to promote the just and fair resolution of ongoing agrarian disputes in Guatemala.

Appeals to:

President of Guatemala: Presidente de la República de Guatemala, Licenciado Oscar Berger Perdomo, Casa Presidencial, 6 a. Avenida, 4-41 zona 1. Ciudad de Guatemala, Guatemala, Fax: +502 2239 0090

Attorney General: Fiscal General de la República, Juan Luis Florido, 8a. Avenida 10-67, Zona 1, Tercer Nivel Antiguo Edificio del Banco de los Trabajadores, Ciudad de Guatemala, Guatemala, Fax: + 502 2251 2218

Minister of Agriculture: Ministro de Agricultura, Ganadería y Alimentación, Ingeniero Alvaro Aguilar Prado, 7 Avenida 12-90, Zona 13, Edificio Monja Blanca, Ciudad de Guatemala, Guatemala, Fax: (502)2332-8302

Please send copies to:

Coordinadora Nacional Indígena y Campesina (CONIC) en Cobán: 8ª Avenida, 04-12, zona 3, Cobán, Alta Verapaz, Guatemala (no fax number)

GUATEMALA APPEAL CASE

Flawed judicial proceedings: Santa Inés community facing third eviction

Eight Q'eqchi and Mam indigenous families who form the Santa Inés community in Alta Verapaz are facing another eviction. They have already been evicted twice from their homes - in November 2002 and July 2005 - after claiming the right to live on what they believe to be vacant land. A local landowner, however, has also laid claim to the land, a claim that three local government agencies have found to be flawed. Members of the community who have been most active in challenging the eviction have received death threats and attempts on their lives.

On 7 July 2005, 255 police officers arrived without warning to evict the Santa Inés community from their homes, and then destroyed their houses. They had been evicted once before, on 27 November 2002, but soon returned as they had nowhere else to go.

A justice system loaded against the poor

In 2001 some 15 families established themselves in Santa Inés, claiming that the land had been vacant for 40 years. Soon after their arrival, however, a local landowner, who owns seven different pieces of land in the surrounding area, claimed ownership of the same land. Subsequent investigations by three different government agencies confirmed that she was in fact occupying land that did not belong to her.



The Santa Inés community in Alta Verapaz returned to the area after being evicted on 7 July 2005 © AI

Despite this, the Public Prosecutor's Office asked the local judge to issue orders for the families to be evicted, as well as arrest warrants for several members of the community for the crime of "usurpation" (attempting to seize land illegally).

Efforts to find peaceful solution thwarted

From 2001 onwards the community and its lawyer requested that relevant government authorities clarify ownership of the contested land. Prior to the last eviction, the lawyer acting on behalf of the community formally requested that "before continuing with the criminal process it should be established if it is the community that is usurping the property of [name] or if it is [name] who is usurping the lands of the Santa Inés community".

Despite the confirmation by various government agencies of irregularities, the failure of the alleged owner to prove ownership and the confirmed existence of vacant land (which automatically belongs to the state) in the area inhabited by the Santa Inés community, the local Public Prosecutor's Office has reportedly requested another eviction order. The eviction is still pending.

Threats and intimidation

In addition to the arrest warrants issued for several members of the Santa Inés community, other members have received death threats as a result of their work in support of the community. José Félix Ja'jalal, a member of Santa Inés community and executive committee member of a regional *campesino* organization, the Union of Rural Organizations of Alta and Baja Verapaz (UVOC), reported to the authorities that a bounty was being offered by the landowner to kill him and the director of UVOC, Carlos Morales. In April 2005 Carlos Morales had to flee his home town and spend a month in hiding, under the protection of the Human Rights Ombudsman in Guatemala City, after it was learned that men were searching for him in the local area, allegedly

to kill him. During 2004 he had to move house four times, in fear for his life.

The same evidence that was used to justify the first two evictions and which was found to be seriously flawed by three government agencies is now being used to justify a third eviction,

demonstrating a lack of impartiality on the part of the Public Prosecutor's Office and local judge.

Investigations into the death threats have been minimal. No investigations have been carried out into the allegations of destruction of property during the two evictions.

TAKE ACTION!

→ **Write to the Guatemalan authorities and the Guatemalan embassy in your country:**

requesting that no further evictions are carried out prior to the clarification of the ownership of the land in question;

calling for an independent investigation into intimidation against members of the Santa Inés community and the Unión Verpacense de Organizaciones Campesinas (UVOC), and that the results be made public;

requesting investigations into allegations of destruction of property during the two evictions of the Santa Inés community and that the Regional Tribunal Supervisor (*Supervisora Auxiliar de Tribunales*) conduct a review of the legality of the judicial proceedings leading up to the eviction order itself;

calling on the authorities to end the practice of forced evictions in Guatemala and to promote a just and fair resolution of ongoing agrarian disputes in Guatemala.

Appeals to:

General Tribunal Supervisor: r de Tribunales: Supervisor General de Tribunales, Lic. Javier Oswaldo Alegría Díaz, 6ta Avenida 4-83, Edificio Torre Marfil, 2do Nivel, Zona 10, Ciudad de Guatemala, Guatemala, Telefax: +502 2248-7000

National Civilian Police in Cobán: Policia Nacional Civil, 1a. calle 1-18, Colonia Chi Cho Choj, zona 5, Cobán, Alta Verapaz, Guatemala, Telefax: + 502 7951 2222 Address

Public Prosecutor's Office: Jefa de la Fiscalía de Sección de Derechos Humanos , Rosa Maria Salazar Marroquin, 7a. Avenida 11-20, Zona 1, Segundo nivel, Ciudad de Guatemala, Guatemala, Fax: + 502 2230 5296

Attorney General: Fiscal General de la República, Juan Luis Florido, 8a. Avenida 10-67, Zona 1, Tercer Nivel Antiguo Edificio del Banco de los Trabajadores, Ciudad de Guatemala, Guatemala, Fax: + 502 2251 2218

Copies to:

Unión Verpacense de Organizaciones Campesinas (UVOC): Colonia los Angeles, calle cementerio, Santa Cruz, Alta Verapaz, Guatemala.

GUATEMALA APPEAL CASE

Eighteen years of struggle: the case of Soledad Sayaxut community

On 27 April 2004, 60 police officers evicted some 30 indigenous Q'eqchi families who make up the Soledad Sayaxut community, located in the municipality of San Pedro Carchá, Alta Verapaz. The community has lived on what it believes is vacant land for several generations, working the land communally. Neighbouring landowners, however, have also declared themselves owners of the same land. An eviction order was issued and the families were evicted from their homes, despite the failure of the alleged landowners to confirm their ownership and significant flaws in their claims.

The 60 police officers arrived at 9am and actual notice of the pending eviction was given at that moment. Police officers allegedly used chainsaws to destroy the community's houses and then men allegedly hired by the landowner burned the remains. Maize reserves, clothes, kitchen utensils, fertilizer and fumigating equipment were lost; the community was only able to save the chickens and pigs. Crops of cardamom, beans, plantain, coffee and tomatoes were also destroyed by a tractor provided by the neighbouring landowner.



Brothers Emilio and Santo Poou Cú from the Soledad Sayaxut community. Emilio (right) has been imprisoned three times for "attempting to seize land illegally" © AI

Homeless and vulnerable

Following the eviction, the community fled to a nearby area where the majority are still renting temporary accommodation. They have no land to grow their own crops, to feed their families or to sell at local markets.

Efforts thwarted at every stage

The community had begun seeking official recognition of its land in 1988. The basis for their request was that the land belonged to no individual or private company and that, as vacant land, it belonged to the state of Guatemala. All attempts to clarify the status of the land have been thwarted at every stage. The landowners who claim ownership of Soledad Sayaxut have consistently failed to submit professional measurements of the land to clarify the boundaries.

In 1995 the government land agency FONTIERRAS confirmed that the land was vacant. To make this official, a formal procedure had to be followed including legally measuring the land. However, the neighbouring landowners, who lay claim to Soledad Sayaxut, refused to allow any physical surveys to be carried out. After many attempts to gain access to the area, in January 2004 FONTIERRAS requested the Solicitor General of the Nation to initiate legal proceedings in order to obtain a court order to enter the land. Over two years later, however, the request is still languishing in the Solicitor General's offices. Meanwhile, the local judge issued the eviction order.

"After 18 years, we are tired", said one member of the community as he described how they are close to giving up their struggle for their right to the land.

Criminalization of activism

Members of the community have reported being intimidated by individuals linked to the

neighbouring landowner, including being fired at. Several members of the community have been accused of "usurpation" (attempting to seize land illegally) and stealing timber from the area -- a charge that the community denies. Three members of the community spent five days in jail in 2001 and had to sign a police ledger every 15 days for two years as a condition for their release.

It is over two years since the government land agency FONTIERRAS requested that the Solicitor General of the Nation initiate legal proceedings to allow for the legal measurement of the land. As of November 2005 the Solicitor General had not initiated any legal proceedings.

No investigations have taken place into the criminal destruction committed during the eviction.

TAKE ACTION!

→ **Write to the Guatemalan authorities and the Guatemalan embassy in your country:**

- calling on the Solicitor General of the Nation to immediately pursue the judicial order to enable a legal measurement (*medida legal*) to take place on the land occupied by the Soledad Sayaxut community, municipality of San Pedro Carchá, Alta Verapaz;
- calling for an investigation into the destruction and burning of homes during the 27 April 2004 eviction and that reparations be provided to those affected;
- requesting that the Regional Tribunal Supervisor conduct a review into the judicial proceedings leading up to the eviction order;
- calling on the authorities to end the practice of forced evictions in Guatemala and to promote the just and fair resolution of ongoing agrarian disputes in Guatemala.

Appeals to:

President of Guatemala: Presidente de la República de Guatemala, Licenciado Oscar Berger Perdomo, Casa Presidencial, 6 a. Avenida, 4-41 zona 1, Ciudad de Guatemala, Guatemala, Fax: +502 2239 0090,

Solicitor General of the Nation: Procurador General de la Nación, Licenciado Roberto Molina Barreto, Procuraduría General de la Nación, 15 Avenida 9-69, Zona 13, Ciudad de Guatemala, Guatemala, Fax: +502 2248 3228

General Tribunal Supervisor: r de Tribunales: Supervisor General de Tribunales, Lic. Javier Oswaldo Alegría Díaz, 6ta Avenida 4-83, Edificio Torre Marfil, 2do Nivel, Zona 10, Ciudad de Guatemala, Guatemala, Telefax : +502 2248-7000

Copies:

Coordinadora Nacional Indígena y Campesina (CONIC) en Cobán: 8ª Avenida, 04-12, zona 3, Cobán, Alta Verapaz, Guatemala (no fax available)

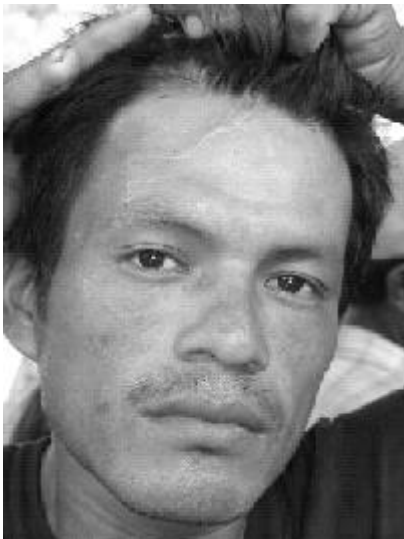
GUATEMALA APPEALS CASE

Evicted and abandoned: the case of Trece Aguas community

In May 2004, 90 Q'eqchi indigenous families were violently evicted from their homes in the Trece Aguas farm. They were all born on the farm, as were many of their parents and grandparents, and were employed to work the land. The majority of those evicted now live in abject poverty in nearby towns. With no land to grow crops, the community depend on food handouts from the local church, local municipal governments and surrounding communities.

"I watched them burn my home." Elena Caal Shal

On 19 May 2004 between 500 and 700 police officers and some 50 of the Trece Aguas farm's private security guards evicted 90 families from the Trece Aguas farm. No prior notification was given. Witnesses say that seven former workers were wounded, including 85-year-old Marcos Choc Choc who later died from an injury to his head, allegedly sustained during the eviction. Two police officers were also reportedly wounded. Another former worker, Eric Cucul Caal (below), bears scars on his face and hand from when the police allegedly targeted tear gas canisters at members of the community. They watched as their houses, including their belongings and reserves of maize, were set alight. Their crops of chillies, pumpkins and cardamom were also destroyed.



Eric Cucul Caal was one of seven Q'eqchi indigenous *campesinos* injured as they were violently evicted from their homes on the Trece Aguas farm in May 2004. © AI

Women and children bear the brunt

Approximately 12 women were pregnant at the time of the eviction. Olga Choc Cac had given birth to her baby boy, Mario Enrique Choc López, only three days before the eviction.

Another woman, Manuela Cul Cucul, was reportedly in labour during the eviction and was forced to leave her bed by police. With no crops to sell, the evicted families have no money to buy even the most basic medicine for their children.



Children in a disused market hall in Panzos, their home since they were evicted in May 2004. © AI

Homeless, hungry and nowhere to go

Following the eviction, the 90 families were transported in 45 trucks, paid for and organized by the farm owner, to different parts of the country. One group was dropped off in Guatemala city, some 150km from their home. The majority of the families now live in a disused market hall and municipal hall in nearby towns.

With no land to cultivate crops, they rely on hand-outs for food.

History of violence

The history of evictions and human rights violations under the current owner at the Trece Aguas farm is not new. The UN-sponsored report on human rights violations during the internal armed conflict (1960-96) documented cases of killing and torture of Trece Aguas

workers carried out by security forces in 1982 at the request of the farm owner. *Campesinos* have continued to denounce intimidation at regular intervals. In February 2002 they denounced to the President of Congress that the farm owner had threatened to make their community leaders “disappear”.

Abandoned by their employer and the state

In March 2001, 500 workers who had cultivated coffee on the farm since the 1970s were made redundant. They were told to leave the homes they had lived in for generations. In addition to being paid significantly less than the minimum wage, they had never been paid what are referred to as labour entitlements, legal entitlements which include annual bonuses, paid holidays and redundancy payment. Instead of paying his former workers the unpaid labour entitlements – which amounted

to approx US\$150,000 – the farm owner offered them a different area of land, which according to the families was of poor quality. Some 410 families accepted, allegedly because of intimidation from the owner. Ninety families stayed in the area, claiming their right to live on the land to which they had developed a deep spiritual attachment and had lived on for generations.

At the time of writing, the families have not received any of the labour entitlements owed to them. The Public Prosecutor’s Office has absolved itself from addressing the issue of unpaid labour entitlements on the grounds that as a labour dispute it is a “civil issue” and therefore outside its remit.

The Public Prosecutor’s Office is not investigating any of the human rights violations that occurred during the eviction.

TAKE ACTION

→ **Write to the Guatemalan authorities and the Guatemalan embassy in your country:**

- calling on the authorities to investigate the physical violence against the evicted families in Trece Aguas and the destruction of their homes, crops and belongings during the May 2004 eviction;
- urging them to ensure that individuals injured during the eviction and whose homes and crops were destroyed receive adequate compensation;
- reminding them of their obligation, as outlined in the 1996 Peace Accords, to provide appropriate legal support to the families to secure payment of the money owed to them in unpaid labour entitlements;
- requesting that the relevant government bodies – the Guatemalan land fund (FONTIERRAS) and the Ministry of Agriculture – take the necessary steps to find adequate land for the 90 families who still live in temporary accommodation;
- calling on the authorities to end the practice of forced evictions in Guatemala and to promote the just and fair resolution of ongoing agrarian disputes in Guatemala.

Appeals to:

President of Guatemala: Presidente de la República de Guatemala, Licenciado Oscar Berger Perdomo, Casa Presidencial, 6 a. Avenida, 4-41 zona 1. Ciudad de Guatemala, Guatemala, fax: +502 2239 0090.

Attorney General: Fiscal General de la República, Juan Luis Florido, 8a. Avenida 10-67, Zona 1, Tercer Nivel Antiguo Edificio del Banco de los Trabajadores, Ciudad de Guatemala, Guatemala, fax: + 502 2251 2218

Minister of Agriculture: Ministro de Agricultura, Ganadería y Alimentación, Ingeniero Alvaro Aguilar Prado, 7 Avenida 12-90, Zona 13, Edificio Monja Blanca, Ciudad de Guatemala, Guatemala, fax: 502 2332-8302

Copy to: **Pastoral Social** , 1a. Avenida 1-31, zona 3, Cobán, Alta Verapaz, fax: +502 7951 2914