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Guatemala: Suspension of evictions and genuine agrarian policies are the keys to solving land conflicts

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After a two week visit to Guatemala, Amnesty International expressed deep concern at the serious irregularities, human rights violations and discriminatory treatment of Guatemalan rural workers, during judicial procedures that result in the implementation of eviction orders.

After meeting various Guatemalan authorities, and representatives of human rights, peasant and landowner organisations, Amnesty International urges the Guatemalan government to suspend evictions and order an independent evaluation of evictions carried out since it came to power, with a view to rectifying the serious legal problems and systematic abuses committed in the course of these evictions.

The problems and abuses identified by Amnesty International during its visit to Guatemala include:

Shortcomings of the Labour Inspectorate to ensure that wages, compensation and benefits are regularly paid, in accordance with the law, on all Guatemala's farms.

Shortcomings and delays in dealing with requests for the payment of benefits, circumstances which lead to land occupations in support of these demands.

The inadequate response of the Public Prosecutor's Office, which often brings charges of "usurpation" and aggravated "usurpation" in a mechanical, rapid and systematic way, resulting in warrants for the arrest and eviction of hundreds of families from lands they have often occupied for generations. It is worrying that these actions follow neither the letter nor the spirit of Convention 169 of the International Labour Organisation.

Evidence to suggest that the validity of incomplete and doubtful land title claims are not studied with due diligence. In certain cases, verification of the disputed land by the competent authorities is impeded by farm owners, yet eviction orders are still issued and executed.

The relative speed with which eviction and arrest warrants are signed, in contrast with the slowness and the minimum period allowed for rural workers to claim labour entitlements and compensation before these rights are forfeited.. This indicates discriminatory treatment by the justice administration system.

Complaints by rural workers about the lack of attention to, and investigation of, of death threats and other acts of intimidation by farm owners and their employees and private security agents.

The almost systematic destruction of belongings and domestic goods and the burning of homes, during evictions.

These are criminal acts, for which no provision is made in the eviction orders signed by judges. On certain occasions, evictions take place in the presence of police officers, sometimes hundreds of officers, sent by the judge to execute the eviction order. Other authorities present include representatives of the Public Prosecutor's Office, and the Human Rights Office. There are documented reports of the direct participation of the police in the forced dismantling and burning of peasant homes. However, in most cases, employees of the farm owners are the ones that carry out this destruction, with police and other authorities passively looking on.

Reports detailing abuses during evictions, presented by Human Rights Ombudsman's Office delegates to the Public Prosecutor's Office, do not seem to have been followed up by the latter. It would seem that these actions during evictions are considered normal.

The scarcity of interpreters of the different indigenous languages, at the various courts that deal with the conflicts, prevents the effective participation of, and provision of information to, the affected people. This fundamental problem is recognised by all sides.

Amnesty International recognises the importance given to the mediation and conciliation procedures used to resolve conflicts. However, it is concerned that these procedures are sometimes interrupted by the execution of eviction orders, which ends the dialogue and promotes violence between the parties.

Amnesty International is grateful for the information received and the open way in which the government authorities and civil society organisations discussed the issue during the course of its visit.

Amnesty International recognises the duty and right of the Guatemalan authorities to create an institutional operational framework that fully complies with the Constitution and international standards on agrarian problems, with the aim of preventing and resolving land conflicts, in accordance with justice, and for the benefit of all those who work on the land.

Finally, Amnesty International urges the authorities to develop a specific agrarian policy to prevent and resolve conflicts over land. This policy should be based on the protection and promotion of human rights.

Additional information

During its visit, Amnesty International visited various parts of the country and interviewed the Attorney General of the Republic, District Attorneys of the Public Prosecutor's Office, judges, representatives of the Ministry of Labour, the Human Rights Ombudsman's Office, COPREDEH, and officials of CONTIERRA and FONTIERRA. The delegation also held meetings with representatives of peasant organisations, estate owners, evicted peasants. It also met peasants who were living on land for which an eviction order had been applied on the grounds of contested ownership or the fact that it was idle land.

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