

URGENT ACTION



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25 September 2009

UA 256/09

Forced Eviction

GUATEMALA

Two indigenous rural communities

Two indigenous rural communities have been forcibly evicted from their homes in Panzós municipality, Guatemala. Their homes were burnt down by the police and many of their belongings destroyed. The authorities have not provided alternative shelter for the communities.

Around 80 members of the Indigenous Mayan Q'eqchi neighboring communities of Bella Flor and 8 de Agosto, in a rural area of the municipality of Panzós, Department of Alta Verapaz, were forcibly evicted on 2 September. Some of the Bella Flor community has taken refuge in vacant houses in a nearby community. The 8 de Agosto community were evicted and lived in the open without shelter by the side of a road for nearly three weeks, when they reoccupied the land they had been evicted from.



On 2 September the police, supported by army personnel, evicted the 27 families of Bella Flor. Members of the community reported that police officers gave them 15 minutes to gather what they could and leave their homes. The police officers then burnt down the houses of the Bella Flor community. Along with the loss of many household possessions the community has also claimed that their crops were destroyed. The police also evicted the 11 families of the neighboring community, 8 de Agosto. The community has stated that police gave them 20 minutes to pack their possessions before being evicted. The police proceeded to destroy their homes (some knocked down using machetes, others burnt) and then burnt the remaining possessions. Members of the community have alleged that three police officers attempted to rape a 15 year old girl. The community were moved to the side of a road by the police and remained there until 21 September when they returned to the site they were evicted from.

Both communities had been living in the area since 2007. There have been previous efforts to resolve the issue of ownership of the land which have been unsuccessful. The land on which the 8 de Agosto community had built their homes is allegedly owned by the State. The land from which the Bella Flor community was evicted is allegedly owned by a private owner. The Bella Flor community has been requesting that the authorities give them permission to return to the land so that they can harvest their crops. Members of the 8 de Agosto community are at risk of being forcibly evicted for a second time now they have returned.

BACKGROUND INFORMATION

According to the community, previous efforts to resolve the issue of ownership of the land have been unsuccessful, due to the alleged landowners failing to attend negotiations. Neither the lawyers supporting the community nor

Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

Amnesty International have yet been able to examine the claims of ownership of either alleged owner. Guatemala is a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) which it ratified in 1988. The UN Committee on Economic, Social and Cultural Rights (CESCR) is the body of independent experts charged with the responsibility of monitoring states' compliance with their obligations under the ICESCR. The CESCR has established a series of obligations prior to, during and after a forced eviction occurs. These include providing an opportunity for genuine consultation with those affected, and the provision of legal aid to persons who need such aid. In addition, the CESCR has established that State parties are obliged to ensure that "evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights".

The Ministry of the Interior reported that there were 22 forced evictions in rural areas during 2008. Successive governments have failed to implement measures to ensure impartiality in the justice system when dealing with land disputes or to provide adequate shelter for evicted communities. As a result rural and Indigenous communities continued to be displaced and denied access to justice.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- Urging the authorities to allow the Bella Flor community access to the land from where they were evicted so that they can harvest their crops and collect their foodstuffs; in addition, to provide the evicted families of Bella Flor with suitable and safe shelter until such time as their dispute with the alleged owners of the land is resolved and to ensure the relevant authorities investigate the reported abuses and destruction of property on 2 September;
- Urging the authorities to ensure the 8 de Agosto community are afforded all the protection of due process including providing the community with effective legal representation, and that forced eviction is used only as a last resort. If a forced eviction is carried out, that it comply with international human rights standards, including the provision of suitable alternative shelter for the evicted community.

APPEALS TO:

Secretario de Asuntos Agrarios

Juan Alfonso de León García

5ta. Avenida 8-50

Zona 9

Ciudad de Guatemala, GUATEMALA

Fax: 011 502 2239 4400 (there will be an automated message, then dial 1000 for fax tone)

Minister of Agriculture

Ministro de Agricultura

Mario Roberto Aldana Perez

7ª. Avenida

12-90 z.13

Edificio Monja Blanc

Segundo Nivel

Ciudad de Guatemala, GUATEMALA

Fax: 011 502 2413 7007 (ask for fax tone – “Me puede dar tono por favour)

Email: Mario.aldana@maga.gob.gt

Salutation: Dear Minister/

Estimado Sr Ministro

COPIES TO:

Comité de Unidad Campesina

31 Av “A”, Ciudad Plata II

Zona 7, Ciudad de Guatemala, GUATEMALA

Fax: 011 502 2434 9500 (ask for fax tone – “Me puede dar tono por favour)

Ambassador Francisco Zillagran

Embassy of Guatemala

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PLEASE SEND APPEALS IMMEDIATELY.

Check with the AIUSA Urgent Action office if sending appeals after 6 November 2009.