

Guatemala: Eighteen years of struggle – the case of Soledad Sayaxut community

“One of the fundamental problems affecting the indigenous peoples relates to the right to land. The lack of access to land, the lack of response to land-related claims, lack of respect for traditional places such as communal forests, forced resettlement of indigenous peoples as a result of economic development projects, and problems stemming from loss of land caused by the armed conflict, create a situation of rising social tensions. The situation faced by indigenous women is especially insecure.”
Report of the 2002 Mission to Guatemala by the UN Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people

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.

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.

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

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.

Background

Land inequality is acute in Guatemala. In 2000, 1.5 per cent of the population occupied nearly two-thirds of land in Guatemala. Rural households constitute 93 per cent of those are considered extremely poor.

Disputes over land title are common. In December 2005 the government agency for the resolution of land conflicts reported 1,052 pending cases of agrarian disputes across Guatemala.

Since President Óscar Berger came to office in January 2004, thousands of Indigenous families and rural workers have been evicted from their homes. Most of them had been were living on land where ownership was disputed. Some had occupied disputed land to protest against violations of their rights. During many evictions, security forces used excessive force, resulting in beatings and other ill-treatment, the destruction of homes and property, and, in some cases, killings.

AI believes that failure to ensure just and secure access to land for Indigenous Peoples and rural workers will prevent rural communities from exercising their right to a decent standard of living, including adequate food and housing. This leaves them in poverty and at risk of being targeted for violence.

In every region of the world, Indigenous peoples face deeply entrenched racism and discriminatory laws and policies. Denied adequate protection of their right to live on and use the lands and territories vital to their cultural identity and their daily survival, Indigenous communities are often driven into extreme poverty and ill-health. Amnesty International is working alongside Indigenous peoples' movements from around the globe to help advance effective international human rights standards to address their specific needs and circumstances. This includes calling for the immediate adoption of the UN Declaration on the Rights of Indigenous Peoples when it comes before the General Assembly this year

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;

International Day of the World's Indigenous Peoples 2006

- 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:

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 to:

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