

Guatemala

Response to Information Request Number:	GTM02003.ZMI
Date:	June 26, 2002
Subject:	Guatemala: Information on Land Conflicts
From:	INS Resource Information Center
Keywords:	Guatemala / Land claims / Peasants / Forced removals / Death threats / Extrajudicial executions

Query:

What is the situation with regard to land disputes, land takeovers and other land issues in Guatemala?

Response:

Land conflicts have been a major issue in Guatemala for years and were one of the underlying causes of the civil war. Recent reports indicate that conflicts are becoming more intense and deadly. Below are examples of problems that have been documented over the past two years.

"The Peasant Unity Committee (CUC) reported that the Guatemalan military has issued death threats to a group of peasant families. Since January 31, this group of families has occupied the San Basilio plantation in the municipality of Río Bravo, Suchitepéquez, Guatemala. CUC coordinator Rafael González, reported that the threats have intensified due to the recent release of a Special Commission on the Resolution of Land Conflicts report which cited that the military could not justify their occupation in that area. González reported that the peasants were threatened and told to leave the land by two soldiers, one was an army captain known as 'Guerra.' The following day, soldiers threatened 2 peasants: Ramón Pos and Carlos Hernández. González explained that the estimated 129 families occupied the San Basilio plantation on January 31, as part of a commemorative of the anniversary of the Spanish Embassy Massacre and to demand access to lands" (GHRC 15 Jun 2002).

"Rural Workers Leaders: Luís Chávez (m), Gilmar Vallejos Velásquez (m), Eleodoro Chums (m). Amnesty International is concerned for the safety of the three rural workers leaders named above, who have all recently received death threats. The men believe the threats are reactions to their efforts to organize rural peasant farmers, who are claiming their rights to gain access to cultivable land or to retain plots they are already cultivating, but whose title has been challenged. Luís Chávez of the Coordinadora Nacional Sindical y Popular (CNSP), the National Trade Union and Popular Movement Coordinating Body has received telephoned death threats. He works as an advisor to two rural workers unions, one in Retalhuleu Department, the other in San Marcos Department, in Guatemala's northwestern highlands. Peasants in the latter department recently occupied contested lands on the San Luís estate, in the municipality of Malacatán, and Luís Chávez blames the death threats on local ranchers, who wish to gain control of these and other lands. Chávez believes the ranchers have the support of powerful political figures. Gilmar Vallejos Velásquez, who works with the same land organization Chávez advises in the Department of Retalhuleu, and Eleodoro Chums, a farm workers' leader on the San Luís estate, San Marcos, also believe the threats against them have come from local ranchers. They point specifically to the Asociación de Ganaderos del Sur Occidente de Guatemala

(AGSOGUA), the Southwestern Cattle Ranchers Association of Guatemala. Together with Luís Chávez, they denounced the threats against them to the United Nations (UN) Verification Mission (MINUGUA) in Guatemala on 21 March. All three men say they will hold AGSOGUA and Guatemalan authorities responsible for any attacks upon them" (AI 28 Mar 2002).

"Background information: There has been an increase in the number of land disputes in recent months in Guatemala as peasants have been losing confidence that the 1996 Accord on Socio-Economic Issues and the Agrarian Situation will ever be implemented. The Accord had promised to ensure the peasantry greater access to land, and was an important plank of the 1996 Peace Accords. Increasingly desperate groups of peasant farmers in several Guatemalan departments have occupied lands or refused to vacate other plots which they believe they have the right to cultivate. On 26 February, some 350 peasant families occupied the San Luís estate, in San Marcos Department in Guatemala's northwestern highlands. They were trying to secure recognition of what they say are their rights to the land of the estate. They pointed to titles granted under Guatemala's 1944 agrarian reform, which they said gave them rightful ownership of the land. However, the Chamber of Agriculture insists that according to other agreements, the land is private property. San Marcos church figures who had attempted to mediate and assist the peasant farmers on the San Luís estate, have also recently received death threats" (AI 28 Mar 2002).

"Church offices in the San Marcos Diocese have been burgled, and several offices have received anonymous telephone threats, in what appears to be an escalation of intimidation against Church figures in San Marcos. On Sunday 17 March burglars broke into three offices in the Casa Diocesana (the Diocese's administrative centre). They stole 200-250,000 quetzales (approx US\$25-30,000) from a safe in the office of the Pastoral de la Tierra (Land Ministry, which has been involved in mediation between landowners and the peasants occupying the San Luís finca), but left another 18,000 quetzales (approx US\$2,300) from the safe lying on a desk, suggesting that the motive for the break-in was not simply robbery. The burglars also apparently searched computer files in the office. The following day, several offices of the Casa Diocesana received anonymous calls saying, 'lo que está pasando no es nada a lo que pueda suceder y que Monseñor se cuide' (what's happening now is nothing compared to what could happen, and Monsignor [Bishop Ramazinni] should watch out). Bishop Alvaro Ramazinni believes that, like the intimidation he has already experienced, the burglary and the threats are linked to the Church's role in local land disputes. The Guatemalan Chamber of Agriculture has openly accused Alvaro Ramazinni of inciting peasants to occupy an estate in San Luís. Hundreds of peasant farmers had marched through the town of San Jose El Rodeo on 16 March to protest about the death threats received by Bishop Alvaro Ramazinni and Father Juan Jose Aldaz. The burglary and threats may have been a response to this" (AI 26 Mar 2002).

"On March 3, 2002, an unidentified man called a church radio station in the department of San Marcos, and threatened that if the Roman Catholic Church continued its interference, 'we will strike where it hurts most' ('vamos a actuar donde más le duele'). Church officials interpreted the threat as being directed against Bishop Alvaro Ramazinni and one of his priests, Father Juan José Aldaz Doñamaria. The latter reported being followed by two armed men on February 22. The men also visited his parish health clinic in San José El Rodeo, where a clinic worker said they inquired about a mass being organized for the priest. They then took off in a vehicle with smoked glass windows. Bishop Ramazinni asked the government to provide protection, and appealed to MINUGUA to verify that the Office of the Public Prosecutor would investigate. It was at that point that the diocese received the threat. The threat was apparently tied to the church's role in local land disputes. Father Aldaz had been assisting former refugees who had returned to their homes following the civil war. On February 26, about 350 peasant families occupied the San Luís estate in Malacatán, San Marcos. They hold titles issued under President Jacobo Arbenz' land reform. The Chamber of Agriculture disputes the validity of those titles, since Arbenz was overthrown in a CIA-backed military coup in 1954. The Roman Catholic Church has sought to mediate, and has provided the peasants with accompaniment, legal assistance, and water. Though the peasants say the Bishop did not encourage them to

occupy the estate, local officials and landowners are said to believe the bishop is the instigator" (AI 7 Mar 2002).

"On September 27, 2001, four men confronted Eugenio García, an indigenous farmer, as he was on his way to cultivate a plot of land in Los Cerritos, Morales, Izabal. One of the men, said to be security guards in the employ of a plantation owner, shot García dead. Witnesses said the four then left the scene of the murder escorted by a police car. García was a member of the Los Cerritos Small Farmers' Development Association (Asociación Campesina de Desarrollo de los Cerritos, ACDC), which has been the subject of threats and attacks. On September 5, 2001, more than 100 heavily armed men in the employ of local plantation owners fired warning shots at ACDC-organized peasants on the Las Quebradas Plantation. The Los Cerritos peasants have been trying to reclaim land they say they have an historical claim to, but the plantation owners insist is theirs" (AI 19 Oct 2001).

"On June 25, the Mayan Quiché residents of Los Cimientos awoke to some 100 men armed with sticks and machetes, claiming the lush land on which the town sits. The men destroyed the village's church, schoolhouse and over 80 homes, burning wooden plank structures and raping two women while the husbands were beaten and the children watched, said community member Diego Itzep. The 336 villagers were forced to flee to San Marcos, Cumlá, and the next day the same group of men, who Itzep said the community identified as neighboring Ixils, threatened them and told them to leave that town. The Los Cimientos residents are now squatting on land with no water and little food, and though the government flew in supplies days later, Itzep said they are suffering from lack of food and clothing. Three journalists attempted to enter the area two days after the attack, but were threatened and robbed by men with machetes. Los Cimientos resident Basilio Pastor Oxlac, who led the reporters to the site, said he was tied up and beaten. The same day, eight police agents arrived at the site and failed to enter because they were outnumbered. Interior Ministry sources say there are currently 30 police about half an hour by foot from the site of the attack, but they have not received an order from the Public Ministry to enter Los Cimientos and investigate. Carlos Loarca, lawyer for the Center for Human Rights and Legal Action, representing the affected community, denounced that the authorities had not arrived at the site, nor offered protection to the 336 displaced in case the armed men return to intimidate them. Two women reported being raped, and Loarca said the Public Ministry is requiring them to travel to the office in Nebaj to file legal complaints" (CAR 13 Jul 2001).

"The Quiché inhabitants of Los Cimientos, Chajul purchased titles to 1,350 hectares of land from the government in the 1890s, in what UN officials and historians say was ancestral Ixil territory. The two groups coexisted with occasional confrontations until the early 1980s, when government troops launched a 'scorched earth' campaign in the highlands to eliminate guerrilla forces. Peasants were forced to fight in paramilitary groups, dubbed "civil defense patrols," and cleared areas were resettled with Army supporters. The Quichés of Los Cimientos fled after hearing about massacres in nearby towns accused of guerrilla sympathies, and gunfire from a helicopter killed two village elders as they performed a burial ceremony. The military settled the war-torn area with Army sympathizers and civil patrollers, largely Ixils who claim the area as ancestral inheritance. By 1989, an Army base sat atop the cemetery and the community was a 'model village' of peasants organized against the insurgents. In 1994, the Quichés returned to Los Cimientos, a fertile area prime for growing anything from plantains and pineapples to beans and corn, to find the land occupied. Itzep said the armed men who forced them from their homes last month are ex-civil patrollers and military commissioners from the nearby Ixil settlement. One of the women who was raped, he said, identified her assailant as an ex-military commissioner. However, the mayor of Chajul, Antonio Laínez, denied the aggressors were ex-patrollers and discarded any wartime issues in the conflict. He said the Ixils have municipal titles. Analysts say the June 25 attack was prompted by the Ixils' fear that a report presented the next day by CONTIERRA, the presidential office for legal representation and land conflict resolution, would confirm the Quiché titles and evict them. The report did in fact confirm the Quichés as the land's legal owners" (CAR 13 Jul 2001).

"Analysts say the land dispute in Chajul epitomizes the poor documentation and general chaos that characterizes Guatemala's land holdings. The civil war was born of unjust land tenure and poverty, and five years after the peace accords, territorial disputes smolder and flare across the country. Guatemala still boasts one of the most skewed land ownership systems in Latin America. The Catholic Church confiscated indigenous lands after the Conquest and awarded them to a few elite families, a feudalistic arrangement that has changed little since, said Luis Galicia, researcher at the Association for the Advancement of Social Sciences in Guatemala. According to a 1998 Ministry of Agriculture study, 0.15% of agrarian producers own 70% of cultivated land. The land scarcity faced by the majority of Guatemala's 11 million people, 90% of whom are described by the United Nations as poor, combine with racism and legal disorder to make a mean recipe for ongoing conflict. Worsening already deplorable land problems, the war displaced one million people and deepened ethnic and religious conflicts, said Galicia. Adding to the confusing paper trail of Quiché titles and Ixil claims to different titles for the same land in Chajul, a dubious company presented documentation of its own in 1997. The agro business called Nabalijá, which according to UN and government sources has no evident employees and cannot be located on a map, charged the Quichés and Ixils with trespassing and filed suit. According to Galicia, private elites have historically used this strategy to usurp indigenous lands. 'Racism and ethnic conflict have prevailed in large part because property registration is a total disaster,' he added. According to UN officials, registering titles is not legally required and politicians have historically awarded territory to allies, causing widespread title falsification and duplication. One UN official recalled a study in Zacapa province that found 20% of those registered as landowners had been deceased for over a century. Some land plots are not registered with coordinates, but rather 'demarcated by flowerbeds or vegetable patches,' he said. The 1996 Peace Accords laid out plans for resolving Guatemala's land problems, beginning with measuring plots, sorting out titles, and mediating conflicts with consideration for non-titled ancestral territory. An integral, definitive measurement and documentation process will be initiated if a bill expected to be sent to Congress in the next month is approved. The accompanying step is purchasing land for peasants with government funds, which has been accomplished in several cases for internally displaced and returned refugees. CONTIERRA, and FONTIERRA, the government funds for land purchases and distribution, were created to accomplish the accords' goals for improving the land tenure system, though many say their progress has been poor. According to Pedro Palma Lau, director of CONTIERRA, the institution is currently handling 1,103 land conflicts nationwide. After a six-hour meeting with Quiché and Ixil community representatives, Palma Lau seemed pleased with a recent mediation session between the two sides of the Los Cimientos dispute, which he called a microcosm of Guatemala's land problems. 'The proposals have to come from the communities, and both sides are prepared to find a fair solution,' said Palma Lau. The report he released on June 26 confirmed the Quiché land titles, but he said, 'If the State only supports the legal documents, we would have to evict 200 Ixil families whose ancestors were the area's first inhabitants...where would they go?'" (CAR 13 Jul 2001).

"On June 22, 2001, former civil patrollers and former military commissioners (civilian agents of the military) beat and reportedly tried to kill peasant leader Carlos Morales in the community of Repollaso Juquinay in Baja Verapaz. They seized three other directors of Morales' local peasant organization, and two social scientists from a Guatemala City research institute, but later released them. They were allegedly acting on instructions from local landowners who wanted to secure control of the community's land, which has been in dispute ever since the civil war, when the military turned over control of land vacated by refugees to its supporters" (AI 6 Jul 2001).

"The Campesino Unity Committee (CUC) believes that Rolando Vargas, of the Las Quebradas farmlands, in Morales, Izabal, is responsible for the murder of peasant leader Sarbelio Ramos Hernández. CUC stated that this murder stems out of land conflicts between the peasant community and the landowners. Amado Mejía, CUC sub-coordinator, stated that the disputed lands belonged to the Cerritos peasant community 40 years ago, but that the present land owners took the land by force from the peasants. For this reason, the peasants are active in negotiations with the Presidential Office for the Resolution of Land Conflicts (CONTIERRA). CUC is demanding that the Public Ministry and police

investigate the death of the peasant leader. They have asked the United Nations Mission to Guatemala (MINUGUA) and the Human Rights Ombudman's Office (PDH) for help as well. The peasants have asked the government to buy the land back for them. However, the current land owners are not interested in selling it" (GHRC 30 Apr 2001).

On July 20, 2000, three masked gunmen in military camouflage fatigues shot to death José Alfredo Quino, a leader of the Regional Coordinator of Integrated Cooperatives (Coordinadora Regional de Cooperativas Integradas), an advocacy organization for peasants seeking to resolve land disputes. Also killed in the attack was his secretary, María Elena Mejía. They were shot execution-style, at point-blank range. Both were indigenous Maya. The car they were driving in was ambushed in the Department of Sololá, near Lake Atitlán (Reuters 20 Jul 2000).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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