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LADB Staff

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Guatemala Evicts Campesinos

by LADB Staff

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Reopening the book on land tenancy and police violence, a heavily armed government eviction attempt left nine dead and at least 45 wounded in southwest Guatemala. A group of campesinos, from 22 communities, have been occupying the property since last year to protest the September 2003 disappearance of community activist Hector Reyes, whom the campesinos believe was kidnapped by the owner of the finca, Spaniard Carlos Vidal Fernandez, who lives in Guatemala.

Following the Aug. 31 mayhem, Government Minister Carlos Vielmann said the occupiers had been first to open fire on uniformed police. He said the campesinos were armed with AK-47s and mortars, a charge quickly denied by campesino leader Gilberto Atz, who accused police of having opened fire on unarmed civilians. Subsequent inspection of the scene turned up one AK-47 that had not been fired and some home-built guns. The group had been living on the finca, Nueva Linda, near Champerico, Retalhuleu, since September 2003 following the disappearance of Reyes. By the time of the eviction attempt, they had put up a sign over the entrance renaming it Comunidad Hector Rene Reyes.

Judicial proceedings had been opened on the kidnapping charge against Vidal, but the case had languished since then. International community appalled The UN mission in Guatemala, MINUGUA, condemned the use of "extreme" force in a statement issued one day after the carnage. The statement read in part, "MINUGUA is particularly appalled by the extreme violence of these events, which are provoking an intense humanitarian crisis." The mission called for an immediate cessation of violent actions by all parties. At the time, the death count stood at four police and four occupiers dead. Those numbers changed as evidence surfaced, but the actual toll is still uncertain.

MINUGUA also responded to another statement from Vielmann calling the campesinos "delinquents" linked to drug trafficking and organized crime. MINUGUA warned, "Inflammatory discourse, far from contributing to the solution of the problem, can only dangerously intensify the conflict. Respect for life must prevail, and problems relative to land must be solved through peaceful means and the implementation of public policies." MINUGUA was referring to the fact that workers seeking land had also occupied the finca.

Also in the day-after drama, Nobel laureate Rigoberta Menchu, appointed the government's goodwill ambassador, drew the ire of activists by downplaying the social reasons for the land occupation and telling reporters that the government had information confirming the squatters were involved in the drug trade.

Atz said Menchu "supported the government's version and disqualified a movement with lies that they were armed and directed by narcotraffickers. It is an accusation that she will have to prove." Another leader of the occupation, Rafael Chanchavac, stressed that the organized indigenous and campesino movement was there supporting the local occupying families at the finca, even though

his groups were not part of the organizations in the area. This fact tends to negate claims that the occupiers were criminals.

Support for the organizations also came from opposition Deputy Raul Robles of the Unidad Nacional de la Esperanza (UNE), who accused President Oscar Berger of ignoring the problem and "putting himself at the service of the business sector." Robles said the violence had its origin in the pursuit of justice, not in the defense of property rights. "The families had promised that, if the public minister did his duty to investigate, they would leave the finca.

Nevertheless, the shock forces entered the finca armed and commenced to fire unnecessarily," he said. About 800 agents of the Fuerza Especial Policial (FEP) were involved in the assault on approximately 1,800 squatters. President Berger defended the police action. He, together with Vielmann, claimed that, if the police used firearms, they did so only to defend themselves. "They were doing their duty, they didn't know they were going to encounter armed people," said the president.

Police beat reporters

But the police had committed an error; they left credible press witnesses alive. The police had also brutalized the reporters on the scene. Some of these reporters corroborated the testimony of campesino witnesses who told Procurador de los Derechos Humanos Sergio Morales the police had murdered their compatriots in cold blood. "We received testimony under conditions of confidentiality that the police executed at least three campesinos," said Morales. His office opened an investigation.

Fiscal General Juan Luis Florido also ordered the Fiscalia de Coatepeque to investigate. He said he would seek arrest orders against campesino leaders for starting the fight and against one officer, if it proved true that he had participated in an extrajudicial execution. Morales' investigation will look into aggressions, tortures, kidnapping, intimidation, and illegal searches that occurred during the attempted eviction. "The neighboring houses of the finca were also searched without judicial orders and arrests were made," he said.

One reporter said, "Everything was fine, then we heard shots. The police entered the finca and commenced fire. We [reporters] were caught in the midst of the gunfire; some thickets protected us during 40 minutes. From there we saw how one of the FEP shot one campesino in the head. He shot him five times." The Servicio Medico Forense of Retalhuleu later verified that one of the victims, 17-year-old Abraham Vicente Elias, had been killed by shots to the head.

At least five reporters covering the eviction were themselves assaulted by FEP agents, said reports. They testified they had been attacked and their cameras confiscated to suppress evidence of police misbehavior. They were clubbed, beaten, and kicked. The vivid descriptions were of police "beside themselves, who killed at least three invaders in cold blood." Some reports said it was the shooting of Abraham Vicente Elias, captured on film, that set the police upon the reporters.

Little confidence in government investigations

Expectations are low that the various investigations will result in timely, or definitive, results. Among the reasons for pessimism, reports have dwelt on lack of will on the part of the executive because of conflicts of interests. High on the list of conflicts is that the finca is in the path of one of the government's high-priority megaprojects. Opposition Unidad Revolucionaria Nacional Guatemalteca (URNG) Deputy Alba Estela Maldonado noted that the long-planned dry canal between the Caribbean and Pacific coasts (see NotiCen, 2002-07-11) passes through the property to its terminal at the port of Champerico, and she has said this is why the government violated a June pact with the squatters, when authorities assured them there would be no eviction action for a 90-day period.

Political analyst Miguel Angel Sandoval agreed with the URNG assessment as being in line with a government that is by composition pro-business, oligarchic, and conservative. In support of his view, he said the government, in its pact with the campesinos, agreed to name a special prosecutor for agrarian affairs, and, despite sustained negotiations with the Public Ministry on the part of the campesino organizations, the commitment has not been fulfilled.

Nor has the government sent to the Congress, as it had agreed, legislation to modify 19th-century penal-code provisions that prejudice campesino rights. The government also promised an integrated agrarian law would be sent to legislators, and that did not happen either. That law would reflect the country's realities and mitigate present law that favors landowners. Finally, there was in the pact a government commitment to a labor law that spells out the rights and responsibilities of employers and workers.

Sandoval explained that the 19th-century Ley de Usurpacion y Usurpacion Agravada permits immediate suppression under conditions like those in the present case, while crimes against laborers, which is the cause of the majority of land occupations, are never punished. "This speaks to us of the absence of rights of campesinos," said Sandoval. Since 2002, there have been between 80 and 90 such takeovers, 60% of which were instigated by labor violations by owners. Other occupations have been caused by boundary disputes and by occupations of state land that was supposed to have been turned over to campesinos, but had not been turned over. Sandoval estimates as many as 2 million displaced Guatemalans are occupying fincas under these circumstances.

Predictions

Before this latest debacle, some observers predicted that the composition of the Berger government would embolden landowners and speculators to push for even more evictions. The prior government was no friend to these classes, and there were few such actions during the regime of President Alfonso Portillo (2000-2004). Berger has put Rigoberta Menchu in charge of the official investigations. A commission she leads will try to ascertain the whereabouts of a number of people reported disappeared in the mayhem.

It has been reported that, during and after the eviction attempt, the landowner altered the scene and ordered the burial of dead campesinos in septic tanks on the property. But Menchu indicated she thinks she can tie up the loose ends. "It is difficult [to imagine] that with four different investigations the truth can be hidden," she said, referring to investigations by the Policia Nacional Civil (PNC), the Fiscalia General, the Congreso, and the Procurador de los Derechos Humanos. Joining her on the commission will be Frank LaRue, head of the Presidential Commission on Human Rights, Victor Montejo, Secretario de la Paz, and two representatives of campesino organizations.

Consequences

Meanwhile, the Asociacion de Periodistas de Guatemala (APG) called for the immediate resignation of Government Minister Vielmann and Police Chief Edwin Sperence for the attacks on the reporters. "It is clear that the political decision of the authorities was to prevent the documentation of their repressive strategy to confront the agrarian conflict. This is the reason that the minister has responded by offering to pay for the damages suffered by the journalists," said an APG press release. The low expectation of an equitable long-term solution to the causes of occupations, combined with high expectations that the government's plans to pursue ill-advised eviction policies may be foiled by international attention, has already led to consequences.

About 500 campesinos seized the country's largest hydroelectric dam on Sept. 7, demanding that land surrounding the dam be given to them. The campesinos forced their way into the Chixoy dam complex in Alta Verapaz, took over the control room, and tried to get employees to close gates supplying water to turbines that generate 60% of Guatemala's electricity. The land was taken from them to build the dam. They were given other lands, but they say that it was of inferior quality. President Berger, his credibility weakened by last week's events, urged the invaders to give up the dam. "This is no way to negotiate or solve conflicts," he said. But this dispute has been boiling for a long time, and six months ago, the campesinos gave the government a deadline to respond. The takeover came on the eve of that deadline.

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