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Guatemala: European networks and international organisations urge the European Union to react on the forced evictions that took place in several communities among them Miralvalle, Parana, Bella Flor, Quinch (Tres Estrellas in Spanish), in the Valle del Polochic, Panzós, Alta Verapaz.

We are writing to you to express our great concern about the forced evictions which are taking place in the aforementioned communities in Guatemala since 15 March 2011, and about the press release issued by the Guatemalan Government justifying these evictions within the law and as necessary to maintain the governability of the country¹. During these last days numerous members of private security contractors, legitimized by the presence of the national police and

¹ Press Release of the Government of the Republic of Guatemala, 17 March 2011

elements of the armed forces, are using extreme violence, enforcing forced evictions against more than 800 families of 14 communities of the Valle del Polochic, Alta Verapaz. Different reports mention the death of at least one person from the affected communities, several wounded, three intoxicated (caused by the use of tear gas) and three detained persons. Moreover there are rumours about the existence of arrest warrants against human rights defenders who collaborated with the following organisations: Comité de Unidad Campesina – CUC-, Fundación Guillermo Toriello and the ECAP. However, as we have already observed in other cases of criminalising human rights defenders, there is no arrest warrant registered in the judicial system against them to date².

According to several sources, including the United Nations High Commissioner of Human Rights (UNHCHR) in Guatemala, employees of the owners of the farms participated in the acts committed during the eviction of Monday 15, destroying the harvest, dwellings and the few belongings of the evicted³.

In 2009, some of the organisations signatories of this letter visited these Mayan Q'eqchi communities in the framework of a mission aiming to verify the right to food. These communities live on abandoned lands, on which the construction of the Chabil Utzaj facilities is presently planned for the production of oil palms and biofuel for export.

The forced evictions in Guatemala, and particularly in the Valle del Polochic, were pointed out by the UN Special Rapporteur on the right to food, Olivier De Schutter, in his report on Guatemala of March 2010⁴, as well as in the aforementioned report about the fact-finding mission on the right to food⁵, as violations of the right to food and housing. There are also serious concerns about how these forced evictions were carried out as the ordering and implementation of the forced eviction are fully incompatible with the international standards, in particular the excessive use of force, the destruction of the dwellings and harvests, and the illegal participation of private security. Such methods contradict completely what has been established in the special proceedings of the UN human rights system on these questions⁶, and in particular for its impact on the right to food and housing.

The UNHCHR noted that the persons were notified the same day the evictions started and that they were granted an hour for the eviction of their houses. On the other hand the security forces did not offer any vehicles for the transport of the families' belongings, and they did not consider any alternative lodgings for the families nor any provisional housing or access to water and food.

² Complaint 4-2011, Criminalisation, Unidad de protección de defensores/as de derechos humanos de Guatemala (UDEFEQUA), 21 March 2011.

³ Note of the last forced evictions in Alta Verapaz, Fundación Guillermo Toriello, 16 March 2011 and preliminary information collected and presented by Oacnudh to the Filtro Group of the EU.

⁴ Report of the Special Rapporteur on the right to food, Olivier De Schutter, Mission to Guatemala http://www.srfood.org/images/stories/pdf/officialreports/20100305_a-hrc-13-33-add4_country-mission-guatemala_en.pdf, A/HRC/13/33/Add.4

⁵ El Derecho a la Alimentación en Guatemala, Report of the Research Mission of APRODEV, CIDSE, CIFCA, FIAN, FIDH, OMCT, Observatory for the Protection of Human Rights Defenders, Via Campesina, published in March 2010, <http://www.fian.org/recursos/publicaciones/documentos/el-derecho-a-la-alimentacion-en-guatemala>

⁶ Basic principles and guidelines on development-based evictions and displacement, Annex I of the Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living a/hrc/4/18; UN Committee on Economic, Social and Cultural Rights, CESCR General Comment 7, The right to adequate housing (Art.11.1): forced evictions, 20.05.1997;

Prior to these events, a High Level Commission with representatives from the Cadastral Information Register (Registro de Información Catastral (RIC)), Presidential Commission of Human Rights (Comisión Presidencial para los Derechos Humanos (COPREDEH)), Secretariat of Agrarian Affairs (Secretaría de Asuntos Agrarios (SAA)), National System of Permanent Dialogue (Sistema de diálogo permanente Nacional), Procuraduría de los Derechos Humanos (PDH), FONTIERRA , representatives of 12 communities of the Valle del Polochic, Comité de Unidad Campesina (CUC) and also representatives of the Chabil Utzaj enterprise was set up to find a peaceful solution to the situation of the indigenous groups and the peasants. As this dialogue and the agreements failed, another meeting took place the day before the forced evictions and it was agreed to resolve the conflict by negotiations. This agreement was also broken. Likewise no accommodation alternative was guaranteed for the families, who now have neither food nor housing and are forced to live as begging.

In light of article 10 A of the Lisbon Treaty of the European Union which establishes the promotion of human rights as an objective of European exterior action, the democracy clause of the European Union - Central America Agreement of 2003, the principles of policy coherence of the EU and given the commitments acquired by the Commission and the Council to ensure that the States associated in the political dialogue with the EU respect the concept of development and defence of the indigenous peoples' territories, we urge the EU:

- To express to the government of Guatemala its concern for the violent proceedings that violated protocols established by United Nations for evictions, and to support, by political dialogue, the initiative of civil society organisations to implement the directives of evictions established by United Nations;
- To express to the government of Guatemala its concern for all human rights violations committed during these forced evictions like the right to food of these communities;
- To urge the State and particularly the Attorney General's Office, the Ministry of Governability (Ministerio de Gobernación), the Judicial System, the Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos (COPREDEH) and the Secretariat of Agrarian Affairs, through political dialogue and with the support of the OHCHR, to revise the state's conduct with regard to eviction, guarantee the training of State agents involved in the implementation of international human rights standards and guarantee that the "right to private property does not prevail over the right to life" ;
- In the meantime, to urge the State to take all necessary measures to suspend temporarily the forced evictions as provided by the law;
- To request the State to guarantee the right to food⁷, and to decent housing for those families who were displaced and dispossessed of all their belongings;
- To request the State a prompt investigation, criminal prosecution and sanction of those responsible of the human rights violations occurred during the abovementioned evictions;

⁷ In coordination with Unicef and FAO, who already initiated a design for an emergency assistance strategy for the affected families.

- To urge the Guatemalan State through political dialogue to comply with international laws regarding indigenous peoples rights, in particular the United Nations Declaration on the Rights of Indigenous Peoples and comply with its obligations stated in ILO-Convention 169;
- To urge the State to reform the tenure and use of lands, to facilitate the access of farms and other productive resources to the peasants as established in the Acuerdo Socioeconómico y Agrario, el Acuerdo sobre Identidad y Derechos de los Pueblos Indígenas and el Acuerdo para el Reasentamiento de Poblaciones Desarraigadas, all of these parts of the Peace Agreements of Guatemala;
- To request that the permanent representatives of the Member States of the EU to visit the evicted communities as the United Nations High Commissioner for Human Rights did;
- Guarantee the implementation of the principle of policy coherence of the EU with the politics of development cooperation, including the trade agreements which still promote the expansion of biofuel plantations even in the context of this strong agrarian conflict.

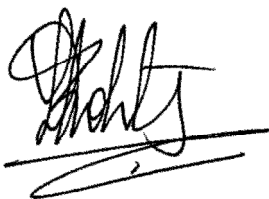
Sincerely,



Flavio Valente
Secretary General FIAN



Anabella Sibrian
Representative of the Plataforma Holandesa contra la Impunidad en Guatemala



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