

via fax: 011 502 2239 4400 Juan Alfonso de Leon Garcia Secretary of Agricultural Affairs of Guatemala	via fax: 011 502 2413 7007 Mario Roberto Aldana Perez Minister of Agriculture of Guatemala
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October 4, 2009

Dear Sirs,

We are gravely concerned for the **80 members of the Indigenous Mayan Q'eqchi neighboring rural communities of Bella Flor and 8 de Agosto in the municipality of Panzos, Department of Alta Verapaz, who were forcibly evicted on September 2.**

The police, supported by army personnel, gave the 27 families of Bella Flor 15 minutes to gather their belongings before evicting them from their homes. Police then burnt the houses and destroyed the crops. The families have since been requesting permission to return to the land so that they can harvest their crops

In the neighboring community of 8 de Agosto, the police gave the 11 families 20 minutes to pack their possessions before evicting them. The police then knocked their homes down using machetes or burning them and then burnt the remaining possessions. They moved the community to the side of a road where they remained until September 21; then they reoccupied the site from which they were evicted. They are at risk of being forcibly evicted for a second time.

A private owner claims ownership of the land occupied by Bella Flor and the State claims ownership of that occupied by 8 de Agosto. Efforts to resolve land ownership have been unsuccessful because the alleged landowners failed to attend negotiations and the lawyers for the indigenous communities have not been able to examine the claims of either alleged owner. The evictions of September 2 are further instances of the government's violation of their obligations under the UN Committee on Economic, Social and Cultural Rights (CESCR) which include providing an opportunity, before eviction, for genuine consultation with those affected and the provision of legal aid to persons who need such aid. 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".

Therefore, we **strongly urge you to:**

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

Sincerely,

Brian J. Stefan Szittai, Coordinator

cc: Comite de Unidad Campesina ~ via fax: 011 502 2434 9500
Francisco Zillagran, Guatemalan Ambassador to the US ~ via fax: 202 745 1908
Stephen McFarland, US Ambassador to Guatemala ~ via fax: 011-502-2334-8477
Paolo Carozza, US member of the Inter-American Commission on Human Rights ~ via fax: (202)458-3992
Brett Hamsak, Guatemala Desk, US State Dept ~ via fax: 202-647-2597
US Senators Brown & Voinovich and US Representatives Boccieri, Fudge, Kaptur, Kucinich, LaTourette, Latta, Ryan, Sutton, Wilson, Space ~ via email

UA256/09Guatemala

The following people hereby urge you to take action on this matter as indicated in this letter: