PRESS RELEASE – FONGI (Forum of International NGOs in Guatemala)

FORCED EVICTION ATTEMPT ON PLANTATION TIERRA BLANCA CALLE PRINCIPAL, (SAYAXCHÉ, PETÉN) AND CRIMINALIZATION OF DEFENDERS FOR EXERCISING LABOR RIGHTS

The member organizations of the Forum of International NGOs in Guatemala (FONGI), representing 28 civil society organizations from Belgium, Germany, Canada, Spain, the United States, the Netherlands, Ireland, Norway, Sweden and Switzerland, as well as international federations, view with concern the complaint filed by CONDEG (National Council of the Displaced of Guatemala). According to the complaint, on the morning of April 13, 200 families from the “Tierra Blanca Calle Principal” plantation in the Tierra Blanca microregion of Sayaxché, Petén, were victims of an eviction attempt by the palm oil company “Industria Chiquibul, Sociedad Anónima”, carried out by 45 private security agents together with others identified as members of the security and technical-agricultural team of the company. This attack occurred in the context of a land occupation by former workers who are demanding payment of their labor benefits, without any favorable response from the company. In the event, Mr. IZAÍS TIUL POP, a 30-year-old community member, was injured.

According to reports, the attempted eviction was carried out without following legal procedures or mechanisms, abandoning dialogue between the company and the workers. The eviction was not successful due to community opposition and, as a result, a pick-up truck and two motorcycles belonging to the palm oil company and the private security company hired to evict the community members, remained in the conflict area.

Another event related to the same palm oil company took place on Monday, April 6, when BERNABÉ GUALNÁ CAAL, a member of the Sechaj Cooperative community, Raxruhá municipality, Alta Verapaz, was arrested. This person worked with Industria Chiquibul from 2016 to 2019, according to the complaint made by CONDEG to human rights and justice organizations. He belonged to a group of workers who demanded that formal contracts be awarded, due to the practice used by agricultural companies of hiring through recruiters, thereby avoiding the direct employer-employee relationship, circumventing labor laws and failing to pay minimum wages and labor benefits.

Bernabé was detained while in Cobán (departmental capital) to process a record request. According to the order to enter the prison issued by the Justice of the Peace, Bernabé Gualná Caal is accused of the crimes of: illegal detention, coercion, trespassing, and aggravated usurpation. It is thus presumed that the charges respond to events that arose in the context of the massive protests - originated by the non-renewal of the contract of several hundred workers - in which the entrance to the company was blocked for several days.

The CONDEG complaint reported that an arrest warrant has also been issued for MARTÍN COC CHOCOOJ, from the same community and accused of the same crimes. It also indicated that during the protests the workers sought to establish dialogue with the company, a request joined by CONDEG to try to mediate the labor conflict, but there was no response from the company.
FONGI makes the following public appeal:

- The case of Bernabé and Martín are not isolated cases but are part of a series of cases to criminalize labor rights defenders of farmworkers, who have been criminalized through judicial processes that separate them from their communities and families. This fails to recognize their labor rights, causes communities to incur expenses they cannot afford, and is an abusive use of the charge of aggravated usurpation.

- To human rights and justice organizations to follow up on the case of attempted FORCED EVICTION from the “Tierra Blanca Calle Principal” plantation in the Tierra Blanca, Sayaxché, Petén microregion and of the violation of the labor rights of its workers, as well as the criminalization of their struggles to respect workers’ rights.

- To international companies in the palm oil industry to learn about the acts carried out by "Industria Chiquibul, Sociedad Anónima" and collaborate in the mediation of these conflicts in order to strengthen the company human resources management to comply with labor standards required by all employers in the country, in accordance with the Labor Code of the Republic of Guatemala.

- To the government of Guatemala to ensure that "Industria Chiquibul, Sociedad Anónima" complies with the guidelines established in the United Nations Guiding Principles on Business and Human Rights, which make it clear that “As part of its duty to protect against violations of human rights related to business activities, the States must take appropriate measures to guarantee, through judicial, administrative, legislative or other appropriate channels, that when such abuses occur in their territory and / or jurisdiction, those affected can access to effective redress mechanisms.”

Guatemala, April 17, 2020