



# INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

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## SPECIAL REPORT ON THE HUMAN RIGHTS SITUATION IN THE SO-CALLED "COMMUNITIES OF PEOPLES IN RESISTANCE" IN GUATEMALA

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## SPECIAL REPORT ON THE HUMAN RIGHTS SITUATION IN THE SO-CALLED "COMMUNITIES OF PEOPLES IN RESISTANCE " IN GUATEMALA(\*)

### I. INTRODUCTION

The situation of the communities uprooted by internal conflict in Guatemala, which began taking refuge in the Ixcán jungle and in the high country in early 1980 and reappeared in public in 1991, calling themselves "Communities of Peoples in Resistance" (CPRs), has been reviewed by the Commission in various reports since 1983. [\[1\]](#)

In January 1994, at a special hearing during the 85th Session, CPR representatives asked the Inter-American Commission on Human Rights (IACHR) to carry out an on-site inspection of the resettlement that they planned to implement in the CPRs in Ixcán on February 2, 1994. At that same hearing, the Government of Guatemala officially invited the IACHR to visit Guatemala to carry out that on-site observation.

The invitation was confirmed by a note dated February 4, 1994, from the Minister of Foreign Affairs of Guatemala, Gladys Marithza Ruiz de Vielmann. The Commission decided to send a special delegation composed of its Second Vice-Chairman Dr. Leo Valladares Lanza, the Assistant Executive Secretary, Dr. David Padilla, and two experts, Dr. Osvaldo Kreimer and Dr. Elizabeth Houppert.

The on-site visit took place from March 4-11, 1994, during which time the Commission contacted representatives of the CPRs and human rights organizations, specialized government agencies such as the National Commission for Repatriates, Refugees and Displaced Persons (CEAR) and the National Peace Fund (FONAPAZ), and national authorities, including the Ministers of Foreign Affairs, Government, and Defense, the Human Rights Attorney, and the Director of the National Police, together with senior members of their staff.

The Delegation visited Quiche on March 9 and March 10 and was able to talk to leaders and other inhabitants of the resettled CPRs in Santiaguito, San Luis, San Francisco, Los Altos and La Esperanza (Ixcán) and to others in the CPRs in Cabá and Santa Clara (in the high country). The Commission also visited nearby settlements in Centro Veracruz (Ixcán) and Asunción del Copón (highlands), as well as farms ("trabajaderos") attached to some of the CPRs, and interviewed military patrols operating in those areas. On those journeys, the Delegation was able to observe other villages in the area, as well as the garrisons evacuated by the Army in Tercer Pueblo and Cuarto Pueblo.

At the end of its visit, the Delegation had the opportunity to make an extensive verbal report to the President of the Republic, Lic. Ramiro de León Carpio, and handed him a list of preliminary recommendations that, in the Commission's opinion, could help fully restore order and ensure strict observance of human rights in the above-mentioned villages.

This special report essentially covers the period from mid-1993 to March 1994. It was

reviewed by the Commission on April 7, 1994, and sent to the Government of Guatemala for its information and for comments. On the basis of those comments, received on June 2, 1994, the Commission produced this Special Report.

## II. HISTORICAL BACKGROUND TO THE CPRs

In its 1985 Report, the IACHR wrote:

"It is an undeniable fact...that no other sector has suffered as much from the violence of the past few years as the farmers and indigenous communities (of Guatemala)...In the rural areas, the war has left an unprecedented trail of death and destruction. The bombing, plundering, and burning of villages, the destruction of crops and other sources of livelihood, along with the persecution, harassment and assassination of huge numbers of inhabitants of those villages left most of the survivors homeless and landless. Thousands of Guatemalan peasant farmers and members of indigenous communities reacted to the terror by fleeing en masse, generating for those who stayed or returned one of the most grave and agonizing, social, cultural and economic problems of their entire history." [2]/

In the 1981-1982 period, when more than 400 villages and hamlets were razed to the ground and thousands of Guatemalans were brutally assassinated, survivors caught in the crossfire reacted by either fleeing or placing themselves under Army control, in which case they were forced to take part in self defense patrols or moved to "model village" concentration centers. [3]/

This flight by hundreds of thousands of Guatemalans brought refugees to all parts of the country and to neighboring countries. A smaller group of totally dispossessed persons, numbering some 50,000 people, escaped to the jungle areas in the department of Quiché, some to Sierra Ixil and others to Ixcán, on the border with Mexico. In those years of hiding from the outside world, they were one of the few segments of the population not under government control.

Living conditions for those 50,000 refugees in the jungle and mountain areas in northern Quiché were subhuman, but, even so, profound organizational bonds were created. Some ten years later, about half the refugees were still there. Army offensives between Amachel and Sumal in 1987-1989 led to the exodus of approximately 5,000 people from that area. [4]/ Later on, others settled voluntarily outside the CPRs, to the north of Uxpantán. (See Section IV). By mid-1992, according to data provided by CPR representatives, there were still about 17,000 inhabitants of CPRs in the high country and some 6,000 in Ixcán; in other words, about 23,000 people all told.

Ethnically, the Ixcán CPRs are largely composed of K'iches, while the highland communities are mostly Ixiles, with some Chajuleños, Cotzaleños and K'iches, as well as "ladinos". [5]/ The communities visited stressed the fact that all who lived there were equal, regardless of origin.

The CPRs first came to public attention in February 1990, following their first general assembly, at which they decided to launch a national and international campaign for support and denounced army attacks. Some analysts maintain that the CPRs came out into the open because they got tired of hiding and of waiting for a better future, which in fact turned into more and more poverty and renewed attacks by the military as the years went by. [6]/

The fact is, the attacks by the military persisted, both by ground troops and from the air. The bombing of villages and the burning of farms and property continued at least until early 1993. [7]/ The violence also took the form of "disappearances" and the unjustified detention of persons travelling to do business or visit relatives in nearby villages.

In 1992 and 1993, numerous national and international observers visited the CPRs both in the highlands and in Ixcán, and they have testified that the inhabitants are unarmed civilians

living in severe poverty, barely eking out a living by growing maize and beans, and by breeding farm animals. This was confirmed by the United Nations' Independent Expert for Guatemala, Christian Tomuschat.

The same conclusion was reached by the then Attorney General for Human Rights, Lic. Ramiro de Carpio León, by the Assistant Attorney General, Lic. César Alvarez Guadamuz, and by numerous local and foreign ecclesiastical authorities who visited the communities.

During the IACHR's visit to Guatemala in September 1993, the CPRs sent a 600-person delegation to Guatemala City to initiate a dialogue with the national authorities. They were received by the President of the Republic and the parties agreed to begin talks at the end of that month. The talks went on for several sessions, without reaching any definitive agreement.

In January 1994, the CPRs publicly announced their intention to resettle peacefully, as of February 2, in the areas they had originally come from between the Ixcán and Xalbal Rivers, on land belonging to the Ixcán Grande Cooperative, most of whose members also belonged to the CPRs, and they invited the IACHR to verify observance of human rights during that resettlement.

### III. MAJOR RECENTLY DENOUNCED SIGNIFICANT PROBLEMS AND THE GOVERNMENT'S RESPONSE

There are four main problem areas for CPRs at the present time: 1) military harassment, 2) personal IDs and collective legal recognition, 3) the provision of basic services by the State, and 4) land disputes and economic development.

Over the past few months and during its visit, the Commission has received numerous denunciations in these four areas. It also obtained additional information from Government and private sector sources, and was able to converse at length with inhabitants of the CPRs and with the Guatemalan authorities concerning these issues.

State entities also supplied the Commission with information regarding their reaction to the problems denounced by the CPRs and the activities they had carried out in that respect. From all of them, the Commission received open and on-the-record assurances from all sectors of Government that the rights of the CPRs would be respected and that special efforts would be made to restore normal order.

In its visits to the CPRs, the Commission publicly passed on these messages from the Government, which CPR members received with great interest. However, both CPR leaders and many of their grassroots members pointed to concrete incidents tending to belie such assurances and to behavior patterns of the security forces in the past which made it impossible for them to have complete confidence in such promises.

In this report, the Commission presents both the denunciations it received and the government's reactions, in the understanding that making them public may contribute to improving the observance of human rights for the CPRs.

#### 1. Attacks and harassment by the military

Various forms of military hostility were denounced as constituting a systematic policy of hostility towards the CPRs: a) acts of intimidation and direct assaults; b) instigation of neighboring villages to be hostile towards the CPRs; c) violation of their rights to travel and trade their products; d) the destruction and illicit appropriation of harvests; and e) failure to demine recovered land. As mentioned further on, the Government denies that this is its intention and states that it has shown that that is not the case.

a) Acts of military intimidation against the communities. Denunciations

The Commission received the following denunciations regarding the CPRs in the highlands:

- On November 10, 1993, a group of soldiers coming from Amachel moved in the direction of Santa Clara and fired their guns very close to the communities. The next day, a military helicopter machine gunned CPR crops near Cabá.

- On January 25, a military helicopter machine gunned crops in the San Marcos community in the Cabá area.

- On December 27, 1993 at 8:20 p.m., two helicopters returning to Playa Grande from Cuarto Pueblo machine gunned Centro Santiaguito and Los Altos on their way. The bullets hit areas between the houses.

- In March 1994, the military appeared to encircle the highland communities, they supposed with a view to attacking them.

Denunciations related to the Ixcán area CPRs:

- In February 1994, the military appeared to encircle the Ixcán communities, they supposed with a view to attacking them.

- Threatening helicopter flights over the communities: on March 3 at 11:45 p.m. two helicopters flew over the La Esperanza settlement.

The Guatemalan Government's position regarding alleged military maneuvers and harassment

The President of the Republic, the Commander in Chief of the Armed Forces, and the Minister of Defense assured the Commission that the military maneuvers referred to were not carried out to besiege, attack, or persecute the CPR communities, nor was there any intention of that nature.

In its June 2 comments the Government states:

as for the alleged encirclement, in view of the armed conflict provoked by the URNG, which has caused insecurity among the population, and in compliance with the mandate contained in article 2 of the Political Constitution of the Republic, the Government has instructed its army to continue operating in the areas concerned, where armed URNG groups are present...in order to safeguard the constitutional rights of the inhabitants and preserve the integrity of the national territory.

As regards the expression "threatening flights", the Government considers the adjective inappropriate because it is based on a poor interpretation of a legal act carried out by the armed forces in fulfillment of their duties towards the State, given that occasionally they have been forced to use helicopters to combat the armed groups operating in the region...

The Minister of Defense, General Mario Enríquez, pointed out that an effort was being made to build up the atmosphere of trust needed to restore peace. With respect to the denunciation of military maneuvers that had been interpreted as encirclement of the communities that had resettled in Ixcán, he assured the Commission that such had not been the army's intention, and that, on the contrary, he had issued instructions to the battalion commanders to respect the integrity and rights of those communities, with special restrictions on the conduct of counter-insurgency operations in those areas. As examples of such restrictions, he cited orders not to shoot except in self defense, to repair or pay for any damage caused in the course of military operations, and to establish open and cordial relations with those communities. [8]/

He also cited military withdrawal from the garrison at Tercer and Cuarto Pueblo and plans

to reduce or withdraw other army units in the area as examples of military achievements and contributions to the restoration of normal life.

He said that there were encouraging developments in the area, beginning with the Ixcán communities' decision to resettle. He said that it had been gratifying that the life of a soldier bitten by a "yellow beard" snake had been saved by a serum provided by the local CPR. [9]/ He also said that the information at his disposal indicated that for the past year the CPRs had not been allowing the guerrillas to recruit combatants in the communities.

b) Campaigns to stir up hostility towards the CPRs among neighboring villages

According to the denunciations received, the Army continues to act against the CPRs, which it considers "fellow travellers of the guerrillas" [elementos que siguen la orientación de la guerrilla [10]/]. In that context, the Commission received denunciations about actions by members of the Army designed to create mistrust, antagonism, and distancing between neighboring communities and the CPRs.

This atmosphere is rendered more dangerous by the presence and activities of the PACs (Voluntary Civil Defense Committees), military commissioners, and by Army pressure on the population to take part in the armed patrols PACs.

### Denunciations

- In the last few months of 1993, the Army and the PACs from Nebaj and Chajul organized groups of people to threaten and openly check the inhabitants of highland CPRs when they visit their relatives in villages and towns, or when they leave their communities to trade products. (Highlands)

- Military officers and members of the PACs have organized groups of peasant farmers, telling them that international volunteers are planning to redistribute their land. (Highlands)

- In late February, a military officer, allegedly from the Chajul garrison, met with PAC commanders and told them that the CPRs were communists of the URNG and that they were going to redistribute the produce of the local villages. He said they should be stopped and not allowed to go into the towns. He ordered all the PACs to be armed with GALIL rifles, as a precaution given the escalation in the war. At the same meeting, he also ordered a list to be made of any members of the PACs wishing to leave their PAC, "because the Army wishes to settle matters with them." (Highlands)

- In late February, Army units deployed in Los Cimientos threatened to occupy the community of Xaxboj, in the Xeputul area. (Highlands)

- On February 7, when evangelicals in the Santa Clara CPRs held a religious service in the village of Amachel, the Army surrounded the church in a threatening manner. (Highlands)

- On March 23-25, 1994, the military carried out a forced recruitment operation in Nebaj and Chajul, with orders to press-gang 1,000 youths from that area into the Army. (Highlands)

- In recent months, the Community of Santa Clara has been denouncing continuous threats from military commanders at the Amachel and Vijomistan posts, as well as from the Commander of the PAC in Chel, Mr. Rubén Cruz. (Highlands)

The Guatemalan Government's position regarding incitement of neighboring villages to be hostile towards the CPRs

In its reply dated June 2, 1994, the Government maintains that there are indications that

members of the CPRs communicate and trade with guerrillas in the area and that this "creates mistrust and damages relations with neighboring villages..." It adds that "the Army does not carry out campaigns to press the population to take part in Voluntary Civil Defense Committees. The population has voluntarily formed its own organizations to try and protect its communities, families, and property from the effects of armed clashes, such as attacks by the URGN..."

The Commission has stated its position with regard to the Voluntary Civil Defense Committees (known as PACs) in its annual reports, which have severely condemned the PACs as a system because of the violations they commit, the lack of Army control over their activities, and the insecurity and terror caused by their presence in extensive rural areas in Guatemala. [11]/ During its visit in March 1994, the Commission received statements from members of armed patrols from villages next to the highland CPRs, who said that the reason they were carrying out patrols was that the Army had ordered them to do so, and that they had not heard of any guerrillas in the area for at least the past seven years, nor had there been any armed clashes.

c) Violations of the right to travel and trade

Denunciations

- On November 6 and 7, 1993, members of the CPR in Chel trying to trade their produce in that town were forced to leave by military from the Vijomísán detachment dressed in civilian clothes, who accused them of being guerrillas. (Highlands)

- On March 1, 1994 at 3:00 p.m., a group of soldiers heading towards the military unit in Chel stopped a group of peasant farmers from the CPRs and international volunteers who were on their way to Cabá, and threatened, intimidated, and provoked them for an hour. (Highlands)

- At the beginning of March, a launch coming from Puerto Rico, in Mexico, was detained near Nueva Concepción (San Luis) on the Xalbal River. The 11 passengers on board had to identify themselves and their luggage was searched, while soldiers pointed guns at them. The denunciation mentioned that, although the operation had been intimidating, the people involved were treated with respect. For their part, the military explained that it had been a routine security check in a border area and conflict zone. (Ixcán)

d) Destruction or confiscation of crops

Denunciations

- Denunciation of partial destruction of farm land belonging to the San Luis community on the banks of the river Xalbal in February 1994. (Ixcán)

The Commission ascertained that members of the Army had indeed partially destroyed crops in that area. The military on the spot explained that they had had to do so in the course of an armed clash with guerrillas and that in order to evacuate the seriously wounded they had had to make a clearing for helicopters to land on. They said they were also willing to pay for the crop losses and return any objects belonging to the CPR that they found. They said they were waiting for the owners to give them a list of what had been lost.

The CPRs claim that although the crop losses were partial (the Commission discovered that they amounted to between 10 and 20 percent of the crops in those fields), they had to abandon those fields and were unable to return to harvest what remained, because of the threatening presence of the Army.

The Commission understands that it is possible for the communities to continue working safely in the area and for the Army to carry out its tasks in keeping with the law. To that end--as

the Committee suggested during its visit--it would be possible and advisable for representatives of the San Luis community to meet with members of the army unit stationed on the Xalbal River to draw up rules that will allow both parties to perform their work with adequate guarantees.

The "Victoria 20 de enero" community denounced the destruction of a crop of beans and that soldiers had trampled on two quintals of that product. This was confirmed on March 13, 1994 by a Committee which included a representative of the Office of the Attorney for Human Rights. The denunciation mentioned that the Army had offered to pay for the damage. (Ixcán)

### The Guatemalan Government's position regarding destruction or confiscation of harvests by the Army

The military commanders told the Commission they had given specific orders to compensate communities for damage to crops or property used or damaged in the course of military operations. The Commission found several cases in which the Army had placed at the disposal of CPR representatives compensation for damage done in the course of military activities.

e) Failure to demine

#### Denunciations

According to the denunciations received, mines and live shells were left in the areas surrounding the garrisons in Tercer and Cuatro Pueblo that were evacuated by the Army. That prevents the inhabitants of Ixcán from cultivating those lands.

There have also been denunciations that the Army is mining paths used by members of the CPRs in the highlands to get to neighboring villages.

The Commission was told by witnesses that there are indeed mines and shells in those areas, which the guerrillas say were put there by the Army, and vice-versa.

#### The Government's position

The June 2 reply states that:

The Government recognizes that the Army has used conventional explosives to mine only areas around military installations in conflict zones and that it has demined those areas upon withdrawal, particularly since the Army has maps of where it placed its mines, while the guerrillas have kept silent about their own operations of this type... The report fails to mention the guerrilla groups' mining activities...

It is important to point out that an effort has been made to protect the civilian population by carrying out operations to remove land mines planted by the rebels, and in the case of territory being resettled by people returning to their lands, the Army has proceeded to demine them, as testified by representatives of the Permanent Committees of Refugees (CC.PP.).

In meetings with the Commission, the military said there was no intention of mining civilian routes in order to stop transit or intimidate the inhabitants of the CPRs by so doing.

#### Observance of the right to travel and trade freely

Both civilian and military authorities told the Commission that they were ready to guarantee the rights of members of these communities to travel and trade freely.

## 2. Denunciations of problems of personal identity documents and collective legal recognition

Spokesmen and inhabitants of the CPRs in Ixcán said that the State did not provide them with the necessary IDs, which prevented them from exercising their civil and political rights and perpetuated a situation that the authorities assumed was irregular.

One typical problem is that experienced by inhabitants wanting to move out of the region, who cannot do so because military officers, patrols and police keep strict watch over all highways, as the Commission discovered. Moreover, the same obstacle prevents them from taking part in municipal, departmental or national elections.

This lack of registration and civil documentation is exacerbated by the fact that the Army allegedly confiscated the birth and baptism records of these communities on November 30, 1992 and March 8, 1993, and has not yet returned them.

As regards their collective legal identity, and as indicated in other sections of this report, the CPRs have been demanding that the State recognize them as non-combatant civilian communities, that it treat their civilian populations with the respect due to them as such, and that it grant them the corresponding facilities and guarantees.

### The response of the Government of Guatemala regarding identity documents for people living in CPRs.

In its June 2 reply, the Government says:

...These problems have been recognized for several years already by the Guatemalan authorities and several steps have been taken to address them. To that end, the National Congress has approved various mechanisms to accelerate procedures for issuing documents to citizens affected by the conflict. Such mechanisms have been used by the different institutions working with the above-mentioned villages.

Nevertheless, various authorities admitted to the Commission that the problem persists and in effect infringes the human rights of members of the CPRs. Those authorities include the Ministry of Government, the National Police, CEAR and FONAPAZ, and they have offered to help solve the problems and delays in issuing Guatemala's ID, the "neighborhood certificate".

They said they were willing and able to introduce simplified procedures to provide anyone in the communities who wanted one, including minors, with a provisional ID within a matter of weeks, while at the same time processing applications for a neighborhood certificate. Military and police chiefs said they would issue instructions to ensure that the provisional document would be recognized and respected by their troops as valid and sufficient for identification purposes.

The Government's position and measures dealing with the legal rights of CPRs as civilian groups

The actions that the Government said it was prepared to undertake, given that the CPRs are civilian communities, include :

#### Political and electoral rights for members of the Communities

The authorities in the Ministry of Government, CEAR, FONAPAZ, the National Police, and the Office of the Attorney for Human Rights all said they were prepared to collaborate with the Supreme Electoral Tribunal in registering and organizing participation by CPR members in future electoral processes and to respect their right to elect and be elected.

Likewise, all the authorities expressed their willingness to respect the freedom of thought

and expression of the members of the CPRs, as well as any political activity exercised according to law.

### With regard to local policing of the Communities

National Police chiefs and senior officials in the Ministry of Government said they were willing to let the Communities elect from among their members persons with the minimum requisites to take an examination, who would undergo basic training outside their communities and then return as police officers, with the appropriate authority. At the same time, since such people were originally from those communities, the communities would be in a position to demand that they correctly fulfil their duties. They pointed out that this procedure had already been adopted in Tecpán. They added that there were other possible forms of community policing, such as that practiced in Santiago Atitlán.

### Concerning the presence of representatives of the Office of the Attorney for Human Rights

The Human Rights Attorney said he thought it would be possible to send representatives of the Office of the Attorney for Human Rights to Ixcán and the highlands, as had occurred already in other cities where refugees had arrived, and that he would be willing to organize it.

### With regard to the possibility of extending special measures for refugees to the CPRs

The Guatemalan authorities agreed to extend the three-year exemption from compulsory military service to young people in the CPRs.

### Concerning the formation or promotion of new PACs.

They also said they will neither promote nor accept the formation or existence of civil defense committees (PACs) in the Communities.

## 3. Demands related to basic health and education services

The Commission confirmed the existence of health and educational services organized and supported by the Communities themselves, both in Ixcán and in the highlands. In some cases in the highlands, for instance, where, due to geographical isolation, communities have existed for a longer period of time, the health services can even provide minor surgery and are building a pilot clinic with the help of the NGO known in Spanish as "Médicos sin Fronteras". The CPRs in the highlands run 18 schools (seven in Cabá, five in Santa Clara), attended by some 3,500 children.

The CPRs included their rights to basic services in the demands they made on the State. In that regard, the Government told the Commission that it was willing to coordinate support for such services with the Communities and that it was prepared to send senior officials from the ministries concerned to the Communities to discuss what was needed and the role that the State could play in meeting those needs.

## 4. Land disputes and economic development

### a) Property and land claims

The Ixcán Grande cooperative, comprising five cooperatives with 2,400 families, owns 40 square kilometers (4,000 hectares) between the Xalbal and Ixcán Rivers, on the border with Mexico. It possesses the title deeds to this property, which are recognized by the authorities.

Nevertheless, according to FONAPAZ, there are problems dating back to the 1980s, when the Army installed or induced families from other areas to instal themselves on land that had

previously been owned or occupied by CPRs or displaced persons. Since 1991, FONAPAZ has tried to avoid new conflicts with these families arising from the resettlement, because, according to the Director of FONAPAZ, they could cause a "war between machete-wielding families."

Thus FONAPAZ managed to relocate 428 families who had been brought to the Ixcán Cooperative from other communities and, in May 1993, also managed to withdraw some 5,000 people to other areas to facilitate the resettlement of people returning. Similar resettlements were carried out to ease the return of 2,300 refugees to Veracruz in December 1993, on land neighboring the Ixcán Cooperative.

As for the land occupied by the highland CPRs, the Commission was told that ethnic rivalry with neighboring villages was one of the most pressing socio-economic problems and that it had to do with the lack of land-titling. Given the nature of the terrain, the lack of land registers, and the "de facto" possession of much of the land, neither the CPRs nor neighboring communities and owners have adequate legal safeguards with which to exercise dominion. This could make it even more difficult to solve the mistrust created during the armed conflict.

#### b) Economic development

Although the Ixcán CPRs and the highland CPRs face some of the same problems in their development as a result of harassment and historical mistrust, their economic situation varies, partly because of the geographical differences between the jungle and the highlands and partly because of the different legal status of landownership in the two regions.

The Ixcán economy has several special features. According to FONOPAZ, 80 percent of its trade is with the state of Chiapas in Mexico, with which it shares a long northern border. Only recently have roads been opened up which will facilitate travel and trade with central and southern Guatemala. In addition, the Commission observed that the relocation of refugees and the resettlement of the CPRs have considerably boosted output in the region, with new communities forming, new areas being cultivated, and greater volumes of trade, etc. [\[12\]](#)/

National and international assistance to refugees returning to the Ixcán area is causing resentment in neighboring communities, which feel they are being discriminated against. That could lead to situations in which human rights are violated, above all due to the destabilizing activities of the self defense patrols of the neighboring communities.

FONOPAZ says that its response has been to work on an Integral Plan for Ixcán covering the 196 communities -- both traditional and resettled -- in the region. It adds that the CPRs still intend to participate in the plan now that they have won their demands for recognition as civilian farming communities, for the withdrawal of the army from the area, and for compensation for damage. A special plan is underway for the Ixil Triangle, including the establishment of a local Development Bank.

The economy of the CPRs, while still agricultural, appears to be more developed because of the relatively greater stability of the population as a result of physical isolation. Their corn, cardamom, bean, and other crops make strong growth possible and the order and discipline forged -- like that of the other communities in Ixcán -- by years of hardship are an enormous advantage. Their capacity for growth takes the form of continuous expansion and the setting up of new communities, creating an increasingly prosperous and productive social network.

#### The Government's position with regard to recognition of the Ixcán Grande Cooperative (Federation) and of the cooperatives it comprises

In all its talks with the Commission, the authorities recognized the existence of the Cooperative as a functioning entity as well as its properly documented ownership of the land.

With regard to the eligibility of cooperatives or their members for loans

The CEAR authorities said they were willing to extend to resettled communities the arrangements they were trying to establish for refugees, so that they would be eligible for loans from both private and state banks under existing laws and regulations.

IV. SPONTANEOUS SETTLEMENTS WITHOUT CONTACT WITH THE OUTSIDE WORLD. (Lost communities).

The Director of FONOPAZ expressed his concern for the inhabitants of a group of communities -- which are near to the CPRs but do not form part of the CPR system -- which had grown up in areas of Quiché and Alta Verapaz practically cut off from all communications and were now barely surviving.

These are communities which deliberately decided to resettle in remote areas not considered to be rebel zones, where they would be free of armed groups, patrols, or the army, eking a living off the land and keeping out of the public eye. Some of the families in such communities once belonged to CPRs, but then decided to resettle outside the conflict zone.

According to data collected by the Commission, there are between 60 and 90 such communities in the Uxpatán area in Quiché, each with a population of some 30-50 families; and others in Alta Verapaz in the Ochabal region, in Chisec, and Sejalaute. The Commission's delegates were able to ascertain their existence in the Quiché area and to fly over them, but were not in a position to visit them.

V. CONCLUSIONS

-The CPRs are productive civilian communities, with their own specific problems and solutions. Their resettlement is a product of the overall process of pacification in Guatemala and, at the same time, furthers that process.

-The CPRs are making serious efforts to reinsert themselves in normal Guatemalan life. Their public decision to resettle in Ixcán and increase normal relations with their neighbors and the authorities confirm this.

-The Commission found that there exist attitudes and specific actions on the part of civilian and military authorities directed towards reducing the conflict and supporting the return of the CPRs to normal life. It also found that militating against that goal were both mutual mistrust and actions claiming to be based on the existence of an armed conflict, which in reality is minimal in the CPR areas. Those circumstances and the quest for peace and an end to historical hatred and social wounds make it imperative to scrupulously avoid anything that might be interpreted as harassment and intimidation, which, given the present situation, constitute an attack on the personal integrity and freedom of the civilian population.

-In that sense, the Commission also found that the level of mistrust has dropped, thanks to the fact that each side has had experience of instances of positive conduct by the other.

-It is in that context that expressions and contact between the civilian population and the military have to be gauged. The guarantees offered by senior military officers and the orders they impart are apparently being respected. Nevertheless, threatening military maneuvers, low flights over townships, arrogant statements, and so on, revive fears in the CPRs that are understandable given the tragic experiences they have suffered in the past.

-The physical presence of the military and the statements soldiers issue are interpreted completely differently by themselves and by members of the CPRs. What the military conceives of

as a normal, restricted and respectful presence is seen as aggression, intimidation, and a threat by the CPRs. Conversely, what the CPRs see as an objective denunciation is interpreted by the army as part of an aggressive, destabilizing plan.

-Article 5 of the American Convention on Human Rights states that "Every person has the right to have his physical, mental and moral integrity respected" and article 11 stipulates that "No one may be the object of arbitrary or abusive interference with his private life, his family, his home..." The Commission found in its contacts with the population that many people continue to be terrified by the crimes they witnessed in cruel massacres of their relatives and neighbors and by years of hiding from attacks by the military. Any attempt to reintegrate these settlements into peaceful life must start with recognition by state authorities not only that they are civilian farming communities but also that they are still suffering psychologically from the terror inflicted on them. [\[13\]](#)/

-From its contacts with the leaders and members of the communities, the Commission also concludes that they are aware that "The rights of each person are limited by the rights of others, by the security of all, and by the just demands of the general welfare, in a democratic society," as article 32 of the Convention points out. Numerous facts, such as the very resettlement of Ixcán that began on February 2, 1994, the attempts made to reach practical solutions with the military, and the participation of community leaders in municipal development agencies all show willingness to overcome the past, without thereby renouncing their rights or justified claims.

-Regarding the military authorities' claim that the CPRs are groups of [forcibly] "retained" people, the Commission has listened to evidence and found that there is no reliable proof indicating that the communities or their members are retained by the guerrillas or by their own authorities. Nor is there any evidence that they are prevented from living outside the CPRs, or from trading, travelling, or communicating with the outside world.

-On the contrary, the Commission found that the obstacles to normal relations with the outside world -- especially in the case of the highland CPRs -- stem from the understandable fears aroused by some military officers, soldiers and PACs preventing them from trading freely and threatening those who do business with them, accusing them of being guerrillas, obstructing their normal movements, or spreading rumors to create enmity between them and the surrounding villages. [\[14\]](#)/

-The Commission considers that there would appear to be cases of deliberate harassment of the CPRs, either directly by military officers or induced by them. The Armed Forces must vigorously investigate and severely punish any member of the military denounced and found responsible for harassing or persecuting the CPRs, imposing illegal restrictions on their right to trade freely, accusing them of being guerrillas, or limiting their freedom of movement without proper justification.

-The Commission considers that given the terror to which the CPRs were subjected in the past, specific orders must be given prohibiting threatening or unjustified low flights over the civilian population and avoiding unnecessary displays of military prerogatives in civilian areas.

-From its direct analysis of the situation and of current positive developments in the direction of a restoration of normal order and peace, the Commission concludes that there is a need for specific on-site meetings between representatives of the civilian population and the military, in each community, in order to establish specific local standards of behavior ensuring tranquility and security in farming, traveling, and trading. [\[15\]](#)/

-The resettlement of the CPRs and its contribution towards the elimination of factors that associated them with the "armed conflict" also revives old conflicts that could once again lead to violations of human rights. Generally, those old conflicts are over land ownership or else have to do with regional or ethnic rivalry. [\[16\]](#)/

-First among the emerging problems requiring an immediate solution is that of the families

brought by the army to settle on land previously occupied or owned by CPR communities and now being reclaimed. The State is responsible for finding solutions for these families, not just to keep the peace, but also because it was the State itself that led them to settle on potentially conflictive land. FONAPAZ is dedicated to this task and has managed to solve some group cases.

-The Commission cannot omit mention of the human rights of the "lost communities" of Uxpantán and Alta Verapaz referred to in Section IV. Given the difficulty they are having just to survive, the Commission considers that state entities must attend to their needs. The sacrifices they incurred in uprooting and then resettling in areas outside the conflict zone surely deserve a minimum of state attention in terms of communication, education and health services, and overall development.

-The Commission is convinced of the immediate need to dissolve the PACs operating in areas bordering on the CPRs. They are a continual source of abuse of the communities' rights and an obstacle to their return to normality. Control over them by military officers is inadequate and often they are used by local military officers to harass the communities. If the State needs to defend the nation's territory, it should do so with the regular armed forces.

-The Commission calls upon the Guatemalan authorities and upon the CPRs to continue striving for a solution to the still difficult problems analyzed in this report and expresses the hope that through such progress it will not be long before normal circumstances are restored, along with full observance of the human rights of those communities.

MEASURES RECOMMENDED TO RESTORE NORMAL ORDER AND IMPROVE  
OBSERVANCE OF HUMAN RIGHTS FOR THE  
"COMMUNITIES OF PEOPLES IN RESISTANCE."

GENERAL MEASURES FOR IXCAN AND THE HIGHLANDS

- a. Public reiteration by high ranking officials that the intention is to respect and guarantee rights, and that there is no intention to attack, harass, or besiege the communities.
- b. Identity documents: issuing of a neighborhood certificate for all those who request one, and, while that is being arranged, immediate issuance of a provisional I.D. by CEAR, to be recognized and respected by all civil and police authorities.
- c. Exemption from military service for three years.
- d. Statement that no PACs will be formed in resettled areas.
- e. Offer to pay compensation for any future damage to property and crops caused by armed clashes. Creation of an effective mechanism for damage assessment and immediate payment.
- f. Establishment of delegations of the office of the Attorney for Human Rights in resettlement areas and in the highlands.
- g. Offer to provide CPRs with a police service along the lines of that in Santiago Atitlán or Tecpán, in both cases duly legitimized and coordinated with the National Police.
- h. Establishment of representative offices of the Public Ministry.
- i. Appointment of local judges.
- j. Appointment of an Auditor to assess past damage to villagers caused by security operations.

k. Public declaration that there will be no campaign using psychological pressure against members of the CPRs, or villages, nor on neighboring communities to make them act against the communities, or to prevent trade or freedom of movement.

l. Action by the Supreme Electoral Tribunal to prepare guarantees for participation by members of CPRs in electoral processes.

#### SPECIFIC MEASURES FOR IXCAN

m. Contacts and plan to guarantee harvesting of the current crop and new sowing with full security for both the soldiers deployed in the region and CPR workers.

n. Study the possibility of creating a new municipality in the Ixcan Grande Cooperative area and in refugee zones.

#### SPECIFIC MEASURES FOR THE HIGHLANDS

ñ. Legalization of current land holdings, demarcation and titling.

o. Offer to carry out joint study of measures to facilitate trade of products from the highlands, including mapping out an access route.

p. Study by the Ministry of Education to determine recognition of and eventual support for the eighteen schools that exist in CPRs.

q. Study the possibility of setting up a branch or services of the future Banco del Triángulo Ixil in the highlands.

r. Immediate dissolution of the PACs in villages bordering on highland CPRs (E.g. Copón, and so on).

s. Public statement by civilian and military authorities that they will not restrict the right to trade freely nor movement to and from the highland CPRs.

The Government's response to the foregoing recommendations by the IACHR:

In its reply dated June 2, the Government pointed out that some of these recommendations are being implemented, and that

"...the 'Plan for the Observance of Human Rights', which incorporates the recommendations made by the United Nations' independent expert and by the Inter-American Commission on Human Rights of the OAS in its '[Fourth] Report on the Situation of Human Rights in Guatemala', included a series of actions designed to improve the human rights situation in these villages. They were

sent to each of the Government institutions responsible for implementation. Actions on behalf of the CPRs that are described in the above-mentioned Plan are:

1. Revival of the vaccination project for members of CPRs, agreed upon with the International Red Cross Committee.

2. Periodic operations to demine the areas in which the civilian population is settling.

3. Every possible effort to incorporate the CPRs in national life.
4. Devising and execution of programs aimed at solving the housing, employment and official documentation problems of these communities.
5. Efforts to enter into dialogue with the CPRs.
6. Abstention from military operations in the CPR settlements, while a total cease fire is arrived at within the framework of the peace negotiations.
7. Effective observance of the human rights of members of the CPRs, even when they are in an armed conflict zone.
8. Studies of the desirability of creating municipalities in areas in which refugees and CPRs settle, in order to guarantee homogeneity of interests and political representativity.
9. Financial and technical support for agricultural projects.
10. Steps needed to arrange the redeployment of military located on lands owned by these communities."

## FINAL CONSIDERATIONS

The Inter-American Commission on Human Rights of the OAS, after analyzing and reviewing this Report in light of the reply received from the Government of Guatemala on June 2, 1994, considers it important to reiterate that the important thing at this juncture is rapid implementation of the concrete measures -- both those proposed by the Government and those recommended by the IACHR -- which constitute the basis for observance of the human rights of the inhabitants of the CPRs and neighboring areas.

The Commission intends to monitor compliance with these measures constantly in the coming months and trusts that both the authorities and national institutions and entities will collaborate in this task.

Washington, D.C. June 1994.

CIDH 3264-E revised el 15 junio de 1994 a horas 2:30 pm

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[1] Special Reports of 1983, 1985, and 1993; and specific sections of the Commission's Annual Reports.

For ease of reference, this report uses the following acronyms or shortened names: CPR refers to the so-called "Communities of Peoples in Resistance" [Comunidades de Población en Resistencia] dealt with in this Report; PAC refers to today's Voluntary Civil Defense Committees (formerly known as Patrullas de Autodefensa Civil); the Ixcán Grande Cooperative refers to the Cooperativa Agrícola y de Servicios Varios Ixcán Grande, R.L., which in turn comprises five local cooperatives in Ixcán.

[2] OEA/Ser. L/V/ II.66. September 1985 (Third Report), p. .

See also OEA/Ser. L/V/II.53/ doc. 21/rev. 2 of October 1981 (First Report), OEA/ Ser. L/V./ II.612 doc. 47 of October 1983 (Second Report) and OEA/Ser. L/V/ II.83 Doc. 16 rev 1 of June 1, 1992 (Fourth Report).

[3]/ A.I.D. data show that between 377,000 and 407,000 people suffered destruction of their homes, villages and economic activities in the departments of Huehuetenango, El Quiche, San Marcos y Quezaltenango, and Chimaltenango.

[4]/ Stoll, David. "Between Two Armies in the Ixil Towns of Guatemala", Columbia University Press, 1993, p. 147.

[5]/ Stoll, D., *ibid.*, p. 291.

[6]/ *Ibid.*, p. 292.

[7]/ See IACHR, "Fourth Report on the Human Rights Situation in Guatemala", June 1993, pp.78-79.

[8]/ The Minister of Defense told the Commission that recently five soldiers had been killed near Mayalán and three more seriously wounded near Amachel. He said that, in order to avoid harming civilians and causing friction, "we only respond, although we should, in fact, take the initiative against the guerrillas."

[9]/ The Commission was unable to confirm this.

[10]/ Statement by the Minister of Defense to the IACHR on March 8, 1994.

[11]/ See "Fourth Report on the Situation of Human Rights in Guatemala" 1993 (OEA/SER.L.V/II.83 rev. 1), and the section on Guatemala included in the Annual Report of the IACHR 1993 (OEA/SER. L/V/II.85), published in May 1994.

[12]/ The Commission was informed that the Chairman of the Ixcán Cooperative, Mr. Sebastián Salles, is a member of the Development Council for the whole area, based in Cantabal Playa Grande.

[13]/ Regarding the IACHR's conclusions expressed in the three preceding paragraphs, the Government responded on June 2, as follows:

"[Regarding those paragraphs]...the Government of Guatemala recognizes the subjective factors that may play a part in the relationship between its army and the population and thanks the Commission for drawing the Government's attention to this aspect. Accordingly, it will instruct the relevant authorities to take the historical experience of these villages into account, and to be careful how they behave, since the inhabitants interpret the way the armed forces act in a different way than does the Government."

[14]/ Regarding the two preceding paragraphs, the Government responded in its note dated June 2, as follows:

[Regarding these paragraphs]..."it is considered that this derives from a poor interpretation by some members of the CPRs of the presence of the Guatemalan Army and its patrols, whose only function is to provide security in the area where internal armed conflict is still found."

[15]/ On this point, the Government's June 2 note says:

"The Government is grateful to the Commission for drawing its attention to the importance of a rapprochement between the Guatemalan Army and the CPRs, with a view to their jointly establishing a set of norms for the benefit of the whole region, thereby achieving reconciliation."

[16]/ In its June 2, 1994 note, the Government responded to this point as follows:

"The Government thanks the Commission for its reminder that the return to normality entails the risk of a revival of old regional and ethnic disputes. The manipulation of ethnic differences that took place in connection with the armed conflict, together with the hardship inflicted on the population as a result of that, may have stressed aspects that could give rise to future clashes..."

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