

THE YUKPA PEOPLE'S FIGHT FOR THEIR LIFE AND LANDS IN VENEZUELA

For over 2,500 years the Yukpa people have been living in the mountains of the Sierra de Perijá and in the lowlands beyond the foothills. nds beyond the foothills.

From 1920 until the middle of the 1980s we were dispossessed of our lands in the lowlands so that cattle could be raised there; the forests we lived in were gone, so we took refuge in the mountains.

But around the mid-90s and at great cost to our own lives we embarked on a complex process to recover our lands that had been invaded by cattle ranchers and peasant farmers.

The State and Government have always sided with the violent invaders of our original territory, creating laws in favour of the occupiers and granting them credits for improving its profitability. Now they claim that our lands are uncultivated or that no one owns them, using this as an excuse for sending in the military and the police to block our initiatives to recover and occupy what is rightfully ours.

In 1997, during President Rafael Caldera's second term, we reached an agreement with the national Government and the regional government of the state of Zulia, that through a scheduled system of payments they would pay compensation for all the ranches and plots of land which we were asking to have returned so that we could extend our territory and continue coming down from the high mountains of the Sierra de Perijá to the spaces that had been seized from us. This agreement was also extended to the indigenous Barí people. The government began making compensation payments to the ranches known as El Trébol and Los Chorros. However, when Chávez became President the Executive decided through the National Commission for the Demarcation of Indigenous Habitat and Lands that demarcation of lands was not in itself compensation paid to the ranchers.

Due to pressure by the ranchers the demarcation process (of our lands) was halted twice and lasted 7 years, from 2004 to the 15th of December, 2011. On that date President Hugo Chávez went behind our backs in a political act and signed an agreement with a Yukpa citizen named Ciro Landino – who has no authority and was not elected by the Yukpa people to be our representative – regarding our title to the land. The third page of this fourpage document recognises the rights of the ranchers and miners. This title is worthless because it has no accompanying map. As a result of this deception we don't know which limits to our territory have indeed been recognised by the governing State.

On the 12th of October, 2011 the Venezuelan Government unexpectedly accepted our position that the state must pay compensation to the invading ranches within our territory. Capriciously, however, it maintains that it will only purchase 25 ranches, mainly those which we have already recovered and occupied. We don't know why a State as rich as Venezuela refuses to pay for all of them. This situation where many ranchers are authorised to remain within our territories has further complicated matters, since the indigenous communities continue their attempt to recover lands occupied by invading ranchers.

Through this process approximately eleven ranches have been definitely rescued by our brave Yukpa people. We have failed countless times to recover many other ranches, because the cattlemen can count on the Army and the police to neutralise us. At present several ranches are being guarded by soldiers.

We denounce the following violent acts because they are all violations of the rights of the indigenous peoples and also of the Venezuelan constitution. These acts are well known to and documented by the media:

- 1 That in August 2008 after a day of mobilisation organised by one hundred Yukpa families for the purpose of recovering and occupying three ranches located in our ancestral territory in the foothills of the Sierra de Perijá (a basin of the Yaza river where the Chaktapa, Guamo Pamocha y Shiraji communities are currently settled). During the mobilisation, the hundred Yukpa families from those three communities taking part in the

event were isolated and encircled by soldiers from the military forces. The aim of the encirclement was to intimidate our families, including the children, and to block the access of some thirty social activists who were coming from all over the country to bring us food and medicines so that we could continue with our resistance struggle.

Taking into account that any clash with the military forces was likely to produce a massacre of the indigenous people, President Chávez, in a Sunday programme called "Aló, Presidente" ("Hi, President"), promised to take up again the process of Demarcation of Indigenous Habitat and Lands, and pay the ranchers their due compensation.

Three years after the demarcation process, the Yukpa people still haven't been able to recover the first ranch. Thus the president has dishonoured the promise he made in his public commitment on Sunday 24th of August, 2008, a commitment he reiterated on the 12th of October 2011.

2 Despite the violence carried out by the ranchers the Government has not ordered the military forces nor the police to protect and safeguard the physical well-being of the Yukpa families who, at great personal risk to themselves, occupied El Rincón ranch from the 13th to the 20th of August, 2011. Nor did the Venezuelan justice department order an investigation into those who a few days later (20/08/11) wounded several indigenous Yukpa from the Toromo community who occupied El Rincón. The government never investigated the injuries to Abraham Romero (age 60), Rodrina Romero (age 60), Luz Marina Romero, Redrina Romero and Juan Carlos Montiel Montiel (age 28).

However, it did order that guards be immediately posted on the ranch – they continue there to this day – after the Yukpa were forcibly evicted from their own territories.

3 Likewise, the Venezuelan government has not investigated the death of the Yukpa named Dario Segundo García Fernández, (age 32), who was murdered on the 19th of December, 2011 in the Las Flores area, sector of

La Estrella. His companions, the brothers Alberto Fernández Fernández (20) and Gerardo Fernández Fernández (19), son of Alicia Fernández, the Chief of the neighbouring community of Kuse, were wounded in that incident.

4 Nor has the Venezuelan government investigated the killings – this time with firearms like those used by the military – of two Yukpa youths: Wilfredo Romero and Lorenzo Romero, in the same La Estrella sector. To date the Venezuelan justice department has done nothing to defend the Yukpa indigenous people. We have denounced the case in Caracas to the Peoples' Ombudsman and to the Indigenous Commission of the National Assembly, but so far nothing has happened.

5 We denounced the violent persecution both by the Venezuelan State and the ranch owners against Sabino Romero Izarra, a Yukpa Chief who was imprisoned for 17 months. During that time he was arbitrarily tried on the basis of manufactured evidence. On the 10th of May, 2011, and after a difficult struggle, Judge Antonio J. Moreno (Penal court of Trujillo State) set him free and declared him not guilty of the charges brought against him by the Republic's prosecuting attorney regarding attempted murder, burning of homes and the killing of his father, José Manuel Romero.

The political persecution of Yukpa Chief Romero within the framework of his struggle regarding the recovery of lands has been acknowledged by the Rapporteur for Indigenous Peoples of the United Nations, Dr James Anaya, who appointed Maia Campbell to the case. The result of M Campbell's actions have been recorded in the document A/HRC/12/34/ADD.1 18th September, 2009: Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples.

The details of the political persecution of Chief Romero were made known internationally when the Interamerican Commission on Human Rights of the Organization of American States issued a statement on the obligation of states to respect the "exercise of indigenous jurisdiction". This statement sets out the conclusions of the 141st period of sessions of the CIDH, held on the 21st of March, 2011 in Washington D.C. The case was presented to the CIDH by the lawyer Ricardo Colmenares, a retired judge and professor of the University of Zulia, and by the anthropologist and Coordinator of the NGO Homo et Natura, Lusbi Portillo. From the

viewpoint of Venezuelan law, Chief Romero's case is important because although the incident in which two indigenous persons were killed in indigenous territory and both plaintiffs and defendants requested that the incident be dealt with under indigenous jurisdiction as stated in the Constitution and according to law, the ordinary jurisdiction withdrew the case from its indigenous legal framework on the pretext that indigenous law was only applicable in unimportant cases. Amongst other irregularities, the indigenous accused suffered more than ten months imprisonment at a military barracks. Both they and their families (particularly the women) were submitted to all kinds of abuses and humiliations. The defence appeal called for the application of indigenous jurisdiction, raising questions about the competence of ordinary jurisdiction regarding both the ordinary and constitutional processes.

In View of the Above We Request

1 That the President of the Republic, Hugo Chávez, the Minister of the Interior and Justice, and the Minister for Indigenous Peoples be called upon to open the aforementioned investigations to determine who are responsible for the murders and wounding of the indigenous Yukpa families and companions who are fighting to recover their lands.

2 That the Minister of the Interior and Justice be requested to provide protection for the inhabitants of the Chaktapa community, particularly for the community's founding Chief Sabino Romero Izarra who, together with his family, continues to be persecuted.

3 That the Executive Vicepresident of the Republic and the Minister for Indigenous Peoples be called upon to reformulate the land title for the Yukpa people, eliminating the rights of third parties and that land boundaries be recognised according to those defined and agreed upon by the communities themselves.

4 That the President of the Republic, Hugo Chávez, the Executive Vicepresident of the Republic and the Minister for the Indigenous Peoples be apprised of existing concern about the delay in purchasing the compensations to the ranches located in the Yukpa territory. The purchase offer was acknowledged by the State on the 12th of October, 2011.

5 That the President of the Republic, Hugo Chávez, the Executive Vicepresident of the Republic and the Minister for Indigenous Peoples be asked to draw up a schedule of payments for all the ranches and peasant

land plots located in the Yukpa territory recognised by the State on the 12th of October, 2011.

6 That the President of the Republic, Hugo Chávez, the Executive Vicepresident of the Republic and the Minister for Indigenous Peoples be urged to create a health plan for the Indigenous Yukpa, a system of feeding for mothers and children so as to begin reducing the indices of malnutrition and infant deaths due to respiratory and digestive illnesses, particularly in the communities along the river Yaza basin, which is the area least assisted by the State government.

7 That the President of the Republic, Hugo Chávez, the Executive Vicepresident of the Republic and the Minister for Indigenous Peoples be called upon to respect the figure of the indigenous Chief (a total of 160) as being the maximum authority in the governance of community affairs.

8 That there be an end to the corralling, harassment and persecution of the family of Chief Sabino Romero (my father). The persecution of his family has increased to such a level that we are forced to move by night and in hiding, even when children are sick. We don't dare take our sick children to medical centres for fear of what might happen to them. The result of this persecution is the death in my family of two children under the age of 5. We women can no longer bear the pain of seeing our sons, our brothers, fathers, grandfathers, and nephews die from malnutrition or insignificant infections under the indifferent gaze of the Venezuelan State. Our lands are taken from us, our children are taken from us, but we will continue to fight for what is legitimately ours. We are not invaders, we are the original peoples. We ask for justice, support and protection from the international system.

Zenaida Romero Martinez