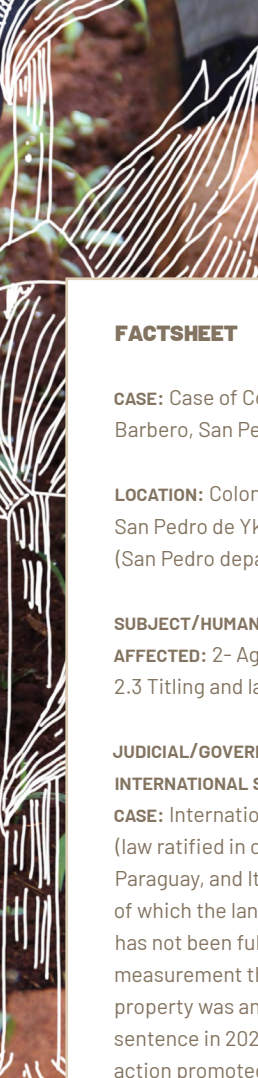




BARBERENOS RESIST AGAINST THE SYSTEMATIC ABUSE OF THEIR LANDS AND THEIR LEADERS

Persecutions of leaders, abuse by national authorities, and violations of rights over their lands are some of the situations experienced in the last decade by the inhabitants of the Colonia Barbero Cu, of San Pedro de Ykuamandyyú from the San Pedro department. The public institutions that were supposed to protect them have systematically doomed these people to harm.



FACTSHEET

CASE: Case of Colonia Barbero, San Pedro

LOCATION: Colonia Barbero Cue, San Pedro de Ykuamandyyú (San Pedro department)

SUBJECT/HUMAN RIGHTS

AFFECTED: 2- Agribusiness / 2.3 Titling and land issues.

JUDICIAL/GOVERNMENTAL/

INTERNATIONAL STATUS OF THE

CASE: International treaty (law ratified in congresses of Paraguay, and Italy), by means of which the land is donated, has not been fulfilled. Irregular measurement that curtailed property was annulled by a court sentence in 2020 thanks to an action promoted by Barbereños.

NUMBER OF PEOPLE AFFECTED:

More than 5,000 families.

BRIEF DESCRIPTION: For decades, inhabitants of the Barbero Cue Colony have owned, occupied, and produced in a 17,343-hectare property that Italy donated in June 2012 to the Paraguayan State for beneficiaries of the agrarian reform. Politicians wanted to finish off the property irregularly; they tried to dismember it with a measurement, but this was annulled by court decision. The families are unable to have their property titles because no government has complied with the donation treaty.



fter decades of occupation and possession of the donated land via an international treaty, and after numerous legal action, more than 5,000 inhabitants of the Barbero Cue Colony, commonly known as barbereños, still do not have access to the property titles

that correspond to their property. It is a 17,343-hectare segment located in the Aguaraymí area in the San Pedro del Ycuamandyyú district (San Pedro department) which the Italy donated on June 12, 2012 to Paraguay to contribute to agrarian reform. It was via an international treaty that was ratified by law 4.732/12.

The name “Barbero Cue” comes from the history that scientist, and humanist Andrés Barbero (1877 - 1951) had with the area. The son of Italian immigrants, Barbero was also a notable physician, philanthropist, and a total lover of Paraguayan indigenous culture. He bought the 17,000 hectares which is still disputed today, and donated them to the Italian state so that peasants from that country who were harmed by the Second World War could migrate, to rebuild their lives on these lands. Finally, Italy donated the property to Paraguay in 2012 with the aim of reassigning it for agrarian reform.

The neighborhood commission “Un Pedacito de Italia” [“A Little Piece of Italy”] has been fighting legally since then to obtain the property titles, but the social struggle began at least 40 years ago according to Doña Celia Candia, one of the community leaders.

With the donation, the residents never imagined the succession of abuse that was to come, he adds. In fact, one of the attempts to appropriate their lands began in a process two years before the treaty, in 2010, and had the then mayor of San Pedro de Ykuamandyyú, Pastor Vera Bejarano (PLRA¹), today a national deputy (2018- 2023) as its protagonist.

During his tenure as communal chief, Vera Bejarano had irregularly sold a debt that the Italian government had with the municipality as an unpaid property tax. The sale was made in favor of the citizen Luis Ortigoza, who years later has been president of the INDERT, Instituto Nacional de Desarrollo Rural y de la Tierra [National Institute for Rural and Land Development], and of Benjamín Adaro Monzón, often connected with land transactions in the national press.

The 2012 treaty states that “Paraguay will require the Italian Republic to pay neither taxes, fees, nor other contributions that may weigh on the aforementioned property.” Even so, in 2014, Ortigoza, already then head of INDERT requested a San Pedro judge, Guillermo Lezcano, to issue an executive seizure order to carry out the judicial auction of the lands to which the magistrate responded favorably. This auction was stopped thanks to legal action filed by the Barbero Cue neighborhood commission, but the community leader suffered a defamation complaint that Vera Bejarano filed against her while he held the position of national deputy.

“The land even went to auction. We intelligently defended that auctioneer trial, and won, plus I also won a criminal complaint. A very unequal fight because, as you can imagine, he was already a deputy at that time, and I was just a resident. In the end, I won the trial in all levels, and he never paid me any costs until today (2020),” Doña Celia says.

But that was not the only injustice suffered by the Barbereños due to the actions of Ortigoza. During his presidency at INDERT between 2012 and 2013, he promoted a judicial survey of the colony. The result was supposedly that the property only had 14,090 hectares, a dimension different from the official one that is described in the property title which remains in the name of Italy in Public Records identified as Farm 231 register 682 of 17,343 hectares. What happened to the remaining 3,253 hectares? The documents show that some companies maintained that they had rights to the land. Consequently instead of stating what the title says, and thus only noting the claims of the alleged affected parties, the surveyor benefited the ranchers that were present despite the fact that only a sentence after a judicial process can define who has the valid claim to a property when there is an overlap of titles. The measurement is only a technical measurement (Art. 668 of the Civil Procedure Code).

This was not the final action by an INDERT’s president to the detriment of the rights of peasants in Barbero Cue. Years later, between 2013 and 2018, Justo Cárdenas was in charge of the agrarian institute. He proceeded to finalize the procedures for the aforementioned measurement to later register it in the Public Registries.

Thus, Cárdenas carried out the transfer of Farm 231 by public deed before the then senior government clerk Marta Narvaja, without the participation of Italy, which later resulted in the trimming away of the 3,253 hectares donated to the peasants.





"We suffered all types of abuses. We have been fighting for seven consecutive years with this mafia structure that we face demanding justice. These lands were donated by the Italian Government for the peasants, but INDERT acted in favor of ranchers, soybean producers, and landowners. This is how the mau² measurement was registered by the director of Public Records, and by the senior government clerk," Doña Celia says.

For the lawyer, Leticia Almada Paoli, legal representative of the neighborhood commission, Un Pedacito de Italia both the "criminal conduct" of Luis Ortigoza, and Justo Cárdenas have given rise to several actions. Precautionary measures promoted by their constituents against these acts to prevent the distribution of land on the basis of that irregular transfer. These are actions that have had favorable judgments, and are firm. In this way, the legal battle with which the peasants responded to the abuse managed to annul what was baptized in the community as "the measure of shame".

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Almada also describes what Cárdenas carried out with another negotiation of the Barbero lands when he bought a fraction of the Farm 231 through exception after it had already been donated to the State. That is to say, more than 14,000 million Guaranies were paid for lands that were already owned by the State and, as if that were not enough, the potential beneficiaries who were listed were not even from the colony, and furthermore, the names of deceased people were found on the list, she adds (process with ID No. 297227 in Public Procurement).

"The corruption was always systematic, and decades old in this case. This fight started 40 years ago for all of them. Corruption has been so prevalent in the country that it has deteriorated the standard of living of the population, and particularly of the residents of Barbero Cue who have been deprived of State assistance in matters of Health, Education, and Infrastructure. The actual and political powers that be have tried, in addition to everything they have already suffered, to appropriate their lands through utilizing corrupted justice," the lawyer highlights.

As she emphasizes, the peasants have always respected their rights; they have not invaded, while their lands have been invaded. "Corruption undermines all the foundations of democracy, as well as court decisions. There has always been a criminal, business, political, and governmental association of different institutions supporting this, all in complicity. We would not have obtained these achievements without the participation of the press, without the participation of the citizens, the protests; all of which were fundamental," she purports.

The leaders of the neighborhood commission, "A Little Piece of Italy" say that they feel overwhelmed from every point of view. In addition to the land obstacles, they suffer fumigation by soybean producers, precisely by those that the former holders of the INDERT benefited. The fumigations harm their production of capi'i cedrón, Paraguay cedrón, sesame that when exported to Europe should not have a high content of agrochemicals, and which is not possible



2 Word belonging to the Paraguayan popular slang. It comes from the Portuguese "Mal" / maw / and is used to refer to something that is false, illegal, pirated, tricks, corrupt, stolen, etc.

when the soybean producers spray the entire area, but their main objective is to take possession of property titles, according to Víctor Caballero, president of the neighborhood commission.

He adds that the legal mandate of the Paraguayan State is to support the peasants, to protect their interests, and to entirely receive the donation from Italy then to transmit it to the peasants; doing otherwise is illegal and void, and that is exactly what has happened thus far, he maintains. “We battle tirelessly against Goliath, the Paraguayan State: the Intendancy, INDERT, the Attorney General’s Office, the Public Registry, Cadastre, and the Judicial Power. The most painful thing is that they continue violating our rights to this date because we have to pay our legal fees, and it did not have to be that way. We are overwhelmed,” the farmer leader indicates.

60 Caballero, like the other members of the commission, hopes that the current president of INDERT, Gail González Yaluff³, will take action on the matter, and finally resolve the distribution of the lots to the peasants with the respective titles. To do this, the Executive Branch must accept the donation from Italy with the registration of a correct measurement in the Public Registries, and the transfer of the title to the State. They met her this year, but the official only told them that “she would see what she could do.”

“We have a little bit of hope, and we will see what happens. We are not violent; they are the violent ones, and we will see how long it continues like this,” the leader points out to the commission at this time, a proclamation that they will not cease their fight.

From the legal team that accompanies the barbereños, they enumerate numerous rights violated in all these years of legal battle. “The right to equality before the law has been violated in the strict non-application of the law. Property rights were also violated when being robbed by the agrarian reform regulator, causing serious damage to the barbereños. The right to freedom of expression in the Ña Celia case has been influenced, and I also suffered persecution personally, as also in my professional capacity with the threat of canceling my professional registry for defending the barbereños,” the lawyer in the case emphasizes, and agrees with Knight in that although Paraguay is a country “where money, power, and corruption reign,” they will not back down an inch in the struggle, and that they will continue to resist until justice is done in favor of the beneficiaries of the donation from Italy, which are the peasants of Barbero Cue.³



3 Designated as head of the institution in October 2020.

