

More than 130 organizations condemn the criminalization of Abelino Chub, Maya Q'eqchi', for his work defending the right to land, territory and human rights in Guatemala.

The Americas, April 24, 2019.

On Monday, April 22, the Higher Risk Court "A" in Guatemala City opened the trial of Abelino Chub Caal, a Maya Q'eqchi' human rights defender working to protect the right to land, territory, and rights of indigenous peoples. He was accused of aggravated land occupation, arson, and criminal conspiracy. Abelino was arrested on February 4, 2017, by the National Civil Police of Guatemala, in the department of Alta Verapaz and has been in prison ever since.

According to State authorities, Abelino's detention and imprisonment for more than two years are linked to his alleged participation and incitement to occupy land and subsequently burn palm oil trees in El Estor, Izabal in northeastern Guatemala in August 2016. For this supposed crime, he is also being prosecuted for criminal conspiracy.

Abelino's legal process is set within the context of high social conflict related to the dispossession of land, by the extensive use of land for monocultures, the diverting of rivers for the construction of hydroelectric plants and nickel mining in the departments of Alta Verapaz and Izabal. The communities that live in these regions have repeatedly denounced the theft of their lands and the imposition of these kinds of activities for decades without the free, prior and informed consent and meaningful consultation of the communities, as established in Convention 169 of the ILO. At the same time, they have repeatedly denounced violent evictions from their lands.

The signatories of this letter denounce the irregularities and lack of due process in Abelino Chub's case, highlighting the fact that the Court of First Instance of Izabal, in July 2017, opposed the request of the Public Ministry to provisionally suspend the case, after noting the lack of sufficient evidence to make an accusation against Abelino. Judge Anibal Arteaga dismissed this request and ordered the legal proceeding to continue.

In addition to criminalization, Abelino and the Guillermo Toriello Foundation, where he works, have been subject to aggression and threats. In June 2016, Abelino personally suffered a robbery and an assassination attempt, and several members of the Foundation have been subject to defamation campaigns by large landowners and businessmen, among others. The judicial process against Abelino is another step to prevent communities from claiming their rights. The accusation and criminal prosecution of social and community leaders and land defenders have become another tool to stop their work in defense of human rights. In

contrast, the aggressions against Abelino have not been investigated diligently, demonstrating the arbitrariness in the criminal law system.

The Inter-American Commission on Human Rights (IACHR) has expressed its concern regarding the criminalization of human rights defenders for the impact that the malicious use of criminal law has to limit the exercise of the defense of human rights. The IACHR has highlighted the defense to the right to land and the environment by peasants and social leaders as contexts in which criminal law is abused.

We recall that the Special Rapporteur of the United Nations on the Rights of Indigenous Peoples, after her visit to the country in May 2018, where she was able to meet with Abelino Chub, indicated that in Guatemala there is an "upsurge in the incidence of criminal proceedings against indigenous people defending their lands and resources [...]. In most cases, the underlying cause is the lack of security in land tenure of indigenous communities. Criminalization has produced an increase in social tensions and distrust of indigenous peoples in the justice system."

We urge the State of Guatemala to guarantee the rights of the indigenous and peasant communities, as well as the right to defend human rights in their territory. As reiterated by the IACHR and the Office of the United Nations High Commissioner for Human Rights (OACNUDH), the IACHR and the Inter American Court of Human Rights, "States have an obligation to protect and guarantee the life and personal integrity of human rights defenders through the adoption of specific measures."

We urge the Guatemalan justice system to stop and desist from the judicial process initiated in 2017 against Abelino Chub, immediately ceasing the criminalization against him, and investigating the irregularities developed during the process.

Finally, we express our solidarity with Abelino Chub, and with all the communities of the departments of Alta Verapaz and Izabal, who exercise the legitimate defense of their territories and their rights.

International

International Commission of Jurists (ICJ)

JASS (Just Associates)

Regional

Center for Justice and International Law (CEJIL)

Colectivo Latinoafricano de Educación Popular

Comité de América Latina y el Caribe para la Defensa de los Derechos Humanos de las Mujeres

Cultural Survival

Due Process of Law Foundation (DPLF)

Latinoamérica Rompe el Cerco

Misioneros Claretianos

Washington Office on Latin America (WOLA)

Canada

Above Ground

Atlantic Region Solidarity Network

BC CASA/Café Justicia

Comité por los Derechos Humanos en América latina (CDHAL)

Consensus Multimedia

Common Frontiers

Grassroots Grandmothers Circle, Mi'kma'ki

Guatemala Community Network (GCN)

KAIROS: Canadian Ecumenical Justice Initiatives

Maritimes - Guatemala Breaking the Silence Network

Mining Injustice Solidarity Network (MISN)

Rights Action

Todos por Guatemala

United for Mining Justice

Chile

Observadores por el Cierre de la Escuela de las Américas

Colombia

Corporación Claretiana Norman Pérez Bello (CCNPB)

Corporación Colectivo de Abogados José Alvear Restrepo (CAJAR)

Corporación Trabajadores por la Tierra

Funtramiexco

Movimiento Nacional de Víctimas de Corporaciones Multinacionales

Costa Rica

Comité de Apoyo a la Autonomía Indígena

Beso Diverso

Justicia, Paz e Integridad de la Creación (CLARET)

Observatorio Ético Caribe y América Central (OBETICA)

Reflexión en Acción

The Handmaids Costa Rica

Ecuador

Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM)

Comisión Ecuménica de Derechos Humanos (CEDHU)

France

Collectif Guatemala

Guatemala

Asociación B'elejeb' Tz'i'i

Asociación Bufete Jurídico Popular de Rabinal

Asociación Civil Caja Lúdica

Asociación de Estudiantes Universitarios "Oliverio Castañeda de León" (AEU)

Asociación de profesionales para el desarrollo y prevención de la violencia en Suchitepequez (APDAS MANOS FRATERNAS)

Asociación Estoreña Para el Desarrollo Integral - AEPDI DEFENSORÍA Q'EQCHI'

Asociacion Ixchel

Asociación Maya Uk'úx B'é

Asociación para el Mejoramiento Habitacional de Guatemala (Mejorha)

Asociación Sobrevivencia Cultural

Bufete para Pueblos Indígenas

Centro Para la acción Legal en Derechos Humanos (CALDH)

Centro de Investigación y Educación Popular (CIEP)

CODECA

Colectiva de Mujeres Feministas, integrantes del Sector de Mujeres

Comité Campesino del Altiplano (CCDA)

Comité de Unidad Campesina (CUC)

CONGCOOP

Convergencia por los Derechos Humanos

Coordinación y Convergencia Nacional Maya Waqib' kej

Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP)

Festivales Solidarios

Frente Norte del Área Metropolitana de Guatemala (FRENAM)

Fundación Guillermo Toriello

Fundación Myrna Mack (FMM)

H.I.J.O.S. Guatemala

Instituto Amaq'

Instituto de Estudios Comparados en Ciencias Penales

Las Poderosas Teatro

Movimiento de Acción Sancarlista

Movimiento Ecológico Estudiantil (MEE)

OASIS Guatemala

Otra Guatemala Ya

Peronia Adolescente

Prensa Comunitaria Km.169

Radio Urbana

Redes juveniles / Rj metamorfosis

Red de Intelectuales y Artistas en Defensa de la Humanidad

Red Guatemalteca Mujeres Positivas en Acción

Red Panal

Red Tz'ikin - Realizadores-as Independientes de Guatemala

Seguridad en Democracia (SEDEM)

SOMOS

Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala UDEFEGUA

Unión Nacional de Mujeres Guatemaltecas (UNAMG)

UsacEsPueblo

Honduras

Centro de Estudios de la Mujer-Honduras (CEMH)

Coalición contra la Impunidad

Comité por la Libre Expresión (C-Libre)

Comisión de Agua Segura y Saneamiento (CASS)

Comunicación Comunitaria (COMUN)

Coordinadora de Organizaciones Populares del Aguan (COPA)

Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH)

Equipo de Reflexión, Investigación y Comunicación de la Compañía de Jesús en Honduras (ERIC-SJ)

Mesa de Indignación de El Progreso (MIP)

Movimiento Amplio por la Dignidad y la Justicia (MADJ)

Movimiento de Mujeres Visitación Padilla

Plataforma Agraria Bajo Aguan Honduras

Red Nacional de Defensoras de Derechos humanos en Honduras

Ireland

Front Line Defenders

Mexico

Laboratorio Popular de Medios Libres

Noticias de Abajo ML

Panama

Colectivo Voces Ecológicas (COVEC)

Peru

Paz y Esperanza

Spain

AlterNativa Intercambio con Pueblos Indígenas

Equipo Guam

OBETI - Observatorio Ético Internacional

Sweden

Movimiento Sueco por la Reconciliación, SweFOR Guatemala

Switzerland

Guatemala-Netz Zurich

Plataforma Internacional Contra la Impunidad

Peace Watch Switzerland (PWS)

USA

ActionAid USA

Chicago Religious Leadership Network on Latin America

Despertar Maya

Guatemala Human Rights Commission GHRC-USA

Guatemala Solidarity Project

Latin America Solidarity Committee

Latin America Working Group (LAWG)

Native American Films

Network in Solidarity with the People of Guatemala (NISGUA)

Oberlin Students in Solidarity with the People of Guatemala

School of the Americas Watch (SOAW)

Solidarity Group for Indigenous Justice

S.O.S. Immigration

The Human Rights Defenders Project (HRDP)

Voces y Manos

Venezuela

Acción Solidaria

CIVILIS Derechos Humanos