

Br 1st Day of Trial of Abelino Chub Caal, Maya Q'eqchi Land Defender, in Guatemala City

Earth Day, April 22, 2019

Inside a packed Guatemala City courtroom, the High Risk Tribunal “A” opened the trial against Maya Q'eqchi land defender Abelino Chub Caal. Abelino works with the Guillermo Toriello Foundation where he supports and accompanies 29 Q'eqchi communities in Sierra Santa Cruz, in the department of Izabal in eastern Guatemala to help them obtain legal certainty for their lands while promoting rural development in the area. Abelino was detained on February 4, 2017 and has been in pre-trial detention ever since.



During the first day of the trial, the Public Prosecutor and private companies “Inversiones Cobra” (Cobra Investments) and CXI presented the accusation against Abelino, arguing that he had led a mobilization into the Plan Grande farm (finca), in the municipality of El Estor in the department of Izabal on August 7, 2016. They also accused him of setting fire to palm oil trees in the farm; Abelino is facing aggravated land occupation, arson and criminal conspiracy charges as a result.

Carlos Manuel Ovalle is the lawyer who represents the companies. He indicated that after the arrival of Abelino Chub, “the relations between the company and the community of Plan Grande deteriorated.” It is important to note that the indigenous Maya Q'eqchi community Plan Grande has been recognized as living on the land where the company now works since at least 1834 when it was recognized when the municipality of El Estor was founded. There are number of fincas, or farms, now occupying that land. One of those farms is also called Plan Grande, which is not the same as the community.



Ovalle said that they would prove the presence and responsibility of Abelino in the supposed invasion of the farm and the burning of palm oil trees there. Throughout his arbitrary pre-trial detention, Abelino has maintained that he was at his home on August 7 and not in the Plan Grande indigenous community nor the Plan Grande farm.

Jovita Tzul, the defense lawyer for Abelino, noted, “There is a historic agrarian conflict in Guatemala, and the support that Abelino gives communities to defend their legitimate and historically acquired rights through legal channels is important. He has documented constant human rights violations; he has been a translator for the communities. This is the reason he is being persecuted. This is part of the struggle for land that is the driving force of the life of communities.”



Tzul argued that the thesis that the Public Prosecutor and the companies were putting forward could not be backed up. She noted that Abelino is a Maya Q'eqchi man from a poor family, who obtained an education through a lot of effort. He put his knowledge to the service of indigenous communities because he understood, from his being and life experience, the social injustices, racism, exploitation and land grabbing that Maya Q'eqchi communities continue to live in

different parts of the country. “Abelino is being judged for being a human rights defender; they are trying to criminalize the collective, the communities,” she said.

On the first morning of the trial, ten witnesses declared on the stand. The majority were men who worked on the Murcielago farm, in El Estor, Izabal and were proposed by the Public Prosecutor’s Office and the private accusation. Most of them said they couldn’t be sure of Abelino’s participation in the events he is accused of having taken part of on August 7, 2016.



It’s worth mentioning that several of the testimonies were contradictory and that the administrative employees for the Murcielago Farm could not confirm the participation of Abelino Chub in the events of August 7 because they were not present in the place of the supposed crime; rather, they had been told about it by other employees working on the farm. All of the witnesses confirmed the existence of the Plan Grande Indigenous community, including homes and crops on the lands under dispute.

Several witnesses proposed by the Public Prosecutor and private accusation did not show up to give their testimonies, and the Court was forced to suspend the trial at 1pm. It is set to resume Tuesday, April 23 at 8:30am.

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