

PUBLIC

AI Index: AMR 34/016/2005

05 April 2005

UA 80/05 Fear for safety/ death threats

GUATEMALA **Carlos Humberto Guarquez (m), staff member of the *Fundación Maya*, (FUNDAMAYA), Maya Foundation**
Alfonso Guarquez (m), journalist, his brother
Dominga Vásquez (f), local mayor, FUNDAMAYA member and wife of Alfonso Guarquez

Carlos Humberto Guarquez, prominent member of indigenous rights group the *Fundación Maya* (FUNDAMAYA), Maya Foundation, local mayor Dominga Vásquez and her husband journalist Alfonso Guarquez, have received death threats in an apparent effort to intimidate them into stopping their opposition to expansion of mining in the local area. Their lives are in serious danger.

On 25 March at about 11.45pm, villagers in Tablón near the town of Sololá in western Guatemala alerted the police to a burning vehicle, which had been doused in petrol before being set alight. The vehicle belonged to FUNDAMAYA and was used by one of the organization's staff, Carlos Humberto Guarquez. Five written death threats directed at Carlos Humberto Guarquez were found around the burning vehicle. One threat stated: "The same will happen to you Mr Carlos Humberto for interfering in these stupid social issues, tomorrow will be your day to disappear from this world. Every pig eventually gets slaughtered, also Ms. Dominga [Vásquez] and her husband Alfonso Guarquez". (*"eso te pasa Señor Carlos Humberto por estar metido en babosadas de la sociedad, mañana llegará tu día de desaparecer en este mundo, a todo coche [cuche] se le llega su sábado, también a la Señora Dominga y su esposo Alfonso Guarquez"*).

Carlos Humberto Guarquez, Dominga Vásquez and Alfonso Guarquez are among five indigenous people who have been accused of inciting a protest on 11 January, against the transportation of equipment belonging to mining company Montana Exploradora (a subsidiary of the Canadian-US firm Glamis Gold), which owns two gold mining projects in Guatemala. The local governor for the department of Sololá presented a complaint to the local Prosecutor's Office which then filed criminal charges against them in relation to the protest, and is continuing its investigations.

FUNDAMAYA forms part of the recently created coalition *Frente Nacional contra la Minería*, National Front against Mining, which campaigns to raise awareness of the potential environmental damage caused by mining and the negative impact on indigenous communities living close to mines. Carlos Humberto Guarquez is FUNDAMAYA's representative to the coalition.

Dominga Vásquez received an anonymous threat by telephone on 5 January, after speaking out against mining in the area. The caller told her that she would "suffer the consequences for having led [this] ...and be careful with what will happen to you" (*que debía atenerse a las consecuencias por haber encabezado [esto]...ten cuidado con lo que te puede pasar*). The threats have been reported to the national police, the Public Prosecutor's Office, the Human Rights Ombudsman and the Presidential Commission of the Office of Human Rights (COPREDEH). Her husband Alfonso Guarquez, who is also the brother of Carlos Humberto Guarquez, is a journalist for the national information service *Cerigua* and has reported on local opposition to mining.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- expressing concern for the safety of Dominga Vásquez, Alfonso Guarquez and Carlos Humberto Guarquez, after they received a death threat on 25 March;
- calling on the authorities to take immediate measures, in accordance with the wishes of those concerned, to guarantee their safety;
- calling for an immediate and thorough investigation into the death threats, for the results to be made public and for those responsible to be brought to justice;
- urging the authorities to ensure that any criminal investigation against indigenous leaders involved in opposition to local mining comply with domestic and international standards regarding fair trials;
- reminding the authorities of their obligations to respect the principle of free, prior and informed consent of communities to be affected by development projects, as stated under the International Labour Organization (ILO) Convention 169, ratified by Guatemala in 1996;

APPEALS TO:

Vice President of Guatemala

Eduardo Stein Barillas

Vicepresidente de la República de Guatemala

Casa Presidencial, 6ª.Avenida 4-18 zona 1

Ciudad de Guatemala, GUATEMALA

Fax: + 502 2253 0801

Salutation: Estimado Señor Vicepresidente/Dear Sir

Attorney General

Fiscal General

Juan Luis Florido

8a. Avenida 10-67, Zona 1, Antiguo Edificio del Banco de los Trabajadores

Ciudad de Guatemala, GUATEMALA

Fax: + 502 2251 2218

Salutation: Estimado Fiscal General/Dear Sir

Presidential Commission for Human Rights

Comisión Presidencial de Derechos Humanos (COPREDEH)

Frank La Rue, 13 Calle 15-33 Zona 13, Ciudad de Guatemala, Guatemala

Fax: + 502 2334 1615

Email: coprekeh@coprekeh.gob.gt

Salutation: Señor Licenciado/Dear Sir

COPIES TO:

Glamis Gold Mining company

310-5190 Neil Road

Reno, NV, USA 89502

Fax: + 1 775 827 5044

Email: info@glamis.com

Subsidiary in Guatemala

Montana Exploradora de Guatemala, S.A.

20 Calle 24-60 Zona 10, Ofibodegas Pradera

Oficina No. 20, Guatemala City, Guatemala

Fax: + 502 2385 6651

and to diplomatic representatives of Guatemala accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 May 2005.