

PUBLIC

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Fear for safety

GUATEMALA

Margarita Pérez Aguilar (f)
José Elías Juárez (m)
Their daughter, aged 15, and son, aged 13
Members of the *Sindicato de Finca María Lourdes*, Maria Lourdes
Plantation Trade Union

The 15-year-old daughter of trade unionists has been raped by men allegedly linked to the management of the plantation where they work. The rape is believed to be part of management intimidation of union activists pursuing legal action against the plantation: in March this year the plantation manager allegedly offered a reward to any of the plantation's private security guards who raped a female associated with the union. Amnesty International believes the family and all union members are in grave danger.

The girl and her 13-year-old brother were washing clothes near their home on the afternoon of 6 July when two men in balaclavas attacked them and dragged them at gunpoint to nearby coffee trees, and tied them up using the children's own clothing. One man then raped the girl while the other kept watch. Plantation workers searching for the missing children found them about an hour later. Both had been beaten. The children's parents, Margarita Pérez Aguilar and José Elías Juárez, are active members of the Maria Lourdes Plantation Trade Union.

The following day the children's parents filed a complaint with the *Ministerio Público* (Public Prosecutor's Office) and the *Procuraduría de los Derechos Humanos* (Human Rights Procurator). In her testimony the girl identified the man who kept watch as the Manager of the Maria Lourdes Plantation, from his clothing and behaviour. On 8 July the local *Medico Forense*, Forensic Medical Official, who conducts physical examinations on behalf of the police, examined the girl and confirmed that she had been raped. No arrest warrants have yet been issued in connection with this attack.

That day, lawyers acting for the Maria Lourdes Plantation warned other union members that they would be arrested if they involved the plantation manager in the rape complaint. The threats were made via a third party.

BACKGROUND INFORMATION

The Maria Lourdes Plantation Trade Union has been in dispute with the management of the plantation since 1992. They first demanded that the workers receive the minimum hourly wage of 11.20 quetzales (approx US\$1.50). At the time the plantation was paying workers about half this. The plantation management reacted by dismissing all 47 union members then working on the plantation. The courts ruled in favour of the union, and ordered the management to pay compensation, and raise wages accordingly. Union members occupied part of the plantation to pressure management into reinstating the workers and following the court's ruling. They were violently evicted.

Since then union members have suffered continuous intimidation: they have been fired for joining the union; their houses have been demolished on the grounds that they were erected without permission; their fruit trees have been cut down; they have been charged with assault and robbery as reprisals for taking part in union activities; they have been threatened with death and rape, and their children have been denied education and medical treatment.

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

- expressing concern for the safety of members of Maria Lourdes Plantation Trade Union and their families, especially the children of Margarita Perez Aguilar and Jose Elias Juarez;
- calling for a full, prompt and impartial investigation into the rape of the 15-year-old daughter of Margarita Perez Aguilar and Jose Elias Juarez, with the results made public and those found responsible brought to justice;
- expressing concern that the people who reported the rape were threatened with arrest, and calling for an investigation into this;
- urging the authorities to take immediate measures to end the intimidation of Maria Lourdes Plantation Trade Union members, so that they can defend their rights without fear of retaliation or punishment.

APPEALS TO: (if a voice answers a fax number, ask 'me puede dar el tono de fax, por favor')

District Attorney

Lic. Rodolfo Hernandez, Fiscal Distrital del Ministerio Público,
6ª Calle 5-65, Zona 2, Barrio El Rosario, Coatepeque, Quetzaltenango, Guatemala.

Fax: + 502 775 1645

Salutation: Estimado Fiscal Distrital/Dear District Attorney

National Civilian Police

Oficial Segundo Norberto Revolorio Hernandez, Jefe de Estacion PNC Coatepeque
2da Calle, 3av, Zona 3, Coatepeque, Quetzaltenango, Guatemala

Fax: +502 775 1370

Salutation: Estimado Señor Oficial Segundo/Dear Second Officer

Vice-President of the Republic of Guatemala

Eduardo Stein Barillas, Vicepresidente de la República de Guatemala
Casa Presidencial, 6ª.Avenida 4-18 zona 1.Ciudad de Guatemala, Guatemala.

Fax: +502 253 0801

Salutation: Señor Vicepresidente de la República de Guatemala/Dear Vice-President

COPIES TO:

Minister of the Interior

Licenciado Manuel Arturo Soto Aguirre, Ministro de Gobernación
6a.Avenida 4-64, zona 4, nivel 3.Ciudad de Guatemala, Guatemala.

Fax: +502 362 0237

Email: gobernación@mingob.gob.gt

Attorney General

Luis Alfonso Rosales Marroquín, Procurador General de la Nación
15 Avenida 9-69, Zona 13, Ciudad de Guatemala, Guatemala

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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 24 August 2004.