

PUBLIC

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Extrajudicial killing/fear for safety

7 February 2003

GUATEMALA María Antonia Asencio Velásquez (f),]
 Romero López Muñoz (m),] land activists

Killed: Pedro Méndez Gutiérrez (m)]

Land activists María Antonia Asencio Velásquez and Romero López Muñoz of the Montufar community in the municipality of Amates, Izabal have been subjected to a series of death threats from people connected to the company *El Botiquín*, who are claiming ownership of the land where the Montufar community has farmed for over 50 years. Following the killing of fellow land activist Pedro Méndez Gutiérrez on 1 February 2003, Amnesty International is extremely concerned for their safety.

Pedro Méndez Gutiérrez, member of *Asociación de Desarrollo Integral de Montufar* (ASDIM), Association of Integral Development of Montufar, was reportedly assassinated by six heavily armed men at his home on the evening of 1 February. He was shot in the presence of his wife and four of his children. During the two months prior to his murder he had received a number of death threats and was repeatedly warned that his life was in danger.

Over the last four months, María Antonia Asencio Velásquez, also of ASDIM, and Romero López Muñoz, a regional director of the indigenous lands rights group, *Comité de Unidad Campesina*, (CUC), Peasants' Unity Committee, have both reportedly received death threats, also from people affiliated to *El Botiquín*. Peasant organisations believe that the dispute between the community and the company is at the root of Pedro Méndez Gutiérrez's killing.

CUC has been concerned that the family of Pedro Méndez Gutiérrez was not permitted to denounce his murder directly to the *Ministerio Público* (Public Prosecutor's Office), but was told that the *Servicio de Investigación Criminológica*, (SIC), Criminological Investigations Unit, would pass on their complaint. They are concerned that the local office of the Human Rights Procurator in Puerto Barrios, Izabal has not made any statement on the case. They fear that the authorities are not genuinely committed to investigating the killing of Pedro Méndez Gutiérrez and bringing those responsible to justice, and that instead, the intention may be to protect the perpetrators.

BACKGROUND INFORMATION

The Montufar community of some three hundred families was formed over 50 years ago. A local commercial company Prama S.A. allegedly has legal title to their land. A group of engineers, who worked for Prama, reportedly formed the company *El Botiquín* which claims to have bought the land from Prama S.A. which Prama dispute. *El Botiquín* are reportedly threatening the Montufar community because they want the peasant farmers to buy the land from them and not from Prama S.A.. CUC is assisting the Montufar community with support and advice. The murder of Pedro Méndez Gutiérrez occurred against the background of increased violence against land rights activists in Guatemala (see for example UA 335/02, AMR 34/068/2002, 12 November 2002 and UA 205/02, AMR 34/042/2002, 8 July 2002).

The 1996 *Accord on Socio-Economic issues and the Agrarian Situation*, an important plank of the 1996 Peace Accords, stipulated that unused national lands were to be distributed and social funds created to buy lands for landless peasant farmers. Despite this, the Guatemalan government has shown little political will to fully implement this important element of the Peace Accords. Increasingly desperate groups of peasant farmers in a number of Guatemalan departments have taken to occupying lands or refusing to vacate other plots which they believe they have the right to cultivate. Peasant farmers have been subject to threats and

intimidation and are frequently forcibly removed from the land by police or landowners' private security. In other instances, there appear to be collaboration between the authorities and private land holders, in efforts to remove peasant farmers from lands they claim and have often been working for many years.

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

- expressing concern for the safety of Maria Antonia Asencio Velásquez, Romero López Muñoz and other members of *Asociación de Desarrollo Integral de Montufar* (ASDIM), Association of Integral Development of Montufar;
- urging the authorities to take immediate measures to guarantee their safety;
- calling on the government to investigate the murder of Pedro Méndez Gutiérrez, to make the results public and bring those responsible to justice;
- urging the authorities to take action to peacefully resolve land disputes including the one involving the Montufar community;
- stating that this would be one step towards reducing abuses against indigenous peasants.

APPEALS TO:

Attorney General

Lic. Carlos David de Leon Argueta

Fiscal General de la Republica

Fiscalia General del Ministerio Publico

8a. Avenida 10-67, Tercer nivel

Zona 1, Ciudad de Guatemala, Guatemala

Telegram: Fiscal General de la Republica, Ciudad de Guatemala, Guatemala

Fax: + 502 221 2718

Salutation: Dear Attorney General/Señor Fiscal General

Human Rights Procurator

Lic. Sergio Morales

Procuraduria de los Derechos Humanos

12 Avenida 12-72, Zona 1

Ciudad de Guatemala, Guatemala

Telefax: +502 230 0874-76

Fax: +502 238 1734

Salutation: Dear Procurator/Señor Procurador

Presidential Legal Assistance and Resolution of Conflicts Land Agency

Contierra

Director General Gustavo Adolfo Ceraíz

Av. Hincapié 5-71 Zona 13

Ciudad de Guatemala, Guatemala

**Telegram: Presidential Legal Assistance and Resolution of Conflicts Land Agency
Ciudad de Guatemala, Guatemala**

Telefax: +502 332 6468/ 332 1525 (if a voice answers, please say, "fax por favor")

E-mail: contierra@itelgua.com

Salutation: Dear Director/Señor Director General

Head of Police

Comisario General Raúl Arquímedes Manchamé Leiva

Señor Director de la Policía Nacional Civil

6ª Avenida 13-71, Zona 1

Ciudad de Guatemala, Guatemala

Fax: +502 251 9382

Salutation: Señor Director/ Dear Chief of Police

COPIES TO:

Peasants Organisation

Comité de Unidad Campesina (CUC)

31 Avenida A 14-46, Zona 7

Ciudad de Plata II

Ciudad de Guatemala, Guatemala

Telefax: +502 434 9754 (please keep trying if difficulty getting through)

Newspaper

Diario Prensa Libre

13 Calle 9-31, Zona I

Ciudad de Guatemala, Guatemala

Fax: +502 251 8768/ 230 2193/ 230 2257

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 21 March 2003.