

PUBLIC

AI Index: AMR 34/018/2006

UA 162/06

Fear for safety

08 June 2006

GUATEMALA Roberto Cruz Romero Cortez (m)
 Arturo Mendez (m)
 Mercedes Clemencia Lopez Castro (f)
 Carmelina Lopez Cortez (m)
 Edwin Ranferi Lopez Castro (m)
 Julio Humberto Ramos Lopez (m)
 Natalia Lopez Lem (f)
 Felisa Lopez Lem (f)
 Gonzalo Ramoz Gomez (m)
 Rolando Ovidio Lopez Fuentes (m)
 Alma Roselia Juarez Alvarez (f)
 all former workers of Nueva Florencia Farm

Eleven families who used to work for Nueva Florencia Farm, a coffee plantation in the municipality Colomba Costa Cuca, department of Quetzaltenango, in the east of the country, have recently been intimidated in what appears to be an effort to dissuade them from defending their labour rights after a landmark ruling by a judge which awarded them land in compensation for unfair dismissal. Amnesty International is concerned for their safety.

On 1 June, the former workers received information that security guards had been given orders to shoot them if they walked through the coffee plantations of Nueva Florencia Farm. The former workers are extremely concerned for the safety of their children as their school is three kilometres from their homes if a shortcut through the coffee plantations is taken, but six kilometres if the longer public road is taken.

On 23 May, at approximately 2am, private security guards in the employ of Nueva Florencia Farm allegedly fired shots near the homes of the former workers. Shots had been fired nearby at approximately 1am on 22 May, approximately 6am on 16 May and approximately 8pm on 15 May.

In 1997, 11 workers began legal proceedings against OTTMAR S.A., the owners of Nueva Florencia Farm, after having been dismissed for forming a trade union. On 11 May 2006 their legal case came very near to a final conclusion when a Judge publicly auctioned La Gloria and La Isla farms (also owned by OTTMAR S.A.) to raise money in order to pay the financial compensation package previously awarded to the former workers. In the absence of any buyers for the property the Judge awarded La Gloria and La Isla to the former workers who are awaiting deeds to the properties.

Since 12 May the private security detail of the Farm has been increased and has begun to carry out night patrols close to the homes of former workers. Also on 12 May Nueva Florencia Farm began paying for radio spots to be transmitted on a local radio which said that "To whomsoever is concerned: We inform you that La Gloria and La Isla are property of OTTMAR S.A. and anybody trying to invade these properties should be advised that our security guards have orders to remove them according to the law and force" "*A quien interese: Se informa que las fincas La Gloria y La Isla son propiedad de OTTMAR S.A. por lo que se advierte a quien quiera invadir las se ha ordenado a los guardias de seguridad que sean sacados conforme a la ley y fureza.*"

Since 1997 the former workers allege to have been subjected to many acts of intimidation and reprisals for their trade union activities. They allege that their children have been denied the service of the local medical clinic which is located on the premises of Nueva Florencia Farm. The former workers also allege that they have been blacklisted and are unable to secure work on neighbouring farms.

BACKGROUND INFORMATION

The problem of labour disputes between rural communities and large farm owners is widespread in Guatemala. The Government Agency for the Resolution of Land Conflicts (known as CONTIERRA) estimated in December 2005 that there were 1052 cases of land disputes with as many half due to labour disputes. The lack of effective protection of labour rights of rural workers has been widely criticised by organisations such as the United Nations, in addition to Amnesty International (for more information See Guatemala: Land of Injustice?, AMR 34/003/2006, 29 March 2006).

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

- expressing your concern for the safety of the 11 former workers and their families in the Nueva Florencia Farm;
- urging the authorities to carry out impartial and thorough investigation into the alleged shootings by security guards, with the results made public and those responsible brought to justice.
- reminding the authorities of the right of human rights defenders to carry out their activities without any restrictions or fear of reprisals, as set out in the United Nations Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.

APPEALS TO:

President of the Republic of Guatemala

Presidente de la República de Guatemala.

Lic. Oscar Berger Perdomo

Casa Presidencial, 6 a. Avenida, 4-41 zona 1. Ciudad de Guatemala, GUATEMALA

Fax: +502 2238 3579

Salutation: Excelentísimo Sr. Presidente/Dear President

Secretariat of Agrarian Issues

Secretaria de Asuntos Agrarios

Lic. Mariela Aguilar

12 Avenida 19-01, Zona 1, Ciudad de Guatemala, GUATEMALA

Fax: +502 2285 2938

Salutation: Estimada Lic. Aguilar / Dear Ms Aguilar

COPIES TO:

Pastoral de la Tierra

14 Avenida 5-26

Zona 3, Quetzaltenango

GUATEMALA

Fax: +502 7767 2044 (if voice answers, say "el tono de fax, por favor")

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 20 July 2006.