

3 September 1999

**Further information on UA 02/98 (AMR 34/01/98, 6 January 1998) - Fear for safety****GUATEMALA Peasant farmers from the El Sauce community**

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Amnesty International is concerned for the safety of El Sauce Kekchí indigenous community members, summonsed to testify as witnesses at a murder trial which is scheduled to open on 8 September 1999 at the Penal Court in Puerto Barrios, Izabál Department. Landowner Luís Alfredo Ponce Cruz is being tried for the murder of Rosa Chub Pec, killed on 24 January 1997.

The killing, by private security guards and employees of Ponce Cruz, the wounding of Rosa Chub Pec's son, and the burning of the El Sauce Kekchí indigenous community, El Estor, Izabál by more than one hundred heavily armed men reportedly led by Ponce Cruz was witnessed by a number of El Sauce Kekchí community members. Ponce Cruz's estate borders on the peasants' land.

Witnesses, and those supporting them in efforts to secure their lands and to prosecute Ponce Cruz, have received constant threats from private security guards employed by Ponce Cruz (see UA 34/01/98). The guards are reportedly acting with the acquiescence and complicity of local authorities, who are believed to have been bribed by private land-owners, forestry and other commercial enterprises, anxious to gain control of land worked by local peasants. There has been a long-term pattern of abuses directed against local church, land and peasant activists (see for example AMR 34/40/85 and follow-up and AMR 34/15/99). At one point, in 1996, the Interamerican Commission on Human Rights issued precautionary measures on behalf of one of the El Sauce community's prominent supporters, a foreign priest, whose life had been threatened on several occasions.

With the opening of the trial, those who have supported the peasants in their efforts to bring Ponce Cruz to justice and to protect their lands have expressed renewed concerns for the witnesses's safety.

Concern has also been expressed at the rapidity with which this phase of proceedings against Ponce Cruz has been opened. The accusation against him arising from the 1997 incident was only formalised by the courts in July 1999, whereas delays of up to and over a year between formal accusation and the opening of trial are the normal pattern in Guatemala, even in high profile cases. The rapidity with which the trial is scheduled to open, combined with a history of other legal anomalies in the case, has led to concerns that officials may once again have been suborned to push the case through the court as rapidly as possible, without allowing sufficient time for the evidence against the defendant to be fairly and fully presented and evaluated.

Amnesty International is concerned for the safety of the witnesses and their supporters, and believes that it is very important that the magistrates considering the evidence against the defendant, Luis Alfredo Ponce Cruz examine it carefully and rigorously, and that their decision is then made in adherence with Guatemalan law and international standards governing due process.

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes in Spanish or in your own language:**

- asking the authorities to guarantee the safety of witnesses, lawyers and others involved in the proceedings against Luis Alfredo Ponce Cruz (case ref No. 53-99.Of.30, Tribunal de Sentencia Penal, Puerto Barrios, Izabál Department) for the 1997 incident in which Rosa Chub Pec died;
- expressing concern that witnesses and those supporting them have been intimidated and threatened as a result of their efforts to bring those responsible for Rosa Chub Pec's death, the wounding of her son and the attack on the El Sauce community to justice;
- reminding the authorities that fair trials are legally guaranteed under the Guatemalan constitution and by international human rights protection standards;
- reminding the authorities of the strong international interest in this case as it is seen as a test case as to whether the Guatemalan authorities are genuinely committed to tackling the impunity endangering Guatemala's fragile peace process, and damaging hopes for justice in the future;
- asking that all necessary steps are taken to ensure that officials involved in the case are adhering to professional ethical standards at all stages of proceedings, and that any indications that they may have been bribed or suborned to influence their decision are fully investigated and that those responsible brought to justice.

**APPEALS TO: (if voice answers a fax number please say: "me puede dar tono de fax por favor)**

Magistrate

Licda. Ana Vilma Díaz Lima, Sra. Magistrada  
Tribunal de Sentencia Penal  
Ed. Nacional Niv. 3  
Ed. de Tribunales 8 Av y 13 C  
Puerto Barrios, Izabál  
**Tel/Faxes: 502 948 0236**

**Salutation: Sra. Magistrada Dear Magistrate**

Attorney General

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Procuraduría General de la Nación  
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al

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**Salutation: Señor Procurador General de la Nación**

Minister of Foreign Relations

Lic. Eduardo Stein  
Ministro de Relaciones Exteriores  
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**COPIES TO:**

Human Rights Group

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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 9 November 1999.