

PUBLIC

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Fear for safety/death threats

23 June 2005

GUATEMALA José Ernesto Menchú Tojib (m), aged 46, member of *Comité de Unidad Campesina (CUC)*, Committee for Peasant Unity and *Movimiento de Víctimas del Conflicto Armado Interno de Uspantán*, Movement of Victims of the Internal Armed Conflict in Uspantán

José Ernesto Menchú Tojib received a death threat on 19 June and has been in hiding since. Amnesty International believes he is in grave danger.

On 19 June, at 11.45am, four armed men came into his workshop, where he makes leather clothing, in Chamac village, Uspantán, El Quiché department. Only his pregnant wife and 10-year-old daughter were in the workshop at the time. The men repeatedly asked Ernesto's wife where he was, but she said she did not know. The men took 500 quetzales (approx. US\$65) and Ernesto Menchú's mobile phone. On leaving, they told Ernesto's wife: "*En cualquier rato lo encontramos y hasta que lo matemos*", "We will find him eventually and we will kill him."

When Ernesto Menchú returned to his workshop he saw a former member of one of the paramilitary groups implicated in gross human rights abuses during Guatemala's internal armed conflict, known as "military commissioners", who is now working as a security guard at the nearby San Sigüan farm. This man walked past the workshop twice, staring at him in an intimidating manner. As a member of the *Comité de Unidad Campesina (CUC)*, Committee for Peasant Unity, José Ernesto Menchú Tojib has been campaigning on behalf of a group of 112 families of *mozos colonos* (resident farmer workers) who have worked and lived in the San Sigüan farm since 1950, and who are at risk of being driven off land assigned for their houses and for growing their own crops because the owners of the farm have sold the land to outsiders.

As a member of *Movimiento de Víctimas del Conflicto Armado Interno de Uspantán*, Movement of Victims of the Internal Armed Conflict in Uspantán, he has been promoting exhumations of mass graves in El Quiché department, which reportedly contain the remains of people executed during Guatemala's internal armed conflict. Former military commissioners and ex-members of civil patrols -both of which were civilian groups working for the military during the internal conflict - have been speaking out against exhumations in El Quiché.

BACKGROUND INFORMATION

The internal armed conflict in Guatemala lasted over 30 years and was only ended by the signing of the 1996 Peace Accords. Some 200,000 people were killed or "disappeared" during the conflict. The Historical Clarification Commission (CEH) report, *Guatemala Memoria del Silencio*, Guatemala Memory of Silence, published in February 1999 under the auspices of the United Nations, recorded that the department of El Quiché was the worst hit during the internal armed conflict: 344 of the 669 massacres of peasant farmers and indigenous people documented in its final report took place there. According to this report at least 90% of the violations during the conflict were carried out by the army, the military commissioners and the civil patrols and were systematically directed at Guatemala's indigenous peoples. Organisations involved in the exhumations of clandestine cemeteries have been subjected to numerous acts of intimidation in what appears to be an effort to stop their work (See UA 137/02, AMR 34/033/2002; UA 68/02, AMR 34/014/2002; and UA 30/05, AMR 34/008/2005).

The 1996 Peace Accords also included provisions for peasant farmers to claim the land they work on as their own. However, peasants farmers who have attempted to claim their land in this way have been threatened and attacked by landowners, and members of the CUC have been regular targets for attack because of their work. The authorities appear to have made no genuine effort to investigate the intimidation and attacks.

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

- expressing grave concern at the 19 June death threat against Ernesto Menchú Tojib;
- calling for an immediate and thorough investigation, with the results made public and those responsible brought to justice;
- urging the authorities to take immediate measures to ensure the security of Ernesto Menchú Tojib and his family, in accordance with his own wishes;
- urging the authorities to take immediate measures to ensure that all those involved in the exhumation of mass graves are able to carry out their legitimate work without fear of harassment;
- urging the government to implement the land-related aspects of the 1996 Peace Accords as a necessary step towards eliminating the tensions that have led to so many abuses against rural workers and their leaders in recent years in Guatemala;
- reminding the government that it is committed under the 1996 Accord on Socio-economic and Agrarian Issues to “develop an integrated strategy in rural areas that will facilitate the access of peasant farmers to the land and other productive resources, offer judicial redress and promote the resolution of conflicts.”

APPEALS TO:

Attorney General

Fiscal General de la República y jefe del Ministerio Público, 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

Minister of the Interior

Ministro de Gobernación, Carlos Vielman, 6a.Avenida 4-64, zona 4, nivel 3.Ciudad de Guatemala. GUATEMALA

Fax: +502 2362 0237

Email: gobernación@mingob.gob.gt

Salutation: Señor Ministro/ Dear Minister

Minister of Agriculture, Livestock and Nutrition

Ministro de Agricultura, Ganadería y Alimentación, Ingeniero Industrial Álvaro Aguilar Prado, Edificio Monja Blanca, 7ª Avenida 12-90 Zona 13, Ciudad de Guatemala, Guatemala

Fax: +502 2332 8302

Email: magadest@intelnet.net.gt

Salutation: Señor Ministro/Dear Minister

COPIES TO:

Peasant farmers' association

Comité de Unidad Campesina, 31 Avenida A 14-46 Zona 7, Ciudad de Plata II Ciudad de Guatemala, GUATEMALA

Fax: +502 2434 9754

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E-mail: cuc@guate.net.gt

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 4 August 2005.