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| <p>via fax: 011 502 2411 8168 or 2411 9210 Lic. Thelma Esperanza Aldana Hernández Attorney General of Guatemala</p> | <p>via email: frivas@mingob.gob.gt Sr. Francisco Rivas Lara Minister of the Interior of Guatemala</p> |
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June 26, 2017

Dear Sirs:

We are deeply distressed over the continued detention of **Abelino Chub Caal**, an employee of the Guillermo Toriello Foundation and indigenous land rights defender. On June 6, the judge of the Criminal Court of First Instance of Puerto Barrios in Izabal Department ruled that he must remain in detention for the assumed crimes for which he was arrested on February 4 (cf our letter of Feb 24).

On June 5, in a hearing for the criminal case brought against Abelino Chub Caal, both the defense and the prosecution highlighted that no evidence was found against him for the crimes of aggravated land grabbing and arson. The Prosecutor requested to suspend the criminal case for twelve months and asked for the immediate release of Abelino! Despite this, the presiding judge ruled to maintain the case against Abelino and to keep him detained until final judgment.

The judicial harassment and defamation campaign against Abelino Chub Caal follows a pattern of criminalization of environmental and indigenous rights defenders in Guatemala, which includes issuing arrest warrants but executing them only at crucial moments. Abelino Chub Caal has been accompanying 29 communities in the Sierra de Santa Cruz, a region in Izabal Department where powerful interests come together, including finca owners (e.g., Murciélago Finca), extraction companies (e.g., Maya Níquel, Compañía Guatemalteca de Níquel (CGN)), and the municipal mayor Rony Mendez Caal. Authorities issued an arrest warrant for him on October 17, 2016, but did not act on it until February 4, 2017.

At his first court hearing, he was unjustly charged with aggravated land grabbing, arson, coercion, illicit association, and belonging to illicit armed groups. In the second hearing, the judge dropped three of the five charges. Since February, Abelino Chub Caal has been detained at the Preventive Center for Men in Zone 18 of Guatemala City, more than 200 kilometers from his home and family; separating defenders from their families and communities is a typical tactic of the criminal justice system in Guatemala.

In its 2016 report on the criminalization of human rights defenders, the Inter-American Commission on Human Rights highlighted that defenders are frequently charged with grave criminal offenses that require mandatory pre-trial detention, enabling long periods in detention even when there is no evidence or substance to the accusations brought against them.

Because of our concern for Abelino Chub Caal's safety and legal rights, we **strongly urge** that you immediately drop the charges against him and immediately release him from detention.

Sincerely,

Brian J. Stefan Szittai
Co-Coordinator

copies: Gladys Maritza Ruiz de Veilman, Ambassador of Guatemala to the US ~ via fax 202 745 1908
Todd D. Robinson, US Ambassador to Guatemala ~ via human rights officer Rain Bian
Guatemala Desk, US State Dept: Thomas Lee ~ via email
James Cavallaro, Rapporteur for Guatemala, Inter-American Commission on Human Rights ~ via email
Francisco José Erguiguren Praeli, Rapporteur on the Rights of Indigenous People, Inter-American Commission on Human Rights ~ via email
US Senators Brown & Portman and US Representatives Fudge, Gibbs, Johnson, Jordan, Joyce, Kaptur, Latta, Renacci, Ryan ~ via email

Frontline_06/13/2017_Guatemala

The following people hereby urge you to take action on this matter as indicated in this letter: