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Guatemala: Arbitrary detention and criminalisation of indigenous and land rights defender Abelino Chub Caal

On 4 February 2017, indigenous and land rights defender **Abelino Chub Caal** was detained, charged with several criminal offences and sent to pre-trial detention by the Court of Carchá Verapaz (*Juzgado de Turno de Carchá Verapaz*).

[Abelino Chub Caal](#) is a member of the **Guillermo Toriello Foundation**, which promotes local development within the framework of the peace agreements, signed following the conclusion of Guatemala's civil war in 1996.. The Foundation is also dedicated to advocating for dignified housing for all, local development, environmentally sustainable agriculture and the preservation of the memory of the armed conflict in Guatemala. As part of his human rights work, Abelino Chub Caal accompanies 29 communities in Sierra Santa Cruz, Izabal, whose land, environmental and cultural rights are threatened by mining interests, particularly the operations of the Compañía Guatemalteca de Níquel (CGN), and ranchers, despite a ruling in favour of the communities' land rights from the Constitutional Court.

On 4 February 2017 Abelino Chub Caal was detained by three police officers when he was in a local eatery with his family. He was forced into a police car where officers took pictures of him with their mobile phones and sent them to undisclosed contacts without the consent of the defender. Abelino Chub Caal was then transferred to a court in Carchá, Alta Verapaz; in the first audience he was informed that he was being charged with the alleged crimes of 'aggravated land grabbing' (*usurpación agravada*), 'arson' (*incendio*), 'coercion' (*coacción*), 'illicit association' (*asociación ilícita*) and belonging to 'illicit armed groups' (*agrupaciones ilegales de gente armada*). It later surfaced that the arrest warrant against him was issued on 17 October 2016. Abelino Chub Caal was transferred and is currently detained in the Preventive Centre for Men in Zone 18 of Guatemala City, more than 200 kilometers from his place of residence and family.

For the past year, Abelino Chub Caal - as well as the organisation he works for, the Guillermo Toriello Foundation - has been targeted by a smear campaign falsely portraying him as a criminal and drug trafficker in local media outlets.

Just a few days prior, Abelino Chub Caal had participated in a mediation meeting between the Secretariat of Agricultural Affairs and the *Nueva Generación del Estor* community in Sierra Santa Cruz, concerning the community's land rights. As the meeting came to an end, one of the participants was detained, violating basic principles of trust building in mediation and in a clear effort to intimidate other participants.

As part of his human rights work, Abelino Chub Caal has frequently acted as a mediator for communities fighting for their land rights, local authorities and private actors. In October 2016 when a large contingent of police officers was preparing to evict 350 people from the Ranch El Murcielago, Abelino Chub Caal intervened and helped begin a process of dialogue, putting an end to violence.

Similarly, in January 2017 when several police officers were forcefully held and their weapons taken by community members in Sierra Santa Cruz, the defender stepped in to ensure they were released unharmed along with all their equipment.

The judicial harassment and defamation campaign against Abelino Chub Caal follows a well-established pattern of criminalisation of land, environmental and indigenous rights defenders in Guatemala. As the Inter-American Commission on Human Rights has already denounced the criminalisation of human rights defenders in its 2016 [report](#), it is common for arrest warrants to be issued against defenders and then only executed at crucial moments, which proves detrimental to the defenders. It has also become increasingly the case that defenders are charged with grave criminal offences that require mandatory pre-trial detention, enabling long periods in detention even when there is not any evidence or substance to the accusations brought against them. Furthermore, defenders are often transferred to detention centres that are far removed from their family, community and other support structures. This strategy of criminalisation is clearly aimed at debilitating social movements by depriving them of their leaders at pivotal moments of their struggle, in addition to intimidating other defenders.

Front Line Defenders condemns the false accusations and arbitrary detention of human rights defender Abelino Chub Caal, as well as the efforts of various media outlets to defame his legitimate and peaceful human rights work for the land rights of communities in Sierra Santa Cruz, Izabal.

Front Line Defenders urges the authorities in Guatemala to:

1. Immediately and unconditionally release Abelino Chub Caal;
2. Allow Abelino Chub Caal immediate and unfettered access to his family and lawyer;
3. Ensure that the treatment of **Abelino Cub Caal**, while in detention, adheres to the conditions set out in the '*Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
4. Carry out an immediate, thorough and impartial investigation into the false charges and arbitrary detention of Abelino Chub Caal and bring to justice the perpetrators in accordance to international standards;
5. Cease targeting all human rights defenders in Guatemala and guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.