

7 January 1999

Further information on UA 139/98 (AMR 34/16/98, 1 May 1998) and follow-ups (AMR 34/34/98, 1 December 1998; and AMR 34/21/98, 15 May 1998) - Extrajudicial Execution

GUATEMALAMons. Juan José Gerardi Conadera

Olman Alexis Viera Rodríguez, who may have had information about the murder of Bishop Juan José Gerardi, was shot dead in his home on 4 January 1999. According to a new theory advanced by a former judge conducting a private investigation of the killing, Olman Alexis Viera Rodríguez and the criminal gang he belonged to were involved in the bishop's murder.

According to the former judge, the *Valle del Sol* (Valley of the Sun) gang operates with the cooperation of prominent members of the church curia. He claims that gang members murdered Bishop Juan José Gerardi after he learned that they had been stealing valuable artefacts from Guatemalan churches. They then killed Olman Alexis Viera Rodríguez because he had told prosecutors the names of the gang's leaders and the way it operates. Prosecutors investigating the bishop's murder had named Olman Alexis Viera Rodríguez in an indictment as a possible witness.

Bishop Gerardi was murdered as he returned home two days after presiding over the presentation to the Guatemalan people of the church's report into the atrocities committed over more than three decades of civil conflict in Guatemala. Based on a three year study of over 55,000 reported human rights violations, the report concluded that some 79% had been carried out by the security forces. Bishop Gerardi had been a moving force behind the project.

The government promised a full inquiry into the murder, but after nine months of investigation the crime remains unsolved. The authorities have insisted that Bishop Juan José Gerardi was the victim of a common crime or a crime of passion, and have ignored calls from local NGOs and from the former Attorney General of Guatemala, Acisclo Valladares, to pursue leads which suggest the murder was politically motivated. Acisclo Valladares was commissioned by the Guatemalan Catholic church to examine the investigation by the authorities into the murder of Bishop Gerardi. He concluded that Bishop Juan José Gerardi's murder was probably an extrajudicial execution.

Amnesty International remains deeply concerned at the apparent shortcomings and bias of the official investigation of Bishop Juan Gerardi's murder and at the failure to protect possible witnesses. It fears that the explanation advanced by the former judge is intended to distract attention from the fact that the killing was politically motivated and may have involved serving or former military personnel, including two of the former judge's relatives.

FURTHER RECOMMENDED ACTION: Please send e-mails/telegrams/telexes/faxes/ express/ airmail letters in Spanish or in your own language:

- urging the authorities to fully investigate the murder of Olman Alexis Viera Rodríguez and bring those responsible to justice;
- urging the authorities to protect possible witness who could help solve the crime;
- urging the authorities to widen their investigation into the murder of Bishop Gerardi, taking account of the report of Acisclo Valladares, which found that

the bishop was probably extrajudicially executed, possibly with the involvement of serving or former military personnel;
 -urging the authorities to bring to justice anyone found to have been involved in the Bishop Juan Gerardi's murder regardless of their position;
 -reminding the government of Guatemala of its commitment to the Universal Declaration of Human Rights, in particular Article 3, "Everyone has the right to life, liberty and security of person."

APPEALS TO:

President of the Republic of Guatemala
 S.E. Álvaro Arzú Irigoyen, Presidente de la República de Guatemala
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Salutation: Excelentísimo Sr. Presidente / Dear President

Minister of Foreign Relations

Lic. Eduardo Stein, Ministro de Relaciones Exteriores
 Ministerio de Relaciones Exteriores
 Palacio Nacional, 6ª Calle y 7ª Avenida, Zona 1, Ciudad de Guatemala, GUATEMALA
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Salutation: Señor Ministro / Dear Minister

Private Secretary to the President

Sr. Gustavo Porras, Secretario Privado del Presidente de la República
 Palacio Nacional, 6ª Calle y 7ª Avenida, Zona 1, Ciudad de Guatemala, GUATEMALA
Tel: + 502 251 45 45 Ext.282
Salutation: Señor Secretario / Dear Secretary

Attorney General

Lic. Carlos García Regás, Procurador General de la Nación
 Procuraduría General de la Nación
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Tel: + 502 331 1006
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Salutation: Señor Procurador / Dear Attorney General

COPIES TO:Human Rights Office of the Archbishopric

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Salutation: Estimados Señores / Dear Sirs

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 18 February 1999.

***"Everyone has the right to life,
liberty and security of person"***

Article 3, Universal Declaration of Human Rights

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>