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Fear for Safety/Legal Concern

22 April 1999

GUATEMALA

Witnesses in the Tuluché trial
Rolando Colindres, lawyer
Lucrecia Barrientos, lawyer

Former military commissioner Cándido Noriega was acquitted on 15 April 1999 of six assassinations, five kidnappings and a rape committed in the course of Guatemala's civil conflict. Amnesty International believes that Noriega's acquittal means the victims, witnesses and their lawyers are now in renewed danger.

The prosecution are now appealing against the verdict, a process that will take around two weeks. If his acquittal is upheld Noriega will be able to return to his home, which is in the area where the victims and witnesses live, an isolated rural community without telephones or any police presence. Before and during the trial many of the witnesses, including many widows of Noriega's victims, were threatened and intimidated by Noriega's family and friends, both inside and outside the courtroom. The lawyers, although based in Guatemala City where they are somewhat more protected, have experienced death threats and intimidation in the past from Noriega's supporters.

Amnesty International sent a lawyer to this trial as an observer. He described the proceedings as a clear-cut example of the impunity surrounding human rights crimes in Guatemala. He also attested to the intimidatory atmosphere of the trial which has left the witnesses with a well-founded fear for their safety.

BACKGROUND INFORMATION

These are the last in a long list of crimes of which Noriega has been acquitted. Proceedings against him began in April 1992, when he stood accused by indigenous people in the region of Tuluché, El Quiché department, of more than 150 human rights violations in the area, including "disappearances", torture and murder. In May 1997 he was acquitted of a series of human rights violations committed in the region of Tuluché. At the time the UN Verification Mission in Guatemala expressed concern at serious irregularities in the trial, including the denial of translators for indigenous prosecution witnesses and unwarranted dismissal of evidence, and noted that witnesses and their lawyers suffered intimidation and death threats.

On 22 November 1982 Cándido Noriega, then the commander of a local civil patrol (civilian adjuncts to the army), was reportedly the leader of a group of civil patrolmen and soldiers that went into the village of Tuluché. They rounded up all the men and marched them to the village football pitch. They then read out the names of at least ten men and executed them in front of the others.

The Guatemalan government and the armed opposition group *Unidad Revolucionaria Nacional Guatemalteca* (URNG), Guatemalan National Revolutionary Unity, signed a firm and lasting peace agreement in December 1996, but those responsible for human rights violations during the conflict have continued to enjoy virtual impunity.

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

- calling on the authorities to guarantee the safety of all those involved in the Tuluché trial;
- asking the authorities to carry out a full investigation of all complaints of death threats or intimidation of anyone involved in the trial;
- expressing concern at reported irregularities in the trial of Cándido Noriega.

APPEALS TO:

President

S.E. Álvaro Arzú Irigoyen

Presidente de la República de Guatemala
 Palacio Nacional
 6ª Calle y 7ª Avenida, Zona 1
 Ciudad de Guatemala, Guatemala
Telegrams: Presidente, Guatemala, Guatemala
Faxes: + 502 221 4537 / 230 1508
E-mails: alvaroarzu@guate.net / alvaroarzu@guateconnect.com
Salutation: Excelentísimo Sr. Presidente / Your Excellency

Attorney General
 Lic. Adolfo González Rodas
 Fiscal General de la República
 Ministerio Público
 6ª Avenida 3-11, Zona 4
 Ciudad de Guatemala, Guatemala
Telegrams: Fiscal General, Guatemala, Guatemala
Faxes: + 502 362 7223
Salutation: Señor Fiscal / Dear Attorney General

Director General of the National Civil Police
 Lic. Ángel Antonio Conte Cajulún
 Director General de la Policía Nacional Civil
 6ª Avenida 13-71, Zona 1
 Ciudad de Guatemala, Guatemala
Telegrams: Director General Policía Nacional, Guatemala, Guatemala
Faxes: + 502 232 7721
Salutation: Señor Director / Dear Director

COPIES TO:

Human Rights Procurator:
 Lic. Julio Eduardo Arango Escobar
 Procurador de Derechos Humanos
 Procuraduría de los Derechos Humanos
 12 Avenida 12-72, Zona 1
 Ciudad de Guatemala, Guatemala
Faxes: + 502 2535712 / 238 1734 / 228 1734 / 251 7769

Daily newspaper:
 Diario Prensa Libre
 13 Calle 9-31, Zona 1
 Ciudad de Guatemala, GUATEMALA
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E-mail: medioselectronicos@prensalibre.com.gt
Salutation: Estimados Señores/Dear Sirs

Guatemalan Episcopal Conference, who have been supporting the prosecution case in the Noriega trial:
 CONFREGUA
 10 Calle 1-40, Zona 1
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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 3 June 1999.