

PUBLIC

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30 November 2004

UA 326/04 Fear for Safety

GUATEMALA **Nineth Montenegro (f) and her family**

Congress member Nineth Montenegro has received a death threat, which appears to be linked to her work investigating corruption among high-ranking military officers. Amnesty International believes that she and her family are in danger.

Nineth Montenegro is the Chair of the Congressional Commission on Human Rights. She has been investigating government spending from 2000 to 2004, and has discovered that over a billion quetzals (US\$133 million) has been embezzled from the budgets of the Ministry of Defence and two other military institutions. On 23 August she filed a complaint with the Public Ministry, which prosecutes criminal cases, accusing senior military officers of embezzlement and corruption, including Colonel Raúl Cerna, the former Financial Head of the *Estado Mayor Presidencial* (EMP), Presidential High Command.

On 22 November, a man approached a member of the human rights organisation where Nineth Montenegro's husband works, and told him, "*algo grande en contra de Nineth o su familia iba a ocurrir antes de fin de año*", "something big will happen to Nineth or her family before the end of the year."

Colonel Raúl Cerna had not been seen since April 2004. His body was found recently: according to the press he had been poisoned, and died on 12 April. The public prosecutor's office began an investigation, but stopped it without giving any reason. The authorities identified and buried the colonel's body, but gave his family no information on his death. The Minister of Defence claimed that the colonel had simply deserted. In the complaint filed with the Public Ministry, Colonel Raúl Cerna was accused of involvement in the embezzlement of 250 million quetzals (US\$33 million) from the EMP budget. It is feared that he was killed to prevent him implicating others.

BACKGROUND INFORMATION

Human rights activists have long been under attack in Guatemala, but this has intensified since 2000. Those attempting to expose the connections between organised crime and the State have been especially targeted.

On 7 January 2004 the United Nations signed an agreement with the government to create the *Comisión de Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad* (CICIACS), Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatus. These "illegal bodies" are criminal networks that include serving and retired military and police officers as well as common criminals. They attack human rights activists and others, who might expose the activities of politically powerful figures involved in illegal activities. Opponents of the CICIACS agreement have sought to undermine it by arguing that parts of it are unconstitutional. Despite de Constitutional Court opinion declaring parts of the CICIACS agreement unconstitutional, the government promised to move the process forward. Almost a year after the January agreement, CICIACS has yet to be established.

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

- calling on the authorities to provide meaningful protection to Nineth Montenegro and her family;
- calling for a prompt, impartial and exhaustive investigation into the death threat received by Nineth Montenegro on 22 November, with the results made made public and those responsible brought to justice;

- asking the authorities to carry out a full, prompt and impartial investigation into the killing of Colonel Raúl Cerna, to publish the results and bring those responsible to justice;
- urging the authorities to secure the creation of an effective independent mechanism to investigate and prosecute illegal groups operating in Guatemala.

APPEALS TO:

President of the Republic of Guatemala

Presidente de la República de Guatemala.

Licenciado Oscar Berger Perdomo

Casa Presidencial, 6 a. Avenida, 4-18 zona 1. Ciudad de Guatemala, GUATEMALA

Fax: +502 2221 4423 / 2239-0090

Salutation: Excelentísimo Sr. Presidente/Dear President Berger

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 2362-02 37

Email: ministro@mingob.gob.gt

Salutation: Señor Ministro/ Dear Minister

COPIES TO:

Mutual Support Group

Grupo de Apoyo Mutuo

8a Calle 3-11 Zona 1

Ciudad de Guatemala, Guatemala

Fax: +502 2220 0606

President of the Congress

Presidente del Congreso

Francisco Rolando Morales Chávez

Palacio Legislativo

9ª Avenida 9-44, Zona 1

Ciudad de Guatemala, GUATEMALA

Fax: +502 2220 4024

Email: congreso@congreso.gob.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 11 January 2005.