

EXTERNAL (for general distribution)

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Threats / Intimidation / Fear for Safety 2 September 1994

GUATEMALA

María Eugenia Villaseñor (f), judge

Héctor Raúl Orellana, judge

Mario Salvador Jiménez, judge

Miguel Manuel Pacheco Cárdenas, police officer
and their families

There is serious concern for the safety of the three judges named above who have been subjected to a series of threats and other acts of intimidation. The latest reported incident occurred on 29 August 1994, when Judge María Eugenia Villaseñor and Miguel Manuel Pacheco Cárdenas, a police officer assigned to protect her, were threatened by three unidentified men.

María Eugenia Villaseñor, Héctor Raúl Orellana and Mario Salvador Jiménez, all Magistrates of the Third Chamber of the Court of Appeals in Guatemala City who have recently reviewed appeals in a number of controversial cases of alleged human rights violations, are reported to have been subjected to the following threats and other incidents during July 1994:

- during July unidentified individuals were seen outside the homes of Judge Orellana and Judge Villaseñor;
- 16 July - male voices were heard outside Judge Villaseñor's home, screaming that they were going to kill her;
- 17 July - Judge Orellana's car was shot at when he was leaving the home of a relative together with his wife and two children;
- 19 July - Judge Villaseñor received a threatening telephone call at home and the three judges reported these incidents to the Supreme Court;
- 20 July - three anonymous telephone calls were received at the Court of Appeals. On the first two occasions the caller hung up, but the third caller promised to kill Judge Villaseñor if she did not drop the cases she was reviewing. On the same day unknown assailants slashed the tyres of her car.

On 26 July the Inter-American Commission on Human Rights requested that the government of Guatemala take measures to protect the lives and physical integrity of the three magistrates. As a result, Miguel Pacheco Cárdenas, a police officer, was assigned to protect Judge Villaseñor.

The latest reported incident occurred on 29 August when, at around 8.00pm, police officer Miguel Pacheco Cárdenas briefly left the house of Judge Villaseñor to go to a nearby shop but did not return as expected. Some two hours later Miguel Cárdenas returned and reported that, on his way to the shop, he was stopped by three unidentified men in a pick-up truck who interrogated him about Judge Villaseñor's activities and beat him with a weapon. They advised him to leave his job as the people who lived in the house he was guarding would be killed ("*andate de aquí porque la gente que vive allí la vamos a matar*").

Judge Villaseñor immediately reported this incident to the National Police and was later assigned another police officer to continue with her protection.

BACKGROUND INFORMATION

Judges Villaseñor, Orellana and Jiménez have recently reviewed appeals in a number of controversial cases of alleged human rights violations, including the "Hunapú case", in which some 30 members of the security forces were

implicated in the murder of Julio Cuc Quim, a university student, and the wounding of seven others (see UA 132/92, AMR 34/16/92, 15 April 1992 and follow-ups AMR 34/16/92, 28 April 1992 and AMR 64/93, 16 September 1993). Another case involves complaints of police brutality against indigenous peasants involved in a land dispute in Cajolá (see UA 239/92, AMR 34/33/92, 24 July 1992 and follow-ups AMR 34/33/92, 27 July 1992 and AMR 34/51/93, 4 August 1993). In addition, Judge Villaseñor shares a house with a lawyer representing the family of anthropologist Myrna Mack in an ongoing investigation into her murder in September 1990. In February 1993, a Guatemala City trial court convicted a low-ranking member of the military for the murder. The Mack family has formally demanded a report from the Ministry of Defence as potential evidence against senior military officials for their alleged role as intellectual authors of the Mack killing (see Guatemala: Killing of Myrna Elizabeth Mack Chang, AMR 34/55/90, September 1990; and related UA 20/93, AMR 34/02/93, 28 January 1993 and UA 36/93, AMR 34/03/93, 12 February 1993 and follow-up AMR 34/05/93, 16 February 1993).

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

- expressing concern at the threats and acts of intimidation against Judges Villaseñor, Orellana and Jiménez and police officer Miguel Pacheco Cárdenas;
- urging the government to take immediate measures to guarantee their safety and that of their families;
- asking for an investigation into these acts and that those responsible be brought to justice.

APPEALS TO

1) President of the Republic:

S.E. Ramiro de León Carpio
 Presidente de la República de Guatemala
 Palacio Nacional, Guatemala, GUATEMALA
Telegrams: Presidente de León Carpio, Guatemala, Guatemala
Faxes: + 502 2 347364 / 527 472
Telexes: 5331 CAPRES GU
Salutation: Excelentísimo Sr. Presidente /Dear President

2) Minister of Interior:

Lic. Danilo Parrinello Blanco
 Ministro de Gobernación
 Ministerio de Gobernación
 Despacho Ministerial, Of. No. 8
 Palacio Nacional, Guatemala, GUATEMALA
Telegrams: Ministro de Gobernación, Guatemala, Guatemala
Faxes: + 502 2 515 368 / 518 105
Salutation: Sr. Ministro / Dear Minister

3) Minister of Defence:

Gral. Mario Enríquez Morales
 Ministro de Defensa
 Ministerio de Defensa
 Palacio Nacional, Guatemala, GUATEMALA
Telegrams: Ministro de Defensa, Guatemala, Guatemala
Salutation: Sr. Ministro / Dear Minister

COPIES OF YOUR APPEALS TO:

1) President of the Supreme Court:

Lic. Juan José Rodil Peralta
Presidente de la Corte Suprema de Justicia
7a. Av. y 21 Calle, Zona 1
Guatemala, GUATEMALA

Faxes: + 502 2 512 686

2) Human Rights Procurator:

Lic. Jorge García Laguardia
Procurador de los Derechos Humanos
12 Av. 12-72, Zona 1
Guatemala, GUATEMALA

Faxes: +502 2 81734

3) Archbishop's Human Rights Office:

Oficina de Derechos Humanos del
Arzobispado de Guatemala (ODHAG)
Apartado Postal 723
Guatemala, Guatemala

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 15 October 1994.