

PUBLIC

AI Index: AMR 34/37/99

11 October 1999

Further information on UA 139/98 (AMR 34/16/98, 1 May 1998) and follow-up (AMR 34/21/98, 15 May 1998; AMR 34/34/98, 1 December 1998; AMR 34/01/99, 7 January 1999) - Extrajudicial Execution

**GUATEMALA**Mons. Juan José Gerardi Conadera

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The prosecutor investigating the murder of Bishop Juan José Gerardi resigned and fled to the United States on 7 October 1999 to seek political asylum after receiving repeated death threats since being appointed to handle the case.

Amnesty International remains deeply concerned at the shortcomings and bias of the official investigation into the Bishop's murder and at the failure to protect possible witnesses and those involved in the investigation.

In an interview with a Guatemalan radio station, the prosecutor, Celvin Galindo said he was "frustrated at not reaching the end - but I believe that, in reaching the end of the case, I would run a very great risk... Sadly in Guatemala there is a lack of security conditions to continue, and above all, the internal support to be able to continue on so grave a case as this".

The death threats increased after Galindo told reporters last week that he was awaiting the results of tests matching the DNA of 12 military officers (two colonels, two majors, three captains and five army specialists) and five other people against blood samples found at the murder scene.

Bishop Gerardi, Auxiliary Bishop of Guatemala and Coordinator of the *Oficina de Derechos Humanos del Arzobispado de Guatemala* (ODHAG) Human Rights Office of the Archbishop of Guatemala, was murdered in April 1998, two days after he had presided over the presentation to the Guatemalan people of the church's report into the atrocities carried out over more than three decades of civil conflict in the country. This comprehensive report found that the security forces were responsible for the overwhelming majority of the tens of thousands of human rights violations suffered by non-combatants during the conflict. Bishop Gerardi had been a moving force behind the project.

The first judge and prosecutor overseeing the case were forced to resign after international complaints that they had ignored evidence of military involvement in the murder. The second judge resigned in March after only a month and fled to Canada after receiving death threats. A key witness in the murder case, taxi driver Diego Méndez, who saw a military vehicle near Gerardi's home at the time of the murder, fled to Canada in February after surviving an abduction and being threatened with death. A former member of the presidential guard, Sergeant Jorge Aguilar, fled to Canada in August, two days after he had accused some of his colleagues of involvement in the murder.

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

- urging the authorities to take effective measures to ensure the safety of all those involved in the investigation into the murder of Bishop Gerardi;
- calling for an immediate and thorough investigation into the reported death threats against Celvin Galindo and his family and for those responsible to be brought to justice;
- urging the authorities to bring to justice anyone found to have been involved in the murder of Bishop Gerardi, regardless of their position;

- insisting that until this case is fully clarified, the international community will remain gravely disturbed that Guatemala is in danger of reverting to its previous pattern of human rights violations, which made it the subject of sustained international scrutiny and concern over a period of many years.

**APPEALS TO:**

President of the Republic of Guatemala

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, Palacio Nacional, Guatemala, Guatemala.**

**Faxes:+ 502 221 4537 / 230 1508**

**E-mails: alvaroarzu@guate.net; alvaroarzu@guateconnect.com**

**Salutation: Excelentísimo Sr. Presidente / Dear President**

Minister of Defence

Gral. Marco Tulio Espinosa Contreras, Ministro de Defensa Nacional  
Ministerio de Defensa, Avenida Reforma 2-43, Zona 10  
Ciudad de Guatemala , GUATEMALA

**Telegrams:Ministro de Defensa, Guatemala, Guatemala.**

**Faxes:+ 502 360 9909**

**Salutation: Señor Ministro / Dear Minister**

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**

**COPIES TO:**

Human Rights Office of the Archbishopric

Oficina de Derechos Humanos del Arzobispado (ODHA)  
6a Calle 7-70, Zona 1  
Ciudad de Guatemala, GUATEMALA

**Faxes:+ 502 232 8384; E-mails: odhagua@pronet.net.gt**

Daily Newspaper

Diario Prensa Libre, 13 Calle 9-31, Zona 1  
Ciudad de Guatemala, GUATEMALA

**Faxes:+ 502 251 8768; E-mails: medioselectronicos@prensalibre.com.gt**

Newspaper

CERIGUA, 2a calle 1-42, Zona 1  
Ciudad de Guatemala. Guatemala

**Tel/Faxes: + 502 238 1456/ 221 2521; E-mails: cerigua@guate.net**

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 22 November 1999.