

PUBLIC

AI Index: AMR 34/053/2003

09 September 2003

Further Information on UA 09/03 (AMR 34/001/2003, 9 January 2003) and follow-ups (AMR 34/026/2003, 29 April 2003 and AMR 34/039/2003, 30 June 2003) - Fear for safety/threats New concern: Possible extrajudicial execution

GUATEMALA

**Otoniel de la Roca Mendoza (m)
His family, including his son (name withheld)**

Killed: Galindo Alvarado Mendoza (m), aged 28, cousin of Otoniel de la Roca Mendoza

New names: Galindo Alvarado Mendoza's family, including his niece (name withheld), aged 11 and his mother (name withheld)

On 3 September, Galindo Alvarado Mendoza, a cousin of Otoniel de la Roca Mendoza, was shot and killed by two men in the town of Nueva Concepcion, Escuintla Department. He was killed in front of his 11-year-old niece. Amnesty International is concerned for her safety and that of other members of Galindo Alvarado Mendoza's family.

At approximately 2pm, Galindo Alvarado Mendoza was reportedly taking his niece home from school on his motorcycle, when two unidentified men also on a motorcycle pulled up beside him. They allegedly told him to stop as they wanted to talk to him. When he stopped, one of the men reportedly shot him six times directly in the head. The fact that nothing was stolen from Galindo Alvarado Mendoza or his niece, including visible jewellery and his wallet, suggests that the killing was not a common crime. After they had shot Galindo Alvarado Mendoza, the men then allegedly told his niece to go home. According to reports, Galindo Alvarado Mendoza's niece recognised one of the men as an ex-military commissioner whom the family knew by name.

It is thought that the killing of Galindo Alvarado Mendoza is related to an ongoing campaign of threats and harassment against Otoniel de la Roca Mendoza and his relatives. The mother of Galindo Alvarado Mendoza, who is also Otoniel de la Roca Mendoza's aunt, lives with other relatives in Nueva Concepcion. They first noticed that their house was under surveillance by unidentified individuals in 2002. One of those watching the house was reportedly known to them as an ex-military commissioner from the Escuintla area. However, this man was reportedly not the former military commissioner identified by Galindo Alvarado Mendoza's niece. At the same time as the house was under surveillance, unknown people were also said to be intermittently following Galindo Alvarado Mendoza. Two weeks before he was killed, Galindo Alvarado Mendoza had called Otoniel de la Roca to say that he was still being followed.

In the last week of March 2002, Galindo Alvarado Mendoza's mother reportedly received an anonymous telephone call at their home, in which the caller inquired about Otoniel de la Roca's whereabouts, saying that they wanted to be in touch with him and that they knew she was in contact with him. Galindo Alvarado Mendoza's mother said that she had no information about his whereabouts and could not contact him. The caller then said he would call again, and if she had no further information, "*A ver que le va a pasar.*" (You will see what happens).

In May 2002, an unknown car stopped on a number of occasions in front of the house and its occupants were seen observing the house. The same military commissioner was also often seen near the house. In June or July 2002, Galindo Alvarado Mendoza's mother told Otoniel de la Roca that she had learnt that one

of her sister's young children was being followed by unknown individuals. The family is not receiving any protection from the authorities at present.

Otoniel de la Roca Mendoza and his family have been the target of threats and intimidation both in Guatemala and in the USA, where de la Roca sought refuge in 1997. Otoniel de la Roca Mendoza is a key witness before the Inter-American Court in the case of the 1992 "disappearance" of guerrilla commander Efraim Bamaca Velasquez. There have been no new threats against Otoniel de la Roca Mendoza or his family since June 2003. Before he left Guatemala, he received anonymous telephone calls warning him that his relatives remaining in the country would bear the consequences of his actions.

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

- expressing grave concern at the killing of Galindo Alvarado Mendoza;
- expressing concern for the safety of his 11-year-old niece, who witnessed the killing, and his family, who have reportedly been threatened and intimidated;
- expressing concern that this campaign of intimidation and harassment appears to be linked to that suffered by Otoniel de la Roca Mendoza in both Guatemala and the USA;
- calling on the authorities to carry out a full, prompt and impartial investigation into the killing of Galindo Alvarado Mendoza, to publish the results and bring those responsible to justice;
- calling for steps to be taken to ensure the family's security, in accordance with their wishes, particularly the young girl who may be endangered as she witnessed the incident.

APPEALS TO:

President of the Republic of Guatemala

Lic. Alfonso Portillo Cabrera

Presidente de la Republica de Guatemala

6a. Avenida "A" 4-41, Zona 1, Guatemala, GUATEMALA

Fax: + 502 238 3579

Salutation: Excelentísimo Sr. Presidente/Dear President

Director General of the National Civil Police

Comisario General Oscar Raul Segura Sanchez

Director General de la Policia Nacional Civil

6a Avenida 13-71, Zona 1

Ciudad de Guatemala, Guatemala

Fax: + 502 251 9382

Salutation: Dear Director General /Senor Director General

Minister of the Interior

Lic. Adolfo Reyes Calderon

Ministro de Gobernacion

6ª Avenida 4-64, Zona 4

Ciudad de Guatemala, Guatemala

Fax: + 502 362 0239 (direct) 362 0237 (telefax)

Salutation: Dear Minister/Señor Ministro

Presidential Human Rights Commission (COPREDEH)

Sr. Alfonso Fuentes Soria, Presidente de COPREDEH

Comision Presidencial Coordinadora de la Politica del Ejecutivo

En materia de Derechos Humanos

13 Calle 15-33, Zona 13, Ciudad de Guatemala, GUATEMALA

Fax: + 502 334 1407/1615

Salutation: Señor Sr. Fuentes Soria/Dear Mr. Fuentes Soria

COPIES TO:

Human Rights Procurator

Lic. Sergio Morales, Procurador de Derechos Humanos, Procuraduría de los Derechos Humanos
12 Avenida 12-72, Zona 1, Ciudad de Guatemala 01001, GUATEMALA
Fax: + 502 230 0874 / 76 / 77 / 78 / 238 1734 (if someone answers, please say "fax, por favor")

Newspaper

Diario Prensa Libre, 13 Calle 9-31, Zona I
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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 21 October 2003.