

EXTERNAL (for general distribution)

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Fear for Safety

27 October 1993

GUATEMALA

Francisco SOLBAL SANTAY )

Tiburcio HERNANDEZ HERNANDEZ ) imprisoned

Noel Jesús de BETETA ALVAREZ ) ex-soldiers

three others )

Jorge Guillermo LEMUS, common-law prisoner

members of the Grupo de Apoyo Mutuo por el Aparecimiento con Vida de Nuestros Familiares (GAM), Mutual Support Group for the Appearance of Our Relatives Alive

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Amnesty International is concerned for the safety of all those listed above, following testimonies made by two imprisoned ex-soldiers, Francisco Solbal Santay and Tiburcio Hernández Hernández. The organization believes it is imperative that the physical security of all be assured and that testimonies must be taken from those ex-soldiers willing to give them.

In an extraordinary news conference held on 11 October 1993 at Guatemala City's Pavoncito prison, ex-soldiers Francisco Solbal and Tiburcio Hernández, sentenced to long prison terms for the murder of an American citizen Michael Devine in 1990, declared that higher military officials had ordered them to carry out that killing and approximately 50 others, as part of their work in a military death squad. In their testimonies they described how persons considered "subversive" by the army were tortured with electric shocks during interrogation by agents from G-2, military intelligence, and then stabbed or strangled to death and their bodies disposed of in clandestine cemeteries. The two prisoners have reportedly stated that they would name those involved, including military officials up to the rank of general. They subsequently withdrew their testimonies however, saying they had "lied", apparently after threats from the army high command. The lives of four other prisoners, who reportedly also made similar allegations but subsequently retracted them (some reportedly were bribed), as well as common law prisoner Jorge Lemus who arranged the press conference at which the two ex-soldiers presented their allegations, are also believed to be in danger.

Fears for the life of one of these prisoners, Noel de Jesús Beteta Alvarez (a former army sergeant who was convicted in 1993 for the 1990 killing of anthropologist Myrna Mack Chang), increased after another prisoner, Oliverio Angel Echeverría, to whom he had been close, was found hanged in his cell at the Zone 18 Preventiva Prison where both Beteta and Echeverría were held. Prison authorities have said the death was a suicide, but other prisoners claim that the night before Echeverría's body was found, unknown people were in the prison purportedly carrying out an "inspection," and that the killing may have been intended as a warning to Beteta not to talk.

There is also concern for the safety of members of GAM who, on 26 October 1993, following the testimonies of Francisco Solbal and Tiburcio Hernández, began to occupy Congress demanding that steps be taken to set up a Truth Commission in which the

two ex-soldiers would be key witnesses. GAM are also asking for guarantees for the safety of the two men and Jorge Lemus.

#### **BACKGROUND INFORMATION**

Convictions for human rights abuses are exceedingly rare in Guatemala, and this is also the first time known to AI since 1975 that soldiers imprisoned for abuses have threatened to implicate higher authorities in such acts. On that occasion, two police agents imprisoned for the murder of a prominent Guatemalan threatened to talk, but the government of the day ensured that they were subjected to the judicial death penalty before they could do so.

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

- urge that imprisoned ex-soldiers Francisco Solbal Santay and Tiburcio Hernández Hernández (and others, like Noel de Jesús Beteta, who may also wish to testify concerning human rights violations carried out by the military) are protected and that their testimonies be taken in order to permit this virtually unique possibility in Guatemala to identify perpetrators of human rights violations;
- also urge guarantees for the safety of three other prisoners who made similar allegations but then withdrew them; for prisoner Jorge Lemus and for members of the GAM who began to occupy Congress on 26 October 1993;
- press also for an inquiry into the circumstances of the death of Oliverio Angel Echeverría, which should include in-depth interviews with prisoners at the Zone 18 Preventiva Prison;
- note that the actions suggested would be the only appropriate path for the government to follow, particularly given President de León's promises upon taking office that he would continue to work, as he had done as Human Rights Procurator, to ensure protection of the human rights of all Guatemalans. Also that in relation to this particular case, he has reportedly stated that he will not permit a cover-up, though he has reportedly stated that it is the responsibility of the judiciary rather than the executive to ensure that the allegations are properly investigated.

#### **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 537472, + 502 2 519702**

**Telexes: 5331 CAPRES GU**

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

##### 2) Minister of Interior:

Lic. Arnoldo Ortiz Moscoso  
 Ministro de Gobernación  
 Ministerio de Gobernación  
 Despacho Ministerial, Of. No. 8  
 Palacio Nacional, Guatemala, GUATEMALA

**Telegrams: Ministro de Gobernación, Guatemala, Guatemala**

**Faxes: + 502 2 518105**

**Telexes: 5085 MINGOB**

**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**  
**Fax: + 502 2 537472**  
**Telexes: 5361 COMGUA GU**  
**Salutation: Sr. Ministro / Dear Minister**

**COPIES OF YOUR APPEALS TO:**

Human Rights Procurator:  
Lic. Jorge García Laguardia  
Procurador de los Derechos Humanos  
12 Avenida 12-72, Zona 1,  
Guatemala, GUATEMALA  
**Faxes: + 502 2 81734**

Attorney General:  
Lic. Telesforo Guerra Cahn  
Procurador General de la Nación  
Procuraduría General de la Nación  
18 C 10-36, Zona 1  
Guatemala, GUATEMALA

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 7 December 1993.