

PUBLIC

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Fear for safety/Threats

09 January 2003

GUATEMALA

Otoniel De La Roca Mendoza (m)
His family

Otoniel De La Roca Mendoza, a key witness before the Inter-American Court of Human Rights in the case of “disappeared” guerrilla leader Efraín Bámaca has been threatened and members of his family harassed and killed. Amnesty International is concerned for their security.

Suspicious phone calls began to De La Roca's home in the United States US) in December 2002. When he tried to trace the calls, he learned they had been made abroad. Days later, an anonymous male caller used his De La Roca's former *nom de guerre*, and warned “We've been looking for you... how much have they paid you to give information about the Indians that were killed?” “*Te hemos estado buscando... cuánto te han pagado por dar información de los indios que se mataron?*”; “Don't you care if your family gets killed?” “*No te importa que te maten a tu familia?*” and “We know where you are and what you're doing.” “*Ya sabemos dónde estás y qué estás haciendo.*”

In October 2002, De La Roca's nephew in Guatemala was tortured and murdered. Prior to his death he had received an unexpected phone call summoning him to work. His tortured body was found the next day by the road. His fingertips had been cut, fingernails pulled out, scalp removed and he had been shot three times in the head. Such torture is consistent with that used by individuals linked to the armed forces and suggests the attack may have aimed at terrorizing other relatives.

Given the circumstances of the nephew's death, the ongoing threats against De La Roca and his family, and the harassment and surveillance which they and others associated with the Bámaca case have reported, Amnesty International is concerned that these acts may constitute reprisals for their involvement in the case, intended to discourage further collaboration with human rights initiatives.

BACKGROUND INFORMATION:

Otoniel De La Roca Mendoza is a key witness in the “disappearance” of Efraín Bámaca Velásquez. At the time of his capture by the Guatemalan military in 1992, Bámaca was a commander with one of the armed guerrilla groups that waged civil conflict against the Guatemala military for a period of more than 30 years, until final Peace Accords were agreed in 1996.

De La Roca's testimony that he witnessed Bámaca's detention and torture at a Guatemalan military base is a key element in the case against the Guatemalan government for Bámaca's torture and presumed extrajudicial execution. Throughout the ten years since Bámaca's capture, relatives, including his US-born partner, Jennifer Harbury, lawyers, witnesses, and others associated with the case have been subjected to repeated threats and acts of intimidation. Most recently, three of Bámaca's sisters reported acts of harassment, and one was attacked in her home, following the Guatemalan government's payment of monetary compensation to surviving relatives of the “disappeared” guerrilla leader, under the terms of a 2002 decision by the Inter-American Court (IAC) (See UA 365/02, AMR 34/086/2002, 17 December 2002).

De La Roca went into exile in the US in 1997 in fear for his security. Prior to testifying before the IAC, he received anonymous calls warning that members of his family still in Guatemala would bear the consequences. Throughout 2001 and 2002, his relatives in Guatemala have reported sporadic harassment and queries from unknown individuals about De La Roca's and his whereabouts. In April 2001, threatening phone calls to De La Roca's home were traced to a bus station in Texas.

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

- expressing serious concern for the safety of Otoniel De La Roca Mendoza, his family in both Guatemala and the US, and others associated with the Bámaca case;
- urging the authorities to take adequate measures to ensure their safety;
- reminding them that although Otoniel De La Roca Mendoza now lives in the US, these intimidating acts appear to be orchestrated from Guatemala, possibly by individuals linked to the armed forces; and that it is their responsibility to stop illicit activities of clandestine armed bodies operating in or from their territory;
- asking the authorities to immediately, independently and exhaustively investigate the operations of clandestine forces believed to be behind these and other acts of politically-motivated abuses; to make the results of this investigation public; and to bring those responsible to justice
- reminding the authorities that their ability to effectively dismantle these clandestine bodies will be evaluated by the Consultative Group and other international bodies reviewing Guatemala's human rights record.

APPEALS TO:

President of the Republic of Guatemala

Lic. Alfonso Portillo Cabrera

Presidente de la República de Guatemala

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

Telegram: Presidente de la República de Guatemala, Ciudad de Guatemala, GUATEMALA

Fax: + 502 238 3579

Salutation: Excelentísimo Sr. Presidente/Dear President

Secretary of Strategic Analysis

Secretario de Análisis Estratégicos, Secretaría de Análisis Estratégicos

6a Avenida 'A' 3-53, Zona 1, Ciudad de Guatemala, GUATEMALA

Telegram: Secretario de Análisis Estratégicos, Ciudad de Guatemala, GUATEMALA

Fax: +502 232 2886

Salutation: Señor Secretario/Dear Secretary

Presidential Human Rights Commission (COPREDEH)

Sr. Alfonso Fuentes Soria, Presidente de COPREDEH

Comisión Presidencial Coordinadora de la Política del Ejecutivo en materia de Derechos Humanos

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

Telegram: Presidente de COPREDEH, Ciudad de Guatemala, GUATEMALA

Fax: +502 334 1407/1615

Salutation: Señor Secretario/Dear Secretary

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

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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 20 February 2003.