

AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 34/087/2002 (Public)
News Service No: 238
19 December 2002

Guatemala, 2002: The human rights toll

The human rights situation in Guatemala has deteriorated alarmingly over 2002, Amnesty International said today, referring to a string of human rights violations and the apparent inability of the justice system to respond to them, not least because of the victimization of legal personnel working on human rights cases.

In the past few weeks, Guatemala has witnessed a wave of abuses which are symptomatic of the pattern of continuing threats, intimidation and attacks against human rights defenders and members of the legal community involved in efforts to combat impunity or implement key aspects of the Peace Accords. Journalists reporting on human rights cases or on allegations of official corruption, and church figures and indigenous leaders supporting peasant farmers seeking to secure land rights and adequate living conditions, are also under attack.

The most recent include a gun shot attack on 5 December against Attorney General Carlos David Argueta De León, who has been investigating both high profile human rights cases and alleged official involvement in organised crime, either of which could explain the attack. He had previously received anonymous telephoned and written threats, yet, extraordinarily, Guatemala's Minister of the Interior rejected the Attorney General's report that he had been fired on.

"The Minister's statement is simply another indication of the lack of official support -- let alone protection -- for those in the prosecutor's office trying to genuinely carry out their duties and combat impunity," Amnesty International said.

One week later, on 12 December, long-term human rights campaigner Amílcar Méndez was fired upon after attending a meeting on the "disappearance" of indigenous rights lawyer, Antonio Pop Caal. Pop Caal went missing in October and his body was only located on 18 December. Guatemalan authorities are treating his abduction and murder as a common crime, but Amnesty International said it would study the case carefully to see if this was borne out by the facts.

December also saw the latest in a series of recent attacks against three sisters of guerrilla leader Efraín Bámaca, apparently in reprisal for their role in securing the Inter-American Court's 2000 ruling which held the Guatemalan government responsible for Bámaca's detention, torture and extrajudicial execution at the hands of the Guatemalan army in 1992. In March 2002, the Court ordered the Guatemalan government to pay the family reparations. These were paid over in December on a confidential basis, but raiders on the homes of two of the sisters appeared to know about the payment, and apparently wanted to take it from them.

"The year 2002 had also been extremely disappointing in that there has been little advance by the government in implementing either the human rights-related aspects of the Peace Accords or the recommendations of the Historical Clarification Commission (CEH)," Amnesty International said.

Examples include the continued existence of the notorious Presidential Guard (*Estado Mayor Presidencial*), which should have been disbanded under the Peace Accords and instead has had its budget doubled during 2002 with some funding coming from the budgets of the Peace Secretariat, created to monitor implementation of the Peace Accords, and the Ministry of Agriculture, Livestock and Nutrition.

"It defies belief, that at a time when the press is full of reports of Guatemalan children starving to death, funds are directed from nutrition towards the Presidential Guard," Amnesty International said.

"We were also extremely disappointed by the annulment in October of the 2001 convictions of three military officers for the murder of Bishop Juan José Gerardi in 1998. If justice cannot be seen to be done even in this most high profile of cases, what hope is there for the average citizen to obtain justice through the Guatemala courts?," it asked.

"Guatemala keeps assuring the international community of its commitment to combat impunity and ensure respect for human rights, yet the record for 2002 gives the lie to their claims that the situation is improving," the organization stressed.

"We can only hope that the international community, particularly countries and institutions that have been major donors to the Guatemalan peace process, will continue to insist on real and measurable progress in the new year. Empty promises must be shown up for what they are, and replaced by genuine, concrete steps towards improvement in the human rights situation," Amnesty International concluded.

Background

During a civil conflict spanning more than 30 years, the Guatemalan army and the civilian agents under their command were responsible for gross human rights violations, including the massacre of the inhabitants of more than 600 indigenous villages. The conflict formally ended in 1996 when Peace Accords were signed between the Guatemalan military and the armed opposition.

The CEH established under the terms of the Peace Accords published its findings in 1999. These included the conclusion that the Guatemalan army had been responsible for genocide in four specific areas of the country. The wide-ranging recommendations made by the Commission to combat impunity and improve human rights protection have been largely ignored.

The EMP is officially mandated to provide security to the President, Vice President and their families, but functions instead as a military intelligence agency. Successive administrations have given dates by when it was to have been replaced by a civilian agency, but each date has come and gone without this being done.

At the time of his capture, torture and extrajudicial execution, Efraín Bámaca Velásquez was a commander with the *Organización del Pueblo en Armas* (ORPA), Organization of the People in Arms, one of the armed opposition groups belonging to the umbrella guerrilla movement which waged a civil conflict against the Guatemala military for a period of more than 30 years, until the 1996 final Peace Accords. Throughout the ten years since Efraín Bámaca's capture, those associated with his case have been subjected to repeated threats and acts of intimidation. Earlier this year, a witness in the case who had relocated to the United States, received threatening phone calls warning him to cease his involvement in the case.

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