

UA 71/01

Fear for

GUATEMALA Conchita Mazariegos (f), judge
Iris Yassmín Barrios (f), judge
Other members of the judiciary

Two senior judges have been attacked, and one has received death threats. Both are involved in high-profile cases involving members of the Guatemala's military, including a former Head of State during the country's military government.

Conchita Mazariegos is President of the country's highest appeal court, the Constitutional Court (*Corte de Constitucionalidad*). On 24 March at 7.40pm shots were fired at her front door. A few days earlier she had received threatening telephone calls. In statements to the national press she said: "Somebody has been calling me by phone but nobody replies when I answer; they just play funeral music. I did not want to report this as I didn't want to harm Alfonso Portillo's government..." (*"Me han llamado por teléfono y no contestan; lo que hacen es ponerme marchas fúnebres. No lo quise denunciar, por no dañar al gobierno de Alfonso Portillo..."*).

On 21 March Judge Mazariegos presided over a Constitutional Court hearing that ruled unconstitutional an attempt by Congress members of the ruling party, including General Efraín Ríos Montt, to amend the Congress's internal law in order to keep their seats on the Congressional Executive Committee. He and 23 other members of his party had initially been accused of corruptly altering a liquor tax law after it had been passed by Congress. As members of Congress they were immune from prosecution, but the Supreme Court lifted their immunity in early March. The Congress's internal law stated that members of the Congressional Executive Committee would have to relinquish their Congressional seats during any proceedings against them. With their Congressional majority the General Ríos Montt's party passed a decree to ensure they kept their seats. It was this decree that the Constitutional Court ruled unconstitutional on 21 March.

General Ríos Montt was Head of State during some of the worst years of the Guatemalan civil conflict, when tens of thousands of indigenous peasants were killed or "disappeared" at the hands of the army and their civilian agents, the civil patrols. Many Guatemalan human rights activists welcomed the Constitutional Court's decision to remove his immunity in the liquor tax affair, as a possible step towards eventually prosecuting him for crimes against humanity.

On the evening of 22 March two grenades were thrown into the back garden of judge Iris Yassmín Barrios. Judge Barrios was one of three judges slated to hear the trial of three high-ranking army officers and two civilians charged with the murder of Bishop Juan José Gerardi, which was to re-open the following day (see UA 137/00 and UA 313/99). In February 2001 the judge presiding in the case, Eduardo Cojulún, had received death threats (see UA 199/00 and follow ups).

BACKGROUND INFORMATION

There has been a string of attacks on judges and lawyers involved in high-profile cases. Human rights lawyer Mynor Melgar received death threats in December 2000, when he announced that the Archbishop's Human Rights Office (*Oficina*

de *Derechos Humanos del Arzobispado de Guatemala*, ODHAG) was preparing to charge Efraín Ríos Montt with genocide. (See UA 04/01.)

The President of the *Colegio de Abogados y Notarios de Guatemala*, a prestigious Guatemalan lawyers' association, has given the United Nations mission in Guatemala (MINUGUA) the names of five lawyers murdered in recent months in suspicious circumstances: Maura Ofelia Paniagua Corzantes, Edwing Haroldo Arriaga España, Óscar Adán Bosques Morales, Gabriel Alberto Coronado Méndez and Francisco Javier Mazariegos Cifuentes.

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

- expressing concern for the safety of judges Conchita Mazariegos and Yassmín Barrios, who are being threatened and harassed, and urging the authorities to take effective action to protect them;
- urging the authorities to ensure that all members of the Guatemalan legal profession can carry out their work in safety, particularly those involved in high-profile human rights cases;
- expressing concern for the safety of all those working against impunity in Guatemala, and urging the authorities to do everything necessary to ensure that they can carry on their work in safety.

APPEALS TO: Please note that it can be difficult getting through to some of these fax numbers. Please be patient and keep trying. If a voice answers, please say: "Fax, por favor" and wait for the signal.

1) President of the Republic of Guatemala

Lic. Alfonso Portillo Cabrera
 Presidente de la República de Guatemala
 6a. Avenida "A" 4-46, Zona 1
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Salutation: Dear President/ Señor Presidente

2) Minister of the Interior

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 Ministro de Gobernación
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3) Attorney General

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 Fiscal General de la República
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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 8 May 2001.