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Guatemala: Crying out for justice

The road to justice for past human rights violations in Guatemala remains a long, slow, and potentially dangerous one, Amnesty International said today following developments in court cases around two outstanding unresolved cases, the 1982 massacre at Dos Erres, El Petén, and the murder of Mons. Juan José Gerardi in 1998.

"The Guatemalan government must make a serious commitment to bring to justice perpetrators of past human rights violations and the international community must keep up the pressure to ensure that justice is done," the organization added.

On 17 April, Guatemala's Constitutional Court announced its ruling that a lower court's decision to issue arrest warrants for 16 soldiers thought to have been implicated in the massacre of over 300 indigenous people -- including 67 children -- at Dos Erres was erroneous. The ruling followed a petition from the accused's lawyers, arguing that they should be eligible for amnesty under Guatemala's 1996 Law of National Reconciliation. Following the Constitutional Court's decision, an appeal court must now consider whether the soldiers are in fact eligible for amnesty.

Amnesty International agrees that the defendants' rights must be protected in accordance with international standards for due process. However, the organization is urging the Guatemalan authorities to do everything within their power to ensure that legal proceedings continue as swiftly as possible.

"With regard to the recent Constitutional Court ruling, it is an internationally recognised principle that anyone responsible for crimes such as the large-scale massacre carried out at Dos Erres should not benefit from amnesties," the organization said, urging the Guatemalan government to ratify the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

This development in the Dos Erres case came as the international community is also following closely the proceedings now underway to identify those responsible for the killing of Bishop and human rights advocate Mons. Gerardi.

"As the world will be remembering Bishop Gerardi on the third anniversary of his death next Thursday, justice may still be a long way away," Amnesty International said.

Those involved in efforts to bring those responsible for Bishop Gerardi's death to justice -- including witnesses, judges, and prosecutors -- have suffered a series of human rights abuses, including at least six apparent murders, numerous threats and intimidation. The most recent incident occurred on 22 March, the very eve of the re-opening of judicial proceedings, when a grenade was thrown into the garden of one of the judges currently hearing the case. Nobody has been held responsible for these attacks.

"It is essential that justice is done and is seen to be done in Guatemala if the international community is to be convinced that the government has a genuine commitment to the peace process agreed in 1996, and the rule of law," Amnesty International said.

Background

On 5 December 1982, a Guatemalan army "special forces" squad entered the village of Dos Erres, La Libertad, in the northern department of Petén. By the time they left three days later, it is estimated that more than 300 people -- men, women and children -- had been massacred and the village had been razed to the ground. The women had been raped before being killed. The Dos Erres case has been in the courts for five years now and it is already a year since arrest warrants against the 16 soldiers were issued.

The 1996 Law of National Reconciliation granted immunity from prosecution to those responsible for political crimes and associated common crimes. Such immunity was also awarded to members of the armed forces and those acting under their command for unspecified common crimes carried out in the context of the conflict when their aim was to prevent, repress or sanction political and related common crimes committed by armed opposition groups. However the Law expressly specified that those responsible for forced "disappearance," torture and genocide could not benefit from such an exemption.

Bishop Gerardi, Coordinator of the Archbishop of Guatemala's Human Rights Office (ODHA), was brutally murdered outside his home in April 1998. Two days before, he had released ODHA's four-volume report on the atrocities committed, primarily by the armed forces, during Guatemala's civil war.

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