

UA 199/00

Fear for**GUATEMALA**
Rodrigo Salvado
Mario Domingo

Two members of the team investigating the murder of a Guatemalan bishop have been receiving death threats. The threats began when a judge ruled that three high-ranking military officers should stand trial for the murder. Many others involved in the investigation have faced death threats, and several have fled the country.

Bishop Juan José Gerardi Conedera was found bludgeoned to death in April 1998, two days after he had presented a report that found the security forces responsible for the almost all the atrocities committed during Guatemala's 30-year civil conflict. Bishop Gerardi, Auxiliary Bishop of Guatemala, was the Coordinator of the *Oficina de Derechos Humanos del Arzobispado* (ODHA), Archbishop's Human Rights Office. He was the driving force behind the Catholic Church investigation that led to the comprehensive report.

Rodrigo Salvado and Mario Domingo are working on the Gerardi case for the ODHA. On 18 May the judge in charge of the case ruled that there was sufficient evidence against three high-ranking military officers and two civilians for them to stand trial. The judge, Flor de María García Villatoro, has herself been threatened. The two judges previously in charge of the case have resigned, and one has fled the country (see UA 137/00, 26 May 2000, AMR 34/17/00).

After the judge's ruling, Rodrigo Salvado found a message on his mobile phone implying that he was on a "black list" of people being investigated by the government. Since then he has received a number of threatening phone calls. In one day he received about 20 calls at his home, from a man who insulted him and his family and said that a group was on its way to his home to kill him at midnight.

Mario Domingo, the ODHA's legal adviser on the Gerardi case, has been receiving threatening phone calls at work. Once the caller played a song called "*El Desaparecido*", "The Disappeared". On other occasions, a man has called repeatedly asking for "Colonel Ochoa", despite being told that no such person works there.

BACKGROUND INFORMATION

Rodrigo Salvado and Mario Domingo are the latest of many people involved with the case to face death threats and intimidation. In April 1999, three gunmen forced their way into the house of the then director of the ODHA, Ronalth Ochaeta, and held a gun to the head of his four-year-old son. They left behind a box intended to look like a bomb. Inside the box was a piece of brick, an apparent allusion to the cement block used to batter Bishop Gerardi to death almost a year earlier.

The first judge and prosecutor overseeing the case were forced to resign after international complaints that they had ignored evidence of military involvement in the murder. The second judge resigned after only a month and fled to Canada after receiving death threats. A key witness, taxi driver Diego Méndez, who saw a military vehicle near Gerardi's home at the time of the murder, fled to Canada in February 1999 after escaping an abduction attempt and being threatened with death. A former member of the presidential guard, Sergeant Jorge Aguilar, fled to Canada in August 1999, two days after accusing some

of his colleagues of involvement in the murder. The prosecutor investigating the murder resigned and fled the country on 7 October 1999 after receiving repeated death threats.

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

- expressing concern for the safety of Rodrigo Salvado and Mario Domingo;
- calling for an immediate and thorough investigation into the reported death threats against them and for those responsible to be brought to justice;
- urging the authorities to take effective measures to ensure the safety of all those involved in the investigation into the murder of Bishop Gerardi and to bring to justice anyone found to have been involved in his murder, regardless of their position;
- expressing concern for the safety of all those involved in the Guatemalan church's 1998 REMHI report and asking the authorities to ensure their safety.

APPEALS TO:

1) President of the Republic of Guatemala

Lic. Alfonso Portillo Cabrera
Presidente de la República
de Guatemala
6a. Avenida "A" 4-18, Zona 1
Ciudad de Guatemala , GUATEMALA

Fax: + 502 221 4423

Salutation: Dear President/Señor Presidente

2) Minister of Defence

Col. Juan de Dios Estrada V.
Ministro de Defensa Nacional
Ministerio de Defensa
Antigua Escuela Politécnica
Avenida Reforma 1-45, Zona 10
Ciudad de Guatemala , GUATEMALA

Fax: + 502 360 9919

Salutation: Dear Minister/Señor Ministro

3) Minister of the Interior

Lic. Guillermo Ruiz Wong
Ministro de Gobernación
Ministerio de Gobernación
6ª Avenida 4-64, Zona 4
Ciudad de Guatemala , GUATEMALA

Fax: + 502 362 0239/ 362 0237

Salutation: Dear Minister/Señor Ministro

COPIES TO:

Human Rights Office of the Archbishopric

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Arzobispado de Guatemala (ODHA)
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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 17 August 2000.