

GUATEMALA

Appeals against impunity

Introduction

Guatemala is a country locked between apprehension and hope. On the one hand, a final peace settlement was signed on 29 December 1996 between the Government and the armed opposition, the Guatemalan National Revolutionary Unity, *Unidad Revolucionaria Nacional Guatemalteca (URNQ)*, ending the longest running internal armed conflict in Central America¹. If implemented fully, the six accords contained in the settlement could produce a substantial improvement in the human rights situation in Guatemala. The 1994 Global Human Rights Accord, *Acuerdo Global*

sobre Derechos Humanos, for instance, makes specific pledges on tackling impunity and ensuring protection for human rights defenders. However, cases detailed in this document show that some serious violations, such as killings, "disappearance" and torture, continue to be reported and many Guatemalans continue to face, as they have done for the last 30 years, tremendous fear, even possible death, on account of what they do or who they are.

In Guatemala today, human rights violations do not occur on the massive scale seen at the end of the 1970s and the beginning of the 1980s. These violations corresponded to a policy of counter-insurgency planned at the highest echelons of the state apparatus to eliminate possible or suspected government opponents or critics during the 1970s, 1980s and early 1990s. Between 1994 and 1996, most cases of human rights violations reported in Guatemala have been selective, perpetrated by members of the security forces and authorized or permitted only at certain levels of the state and only by certain state officials. However, the Guatemalan government is responsible for all human rights violations, past or present, committed by state agents and

¹ Over the past three decades, tens of thousands of Guatemalans, the overwhelming majority of them indigenous people, were "disappeared" or extrajudicially executed by security forces personnel, and hundreds of villages were completely destroyed. Catechists (lay-preachers), priests, teachers, trade unionists and peasant community leaders were also selectively and systematically abducted, tortured and killed. At the height of counter-insurgency operations in the late 1970s and early 1980s, approximately one million people were internally displaced and hundreds of thousands took refuge outside the country from a population that totalled, at the time, little more than eight million.

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for ensuring that the perpetrators are made accountable for their actions.

Current targets of repression in Guatemala are frequently human rights defenders, critics of government policy and those working to expose or bring to account members of the state, especially members of the security forces, involved in human rights violations. They include judges, lawyers, witnesses, journalists, trade unionists and students. Those classified as "undesirable" or "disposable", mainly criminal suspects, street children and members of street gangs, are also the victims of violations. In other cases, the victims are often those from the poorest sectors of society, for example returned refugees, internally displaced people, or peasant farmers and labourers seeking land rights or better working conditions in remote rural areas. Cases taken from the period when the Global Human Rights Accord was signed in March 1994 up until November 1996, demonstrate how recent violations, are committed by members of the security forces, members of the *Comité Voluntario de Defensa Civil (CVDC)*, Voluntary Civil Defence Committee ², ex-military

² The Voluntary Civil Defence Committees, previously known as *Patrullas de Autodefensa Civil (PACs)*, Civil Defence Patrols, are armed forces' auxiliary units. Members of these Committees have been accused of

commissioners³, or those acting on their behalf or with their complicity.

committing serious human rights violations. In August 1996 partial demobilization of these Committees began.

³ Military commissioners, suspected of having committed serious human rights violations including extrajudicial executions, were demobilized in September 1995. Nonetheless, Amnesty International continues to receive reports indicating that ex-military commissioners still commit human rights violations with the acquiescence of the armed forces.

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In Guatemala, these crimes are directly related to a state of impunity in which the overwhelming majority of those who commit, order, plan or cover up human rights violations never appear before a court. In only one of the cases outlined in this document has the person responsible been convicted. This lack of accountability of those responsible, effectively means that the perpetrators, without fear of being punished or having to answer for their actions, are free to commit further abuses. In contrast, the victims and their relatives, defenceless and without a hope of truth or justice, frequently face complete despair.

In Guatemala, impunity rests on the authorities' apparent lack of political will to investigate human rights violations. This manifests itself in negligence or the omission, for whatever reason, to investigate and implement proper legal procedures; in the failure to provide the necessary skills and resources to ensure thorough and impartial investigations; and in some state officials' complicity or acquiescence in actively blocking investigations, including interference with the evidence, or threats and harassment against those involved in the judicial proceedings.

In most cases, suspects allegedly involved in human rights violations are never prosecuted. If detained, they are usually released shortly afterwards

on bail and any further investigation is halted. Only in exceptional circumstances have those accused of committing human rights violations been brought before the courts, and the likelihood of convicting those responsible for ordering, planning or covering up such abuses still remains extremely remote. For example, in the case of 1990 killing of anthropologist Myrna Mack Chang, three high-ranking military officials, accused in 1994 of ordering her death, have still not been tried. Investigations into human rights violations are thwarted at every possible level by irregularities and interference with crucial evidence. For example, in the case of the killing of professor Apolo Ariosto Carranza Vallar by alleged members of the security forces, local authorities failed in February 1995 to carry out a forensic examination into the cause of his death despite the presence of a fatal gunshot wound to the head.

The cases presented in this document reflect Amnesty International's main concerns on Guatemala. Several of the cases also illustrate the relationship between a long-lasting impunity and on-going human rights violations.

Those searching for their "disappeared" relatives, and calling for investigations into some of the more

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than 500 clandestine graves that conceal the remains of victims of counter-insurgency operations conducted in the late 1970s and early 1980s, face frequent threats and intimidation from those wanting to hide the truth about past atrocities committed by the armed forces. The case study on the municipality of Rabinal in Baja Verapaz, where there are reportedly at least 60 clandestine graves, highlights the lack of political will to investigate these atrocities. To Amnesty International's knowledge, no exhumation of a mass grave has yet led to the successful prosecution of those responsible for the extrajudicial execution and torture of Guatemalan people.

In another case, members of a recently formed human rights committee in the town of Todos Santos in Huehuetenango, have been threatened by members of a local CVDC patrol. Former members of the same patrol were allegedly responsible for the killing of some 85 townspeople in July 1982. The new committee is mainly made up of victims of past human rights violations.

Human rights concerns in Guatemala⁴

⁴ For detailed information on the full range of Amnesty International's human

During 1995, the Guatemalan Human Rights Procurator recorded 223 cases of extrajudicial execution, including the Xamán massacre, in which 11 returned refugees, including two children, were killed by military soldiers.

rights concerns on Guatemala see AI Index: AMR 34/02/97.

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The killing of 17-year-old Erwin Américo Orantes Martínez and the attempted killing of Nicolás Cruz Ruiz on 23 June 1995, by an alleged member of the security forces in the centre of Guatemala City, shows how street youths and children continue to be the victims of serious human rights violations. In some cases the perpetrators of these crimes are members of the National Police, private security guards⁵ or members of vigilante groups acting with the complicity of the security forces. Unlike other cases of human rights violations, there have been a few recent convictions in cases of human rights violations against street children, nonetheless, the majority of these cases are not investigated by the authorities. In cases that have led to the trial of those responsible, relatives, witnesses, lawyers and others involved in the prosecution have been subjected to threats and intimidation.

Reports of politically motivated "disappearances" decreased, but did not

⁵Private security guards fall "under the jurisdiction of the Ministry of the Interior, through the National Police General Management", article 8, Private Policing Law, Decree 73-70, October 1970. According to article 14 of the same law, "in cases involving the application of Public Security Law, private security guards cooperate directly with the National Police General Management".

cease, between 1994 and 1996. Some "disappearances" were politically motivated, such as that of land and community activist Arnoldo Xi, whose whereabouts remain unknown since his abduction by alleged private security guards on 23 March 1995. During the same period, Amnesty International also received scores of reports short term abductions by members of the security forces and, at least in one case, members of the armed opposition.

Amnesty International also continues to receive reports of torture and ill-treatment. For example, journalist Estuardo Vinicio Pacheco was abducted in Guatemala City by unidentified individuals for three to four hours on 28 February 1996. He was beaten, kicked and burned on the chest with cigarettes and the soles of his feet cut with what he believed to be a blade. His assailants reportedly told him they were releasing him as a warning to other journalists, otherwise, they said, they would have killed him. In another case, members of the security forces shot and beat students, seriously injuring some as they lay wounded on the ground, while suppressing a demonstration on 11 November 1994.

During the first six months of 1996, the *Misión de las Naciones Unidas para la verificación de derechos humanos y del cumplimiento de los compromisos*

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del Acuerdo Global sobre derechos humanos (MINUGUA), United Nations Mission for the Verification of Human Rights in Guatemala, received 21 cases of ill-treatment and eight of torture, of which it verified two.

Amnesty International has also received information regarding the involvement of vigilante groups, acting in collaboration with members of the security forces, in "social cleansing" activities, including the killing of members of juvenile gangs and petty criminals. The bodies of the victims, which often appear on rubbish dumps, frequently have their hands tied and show signs of having been stabbed, tortured and shot at point blank range in the head.

Information received by Amnesty International indicates that between March 1994 and March 1996⁶, members of the armed forces were responsible for the killing of non-combatant civilians. In April 1995, for example, the bodies of four peasant farmers from "Las Majadas", Santa María de Jesús, in the department of

Quezaltenango were found showing signs of strangulation. Witnesses reported seeing the four farmers with members of the military in a red pick-up truck. Amnesty International has also documented several killings by the military of members of armed opposition groups after they had been wounded and captured in battle. In these cases, as in the case of "Las Majadas", the armed forces have concealed evidence and witnesses remain silent for fear of reprisals.

The majority of the cases presented in this document show how death threats, intimidation and surveillance are the most common and representative expression of a pervasive climate of fear. Threats are seldom investigated by the authorities. In some cases threats and intimidation are followed by physical attacks such as those against women working with the National Coordination of Widows of Guatemala, *Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA)*. In others, the victim may be forced to leave the country.

Amnesty International is also concerned about reports suggesting that ex-military commissioners and CVDC members continue to commit serious human rights violations and continue to act with the protection and the acquiescence of members of the armed

⁶In March 1996, an informal cease-fire was agreed between the Guatemalan Government and the URNG as part of the peace talks between the two parties. This agreement was made official in December 1996.

forces. Some of these ex-members of the security forces are operating under the aegis of new organizations with paramilitary or vigilante characteristics. For example, the Vigilance and Emergency Committee in Todos Santos, Huehuetenango, was allegedly organized and briefed in October 1996 by members of the local military zone. The Committee is formed by ex-military commissioners and former CVDC members who may have been responsible for gross human rights violations in the area. Amnesty International is concerned about the apparent lack of civilian mechanisms to control or monitor the operations of such new groups.

The right to truth and justice

Despite several positive developments since the signing of the March 1994 Global Human Rights Accord, Amnesty International believes that the cases presented in this document, together with the scores of other cases analysed in its report *AI Index: AMR 34/02/97*, provide sufficient evidence to show that the Guatemalan Government has failed, so far, to fully meet commitments and promises made in the Accord.

Furthermore, the organization remains deeply concerned about the passing by Congress on 18 December 1996 of the Law of National

Reconciliation, *Ley de Reconciliación Nacional*⁷. Amnesty International fears that the possible application of this law to cases of human rights violations may signify that the full truth regarding these cases may never be known and investigations halted.

⁷Under this law, exemption from penal responsibility does **not** apply in cases of forced “disappearance”, torture and genocide or in cases in which there was **no** “rational and objective” relationship between the human rights violation and acts of counter-insurgency. However, the lack of specific reference to extrajudicial execution may lead to the interpretation that those responsible for such crimes can be granted immunity from prosecution.

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Whether those in question are members of past governments, or the current administration, members of the security forces or semi-official paramilitary groups, Amnesty International believes that all those responsible for human rights violations ought to appear before the courts and made accountable for their actions. The accused should be fairly judged, and convicted if found guilty. Amnesty International neither supports nor opposes the granting of pardoning measures once the truth has been established, those responsible have been tried and sentenced and the victims compensated.

Amnesty International considers that there is a danger of perpetuating human rights violations when they are, or appear to be, tolerated by the authorities and if those responsible are allowed to evade judicial action. In contrast, if the trial of those responsible can be guaranteed, an unequivocal message that the continuation of human rights violations will not be permitted is conveyed to all members of society.

The Commission for the Historical Clarification of Human Rights Violations and Acts of Violence which have Caused Suffering to the Guatemalan People was established as part of the peace accords shortly after the signing of the Global

Human Rights Accord in March 1994. Amnesty International is concerned that the ambiguity in the Commission's mandate and the lack of judicial aim and effect of its conclusions, may limit investigations into past human rights violations, impede the full truth from being known and prevent those responsible from being brought to justice.

In such a climate of historical change in Guatemala, Amnesty International has published this document, *Guatemala: Appeals against impunity*, launching special appeals for 12 cases of human rights violations, and a report, *Guatemala: Impunity on trial* (AI Index: AMR 34/02/97), containing an in-depth study of the current human rights situation in the country, plus a 35-Point Program to End Impunity and Human Rights Violations in Guatemala. Amnesty International hopes that these publications will contribute to ending the vicious cycle of impunity which has for decades denied the victims of extrajudicial execution, "disappearance" and torture their right to truth, justice and reparation. A cycle which has, through explicit or implicit authorization of the state, encouraged the continuation of serious human rights violations by failing to bring those responsible to justice.

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**The killing of returned refugees:
the Xamán massacre**

Santiago Coc Pop, 8
Paulo Coc Coc, 40
Carlos Fernando Chop Chic, 17
Abel Ramirez Pérez, 38
Manuela Mateo Antonio Pascual, 21
Maurilia Coc Max, 7
Pedro Medina Sánchez, 42
Juana Jacinto Felipe, 39
Hilaria Morente de la Cruz, 48
Pedro Diego Andrés, 35
Andrés Miguel Mateo, 56

The body of Santiago Coc Pop.

Eight-year-old Santiago Coc Pop and seven-year-old Maurilia Coc Max were born in a refugee camp in Mexico. They grew up among other Guatemalan families who had fled their country following brutal army counter-insurgency operations and serious human rights violations in the late 1970s and early 1980s which claimed the lives of tens of

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thousands of Guatemalans and wiped out hundreds of highland villages. In 1994, after more than a decade in exile, the families returned to Guatemala. A 1992 agreement between refugee representatives and the Guatemalan Government recognised returnees' rights, guaranteed their safety and promised them access to land. The families of Santiago and Maurilia settled on the Xamán farm, Chisec, in the department of Alta Verapaz, as part of a group of 206 families of Q'eqchi, Q'anjobal, Ixil, Mam and K'iché origin.

One year later, on 5 October 1995, Santiago Coc Pop and Maurilia Coc Max were killed by members of a military patrol from the "Rubelsanto" military barracks, Military Zone 21, which entered the farm and opened fire indiscriminately. In total 11 members of the community died and 30 others were wounded by military gunfire, including three soldiers. A soldier shot Santiago in the wrist, he then chased him and shot him again in the chest, killing him. Maurilia was shot in the back and killed in circumstances which remain unclear.

Amnesty International believes that the incursion by members of the armed forces, was a deliberate act of intimidation against returnees, which led to the massacre. The organization also believes that some of the victims died in circumstances suggesting they were extrajudicially executed.

Judicial investigations into the massacre have been thwarted by threats against witnesses and lawyers representing the victims, and by alleged tampering with the evidence. However, investigations conducted by national and international organizations, including the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA), are unanimous in holding the soldiers responsible for the Xamán massacre. They discount claims that the soldiers were provoked, that community members started the shooting or that community members were armed.

Despite the transfer of the Xamán judicial proceedings from a military to a civilian court, over a year and a half after the massacre no-one has yet been brought to justice for the killing of the 11 returnees and the injuring of 30 others, nor have the victims or their relatives received any compensation. Four days after the massacre, the Minister of Defence resigned and the Commander of Military Zone 21, Cobán, Alta Verapaz, responsible for the military patrol was dismissed by President Ramiro de León Carpio. However, to Amnesty International's knowledge no criminal charges were brought against the Military Commander. In November 1996, eight members of the

military patrol which entered the Xamán farm on 5 October 1995 were rearrested after having been previously released on bail. Investigations into the Xamán massacre are still being conducted.

WHAT YOU CAN DO:

1. Publicise the case of the Xamán massacre in your national and local news media.
2. Please write to the Alta Verapaz District Attorney, the Commander of Military Zone 21, the Minister of the Interior and the Minister of Defence:
 - expressing grave concern at the killing of 11 people and the wounding of 30 others by soldiers from the Rubelsanto barracks, during the Xamán massacre, Chisec, Alta Verapaz on 5 October 1995;
 - urging the authorities to take all the necessary steps to ensure that those responsible for the Xamán killings are brought to justice and reminding the authorities of Clause 3.1 of the 1994 Global Agreement for Human Rights, *Acuerdo Global sobre Derechos Humanos*, stating that, “the parties agree to act firmly against impunity”, “*Las partes coinciden en que debe actuarse con firmeza contra la impunidad*”;
 - urging the Government to take steps to guarantee that the armed forces fully collaborate with the judiciary during the Xamán proceedings and the Xamán trial in accordance with Principle 4 of the *United Nations’ Basic Principles of Independence of Judiciary* which states that, “There shall not be any inappropriate or unwarranted interference with the judicial process”;
 - urging the Government to ensure the safety of the witnesses, relatives, prosecutors, lawyers and all other persons taking part in the Xamán proceedings and the upcoming trial and requesting that all reports of intimidation and death threats against them be investigated and that those responsible be brought to justice;
 - noting that the Xamán proceedings were transferred to a civilian court, but expressing serious concern at reports of irregularities in the proceedings and urging the Government to investigate all such reports, in particular allegations of interference with the evidence, and to bring those responsible to justice.
3. Please write to your own government’s Minister of Foreign/External Affairs:
 - asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of progress made in bringing those responsible for the Xamán massacre to justice, and on concrete steps taken by the Guatemalan Government to ensure the safety of returnee refugees and internally displaced people;
 - urging that any military, security or police training of Guatemalan security forces by

your government comply with international human rights standards and contain a human rights protection and promotion component.

4. Send a copy of your letters to: Rigoberta Menchú Tum Foundation/ 1a. Avenida 9-18/ Zona 1/ Ciudad de Guatemala; Cobán Judge/ Juzgado de Primera Instancia Penal, Narcoactividad y Delitos contra el Ambiente/ Dr. Emilio Noriega Estrada/ Edificio de Tribunales/ Primera y Segunda Calle/ Entre Primera y Segunda Avenida/ Zona 1/ Cobán/ Alta Verapaz/ Guatemala.

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Commander of Military Zone 21

The killing of civilians by the army: the case of "Las Majadas"

On 19 April 1995, Luis Orozco Cahuex, Atilio Santos Citalán, Tereso García Cotón and Arcadio García Mazariegos, four peasants, left their village Las Majadas, Santa María de Jesús, in the department of Quezaltenango, to cut wood. The peasants "disappeared" on the same day in an area controlled by the army. Soldiers had reportedly been searching the district for members of the *Unidad Revolucionaria Nacional Guatemalteca* (URNQ), Guatemalan National Revolutionary Unity, following a political meeting. Witnesses reported seeing the four peasants held by members of the military in a red pick-up truck.

The next day the dead bodies of Luis Orozco Cahuex and Atilio Santos Citalán, were found on the Inter-American highway, near Nahualá, department of Sololá. The two peasants' hands had been tied and they had reportedly been strangled. The dead bodies of Tereso García Cotón and his son, Arcadio García Mazariegos, were found in exactly the same condition, hands tied and strangled, in a ravine near the Inter-American highway in the neighbouring department of Quezaltenango.

The United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA) confirmed in August 1995 that the peasants were detained in the area controlled by the military. A similar pick-up truck to the one described by witnesses was seen by MINUGUA officials in the military base just days after the killings.

MINUGUA's investigations into the killings were obstructed by a lack of cooperation on the part of the military. The Ministry of Defence failed to authorize permission for MINUGUA to individually and privately interview soldiers from the military patrol operating in the area of Las Majadas on 19 April 1995. Interviews that were granted had to be conducted in the presence of a senior military official. Moreover, all the soldiers interviewed repeated the same version of events claiming the killings were

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attributable to common crime. Witnesses to the case are too frightened to give their testimony to MINUGUA or the authorities for fear of reprisals. Investigations remain completely paralysed.

In addition to the killing of non-combatant civilian population as evidenced in the "Las Majadas" case, before March 1996 when an informal cease-fire was agreed, Amnesty International also documented the killing of several members of the armed opposition after they had been wounded and captured by the military. These cases show similiar characteristics to the "Las Majadas" case, in the sense that the armed forces have also concealed evidence and the authorities in charge of investigations have been subject to constant death threats and intimidation.

WHAT YOU CAN DO:

1. Publicise the case of "Las Majadas" in your national and local news media.
2. Please write to the Quezaltenango District Attorney, the Commander of Military Zone 17-15, the Minister of the Interior and the Minister of Defence:
 - expressing concern at the killing of Luis Orozco Cahuex, Atilio Santos Citalán, Tereso García Cotón and Arcadio García Mazariegos on the 19/20 April 1995 by alleged members of a military patrol operating in the area of Las Majadas, Santa María de Jesús, in the department of Quezaltenango;
 - urging the authorities to take all the necessary steps to ensure that those responsible for the killings in the "Las Majadas" case are brought to justice and reminding the authorities of Clause 3.1 of the 1994 Global Agreement for Human Rights, *Acuerdo Global sobre Derechos Humanos*, stating that, "the parties agree to act firmly against impunity", "*Las partes coinciden en que debe actuarse con firmeza contra la impunidad*";
 - urging the Government to take steps to guarantee that the armed forces fully cooperate with investigations into the killings in the "Las Majadas" case in accordance with Principle 4 of the *United Nations' Basic Principles of Independence of Judiciary* which states that, "There shall not be any inappropriate or unwarranted interference with the judicial process";
 - urging the Government to ensure the safety and well-being of the witnesses, relatives, prosecutors, lawyers and all other officials taking part in investigations into the "Las Majadas" killings;
 - urging that full compensation be awarded to the victim's relatives, and reminding the authorities of Article 8.1 of the *Global Agreement for Human Rights, Acuerdo Global Sobre Derechos Humanos*, stating that, "the parties recognise that it is a humanitarian duty to compensate and/or assist the victims of human rights violations", "*Las partes reconocen que es un deber humanitario resacir y/o asistir a las víctimas de violaciones a los derechos humanos*".
3. Please write to your own government's Minister of Foreign/External Affairs:
 - asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of progress made in the investigations into the "Las Majadas" killings;
 - urging that any military, security or police training of Guatemalan security forces by your government comply with international human rights standards and contain a human rights protection and promotion component.
4. Please send a copy of your letters to: Sra. Procurador Auxiliar de Derechos Humanos de

Quezaltenango/ Lic. Patricia Lainez/ 12 Avenida 1-05/ Zona 3/ Quezaltenango/
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The "disappearance" of Arnaldo Xi

Land activist Arnaldo Xi

Prominent land activist and community leader Arnaldo Xi "disappeared" on 23 March 1995. His whereabouts remain unknown despite two requests for habeas corpus. Arnaldo Xi was abducted by heavily armed men who opened fire on him and Prudencio Reyes Saquil as they were walking along a road near the community of Matucuy, Purula, department of Baja Verapaz. Arnaldo Xi was wounded, dragged into the assailant's jeep and driven away. His companion managed to escape uninjured.

*Arnaldo Xi had been involved in a land dispute between members of the Tixila community in Purula, Baja Verapaz, and a local landowner who wanted the peasants to leave land he claimed he owned. The peasants who had been cultivating the land for several years, had challenged the landowner's title to the property. The victim was also a member of the *Coordinadora Nacional Indígena y Campesina (CONIC)*, National*

*Indigenous and Peasant Coordination, and Vice-President of the *Comité de Pro-Mejoramiento de Tixila*, Committee for the Improvement of Tixila.*

According to one witness, two employees from the "Siviljá y César Mejicanos" and "Violetas" ranches were in the jeep driven by the assailants. Guatemalan human rights organizations claim that armed private security guards employed by the landowner were responsible for the shooting and abduction of Arnoldo Xi. Groups of private security guards⁸, frequently ex-members of the security forces employed by landowners, often operate with the cooperation and acquiescence of the official security forces. Amnesty International believes that they are frequently involved in the intimidation, ill-treatment, "disappearance" and killing of peasants fighting for better working conditions or for rights to the land. Such crimes are seldom, if ever, adequately investigated by the authorities.

One person was reportedly arrested and later released in connection with the "disappearance" of Arnoldo Xi on the basis of evidence found at the scene of the crime. Arrest warrants were issued against two employees from the "Siviljá y César Mejicanos" and "Violetas" ranches, but the suspects had not been detained by December 1996.

Amnesty International takes no position on competing claims for land ownership, or on questions relating to judicial decisions relating to land tenure. However, the organization believes that the "disappearance" of Arnoldo Xi on 23 March 1995 was related to his legitimate activities as a human rights and land campaigner. Amnesty International is further concerned about the number of people, including members of security forces, killed during 1996 in the context of land disputes and land evictions in circumstances that remain unclear.

WHAT YOU CAN DO:

- 1. Publicise the case of Arnoldo Xi in your national and local news media.***

⁸Private security guards fall "under the jurisdiction of the Ministry of the Interior, through the National Police General Management", article 8, Private Policing Law, Decree 73-70, October 1970. According to article 14 of the same law, "in cases involving the application of Public Security Law, private security guards cooperate directly with the National Police General Management".

2. Please write to the Baja Verapaz District Attorney, the Commander of Military Zone 4, the Minister of the Interior and the Attorney General:

- expressing concern at the "disappearance" of the activist Arnoldo Xi on 23 March 1995 in Purula, department of Baja Verapaz, and calling for his whereabouts to be immediately established;
- expressing concern that no-one has yet been prosecuted for the shooting and "disappearance" of Arnoldo Xi and urging that those responsible be brought to justice and the victim's relatives compensated;
- calling on the authorities to guarantee prompt and impartial investigations into all reports of death threats, intimidation and human rights violations by private security guards against peasants involved in land or labour disputes, and to bring the perpetrators to justice;
- urging the authorities to ensure that "death squads", private armies, criminal gangs and paramilitary forces operating outside the chain of command but with some sort of official support or acquiescence be prohibited and disbanded;
- calling on the authorities to adopt and implement a code of conduct for private security guards operating under the licence of the National Police. Such a code of conduct should be based on United Nation's Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

3. Please write to your own government's Minister of Foreign/External Affairs:

- asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of progress in the investigations into the shooting and "disappearance" of Arnoldo Xi on 23 March 1995, and about initiatives to ensure that private security guards operating under licence of the National Police abide by the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

4. Please send a copy of your letters to: CONIC/ 8 Calle 3-18, 3er. Nivel, Oficina H/ Zona 1/ Ciudad de Guatemala/ Guatemala; Sr. Procurador Auxiliar/ Lic. Augusto Vega Monzón/ Procuraduría Auxiliar de Derechos Humanos de Baja Verapaz/ 7 Ave 4-50/ Zona 1/ Salamá/ Baja Verapaz/ Guatemala.

Minister of the Interior

Lic. Rodolfo Mendoza
Ministro de Gobernación, Ministerio de
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Despacho Ministerial, Of. No. 8
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Guatemala: Appeals Against Impunity

Attorney General

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Telefax: +502 231 7066

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Salutation: Sr. Fiscal General / Dear
Attorney General

Baja Verapaz District Attorney

Lic. Fredín Fernández
Fiscal Distrital de Baja Verapaz
10 Ave 3-96, Zona 1, Salamá
Baja Verapaz, Guatemala

Telefaxes: + 502 940 0277

Salutation: Sr. Fiscal Distrital / Dear
District Attorney

Commander of Military Zone 4

Col. Rodolfo Arturo Flores Ortega
Zona Militar 4, Salamá
Baja Verapaz, Guatemala

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Salutation: Sr. Comandante / Dear
Commander

Público

"Social cleansing" and street youths:

Erwin

Américo Orantes Martínez

Nicolás Cruz Ruiz

The body of Erwin Américo Orantes Martínez

"Every child has the inherent right to life". Article 6 of the Convention on the Rights of the Child, adopted by the United Nations General Assembly on 20 November 1989 and acceded to by the Guatemalan Government on 6 June 1990.

The killing of 17-year-old Erwin Américo Orantes Martínez and attempted killing of Nicolás Cruz Ruiz demonstrate how some members of the security forces are involved in so called "social cleansing" operations and human rights violations against youths, street children and criminals suspects. The case also reflects a blatant lack of political will to investigate such crimes.

*On 23 June 1995 Erwin Américo Orantes Martínez was killed by an alleged member of the *Departamento de Investigaciones Criminalistas (DIC)*, Department of Criminal Investigations, of the National Police. At 8.30 in the evening, Erwin Américo Orantes Martínez together with several other street children was spotted by his killer pick-pocketing in the centre of Guatemala City. The man, who was dressed in civilian clothes, walked towards the children firing into the air. The frightened children began to run away, but the man continued firing, fatally wounding Erwin Américo Orantes Martínez and shooting Nicolás Cruz Ruiz in the right leg. One of the girls in the group of street children and witness to what happened, Rosa Angélica Vega, ran after her friend's attacker. She asked him why he had shot at her friends. The assailant replied, "and what about it, I'm a member of DIC". He then pointed his gun at Rosa Angélica Vega who fled. Despite the reported presence of several policemen, the suspect was not detained at the scene of the crime.*

Witnesses to the case, including street children, were asked to identify photographs of members of the National Police on duty the night of the killing. However, the fact that the children were terrified to go to the police offices was reportedly used as a pretext not to carry out further investigations. On 6 August 1996, a government human rights spokesperson wrote to Amnesty International explaining that, "the case is inactive because the victim(s) have not wanted to visit the DIC offices to check the records of the department's employees". Although, the Presidential Coordinating Commission of the Executive's Policy on Human Rights (COPREDEH) acknowledges that the killer is "presumably a DIC agent", no significant investigations have been conducted to find the

person responsible for the death of Erwin Américo Orantes Martínez and the attempted killing of Nicolás Cruz Ruiz.

According to non-governmental organizations, there are approximately 5,000 street children in Guatemala between 5 and 18 years old. Many are orphans, some have been abandoned and some are disabled. Between 1994 and 1996, Amnesty International documented serious human rights violations, including killings and torture against street children, criminals and suspected criminals. Such crimes were committed by members of the security forces, their civilian auxiliaries, members of the national police, private policemen, or viligante groups operating with the acquiescence of the security forces. Few of these cases were adequately investigated by the Guatemalan authorities. In 1995, the United Nation's independent expert on Guatemala, Mónica Pinto, stated that some of the cases she received "pointed to a state of social cleansing principally affecting marginal groups such as street gangs, street children and prostitutes."⁹

WHAT YOU CAN DO:

1. Publicise the case of Erwin Américo Orantes Martínez and Nicolás Cruz Ruiz in your national and local news media.
2. Please write to the Minister of the Interior and the Attorney General:
 - expressing concern at the killing of Erwin Américo Orantes Martínez and attempted killing of Nicolás Cruz Ruiz on 23 June 1995 in Guatemala City;
 - expressing concern at the lack of progress made in the investigations into the killing of Erwin Américo Orantes Martínez and attempted killing of Nicolás Cruz Ruiz, and calling on the authorities to ensure prompt and impartial investigations into these crimes and that those responsible are brought to justice and compensation awarded to the victims and victim's relatives;
 - calling on the authorities to adopt and implement a code of conduct for members of the security forces. Such a code of conduct should be based on United Nations' Code of Conduct for Law Enforcement Officials and the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
 - urging the authorities to ensure that children have the right to full protection of the law,

⁹Paragraph 65, Expert's report to the United Nation's Commission on Human Rights, 25 January 1995, E/CN.4/1995/Corr.1

including the right to be considered innocent until proven guilty, to due process of law and not to be subjected to torture or cruel, inhuman or degrading treatment, in accordance with Articles 37 and 40 of the United Nations' Convention on the Rights of the Child.

3. Please write to your own government's Minister of Foreign/External Affairs:

- asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of progress in the investigations into the killing of Erwin Américo Orantes Martínez and attempted killing of Nicolás Cruz Ruiz on 23 June 1995, including a possible trial date;
- urging that any military, security or police training of Guatemalan security forces by your government comply with international human rights standards and contain a human rights protection and promotion component.

4. Please send a copy of your letters to: Casa Alianza/ Apartado Postal 2704/ Ciudad de Guatemala/ Guatemala.

Minister of the Interior

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Guatemala
Salutation: Sr. Fiscal General / Dear Attorney
General

*The bones tell the truth: clandestine
cemeteries*

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Survivors of massacres in the municipality of Rabinal, Baja Verapaz, 1996.

The Maya Achi Coordination of Widows, Orphans and Displaced People in Baja Verapaz, Coordinadora de Maya Achi de Viudas, Huérfanos y Desplazados de

Baja Verapaz, is a local support group for the relatives of those tortured and killed during counter-insurgency operations by the Guatemalan army in the late 1970s and early 1980s. The Coordination helps victims' relatives to file complaints of clandestine graves and to campaign for their exhumation. Members of the Coordination and those who support them have been threatened and intimidated in relation to their activities. For example, an ex-military commissioner reportedly warned people in surrounding villages that another massacre would take place if they attended a ceremony organized by the Coordination for 15 September 1996 on behalf of the victims of a massacre in the town of Rabinal in 1982.

The municipality of Rabinal is one mass grave. At least 27 complaints of clandestine graves in Rabinal were lodged with the Public Ministry between 1994 and 1995. Of these only a few had been excavated. In no case have the exhumations led to the conviction of those responsible for authorizing, planning, carrying out or covering up the killings. According to local human rights organizations, there are at least 60 mass graves in the municipality. Those buried in these graves were killed, often after having been tortured, by members of the Guatemalan military and its civilian auxiliaries operating in the Guatemalan countryside ostensibly to eliminate any logistical support the armed opposition might find among the rural indigenous population. In fact, the army was clearing these areas of non-combatants in "scorched earth" type operations leading to the massacre of civilian population.

At Rio Negro, municipality of Rabinal, over 177 women and children were killed by members of the armed forces on 13 March 1982. The men of the town had been killed

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in a previous massacre one month beforehand. A clandestine grave, containing the remains of the victims was located near the summit of a mountain, four kilometres from the village. The remains of at least 143 people were found in three graves exhumed in January 1994. Some of the women had been completely stripped of their clothes. Three members of a *Comité Voluntario de Defensa Civil (CVDC)*, Voluntary Civil Defence Committee, were accused of the Rio Negro massacre. However, a few days before they were to be tried in August 1996, the case was stalled after the accused reportedly requested an amnesty under Decree Law 08-86 passed on 10 January 1986, four days before the transfer from military power to civilian rule. The provisions of this decree sought to prevent criminal proceedings against the perpetrators, and their accomplices, of "political crimes and related common crimes during the period from 23 March 1982 to 14 January 1986".

For many years forensic exhumations of mass graves in Guatemala were almost impossible due to the fear of reprisals against the relatives of the dead. Early exhumations in the late 1980s and early 1990s were characterized by inadequate procedures, allegations that evidence was being removed from secret graves, and by abduction attempts and threats against those requesting the exhumations. Members of the judiciary attempting to conduct a proper exhumation were themselves threatened and many abandoned cases as a result. Successive civilian authorities, including the present government, have lacked the political will to undertake serious investigations into the "disappeared" and extrajudicially executed, and efforts to exhume the dead continue to be thwarted by constant death threats against relatives and those working on the excavations.

WHAT YOU CAN DO:

1. Publicise the case of massacres and exhumations in Rabinal in your national and local news media.
2. Please write to the Baja Verapaz District Attorney, the Commander of Military Zone 4, the Minister of Defence and the Minister of the Interior:
 - expressing concern at the threats against members of the Maya Achi Coordination of Widows, Orphans and Displaced People in Baja Verapaz and those who support them and calling upon the authorities to guarantee that all such intimidation immediately stop;
 - expressing concern at the large number of clandestine graves reported in the municipality of Rabinal, Baja Verapaz, and the very small number of exhumations and investigations conducted;
 - calling on the authorities to ensure that all reports of clandestine graves are fully investigated, and that exhumations are conducted promptly and according to the United Nation's Manual for the Effective Prevention and Investigation of Extra-Legal, Arbitrary or Summary Executions;
 - calling on the authorities to guarantee full and impartial investigations into all reports of torture, "disappearance" and killings by members of the armed forces in the municipality of Rabinal, Baja Verapaz, in the late 1970s and early 1980s;
 - calling on the authorities to guarantee that those responsible for ordering, planning, carrying out and covering up the torture, "disappearance" and killing of hundreds of people in Rabinal, Baja Verapaz, are brought to justice and that the military authorities fully collaborate with judicial proceedings;
 - calling on the authorities to ensure the safety of all those involved in exhumations and

investigations into the massacres of the late 1970s and early 1980s, and to guarantee compensation for the relatives of the victims.

3. Please write to your own government's Minister of Foreign/External Affairs:

➤ asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of progress in investigations into the execution and torture of hundreds of people by members of the armed forces in the late 1970s and early 1980s in the municipality of Rabinal, Baja Verapaz, and steps being taken to bring those responsible to justice and to compensate the victims' relatives.

4. Please send a copy of your letters to: Coordinadora de Maya Achi de Viudas, Huérfanos y Desplazados de Baja Verapaz/ 3a Calle 3-77/ Zona 4/ Rabinal/ Baja Verapaz/ Guatemala; Lic. Eliseo Lopez-Rodriguez/Juez de Primera Instancia/ Edificio de Tribunales Salamá/ Salamá/ Baja Verapaz/ Guatemala; Sr. Procurador Auxiliar de Derechos Humanos/ Lic. Augusto Vega Monzón/ Procuraduría Auxiliar de Derechos Humanos de Baja Verapaz/ 7 Ave 4-50/ Zona 1/ Salamá/ Baja Verapaz/ Guatemala.

Minister of the Interior

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Salutation: Sr. Ministro / Dear Minister

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Attorney

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Salutation: Sr. Comandante /Dear Commander

Commander of Military Zone 4

Col. Rodolfo Arturo Flores Ortega
Zona Militar 4, Salamá
Baja Verapaz, Guatemala

Denial of justice: the killing of Apolo Ariosto Carranza Vallar

Apolo Ariosto Carranza Vallar, a professor at San Carlos University, was “disappeared” on 27 January 1995 by alleged members of the security forces after leaving his office at the Pan-American Health Organization in Guatemala City.

The case of Apolo Ariosto Carranza Vallar clearly shows how members of the state are involved in obstructing, either deliberately or through negligence, investigations into human rights violations committed by members of the security forces.

Following press reports in May 1995 alleging the location of the professor’s body in the department of Escuintla and naming the chief of a military zone as the mastermind behind his abduction and presumed death, the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA) accompanied judicial authorities in the exhumation of a corpse on 29 May. Relatives of the deceased and dental records confirmed the identity of the remains as those of Apolo Ariosto Carranza Vallar. According to MINUGUA’s investigations, the unidentified body had been previously found on 19 February 1995. On that occasion, and despite evidence of a fatal gunshot wound in the head, the Santa Lucía police chief, in the department of Escuintla, notified his superiors that the cause of death was unknown, and the Santa Lucía judge ordered a burial of the corpse without any further investigation to establish the identity and cause of death.

In April 1996, the Public Ministry admitted the existence of irregularities in the investigation and affirmed that the attorney in charge of the case had acted with “negligence”. Nevertheless, the attorney was not subject to disciplinary action. On 11 October 1996, a spokesperson from the Public Ministry announced in the daily newspaper *Prensa Libre* that the judicial proceedings implicating the military chief “had been robbed or had mysteriously disappeared” from the *Departamento de Investigaciones Criminalistas (DIC)*, Department of Criminal Investigations. At the end

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of 1996 no-one had been detained in conjunction with the death of Apolo Ariosto Carranza Vallar, and investigations were virtually halted.

Since the 1960s academics, students and teachers have been singled out for torture, “disappearance” and extrajudicial execution by members of the security forces or by “death squads” in relation to their political activities¹⁰. Between 1994 and 1996, students and academics were still, on occasion, the victims of death threats, ill-treatment and illegal killings by members of the security forces. Amnesty International fears that irregularities in the investigations and interference with crucial evidence may signify that those responsible for the killing of professor Apolo Ariosto Carranza Vallar, as in other cases of human rights violations, are never brought to justice, and the circumstances surrounding his death may never be known.

¹⁰See *Guatemala: Impunity - A Question of Political Will* (AI Index: AMR 34/17/93); *Dr. Carmen Angélica Valenzuela* (AI Index: AMR 34/09/90); *Guatemala: The Human Rights Record* (AI Index: AMR 34/04/87).

WHAT YOU CAN DO:

1. Publicise the case of Apolo Ariosto Carranza Vallar in your national and local news media.

2. Please write to the Minister of Defence, the Minister of the Interior and the Attorney General:

➤ urging the authorities to ensure full and impartial investigations into the death of Apolo Ariosto Carranza Vallar and to bring to justice those responsible for ordering, planning, carrying out and covering up the killing; expressing concern at the killing of Apolo Ariosto Carranza Vallar in 1995 by alleged members of the security forces and at the fact that more than two years after his death, no-one has yet been detained or brought to justice;

➤ calling on the authorities to guarantee that all reports of interference with the evidence and negligence by state officials in the investigations into the case of Apolo Ariosto Carranza Vallar are fully and promptly investigated and those responsible brought before the courts;

➤ expressing concern at state officials' complicity in obstructing investigations into human rights violations committed by members of the security forces and calling on the authorities to take urgent measures to combat such complicity and to end impunity.

➤ asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of progress in the investigations into the killing of Apolo Ariosto Carranza Vallar, and on concrete steps taken by the Guatemalan Government to end state officials' complicity in obstructing investigations into human rights violations committed by members of the security forces.

3. Please write to your own government's Minister of Foreign/External Affairs:

➤ asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of progress in the investigations into the killing of Apolo Ariosto Carranza Vallar, and on concrete steps taken by the Guatemalan Government to end state officials' complicity in obstructing investigations into human rights violations committed by members of the security forces.

4. Please send a copy of your letters to: La Rectoría/ Universidad de San Carlos de Guatemala (USAC)/ Ciudad Universitaria/ Zona 12/ Ciudad de Guatemala/ Guatemala.

Minister of Defence

Gral. Julio Arnoldo Balconi Turcios
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Salutation: Sr. Ministro / Dear Minister

Guatemala: Appeals Against Impunity

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Minister of the Interior

Lic. Rodolfo Mendoza
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*Threats against witnesses, lawyers and judges:
the Myrna Mack investigations*

"Granting forgiveness without forgetting does not overlook or avoid justice". President Alvaro Arzú speech at the peace-signing ceremony, Guatemala City, 29 December 1996.

*Anthropologist Myrna Mack Chang.
c. Rony Ivan Veliz*

Attempts by judges, lawyers, prosecutors and witnesses to break the legacy of impunity by holding members of the armed forces accountable and responsible for their actions

Guatemala: Appeals Against Impunity

are met with systematic resistance manifested in the scores of killings and death threats against them. The effectiveness of these tactics in weakening the power and independence of the Guatemalan judiciary are borne out by the fact that only a handful of security force personnel have been brought to justice for human rights violations. In many instances, the climate of fear surrounding such investigations and trials is so great that many are too afraid to continue handling cases.

For example, anthropologist Myrna Mack Chang was stabbed to death in Guatemala City on 11 September 1990. She had been carrying out pioneering studies into the effects of armed conflict on the displacement of rural populations. Since investigations began into her killing by members of the Guatemalan army, relatives, lawyers, judges and judicial officials, witnesses and virtually anyone associated with the case have been the targets of threats and harassment.

In August 1991 the police commissioner in charge of the investigation was shot dead in front of the National Police Headquarters. In October 1995 a Public Ministry researcher working on the case was reportedly put under surveillance by the National Police after visiting the Ministry of Defence to obtain information on the case. The researcher had been following up progress made in the investigations and the collection of evidence and testimonies from several people allegedly implicated in Myrna Mack's murder.

Judge María Eugenia Villaseñor is an appeals court judge who wrote a book critical of the handling of the case by the judicial system. During the six year investigation into Myrna Mack's killing at least 12 different judges have been appointed to work on the case. Judge Villaseñor has also been involved in other human rights cases, and has been subjected to repeated death threats and acts of intimidation. She once had to flee the country, and in 1994 a police officer assigned to protect her was himself abducted, beaten, threatened and interrogated about the judge's activities. The outspoken Judge Villaseñor was eventually transferred to Antigua in the department of Sacatepéquez. The threats against her continue, and she fears for her own safety.

The United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA) confirmed in August 1996 that the case was being heard in a climate of insecurity and that some of those involved continued to be followed by unknown individuals. In February 1993, an ex-Sergeant was sentenced to 25 years in prison for her killing. One year later, the courts opened legal proceedings against three high-ranking military officials, who were detained and released on bail after being

accused of ordering and planning her death. In January 1997, hopes of an eventual conviction were stifled when the three military officials involved in her killing applied for amnesty under the new National Law of Reconciliation (see introduction) granting immunity from prosecution to those responsible for human rights violations during the armed conflict. More than six years after the death of Myrna Mack, those responsible for ordering, planning and covering up the killing have still not been brought to justice.

WHAT YOU CAN DO:

1. Publicise the case of Myrna Mack in your national and local news media.
2. Please write to the Attorney General, the Minister of the Interior and the Minister of Defence:
 - expressing concern at the threats against witnesses, lawyers, judges and those involved in the investigations into the death of Myrna Mack in 1990, and calling on the authorities to adopt immediate measures to guarantee their safety;
 - urging the authorities to promptly and impartially investigate all such threats and to bring those responsible to justice;
 - calling on the authorities to guarantee the full and immediate implementation of Decree 70-96, *Ley de Protección de Sujetos Procesales y Personas Vinculadas a la Administración de Justicia Penal*, granting protection to those involved in investigations and trials and those administering justice;
 - expressing concern that most of those involved in the killing of Myrna Mack have more than six years later still not been brought to justice, and reminding the authorities of Article 3.1 of the 1994 Global Agreement for Human Rights, *Acuerdo Global sobre Derechos Humanos*, stating that, "the parties agree to act firmly against impunity", "*Las partes coinciden en que debe actuarse con firmeza contra la impunidad*";
 - calling on the authorities to ensure that investigations of extrajudicial executions adhere to Article 18 and 19 of the United Nations' Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.
3. Please write to your own government's Minister of Foreign/External Affairs:
 - asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of concrete steps taken by the government to protect judges, lawyers, prosecutors and witnesses and to fully implement Decree 70-96 guaranteeing their protection;
 - requesting specific information regarding plans by your government to support the strengthening of an independent and impartial judiciary in Guatemala in the post peace

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settlement period.

4. Please send a copy of your letter to: Fundación Myrna Mack/ 6a Calle 1-36/Zona 10/
Edificio Valzari Of. 504/ Ciudad de Guatemala/ Guatemala.

Attorney General

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General

Minister of Defence

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Salutation: Sr. Ministro / Dear Minister

Minister of the Interior

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**Church and land activists under attack:
the case of El Estor**

Land activists from the municipality of El Estor, in the eastern department of Izabal.

The deliberate criminalization and intimidation of land activists and those who support them is most evident in the case of El Estor, a municipality of 70 villages in the eastern department of Izabal. For more than two years Father Daniel Joseph Vogt, a Catholic priest together with other members of the church and land activists in the municipality of El Estor, have been subject to death threats, intimidation, and killings by unidentified individuals. In the context of a land dispute between the community and a local land company, they have also been accused by the local authorities of crimes such as sedition and deforestation.

In November 1994, the Presidential Coordinating Commission of the Executive's Policy on Human Rights (COPREDEH) offered Father Vogt personal police protection following the death threats against him. However, he stated, "I didn't accept because... COPREDEH made the offer in an aggressive and threatening way... and because the presence of body guards is neither convenient nor appropriate for Catholic priest". Just one month later, an individual who identified himself as a member of the army's intelligence unit told Father Vogt that his name "was on a list of subversives who would be eliminated not by the army, but by other people".

On 12 June 1995, a community activist, Carlos Lee Juc, was reportedly knifed to death by local authorities during a demonstration by members of the El Estor

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community. A military commissioner allegedly wounded another peasant participating in the protest, Francisco Pérez, and threatened to kill three members of the community's human rights committee, *Comité Pro Defensa del Pueblo*, the Peoples' Defence Committee. Throughout 1995, Father Vogt received repeated telephone calls threatening to kill him.

On 12 April 1996, the president of the Inter-American Court of Human Rights requested that the Guatemalan Government adopt all the measures necessary to protect the life and integrity of Father Vogt and investigate the incidents and punish those responsible. Despite such a request, threats continued. In a reply to the Inter-American Court of Human Rights, the Guatemalan Government acknowledged that no protection measures had been adopted and discarded the threats and intimidation on the grounds that "Father Vogt lives and moves freely in these communities and even travels abroad".

On 30 May 1996, Carlos Solórzano, a member of the Peoples' Defence Committee who had been accused of sedition, was killed by an ex-soldier who also allegedly threatened to kill Father Vogt. On 18 June two anonymous leaflets were circulated in the community discrediting the priest by claiming he was a drunk and a homosexual. Other church activists have also been threatened. For example, Ramiro Choc and César Pop were accused in June 1996 of being "guerrillas".

Amnesty International takes no position on competing claims for land ownership, or on questions relating to judicial decisions relating to land tenure. However, the organization is concerned that the attacks and accusations against Father Vogt, members of the church and land activists in the community of Rubelpec, El Estor, are related to their legitimate activities to defend and campaign for their rights. Amnesty International is further concerned about the number of people, including members of security forces, killed during 1996 in the context of land disputes and land evictions in circumstances that remain unclear.

WHAT YOU CAN DO:

1. Publicise the case of El Estor in your national and local news media.
2. Please write to the Izabal District Attorney, the Commander of Military Zone 6, the

Minister of the Interior and the Attorney General:

- expressing concern at death threats and intimidation of Father Daniel Joseph Vogt, members of the church and land activists in the municipality of El Estor, Izabal, and the killings of Carlos Lee Juc on 12 June 1995 and of Carlos Solórzano on 30 May 1996;
- noting that you believe that Father Vogt and activists from El Estor are being threatened and intimidated in relation to their legitimate activities to defend and campaign for their rights;
- expressing concern at the lack of concrete measures taken by the authorities to protect Father Vogt and other activists from El Estor and calling on the authorities to immediately implement the recommendations made by the Inter-American Court of Human Rights;
- calling on the authorities to conduct full and impartial investigations into these incidents and to bring those responsible to justice.

3. Please write to your own government's Minister of Foreign/External Affairs:

- asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of specific measures taken by the Guatemalan authorities to ensure the safety of Father Daniel Joseph Vogt and community activists from Rubelpec, municipality of El Estor, Izabal.

4. Please send a copy of your letters to: Parroquia San Pedro Apostol/ 18003 El Estor/ Izabal/ Guatemala; Sr. Procurador Auxiliar/ Lic. Jose Alberto Lopez Coronado/ Procuradoría de Derechos Humanos de Izabal/ 5 Avda. entre 9a y 10a Calle/ Puerto Barrios/ Izabal/ Guatemala.

Minister of the Interior

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Guatemala: Appeals Against Impunity

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Commander of Military Zone 6

Col. Carlos René Moreno Romero

Torture and threats against journalists:

Estuardo Vini

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Journalist Estuardo Vinicio Pacheco was abducted in Guatemala City by unidentified individuals for three to four hours on 28 February 1996. He was beaten and tortured. His assailants reportedly told him they were releasing him as a warning to other journalists,

otherwise, they said, they would have killed him.

On 28 February 1996, journalist Estuardo Vinicio Pacheco Méndez, was abducted by four men and given pills which made him feel faint. He was held for three to four hours, while being beaten, kicked, and burned on the chest with cigarettes and the soles

of his feet cut with what he believed to be a blade. His assailants told him he was being released as a warning to other journalists, otherwise they would have killed him.

Estuardo Vinicio Pacheco Méndez was a journalist with *Radio Sonora*. Before the attack he had been interviewing a number of judicial authorities, gathering information on the various judicial proceedings underway against those charged with crimes such as kidnapping, drug-trafficking and car-stealing gangs (*bandas de roba-carros*) where, in a large number of cases, the involvement of state security agents was being investigated.

Estuardo Vinicio Pacheco Méndez continued to receive death threats after his release, and had to flee Guatemala a few months later. In its fifth report the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA) expressed concern at the lack of investigation by the Public Ministry who had given as a pretext that "the victim had not reported the incident"¹¹.

A pattern of intimidation against journalists reporting on human rights, impunity or the involvement of the security forces in corruption or organized crime, emerged during the first six months of 1996, when the media was instrumental in publicly exposing several high-ranking military officials as being leaders of organized crime rackets, in particular car theft and kidnapping gangs. In the cases documented by Amnesty International during this period, journalists suffered attempts on their life, abduction and torture, death threats and surveillance. In all cases the journalists were reporting on the involvement of members of the security forces in organized crime or human rights violations. To Amnesty International's knowledge, in no case have those responsible for these attacks been identified or detained.

WHAT YOU CAN DO:

1. Publicise the case of Estuardo Vinicio Pacheco Méndez in your national and local news media, drawing attention to the fact that he is a journalist.

¹¹Case 34, supplement MINUGUA's Fifth Report, August 1996.

2. Please write to the Minister of the Interior and the Attorney General:

- expressing concern at the abduction and torture of journalist Estuardo Vinicio Pacheco Méndez on 28 February 1996 in Guatemala City, and calling on the authorities to conduct a full and impartial investigation and to bring those responsible to justice;
- expressing concern at the pattern of human rights violations against journalists in 1996 indicating that some members of the press are being systematically subjected to harassment and threats because of the exercise of their freedom of expression, and calling on the authorities to ensure prompt, full and impartial investigations into all such reports and to bring those responsible to justice;
- calling on the authorities to immediately implement measures to guarantee the safety of members of the media and to guarantee freedom of expression.

3. Please write to your own government's Minister of Foreign/External Affairs:

- asking that in meetings with representatives of the Guatemalan Government your government express concern about the abduction and torture of journalist Estuardo Vinicio Pacheco Méndez on 28 February 1996 and the pattern of human rights violations against journalists in 1996. Ask your government to request to be kept informed of progress in the investigations into all such reports, and specific measures taken by the Guatemalan Government to protect journalists and guarantee freedom of expression.

4. Please send a copy of your letters to: Radio Sonora/ 2a. Calle 18-07/ Zona 15 Vista Hermosa I/ Ciudad de Guatemala/ Guatemala; El Gráfico/ 14 Avenida 4-33/ Zona 1/ Ciudad de Guatemala/ Guatemala; Siglo Veintiuno/ 7a Avenida 11-63/ Edificio Galerías España/ 6 Piso/ Zona 9/ Ciudad de Guatemala/ Guatemala.

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A legacy from the

*Member of the Civil Defence Patrol in Todos Santos,
Huehuetenango.*

c. Krystyna Deuss, the Guatemalan Indian Centre, London.

In many cases the pattern of intimidation against human rights defenders is an extension of repression suffered during the counter-insurgency campaign of the late 1970s and early 1980s. In June 1996, members of the Mayan Mam community of Todos Santos in northern Huehuetenango were threatened by two commanders of the *Comité Voluntario de Defensa Civil (CVDC)*, Voluntary Civil Defence Committee, who entered a community gathering, drew up a list of all the people present and accused them of being “guerrillas”. The CVDC commanders had apparently mistaken the community gathering for a meeting of a newly formed human rights committee which they wanted to intimidate. Such threats exacerbate the wounds of a community in which some 85 people were extrajudicially executed between 10-15 July 1982 and death lists used to circulate as a warning to those who were targeted for repression. The newly formed human rights committee in Todos Santos is principally made up of victims of past human rights violations.

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Ostensibly members of the CVDCs in Todos Santos were demobilized on 29 October 1996. However, according to information received by Amnesty International the demobilized CVDCs were subsequently advised by officials from Military Zone 19 on how to join, form and legalize a *Comité de Vigilancia y Emergencia*, Vigilance and Emergency Committee, a paramilitary group, and told that "the Army would give them a new orientation". The former CVDCs were also reportedly advised to register their "acquired" arms with the Ministry of Defence and then "put them, if they wish, at the disposal of the Vigilance and Emergency Committee". These reports coincide with information indicating that one month before the CVDCs were demobilized, the army held a meeting for about 50 local CVDC leaders in which it explained that they would have the option of creating this new committee and of keeping and using their arms.

After the formation by the army of the new Vigilance and Emergency Committee, community members were reportedly warned by its leaders and by the local mayor not to organize, nor to listen to talk about human rights, or about the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA). The leader of the Vigilance and Emergency Committee, ex-leader of the Todos Santos CVDCs, also reportedly threatened to burn with gasoline anyone found committing a crime. To Amnesty International's knowledge no investigations have been conducted into these reports, or the threats against members of the Human Rights Committee.

Amnesty International is seriously concerned about reports indicating that ex-military commissioners and CVDC members, operating under different guises such as the Vigilance and Emergency Committee in Todos Santos, continue to commit serious human rights violations and continue to act under the protection and with the acquiescence of members of the armed forces.

Given that the Ministry of Defence is the sole institution responsible for implementing the demobilization of parts of the armed forces, the real extent and effectiveness of the process is also called into question. To Amnesty International's knowledge no other national or international civilian organization is involved in verifying demobilization. In 1996, MINUGUA reiterated this concern when it confirmed an increase in the number of new organizations created and promoted by the military and comprised of ex-military commissioners and CVDCs. Officially, these new organizations have new names and objectives, such as enforcing public security for example, but in reality, their members who are armed and sustaining contacts with the military, continue to function as if they were still Civil Defence Patrols (PACs) or CVDCs. Amnesty

International is further concerned about the apparent lack of civilian mechanisms to control and monitor the operations of these new organizations.

WHAT YOU CAN DO:

1. Publicise the case of Todos Santos in your national and local news media.
2. Please write to the Huehuetenango District Attorney, the Commander of Military Zone 19, the Minister of Defence and the Minister of the Interior:
 - expressing concern at the threats by CVDCs against members of the Todos Santos Human Rights Committee in June 1996 in the department of Huehuetenango, and urging for immediate steps to guarantee their safety, to promptly and impartially investigate all such reports and to bring those responsible to justice;
 - calling on the authorities to publically recognize the legitimacy of those defending human rights and to effectively implement Clause 7 of the Global Human Rights Accord which promises measures to prevent human rights violations, death threats and intimidation against human rights defenders;
 - expressing concern at reports that former members of the CVDCs supervised by the Guatemalan army have formed a new Vigilance and Emergency Committee in Todos Santos, Huehuetenango, and asking what civilian mechanisms have been established to control and monitor the operations of the Vigilance and Emergency Committee which is in effect, a new paramilitary group;
 - calling on the authorities to ensure that "death squads", private armies, criminal gangs and paramilitary forces operating outside the chain of command but with official support or acquiescence are prohibited and disbanded.
3. Please write to your own government's Minister of Foreign/External Affairs:
 - asking that in meetings with representatives of the Guatemalan Government your government inquire about specific steps taken to ensure that threats and intimidation against members of the Todos Santos Human Rights Committee in Huehuetenango cease and, about civilian mechanisms to monitor and control the operations of the Todos Santos Vigilance and Emergency Committee.
4. Please send a copy of your letters to: Comité de Derechos Humanos de Todos Santos/ Huehuetenango/ Guatemala; Procurador Auxiliar de Derechos Humanos de Huehuetenango/ 5 Calle 6-67/ Zona 1/ Huehuetenango/ Guatemala; El Regional/ 4 Calle 7-82/ Zona 1/ Huehuetenango/ Huehuetenango.

Guatemala: Appeals Against Impunity

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Death and ill-treatment of students:

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"I want justice, I want compensation to look after Alioto's son and to set a precedent so that the humble classes have the right to truth and justice". Mario Alioto López, father of Mario Alioto López Sánchez, September 1996.

Mario Alioto López Sánchez, a member of the *Asociación de Estudiantes Universitarios (AEU)*, Association of University Students and father of one, was shot in the leg by a member of the security forces on the night of 11 November 1994. He died at 7.40pm the next day in the Roosevelt Hospital, Guatemala City.

Portrait of Mario Alioto López Sánchez painted by students from the Association of University Students.

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Dozens of other students were wounded when some 100 members of the *Fuerza de Reacción Inmediata (FRI)*, Guatemalan Immediate Reaction Force, a special anti-riot squad within the Guatemalan police force, entered the San Carlos University campus to suppress a student demonstration. According to witnesses, FRI officials hurled tear gas at the students and began to shoot at them with automatic firearms. Some students were wounded by gun shots and others as a consequence of kickings and beatings with long wooden poles. Some were allegedly beaten after they lay wounded on the floor.

Official reports regarding Mario Alioto's death remain unclear. The first report by the Procurator General, Acisclo Valladares Molina, who was present during the autopsy of 12 November, claims that the victim died as a result of several severe beatings, not just the gun-shot wound to his leg. The second report, compiled five days later by a forensic doctor from the judiciary, states that the 18-year-old died from "Hypovolemic shock as a result of massive haemorrhaging provoked by the severing of the femoral artery caused by the gunshot wound". The original medical notes have disappeared.

In a letter dated 13 November 1994 to President Ramiro de León Carpio, the Procurator General wrote, "I fear, Mr. President, from what I saw with my own eyes and what was established in the forensic examination, that an official version of this death is being contrived that has nothing to do with reality".

During 1995 arrest warrants were issued against several members of the national police and the FRI implicated in the death of Mario Alioto López Sánchez and the ill-treatment of other students. In connection with these arrests, the commander-in-chief of the Fifth Branch of the National Police was being held at the same police station he commanded, despite a request by the Public Ministry to have him transferred to another prison, and despite implications these circumstances could have on preserving crucial evidence. Reportedly, all but one of the suspects were released on bail. Amnesty International has received reports that students and lawyers involved in the investigations into this case have been followed and threatened.

Since the 1960s academics, students and teachers have been singled out for torture, "disappearance" and extrajudicial execution by members of the security forces or by

“death squads” in relation to their political activities¹². Between 1994 and 1996, students and academics were still, on occasion, the victims of death threats, ill-treatment and illegal killings by members of the security forces. Amnesty International fears that irregularities in the investigations and interference with crucial evidence may signify that those responsible for the death of Mario Alioto López Sánchez and the wounding of several other university students, as in most cases of human rights violations, are never brought to justice, and the full truth regarding events of the night of 11 November 1994 are never known.

WHAT YOU CAN DO:

1. Publicise the case of Mario Alioto López Sánchez in your national and local news media.
2. Please write to the Minister of the Interior and the Attorney General:
 - expressing concern at the death of Mario Alioto López Sánchez and the ill-treatment of other students by members of the security forces on 11 November 1994;
 - noting that more than two years after the incident no-one has yet been made accountable for these crimes and urging that those responsible be brought to justice promptly and that compensation be awarded to the victims and the victim's relatives;
 - calling on the authorities to fully and impartially investigate all reports of irregularities in the collecting of evidence and the judicial investigations and to bring those responsible to justice;
 - calling on the authorities to guarantee prompt and impartial investigations into all reports of death threats and intimidation against lawyers and students involved in this case, and to bring those responsible to justice;
 - calling on the authorities to guarantee the safety of all those involved in the investigations and the trial of those responsible for the death of Mario Alioto López Sánchez and the ill-treatment of other students on 11 November 1994 in accordance with Decree 70-96, the *Ley de Protección de Sujetos Procesales y Personas Vinculadas a la Administración de Justicia Penal*, granting protection to those involved in investigations and trials and those administering justice;
 - calling on the authorities to adopt and implement a code of conduct for members of the security forces. Such a code of conduct should be based on United Nations' Code of Conduct

¹²See Guatemala: Impunity - A Question of Political Will (AI Index: AMR 34/17/93); Dr. Carmen Angélica Valenzuela (AI Index: AMR 34/09/90); Guatemala: The Human Rights Record (AI Index: AMR 34/04/87).

for Law Enforcement Officials and the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

3. Please write to your own government's Minister of Foreign/External Affairs:

- asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of progress in bringing to justice those responsible for the death of Mario Alioto López Sanchez and the ill-treatment of other students on 11 November 1994, including a possible trial date;
- urging that any military, security or police training of Guatemalan security forces by your government comply with international human rights standards and contain a human rights protection and promotion component.

4. Please send a copy of your letters to: Asociación de Estudiantes Universitarios (AEU)/ "Oliverio Castañeda de León"/ Ciudad Universitaria/ Zona 12/ Ciudad de Guatemala/ Guatemala.

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Attorney General

Threats against human rights
defenders

The National Coordination of Widows of Guatemala, *Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA)*, is a women's organization campaigning to establish the fate of "disappeared" relatives, to raise awareness of conscientious objection, to promote education and to support people displaced as a consequence of the internal armed conflict. Since the organization was formed almost a decade ago, its members have been the target of repeated death threats, intimidation and physical attacks.

Members of the women's organization CONAVIGUA.

Government officials and members of the security forces frequently attempt to discredit human rights defenders, such as those working with CONAVIGUA, thus making them appear to be legitimate targets for attack, by accusing them of being "guerrillas" or by claiming that their activities are subversive.

For instance, in July 1994, Guatemalan army spokesman Colonel Morris de León publicly accused indigenous leader, Rosalina Tuyuc, then president of CONAVIGUA, to be known by the alias of "Julia" in the insurgency movement, and stated that her brothers were "guerrillas" specialising in demolishing bridges and collecting "war taxes".

One of the most recent incident in this series of threats and intimidation was an attack on María Tuyuc Velásquez, Rosalina Tuyuc's sister, on 19 May 1996 outside the offices of CONAVIGUA, in Guatemala City. María Tuyuc was grabbed by a man in plain clothes who repeatedly beat her and sexually assaulted her, before he fled saying he would find her again. Several days earlier, two unidentified men driving a car with tinted windows attempted to kidnap Josefa Ventura and Sebastiana Hernández, also members of CONAVIGUA. The men insulted the two women before they managed to escape to

safety. CONAVIGUA believed these attacks and threats were related to a public march organized as part of their campaign for conscientious objection.

CONAVIGUA members in rural areas have been subject to similar attacks suffered by their colleagues in the capital. On 9 April 1995, in Nebaj, El Quiché, a member of CONAVIGUA, María de León Santiago, was seriously wounded in the head with a stone and beaten by a member of the *Comité Voluntario de Defensa Civil (CVDC)*, Voluntary Civil Defence Committee who accused her of being a “guerrilla” and of sheltering members of the *Comunidades de Población en Resistencia (CPRs)*, Communities of Population in Resistance¹³. No progress has been made in the investigations into this attack.

¹³The CPRs are organized communities, the overwhelming majority of whom are Mayan indigenous people, that fled violence by hiding in the mountains after the massacres conducted by the armed forces in the late 1970s and early 1980s.

Clause 7.2 of the Global Human Rights Accord states: “the Guatemalan Government will take special measures to protect all persons and organizations working in the field of human rights, and is obliged to carry out exhaustive investigations into all reports of threats or attacks against them...”. In the Accord, the Guatemalan Government reiterated its promise to protect human rights defenders and guaranteed their freedom to continue their work. It has persistently failed to meet that commitment¹⁴.

WHAT YOU CAN DO:

1. Publicise the case of CONAVIGUA human rights defenders in your national and local news media.
2. Please write to the Quiché District Attorney, the Minister of the Interior, the Minister of Defence and the Attorney General:
 - expressing concern at attacks against María Tuyuc Velásquez, Josefa Ventura and Sebastiana Hernández in May 1996 in Guatemala City and against María de León Santiago, in April 1995 in Nebaj, El Quiché, noting that these attacks suggest a pattern of intimidation against women working with CONAVIGUA, and calling for full and impartial investigations and the bringing to justice of those responsible;
 - calling on the authorities to guarantee the safety of all women working with CONAVIGUA and to ensure that they may continue their legitimate activities without fear of intimidation or reprisals;
 - calling on the authorities to publically recognize the legitimacy of those defending human rights and to effectively implement Clause 7 of the Global Human Rights Accord which promises measures to prevent human rights violations, death threats and intimidation against human rights defenders;
 - calling on the authorities to ensure that all discourse by members of the security forces linking human rights defenders to subversive activities stop immediately;
 - urging the Government to call for the adoption of a United Nations Declaration on Human Rights Defenders, and to promote the drawing up of an Inter-American Declaration on the Protection of Human Rights Defenders, and to incorporate these into domestic legislation.

¹⁴ See Central America and Mexico: Human Rights Defenders on the Front Line (AI Index: AMR 02/01/96).

Guatemala: Appeals Against Impunity

3. Please write to your own government's Minister of Foreign/External Affairs:

- asking that in meetings with representatives of the Guatemalan Government your government request to be kept informed of specific measures taken to end human rights violations against human rights defenders and to fully implement Clause 7 of the 1994 Global Human Rights Accord;
- asking your government what initiatives it will be taking in the post peace settlement period to support and protect human rights defenders in Guatemala.

4. Please send a copy of your letters to: CONAVIGUA/ 8 Avenida 2-29/ Zona 1/ Ciudad de Guatemala/ Guatemala.

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