

PUBLIC

AI Index: AMR 34/004/2001

7 February 2001

Further information on UA 199/00 (AMR 34/28/00, 6 July 2000) - Fear for safety / death threats

GUATEMALA Members of Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHAG)

New names: Eduardo Cojulún

Others involved in the Juan José Gerardi Conedera trial

The judge presiding over a high-profile trial of three high-ranking military officers and two civilians, who are accused of murdering a Guatemalan bishop, has received death threats. Others involved in the investigation continue to receive threats, and several witnesses have reportedly died in suspicious circumstances. Amnesty International fears for the safety of all those involved in the trial.

Eduardo Cojulún, the judge presiding over the court investigating the murder of Bishop Juan José Gerardi Conedera (*Tribunal Tercero de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente*), received a death threat on his answering machine a few days before the date was set for the trial to begin. He has reported the threat to the authorities and has taken security measures. He has said that he might have to withdraw from the case if the situation becomes untenable.

On 1 February, the court announced that the trial would go ahead and that oral proceedings would begin on 15 February. The same day, Judge Rudy Chin announced that he would be withdrawing from the case. Although he justified his decision on the grounds that he knows one of the suspects, it is widely believed that he has been threatened and is too frightened to go ahead with the trial. Two other judges have admitted they have been intimidated, but are refusing to say whether the intimidation is connected to their involvement with this trial, presumably because they fear their safety will be at risk if they do so.

Members of the *Oficina de Derechos Humanos del Arzobispado de Guatemala* (ODHAG), the Archbishop's Human Rights Office in Guatemala, including Rodrigo Salvado and Mario Domingo, also continue to receive death threats despite international appeals for their safety to be guaranteed. Furthermore, a number of witnesses, who were supposed to testify at the trial, have recently died in suspicious circumstances. Luis Carlos García Pontaza, who was a key witness, died in prison on 29 January. The initial official explanation was that he had committed suicide. However, this version of events was revised after the forensic reports were issued. Six homeless people, who were outside Bishop Gerardi's home the night he was murdered, have died of unknown causes.

BACKGROUND INFORMATION

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 to be responsible for a number of atrocities committed during Guatemala's 30-year civil conflict. Bishop Gerardi was the Coordinator of the ODHAG, Archbishop's Human Rights Office and had been the driving force behind the Catholic Church investigation that led to the comprehensive report.

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 one 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. The judge who eventually indicted three high-ranking military officers accused of being involved in the murder has also received threats.

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

- expressing concern for the safety of Eduardo Cojulún and other judges involved in the Bishop Juan José Gerardi Conedera murder trial, urging the authorities to take effective measures to guarantee the safety of all those involved in the case;
- calling for an immediate and thorough investigation into the reported threats against the judges and ODHAG members, and for those responsible to be brought to justice;
- calling on the authorities to bring to justice anyone found to have been involved in the murder, regardless of their position;
- expressing concern for the safety of all those involved in the Guatemalan church's report on the atrocities committed by the military, urging the authorities to guarantee their safety.

APPEALS TO:

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

1) President of the Republic of Guatemala

Lic. Alfonso Portillo Cabrera
 Presidente de la República de Guatemala
 6a. Avenida "A" 4-46, Zona 1
 Ciudad de Guatemala
 GUATEMALA

Fax: + 502 238 3579

Salutation: Dear President/ Señor Presidente

2) Minister of the Interior

Sr. Byron Barrientos
 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

3) Minister of Defence

Gral. Eduardo Arevalo Lacs
 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

4) Attorney General

Lic. Adolfo González Rodas
Fiscal General de la República
Ministerio Público
8a. Avenida 10-67, Zona 1
Tercer nivel
Ciudad de Guatemala
GUATEMALA

Fax: + 502 221 2718

Salutation: Dear Attorney General/ Señor Fiscal General

COPIES TO:

Tribunal Tercero de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente
Centro Cívico
Torre de Tribunales
10 Nivel
GUATEMALA

Fax: + 502 232 4642

Newspaper

Diario El Periódico
15 Avenida 24-51 Zona 13
Guatemala, Guatemala

Fax: + 502 332 9761

e-mail: elperio@gold.guate.net

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 21 March 2001.