

PUBLIC

AI Index: AMR 34/013/2004

27 July 2004

Further Information on UA 09/03 (AMR 34/001/2003, 9 January 2003) and follow-ups (AMR 34/026/2003, 29 April 2003, AMR 34/039/2003, 30 June 2003 and AMR 34/053/2003, 09 September 2003) - Fear for safety/Threats/Extrajudicial execution

GUATEMALA

Otoniel de la Roca Mendoza (m) and his family

Killed: Jesús Mendoza (m), aged 45, his cousin

New names: Jesús Mendoza's family, including his wife (name withheld) and two children, aged 17 and 18 (names withheld)

A cousin of Otoniel de la Roca Mendoza has been shot dead. The killing appears to have been an attempt to intimidate de la Roca and his family, and Amnesty International believes they are in grave danger.

Truck driver Jesús Mendoza was shot dead on 22 July, as he returned from making a delivery. His body was found slumped over the wheel of his truck, at the side of the road: he had been shot in the head three times, some time between 7 and 8pm, according to police estimates. His money and valuables had not been taken, suggesting the motive for the killing was not robbery. His family say they had been followed in the week before the shooting. He was the father of Byron Mendoza, who was killed in 2002.

He and Otoniel de la Roca were cousins of Galindo Alvarado Mendoza, killed on 3 September 2003. When Galindo Alvarado Mendoza was shot, his niece, who had been with him, recognised one of the two gunmen as a former paramilitary gunman whom the family knew by name.

Otoniel de la Roca Mendoza is a key witness in the 1992 abduction and killing of guerrilla commander Efraín Bámaca Velasquez. Bámaca's wife, US citizen Jennifer Harbury, has been instrumental in bringing charges against the Guatemalan government in the Inter-American Court, and de la Roca's testimony that he saw Bámaca being abducted and tortured at a Guatemalan military base is a key element in her case. To prevent him giving testimony, de la Roca's family have suffered threats and intimidation in both Guatemala and the USA, where de la Roca sought refuge in 1997. Before he left Guatemala, de la Roca received anonymous telephone calls warning him that his relatives remaining in the country would bear the consequences of his actions: three of them have since been killed.

BACKGROUND INFORMATION

There has been an alarming increase in human rights violations in Guatemala in the past few years. Amnesty International is concerned that the wave of attacks on human rights defenders and other involved in key human rights cases may be part of a systematic campaign to silence those who have spoken out against impunity for human rights abuses, present and past. The government has agreed to set up a special commission known as CICIACS to spearhead the dismantling of the illegal armed groups operating in Guatemala, with its powers agreed jointly by the government and the UN. Ex-military personnel, some of whom have been implicated in past human rights abuses, are widely suspected of belonging to criminal networks and parallel powers in Guatemala, which would be investigated by the CICIACS.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- expressing grave concern at the killing of Jesús Mendoza;

- expressing grave concern for the safety of his family, who have reportedly been watched, and asking the authorities to ensure that they are given the protection that they ask for;
- expressing concern that the killing of Jesús Mendoza appears to be part of the campaign of intimidation and harassment suffered by Otoniel de la Roca Mendoza in both Guatemala and the USA;
- calling on the authorities to carry out a full, prompt and impartial investigation into the killing of Jesús Mendoza, to publish the results and bring those responsible to justice;
- urging the authorities to ensure that CICIACS is set up, and to ensure that it is fully independent, so that it can properly investigate and prosecute the illegal armed groups operating in Guatemala.

APPEALS TO:

President of the Republic of Guatemala

Licenciado Oscar Berger Perdomo

Presidente de la República de Guatemala

Casa Presidencial, 6 a. Avenida, 4-18 zona 1. Ciudad de Guatemala, GUATEMALA

Fax: +502 221 4423 / 239 0090

Salutation: Excelentísimo Sr. Presidente/Dear President

Minister of the Interior

Carlos Vielman, Ministro de Gobernación

6a.Avenida 4-64, zona 4, nivel 3.Ciudad de Guatemala, GUATEMALA

Fax: +502 362 0237

Email: ministro@mingob.gob.gt

Salutation: Señor Ministro/ Dear Minister

Director General of the National Civil Police

Comisario General Gustavo Adolfo Dubon

Director General de la Policía Nacional Civil, 6ª Avenida 13-71, Zona 1, 1er nivel

Ciudad de Guatemala, GUATEMALA

Fax: +502 232 0224 (if voice answers, ask for 'tono de fax, por favor')

Email: pnc@pnc.gob.gt

Salutation: Estimado Comisario General/Dear Sir

COPIES TO:

Human Rights Procurator

Dr. Sergio Fernando Morales Alvarado, Procurador de los Derechos Humanos

Procuraduría de los Derechos Humanos, 12 Avenida 12-72, zona 1, Ciudad de Guatemala, Guatemala

Fax: +502 238 1734

Email: opdhg@inteln.net.gt

Salutation: Señor Procurador/ Dear Sir

Guatemalan Ambassador to the United States:

Jose Guillermo Castillo, Embajada de Guatemala en USA

2220 R. St. N.W. Washington D.C. 20008, USA

Fax: +1 202 745 1908

E-mail: ambassador@guatemala-embassy.org

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 14 September 2004.