

EXTERNAL

AI Index: AMR 34/17/96

UA 160/96

Fear for safety

28 June 1996

GUATEMALA Otto Leonel Hernández

Amnesty International is seriously concerned for the safety of Otto Leonel Hernández who is in hospital after being abducted and tortured. He is the key witness in a murder case allegedly involving members of the security forces (see background).

Otto Leonel Hernández was abducted on 21 June 1996, in Quetzaltenango City, as he was walking to the shops to buy bread. Five days later, on 26 June, after an anonymous phone call to MINUGUA (United Nations Mission for Human Rights Verification in Guatemala) offices in Quetzaltenango, he was found alive, but tortured, near Quetzaltenango airport.

According to information received by Amnesty International, Otto Leonel Hernández had been interrogated and severely beaten by several hooded men during his five days in captivity. His back showed signs of having been burned with cigarettes at least 20 times. When he was freed, the leader of the kidnapers allegedly ordered: "Throw him down there, but don't kill him because that could create a big problem" *"Tiraló por ahí pero no lo vayan a matar porque sino todo se va a convertir en una mierda"*.

Otto Leonel Hernández is now recovering in the Hospital Regional de Occidente, in Quetzaltenango City.

BACKGROUND INFORMATION

On 27 November 1995, Otto Leonel Hernández was travelling on the road from Talisman, Mexico, to Quetzaltenango with Lucina Cárdenas, a Mexican citizen and former United Nations worker, when she "disappeared". Her tortured body was found on 3 December 1995, in the hamlet of Tojalic, San Martín Sacatepequez, Quetzaltenango.

Otto Leonel Hernández was accused of her murder, and imprisoned. However, in May 1996 he was released on bail due to new forensic evidence. Despite being the key witness in the case, Otto Leonel Hernández received no official protection after his release.

On 11 January 1996, Amnesty International wrote to the Guatemalan Minister of Interior asking for an investigation into the kidnapping, torture and death of Lucina Cárdenas, which is alleged to have involved members of the security forces, operating with bands of common criminals. The organization also asked the government to investigate allegations that members of the security forces had been involved, together with bands of criminals, in other cases of torture, kidnapping and possible extrajudicial executions in the departments of San Marcos, Retalhuleu and Quetzaltenango. It asked the government to take measures to protect relatives, officials and witnesses during the investigations. The organization received no reply.

In March 1996, a member of the army was accused of being involved in the kidnapping and death of Lucina Cárdenas.

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

- whilst explaining that AI does not take a position on the involvement or otherwise of Otto Leonel Hernández in the killing of Lucina Cárdenas, expressing concern for his safety as a key witness in the case;
- calling for immediate and adequate measures to guarantee his safety while in hospital and after he leaves hospital;
- calling for an immediate and thorough investigation on the kidnapping and torture of Otto Leonel Hernández, and for those responsible to be brought to justice;
- calling for an immediate and thorough investigation into allegations that members of the security forces have been involved in kidnapping, torture and possible extrajudicial executions in the departments of Quetzaltenango, Retalhuleu and San Marcos, and urging that relatives, officials and witnesses be protected during the investigations.

APPEALS TO:

1) President of the Republic

S.E. Alvaro Arzú Irigoyen
 Presidente de la República de Guatemala
 Palacio Nacional, Guatemala, GUATEMALA
Faxes: +502 287 4537
Telegrams: Presidente, Guatemala, GUATEMALA
Salutation: Sr. Presidente/Dear President

2) Minister of Interior

Excmo. Sr. Rodolfo Mendoza
 Ministro de Gobernación,
 Ministerio de Gobernación
 Palacio Nacional, Guatemala, GUATEMALA
Faxes: + 502 251 5368
Telegrams: Ministro de Gobernación, Guatemala, GUATEMALA.
Salutation: Sr. Ministro/Dear Minister

3) Quetzaltenango Public Attorney

Lic. Patrocinio Bartolomé Díaz Arrivillaga
 Fiscal Quetzaltenango
 Ministerio Público
 Fiscalía Distrital
 3 Calle 6-51, Zona 2
 Quetzaltenango, GUATEMALA
Tel/fax: +502 9 616140 ("me puede dar tono de fax, por favor")
Telegrams: Fiscal Quetzaltenango, Guatemala
Salutation: Sr Fiscal / Dear Attorney of Quetzaltenango

COPIES TO

Attorney General

Hector Hugo Pérez Aguilar
 Fiscal General de la Nación
 Ministerio Público
 18 Calle 10-36 Zona 1
 Guatemala, GUATEMALA
Telefax: + 502 2 317 066

Human Rights Procurator

Lic. Jorge García Laguardia

Procurador de los Derechos Humanos
12 Avenida 12-72
Zona 1, Guatemala, GUATEMALA
Faxes: +502 2 81734

Human Rights Procurator-Quetzaltenango
Lic. Patricia Rodriguez de Laivez
Procuraduría Auxiliar de Quetzaltenango
Procuraduría Auxiliar de Derechos Humanos
12 Av. 1-05, Zone 3
Quetzaltenango, GUATEMALA

and to diplomatic representatives of Guatemala accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 August 1996.