

PUBLIC

AI Index: AMR 34/30/99

26 July 1999

Further information on 86/99 (AMR 34/13/99, 22 April 1999) and follow-up (AMR 34/19/99, 21 April 99 and AMR 34/27/99 19 July 99) - Fear for safety/legal concern

GUATEMALA Witnesses in the Tululché trial

Ronald Colindres, lawyer

Lucrecia Barrientos, lawyer

Juan Jeremías Tecú and other workers for the Confederación de religiosos de Guatemala (CONFREGUA)

On 23 July 1999, Guatemala's Ninth Court of Appeals in Antigua Guatemala ordered a re-trial in the case against Cándido Noriega, former military commissioner and ex-head of the local civil patrol in the Tululché area, El Quiché department. The court ruled that there had been anomalies in the course of the April 1999 proceedings in El Quiché, which had absolved Noriega for the second time of the charges against him. He will now remain in custody awaiting his third trial for alleged human rights crimes.

The April trial had concerned a sample of the best documented crimes of which Noriega is accused. In all, local villagers from the Quiché-speaking village of Tululché say that he was responsible for more than 150 human rights violations in their community in the early 1980s, including 35 extrajudicial executions, 44 "disappearances," 14 rapes and 53 lesser attacks on individuals. Proceedings were first initiated against him in 1992, but after a trial which suffered, according to the UN Verification Mission in Guatemala, MINUGUA, from "serious irregularities," Noriega was first found not guilty in 1997.

An AI observer to the second April 1999 trial reported that the Quiché court which heard the case appeared to be biased in favour of the defence in its rulings on the admission of evidence; that it appeared to display apparent racism in its dealings with the indigenous witnesses against the former commissioner; and that it had failed to provide adequate translation facilities for them.

Witnesses, lawyers and others assisting them have reported constant threats from his friends and family, members of the former civil patrol, since proceedings were initiated against the defendant, Cándido Noriega. AI is also concerned at the indications that the defendant and his supporters may have intimidated or suborned court officials into finding in his favour.

Following the 23 July 1999 decision that the previous proceedings had been flawed and that the case would once more go to trial, AI received the following message from one of the lawyers prosecuting this case on behalf of CONFREGUA, the Confederation of Guatemala Religious:

"Thank you for all of the unconditional support you gave us ... we received a lot of letters via fax and e-mail... and it worked ... your network really worked. Thanks a million!"

Please stop appeals for now. We will inform you as soon as we know when the re-trial is to take place, and of course will re-initiate appeals if we learn of any new threats against any of those involved in this case. Thank you for your quick work on this action!