

PUBLIC

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UA 236/06

Death threats/fear for safety

31 August 2006

GUATEMALA **Maynor Roberto Berganza Bethancourt [m], human rights lawyer**

Human rights lawyer, Maynor Roberto Berganza Bethancourt has received a series of death threats in what appears to be an effort to dissuade him from his work. Amnesty International is concerned for his safety.

At 10:30am on 24 August, an unidentified man came into Maynor Roberto Berganza Bethancourt's office asking to see him. When asked why he was visiting, the man showed him a membership card from "Comité Central de Acción", "Central Action Committee". When asked the location of the headquarters of the organisation the man reportedly said "*La Casa Presidencial*", "The Presidential House" and immediately after left the room.

On the same day, Maynor Roberto Berganza Bethancourt received two anonymous phone calls. One was made to his mobile phone and said "*Si no quiere a su familia, hay dos personas que están conmigo que me están pidiendo que le demos agua*", "If you don't love your family, there are two people here with me asking to kill them". The other call was made to his office. An unidentified man asked for Maynor Roberto Berganza Bethancourt and when his secretary said he was busy, the man just said "*Le tenemos un mensajito*", "we have a message for him", before hanging up the phone.

At 7:36pm on 22 August, Maynor Roberto Berganza Bethancourt received a phone call from a man asking for an interview with him. Thinking he was a client, Maynor Roberto Berganza Bethancourt asked the man to visit him in his office. The man reportedly got confused and when Maynor Roberto Berganza Bethancourt asked him where he was the man allegedly said "*dejémonos de rodeos, pertenzco a una banda del crimen organizado y nos contrataron para matarlo*", "lets talk straight, I am member of the organised crime and we have been hired to kill you". After that the man hung up the phone but called again a few minutes later to add "*así como nos bajamos al gobernador así te vamos a bajar a vos. Ahorita te vamos a ir a sacar de donde estás, porque te tenemos controlado*", "just like we shoot down the governor we will also shoot you down. We are now going to take you out from where you are because we have you under control". Previously on 12 August, Maynor Roberto Berganza Bethancourt received a message in his mobile from an unknown number that simply said "*hueco*", "hollow".

Maynor Roberto Berganza Bethancourt is a long-standing human rights lawyer and a survivor himself of the disappearance and execution of student leaders in 1989. He was appointed to make a public statement denouncing the incidents to the UN Special Rapporteur on Extrajudicial Executions on 22 August 2006. Another high profile human right case he has been working on recently includes the defence of the archaeological site Tulam Tzu and the defence of the indigenous leader Dominga Vásquez in the complaint presented against her by the local governor of Sololá (see UA 80/05, AMR 34/016/2005, 5 April 2005). The governor of Sololá and his bodyguard were killed on 26 May 2006 by heavily armed men in an attack attributed to the organized crime by the Minister of the Interior.

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

- expressing concern for the safety of Maynor Roberto Berganza Bethancourt;
- calling on the authorities to order a full and impartial investigation into the death threats against Maynor Roberto Berganza Bethancourt, for those responsible to be brought to justice and also for action to be taken to ensure his safety;
- reminding the authorities that human rights defenders have a right to carry out their activities without any restrictions or fear of reprisals, as set out in the UN Declaration on the Right and Responsibility of Individuals,

Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.

APPEALS TO:

Attorney General

Fiscal General de la República y Jefe del Ministerio Público
Licenciado Juan Luis Florido,
8a. Avenida 10-67, Zona 1, Antiguo Edificio del Banco de los Trabajadores,
Ciudad de Guatemala, GUATEMALA

Fax: + 502 2251 2218

Salutation: Estimado Fiscal General/Dear Sir

Minister of the Interior

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

Fax: +502 2362 0237

Salutation: Estimado Ministro/Dear Minister

President

Presidente de la República de Guatemala.
Licenciado Oscar Berger Perdomo
Casa Presidencial, 6 a. Avenida, 4-18 zona 1. Ciudad de Guatemala, GUATEMALA

Fax: +502 2239 0090

Salutation: Excelentísimo Sr. Presidente/Dear President Berger

COPIES TO:

Human Rights Ombudsman

Procurador de los Derechos Humanos
Dr. Sergio Fernando Morales Alvarado
Procuraduría de los Derechos Humanos (PDH)
12 Avenida 12-72, zona 1, Ciudad de Guatemala, GUATEMALA

Fax: +502 2424 1714

Human Rights Defenders Protection Unit

Unidad de Protección de Defensoras y Defensores de Derechos Humanos
Movimiento Nacional De Derechos Humanos
1 Avenida 0-11, Zona 2
Colonia Lo de Bran
Ciudad de Guatemala, GUATEMALA

Fax: + 502 2232 2651 (if someone answers say “tono de fax por favor”)

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 12 October 2006.