

UA 285 Fear for safety / Death threats and intimidation 5 November 1998**GUATEMALA** Witnesses and survivors of the Río Negro massacre

With court proceedings due to start on 9 November 1998 against those accused of involvement in the Río Negro massacre in 1982, threats and intimidation of witnesses, their families, and survivors of the massacre have escalated. Amnesty International is extremely concerned for their safety.

This is the first time that those responsible for one of hundreds of massacres of Mayan peoples that took place during the early 1980s will be legally tried in court.

Since the trial date was announced, witnesses and their families, together with survivors of the massacre, have been threatened and intimidated by those alleged to be responsible, in an apparent attempt to frighten them into not testifying. These include former soldiers, military commissioners and members of the *Patrullas de Autodefensa Civil*, Civil Defence Patrols. Community leaders and members of non-governmental organizations assisting the victims' families and survivors have also been intimidated and threatened with death and destruction of their homes.

In March, the leader of *Coordinadora de Maya Achí de Viudas, Huérfanos y Desplazados de Baja Verapaz*, The Maya Achí Coordination of Widows, Orphans and Displaced People in Baja Verapaz -- an organization campaigning on behalf of victims' relatives for the exhumation of secret mass graves -- was shot and injured while walking his son home from school. Other members and supporters of the Coordination have also been threatened. In October, property belonging to Widows in Pacux, who have been working in support of the victims, was destroyed.

Although legal complaints by those who have been intimidated and threatened have been filed before the relevant Guatemalan authorities, no investigation into these crimes is known to have taken place.

BACKGROUND INFORMATION

On 13 March 1982, over 177 women and children were killed by armed forces members and their auxiliaries in the village of Río Negro, municipality of Rabinal, in the Baja Verapaz department. One month earlier, the men from the same village had also been massacred.

In January 1994, the remains of at least 143 victims were located and exhumed from three mass graves. Other mass graves are known to exist in or near the village.

Due to fear of reprisals against victims' relatives, forensic exhumations of mass graves have been prevented in Guatemala until very recently. Early exhumations in the late 1980s and early 1990s were characterized by inadequate procedures and allegations that evidence was being removed from secret graves.

There were also attempted abductions and threats against those demanding the exhumations. In addition, members of the judiciary attempting to conduct proper exhumations were threatened; many discontinued their involvement in legal cases.

Those arrested so far in connection with the Río Negro massacre include three members of a Civil Defence patrol: Carlos Chen Gómez, Pedro González Gómez

and Fermín Lajtuj Xitumul. An application by them for amnesty under an earlier amnesty law has been turned down by the Constitutional Court.

Amnesty International has made repeated requests and recommendations to the authorities reminding them of their duty to the victims of past human rights violations and their relatives (see Amnesty International report "All The Truth, Justice For All", AMR 34/02/98, May 1998). The recommendations include the request for an effective program to guarantee the safety and protection of witnesses and others involved in judicial investigations into past cases of human rights violations.

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

- urging the authorities to guarantee the physical integrity of witnesses, survivors and their relatives, and all those involved in the investigation into the Río Negro massacre of March 1982.
- asking the authorities to fully investigate all complaints of acts of violence and intimidation, and in particular attacks and threats against members of the Maya Achí Coordination of Widows, Orphans and Displaced People in Baja Verapaz and those who support them;
- urging the authorities to adopt Amnesty International's recommendations regarding their duty to the victims and their families of past human rights violations and to the rest of society, and particularly urging that they implement an effective program to guarantee the safety and protection of witnesses and all those who assist with judicial investigations into past abuses;
- reminding the government of Guatemala of its commitment to the Universal Declaration of Human Rights, in particular Article 8: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law".

APPEALS TO: If voice answers fax ask: "me puede dar tono de fax, por favor"

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Minister of Interior

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District Attorney of Baja Verapaz

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 Fiscal Distrital de Baja Verapaz
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Salutation: Sr. Fiscal Distrital / Dear District Attorney

Governor of the department of Baja Verapaz

Sr. Jorge Méndez Castañeda

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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 December 1998.