

PUBLIC

AI Index: AMR 34/34/98

1 December 1998

**Further information on UA 139/98 (AMR 34/16/98, 1 May 1998) and follow-up (AMR 34/21/98 15 May 1998) -Extrajudicial Execution**

**GUATEMALA Mons. Juan José Gerardi Conedera**

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Since his brutal murder in April 1998, the authorities have insisted that Bishop Juan José Gerardi had been the victim of a common crime or a crime of passion. However, in a report made known last week, Acisclo Valladares, a former Attorney General of Guatemala and the person commissioned by the Guatemalan Catholic church to examine the investigation by the authorities into the murder of Bishop Gerardi, concluded that he is likely to have been extrajudicially executed and that the priest arrested for his murder has been wrongly accused.

Bishop Gerardi was murdered as he returned home two days after he had presided over the presentation to the Guatemalan people of the church's report (REMHI) into the atrocities carried out over the more than 3 decades of Guatemala's civil conflict. Based on a three year study of over 55,000 reported human rights violations, the REMHI Project concluded that some 79% of them had been carried out by the security forces. Bishop Gerardi had been a moving force behind the Project.

After initially detaining an indigent in connection with Bishop Gerardi's murder, the authorities then announced in July, that as they had found no signs of forcible entry into the Bishop's home, his murder must be an "inside job," carried out by others resident there. They subsequently arrested Mario Orantes, a fellow priest living on the premises, the house-keeper and Mario Orantes's dog, suggesting variously that the killing had been a crime of passion, or that the dog had attacked and killed Gerardi. An initial autopsy reportedly found that the Bishop had been bitten by a dog, but when his remains were exhumed for re-examination by two independent foreign forensic pathologists, they found otherwise. Father Orantes remains in custody.

The government promised a full inquiry into Mons Gerardi's murder, but in common with Guatemalan human rights groups, including the Archbishop's Human Rights Office of which Bishop Gerardi had been Coordinator, Acisclo Valladares has concluded that the official investigation of the killing has been gravely flawed. He points out that the authorities have only been willing to consider the hypotheses that the murder was either a common crime or a crime of passion, while failing to initiate enquiries into what he considers the most likely explanation, that the Bishop was killed by on behalf of those who want to prevent the identification and prosecution of those responsible for abuses perpetrated during Guatemala's dirty war. Valladares has therefore publicly called on the authorities to investigate indications that the brutal killing was politically motivated and may have involved military or former military personnel. For their part, the Guatemalan military have denied any part in Mons. Gerardi's death.

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

-urging the authorities to widen their investigation into the murder of Bishop Gerardi in April 1998 in accordance with the findings of the Acisclo Valladares report, in which he concludes that the Bishop was most likely to have been extrajudicially executed, possibly with the involvement of military or former military personnel;

-urging the authorities to bring to justice any persons found to have been involved in the murder regardless of their position;

-reminding the government of Guatemala of its commitment to the Universal Declaration of Human Rights, in particular Article 3, "Everyone has the right to life, liberty and security of person."

**APPEALS TO:**

President of the Republic of Guatemala  
 S.E. Álvaro Arzú Irigoyen, Presidente de la República de Guatemala  
 Palacio Nacional, 6ª Calle y 7ª Avenida, Zona 1, Ciudad de Guatemala , GUATEMALA  
**Tel: + 502 221 4545**  
**Faxes: + 502 221 4537**  
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**Salutation: Excelentísimo Sr. Presidente / Dear President**

Minister of Foreign Relations

Lic. Eduardo Stein, Ministro de Relaciones Exteriores  
 Ministerio de Relaciones Exteriores  
 Palacio Nacional, 6ª Calle y 7ª Avenida, Zona 1, Ciudad de Guatemala , GUATEMALA  
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**Salutation: Señor Ministro / Dear Minister**

Private Secretary to the President

Sr. Gustavo Porras, Secretario Privado del Presidente dela República  
 Palacio Nacional, 6ª Calle y 7ª Avenida, Zona 1, Ciudad de Guatemala , GUATEMALA  
**Tel: + 502 251 45 45 Ext.282**  
**Salutation: Señor Secretario / Dear Secretary**

Attorney General

Lic. Carlos García Regás, Procurador General de la Nación General  
 Procuraduría General de la Nación  
 15 Avenida 9-69, Zona 13, Ciudad de Guatemala , GUATEMALA  
**Tel: + 502 331 1006**  
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**Salutation: Señor Procurador / Dear Attorney General**

**COPIES TO:**

Human Rights Office of the Archbishopric

Oficina de Derechos Humanos del Arzobispado de Guatemala (ODHA)  
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**Salutation:** Estimados Señores / Dear Sir

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 January 1998.

*"Article 3, Everyone has the right to life, liberty and security of person."*

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