

PUBLIC

AI Index: AMR 34/039/2003

30 June 2003

Further Information on UA 09/03 (AMR 34/001/2003, 09 January 2003 and follow up AMR 34/026/2003, 29 April 2003) Fear for safety/threats

GUATEMALA **Otoniel de la Roca Mendoza (m)**
His family

New name: **His son (name withheld)**

Amnesty International is seriously concerned for the safety of the son of Otoniel de la Roca Mendoza, following recent acts of intimidation and a specific death threat against him. De la Roca is a key witness before the Inter-American Court of Human Rights in the case of “disappeared” guerrilla leader Efraín Bámaca.

At the beginning of June, De la Roca’s son, who lives in Escuintla, a department on the southern coastal plains, noticed that he was being followed by an unidentified armed man. Over a period of two weeks he was followed to work and back home again, two or three times each week. On 23 June, De la Roca’s son reported that as he was on his way to work, the same individual pointed him out to a local man who is suspected of having links to the police or army. Two days later, at approximately 4 pm De la Roca’s former partner received an anonymous telephone call in which she was told that she should prepare the funeral for her son, because he was going to die.

BACKGROUND INFORMATION

Otoniel De La Roca Mendoza is a key witness in the “disappearance” of Efraín Bámaca Velásquez. At the time of his capture by the Guatemalan military in 1992, Bámaca was a commander with one of the armed guerrilla groups that waged civil conflict against the Guatemala military for a period of more than 30 years, until final Peace Accords were agreed in 1996.

De La Roca’s testimony that he witnessed Bámaca’s detention and torture at a Guatemalan military base is a key element in the case against the Guatemalan government for Bámaca’s torture and presumed extrajudicial execution. Throughout the eleven years since Bámaca’s capture, relatives including his US-born partner Jennnifer Harbury, lawyers, witnesses, and others associated with the case have been subjected to repeated threats and acts of intimidation. Most recently, in April 2003 an unidentified man was acting suspiciously outside De la Roca’s home in the United States (US). His car was stolen and later found with its license plates and registration papers removed in what may have been an effort to intimidate him (See further information, AMR 34/026/2003, 29 April 2003). In December 2002, threatening phone calls were made to De la Roca’s home in the US, including references to his family members. Three of Bámaca’s sisters in Guatemala also reported acts of harassment, and one was attacked in her home. These acts of intimidation followed the Guatemalan government’s payment of monetary compensation to surviving relatives of the “disappeared” guerrilla leader, under the terms of a 2002 decision by the Inter-American Court (IAC) (See UA 365/02, AMR 34/086/2002, 17 December 2002). In October 2002, De la Roca’s nephew in Guatemala was tortured and murdered (See UA 09/03, AMR 34/001/2003, 9 January 2003).

In 1997 De La Roca went into exile in the US fearing for his security. Prior to testifying before the IAC, he received anonymous calls warning that members of his family still in Guatemala would bear the consequences. Throughout 2001 and 2002, his relatives in Guatemala have reported sporadic harassment

and queries from unidentified individuals about De La Roca and his whereabouts. In April 2001, threatening phone calls to De La Roca's home were traced to a bus station in Texas.

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

- expressing serious concern for the safety of De la Roca's son as well as his family both in Guatemala and the US, and others associated with the Bámaca case;
- urging the authorities to take adequate measures to ensure their safety, and in accordance with their wishes;
- urging the government to collaborate fully with the work of the proposed *Comisión de Investigación de los Aparatos Clandestinos de Seguridad* (CICIACS) The Commission to Investigate Clandestine Security Apparatuses, ensuring that it comes quickly into being, that its work is unhindered; and that its conclusions result in the complete dismantling of these groups and the prosecution of those responsible for their operations;
- reminding the authorities that their ability to effectively dismantle these clandestine bodies will be evaluated by the Consultative Group and other international bodies reviewing Guatemala's human rights record.

APPEALS TO:

President of the Republic of Guatemala

Lic. Alfonso Portillo Cabrera
Presidente de la República de Guatemala
6a. Avenida "A" 4-41, Zona 1
Guatemala, Guatemala

Fax: + 502 238 3579

Salutation: Dear Mr President/Excelentísimo Sr. Presidente

Attorney General

Lic. Carlos David de León Argueta
Fiscal General de la República
Fiscalía General del Ministerio Público
8a. Avenida 10-57, Tercer nivel, Zona 1
Ciudad de Guatemala, Guatemala

Fax: + 502 221 2718

Email: fiscaldeleon@mp.lex.gob.gt

Salutation: Dear Attorney General/Senor Fiscal General

Minister of Foreign Affairs

Canciller Edgar Gutiérrez
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
2a Avenida 4-47, Zona 10
Ciudad de Guatemala, Guatemala

Fax: +502 348 0110

E-mail: despacho@minex.gob.gt

Salutation: Dear Minister/Señor Ministro

Director General of the National Civil Police

Comisario General Raul Arquimedes Manchame Leiva
Director General de la Policía Nacional Civil
6a Avenida 13-71, Zona 1
Ciudad de Guatemala, Guatemala

Fax: + 502 251 9382

Salutation: Dear Director/Señor Director

COPIES TO:

Human Rights Procurator

Lic. Sergio Morales

Procuraduría de los Derechos Humanos

12 Avenida 12-72, Zona 1

Ciudad de Guatemala 01001, Guatemala

Fax: + 502 238 1734

Newspaper

Diario Prensa Libre

13 Calle 9-31, Zona I

Ciudad de Guatemala 01001, Guatemala

Fax: + 502 251 8768/ 230 2193/ 230 2257

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 11 August 2003.