

PUBLIC

AI Index: AMR 34/047/2002

7 August 2002

Further information on UA 315/00 (AMR 34/43/00, 16 October 2000) and follow-ups (AMR 34/48/00, 23 November 2000, and AMR 34/015/2001, 8 May 2001)- Fear for safety New concern:Health Concern/Legal Concern

GUATEMALA Luz Margoth Tuy Jiatz (f)
Urias Bautista Orozco (m)
Other staff of the Human Rights Procurator's Auxiliary Office in
Sololá

Luz Margoth Tuy Jiatz from the governmental *Procuraduría Auxiliar de Derechos Humanos* (PDH), Human Rights Procurator's Auxiliary Office in Sololá Department in Guatemala's western highlands, was imprisoned in Sololá on 16 July. She is awaiting trial on charges arising from her work for PDH. Amnesty International is concerned for her health after she reportedly suffered an anxiety attack in prison.

Amnesty International is further concerned that the manner in which the case against Luz Margoth Tuy Jiatz is being conducted is also intended to harass and intimidate her: thus far the authorities have been unwilling to grant her house arrest, permissible under the Code of Criminal Procedure, although she is a single mother with three young children. The authorities also reportedly intend to transfer her case to Antigua, Sacatepéquez Department, around three hours' journey from her home and children.

The PDH believe that the charges against Luz Margoth Tuy Jiatz are both an effort to intimidate her to stop the PDH's efforts to mediate in local land disputes, and a reprisal for her involvement in investigating the killing of indigenous lands rights demonstrator, Teodoro Saloj, in October 2000 (see original UA, AMR 34/43/00, 16 October 2000). In November 2000, the PDH office submitted a report to the Public Prosecutor's Office, Ministerio Público (MP), which concluded that nine police officers were responsible for the killing. The report called on the Guatemalan government to take disciplinary action against those responsible and to compensate Saloj's family.

Luz Margoth Tuy Jiatz has suffered from stress and related psychological problems since the National Civil Police, *Policía Nacional Civil* (PNC) charged her with alleged incitement to riot, illegal demonstration and threats after she tried to mediate between demonstrators and the mayor during a public protest on 26 March 2001 at Sololá's town hall. Agents present were provoked by a group of juveniles and apparently responded with excessive force, firing tear gas. The police then blamed the PDH for the violence. Luz Margoth Tuy Jiatz was then briefly detained in April 2001. However, on 16 July 2002 she went to the local MP's office to request alternatives to imprisonment while awaiting trial, but was immediately imprisoned.

After the PDH in Sololá initiated investigations into Saloj's death, workers there began to be harassed and intimidated by local police. Following Luz Margoth Tuy Jiatz's release in April, their offices were placed under surveillance and threatening phone calls were made against the head of the office, Urias Bautista Orozco, and other staff. There have been no such recent incidents.

RECOMMENDED ACTION: Please send appeals in Spanish, English or your own language:

- expressing concern for Luz Margoth Tuy Jiatz's health and safety;
- calling for the authorities, given Luz Margoth Tuy Jiatz's responsibilities as a single mother of three young children, to stop the transferal of her trial to the jurisdiction of another department and to substitute her imprisonment with house arrest as allowed in the Code of Criminal Procedure;
- calling on the authorities to ensure a fair trial in line with internationally recognized legal standards;
- expressing serious concern that government officials mandated to protect human rights and investigate abuses face unsubstantiated criminal charges, in an apparent effort to interfere with their vital human rights work;
- calling for the charges against Luz Margoth Tuy Jiatz to be either substantiated or dropped;
- urging the authorities to ensure the security of all those working to promote human rights, including staff at the *Procuraduría Auxiliar de Derechos Humanos* (PDH), Human Rights Procurator's Auxiliary Office in Sololá.

APPEALS TO:

Minister of the Interior

Eduardo Arévalo Lacs
 Ministro de Gobernación
 Ministerio de Gobernación
 6a Avenida 4-64, Zona 4
 Ciudad de Guatemala, GUATEMALA

Telegram: Ministro de Gobernación, Ciudad de Guatemala, Guatemala

Fax: + 502 362 0239 / 362 0237

Salutation: Señor Ministro / Dear Minister

Minister of Foreign Relations

Lic. Gabriel Orellana Rojas
 Ministro de Relaciones Exteriores
 Ministerio de Relaciones Exteriores
 Avenida Reforma 4-47, Zona 10
 Ciudad de Guatemala, GUATEMALA

Telegram: Ministro de Relaciones Exteriores, Ciudad de Guatemala, Guatemala

Fax: + 502 3317938

Salutation: Señor Ministro / Dear Minister

Director General of the National Civil Police

Comisario Luis Arturo Paniagua Galicia
 Director General de la Policía Nacional Civil
 6a Avenida 13-71, Zona 1
 Ciudad de Guatemala, GUATEMALA

Telegram: Director General de la Policía, Ciudad de Guatemala, Guatemala

Fax: + 502 251 9382

Salutation: Senor Director / Dear Director

COPIES TO:

Procurador Auxiliar de Derechos Humanos de Sololá
Procuraduría Auxiliar de Derechos Humanos de Sololá
5a Avenida 8-20, Zona 1
Sololá, Sololá, GUATEMALA

Fax: + 502 762 3642

Salutation: Estimado Procurador / Dear Procurator

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 18 September 2002.