

Guatemala

Human Rights Defenders at risk

Amnesty International is deeply concerned at the recent increase in attacks, threats and acts of intimidation against human rights defenders and social activists, which appears to be aimed at deterring them from continuing their human rights work. Attacks have included killings, attempted killings, threats and break-ins into the offices of human rights organizations.

While few attacks against human rights defenders are fully investigated, previous investigations show that in the past members of clandestine groups and organized crime have been responsible for such attacks. The term “clandestine groups” have been used to refer to criminal networks involving the business sector, private security companies, common criminals, gang members and possibly ex and current members of the armed forces. They have embedded themselves within the state structure and use their positions and contacts to control lucrative illegal activities and guarantee immunity from prosecution. These groups are suspected of carrying out some of the recent attacks against human rights defenders.

Even though on repeated occasions the Government of Óscar Berger has publicly committed itself to ending impunity in the criminal justice system and combating clandestine groups, such proposals have not lead to concrete outcomes. There has been little progress in establishing an effective mechanism to investigate and prosecute members of clandestine groups. An initial proposal to establish a UN backed investigating Commission, first tabled in 2004, was rejected by Congress after the Constitutional Court’s ruling that parts of the agreement could be unconstitutional.¹ Little progress in reviving the initiative was visible until a revised agreement, the *Comisión Internacional contra la Impunidad en Guatemala* (International Commission Against Impunity in Guatemala - CICIG), was signed by the UN and the Guatemalan government two years later in December 2006.² In February 2007 the new proposal was presented to Congress, but in March, Congress voted to consult the Constitutional Court. There are fears that CICIG could falter in the same way as the previous proposal if political will is not strong enough to take it forward.

According to reports, during the first 40 days of 2007, four killings, one break in and at least 20 acts of intimidation against human rights defenders took place. Amnesty International believes that the lack of political will to deal with the longstanding issues of impunity, a weak judicial system and the existence of clandestine groups in Guatemala has allowed this wave of attacks against human rights defenders to go unchallenged.

¹ On 7 January 2004 the Guatemalan government signed an agreement with the United Nations to create the Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatus – *Comisión de Investigación de Cuerpos Ilegales y Aparatos Clandestinos de Seguridad* (CICIACS). On 6 August 2004 the Constitutional Court gave its advisory opinion against some key aspects of the agreement (see News Service No: 198, AMR 34/000/2004, 7 August 2004), which led to its effectively being shelved by Congress.

² International Commission Against Impunity in Guatemala (*Comisión Internacional contra la Impunidad en Guatemala*, CICIG).

The following cases reflect just some of the forms of attack and intimidation human rights defenders and community leaders in Guatemala are facing. The cases highlighted in this document show how threats, intimidation and attacks are used to dissuade or prevent activists from conducting human rights work. This action is part of a series of Amnesty International documents illustrating the different patterns of repression faced by human rights defenders worldwide.

Killings and attempted killings of human rights defenders

- On 6 February 2007, **Israel Carías Ortíz**, member of the *Comité de Unidad Campesina* (Committee of Peasant Unity - CUC), was killed together with his two children aged 9 and 10 years old. They were reportedly walking back to their home, in the community of Los Achiotes, department of Zacapa, when they were intercepted and shot at close range. Preliminary reports indicate that Israel Carías Ortíz received four gun shots, while his sons received a gun shot each to the head. Israel Carías's mother died when she learned the news about her son's killing.

Israel Carías Ortíz was a community leader and a long-standing member of the CUC. At the time of his death, he was due to stand as a candidate for a political post in the region with the CUC and had been representing his community in a dispute over the land they have occupied in Los Achiotes over the last 90 years. According to reports, in March 2007 representatives from the Ministry of Agriculture (*Secretaría de Asuntos Agrarios*) and the Land Registry Office (*Registro de Información Catastral*) were due to visit the community of Los Achiotes to measure the land: the first step in resolving the territorial dispute.

Israel Carías Ortíz had allegedly received numerous death threats in the past. He had reported these threats to the Public Prosecutor's Office and the Human Rights Ombudsman.

- On 15 January 2007, at around 7.50pm, trade union leader **Pedro Zamora Álvarez**, was killed as he returned home from the local clinic with his two small children in his pick-up truck. Approximately 50 metres from his home, a car with five occupants was allegedly waiting for him. The five individuals reportedly shot approximately 100 bullets at Pedro Zamora's car, around 20 of which hit Pedro Zamora. Badly wounded, he crashed his car into a wall, before one of his assailants reportedly approached and fired a final shot to his head from close range. One of his children was also wounded in the attack.

As the Secretary General of the *Sindicato de Trabajadores de la Empresa Portuaria Quetzal* (STEPQ, Quetzal Dockers' Union), Pedro Zamora Alvarez had received numerous death threats in the past believed to be related to his work in pursuing contentious areas of union work.

Four other remaining members of STEPQ's Executive Committee have allegedly

continued to receive death threats. On 17 January 2007, Oscar Gianni González Donado and Lázaro René Reyes Mata received a total of three anonymous phone calls between them, made to their mobile phones. The caller's voice had apparently been electronically disguised, and reportedly told them that they, their other colleagues and their families would be killed within nine days.

On 6 February 2007, a formal complaint into the death threats was filed with the Human Rights Ombudsman and the Public Prosecutor's Office. According to reports, threats and acts of intimidation have continued.

- On 10 January 2007, environmental activists **Carlos Albacete Rosales** and **Piedad Espinosa Albacete** were the subject of an apparent attempt on their lives as they returned home from La Aurora National Airport in Guatemala City in a taxi at 12.20am. As they approached their house in the area known as Carretera a El Salvador, they saw a grey Volkswagen Golf parked by a bridge around 1km from their house. The car pulled out behind them and followed them until overtaking the taxi and making a 180 degree turn a few metres further on, partially blocking the road.

At least three men then got out of the car, drawing handguns as they did so. They were wearing black woollen hats and dark-coloured bullet-proof vests, dressed in black clothing similar to that used by the police but without the identifying insignia. They began to shoot immediately, forcing the taxi driver to accelerate to escape. They continued shooting from behind once the taxi cleared them, but did not pursue it any further.

Carlos Albacete was left slightly injured by broken glass. Bullets were also left lodged in the taxi's bodywork. A total of six bullet holes were counted. When police arrived to investigate the incident they allegedly failed to place the recovered bullets in evidence bags, putting them directly in their pockets instead.

Both Carlos Albacete and Piedad Albacete work for the Guatemalan environmental organization *Trópico Verde* (Green Tropic), which helps to protect the Mayan Biosphere Reserve (a nature reserve in the Petén region in northern Guatemala). During the last four years *Trópico Verde* has campaigned against cattle ranchers' and alleged drug traffickers' usurpation of land inside the Reserve.

Carlos Albacete and Piedad Albacete have been the victims of previous attacks and acts of intimidation.

Due to grave fears for their safety, Carlos and Piedad Albacete were forced to leave Guatemala shortly after the attempt on their lives. The Inter-American Commission on Human Rights (IACHR) has reportedly requested that the Guatemalan authorities implement precautionary measures on behalf of another member of *Trópico Verde* who continues campaign work in Guatemala.

According to information received, investigations into the attack against Carlos Albacete and Piedad Albacete appear to have been limited.

Death threats and intimidation

- **Lawyers at the *Centro para la Acción Legal en Derechos Humanos (CALDH)***, the Centre for Legal Action on Human Rights, Francisco Soto, Angélica González, Otto Navarro and Jennifer Echeverría, received a message amounting to a death threat. On 5 February 2007 at 4pm, Angélica González, found the following message printed out and stuck to her car windscreen: *deja de fastidiar con proteccion protegete vos misma que no entendes con tanto aviso decile al Pancho que se cuide y lo hijos y la mujer que siempre estan solos siempre los vemos y ustedes aboganster [sic] de mierda que solo dinero quieren busquen otro trabajo sino un dia de estos saldremos a almorsar [sic] juntos como siempre nosotros invitamos 'entiendan hijos de puta'* ("Stop messing around with protection protect yourself don't you understand with so much warning tell Pancho [Francisco] to look after himself, his children and wife they are always on their own we always see them and you fucking lawyer-gangsters [a clear reference to the CALDH Justice and Reconciliation Team (JRT) of which the four are members] who only want money look for other jobs if not one of these days we'll take you out to lunch as always it'll be on us 'get it into your heads sons of a bitches"). Her car had been parked in front of the office of the *Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos* (Presidential Commission on Human Rights - COPREDH), where she had been attending a meeting.

CALDH provides legal support to people seeking justice on behalf of relatives killed in massacres during Guatemala's internal armed conflict. Since October 2006 it has been involved in the legal proceedings against former military officers, including former Head of State General José Efraín Ríos Montt, whose arrest and extradition has been requested by Spain on grounds of universal jurisdiction for crimes against humanity and Spanish nationals killed during the internal armed conflict (1960-1996).

- Environmental activist **Flaviano Bianchini**, an Italian national who was volunteering for the Guatemalan environmental group *Colectivo MadreSelva*, reported that from 13 January 2007 to 5 February 2007 he had been threatened and kept under surveillance. These incidents are believed to be linked with a report that he presented at a press conference on 5 January on contamination of the Tzalá River in Sipakapa, department of San Marcos. The report alleges that the river, which is the main source of water for indigenous people in the region, has been contaminated with heavy metals.

On 13 January Flaviano Bianchini received an anonymous call to his mobile phone, from a man who repeated the word *Cuidado, cuidado* ("Be careful, be careful")

before hanging up. Over the next six days he received five identical calls. On 25 January, he received another anonymous phone call. This time the caller told him, *deje de chingar* ("Stop fucking around"). He received two more phone calls with the same message on the 2 and 5 February.

Flaviano Bianchini has been investigating the effects of mining on the environment in Guatemala, Honduras and El Salvador. On 19 December 2006 the MadreSelva Collective presented a complaint to relevant ministries regarding the alleged contamination of the Tzalá River.

On 10 February Flaviano Bianchini returned home to Italy, having brought forward the date of his return due to serious concerns for his safety.

Break-ins and theft

- On 5 February at approximately 6am a member of staff arrived at the offices shared by the *Unidad de Protección de Defensoras y Defensores de Derechos Humanos* (UPDH), Human Rights Defenders Protection Unit, the *Movimiento Nacional por los Derechos Humanos* (MNDH), National Movement for Human Rights, and the *Asociación Comunicación para el Arte y la Paz* (COMUNICARTE), Association for Communication of Art and Peace, in Guatemala City. He found that the doors had been forced open, with evident signs of a break-in.

Thirteen computers had been taken. The computers contained information on human rights violations and on mining issues, in particular, information on forthcoming consultations with indigenous communities affected by the activities of mining companies. They also contained information on financial and operational details of the member organizations of MNDH. Files and desks had been searched and USB memory sticks had been taken. Paper files relating to mining from both the MNDH and COMUNICARTE were taken. The master tapes of COMUNICARTE's entire documentary collection, cameras, projectors and money were also taken from the office. Those responsible for the break in left human faeces and gloves (presumably used by them) behind.

While members of staff were standing outside the building waiting for the police to arrive, at approximately 8.40am, a red Toyota Corolla drove by. An individual in the car leaned out of the window and proceeded to film staff and the building.

The UPDH investigates and documents attacks and threats against human rights defenders in Guatemala. On 5 February the UPDH had planned to publicly launch its annual report on attacks against human rights defenders in Guatemala. The report alleges that there were 14 killings of human rights defenders and 278 acts of intimidation against defenders in 2006. The MNDH is the umbrella organization of most human rights non-governmental organizations in Guatemala and actively lobbies the Guatemalan government to investigate past and present human rights

violations and bring those responsible to justice. It also briefs international governmental and non-governmental organizations.

COMUNICARTE works on the production of audiovisual materials on history, social memory and the internal armed conflict.

TAKE ACTION!

Amnesty International calls on the Guatemalan authorities to thoroughly and impartially investigate all killings, threats and acts of intimidation against human rights defenders, to bring to justice those responsible and to ensure that human rights defenders are able to carry out their legitimate work without fear of threats, attacks, or theft of materials related to their human rights work.

Please send appeals to the Guatemalan authorities:

- Expressing concern at the recent wave of threats and attacks against human rights defenders, and break-ins and information theft at the offices of human rights organizations in Guatemala;
- Calling for prompt, thorough and impartial investigations into these incidents and for those responsible to be brought to justice;
- Urging the Guatemalan authorities to take immediate and effective measures to guarantee the safety of human rights defenders, according to their wishes;
- Reminding the Guatemalan 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 United Nations Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms;
- Calling on the Guatemalan government to develop a national plan of action to implement the UN Declaration on Human Rights Defenders to ensure they are able to carry out their legitimate work without fear of reprisals.

Appeals to:

President of the Republic of Guatemala

Lic. Óscar Berger Perdomo

Presidente de la República de Guatemala

Casa Presidencial, 6 a. Avenida, 4-18 zona 1

Ciudad de Guatemala, Guatemala

Fax: +502 221 4423

Salutation: **Excelentísimo Sr. Presidente/Dear President Berger**

Attorney General and Head of the Public Prosecutor's Office

Lic. Juan Luis Florido

Fiscal General de la República y Jefe del Ministerio Público

Edificio Ministerio Público

15 Avenida 15-16, Zona 1, Barrio Gerona, 8vo. Nivel, Ciudad de Guatemala, Guatemala

Fax: + 502 2411 9124

+ 502 2411 9326

Salutation: Dear Attorney General/Estimado Sr. Fiscal General

Minister of Interior

Ing. Carlos Roberto Vielmann Montes

Ministro de Gobernación

6a. Avenida 13-71, Zona 1,

Ciudad de Guatemala, GUATEMALA

Fax: +502 2413 8658

Salutation: Dear Minister/Estimado Sr. Ministro