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Guatemala: Death of army intelligence official implicated in Gerardi-murder must be investigated

Amnesty International today expressed grave concern at the murder of Sergeant José Obdulio Villanueva during a Guatemala City prison uprising on Wednesday. Sergeant Villanueva was the lowest ranking of the three former members of the Presidential Chiefs of Staff military intelligence agency, sentenced to 30 years imprisonment in July 2001 for planning the 1998 extrajudicial execution of Bishop Juan José Gerardi.

"We fear that Villanueva's murder may have been orchestrated, to remove him as a potential witness against other military higher-ups allegedly involved in the Bishop's murder against whom proceedings remain open," Amnesty International said.

Sergeant Villanueva's murder comes in the wake of the killing in December of Noé Gómez Limón, an important witness in the Gerardi case, and the brother of another witness whose testimony was considered a key element in the initial convictions of Villanueva and his two superiors. Gómez's death brings to 10 the number of witnesses in the Gerardi case known to have been killed.

Only the day before Sergeant Villanueva was killed, the Guatemalan Supreme Court dismissed the October 2002 Appeal Court decision to annul the convictions of Villanueva, his two superior officers and a priest, convicted as accessories to the Gerardi murder.

Amnesty International considered the Appeal Court's decision a severe setback to Guatemalan justice and the organization warmly welcomed the move by the Supreme Court to reject that ruling. It noted, however, that the lawyer for the convicted priest has already appealed the new Supreme Court decision to Guatemala's Constitutional Court.

"If he or the two remaining imprisoned military officials are eventually successful in appealing their convictions and the case is forced to re-open in Court, we fear it will be more difficult to sustain the original convictions, because so many witnesses will have either been eliminated or frightened into silence," Amnesty International said.

"It is vital that the uprising at the prison is investigated in depth, to determine not only who was responsible for the prisoners' deaths, but also to identify any members of the police, military or prison guard unit that may have played a role in orchestrating or permitting the riot."

Background

Sergeant José Obdulio Villanueva was amongst seven prisoners killed in the riot in the capital's Zone 18 Remand Prison; four including Villanueva were decapitated.

Members of street gangs, imprisoned for common law offences, allegedly bribed guards to let them out of their cells and then launched an attack on the sector of the prison where police and military officials detained for human rights abuses are held. They included Sergeant Villanueva and the other two Presidential Chiefs of Staff officers convicted for the Gerardi killing, and the military officials held in connection with the 1990 extrajudicial execution of anthropologist Myrna Mack.

The common law prisoners, armed with firearms and grenades smuggled into the prison over the past several months, reportedly targeted the police and military detainees because they were angry at the special privileges they enjoyed in prison and the authority this allowed them to exercise over other prisoners.

The military prisoners have now been transferred to a high security prison outside Guatemala City. They charge that they had been warning prison authorities about the arms coming into the prison since last December, but that nothing had been done. Human rights defenders in Guatemala said they too knew the uprising was coming, but believed that it was orchestrated to serve as the excuse to illegally move military officers held there to military prisons.

Bishop Gerardi was killed outside his home in April 1998, two days after he had publicly presented the findings of the in-depth inquiry carried out by the Guatemalan Catholic church into the gross human rights abuses committed during Guatemala's long-term civil conflict. The report laid the responsibility for the vast majority of the abuses squarely at the door of the Guatemalan military and their civilian allies, the civil patrols.

The landmark convictions in the Gerardi case, the first against military officers for human rights abuses, had been widely hailed in both Guatemala and abroad as indication that the Guatemalan legal system could be made to function to bring perpetrators of human rights abuses to justice, no matter what their rank or position. However, the convictions came at a high cost: in addition to the witnesses killed, by the time the case against Sergeant Villanueva and his two superiors came to trial, dozens of others involved in the case had reported serious intimidation, and another dozen, including a member of Presidential Chiefs of Staff who implicated colleagues in the murder, had fled the country. A judge and three prosecutors involved in the case were also forced to flee Guatemala, in fear of their lives.

Public Document

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