

EXTERNAL (for general distribution)

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Death threats

9 June 1995

GUATEMALA

Dr. Julio Eduardo Arango Escobar, prosecutor
Angel Urizar, soldier
Jennifer Harbury (f), United States (US) citizen

The three people named above are reported to have been threatened in connection with their involvement in efforts to establish the fate of Efraín Bámaca, who "disappeared" in 1992.

Dr. Eduardo Arango Escobar, a prosecutor (*fiscal*) with the Guatemalan Attorney General's Office, was recently assigned to investigate the highly-publicised case of Efraín Bámaca. Angel Urizar, a soldier who recently stated that he saw Bámaca alive in military custody, is now in hiding, in fear for his life.

Jennifer Harbury, a US citizen who says she married Bámaca in 1991, has recently returned to Guatemala to continue her campaign to have the circumstances of her husband's "disappearance" and presumed extrajudicial execution fully clarified.

Despite the widespread publicity surrounding this case, and the logistical support and protective measures given by various bodies, including the US Embassy in Guatemala and the United Nations mission in Guatemala (MINUGUA), to those who have been pressing for the truth about what happened to Bámaca, reports have been received that the three have been threatened. For this reason an Amnesty International delegate joined a group of concerned organizations who accompanied Jennifer Harbury on her recent return to Guatemala.

Dr Arango has made known his intention to pursue investigations into Bámaca's case, and is reported to have publicly stated that the opposition leader did not die in combat. He has indicated his willingness to be present at the latest proposed exhumation site, in San Marcos department, where Bámaca may have been secretly buried. However, certain recent statements of Guatemala's Attorney General, Lic. Ramses Cuestas Gómez, suggest that he may be taking steps to impede Dr. Arango's involvement.

BACKGROUND INFORMATION

Efraín Bámaca, also known as Comandante Everardo, "disappeared" after apparently being wounded in a clash with the Guatemalan military in March 1992. The military claimed that he had died in combat, but various irregularities in the official version of events led the opposition forces to suspect very early on that it might be inaccurate. Their doubts were transmitted to Jennifer Harbury, a lawyer and author who has written about the Guatemalan armed opposition. Ms. Harbury, who says that she married Bámaca in 1991, when he was briefly in Mexico, also began to suspect that he may have been captured alive. These suspicions were strengthened when two former combatants, who said they had escaped from army custody during 1992, testified that they had seen Efraín Bámaca in detention.

Since then, Ms. Harbury has conducted a vigorous campaign to press the authorities to account for the fate of her missing husband. She has pressed US officials and international bodies including the UN and the Organization of American States to help her discover the truth. She has undertaken hunger-strikes both in Guatemala and the US, and has returned to Guatemala several times to observe exhumations of sites where Bámaca has been said to

be buried. However, his body has not yet been located or the circumstances surrounding his presumed extrajudicial execution clarified.

In March 1995, US Congressman Robert Torricelli revealed that he had learned that Bámaca had indeed been taken into custody by the Guatemalan military alive, tortured and then extrajudicially executed. The Congressman further charged that US officials had known of this as early as 1992, and had "covered up" the information from other US government officials and from Ms Hanbury. Finally, Congressman Torricelli revealed that according to his information, a Guatemalan colonel, who had been on the payroll of the US Central Intelligence Agency (CIA), had been responsible for ordering not only the killing of Efraín Bámaca, but also of Michael DeVine, a US citizen, who was murdered in 1990.

These revelations have renewed publicity on the case, both in the US and Guatemala, and unconfirmed reports have suggested yet another site, this time in San Marcos department, where Efraín Bámaca may have been secretly buried.

Despite the new allegations, many Guatemalan officials, including the President and Vice-President, have called for the case to be closed.

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

- urging the authorities to ensure the physical integrity of the three named persons and others pressing for clarification of the Efraín Bámaca case so that proper investigations, including the proposed new exhumation, may be carried out;
- expressing concern that steps are reportedly being taken to impede Dr. Arango's efforts to fulfil his duties as *fiscal* on this case;
- pressing the authorities to ensure that the latest proposed exhumation and any further exhumations be conducted in accordance with the highest professional standards, and that any evidence uncovered be acted upon;
- urging that the authorities take all necessary steps to investigate the thousands of other cases of Guatemalans who "disappeared" or were extrajudicially executed in recent years.

APPEALS TO

1) President of the Republic:

S.E. Ramiro de León Carpio
 Presidente de la República de Guatemala
 Palacio Nacional, Guatemala, GUATEMALA
Telegrams: Presidente de León Carpio, Guatemala, Guatemala
Faxes: + 502 2 537472/515667
Salutation: Excelentísimo Sr. Presidente /Dear President

2) Minister of Defence:

Gral. Mario Enríquez Morales
 Ministro de Defensa
 Ministerio de Defensa
 Palacio Nacional, Guatemala, GUATEMALA
Telegrams: Ministro de Defensa, Guatemala, Guatemala
Faxes: + 502 2 537472
Salutation: Sr. Ministro / Dear Minister

3) Commander of Military Base

Sr. Comandante
 Base Militar, Las Cabañas

La Montañita, Malacatán, San Marcos, Guatemala
Telegrams: Comandante, Base Militar, San Marcos, Guatemala
Salutation: Sr. Comandante/ Dear Commander

COPIES OF YOUR APPEALS TO one or more of the following:

Attorney General

Lic. Ramses Cuestas Gómez
 Fiscal General de la Nación
 Ministerio Público
 18 Calle 10-36, Zona 1
 Guatemala, GUATEMALA
Faxes: + 502 2 304746; + 502 2 530482

Human Rights Procurator

Lic. Jorge García Laguardia
 Procurador de los Derechos Humanos
 12 Avenida, 12-72, Zona 1
 Guatemala, GUATEMALA
Faxes: + 502 2 3010058

Forensic Doctor of the Supreme Court

Sr. Médico Forense del Organismo Judicial
 Corte Suprema de Justicia
 Centro Cívico, 21 Calle y 7 Avenida
 Guatemala, GUATEMALA

Centro para la Acción Legal en
 Derechos Humanos (CALDH)

6 Avenida 3-32, Zona 1
 Oficina 204
 Guatemala, GUATEMALA

US Congressman

Representative Robert Torricelli
 Democratic Congressional Campaign Committee
 430 South Capital Street
 SE 20003 Washington DC. USA

US Ambassador

Ambassador Marilyn McAfee
 Embajada de los Estados Unidos
 Avenida de la Reforma 7-01
 Zona 10, Guatemala, Guatemala
Faxes: (502 2) 31 88 85

Newspaper

Siglo Veintiuno
 7a Avenida 11-63
 Edificio Galería España
 6° Piso
 Zona 9, Guatemala, GUATEMALA
Faxes: (502 2) 31 91 45

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 25 July 1995.