

26 May 2000

UA 137/00 Fear for safety

**GUATEMALA** Flor de Maria García Villatoro (f)  
Patricia Mejía (f)

---

The judge trying the murder of human rights advocate Bishop Juan Jose Gerardi Conedera has been intimidated since she indicted three high-ranking army officers for the murder. A court official assisting her has also been intimidated, and both are afraid for their lives. The two judges previously in charge of the case have resigned, and one has fled the country.

Bishop Gerardi, Auxiliary Bishop of Guatemala, was the driving force behind the Catholic Church's exhaustive investigation into the country's three decades of civil conflict. In April 1998 he presented the investigation's report, which found the security forces responsible for the overwhelming majority of the atrocities committed during the conflict. Two days later he was found bludgeoned to death.

At an 18 May Judge Flor de Maria García Villatoro ruled that there was sufficient evidence against three high-ranking military officers for them to stand trial for the Bishop's murder, at a hearing at the Second Criminal Court in Guatemala City. Since 19 May the movements of Judge García and another court official, Patricia Mejía, have been constantly monitored by unknown men following them in cars. Both are afraid for their lives, but they are committed to continuing with this case.

According to press reports, police officers appointed to protect the judge have also noticed that for several days two black Cherokee jeeps with tinted windows have parked directly outside Judge García's home.

#### **BACKGROUND INFORMATION**

The first judge and prosecutor overseeing the case were forced to resign after international complaints that they had ignored evidence of military involvement in the murder. The second judge resigned after only a month and fled to Canada after receiving death threats. A key witness in the murder case, taxi driver Diego Méndez, who saw a military vehicle near Gerardi's home at the time of the murder, fled to Canada in February 1999 after surviving an abduction and being threatened with death. A former member of the presidential guard, Sergeant Jorge Aguilar, fled to Canada in August 1999, two days after he had accused some of his colleagues of involvement in the murder. The prosecutor investigating the murder resigned and fled the country on 7 October 1999 after receiving repeated death threats.

**FURTHER RECOMMENDED ACTION:** Please send telegrams/telexes/faxes/express/airmail letters in SPANISH or in your own language:

- urging the authorities to take effective measures to ensure the safety of all those involved in the investigation into the murder of Bishop Gerardi;
- calling for an immediate and thorough investigation into the reported harassment and intimidation of Judge Flor de Maria García Villatoro and Patricia Mejía, and others who have been threatened because of their involvement in the case, and for those responsible to be brought to justice;
- urging the authorities to bring to justice anyone found to have been involved in the murder of Bishop Gerardi, regardless of their position;

- insisting that until this case is fully resolved, the international community will remain gravely concerned that Guatemala is in danger of reverting to its previous pattern of human rights violations, which made it the subject of international scrutiny and concern for many years.

**APPEALS TO:**

1) President of the Republic

Lic. Alfonso Portillo Cabrera

6a. Avenida 'A' 4-18

Zona 1

Ciudad de Guatemala, GUATEMALA

**Telegrams:Presidente, Guatemala, Guatemala**

**Fax: + 502 221 4423**

**Salutation: Excelentísimo Sr. Presidente/Your Excellency**

2) Minister of the Interior

Lic. Guillermo Ruiz Wong

6a Avenida 4-64, Zona 1

Ciudad de Guatemala , GUATEMALA

**Fax: +502 362 0239/ 362 0237**

**Salutation:Señor Ministro/Dear Minister**

3) Minister of Defence

Col. Juan de Dios Estrada V.

Antigua Escuela Politecnica

Avenida Reforma 1-45, Zona 10

Ciudad de Guatemala , GUATEMALA

**Fax: + 502 360 9007/360 9909**

**Salutation:Señor Ministro/Dear Minister**

**COPIES TO:**

Second Criminal Court

Juzgado Segundo de Primera Instancia Penal

La Torre de Tribunales

21 Calle y 9a. Avenida, zona 1

Centro civil.

Guatemala, GUATEMALA

**Fax: + 502 232 3434**

Human Rights Office of the Archbishopric

Oficina de Derechos Humanos del Arzobispado (ODHA)

6a Calle 7-70, Zona 1

Ciudad de Guatemala, GUATEMALA

**Faxes:+ 502 232 8384; E-mails: odhagua@pronet.net.gt**

Daily Newspaper

Diario Prensa Libre, 13 Calle 9-31, Zona 1

Ciudad de Guatemala, GUATEMALA

**Faxes:+ 502 251 8768; E-mails: mediosselectronicos@prensalibre.com.gt**

Newspaper

CERIGUA, 2a calle 1-42, Zona 1

Ciudad de Guatemala. Guatemala

**Tel/Faxes: + 502 238 1456/ 221 2521; E-mails: [cerigua@guate.net](mailto:cerigua@guate.net)**

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 7 July 2000.