

PUBLIC

AI Index: AMR 34/029/2006

UA 207/06

Fear for safety

1 August 2006

GUATEMALA Erwin Estuardo Orrego Borrayo, (m) of Frente de Emergencia Vendedores de Mercados de Guatemala, Emergency Front of Market Sellers of Guatemala (FENVEMEGUA)

Erwin Estuardo Orrego Borrayo, a member of the trade union *Frente de Emergencia Vendedores de Mercados de Guatemala*, Emergency Front of Market Sellers of Guatemala (FENVEMEGUA) was kidnapped for two hours on 27 July and also beaten by armed men. He was also the victim of kidnapping and torture in 2003, and there are continuing concerns for his safety.

At approximately 4pm on 27 July, Erwin Orrego was carrying out an errand in the centre of Guatemala City. A black Toyota pickup truck that had begun following him stopped and two armed men dressed in black uniforms and with pistols in holsters got out of the truck. They showed him a police badge, aimed their pistols at him and then struck him on the head with a pistol. They also struck him, dislocating his left shoulder. They then forced him into the truck, where he was blindfolded.

Erwin Orrego was held for approximately two hours, during which time he was transferred between three different cars. Approximately 12 individuals, who were all armed, wearing similar black uniforms and using radio communication, were involved in abducting Erwin Orrego. He was also held at a house, which he assumed to be a police station because of the number of men wearing black uniforms. The Guatemalan police introduced the use of black uniforms for its members in 2006. At one point Erwin Orrego heard radio communications which said "abort operation, abort operation there is monitoring" ("*aborten operativo, aborten operativo hay monitoreo*"). The men detaining Erwin Orrego asked, "with execution?" ("*¿con ejecución?*"). They were answered, "without execution" ("*sin ejecución*").

When he was abducted, Erwin Orrego had been talking over the phone with a member of a Guatemalan human rights organization, who had immediately alerted police authorities, the Public Prosecutors Office and other human rights organizations.

At approximately 6pm on the same day, Erwin Orrego was abandoned by a road in an area called *Boca del Monte* around 10 kilometres to the south of Guatemala City. A Guatemalan human rights organization organised medical attention for him and took him to the Public Prosecutor's Office to present his complaint and testimony. As of 31 July, despite repeated requests, the Public Prosecutor's Office has not facilitated a forensic sketch artist so that Erwin Orrego can provide a description of those who abducted him initially. The case has also not yet been transferred to the specialised unit within the Public Prosecutor's Office which deals with attacks against human rights activists.

BACKGROUND INFORMATION

FENVEMEGUA is a trade union of informal market sellers who over the years have been involved in disputes with the local municipal authorities regarding issues such as evictions from public spaces (of market stalls) and police abuse. In August 2003, Erwin Orrego was also kidnapped and suffered torture which left him suffering serious mental and physical trauma. Despite repeated complaints and the high profile of his case, the investigation of his case has not advanced and the perpetrators continue to remain at large. In January and February 2006, a local human rights organisation documented four instances of threats against Erwin Orrego in addition to three incidents of unknown individuals following him. Erwin Orrego is also a member of an opposition political party and is involved in helping the Venezuelan Embassy identify Guatemalan citizens to receive donated medical attention for optical surgery.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- expressing grave concern for the safety of Erwin Estuardo Orrego Borrayo;
- Urging the authorities to provide Erwin Estuardo Orrego Borrayo and his family with full protection in accordance with his own wishes;
- Calling for an immediate and thorough investigation into the attempted kidnapping and previous threats, with the results made public and those responsible brought to justice;
- Ask for the investigation of the case to be brought under the jurisdiction of the Special Unit for Crimes Committed Against Human Rights Activists of the Public Prosecutors Office, *Fiscalia Especial para Crimenes Cometidos Contra Activistas de Derechos Humanos*.
- reminding the authorities of the right of human rights defenders 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.

APPEALS TO:

Attorney General

Fiscal General de la República y Jefe del Ministerio Público
Licenciado Juan Luis Florido,
8a. Avenida 10-67, Zona 1, Antiguo Edificio del Banco de los Trabajadores,
Ciudad de Guatemala, GUATEMALA

Fax: + 502 2251 2218

Salutation: Estimado Fiscal General/Dear Sir

Minister of the Interior

Carlos Vielman
6a.Avenida 4-64, zona 4, nivel 3. Ciudad de Guatemala. GUATEMALA

Fax: +502 2362 0237

Salutation: Estimado Ministro/Dear Minister

COPIES TO:

Human Rights Ombudsman

Procurador de los Derechos Humanos
Dr. Sergio Fernando Morales Alvarado
Procuraduría de los Derechos Humanos (PDH)
12 Avenida 12-72, zona 1, Ciudad de Guatemala, Guatemala

Fax: +502 2424 1714

Salutation: Señor Procurador/ Dear Sir

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 12 September .