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Guatemala: Attack against Attorney General - a grave assault on the rule of law

Amnesty International today expressed grave concern at an armed attack carried out against Guatemala's Attorney General on the evening of 5 December, but only made public days later. Carlos De León Argueta, the country's highest ranking prosecutorial officer, was fired upon by unidentified gunmen as he returned to his home in Guatemala City. Six shots were directed at the car he was driving, but hit only trees and a wall near the entrance to his home. The Attorney General escaped unhurt.

"Carlos De León is the highest ranking member of the Guatemalan legal community to suffer such an attempt on his life since Epaminondas González Dubón, then head of the country's Constitutional Court was extrajudicially executed in 1994," Amnesty International said.

"Both men had been involved in inquiries into past human rights violations and official involvement in drug-trafficking," the organization added saying that both attacks represented a grave assaults on the rule of law in Guatemala.

"The fact that the country's highest ranking prosecutorial officer, the Attorney General, can only carry out his duties at the risk of his life, gives some idea of the conditions under which other Guatemalan law professionals are forced to live, particularly those involved in efforts to combat impunity and bring the perpetrators of past emblematic human rights violations to justice," Amnesty International stressed.

"In such a context, it becomes more and more difficult to believe that the Guatemalan authorities are making any real progress towards returning the country to the rule of law," the human rights organization said.

"The government must now take immediate steps to address this situation by implementing effective measures to ensure protection for all members of the legal community and to conduct full investigations into threats, intimidation and attacks against them," Amnesty International added.

Amnesty International is particularly concerned that the Minister of Interior has been reported as publicly denying that the attack took place. Traditionally denial has been a common response by Guatemalan officials in response to reported human rights violations.

"In this case, however, it is strange, because one high-ranking official is casting doubts on reports from another high-ranking government official. It shows the lack of official support for those in the prosecutor's office trying to genuinely carry out their duties," Amnesty International said.

Background

Amnesty International's concern at the growing threats against the judiciary led its International Legal Network to launch a special campaign for their protection only days ago, on 27 November. Over 5000 Amnesty International lawyers and other legal professionals in more than 40 countries will be offering their support to threatened jurists in Guatemala. They are also approaching members of the Guatemalan government, urging them to ensure protection for threatened jurists and to take other specific steps to improve the administration of justice in Guatemala.

Carlos De León Argueta took up his position as Attorney General in May this year. His appointment was welcomed by the local human rights community in Guatemala. Since taking office he appears to have made genuine efforts to investigate past human rights abuses. He is also responsible for investigating organised crime, corruption and drug-trafficking. His inquiries in those areas may have led to Thursday night's attack.

The attempt on his life took place the day that, as head of the Ministerio Público, Prosecutor's Office, he named the prosecutors to carry out investigations of high-ranking military officers accused of involvement in organised crime. However, Amnesty International said that the distinction between those responsible for past human rights violations and those involved in organised crime is not clear-cut -- often the same individuals are involved in both -- and that the Attorney General's work on human rights cases could also have led to the assassination attempt.

Following the attack, De León told a press conference that he would continue to carry out his official duties, but that he would take additional security precautions including keeping his official commitments confidential and constantly changing his place of residence. He also revealed that he had been receiving both written and telephone death threats.

Guatemala suffered a civil conflict which lasted over more than 30 years, only formally ending with Peace Accords in 1996. The Accords made far-reaching promises on a wide range of social, political and cultural issues, including as regards the administration of justice. However, few of the Accords commitments have been implemented, and those pressing to implement them or to combat the prevailing impunity for the gross abuses of the conflict years have suffered a series of new abuses. Over the past several years, the judicial sector appears to have been particularly targeted for repression.

After two visits to the country in 1999 and 2001, the United Nations Special Rapporteur on the Independence of Judges and Lawyers, Param Cumaraswamy reported on more than 90 cases of abuses against people involved in the justice system and urged the government to take steps to end threats and harassment against judges and lawyers. Only days before the attack on De León Argueta, Dina Ochoa, President of the Guatemalan Association of Judges and Magistrates of the Guatemalan Supreme Court called for better security and guarantees for the security of the Guatemalan legal community, listing 45 recent cases of threats and intimidation suffered by judges, lawyers and prosecutors.

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