

PUBLIC

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UA 228/04

Fear for safety/Death threat

21 July 2004

GUATEMALA

Witnesses of Plan de Sánchez massacre  
Edda Gaviola (f), human rights defender  
Other members of *Centro para Acción Legal en Derechos Humanos* (CALDH), the  
Centre for Human Rights Legal Action

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Amnesty International is concerned for the safety of witnesses of the Plan de Sánchez massacre after a death threat note was found at the door of the home of one of the witnesses. This follows the intimidation of Edda Gaviola, director of the *Centro para Acción Legal en Derechos Humanos* (CALDH), the Centre for Human Rights Legal Action, whose home and office were broken into and important information about CALDH's work taken. Other CALDH staff members, as well as communities and organizations they work with may also be at risk.

CALDH is legal advisor to survivors of the Plan de Sánchez massacre in which 268 inhabitants of Plan de Sánchez, Baja Verapaz were killed by Guatemalan armed forces on 18 July 1982. On 17 July 2004, a witness of the Plan de Sánchez massacre heard a motorcycle approaching his community and home. In the early hours of the morning, a box was found containing a death threat which read, "PRONTO SERAS MUERTO, POR SER TESTIGO DE LA MASACRE DE PLAN DE SANCHEZ Y POR SER RESPONSIBLE DEL CONDENA DEL ESTADO DE GUATEMALA ESTA ES TU QUERIDO PREMIO PRONTO SERAS ASESINADO FELIZ ANIVERSARIO DEL 18 JULIO" "Soon you will be dead, for being witness to the massacre of Plan de Sanchez and for being responsible for the conviction of the state of Guatemala this is your dearest prize soon you will be killed happy anniversary of 18 July."

Earlier on 14 July 2004, Edda Gaviola's home was broken into. Nothing was stolen, but intimidating messages were left. The following day Edda Gaviola returned home accompanied by United Nations personnel to find that her home had been broken into again. This time her personal papers had been thoroughly searched, though no objects of value were stolen. On the night of 16 July one of CALDH's offices was broken into. A laptop computer and a mobile phone were stolen and papers containing important information about their work with youth organisations were searched. A large quantity of valuable equipment was left untouched. Following the temporary kidnapping of CALDH's driver in March, protection measures were introduced at their offices. The authorities agreed to increase the protection to a 24 hour permanent police presence following the break-in at Edda Gaviola's home. Despite this the break-in still occurred.

Amnesty International fears that these latest acts of intimidation and surveillance represent a clear attempt to intimidate massacre survivors and CALDH staff to stop campaigning for justice and working on highly sensitive human rights issues. CALDH has been instrumental in pressing the Guatemalan authorities to persecute those responsible for carrying out massacres during the conflict years, including the case of Plan de Sánchez which it recently brought before the Inter-American Court on Human Rights. On 29 April 2004 the Inter-American Court on Human Rights condemned the Guatemalan government for the massacre and is yet to determine how much the government should pay the relatives of the victims as compensation. CALDH is also part of the coalition promoting the creation of the proposed Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatus (CICIACS) and in calling for investigations into the increasing number of killings of women in Guatemala. Edda Gaviola is herself one of CALDH's representatives to the CICIACS coalition. The first raid of her house took place after she had attended a meeting with the CICIACS coalition and various women's organizations.

Ex-military personnel, some of whom have been implicated in past human rights abuses, are widely suspected of belonging to criminal networks and parallel powers in Guatemala, which would be investigated

by the CICIACS. Amnesty International believes that members of these criminal networks are responsible for many of these recent attacks against human rights defenders and may be behind these recent break-ins.

#### **BACKGROUND INFORMATION**

Since CALDH was set up in Guatemala in 1994 its staff members have been targeted as a result of their work to bring the perpetrators of human rights abuses to justice (see UA 275/03, AMR 34/057/2003, 23 September 2003 and UA 68/03, AMR 34/015/2003, 7 March 2003). During recent years an alarming number of human rights defenders in Guatemala have been killed, attacked and threatened as a result of their work on sensitive human rights cases (see UA 283/03, AMR 34/060/2003, 2 October 2003 and UA 93/03, AMR 34/020/2003, 8 April 2003) or as witnesses in important human rights cases.

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

- calling on the authorities to guarantee the safety of all witnesses to the Plan de Sánchez massacre and the safety of Edda Gaviola and other CALDH staff members, including by providing 24 hour police presence to CALDH offices as previously agreed;
- calling for a prompt, impartial and exhaustive investigation into the death threat received by the witness to Plan de Sánchez as well as the three break-ins. Ask that the results be made public and those responsible brought to justice;
- urging the authorities to secure the creation and implementation of the Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatus (CICIACS) and ensure its independence to both initiate and contribute to the investigation and prosecution of those found to be part of the illegal apparatus and clandestine bodies in Guatemala.

#### **APPEALS TO:**

##### President of the Republic of Guatemala

Licenciado Oscar Berger Perdomo  
Presidente de la República de Guatemala  
Casa Presidencial, 6 a. Avenida, 4-18 zona 1  
Ciudad de Guatemala, Guatemala

**Fax:** +502 221 4423

**Salutation:** Excelentísimo Sr. Presidente/Dear President

##### Minister of the Interior (current minister resigned on 19 July 2004)

Ministro de Gobernación  
6a.Avenida 4-64, zona 4, nivel 3  
Ciudad de Guatemala, Guatemala

**Fax:** +502 362 0237

**Email:** ministro@mingob.gob.gt

**Salutation:** Señor Ministro/ Dear Minister

##### Attorney General

Juan Luis Florido  
Fiscal General  
Fiscalía General del Ministerio Público  
8a. Avenida 10-67, Zona 1,  
Ciudad Guatemala, Guatemala

**Fax:** + 502 251 2218

**Salutation:** Estimado Fiscal General/Dear Sir

#### **COPIES TO:**

##### Human Rights organization

CALDH (Centro para la Acción Legal en  
Derechos Humanos)  
9ª Av. 2-59, Zona 1  
Ciudad de Guatemala, Guatemala

**Fax:** +502 251 8163

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

**Fax:** +502 238 1734

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 1 September 2004.

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