

PUBLIC

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Fear for safety

30 June 2006

**GUATEMALA Miguel Angel Albizurez (m) and other witnesses
Silvia Solorzano (f),
Rosario Pu (f), and other plaintiffs
Fundación Rigoberta Menchú Tum, Rigoberta Menchú Foundation
Centro para la Acción Legal en Derechos Humanos, Centre for Legal Action on
Human Rights,
Asociación Memoria, Verdad y Justicia, Truth, Memory and Justice Association.
Other human rights organisations**

Witnesses, plaintiffs and human rights organisations involved in a legal case involving genocide, terrorism, torture and other crimes committed between 1978 and 1986 have been threatened in Guatemala. Amnesty International fears for their safety.

In 2000, judicial proceedings were initiated in Spain by survivors of genocide and human rights organisations against former Guatemalan Army officers they allege carried out war crimes and other human rights violations between 1978 and 1986, during the internal armed conflict in Guatemala which ended in 1996. Amongst the various criminal acts investigated, is an assault carried out against demonstrators who had sought refuge in the Spanish embassy in Guatemala in 1980 in which 37 people were killed by security forces. On 24 June, the preceding judge, Santiago Pedraz and prosecutor Jesus Alonso arrived in Guatemala from Spain in order interview witnesses and defendants.

On 27 June, a report in one of the main newspapers in Guatemala, El Periodico, quoted the leader of the Association of Military Veterans of Guatemala, *Asociación de Veteranos Militares de Guatemala* (AVEMILGUA) as saying that the judicial proceedings for genocide against former Army officers "is nothing more than political and legal persecution by those groups linked to the former guerrilla who want to continue the war", "*No es más que una persecución política y legal de grupos unidos a la antigua guerrilla que quieren continuar con la guerra*". He is also quoted as saying "we don't want to rock the boat, but this case could bring tragic actions. Our discourse is not antiquated, its something real", "*No queremos mover aguas que no convienen, pero este caso puede traer acciones trágicas*".

On 26 June, AVEMILGUA and the Association of Widows of Guatemalan Army Officers, *Asociación de Viudas de Oficiales del Ejército de Guatemala*, published an open letter in the *Al Día* newspaper concerning the visit of the Spanish judge. Part of the letter read "The presence of the Spanish judge in Guatemala is an attempt of the front organisations of terrorist groups that operated in our country, outside the rule of law, to initiate persecution against those who defeated them militarily", "*La presencia del juez español en Guatemala, es un intento de las organizaciones de fachada de los grupos terroristas que operaron en nuestro país, fuera de la ley, para iniciar la persecución de quienes los derrotaron militarmente.*"

Another part of the letter asserted that the authorities risked being weakened if they allowed "any organisation, supposedly humanitarian, process them doing their duty, via a parallel justice, skilfully organised by supposedly and redundant groups of activists of humanitarian rights", "*cualquier organización, supuestamente humanitaria, los procese por el cumplimiento de su deber, mediante una "justicia paralela" Hábil mente orquestada por los supuestos y trasnochados grupos de activistas de derechos humanitarios.*" There have been allegations of similar declarations made on public radio, which in addition to general threats against human rights organisations have also singled out individual witnesses due to be interviewed by the Spanish judge and prosecutor.

On 26 June, 102 Guatemalan human rights organisations had issued a press release, informing the wider population of the visit of the Spanish judge, calling for an end to impunity and supporting the judicial proceedings related to cases of genocide being processed in Spain.

BACKGROUND INFORMATION

Since the signing of the Peace Accords in 1996, Guatemalan human rights organizations and individual human rights defenders have demanded that those who committed crimes against humanity and war crimes be held responsible. In May 2000, due to the lack of redress in the Guatemalan legal system individual plaintiffs and various human rights organisations presented a criminal complaint in a Spanish court for acts of genocide and other crimes, against former Guatemalan Army officers, crimes committed during the internal armed conflict. The case in Spain has progressed slowly and this was to be the first visit of Spanish officials in order to collect evidence and testimony relating to the case.

In the past, at sensitive moments during legal proceedings and political issues, aggressive comments against human rights defenders have been followed by acts of violence. In July 2003, following comments made by former General Efraín Ríos Montt, a presidential candidate at the time and one of the defendants due to be interviewed by the Spanish judge and prosecutor, violence resulted in the death of one journalist and human rights organisations' building being surrounded by mobs (See *Guatemala: Legitimacy on the line: Human Rights and the 2003 Guatemalan elections*, AMR 34/051/2003, 19 September 2003).

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

- expressing concern for the safety of Miguel Angel Albizu, Silvia Solorzano, Rosario Pu, other witnesses and plaintiffs; members of the Rigoberta Menchú Foundation, Centre for Legal Action on Human Rights, Truth, Memory and Justice Association and other human rights organisations, who have expressed support for the case being processed in a Spanish court;
- calling the authorities to order full and impartial investigations into the threats against members of human rights organisations, plaintiffs and witnesses to be interviewed by Judge Santiago Pedraz;
- calling the authorities to guarantee the safety of all individuals members of organisations who have expressed support for the proceedings and witnesses who were to be interviewed by the Spanish judge;
- calling the authorities to guarantee that Judge Santiago Pedraz will be able to carry out his work, relating to investigations into genocide and other human rights violations committed during the internal armed conflict.

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

President

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

Fax: +502 2221 4423 / 2239 0090

Salutation: Excelentísimo Sr. Presidente/Dear President Berger

COPIES TO:

Unidad de Protección de Defensoras y Defensores de Derechos Humanos

Movimiento Nacional De Derechos Humanos

1 Avenida 0-11, Zona 2

Colonia Lo de Bran

Ciudad de Guatemala, GUATEMALA

Fax: + 502 22322651 (if a voice responds, say "por favor, tono de fax")

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 11 August 2006.