

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Guatemala: Wall of impunity fortified as landmark convictions annulled**

The decision by a court of appeal in Guatemala to annul all convictions in the case of the murder of Bishop Juan José Gerardi Conadera is a grave setback for justice in the country, Amnesty International said today.

Yesterday, the court ordered that the 30 year sentences of Retired Colonel Byron Disrael Lima Estrada, his son Captain Byron Miguel Lima Oliva, and former presidential bodyguard José Obdulio Villanueva for the murder of Bishop Gerardi in April 1998 be annulled and the case be retried due to what was described as irregularities, including those in the testimony of a key witness. The sentence of Catholic Priest Mario Orantes Nájera to 20 years as an accessory to the crime was also annulled.

"The outrage felt by human rights organizations in Guatemala is a justified response to a decision that displays utter contempt for the years of struggle for justice in the country," Amnesty International said. The organization made clear that the annulment of the convictions clearly demonstrated that the Guatemalan authorities are not committed to ending impunity for human rights violations.

"We are extremely disappointed with the decision, as it is typical of past tactics seemingly intended to discourage, exhaust and bankrupt those trying to combat impunity in Guatemala," said Amnesty International.

"An objective may be to allow even more time to intimidate or buy off those whose testimonies were crucial to the initial conviction," added the organization, recalling how at least nine witnesses connected to the case were killed and several legal professionals involved in the case were forced to flee the country.

The original convictions were the result of the unyielding resolve and determination of Guatemalan human rights advocates, including the Guatemalan Archbishop's Office for Human Rights (ODHAG), who continued working on the case despite repeated threats, harassment and attacks.

"These convictions were hailed nationally and internationally as a sign that justice was possible in Guatemala after all, and as an encouraging step towards ending the blanket impunity enjoyed by those responsible for the atrocious, mass human rights violations committed in Guatemala during the country's long-running conflict," Amnesty International said.

Referring to last week's conviction of one military officer for ordering the 1990 murder of

anthropologist Myrna Mack, Amnesty International commented that, "the hope that the Guatemalan judiciary gave with one hand, has now been taken away with the other."

"It is now of the utmost importance that the international community, and especially those countries that have supported the peace process, send a clear message to the Guatemalan authorities that justice for all cases of human rights violations is a prerequisite for true and lasting peace in Guatemala and must be a crucial consideration in continued backing of Guatemala's peace process," the organization added.

### **Background**

Bishop Juan José Gerardi headed the Guatemalan church's inquiry into the abuses of the conflict years. He was battered to death in April 1998 two days after presenting the project's findings.

Military officers Lima Estrada, Lima Oliva and former officer Obdulio Villanueva were sentenced on June 2001 for planning the murder. These were the first military personnel to be sentenced for a human rights violation in Guatemala. At the time of the convictions, proceedings were kept open against other, higher-ranking military officials allegedly involved in the crime, but no developments in these proceedings have been reported.

From the outset of the case, those pressing for genuine inquiries were subject to constant threats and harassment; witnesses were killed and several legal personnel involved forced into exile. Official investigations seemed designed to obscure rather than uncover the causes of Bishop Gerardi's death.

Massive military displays of support for their accused colleague in the Gerardi and Mack cases appear to have exacerbated prevailing tensions in Guatemalan society. These tensions and the climate of impunity have also been heightened by President Portillo's recent accession to the demands for compensation of former members of the civil patrols, themselves responsible for a broad range of atrocities during the armed conflict.

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