

September 4, 2008

José Amilcar Velázquez
Attorney General of Guatemala
Guatemala City
Guatemala

Distinguished Minister Velázquez,

We write to you today to congratulate you on your appointment as the new Attorney General of Guatemala. We recognize your public commitment to human rights and we urge you to build the capacity of the Public Prosecutor's Office to effectively prosecute crime and address the major institutional challenges that it faces.

We applaud the important mechanisms put into place to investigate and prosecute attacks against human rights defenders, such as the human rights defenders unit in the National Police Criminal Investigation Division (DINC) and the working group to analyze attacks against human rights defenders within the Ministry of the Interior (*Instancia de Análisis de Ataques en contra de Defensores de Derechos Humanos*). However, we remain concerned about the ongoing attacks, threats and acts of intimidation against human rights defenders in Guatemala. In particular, we wish to bring to your attention the following cases that are emblematic of broader acts of persecution against sectors of civil society.

- On August 11, 2008, **Eliazar Bernabé Hernández Rodas, Mario Rene Gámez Luna, and Juan Luis Navarro**, three youth organizers from the *Asociación Cristiana de Jóvenes*, were brutally murdered in Amatitlán. Their bodies were found with signs of torture and bullet wounds to the head. The way in which they were killed suggests that the crime may have been one of "social cleansing," which targets stigmatized sectors of society, such as young people.
- On August 7, 2008, **Antonio Morales**, resident of the community Tixel in the department of Huehuetenango, was assassinated in front of his home. On July 29, Morales had received death threats from two individuals linked to violent protests against the municipal election results of September and October 2007. Morales had previously served as First Councilman in the municipality of Colotenango. He was also a member of the Committee for Campesino Unity (CUC) and a community activist advocating for indigenous peoples' rights.
- On May 19, 2008, **Fredy Armando Peccerelli, Omar Bertony Girón, Ginni Peccerelli, Bianca Peccerelli, Jose Suasnavar and Leonel Paizsix**, who are all associated with the *Fundación de Antropología Forense de Guatemala* (FAFG), received the same e-mail death threat. Members of the FAFG have received numerous threats this year against their lives and their families. The FAFG has been receiving death threats since 2002 as documented in our letters to your predecessors. To our knowledge no one has been prosecuted for these crimes.

- On March 5, 2008, **Guillermo Chen**, the director of the *Fundación Nueva Esperanza Rio Negro*, was intimidated when unknown men opened fire on his home in Rabinal while he was inside with his family. Chen is well known for encouraging victims of the 1982 Rio Negro massacre to testify before the court charged with the investigation of this massacre.
- **Aida del Rosario López Cordero**, of the Human Rights Ombudsman's (PDH) office in Quiche, received threatening phone calls on February 25, 2008 and March 6, 2008. On March 2, 2008, threatening graffiti was written on her house. These intimidation tactics are believed to be linked to her support for the prosecution of National Civilian Police members for the rape of Juana Mendez.

We would also like to express our concern for the increasing tendency to criminalize social movements, especially community mobilizations against large-scale industrial projects that will negatively impact the livelihood of their community.

- During the past few years, largely indigenous communities in **San Juan Sacatepéquez** have opposed the construction of a cement factory. While we understand that violence has been committed recently by several actors in this case, over 40 indigenous community leaders with no participation in violent activities have been arrested – apparently for their communities' opposition to the cement factory. We oppose the arrest of peaceful community leaders as a way to stifle community protest and we are concerned about the enactment of martial law as a first resort to social unrest. We are also concerned by the reported human rights violations committed by members of the National Civilian Police (PNC) prior to and during the period of martial law.
- In July 2008, arrest warrants were issued for **Gregoria Crisanta Perez Bamaca, Oliga Bamaca, Crisanta Hernandez, Patrocinia Mateo Mejia, Crisanta Yoc, Marta Perez, Maria Diaz, Catalina Perez, and Fernando Bacilio Perez Bamaca** as a result of a dispute between a landowner and the mining company Goldcorp, Inc. This is the second time during the past 18 months that residents opposed to the Marlin mine have been targeted for arrest. We fear that this criminalization of protest seeks to eliminate social protest in the area through intimidation. Numerous human rights activists and residents of **San Marcos** and **Huehuetenango** have also reportedly suffered threats and intimidation in the past year as a result of their activities protesting the Marlin gold mine. There have been multiple credible reports of death threats made by mine personnel against leaders of the community group **Asociación de Desarrollo Integral San Miguelense (ADISMI)** in **San Miguel Ixtahuacán** and against **Mario Tema Bautista**, a community leader in **Sipakapa**.

We are also concerned by the threats, attacks and baseless legal accusations being lodged against those individuals who, in their legitimate role as human rights defenders, provide these movements and communities with legal assistance, as can be seen in the following cases:

- On August 2, 2008, three masked men reportedly swerved in front of the car of **Amilcar Pop**, President of the Association of Mayan Lawyers and Notaries and a well-known indigenous lawyer, forcing him to a violent stop. Two armed men approached the car and tried to force their way in, shouting that they would kill him. Pop was able to escape, although he suffered injuries from the incident. In previous months, Amilcar Pop and his colleague **Carmela Curup Chajon** had received several threatening phone calls and messages. Pop and the Association have represented indigenous communities of San Juan Sacatepéquez in their opposition to the construction of a cement factory.
- On March 31, 2008, **Monseñor Álvaro Leonel Ramazzini Imeri**, bishop of the Diocese of San Marcos and president of the Guatemalan Bishop's Conference, received a death threat which was delivered to a nun from the bishop's diocese by two unknown individuals. As part of his work, Bishop Ramazzini has accompanied communities in their opposition to the Marlin mine in San Marcos.

Lastly, we wish to express our concern about the rise in attacks against trade unionists in 2008.

- During May and June of 2008, **Cesar Orlando Jiménez Cárdenas** of the *Sindicato de Trabajadores de la Salud de Guatemala, Filial Hospital Hermano Pedro, Sacatepequez* has been the target of at least nine threats against him and other members of the union and their families.
- On May 13, 2008, **Sergio Miguel Ramírez**, member of the *Sindicato de Trabajadores de la Salud Puerto Barrios, Izabal*, was shot dead by unknown individuals. Five months before his murder, the previous coordinator of the same branch of the union, **Higinio Aguirre**, died in similar circumstances and to our knowledge no one has been prosecuted for his death.
- On March 2, 2008, **Miguel Ángel Ramírez**, member of the *Sindicato de Trabajadores de las Bananeras del Sur* was murdered while he was traveling with his two sons. Prior to his murder, Ramírez had received calls threatening to kill him if he did not resign from the union. Months earlier, **Marco Tulio Ramírez** from the *Sindicato de Trabajadores Bananeros de Izabal* (SITRABI) was also murdered during a labor dispute between his union and the banana company.

As Attorney General we respectfully urge you to prioritize building the capacity of the Public Prosecutor's Office to effectively investigate and prosecute attacks against human rights defenders. We believe accountability mechanisms should be established to ensure that the office of the human rights prosecutor is promptly, impartially and comprehensively investigating and prosecuting the cases they receive. These prosecutions are vital to ensure the safety of human rights defenders and to strengthen the rule of law in Guatemala. Secondly, we urge you to purge the institution of individuals linked to illegal armed groups and thirdly, to improve coordination with the police and the Interior Ministry. For example, the office of the human rights prosecutor should act on and emulate the investigations carried out by the recently established human rights defenders unit in the National Police Criminal Investigation Division (DINC).

You have an opportunity to make the Public Prosecutor's Office an effective body to combat impunity in Guatemala. We thank you for considering our concerns and would appreciate a response as to the status of investigations into the cases mentioned above.

Sincerely,

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