“The fundamental idea behind justice is to dignify the memory of our deceased. It is to dignify the children, the women, the elders, who were annihilated through genocide, those who were kidnapped, those who were disappeared, those who were tortured.”

- Nobel Peace Prize Laureate Rigoberta Menchú

The third story in Justice Without Borders highlights Guatemalan survivors’ decade long quest to bring former General Efraín Ríos Montt and other former officials to justice on charges of genocide for their scorched earth policies that killed 200,000 and disappeared 40,000 mostly Mayan peasants.

Provided here is background information on this campaign, including:

- Overview of the Case - page 2;
- About Efraín Ríos Montt - page 2;
- Country Overview 1: Guatemala - page 3;
- Country Overview 2: Spain - page 4;
- Meet the Human Rights Defenders - pages 5-6;
- Expanded Timeline of the Situation - pages 7-10;
- Snapshot of International Justice Aspects of this Story - pages 11-12;
- Action to Protect Human Rights Defenders in Guatemala - page 13-14;
- Further Resources and Links - page 15.
General José Efraín Ríos Montt headed the Guatemala military government from 1982-83, a period during which the government carried out extensive human rights violations. He remains an influential and powerful politician and currently holds a seat in the Guatemalan Congress after being elected in September 2007.

Ríos Montt’s brief presidency was probably the most violent period of the 36-year internal conflict in Guatemala, which resulted in thousands of deaths of mostly unarmed indigenous civilians. A United Nations-sponsored truth commission concluded that acts of genocide had been committed “through methods whose cruelty has outraged the moral conscience of the civilized world.”

Led by Nobel Prize laureate Rigoberta Menchú, survivors frustrated by severe delays, obstruction and harassment in Guatemalan courts petitioned Spain’s National Court to hear a case charging Ríos Montt and other former officials with serious crimes under international law - using the principle of universal jurisdiction. In July 2006, Spain’s National Court charged Ríos Montt and the other former senior officials with genocide, terrorism, torture and illegal detention. The SNC subsequently issued warrants for their arrest, and Guatemalan authorities took some of the accused into custody in order to ensure that they would not flee the country.

Since the release of Justice Without Borders, however, the Guatemalan Constitutional Court granted the appeal of two of the suspects wanted by the Spanish court, ruling in December 2007 that they were not extraditable to Spain for trial. Although the appeal was brought forward by only two of the suspects, the decision makes it unlikely that the Guatemalan Court will move to extradite Ríos Montt to Spain to face the charges against him.

The good news is that the case in Spain will continue. In the winter and spring of 2008, courageous witnesses gave testimony to courts in both Guatemala City and Madrid despite grave personal risk. The court in Guatemala was acting on behalf of the Spanish court. In short, the international warrants for the arrest of Ríos Montt and the other high level officials wanted by the Spanish Court won’t go away. However, experts have observed that unless one of the defendants leaves Guatemala and is arrested, the case in Spain will not come to trial because Spain does not recognize a trial in which the defendant is not present for court proceedings.

### ABOUT THE SUSPECT: EFRAÍN RÍOS MONTT

- **Name:** José Efraín Ríos Montt
- **Born:** June 16, 1926
- **Citizenship:** Guatemalan
- **Position(s):** President of Guatemala (1982-83), army general and president of Congress in the 1990s; re-elected to Congress September 2007 for the term beginning January 2008
- **Whereabouts:** Guatemala
- **Accused of:** Killing, disappearances and torture of thousands of civilians
- **Charges:** Indicted by Spain’s National Court in 2006 for genocide, torture, terrorism and illegal detention
COUNTRY OVERVIEW 1: GUATEMALA

AMNESTY INTERNATIONAL’S 2007 ANNUAL REPORT AT A GLANCE

REPUBLIC OF GUATEMALA

Head of state and government: Álvaro Colom

In 2006, there were continued high levels of crime affecting all sectors of society in Guatemala.

Various groups protested against different government economic policies. February 2006 saw protests against the Central America Free Trade Agreement. In June 2006, doctors protested against under-investment in health services and infrastructure. Some rural indigenous communities continued to oppose mining activities in their areas.

In February 2006, the Office of the UN High Commissioner for Human Rights in Guatemala issued its first report. Among other recommendations it called for more investment to prevent human rights violations and protect human rights.

Constitutional guarantees were suspended twice during 2006 in certain rural areas as combined army and police forces searched for alleged weapons caches and crops producing illegal drugs. Civil society groups protested against the manner of the searches and accused them of being politically motivated, as communities in the targeted areas had protested against government policies.

In October 2006, a Mexican court authorized the extradition of former President Alfonso Portillo, who left the presidency in January 2004, to face charges of corruption. An appeal was lodged.

In December 2006, the government signed an agreement with the UN to establish the International Commission Against Impunity in Guatemala. The Commission would support the Public Prosecutor’s Office in prosecuting the activities of illegal security forces and clandestine security organizations. The agreement was not submitted to Congress for ratification by the end of the year.

Also covered in the 2007 AI Annual Report submission: Threats, attacks and intimidation against human rights defenders, in particular those focusing on economic, social and cultural rights, intensified. Large numbers of women continued to be killed, with few successful prosecutions of the perpetrators. There was some progress in bringing to justice some of those responsible for human rights violations committed during the internal armed conflict.

For updates and to learn more about the human rights situation in Guatemala, please visit amnestyusa.org/countries/guatemala.
KINGDOM OF SPAIN

Head of state: King Juan Carlos I de Borbón
Head of government: José Luis Rodríguez Zapatero

In May 2005, parliament approved the opening of a dialogue between the government and those “who abandon violence.” This was followed in March 2006 by the announcement of a “permanent ceasefire” by the Basque armed group Euskadi Ta Askatasuna (ETA). Tensions surrounding the dialogue process increased after an outbreak of violence in the Basque region in September and the theft of some 350 pistols from a French arms depot at the end of October. On December 30, 2006, a bomb exploded in the car park at Madrid Barajas airport, killing two people. An hour before the explosion ETA telephoned a warning about the bomb. The government subsequently announced that the dialogue was over.

The Spanish Parliament and the regions of Catalonia, Valencia and Andalucía all approved modifications to their regional statutes of autonomy, granting greater powers of self-government. In July 2006, the government presented a bill to parliament relating to the recognition of human rights abuses suffered during the 1936-1939 civil war and the ensuing dictatorship.

Also in 2006, the Spanish National Court (Audiencia Nacional) took jurisdiction of the case filed in 1999 by Rigoberta Menchú against former Guatemalan officials. In June 2006, National Court Judge Santiago Pedraz carried out a fact-finding trip to Guatemala but was forced to return empty-handed due the “obstructionism” and lack of cooperation of those accused of atrocities and of the Guatemalan judicial system. Despite these obstructions, on July 7, 2006, Judge Santiago Pedraz charged several former Guatemalan military officers, including General Ríos Montt, with genocide, torture and other crimes against humanity, and issued international arrest warrants for their involvement in atrocities committed under their command responsibility.

Also covered in the 2007 AI Annual Report submission: One year after the death of 13 migrants at the border points of Ceuta and Melilla there was still no outcome to the investigations. Three more migrants died in a similar incident in July 2006. The number of migrants and asylum-seekers arriving by boat in the Canary Islands in 2006 was almost seven times higher than the total for 2005 and exceeded the total for the previous four years combined. There continued to be reports of torture and ill-treatment by law enforcement officials, with impunity in many cases. The Supreme Court made a landmark ruling on the inadmissibility of evidence proceeding from Guantánamo Bay.

For updates and to learn more about the human rights situation in Spain, please visit amnestyusa.org/countries/page.do?id=1011240.
MEET THE DEFENDERS

In the Justice Without Borders, you met a number of human rights defenders and activists in Guatemala and the U.S. who are at the front lines of the struggle to bring former General Ríos Montt to trial. Learn more about these human rights defenders through their biographical information below.

IN FOCUS: RIGOBERTA MENCHÚ

Rigoberta Menchú is a Qu’iche Indian woman who won the 1992 Nobel Peace Prize for her work defending the rights of indigenous people. Ms. Menchú has been campaigning for human rights in Guatemala for over twenty years and has been at the forefront of the struggle to bring former Guatemalan officials to justice for human rights crimes committed at the height of Guatemala’s 36-year internal armed conflict.

In December 1999, Rigoberta Menchú, in partnership with Guatemalan and Spanish non-governmental organizations, petitioned Spain’s National Court to hear a case charging General Ríos Montt and others former Guatemalan officials with genocide, terrorism, torture and illegal detention. These charges stemmed from a number of notorious incidents, including Rigoberta Menchú’s personal story. Ms. Menchú’s brother, father and mother all died during the Guatemalan internal armed conflict, in which an estimated 200,000 people, mostly indigenous Guatemalans, were killed or disappeared.


Other Human Rights Defenders in Justice Without Borders

Naomi Roht-Arriaaza, Author of The Pinochet Effect

Naomi Roht-Arriaaza is a Professor of Law at the University of California and Hastings College of Law in San Francisco, where she teaches International Human Rights Law and Accountability in International Law, among other subjects. She graduated from Boalt Hall, the School of Law at the University of California, Berkeley, in 1990 where she was the first Steven Riesenfeld fellow in International Law. Ms. Roht-Arriaaza also has a Masters in Public Policy from UC Berkeley. She is the author of Impunity and Human Rights in International Law and Practice (OUP Press, 1995) and The Pinochet Effect: Transnational Justice in the Age of Human Rights (Penn Press, 2005), and co-editor of Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice (Cambridge University Press, 2006) as well as numerous law review articles on transitional justice, international criminal accountability,
universal jurisdiction and reparations issues. She has participated as an expert witness in cases filed under the Alien Tort Statute, has been a project adviser and participant for the International Center on Transitional Justice and has taught in the human rights programs of Oxford University, American University and the University of San Francisco, among others. She is a National Board Member of Human Rights Advocates, and a member of the legal advisory board of the Center for Justice and Accountability, where she advises on universal jurisdiction cases.

Adriana Portillo-Bartow, Former Deputy Director for AIUSA’s Midwest Regional Office

Adriana Portillo-Bartow is a life-long advocate for human rights and a survivor of the war in Guatemala and is the former Deputy Director for Amnesty International Midwest Regional office. After Guatemalan security forces killed one of her brothers, and detained and disappeared six other members of her family, including her father, and two of her daughters (10 and 9), Adriana and her two surviving children fled their native country and have resided in the US since 1985. She has since worked hard to educate the US public about the impact of torture, “disappearances,” war, and displacement on the individual, family, and community. She also is an advocate for women’s and children’s rights and for international justice and accountability of perpetrators. As a survivor of one of the most devastating wars in the Western Hemisphere, Ms. Portillo-Bartow has been keynote speaker at several national Human Rights conferences, has lectured at universities and colleges, shared her story with elementary and high schools students. She has also been interviewed by major national and international press. Her story has been featured on the DateLine NBC documentary “The Ultimate Survivors”, the Oprah Winfrey Show, and the United Nations-commissioned documentary “Out of the Silence”. Ms. Portillo-Bartow is the recipient of numerous Human Rights awards and recognitions, including Amnesty International USA 1999 “Ginetta Sagan Award”, and the “2000 Recognition Award” from the worldwide organization CIVICUS.

Frank laRue, Minister of Human Rights, Guatemala

Frank LaRue has worked on human rights over the past 25 years. He was the founder of the Center for Human Rights Legal Action (in Washington, DC), which became the first NGO to present Guatemalan Cases at the Inter-American Human Rights System. He also founded the Centro para la Acción Legal en Derechos Humanos (CALDH) in Guatemala and continued working with the Inter-American System. Mr. LaRue also worked before the United Nations Human Rights System from 1982 to 1991. For his work as a Human Rights Activist, he was nominated to the Nobel Peace Prize in 2004. He also developed the first case arguing genocide against military dictators in Guatemala. Currently, Mr. LaRue works as the Presidential Commissioner on Human Rights, a post under the Presidency of the Republic of Guatemala.
# TIMELINE: THE SITUATION IN GUATEMALA

**1950**
José Efraín Ríos Montt graduates from the United States Army School of the Americas (renamed “Western Hemisphere Institute for Security Cooperation”), which at the time provided training in counter-insurgency tactics for combating communists.

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José Efraín Ríos Montt graduates from the United States Army School of the Americas (renamed “Western Hemisphere Institute for Security Cooperation”), which at the time provided training in counter-insurgency tactics for combating communists.

**1960**
Guatemala’s civil war begins. Before the conflict ends in 1996, over 200,000 Guatemalans are killed, making it one of Latin America’s most violent wars in recent history. The war pits left-wing rebel groups against the army, with huge numbers of indigenous Mayans caught in the crossfire.

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**1970**
Ríos Montt becomes a general and chief of staff for the Guatemalan army.

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**1974**
March: Ríos Montt runs for president, loses, and is sent to Spain as a military attaché until 1977.

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**1982**
March 7: General Angel Guevara wins the presidential election.

March 23: Ríos Montt and the military seize power in a CIA-backed coup d'état. Ríos Montt’s militia suspends the Guatemalan constitution, shuts down the legislature and sets up secret tribunals.

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**1982-83**
During the 14 months of Ríos Montt’s rule, an estimated 70,000 unarmed civilians were killed or “disappeared;” hundreds of thousands were internally displaced.

Starting June 1982: Ríos Montt’s frijoles y fusiles (beans and guns) campaign annihilates 600 Mayan villages.

December 4, 1982: U.S. President Ronald Reagan visits Guatemala, showing strong support for Ríos Montt’s anti-communist regime.


August 8, 1983: Ríos Montt is ousted in another military coup.

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**1985**
May 31: Guatemalan Government passes a new constitution.

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**1986**
January 10: A law is passed giving amnesty for political crimes committed between 1982 and 1986.

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**1990**
Ríos Montt attempts to run for president but is barred by the 1985 Constitution’s provision prohibiting previous participants in military coups from becoming president.
**Justice without Borders**

1991

January: Jorge Serrano Elias, a right-wing businessman and Ríos Montt ally is elected president.

1992

October: Guatemalan human rights activists Rigoberta Menchú Tum is awarded the Nobel Peace Prize. She campaigns on behalf of Mayan survivors of the internal armed conflict.

1994

January: U.N.-moderated peace talks begin between the Guatemalan government and the Guatemalan National Revolutionary Unity (URNG), a coalition of former armed opposition groups. They were not a political party until later.

June 23: The U.N.-sponsored Commission for Historical Clarification (CEH) (Guatemala’s truth commission) is established “to clarify with objectivity, equity and impartiality, the human rights violations and acts of violence connected with the armed confrontation that caused suffering among the Guatemalan people.”

August: Ríos Montt is elected president of Guatemala’s Congress.

1995

A case investigating early 1980s massacres carried out by the Guatemalan army is initiated at the Inter-American Court of Human Rights (IACHR).

1996

December 29: Guatemala’s 36-year civil war ends. A peace treaty is signed.

1999

February: The UN-sponsored Commission for Historical Clarification (CEH) publishes its report entitled “Memory of Silence.” The CEH reports that 200,000 people were killed or disappeared during the 36-year conflict, and that Ríos Montt’s military campaigns annihilated nearly 600 villages. The CEH also concludes that multiple acts of genocide had been committed and urges that those responsible be brought to justice.

March: President Clinton issues a public apology in Guatemala for the U.S. role in supporting Ríos Montt’s regime.

December: Montt is re-elected president of Guatemala’s Congress. Alfonso Portillo, an ally of Montt, wins the presidential election. That same month, Rigoberta Menchú petitions the Spanish national court to hear a case charging Montt and several other Guatemalan officials with genocide, state terrorism and torture.
February 25: Spanish Supreme Court partially overturns the Spanish court’s decision to dismiss the lawsuit against Montt. The Supreme Court finds that only cases that had a close tie to Spain could proceed.

March: Plaintiffs appeal Spain’s Supreme Court’s decision to the highest appellate court in Spain, the Spanish Constitutional Court.

March 13: Guatemalan government and human rights groups agree to establish a U.N.-sponsored commission of inquiry to investigate the worst abuses of Guatemala’s civil war.

July 14: Guatemala’s highest court authorizes the presidential candidacy of Montt. Three of the seven judges on the court have close ties with Montt.

November 8: Montt runs for president of Guatemala but receives only about 11 percent of the vote. Montt’s party loses control of the Congress, ending Montt’s political career and leaving him without immunity from prosecution.

July: The Inter-American Court of Human Rights finds the Guatemalan state responsible for genocide in the Plan de Sanchez massacre on July 18, 1982, part of the counter-insurgency mounted by Montt’s regime.

July: Approximately 80 million documents of the disbanded National Police are discovered, including files on killings and “disappearances” during the conflict.

September 26: Spain’s Constitutional Court rules that pursuant to the principle of universal jurisdiction, cases of alleged genocide committed during Guatemala’s internal armed conflict could be prosecuted in Spanish court, even if no Spanish citizens were involved.

Also this year, the Inter-American Court of Human Rights orders the government of Guatemala to make an apology and to pay survivors and relatives $7.9 million in damages.
2006

June 24: Spanish Judge Santiago Pedraz travels to Guatemala to investigate the genocide case brought before Spanish courts. However, Pedraz is unable to conduct any interrogations because the defendants file numerous appeals, and the Guatemalan Constitutional Court suspends the proceedings indefinitely.

July 7: Spain’s National Court charges Montt and several other former senior officials with genocide, torture, terrorism and illegal detention, and issues warrants for their arrest. It also issues an order to freeze Montt’s assets, both in Spain and internationally.

November 6: A Guatemalan court authorizes the arrest of four of the defendants and brings them into custody to ensure they do not flee the country. Montt, however, remains free.

December 23: Spain calls for the extradition from Guatemala of Montt and six other members of Guatemala’s government on charges of genocide and torture.

2007

January 17: Montt announces that he will run for Congress, adding that a Congressional seat would provide him with renewed parliamentary immunity from prosecution. Such immunity is unlikely to affect the legal proceedings in Spain because Spain refuses to recognize amnesties and immunities for international crimes.

April 2007: Thirty-one members of the U.S. Congress send a letter to Guatemala’s attorney general urging the arrest of Montt.

March 2007: Constitutional Court denies Montt’s appeal as premature since at the time he filed the appeal there was no valid arrest warrant against him.


December 14: Guatemalan Constitutional Court granted the appeal of two of the suspects wanted alongside Ríos Montt, ruling that the suspects were not extraditable to Spain for trial.

2008

January 16: Judge Santiago Pedraz of Spain announces that the case in Spain against Ríos Montt and other former officials will continue.

February: Witnesses traveled from Guatemala to Madrid to appear before Judge Pedraz in Spain to give testimony.
SNAPSHOT OF INTERNATIONAL JUSTICE ASPECTS OF THIS CASE

_DELAYED JUSTICE FOR VICTIMS_

For 25 years, survivors and victims’ loved ones have worked to bring General Ríos Montt to justice through every means available to them, including through courts in Guatemala. They have faced numerous delays and obstructions, even harassment. They have also asked courts in other countries to exercise universal jurisdiction over the crimes committed in Guatemala.

 universal jurisdiction

When Guatemalan survivors turned to Spanish courts to hold General Ríos Montt accountable for genocide and torture, they relied on universal jurisdiction. Universal jurisdiction is based on the principle that all countries have an interest in bringing to justice those responsible for human rights atrocities, no matter where the crimes were committed, and regardless of the nationality of the perpetrators or the victims. International law permits and - in some cases, requires - every country to investigate and, if there is sufficient evidence, to prosecute in such circumstances. The most well-known case based on the principle of universal jurisdiction is the case against Chilean General Augusto Pinochet. The case against Ríos Montt is modeled on the Pinochet case which was also brought in Spain and represented the first time that a former head of state was investigated and an arrest warrant and extradition request executed in a case arising from the victims’ initiative.

_EXTRADITION_

When the accused is not in the prosecuting state, it is necessary to obtain his or her custody by requesting extradition. Extradition is the procedure by which one state asks another to surrender someone that the requesting state claims a right to prosecute. General Ríos Montt is currently in Guatemala, and Spain requested his extradition in December 2006 to stand trial for genocide, torture and illegal detention. When Ríos Montt announced in January 2007 that he was running for Congress, concern arose that a Congressional seat would block the extradition. Holding a seat in Congress will not legally block the extradition of Ríos Montt, but it may end any political will to bring him to trial. Extradition requests, to be successful, often rely on countries’ political will.

_IMMUNITY_

Immunity is exempting a person from legal obligations which the law requires other persons to perform. Governmental immunity is based on the ancient doctrine that the sovereign or government cannot commit a legal wrong, and is immune from civil suit or criminal prosecution (“The King can do no wrong.”).

The case against Pinochet, former president of Chile, is one of the most well-known cases that brought to light the use of immunity. When he was arrested in London in 1998, Pinochet claimed immunity as head of state. Britain’s highest court, however, rejected his claim and held that under the U.N. Convention against Torture (CAT), Pinochet could not claim immunity for torture, and ordered that he be extradited to Spain. Pinochet ultimately returned to Chile on medical grounds and was never brought to trial, but his arrest and detention in London significantly advanced that fact that no one is above the law.

In Guatemala, those responsible of serious human rights violations during the civil war have claimed immunity. Former General Ríos Montt, who has served as president of Guatemala, army general and
president of Congress, claimed immunity when charges were brought against him. In January 2007, Ríos Montt announced that he was running for Congress, adding that a Congressional seat would provide him with renewed parliamentary immunity from prosecution. Such immunity, however, is unlikely to affect the legal proceedings in Spain because Spain refuses to recognize amnesties and immunities for international crimes. He won a seat in the September 2007 elections, and took office on January 15, 2008.

Immunity should be distinguished from amnesty. Amnesty is an act of forgiveness for past acts, granted by a government to all persons or classes of person who may have been guilty of a crime. (For more details, see below.)

**AMNESTIES**

Amnesties allow perpetrators to be excluded from investigation and prosecution on the basis of a law prohibiting prosecutions for certain acts, against certain people (for instance those acting in an official capacity) or for certain acts committed during a specific period of time. The government of Guatemala has passed numerous amnesty laws. In 1983 and 1985, the government passed amnesty laws which were clearly intended to prevent the bringing to justice of military and police personnel for human rights violations. In 1986, the government passed another law which gave amnesty for crimes committed between 1982 and 1986. In 1987, a peace agreement signed by the presidents of the countries of Central America included provisions for an amnesty that were used to reinforce the previous amnesty of 1986. A 1988 law likewise guaranteed an amnesty to all persons who had committed an offence against the internal political order and public peace. According to the report of the U.N. Working Group on Enforced and Involuntary Disappearances of 1989, this decree was being applied to civilian and military officials involved in the killing of people whose bodies were found in the clandestine cemeteries throughout Guatemala. In 1992, the Human Rights Committee stated that “[a]mnesties are generally incompatible with the duty of States to investigate acts [of torture]; to guarantee freedom from such acts within their jurisdiction; and to ensure that they do not occur in the future. States may not deprive individuals of the right to an effective remedy, including compensation and such full rehabilitation as may be possible.” Years of human rights violations in Guatemala have shown that to guarantee immunity, through amnesty laws, to the perpetrators of serious violations against the civilian population does not lead to national reconciliation; nor does it guarantee respect for human rights and the rule of law.

**DISAPPEARANCES**

The “disappeared” are people who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed. “Disappearances” cause agony for the victims and their relatives. The victims are cut off from the world and placed outside the protection of the law; often they are tortured; many are never seen again. Their relatives are kept in ignorance, unable to find out whether the victims are alive or dead. The U.N. has condemned “disappearances” as a grave violation of human rights and has stated that their systematic practice is a crime against humanity. Thousands of people “disappear” each year across the globe, and countless others remain “disappeared.”

Guatemala’s Commission for Historical Clarification found that in Guatemala forced disappearance was a systematic practice. The objective was to spread terror among the people. The victims of these disappearances were peasants, social and student leaders, professors, journalists, political leaders, members of religious communities and priests, and even members of military or paramilitary organizations that fell under suspicion of collaborating with the enemy.
On May 19, 2008, an email was sent to Fredy Peccerelli, head of the Guatemalan Forensic Anthropology Foundation (FAFG), threatening to kill him, his sister and four leading members of the organization. The FAFG exhumes bodies of people that were buried in secret graves during Guatemala's internal conflict. Witnesses to the Guatemalan genocide of the 1980s have recently finished giving testimony to a court in Guatemala City. This court is acting on behalf of Spanish courts as part of a genocide case currently proceeding in Spain against former General Efraín Ríos Montt and other former high-ranking members of the military junta of the early 1980s. It is believed that the prominence of the hearing has led to the latest threat.

*Take action to demand security for human rights defenders, witnesses and all people involved in the cases against former Guatemalan officials. Send letters as quickly as possible to Guatemalan authorities, using the sample letter on the following page as your guide.*

**MORE INFORMATION ON THE CASE**

On the morning of the day the threat was sent, an article about the last day of witness testimonies appeared in one of Guatemala's main newspapers, Prensa Libre, together with a photo of an exhumation, where a sign bearing the name of FAFG could clearly be seen.

A Spanish court is currently collecting evidence against eight men, including former military officers, on charges of genocide. The Spanish court’s request for witness testimony to be heard was made in 2006, but only now, for the first time, have witnesses in this Spanish trial been able to give their testimony in a Guatemalan court.

On May 20, the judge presiding over the hearing in Guatemala, Eduardo Cojulún, stated publicly that on the weekend of May 17-18 he had received telephone threats about his role in the hearing.

FAFG contributes to legal action against members of Guatemala’s former military government, with forensic investigations and exhumations of mass graves.

In February 2008, a threat against Fredy Peccerelli, his brother Gianni Peccerelli, his sister Bianka Peccerelli Monterroso and her husband, Omar Bertoni Girón was sent on the same day that a newspaper article was published on the testimonies due to be given in Spain by the witnesses in the genocide case, as well as a separate article on a reduction of the number of police agents assigned to personal protection duties. In 2002 the Inter-American Commission on Human Rights asked the government to provide protection for Fredy Peccerelli, José Suasnavar, Leonel Paiz, other members of FAFG and their relatives.

In 2006, the Inter-American Court of Human Rights made the same request, and called for an investigation to be carried out. The protection provided appears to have been inadequate, and to Amnesty International’s knowledge, no-one has yet been brought to justice for any of the threats received by FAFG members.
To Whom it May Concern:

I am deeply concerned about the safety of Mr. Fredy Peccerelli, Mr. José Suasnvar, Mr. Leonel Paiz, Mr. Omar Bertoni Girón and Ms. Bianka Peccerelli Monterroso, who received a death threat on May 19, 2008. I am extremely concerned that the threat they received was in response to their human rights work with the Guatemalan Forensic Anthropology Foundation (Fundación de Antropología Forense de Guatemala, FAFG).

I urge you today to take immediate action to ensure effective protection of Mr. Peccerelli, his family members and all members of the FAFG, as requested by the Inter-American Commission on Human Rights in 2002 and the Inter-American Court of Human Rights in 2006. Further, I urge you to order an immediate and thorough investigation into threats made against FAFG members both on May 19 and February 2, 2008. Those responsible must be identified and brought to justice without further delay.

Human rights defenders have the right to carry out their activities without any restrictions or fear of reprisals, as set out in the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Your prompt action to investigate and bring to justice those responsible for threats against FAFG and other human rights defenders is essential to the realization of human rights in Guatemala.

In honor of the sixtieth anniversary of the Universal Declaration of Human Rights, I thank you in advance for your attention and action to protect the important work of members of the FAFG and all human rights defenders in Guatemala.

Sincerely,
RESOURCES AND LINKS
ABOUT THIS CASE

AMNESTY INTERNATIONAL PRESS RELEASES AND REPORTS

War Crimes Go Unpunished in Guatemala (January 2008 AI Press Release):
www.amnestyusa.org/justice/page.php?id=1011491

Amnesty International Activists Set for U.S. Rallies on April 20 to Press Case Against Ríos Montt in Guatemala

Amnesty International Again Calls for Ríos Montt to Either Be Tried in Guatemala or Extradited to Spain to Face the
Charges Against Him (January 2007 AI Press Release):

Crimes against humanity remain unpunished in Guatemala (November 2006 AI Appeal):

FURTHER RESOURCES AND LINKS

We recommend the below resources as a starting point for further research on this case.

AIUSA’s international justice page: www.amnestyusa.org/international_justice

AIUSA’s Guatemala country page: www.amnestyusa.org/countries/guatemala

AIUSA Universal Jurisdiction factsheet:
www.amnestyusa.org/international_justice/pdf/IJA_Factsheet_2_Universal_Jurisdiction.pdf

Amnesty International’s international website about universal jurisdiction:

“Universal Jurisdiction and Justice for Genocide in Guatemala,” an AIUSA Online Chat with Professor Naomi
Roht-Arriaza: www.amnestyusa.org/page.do?id=1051089

Guatemala Memory of Silence, Report of the Commission for Historical Clarification Conclusions and

The Center for Justice and Accountability (CJA): www.cja.org/cases/guatemala.shtml

Guatemala Human Rights Commission: www.ghrc-usa.org

The Network in Solidarity with the People of Guatemala: www.nisgua.org

Centro para la Acción Legal en Derechos Humanos (CALDH): www.caldh.org