

Coordinación:

Equipo en Guatemala:
Calle Mercado, 6, 4ªA
15001 A Coruña (Galiza). Estado español
Tel: (34) 881 874 772
coordinacion@pbi-guatemala.org

3ª Avenida 'A' 3-51, Zona 1
Guatemala. América Central
Tel/fax: (502) 2220 1032
equipo@pbi-guatemala.org

www.pbi-guatemala.org

Guatemala, August 2011

Below we provide some **key updates about a number of cases currently in front of the Guatemalan courts**. While organisms linked to the Inter American System for the Protection of Human Rights have taken a stance on some of the cases and despite certain advances at the national level, generally the search for justice has encountered numerous obstacles and even stages of absolute paralysis.¹

- **Legal actions for genocide**²: there is a case for genocide and crimes against humanity committed in 1982-1983 against the Maya Ixil people in the department of El Quiché. This charge is based on a complaint submitted to the Guatemalan courts in 2001 by the Association for Justice and Reconciliation (Asociación para la Justicia y Reconciliación, AJR) and the Center for Legal Action on Human Rights (Centro para la Acción Legal en Derechos Humanos, CALDH). Although a number of individuals were accused of the crimes in the original submission, in June 2011, a decade after the complaint was filed, the presiding judge ordered the arrest of General Hector Mario López Fuentes, ex-armed forces chief. He was detained on 17 June. López Fuentes is accused of being the mastermind behind 12 massacres, and executions, instances of sexual assault, threats and persecution. He is also accused of being responsible for the subhuman conditions that more than 9,000 Maya Ixil people lived in, between 23 March 1982 and 21 October 1983. On 20 June, General López Fuentes appeared before the court for the first time and a second hearing is scheduled for 21 September.³

- **Bámaca case**: This case relates to charges of torture, and the enforced disappearance and extrajudicial execution of Efraín Bámaca Velásquez, a guerilla leader who "disappeared" after being captured by the Guatemalan army in March 1992. Jennifer Harbury, an American citizen and Bámaca's wife, is the main plaintiff in the case. Several individuals are accused of the crimes, some of whom held high-ranking positions in the military. Since 2000, the Inter-American Court of Human Rights (the Inter American Court) has made a number of pronouncements on Bámaca's disappearance. Specifically, the Inter-American Court condemned the Guatemalan State for the crimes committed and called for the reopening of the investigation into the case.⁴ In other developments, Harbury went on more than one hunger strike in her search for justice and one of the witnesses was murdered. Currently, the case is pending and it is expected that the Guatemalan judiciary will relaunch the investigation to comply with the Inter-American Court's ruling.⁵

¹ Those who have been involved in these cases have repeatedly denounced publicly that they have faced obstacles and limitations in their search for justice, such as appeals or other actions launched simply to prolong the process, excessive delays in the process, unforeseen cancellations of hearings, and other such examples.

² We are specifically referring to the legal cases currently being heard by Guatemalan courts.

³ You can find additional information on the case via the following links:

http://www.caldh.org/index.php?option=com_content&view=article&id=59&Itemid=76&lang=es

<http://www.asfcanada.ca/fr/blogue/billet/primera-captura-por-caso-de-genocidio-en-guatemala/28>

<http://www.elperiodico.com.gt/es/20110623/pais/197212>

⁴ For further information on the Inter-American Court rulings, click on the following links:

http://www.corteidh.or.cr/pais.cfm?id_Pais=18

<http://cejil.org/jurisprudencia/casos/bamaca-velasquez>

⁵ You can find additional information on the case by clicking on the following links:

<http://www.envio.org.ni/articulo/118>

<http://cerigua.org/la1520/index.php/nota-diaria/49-justicia/1088-reapertura-del-caso-de-efrain-bamaca-podria-afectar-candidatura-de-otto-perez-molina>

<http://www.youtube.com/watch?v=NsfGp-lqFyE>

<http://www.prensaindigena.org.mx/?q=content/guatemala-denuncia-penal-por-desaparici%C3%B3n-forzada-de-efra%C3%ADn>

Even though the Guatemalan Supreme Court of Justice ruled in January 2011 that the investigation should be reopened (it had been shuttered in 1999), in February the Constitutional Court (Corte de Constitucionalidad, CC) admitted an appeal submitted by one of the defendants, former colonel Julio Roberto Alpírez. As a result, the case has been halted and will not move forward, until the CC has considered the appeal and issued a verdict.

- **The case of the Dos Erres massacre:** in early August 2011 a first instance court sentenced four former "kaibiles" (members of an elite Guatemalan army brigade) for their role in the assassination of 201 people, crimes against humanity, and, in one case, aggravated theft, committed in December 1982 in the community of Las Dos Erres, municipality of La Libertad (Petén). The first criminal complaint was submitted in 1994. The case reached the Inter-American Court and has finally resulted in this sentence, despite the more than 40 appeals filed before the Guatemalan courts by the accused. At least one of the defendants has already announced that he plans to appeal the ruling.⁶ The Association of the Family Members of Guatemala's Detained and Disappeared (Asociación de Familiares de Detenidos y Desaparecidos de Guatemala, FAMDEGUA) is the plaintiff in the process. On 11 August, the Guatemalan Forensic Anthropology Foundation (Fundación de Antropología Forense de Guatemala, FAFG) denounced that it had been subjected to attempted sabotage and that some of its members who had testified as experts in the Dos Erres trial had received death threats. These intimidating tactics surfaced after the court sentenced former military officers Daniel Martínez Méndez, Manuel Pop Zun, Reyes Colín Gualip and Carlos Antonio Carías López, to more than 6,000 years in prison for their role in the massacre.⁷

- **The case of the Plan de Sánchez massacre:** for the assassination of 268 people, and for crimes against humanity, committed in July 1982 in the community of Plan de Sánchez, department of Baja Verapaz. The accused were members of the Guatemalan Army and the Civilian Self-defense Patrols (Patrullas de Autodefensa Civil, PAC). On 12 August 2011, after more than 20 years since the initial criminal complaint was submitted by the victims' relatives⁸, and two rulings and various pronouncements by the Inter-American Court, the authorities detained former military commissioner Lucas Tecú, and former PAC members Mario Julián Acoj, Eusebio Grave Galeano, and Santos Rosales García. The accused rendered their first statements to the court on 16 August. After the initial hearing, the presiding judge ruled that the case against these four individuals should proceed.⁹

- Other relevant cases include the ongoing process related to the enforced disappearance of **Fernando García**, and the enforced disappearances of individuals from the communities of **El Jute** (Chiquimula) and **Choatalum** (Chimaltenango).

While other individuals have been accused of the aforementioned crimes, there was no new information on the cases pending against them before the Guatemalan courts. Please contact us for any further information you may require. Sincerely,

The PBI Guatemala Project,
Peace Brigades International

[b%C3%A1maca](http://www.prensalibre.com.gt/noticias/justicia/Presentan-antejuicio-ordenar-cierre-Bamaca_0_452354987.html)

http://www.prensalibre.com.gt/noticias/justicia/Presentan-antejuicio-ordenar-cierre-Bamaca_0_452354987.html

⁶ You can find additional information on the case by clicking on the following links and documents:

<http://www.bbc.co.uk/news/world-latin-america-14383071>

⁷ <http://www.elperiodico.com.gt/es/20110812/pais/199405/>

Fundación de Antropología Forense de Guatemala (FAFG): Boletín Informativo Especial, Agosto 2011.

⁸ In 1996, CALDH filed a complaint with the Inter-American Commission on Human Rights, while the first accusations were brought before a Guatemalan court in 1992.

⁹ You can find additional information on the case by clicking on the following links:

http://www.corteidh.or.cr/pais.cfm?id_Pais=18

http://www.prensalibre.com/noticias/justicia/Acusados-participacion-matanza-personas-Rabinal_0_536946513.html