

PUBLIC

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08 May 2007

UA 105/07 Fear for safety / Death threats

GUATEMALA	Edgar Herber Hernández Figueroa (m)] staff of the Guatemalan Institute for
	Mónica Victoria Teleguario Xitay (f)] Comparative Studies in Criminal Sciences
	Paula Barrios (f)] (<i>Instituto de Estudios Comparados en</i>
	David Dávila (m)] <i>Ciencias Penales de Guatemala, ICCPG)</i>
	Oswaldo Samayoa (m)]

Five of the staff of a human rights organisation, the Guatemalan Institute for Comparative Studies in Criminal Sciences (*Instituto de Estudios Comparados en Ciencias Penales de Guatemala, ICCPG*) have been harassed and received death threats in an apparent attempt to make them stop investigating killings and rapes allegedly committed by police. Amnesty International fears that their lives are in danger.

On 25 April ICCPG lawyer Mónica Teleguario Xitay was followed by men in a black jeep. The men drove close behind her car, bumped her and then overtook her. Shortly afterwards, the jeep stopped in front of her and another car stopped close behind, trapping her. Five men in balaclavas, four armed and one holding a baseball bat, got out of the jeep and the car and forced her to get out of her car. One of the men told her that they knew about the work being done by the ICCPG and wanted to know where she had been. Monica Teleguario Xitay had been returning from interviewing an alleged victim of police violence, but told the men something different. The men became angry, and said they already knew where she had just been. They then told her that *esta fue la última advertencia* ("this is the last warning").

On the afternoon of 12 April, ICCPG researcher Edgar Herber Hernandez Figueroa was leaving the ICCPG offices when a man put a gun to his head and forced him into a blue car with two more armed men inside. The men questioned him about the ICCPG. He said he did not work for the ICCPG, until the men threatened him. One of the men said, "Tell those sons of bitches [at the ICCPG] that we know how they are organized and how many people they have. If they continue getting involved in things where they have no business, we are going to start cutting heads off. We are tired of giving warnings." (*decile a esos hijos de la gran puta, que sabemos como están estructurado y cuantas cabezas tiene. Si se siguen metiendo en cosas donde no los han llamado vamos a comenzar a cortar cabezas. Ya estamos cansados de estar advirtiendo.*) The men let him go an hour later, after taking his wallet.

ICCPG researcher Paula Barrios returned from work on 20 March to find her home had been burgled. Although nothing was missing, one of her children's teddy bears had its mouth covered with masking tape. Her home is two blocks from the police national headquarters.

ICCPG researchers David Dávila and Oswaldo Samayoa were followed on 14 March by a car while carrying out errands in the centre of Guatemala City in preparation for interviewing an alleged victim of police violence. The following day they left at 3.30am to carry out the interview, and over the next two-and-a-half hours were stopped five times by uniformed police who checked their ID.

BACKGROUND INFORMATION

The ICCPG is an academic and human rights organisation which conducts research into criminal policy, judicial reform, prison conditions, gender violence and conflict resolution. One area of their current work is researching alleged human rights violations committed by public security forces and prison guards (such as arbitrary detention, ill-treatment, torture and extrajudicial executions) and providing legal support to victims and their families. The ICCPG is currently assisting in the legal proceedings against officers accused of

raping a woman, Juana Méndez, in 2005, and in a number of cases of possible extrajudicial executions that are currently being heard in national courts and at the Inter-American Commission.

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

- expressing concern that human rights defenders Edgar Herber Vladimir Hernández Figueroa, Mónica Victoria Teleguario Xitay, Paula Barrios, David Dávila and Oswaldo Samayoa and their colleagues have recently been threatened and attacked;
- calling on the authorities to order prompt, thorough and impartial investigations into these incidents and bring those responsible to justice;
- urging the authorities to take immediate and effective measures to guarantee the safety of these human rights defenders, according to their wishes;
- reminding the authorities that human rights defenders have the right to carry out their activities without any restrictions or fear of reprisals, as set out in the United Nations Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms;
- calling on the authorities to develop a national plan of action to implement this UN Declaration, so as to ensure that human rights defenders are able to carry out their legitimate work without fear of reprisals.

APPEALS TO:

Attorney General and Head of the Public Prosecutor's office

Lic. Juan Luis Florido

Fiscal General de la República y Jefe del Ministerio Público

Edificio Ministerio Público

15 Avenida 15-16, Zona 1, Barrio Gerona, 8vo. Nivel, Ciudad de Guatemala, Guatemala

Fax: +502 2411 9124

+502 2411 9326

Salutation: Dear Attorney General/Estimado Sr. Fiscal General

Minister of Interior

Adela Camacho de Torrebiarte

Ministra de Gobernación

6a. Avenida 13-71, Zona 1,

Ciudad de Guatemala, GUATEMALA

Fax: +502 2413 8658

Salutation: Dear Minister/Estimada Sra. Ministra

COPIES TO:

Institute of Comparative Studies in Criminal Sciences of Guatemala

ICCPG

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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 19 June 2007.