

November 12, 2006

GUATEMALA: ARREST WARRANTS AGAINST FORMER MILITARY!

Since the early 90s, Rights Action has funded and worked with dozens of community based organizations in Guatemala, founded by and comprised of victims of Guatemala's repression and genocide. These 'victims' have overcome huge obstacles – trauma, continuing poverty and exploitation, continuing impunity and repression – to become 'protagonists' in struggles to build a decent society characterized by, amongst other things, a fair and equitable rule of law.

BELOW: A summary, prepared by NISGUA (Network in Solidarity with Guatemala ñ www.nisgua.org) about on-going legal work to hold the intellectual authorsí accountable.

COMMENTARY: This creative and important legal work does NOT address the role played by the U.S. government ñ and other government and actors in the international communityî ñ in designing and supporting the genocide and state terrorism in Guatemala. This work ñ holding Guatemalaís partners and supporters accountable ñ needs to be initiated in the U.S. and elsewhere.

If you want on-off this elist: info@rightsaction.org. WHAT TO DO: see below.

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GUATEMALA: ARREST WARRANTS AGAINST FORMER MILITARY OFFICIALS

Guatemalan courts decided to give the green light for the extradition to Spain of retired military officials Mejia Vítores, Angel Aníbal Guevara, Benedicto Lucas Garcia, German Chupina Barahona, Donaldo Alvarez and Pedro Garcia Arredondo. These are six of the former military officials who are accused of carrying out genocide and, in this case, charged with the burning of the Spanish Embassy on January 30th, 1980.

War survivors in the Association for Justice and Reconciliation (AJR) are involved as co-plaintiffs in this case alongside the Rigoberta Menchí Foundation. The AJR has presented national genocide cases against the former high military commands, with legal support from the Center for Human Rights Legal Action (CALDH). NISGUA/G.A.P. has been accompanying the AJR since 2000.

The officials have been charged with terrorism, homicide, and kidnapping, but not genocide.

Yesterday, November 7, Former Defense Minister Angel Aníbal Guevara turned himself into the police upon hearing of the arrest warrant. He

was transferred to the prison in Zone 18. According to the defense lawyer, the detention is illegal, violating constitutional guarantees. Guevara is 81 years old.

Germán Chupina, 86, is in the hospital under police custody. At 7am yesterday, a group of police arrived to carry out the arrest warrants. At 9am, an ambulance from the National Police arrived to determine his state of health and then transferred him to a clinic. According to the doctor that takes care of him, he is sick with diarrhea, vomit and other maladies which merit his stay in the hospital. Defendants in other prominent legal cases have similarly gone to the hospital instead of prison.

Search warrants were issued for defendants' houses. Mejía Vítores has not been found, and some speculate that he is in the United States, though this has not been confirmed. He had proclaimed that he would leave if arrest warrants appeared imminent.

RÍOS MONTT ESCAPES ARREST

Unfortunately, the court decided not to issue an arrest warrant (that could also ultimately lead to extradition) for Efraín Ríos Montt. The judges (Morelia Ríos, Isaías Figueroa and Bélgica Deras Román) stated that the Spanish investigation did not bring forward enough elements to prove the participation of Ríos Montt in the burning of the Spanish Embassy nor his responsibility for the deaths that resulted.

Furthermore, the orders do not include former president Romeo Lucas García who died in May of this year in Venezuela. People in Guatemala had hoped that he would still be included to symbolically bring justice to the many people who were massacred under his regime.

The original arrest warrant sent from Spanish judge Santiago Pedraz (who visited Guatemala this past summer) included the charges of genocide for the massacres that occurred during the armed conflict and specified that the majority of these crimes occurred during the period of Ríos Montt's government. The official arrest warrant reads, "During Ríos Montt's reign, 69% of all executions took place, 41% of rapes and sexual assaults, and 45% of tortures of all the registered cases, as documented in the Commission for Historical Clarification."

Currently, people on the ground in Guatemala are trying to see if it is possible to appeal the decision and therefore include Ríos Montt in the arrest. Meanwhile, the defendants' lawyers are sure to present many appeals to prevent the ultimate arrests and extradition of the accused.

Further, these legal proceedings take place in the context of serious political play between the various parties. The final extradition order must be signed by President Oscar Berger of the GANA party. With the influence that Ríos Montt's party, the FRG, has in Congress and

the various crises that GANA is confronting (such as the setback in Congress of the approval of various megaprojects), it is unlikely that GANA will seriously jeopardize good relations with the FRG by extraditing the party's leader.

Nevertheless, there is reason in the human rights community to celebrate this initial victory. "We must analyze the resolution, but what we see as positive is the fact that universal jurisdiction was accepted—we ask that the errors committed be made right," expressed Eduardo de León of the Rigoberta Menchú Tum Foundation.

THE SPANISH PETITION

In 1999, Nobel laureate Rigoberta Menchú Tum submitted a complaint to the Spanish National Court against Guatemala's military high command for the crimes of genocide, terrorism, and torture committed between the years 1978 and 1986. After years of legal battles, in September 2005 the Spanish Constitutional Court ruled that the case could be tried in Spain. They based their decision on the principle of Universal Jurisdiction which holds that some crimes are offenses against humanity and therefore prosecutable in the national courts of any country, regardless of the nationality of the victims or perpetrators.

In June 2006, a Spanish investigative commission arrived in Guatemala. The defendants filed over a dozen appeals to avoid being questioned.

On July 7, Spanish Judge Pedraz issued international arrest warrants against three former presidents and five other former officials and ordered the freezing of their assets.

On October 27th, Guatemala's Supreme Court of Justice received the arrest warrants.

On November 6, the Guatemalan Court (Tribunal Quinto de Sentencia) officially issued the warrants against the six men.

SOURCES: Guatemalan newspapers; press release by Coordinaci3n Genocidio Nunca M3s; article by Coralia Orantes. Translation and synthesis by Caren Weisbart, Breaking the Silence. Edited by NISGUA staff. www.nisgua.org. andrew@nisgua.org.

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WHAT TO DO:

* The #1 line of work in favour of global justice, equality and the environment is to fund and support local organizations leading their own struggles in defense and promotion of development, the environment and human rights. In Guatemala, Rights Action channels your financial

donations to grassroots human rights organizations that are taking a lead role in pushing this case forward;

* Get involved in education and activism work in your home community concerning the negative impacts of North American economic and military policies on community-controlled development, the environment and the human rights of local populations in Guatemala, Honduras, Haiti, Chiapas, El Salvador;

* Consider coming to these counties on an educational-activist delegation and invite us to give educational presentations in your home community;

* Get on our e-mail and snail-mail lists.

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