

# Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations  
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## GUATEMALA: ATTACKS ON JURISTS 2005-2009

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### SUMMARY OF DATA

In the last four and a half years, LRWC has documented 40 murders of judges and lawyers in Guatemala.

### TRENDS

#### 1. Identity of victims:

The majority of victims (21 out of 40) comprises prosecutors, judges and judges' clerks<sup>1</sup> responsible for prosecuting and judging serious crimes (14 prosecutors and 7 judges and judges' clerks).

The remainder (19 out of 40) comprises lawyers who are not prosecutors, such as lawyers in private practice, lawyers working for NGOs and a public defender. With regard to those lawyers representing criminally accused, LRWC has reported that:

*Lawyers who press for investigations in cases of wrongful arrests and suspected extrajudicial killings also face threats. The Director of the Public Defender's Office has herself been threatened with harm if public defenders continued to insist on such investigations. In such cases, there are suspicions that the security forces may be involved.*<sup>2</sup>

#### 2. Murder rate:

Decreased from 2005 to 2008 (10 murders in 2005, 2 in 2006, 3 in 2007).  
Increased from 2008 to present (7 murders in 2008 and 4 to July 2009).

Note that there were an additional 14 murders committed during the time period about which LRWC lacks details, including year of death.<sup>3</sup>

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<sup>1</sup> LRWC is uncertain how to translate "Oficial." Likely, the closest equivalent in the common-law system is "judge's clerk." LRWC was advised by several government sources that "Oficiales" in this context are "law students." Given the tenure of some of these individuals, it may be that these individuals are law school graduates who have not been called to the bar.

<sup>2</sup> LRWC, "Guatemala: Justice under Siege, Report on a Field Visit to Guatemala February – March 2006," by Brenda Wemp (Vancouver: 2006) ['LRWC 2006 Report'], at page 5.

<sup>3</sup> Fiscalía de Delitos Cometidos Contra Operadores de Justicia, "Listado de Jueces, Abogados y Estudiantes de Leyes Asesinados entre los Mecos de Enero 2005 a Diciembre 2008" (Guatemala: July 13, 2009) ['Guatemala Office of Crimes against Justice Operators July 2009 Report'] cites the murders of: Mitzy Yolanda Escobar Villator

### 3. Nature of the victims' work prior to their murder

LRWC has details of the victims' work in only 13 cases. Of these 13 victims, 11 were working on the investigation, prosecution, defence or arbitration of serious crimes (corruption, drug trafficking, child prostitution, homicide, organized crime).

Further, out of these 13 victims, the majority (8) was working on cases that implicated government authorities (judges, prosecutors, police officers, a mayor and former bureaucrats and military). Five of the cases implicating government authorities implicated them in serious crimes.

### 4. Method of murder:

LRWC has details of the circumstances of murder in 15 out of 40 cases.

LRWC is particularly concerned with the public nature of the murders. All 15 murders about which we have information had a public component. Victims were shot in public places, such as while driving or walking or cycling on city or residential streets outside their offices or homes, and often during the day.

### 5. Government response:

According to the information available to LRWC, the majority of these cases remain in impunity. State authorities initiated investigations. However, they have failed to pursue investigations to conclusion.

## **RECOMMENDATIONS**

1. Consider the recommendations of La Comisión Internacional Contra la Impunidad en Guatemala ('CICIG').
2. Meet with:
  - a. El Asociación de Jueces y Magistrados;
  - b. La Fiscalía de Delitos Cometidos Contra Operadores de Justicia;
  - c. El Procurador de los Derechos Humanos.

## **DATA 2005-2009**

2005

1. Enrique Leonel González Urizar,<sup>4</sup> Litigator in private practice, Amatitlan

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(Abogado); Francisco Rene Juarez Sanchez (Auxiliar Fiscal); Samuel Gudiel Ruano (Abogado y Notario); Manuel Francisco Cordon y Cordon (Abogado y Notario); Edgar Francisco Pastor Cojulun (Abogado y Notario); Guillermo Enrique Romero Peralta (Abogado y Notario); Moises Herrera (Auxiliar Fiscal); Rodimiro Tomas Leonzo Urizar (Abogado); Luis Domingo Berrondo Rosales (Abogado); William Rodolfo Recinos Recinos (Abogado); Filadelfo Virgilio Trucios (Abogado); Sixto Anibal Veliz Molina (Abogado de la P.G.N.); Franklin Enrique Teni Cacao (Abogado); Rudy Eduardo Minera Echeverria (Abogado).

<sup>4</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Leandro Despouy, "Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to

- a. February 17, 2005
  - b. Found in his vehicle at kilometer 37.5 of Amatitlan Lake road after members of Los Cerritos community reported a man sitting in the back of a car with his hands tied behind his back, blindfolded and without pants. Gonzalez Urizar had been tortured and shot three times, in the chest, face and head. His family indicated that he received a phone call shortly after 7:45p.m. asking that he go out to meet someone.
  - c. Gonzalez was a real estate lawyer. Gonzalez' brother indicated that Gonzalez had received death threats for sending letters to individuals who were occupying lands that he had inherited. A few days earlier, a woman had tried to register title to a parcel of land, but a notary had phoned Gonzalez to advise that the documents had been falsified. His brother also stated that Gonzalez had been threatened as result of winning a case.
  - d. Authorities have linked his death to the deaths of three individuals whose bodies had been burned on or about February 26, 2005. The Guatemalan government reported to the Special Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since.
2. Carlos Estuardo Marroquin Santos,<sup>5</sup> Auxiliar Fiscal, Fiscalia de Seccion contra la Corrupción, Ministerio Publico
- a. March 4, 2005
  - b. Shot in La Reformita, Zona 12 of Guatemala City.
  - c. Had been investigating cases against former bureaucrats and the military.
  - d. Police reports initially identified the motive for murder as robbery of Marroquin Santos' cell phone. The Guatemalan government reported to the Special

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Development: Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy, Addendum: Situations in specific countries or territories," A/HRC/8/4/Add.1 (May 28, 2008), at para. 145, available at: <http://74.125.155.132/search?q=cache:EbPsa5t-juEJ:www2.ohchr.org/english/bodies/hrcouncil/docs/8session/A.HRC.8.4.Add1.doc+%22Jose+Antonio+Cruz+Hernandez%22+guatemala&cd=7&hl=en&ct=clnk&gl=ca&client=firefox-a> [accessed on: July 11, 2009] [‘Special Rapporteur May 28, 2008 Report’]; Julio Lara, “Matan a abogado: Profesional apareció baleado y torturado en su vehículo,” Prensa Libre (Guatemala: February 18, 2005), available at: <http://www.prensalibre.com/pl/2005/febrero/18/108037.html> [accessed on: July 11, 2009]; Julio Lara, “Cuerpos calcinados Hallazgo: Encuentran cadáveres de tres desaparecidos en febrero,” Prensa Libre (Guatemala: March 10, 2005), available at: <http://www.prensalibre.com/pl/2005/marzo/10/109558.html>; [accessed on: July 11, 2009]; Sonia Pérez, “Operadores de justicia, bajo presión del crimen Jueces, abogados y fiscales afrontan problemas en su labor,” Prensa Libre (Guatemala: March 24, 2005), available at: <http://www.prensalibre.com.gt/pl/2005/marzo/24/110648.html> [accessed on: July 11, 2009] [‘Sonia Perez, Prensa Libre’].

<sup>5</sup> Special Rapporteur May 28, 2008 Report; Sonia Perez, Prensa Libre; LRWC 2006 Report; Fundación Myrna Mack, “Informe de Situación Sobre la Fiscalía Especial de Delitos Contra Operadores de Justicia: La persecución penal frente al fenómeno de la violencia en el Sistema de Justicia (Guatemala: Septiembre 2005), at pages 5-6 [‘Myrna Mack Foundation September 2005 Report’]; Fundación Myrna Mack, “Violencia contra el sistema de justicia: el aparato estatal sigue postergando la prevención y el combate” (Guatemala: Julio 2005), at page 1, Note 2 [‘Myrna Mack Foundation July 2005 Report’]; Front Line y La Unidad de Protección de Defensores de Derechos Humanos del Movimiento por los Derechos Humanos, “Front Line Guatemala: Ataques en Contra de Defensoras y Defensores de Derechos Humanos 2000-2005,” autora Claudia Virginia Samayoa (Dublin: 2006), at pages 22-23 and 143 [‘Front Line Guatemala Report’].

Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since.

3. Jose Antonio Cruz Hernandez,<sup>6</sup> Juez de Paz, San Pedro Ayampuc, Departamento de Guatemala
  - a. March 21, 2005
  - b. Shot to death in a residential area of Zone 7 in Guatemala City by unknown individuals driving a pick-up.
  - c. LRWC is unaware of the nature of Cruz Hernandez' work prior to his murder.
  - d. The Guatemalan government reported to the Special Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since. The UNHCR reported in March 2008 that, "There were no developments, and none were expected, regarding an investigation of the 2005 killings of Justice of the Peace Jose Antonio Cruz Hernandez or High Impact Court Judge Jose Victor Bautista Orozco."<sup>7</sup>
  
4. Fritzman o Fritman Dagoberto Grajeda Robles,<sup>8</sup> Defensor publico y Subcoordinador municipal de Instituto de la Defensa Publica Penal, Coatepeque, Quetzaltenango
  - a. April 3 or 5, 2005
  - b. He was driving with his wife in Coatepeque and gunmen opened fire on their car. He was killed and his wife survived. His wife reported that Grajeda Robles had been threatened that with death if he continued to do his work well. He had not reported these threats to his employer or the authorities.
  - c. LRWC is unaware of the nature of Mr. Grajeda's work prior to his murder.
  - d. The Guatemalan government reported to the Special Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since.
  
5. José Victor Bautista Orozco,<sup>9</sup> Juez de Tribunal de Alto Impacto de Chiquimula, San Pedro Sacatepequez, San Marcos

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<sup>6</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Special Rapporteur May 28, 2008 Report; Sonia Perez, Prensa Libre; LRWC 2006 Report; Myrna Mack Foundation September 2005 Report; Myrna Mack Foundation July 2005 Report; Front Line Guatemala Report; United States Embassy in Guatemala, "Informe Sobre Practicas de Derechos Humanos – 2005," la Oficina Pro Democracia, Derechos Humanos y Trabajo (Guatemala: March 8, 2006), available at: <http://spanish.guatemala.usembassy.gov/hrr2005guatemala.html> [accessed on: July 11, 2009] ['US Embassy in Guatemala 2006 Report'].

<sup>7</sup> United States Department of State, 2007 Country Reports on Human Rights Practices - Guatemala, 11 March 2008, available at: <http://www.unhcr.org/refworld/docid/47d92c70c3.html> [accessed on: July 11, 2009] ['UNHCR March 2008 Report'].

<sup>8</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Special Rapporteur May 28, 2008 Report; LRWC 2006 Report; Myrna Mack Foundation September 2005 Report; Myrna Mack Foundation July 2005 Report; Front Line Guatemala Report.

<sup>9</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Special Rapporteur May 28, 2008 Report; LRWC 2006 Report; Myrna Mack Foundation September 2005 Report; Myrna Mack Foundation July 2005 Report; Front Line Guatemala Report; US Embassy in Guatemala 2006 Report; "Guatemala: Asesinado un fiscal del Ministerio Público guatemalteco a manos de hombres armados desconocidos" (Guatemala: May 16, 2005) (Europa

- a. April 25, 2005
  - b. Shot ten times in the back by unknown individuals as he was leaving his home in San Pedro Sacatepéquez, departamento de San Marcos.
  - c. The Tribunal de Alto Impacto is a special court set up to try serious crimes. The judge was investigating kidnappings, murders, drug trafficking and organized crime.
  - d. According to sources in the Supreme Court, he had no security from the National Police at the time of the murder. The Guatemalan government reported to the Special Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since. The UNHCR reported in March 2008 that, “There were no developments, and none were expected, regarding an investigation of the 2005 killings of Justice of the Peace Jose Antonio Cruz Hernandez or High Impact Court Judge Jose Victor Bautista Orozco.”<sup>10</sup>
6. Erick Moisés Gálvez Miss,<sup>11</sup> Fiscal, Ministerio Publico, Chiquimula, San Pedro Sacatepequez, San Marcos
- a. May 16, 2005
  - b. Shot at point-blank range in the right arm and thorax at about 5 p.m. while walking in the center of town by two unknown individuals driving a truck. The murder took place in front of the Hospital Nacional de Chiquimula and was witnessed by a number of individuals, including the assistant prosecutor who was accompanying him.
  - c. Gálvez Miss was involved in sensitive cases, including cases involving drug traffickers in the Court of High Impact. Gálvez Miss had previously received threats from a particular drug trafficker and had also been threatened in public court by the family member of an accused rapist he was prosecuting. The International Commission of Jurists considers that there are significant indications that his murder was related to his investigation of drug traffickers.<sup>12</sup>
  - d. Despite the fact that the crime took place in the center of town, the police did not arrive on the scene for one hour. Despite the presence of witnesses at the scene of the crime, and the fact that the identity of those who had previously threatened him is known, the Guatemalan government reported to the Special Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since.

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Press), available at: [www.lukor.com/not-mun/america/0505/17034100.htm](http://www.lukor.com/not-mun/america/0505/17034100.htm) [accessed on: July 11, 2009] [‘Europa Press May 2005’].

<sup>10</sup> UNHCR March 2008 Report.

<sup>11</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Special Rapporteur May 28, 2008 Report; LRWC 2006 Report; Myrna Mack Foundation September 2005 Report; Myrna Mack Foundation July 2005 Report; Front Line Guatemala Report; US Embassy in Guatemala 2006 Report; Europa Press May 2005.

<sup>12</sup> International Commission of Jurists, “La Justicia en Guatemala: Un Largo Camino por Recorrer” (December 2005), at page 30, para 87, cited in LRWC 2006 Report, Note 11.

7. Julio Cesar Barrios Mazariegos,<sup>13</sup> Oficial Segundo del Juzgado de Paz de Villa Nueva, Departamento de Guatemala
  - a. June 20, 2005
  - b. Killed in Villalobos, a shantytown of Guatemala City. He was notifying an accused of charges against him when he was killed.
  - c. LRWC is unaware of the nature of Mr. Barrios Mazariegos' work at the time of his murder.
  - d. The Guatemalan government reported to the Special Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since.
  
8. Harold Rafael Perez Gallardo,<sup>14</sup> Abogado, Casa Alianza
  - a. September 2, 2005
  - b. Shot and killed in Mixco, department of Guatemala. by unknown individuals.
  - c. Mr. Perez Gallardo was Asesor del programa legal de Casa Alianza en el tema de adopciones internacionales at the time of his murder. LRWC is unaware of details of his work at the time of his murder.
  - d. Investigation by the Prosecutor's Office for Human Rights Defenders. The Guatemalan government reported to the Special Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since.
  
9. Edgar Rodolfo Brizuela del Aguilar,<sup>15</sup> Abogado
  - a. 2005
  - b. LRWC is unaware of the circumstances surrounding the murder.
  - c. LRWC is unaware of the nature of his work prior to his murder.
  - d. The Guatemalan government reported to the Special Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since.
  
10. Giovanni Adonai Campos Giron,<sup>16</sup> Abogado
  - a. 2005
  - b. LRWC is unaware of the circumstances surrounding the murder.
  - c. LRWC is unaware of the nature of his work prior to his murder.
  - d. The Guatemalan government reported to the Special Rapporteur that the case was still under investigation in April 2007. LRWC is unaware whether there have been any developments since.

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<sup>13</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Special Rapporteur May 28, 2008 Report; LRWC 2006 Report; Myrna Mack Foundation September 2005 Report; Myrna Mack Foundation July 2005 Report; Front Line Guatemala Report.

<sup>14</sup> Special Rapporteur May 28, 2008 Report; LRWC 2006 Report; Front Line Guatemala Report.

<sup>15</sup> Special Rapporteur May 28, 2008 Report.

<sup>16</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Special Rapporteur May 28, 2008 Report.

2006

11. Erik Vallardo Guerra,<sup>17</sup> Oficial o Auxiliar Fiscal, Ministerio Publico
  - a. March 4, 2006
  - b. Shot to death by unknown assailants at his home in the community of San Felipe de Jesus, Guatemala. When Erick Vallardo arrived at home Saturday night, two unknown assailants, who had been waiting in a vehicle, got out of the car and shot him repeatedly.
  - c. The head of the district prosecutor's office, Maria Encarnacion Mejia stated that Vallardo "no tenía casos de impacto a su cargo, aunque a veces por casos insignificantes pueden producirse este tipo de asesinatos, pues para uno pueden parecer irrelevantes, pero para los sindicatos no." LRWC is unaware of the details of his work at the time of his murder.
  - d. LRWC is unaware what steps the government has taken to bring the perpetrators to justice.
  
12. Clemencia Nineth Mansilla Villagran,<sup>18</sup> Oficial Segunda del Tribunal de Sentencia de Mixco, Organismo Judicial
  - a. October 26, 2006
  - b. Mansilla arrived at the office at about 7a.m. and when she went out to buy her breakfast, she was killed at the hands of a man who attacked her at 30 meters from the courthouse where she worked, at 5<sup>th</sup> Street and 8<sup>th</sup> Avenue in Zone 1 of Mixco. Witnesses say that at 7:40a.m., an individual was waiting at the corner. When she passed him, he took out his pistol and shot her six times. Three bullets entered her head. The assassin ran to a motorbike that was running and escaped with another man. Prosecutors from the Ministry were aware that she had been threatened the previous Wednesday by a woman.
  - c. LRWC is unaware of the details of her work prior to her murder.
  - d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.

2007

13. Moises Rivera,<sup>19</sup> Auxiliar Fiscal, Ministerio Publico

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<sup>17</sup> LRWC 2006 Report; Procurador de los Derechos Humanos, Guatemala, C.A., Dirección de Estudio e Investigación, "Agresiones contra Operadores de Justicia: Enero 2006 al 21 de mayo de 2008" (Guatemala: 2008), at pages 2-4 ['Guatemala Office of the Human Rights Prosecutor Report 2008']; "Fiscal auxiliar guatemalteco es asesinado," Radio La Primerissima (Guatemala: March 5, 2006), available at: <http://www.radiolaprimerissima.com/noticias/1683> [accessed on: July 11, 2009].

<sup>18</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Guatemala Office of the Human Rights Prosecutor Report 2008; Leonardo Cereser, "Atraco fue Frustrado a balazos: Otro hecho: Asesinan a oficial de tribunal," Prensa Libre (Guatemala: October 27, 2006), available at: <http://www.prensalibre.com.gt/pl/2006/octubre/27/154957.html> [accessed on: July 11, 2009].

<sup>19</sup> Guatemala Office of the Human Rights Prosecutor Report 2008; Hugo Oliva, "Asesinan a fiscal del Ministerio Público: Salía de su casa, hacia Jalapa, cuando fue atacado," Prensa Libre (Guatemala: June 23, 2007), available at: <http://www.prensalibre.com/pl/2007/junio/23/175141.html> [accessed on: July 11, 2009].

- a. June 22, 2007
  - b. He was leaving his house to go to Jalapa where he had worked for ten years. He was killed at 6 p.m. by gunshots in front of his home located in El Chiltepe in Jutiapa. An unknown individual was waiting for him in the street and they exchanged a few words. Moments later, witnesses heard at least four gunshots, two of which hit Rivera. He was killed by a shot to the heart by a .357 mm.
  - c. LRWC is unaware of the details of his work prior to his murder.
  - d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.
14. Desiderio Martin Tojin Silva,<sup>20</sup> Auxiliar Fiscal, Ministerio Publico
- a. August 2007
  - b. He was killed by gunshot on the road to San Andrés Villa Seca, Cuyotenango, Suchitepéquez
  - c. Tojin was working on the murder case of a young girl in Palencia, which implicated various police officers. He was investigating whether the murder was linked to other files he was carrying and not a crime of passion.
  - d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.
15. Erick Estuardo Barrera Perez,<sup>21</sup> Oficial III, Organismo Judicial
- a. 2007
  - b. LRWC is unaware of the circumstances surrounding the murder.
  - c. LRWC is unaware of the details of his work prior his murder.
  - d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.
16. Fausto Rene Maldonado Torres,<sup>22</sup> Juez Vocal de Primera Instancia de Quetzaltenango, Organismo Judicial
- a. December 31, 2007
  - b. The judge had received death threats on October 30, 2007, according to the Auxiliatura de la Procuraduría de los Derechos Humanos (PDH) of Quetzaltenango. He did not make these public until the first week in December. His body was found in San Francisco Zapotitlán, Suchitepéquez. Authorities established that he was killed by knife wounds to the neck.

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<sup>20</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Guatemala Office of the Human Rights Prosecutor Report 2008; I-Dem Incidencia Democratica, "Reporte Diario de Análisis de tendencias," Nueva Época número 1271 (Guatemala City: August 23, 2007), available at: <http://www.i-dem.org/rd/2007/agosto/230807-1271.htm> [accessed on: July 11, 2009].

<sup>21</sup> Guatemala Office of the Human Rights Prosecutor Report 2008.

<sup>22</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Guatemala Office of the Human Rights Prosecutor Report 2008; Correspondents, "Inseguridad Por denunciar delitos, matan a juez en Suchitepéquez - Estaba amenazado," Prensa Libre (Suchitepéquez: January 3, 2008), available at: <http://www.prensalibre.com/pl/2008/enero/03/211584.html> [accessed on: July 11, 2009].

- c. Maldonado had filed documents with the PDH accusing judges, prosecutors and public defenders of corruption in the jurisdiction of Quetzaltenango. Maldonado had received death threats after refusing to accept a bribe from three accused. Others advise that the victim had had problems in Huehuetenango and other jurisdictions in the south.
- d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.

2008

- 17. Ingrid Judith Hernandez Borrayo,<sup>23</sup> Oficial, Homicide Division, Ministerio Publico
  - a. March 11, 2008
  - b. On March 11, unknown assailants shot and killed Ingrid Judith Borrayoon a street near her office in Guatemala City. Hugo Rolando Toj, a PNC officer assigned to the Human Rights Division of the Ministry of Government, was also shot while walking with Borrayo and died days later in a hospital.
  - c. LRWC is unaware of what work she was doing before she was killed.
  - d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.
  
- 18. Fernando Mayen Alvarado,<sup>24</sup> Oficial, Ministerio Publico
  - a. 2008
  - b. LRWC is unaware of the circumstances surrounding the murder.
  - c. LRWC is unaware of what work he was doing before he was killed.
  - d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.
  
- 19. Jose Vidal Barillas Monzon,<sup>25</sup> Juez Presidente de la Sala de Apelaciones, Organismo Judicial, Departamento de Retalhuleu
  - a. May 8, 2008
  - b. Two unidentified gunmen shot and killed Judge Jose Vidal Barillas Monzon as he was driving near his residence.
  - c. Judge Barillas had presided over cases involving organized crime, drug trafficking, and land disputes. He was involved in a number of “high impact cases”, including one in which five people (captured in Cuyotenango) were accused of drug trafficking. He was also involved in an antejudicio against the

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<sup>23</sup> Guatemala Office of the Human Rights Prosecutor Report 2008; United States Department of State, 2008 Country Reports on Human Rights Practices - Guatemala, 25 February 2009, available at: <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119161.htm> [accessed on: July 11, 2009] [‘US State Department Country Report 2008’].

<sup>24</sup> Guatemala Office of the Human Rights Prosecutor Report 2008.

<sup>25</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Guatemala Office of the Human Rights Prosecutor Report 2008; US State Department Country Report 2008; LRWC, Campaign Letters, Guatemala, Re: Magistrate Jose Vidal Barillas Monzon and Rudy Rocael Pineda, To: President of Guatemala, From: Heather Neun (July 3, 2008), available at: <http://www.lrwc.org/letters2.php?aid=273> [accessed on: July 11, 2009] [‘LRWC Letter July 3, 2008’].

departmental mayor of Retalhuleu, Marilú Hidalgo. The LRWC letter states that according to the International Commission of Jurists, there are reasonable grounds for believing that the murders is linked to the performance of his duties.

- d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.
20. Rudy Rocaél Pineda Pineda,<sup>26</sup> Fiscal, District Prosecutor of Chiquimula, Ministerio Publico
    - a. May 20, 2008
    - b. Shot to death in the town of Chiquimula while driving home.
    - c. The LRWC letter states that according to the International Commission of Jurists, there are reasonable grounds for believing that the murders is linked to the performance of his duties. Mr. Pineda had been investigating a child prostitution ring in which former chiefs and police agents of the Policía Nacional Civil (Civil National Police) were involved. In addition, he had received threats from a group of policemen linked to the deaths of five people in the village of El Jute on June 14, 2007; the trial in that case began a few days before Mr. Pineda's death. We also understand that Mr. Pineda had received phone calls over the last several months from a phone number in the headquarters of the Civil National Police in Chiquimula, as well as threats from a local prison.
    - d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.
  21. Juan Carlos Martínez,<sup>27</sup> Assistant homicide prosecutor
    - a. July 14, 2008
    - b. Unknown assailants shot and killed Martínez.
    - c. Martínez was the chief prosecutor in the PARLACEN and Victor Rivera homicide cases, which implicate Guatemalan state authorities.
    - d. LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.
  22. Armando Donald Sánchez Betancourt,<sup>28</sup> Abogado, Movimiento de Comerciantes Unidos de las Calles de Coatepeque
    - a. December 23, 2008
    - b. Shot with four bullets by unknown gunmen in the town of Coatepeque, Quetzaltenango, while parking his car.
    - c. The homicide took place shortly after Sánchez Betancourt left a meeting with the municipal authorities, in which he had been negotiating on behalf of street

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<sup>26</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Guatemala Office of the Human Rights Prosecutor Report 2008; LRWC Letter July 3, 2008.

<sup>27</sup> US State Department Country Report 2008.

<sup>28</sup> Guatemala Office of Crimes against Justice Operators July 2009 Report; Institut des Droits de l'Homme des Avocats européens ('IDHAE'), "Alerte Urgente Avocats: Rapport Annuel 2008 de l'Observatoire Mondial des Droits de la Defense et des Violations des Droits des Avocats," at page 80 ['IDHAE 2008 Report'].

merchants of the Movimiento de Comerciantes Unidos de las Calles de Coatepeque. The merchants were resisting a municipal plan to move their stalls and the negotiations were unsuccessful. He was also the legal advisor to a union (Sindicato Nacional de Trabajadores de la Construcción y Servicios de Guatemala, SINCS-G), and had obtained a court order that a group of fired workers should receive compensation, which the company was resisting. In the past, Mr. Sanchez had also represented local human rights groups and had brought charges of corruption against local officials. On December 23, 2004, he had received anonymous death threats on his cell phone and was the subject of a letter by LRWC to the Guatemalan authorities.<sup>29</sup>

- d. According to the Institut des Droits de l'Homme des Avocats européens, Sanchez Betancourt had been provided police protection 24/ 7 for one week after December 2004. Thereafter, he had police protection for three hours per night (9p.m. to midnight) for another week. In a speech broadcast on two local radio stations on December 21, 2008, the Mayor of Coatepeque declared that a surprise awaits the street merchants of Coatepeque on December 23 or 24, 2008.<sup>30</sup> LRWC is unaware what steps the government has taken to bring the perpetrator(s) to justice.

2009

23. Rudy Manuel Herrera,<sup>31</sup> Auxiliar Fiscal, Organized Crime Unit.
  - a. March 8, 2009
  - b. Shot to death outside his home in Zone 18, Guatemala City, as he was getting out of his vehicle.
  - c. Mr. Herrera was involved in investigating a car theft ring and other “delicate cases,” according to the head of the Organized Crime Unit.
  - d. A 16 year-old who had recently joined a gang was arrested within two days of the murder. According to investigators, the leader of the gang is in prison since 2007, accused of more than 20 killings. It is unknown if the investigation is ongoing with respect to possible intellectual authors of the crime.
24. Gustavo Soria,<sup>32</sup> Litigator in private practice
  - a. March 25, 2009

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<sup>29</sup> LRWC, Campaign Letters, Guatemala, Re: Armando Sanchez, To: Minister of the Interior and National Civilian Police, From: Brenda J. Wemp (January 11, 2005), available at: <http://www.lrwc.org/letters2.php?aid=106> [accessed on July 11, 2009].

<sup>30</sup> IDHAE 2008 report.

<sup>31</sup> LRWC, Campaign Letters, Guatemala, Re: Rudy Manuel Herrera and Rony Lopez, To: Sr. Presidente de la Republica de Guatemala and others, From: Brenda J. Wemp (March 18, 2009), available at: <http://www.lrwc.org/letters2.php?aid=285> [accessed on: July 11, 2009].

<sup>32</sup> Dalila Huitz, « MP vincula a mexicano con asesinato de abogado : Sospechan que implicado en importación de pseudoefedrina estaría involucrado en muerte de Gustavo Soria » Siglo XXI (Guatemala: July 4, 2009), available at: <http://www.sigloxxi.com.gt/noticias/27670> [accessed on: July 11, 2009].

- b. Shot to death in his car, Guatemala City. He had just he left a shopping mall parkade, when two individuals on a motorcycle followed him and repeatedly shot at his vehicle at close range with a 9 mm pistol.
  - c. Soria had recently represented a Mexican client who retained him to obtain the return of a cargo of pseudoefidrina and antifu drugs that had been seized by the authorities. Soria was unsuccessful in doing so, and on March 18, 2009 the courts ordered the incineration of the drugs.
  - d. According to press reports, the Prosecutor’s Office for Drug Trafficking believes the above client is involved. The case was initially being investigated by the Prosecutor’s Office for Crimes against Life, who stated that if the murder appeared to be related to a case Soria was working on, the file would be transferred to the Prosecutor’s Office for Crimes Against Justice Operators. Results of investigations unknown to date.
25. Rodrigo Rosenberg,<sup>33</sup> Litigator in private practice
- a. May 10, 2009
  - b. Shot while riding a bicycle in a residential neighbourhood in Guatemala City.
  - c. Rosenberg had represented businessman Khalil Musa, who was himself murdered in March 2009 together with his daughter. In a videotape recorded shortly before his death and broadcast the day after his murder, Rosenberg stated that if he was killed, President Alvaro Colom, the President’s wife and other high level officials were responsible.
  - d. President Colom denied the allegations, referred the case to CICIG, and called for help from the FBI. A Special Prosecutor with CICIG is now responsible for the case and investigation has commenced.
26. Denis Wenceslao Macario Samayoa,<sup>34</sup> Auxiliar Fiscal
- a. June 29, 2009 found dead, disappeared June 26, 2009
  - b. Found in his vehicle.
  - c. He had been working at the Prosecutor’s office since 2005. LRWC is unaware of the details of his work prior to his murder.
  - d. LRWC is unaware of details regarding the investigation.

*Lawyers Rights Watch Canada (LRWC) is a committee of lawyers who promote human rights and the rule of law internationally by protecting advocacy rights. LRWC engages in research and education, campaigns for advocates in danger because of their human rights advocacy and works in cooperation with other human rights organizations. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.*

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<sup>33</sup> Ezra Fieser, “A Video from the Grave Sends Guatemala into Crisis,” Reuters (Guatemala City: May 14, 2009) available at: [www.time.com/time/world/article/0,8599,1898360,00.html](http://www.time.com/time/world/article/0,8599,1898360,00.html) [accessed on: July 11, 2009].

<sup>34</sup> Source from the Guatemalan Prosecutor’s Office.