



Guatemala: Human Rights and the Myrna Mack Case

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GUATEMALA

Human Rights and the Myrna Mack Case

Committee on Human Rights

**National Academy of Sciences
National Academy of Engineering
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**Committee on Human Rights
2002-2003**

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Introduction

THE COMMITTEE AND THE MYRNA MACK CASE

The Committee on Human Rights (CHR) of the National Academy of Sciences (NAS), National Academy of Engineering (NAE), and Institute of Medicine (IOM) was created in 1976 to gain the release of unjustly imprisoned scientists, engineers, and health professionals worldwide whose basic human rights, as recognized by the Universal Declaration of Human Rights, have been severely violated by their governments. (A full description of the committee can be found in Appendix A.)

Most of the committee's cases involve colleagues who are in jail or who have recently disappeared and may still be alive. However, because so many colleagues in Latin America were either killed outright or killed after abduction and torture, solely for having peacefully expressed their ideas, in the late 1980s the committee began to develop lists of such cases, to register protests with the governments involved, and to ask that those responsible for their deaths be brought to justice. In Guatemala, the CHR has never had a case of an unjustly imprisoned colleague—only those of colleagues who are being threatened, have disappeared, or are murdered.

The CHR has worked on the case of Guatemalan anthropologist Myrna Elizabeth Mack Chang since shortly after she was stabbed to death in 1990 as she was leaving her office at the Association for the Advancement of the Social Sciences (AVANCSO) in Guatemala City. Myrna Mack had been doing research on and writing about the unjust treatment of the internally displaced people in Guatemala, and she was murdered two days after a report for which she was principal researcher, *Assistance and Control: Policies Toward Internally Displaced Populations in Guatemala*, was published by Georgetown University Press.

Myrna Mack, who earned a master's degree in anthropology in England at the University of Manchester, was a consultant to the Inter-American Commission on Human Rights and had academic ties with several universities in the United States, including Georgetown University and the University of California at Berkeley.

Background information on the CHR's work in Guatemala can be found in two of its previous publications, *Scientists and Human Rights in Guatemala: Report of a Delegation* (National Academy Press, 1992), which describes the findings of the CHR missions to Guatemala in 1991 and 1992; and *The Myrna Mack Case: An Update* (National Academy Press, 1998), which provides a history of the legal proceedings that brought to trial the military officer now convicted of planning and ordering the murder. Both publications are available from the CHR or on its website: nationalacademies.org/pga (Committee on Human Rights/Reports Archive). These CHR reports are supplemented by subsequent reports by the Lawyers' Committee on Human Rights (available from the LCHR at www.lchr.org). An informative summary of the situation in Guatemala that existed during the latter part of the civil war and events that followed the murder of Myrna Mack has been provided by Rachel Garst, consultant and U.S. representative of the Guatemalan nonprofit organization, Seguridad en Democracia (see Appendix B).

The initial police report on Myrna Mack's murder provided evidence that it was politically motivated, and the report implicated military intelligence officers. The policeman who did the investigation and wrote the report was murdered in front of his family, in August 1991, shortly before he was to give testimony before the Inter-American Commission on Human Rights of the Organization of American States. The report identified a former employee of the Intelligence Branch of the Presidential High Command (Noél de Jesús Beteta Alvarez) as a suspect in the murder of Myrna Mack; he then fled the country. Beteta was apprehended in California and extradited to face the charges in Guatemala City. He was convicted in February 1993 and sentenced to 25 years in prison, as well as 5 additional years for an unrelated incident. At that trial the judge rejected the prosecution's petition to leave open the proceedings against the alleged "intellectual authors" of the crime, who were three military officers: General Edgar Augusto Godoy Gaitán, Colonel Juan Valencia Osorio, and Colonel Juan Guillermo Oliva Carrera. However, they were subsequently indicted in June 1996.

Over the years, the CHR and many members of the NAS, NAE, and IOM have sent hundreds of letters to the government of Guatemala urging that it bring to justice the people responsible for Myrna Mack's death, including the intellectual authors of the crime. The CHR's chair and staff members met with successive Guatemalan ambassadors to the United States to express the committee's concern. At various times, the chair and staff also met with individuals at the U.S. Department of State to learn more about the murder and to emphasize that any evidence of which they were aware that could shed light on the case be shared with the Mack family.

CHR representatives first met with the Mack family, including Myrna Mack's teenage daughter Lucrecia Hernandez Mack and her sister Helen Mack at their home in Guatemala City in

1992; they have remained in close contact with Helen, who has acted as private prosecutor in her sister's case. The CHR twice brought Helen Mack to Washington. In 1996 she spoke about her sister's case at a symposium on human rights, "Challenges in Science and Human Rights; Past, Present, and Future," held during the NAS annual meeting. Two years later, the CHR arranged for her to meet with individuals at the U.S. Department of State about the need for specific information, of which they might be aware, to help her in prosecuting her sister's case. As an articulate spokeswoman regarding her sister's case and the overall human rights situation in Guatemala, Helen Mack has become a figurehead in the continuing struggle for human rights progress in Guatemala.

CHR MISSIONS TO GUATEMALA

The CHR has sent three missions to Guatemala since Myrna Mack's murder. During the first one in 1991, representatives attended the inauguration of a major human rights program organized by the University of San Carlos and assessed whether a more ambitious mission should be undertaken. In response to the conclusion that a second mission should be undertaken, five CHR representatives went to Guatemala for a week in 1992. That second mission had five objectives: to assess the human rights situation of scientific colleagues; to bring attention to the cases of colleagues who had been murdered for political reasons or who had been abducted and never reappeared (with a particular emphasis on Myrna Mack); to meet with Guatemalan officials; to lend support to the courageous efforts of the Mack family to bring to justice those responsible for the planning and execution of the murder of Myrna Mack; and, it was hoped, to bring a measure of protection to other vulnerable and threatened colleagues.

The third mission was undertaken in September 2002 by Mary Jane West-Eberhard, an evolutionary biologist who is a

member of the NAS, and Morton Panish, a chemist who is a member of both the NAS and the NAE. The terms of reference for the mission, which were sent to Guatemalan officials in advance, are presented in the box on page 6. The objectives of the third mission included attending a portion of the trial of the three former military officers accused of ordering the murder of Myrna Mack. West-Eberhard and Panish spent the week of September 9-13, 2002, in Guatemala City. This was the second week of the trial, and they attended the fifth through the eighth days. West-Eberhard and Panish spent 18 hours observing the trial during the approximately 26 hours it was in session during their visit. For the parts of the trial that they did not attend, they have included in their mission summary information gleaned from daily updates written by the Washington Office on Latin America (WOLA), the Myrna Mack Foundation, and members of the press.

In addition to attending the trial, West-Eberhard and Panish carried out several other activities (listed in Appendix C) to better understand the context of the trial and the current situation and political climate in Guatemala that may affect the well-being of the CHR's scientific colleagues there. They also wished to show solidarity with these colleagues during the critical and sometimes dangerous period in which the trial took place.

Terms of Reference

for

Delegation of the Committee on Human Rights of the National Academy of Sciences (NAS), National Academy of Engineering (NAE), and Institute of Medicine (IOM) to Guatemala

Dr. Morton Panish, a member of the National Academy of Sciences, USA, and the National Academy of Engineering, USA, and Mary Jane West-Eberhard, a member of the National Academy of Sciences, USA, are representatives of the Committee on Human Rights of the NAS, NAE, IOM who were asked to travel to Guatemala City, Guatemala on September 8-14, 2002, on behalf of the committee.

Their visit has seven objectives:

- (1) to attend as observers the second phase of the trial related to the September 11, 1990, murder of a scientific colleague, sociologist Myrna Elizabeth Mack Chang;
- (2) to demonstrate by their presence the importance that the CHR attaches to the completion of this trial in a fair and just manner, in accordance with international law;
- (3) to discuss with government authorities in Guatemala the CHR's concern about the physical safety of colleagues in science, engineering, and health care whose work has a human rights dimension;
- (4) to meet with scientists and scholars and visit academic research and education centers to establish closer personal ties and gain a better understanding of the work of scientific colleagues and the circumstances under which it is conducted;
- (5) to learn how members of the international scientific community might assist their colleagues in Guatemala to carry out their work in a safe and secure environment;
- (6) to present what they learn during their visit to the officers and members of the National Academy of Sciences, National Academy of Engineering, and Institute of Medicine; and
- (7) to prepare a report on their visit for distribution to interested individuals and organizations in the United States and abroad.

Report of the 2002 Mission

THE TRIAL

Mary Jane West-Eberhard and Morton Panish

Myrna Mack's sister, Helen Mack, was the plaintiff in this case, to which she has dedicated twelve years of her life. The team for the prosecution consisted of Helen Mack, her two lawyers, two lawyers from the Public Ministry (which is headed by the Attorney General and is the agency through which civil crimes are brought to trial), and, on occasion as needed, an expert on military affairs to aid in questioning witnesses. The team for the defense consisted of the three defendants and their lawyers (always at least one per defendant, and sometimes more).

The setting for the trial was the Salon de Vistas in the Supreme Court building in Guatemala City, a large, immaculate, primarily marble and wood-paneled auditorium. The trial was presided over by three judges (presiding Judge Morelia Ríos, Judge Jasmin Barrios, and Judge Carlos Chin), who sat at a table on a dais at the front of the room facing the audience. Below them, facing each other, were the prosecution team (on the judges' left) and the defense lawyers and defendants (on the right). When called, the testifying witnesses sat at the center of this stage facing the judges. The hall could accommodate approximately 200 people.

There are no jury trials in Guatemala. The judges make the determination of guilt or innocence, following public oral recitation of the documents deposited by the two sides and public statements and cross-examination of witnesses (the phase in progress during the CHR representatives' attendance). The trial had been in progress for four days prior to the arrival of the CHR representatives. Virtually all of the questions addressed to the witnesses were from the lawyers of the two parties to the trial. The presiding judge only occasionally asked a substantive question, intervening primarily to maintain the correctness and order of the proceedings. The judges sometimes called a brief recess to confer regarding matters of procedure. They appeared to be managing the proceedings fairly and evenhandedly.

At the adjournment of the first day of the trial (September 3, 2002), the presiding judge ordered the defendants jailed as a precaution against their escape, a maneuver which surprised all present given the power and stature of the defendants. During the first week of the trial, there was testimony by Clara Arenas (the current executive director of the Association for the Advancement of the Social Sciences, AVANCSO) that Myrna Mack had been warned that men linked to the army were asking about her and her research. Ms. Arenas argued that she believes the army killed Myrna Mack because of her research on refugees and the internally displaced populations, which was considered a threat to the interests of the state.

During the first week there was also testimony by Monsignor Julio Cabrera Ovalle, who was the bishop in the area of the Department of El Quiché, where Myrna Mack had worked with the indigenous population. He argued that she was murdered because the army believed she had written a statement issued by the Communities of Population in Resistance¹ protesting army bombings

¹ The Communities of Population in Resistance (CPR) are groups of the rural indigenous population who fled into the rain forests in the early 1980s, when the Guatemalan government began its

and requesting that the indigenous people be allowed to exercise their constitutional right to live, travel, and freely resettle. This document was published in the Guatemalan press on September 7, 1990. Monsignor Cabrera said that the army viewed the indigenous population as guerrilla collaborators and fiercely opposed their efforts to live outside military control. This testimony presented a somewhat new perspective; it is a connection not prominently made in the CHR's previous information on the case.

In the succeeding sessions, the defense strategy was to show that the intelligence section of the Presidential High Command (Estado Mayor Presidencial (EMP), a military unit known as the "archivo") was a separate entity from the army and did no intelligence or counterinsurgency work, their exclusive function being the protection of the president and his family. This argument was weakened as witnesses contradicted these claims. It is also of interest that there was a major assumption and claim by the prosecution that did not appear to be questioned by the defense—that the murder was committed by members of the army. This unchallenged assumption is the basis for the rationale by the defense to demonstrate that the EMP is an entity distinct from the army.

In general, the argument being pressed by the prosecution was that the "intellectual authorship" of the Myrna Mack murder could be attributed to the officers that headed the EMP at the time of the murder because: (1) the convicted murderer of Myrna Mack, Noél de Jesús Beteta Alvarez, was employed there; (2) the crime involved a pattern of activity commonly associated with the EMP; and (3) the murder was motivated by the EMP's participation in the military objective of counterinsurgency, especially involving internally displaced persons—the populations Myrna

scorched earth policy directed at the indigenous population. Over time they organized themselves into three larger groups—the CPR of the Ixcán, the CPR of the Petán, and the CPR of the Sierra—to facilitate their survival, in particular, their ability to produce food and protect themselves against the army.

Mack studied and which therefore caused her to be considered an enemy of the state.

To support this argument, the prosecution and the Public Ministry presented several witnesses and eyewitnesses of events. The prosecution also used a military expert—a former Peruvian general, Clever Alberto Pino Benamú, now devoted to exposing military violations of human rights—to cross-examine military witnesses for the defense. Additionally, they presented experts on the structure of the Guatemalan military and its chain of command, endeavoring to establish that the EMP could have participated in counterinsurgency and intelligence activities, in keeping with broad military objectives beyond presidential security (their putative official function). These experts included a Guatemalan sociologist, Hector Rosada—author of a scholarly book on the military—who testified that the EMP was definitely a part of the army, that it was an organization with a tight command structure and discipline, and that it was also involved in intelligence work.

More detailed testimony along the same line came from Kate Doyle, an analyst for the National Security Archive, a non-governmental organization in the United States devoted to scholarly analysis of documents from the Central Intelligence Agency (CIA), Federal Bureau of Investigation, and U.S. Department of State that are obtained under the Freedom of Information Act.² (These same documents had confirmed and clarified several of the CHR's long-standing cases of disappeared Guatemalan colleagues.) Ms. Doyle testified as an expert witness on her understanding of the structure of the Guatemalan military as revealed by her studies of unclassified U.S. documents. She testified that the CIA and the U.S. Department of State had extraordinarily detailed access to the inner workings of the Guatemalan military, intelligence, and counterinsurgency operations as evidenced by 15,000 available documents. This kind of information is essentially un-

² The documents were either unclassified or declassified.

available in Guatemala. She said that the documents clearly demonstrated that the EMP was an integral part of the army, of the intelligence gathering apparatus, and of counterinsurgency operations. Furthermore, she testified that there was very tight command control over the actions of the various units and individuals in the army EMP apparatus and that one of the functions of the EMP was the elimination of people considered undesirable by the army. The impression given by the defense lawyers in their questions to Doyle was that they did not understand how such confidential government documents could be made available to the public, thereby implying that their authenticity should be questioned.

There were several other witnesses of particular interest. A former newspaper vendor, Virgilio Rodríguez Santana, who regularly sold newspapers near the home of the Mack family, said that he observed Myrna Mack being followed by her murderer. He described a pattern of behavior shown by other witnesses to characterize EMP operations. Mr. Rodríguez became the focus of a procedural controversy because he was brought by the prosecution from Canada, where he now lives as a Canadian citizen and political refugee, having left Guatemala because of threats to his life in connection with this case. Because his Canadian passport does not bear his maternal surname (not used in Canada), it did not match the full Guatemalan name listed in the court documents. This surname discrepancy had been the basis for court refusal to hear two previous defense witnesses. The defense had not questioned these refusals, but the prosecution cited a law that permits hearing the witness pending later resolution of the identification problem, a point accepted by the judges after a recess. This ruling led to strong accusations by the defense lawyers of inconsistency by the judges (which provoked a strong reprimand by the presiding judge), leading the defense to refuse to question the witness. Some observers raised the possibility that this incident might later be cited if a claim of a mistrial is submitted to the courts.

Another witness was a former chief of the Investigations Department of the Office of the Human Rights Ombudsman (Procuraduría de Derechos Humanos), Leonel Gómez Rébula, who was responsible for the investigation of all human rights cases, including that of Myrna Mack. His records contained complaints naming one of the defendants (Colonel Valencia Osorio) as being involved in making phone calls to one of the police investigators in the Myrna Mack case. That police investigator, José Miguel Mérida Escobar, was later murdered, and his coworker fled Guatemala because of threats.

A bishop, Monsignor Flores Reyes, testified as to the low-profile conduct of Myrna Mack during her research in the countryside in his parish, her patient role as a listener, and her lack of identification with the guerilla insurgency or other local political activity.

Jorge Lemus Alvarado, a prisoner in 1994 at the same jail where Noël de Jesús Beteta (the convicted murderer of Myrna Mack) was serving his sentence, testified that he aspired to be an investigative reporter and proposed that Mr. Beteta allow him to record his true story. He and Mr. Beteta were part of a small group of friends who met daily to converse. Mr. Lemus described Mr. Beteta as unhappy that his former superiors at the EMP had apparently abandoned him. Mr. Lemus recorded his interviews on several audio tapes and also, with the permission of the director of the jail, procured a video camera and filmed Mr. Beteta's account, including an admission that he had murdered up to 30 people a year as an employee of the EMP.

According to Mr. Lemus, Mr. Beteta confessed that he received a direct order to kill Myrna Mack from one of the defendants, Colonel Valencia Osorio, with the implicit knowledge of another defendant, General Godoy Gaitán. He gave detailed information about how he planned the murder and the escape route he took after it was committed. Copies of the tapes are in the

hands of the judges, and there are copies kept for safekeeping at other places, including the U.S. Embassy in Guatemala City. The judge did not grant a request by the prosecution to have the tapes played at that time.

Mr. Beteta has since retracted statements made during the interviews with Mr. Lemus. A few days later Mr. Beteta testified at the trial to this effect, saying that he was under the influence of drugs provided through Helen Mack, that he is innocent of the murder, and that the defendants did not order him to carry it out. Since Mr. Beteta admitted in his testimony that he had made the tapes, the judges subsequently played them at the trial.

On the 12th day of the trial, former Guatemalan President Marco Vinicio Cerezo Arévalo (1986-1991) testified that the official functions of the EMP were supposed to be limited to providing security for the president and his family and were not to include intelligence and counterinsurgency activities. Mr. Cerezo said that he had no knowledge of EMP involvement in anything illegal. He identified the three accused as military officers who supported the democratic process. Mr. Cerezo said that he ordered the dismantling of the "archivo" office of the EMP at the beginning of his presidency and created the Department of Presidential Security (DSP), where Beteta, Oliva, and Valencia worked. He indicated that he had also dismantled the Department of Technical Investigations (DIT) in the National Police. He said that he did this because both entities were involved in illegal activities and political crimes. Former President Cerezo's testimony was the last of the expert testimonies from witnesses heard by the court.

The trial then passed into the phase in which documentary evidence was brought before the court. The court reviewed a report, *Institutional Politics Towards the Internally Displaced in Guatemala*, for which Myrna Mack was principal researcher, which was published in English just two days before her murder, as well as excerpts from the report of the Recovery of the Historic

Memory (Recuperación de la Memoria Histórica, REMHI) Project³ and many other documents.

The documentary evidence phase was then followed by several days of conclusions and final arguments by the prosecution and the defense.

On the evening of October 3, 2002, the judges rendered their verdict. Colonel Juan Valencia Osorio was sentenced to 30 years in prison for planning and ordering the 1990 murder of Myrna Mack. General Edgar Augusto Godoy Gaitán and Colonel Juan Guillermo Oliva were acquitted on the grounds that there was insufficient evidence that they had been directly involved in ordering the murder. Helen Mack immediately filed an appeal against their acquittal. They are being held in preventive detention, pending the outcome of the appeal, at El Boquerón maximum security prison. The conviction of Colonel Valencia Osorio is an unprecedented event in Guatemala: it marks the first time that a high-ranking member of the military has been convicted for a crime committed during the country's 36-year armed conflict. (A statement issued by the Myrna Mack Foundation following the announcement of the verdict can be found in Appendix E.)

Both the prosecution and defense subsequently appealed the verdict, issuing briefs on both substantive and procedural grounds. An appeal hearing took place on December 5, 2002, as had been scheduled, before the Third Chamber of the Court of Appeals. However, arguments on the merits of the appeals were not heard, primarily because the defense filed motions against two of the three judges of the Chamber. As a result of the motions, the hearings were postponed, resulting in the case being transferred

³ The Recovery of the Historical Memory (REMHI) Project was begun by the Catholic Church in Guatemala in an effort to establish the truth about what happened during the 36-year civil conflict as a basis for justice and reconciliation. Interviews of approximately 7,000 victims were analyzed and published on April 24, 1998, in a report entitled *Guatemala: Nunca Más (Guatemala: Never Again)*. The report found the Guatemalan military and paramilitary groups responsible for the vast majority of human rights violations committed during the conflict.

from the Third Chamber to the Fourth Chamber of the Court of Appeals—the same court that had recently issued a ruling overturning the convictions in the murder trial of Bishop Juan José Gerardi Conedera.⁴ An appeal hearing was then scheduled for late February 2003, but was postponed by a motion filed by the public prosecutor. The appeals are now expected to be heard in late April 2003. According to the Lawyers Committee for Human Rights, threats and intimidation, particularly of witnesses and staff members of the Myrna Mack Foundation, have continued during the appeals process.

Another significant development with regard to the Mack case took place in mid-February 2003, when the Inter-American Court of Human Rights began hearing the Mack case.⁵ Just before the government of Guatemala was to appear before the Inter-American Court, it wrote to the court that it accepted international responsibility for having failed to provide prompt and due justice in the case. At the subsequent court session, when the government of Guatemala was accused of violating Myrna Mack's right to life and failing to promptly bring the case to justice, the government withdrew from the hearing. The court ordered the hearing to proceed as planned, however, to allow it to make a determination regarding the extent of the state's responsibility in the case. The Guatemalan government returned to the hearing only to make a final statement. The court's decision is expected in late summer or early fall 2003. If, in the court's view, the American Convention

⁴ Bishop Gerardi was auxiliary bishop of the archdiocese of Guatemala and coordinator of the archdiocese's human rights office. On April 26, 1998, he was brutally murdered in the garage of his home, two days after he announced the much publicized report on the Guatemalan civil conflict (see fn. 3). As pastoral director of the REMHI Project, Bishop Gerardi oversaw production of the report and presented it to the Guatemalan public on April 24, 1998.

⁵ In early 2000—because Guatemala had not brought the three military officers charged with ordering Myrna Mack's murder to trial in its own courts—Helen Mack requested that the Inter-American Commission on Human Rights of the Organization of American States begin the process of placing the case under the legally binding jurisdiction of the Inter-American Court of Human Rights. The case was referred to the Inter-American Court in June 2001. Due to a backlog in cases, however, the case did not come before the court until February 2003.

on Human Rights has been violated by the government of Guatemala, reparations could be awarded to the Mack family.

Since August 2002, the Guatemalan government has been required—by order of the Inter-American Court—to take measures to protect Helen Mack and her family. That court order was reissued in February 2003. According to the Lawyers Committee for Human Rights, the state is required to work with the Mack family in arranging for their protection and must file a report on its progress every two months.

POLITICAL CONTEXT

The CHR representatives' observations, conversations, and briefings during this mission (see Appendix C) indicate that at the time of their visit the situation in Guatemala for colleagues of the CHR was worsening rather than improving, in spite of a brief period of optimism generated by the 1996 peace accords. Pressure by the international community played an important role in bringing an end to the 36-year civil war in 1996. During the war some 200,000 people—primarily civilian Mayan Indians—were killed or disappeared. International pressure is still critical in promotion of human rights in Guatemala. The perception of the army was that they had won the war. They submitted to a series of peace accords, including democratic and human rights guarantees, as the result of outside pressure. Optimism ended with the murder of Bishop Gerardi in 1998. As emphasized by Dr. Edelberto Torres Rivas, Guatemalan advisor of the United Nations Development Program, the Guatemalan institutions that in the past have provided a measure of security to threatened scholars have been weakened by internal divisions and new priorities. Following the completion of the truth commission report and the assassination of Bishop Gerardi, the Catholic Church, although still a leading defender of human rights, turned increasingly to pastoral missions.

There appears to be no political party in Guatemala strongly committed to the development of truly democratic institutions. Some of the most influential prodemocracy leaders come from the human rights movement, including Helen Mack, Nobel Peace Prize Laureate Rigoberta Menchu Tum, and others. However, these people do not constitute a political party. The traditional parties are internally fragmented, and the peace accords made it easy for new parties to be legally established, which has led to a proliferation of small, weak parties. As primary elections approach (scheduled for November 2003), the Guatemalan Republican Front (Frente Republicano Guatemalteco, FRG)—the party of current President Alfonso Portillo—has failed to gain the confidence of those interested in promoting democracy and the rule of law. The FRG is known for fiscal corruption and is under the control of former general and ex-dictator Efraín Ríos Montt, who is currently president of the Congress. Montt originally took power in a military coup in the early 1980s and is widely believed to have been responsible for many of the human rights atrocities of that period.

The general political picture is of a growing power vacuum in Guatemala, with the potential sources of political leadership—including traditional political parties, the Catholic Church, indigenous and campesino groups, labor unions, those representing business interests, and even the military—internally divided or weak. Nevertheless, the military is still, as in the past, the dominant controlling force.

This power vacuum is being filled by covert groups (“cuerpos clandestinos”) that issue death threats (see Appendix D) and sometimes carry them out and by a revival of paramilitary groups that were formerly allied with the military. President Portillo has reportedly referred to these groups as “a parallel power structure.” Judges, prosecutors, human rights workers, and indigenous leaders, as well as scientists, have become targets.

In an ironic twist, some former members of the Civil Self-Defense Patrols (Patrullas de Autodefensa Civil, PACs) recently went on strike and demanded reparations for their services to the nation during the civil war. Their wartime services included murdering, displacing, torturing, and otherwise persecuting the indigenous population alleged to be supporting the insurgency. These people are financially desperate because of unemployment associated with the coffee crisis that has resulted from drought and competition. The former members of the PACs are being encouraged in their demands by radio broadcasts and ex-military hardliners promoting the reestablishment of the PACs. The government, with elections approaching in October 2003, has promised to pay them.

Rigoberta Menchu Tum and others have been quick to point out that not only does the proposed payoff promote intense divisiveness among the communities of the rural poor, who remain fearful and disorganized since the civil war, but it focuses on the rural PAC members as those responsible for the atrocities instead of on the military that promoted and condoned their acts.

Meanwhile, the EMP has not been eliminated, despite a stipulation for its elimination in the peace accords.⁶ This is the unit to which the convicted murderer of Myrna Mack, Noél de Jesús Beteta Alvarez, was attached and whose former leaders were tried as intellectual authors of the Myrna Mack murder. The clandestine groups now operating in Guatemala are similar—in the way they function and who they target—to the EMP during the civil war.

⁶ In late 2002, President Portillo took what he has called the first step toward eliminating the EMP by reducing it by 25 percent, and he reportedly planned another similar cut in March 2003. The Guatemalan press, however, has reported that the 162 individuals who were dropped from the EMP were mostly personnel who were close to finishing their service requirements. It should also be noted that, in order to fully and properly dismantle the EMP, the *ley constitutiva* (constituent law) would need to be amended by the Guatemalan Congress. To our knowledge no such step has been taken.

The CHR's Guatemalan colleagues and those concerned about their welfare worry that the human rights situation in Guatemala will worsen even further in 2003, with the expiration of oversight of the peace accords by the United Nations Mission to Guatemala (Misión de las Naciones Unidas en Guatemala, MINUGUA). In a speech before the U.N. General Assembly on September 12, 2002, President Portillo briefly suggested that the U.N. peace mission be extended to 2004. The day after the speech, however, press reports (*Siglo Veintiuno*, September 13, 2002) indicated that the United States opposes this plan but will study it. Other countries were cited as supporting an extension. Additional mechanisms by which to apply international pressure will need to be initiated to slow or prevent further deterioration of the human rights situation for academics in Guatemala.

Scientists at AVANCSO, especially those engaged in research similar to that of Myrna Mack with the internally displaced populations, have recently been victims of death threats (see Appendix D) presumed to be from the clandestine groups discussed above. As a result, in the weeks prior to the trial, Helen Mack and Clara Arenas found it necessary to leave the country for brief periods (2-4 weeks) for security reasons, and, during the third week of the trial (on September 18, 2002), the family of Helen Mack's lawyer, Roberto Romero, also left Guatemala because of death threats.

By keeping close records of threats and other kinds of harassment, AVANCSO researchers have noted that peaks in these activities are associated with events such as publication of their books or of prominent human rights reports by observers (such as the U.N. Special Rapporteur on Human Rights Defenders, Hina Jilani) with whom they had conferred. Repeated appeals to the government to deal with these threats reportedly have had no effect.

AVANCSO scientists explained to the CHR representatives that they wish to emphasize their role as professional researchers whose work has application in improving the well-being of the Guatemalan people. They stressed that such research is distinct from human rights activism. They have characterized the kind of international support they need as “academics for academics.” The CHR is seen as especially effective in providing this type of support.

Conclusions

The prospect of a civil society with a strong democracy and consistent rule of law seems increasingly unlikely in Guatemala. There is also a growing risk to any scientific worker investigating the events and aftermath of the civil war or working for the betterment of civil society in the countryside. Close attention and support by scientists, engineers, and health professionals interested in the plight of their colleagues who are trying to undertake such investigations and projects is clearly needed.

In consideration of what has been learned by the CHR in the course of its human rights work in Guatemala during the past decade, the findings of the 2002 mission undertaken by West-Eberhard and Panish, and the disturbing increase in threats to the physical safety of scientific colleagues in Guatemala because of their scientific work, the CHR decided that it should undertake a number of specific initiatives to help protect and provide moral support to these vulnerable scientific colleagues.

To that end, the CHR arranged for Clara Arenas to travel to the 2003 biennial meeting of the International Human Rights Network of Academies and Scholarly Societies, to be held in May in Ascona, Switzerland. The meeting is being hosted by the Council of Swiss Scientific Academies and will be attended by representatives of several dozen national academies and scholarly societies

affiliated with the Network. Clara Arenas will present a paper, "Conducting Socially Relevant Research in a Politically Polarized Environment," that addresses the social relevance of scientific work done by a research center that has as its founding goal the conduct of research that is useful to the excluded sectors of society—including not only what is investigated but also how it is investigated and how the results are used.

In addition, the CHR decided to explore the possibility of organizing a full-scale mission to Guatemala sometime in 2003, given the increased danger since the trial to Helen Mack and to the CHR's colleagues working at AVANCSO and elsewhere in Guatemala. The timing of such a mission would be decided after discussions with colleagues in Guatemala.

Of course, the CHR's staff and correspondents have and will continue to remain in close contact with Guatemalan colleagues as an expression of its continuing support and readiness to act in their behalf.

Additionally, given the importance of outside pressures in the progress of human rights in Guatemala, and the increasing role of the European community in this arena, it is hoped that the International Human Rights Network of Academies and Scholarly Societies, for which the CHR serves as secretariat, will agree to be prominently involved in these and other efforts in Guatemala.

Appendix A

COMMITTEE ON HUMAN RIGHTS

Description

The Committee on Human Rights was created in 1976 in response to concern by members of the National Academy of Sciences (NAS) about widespread abuses of human rights, particularly those of their scientific colleagues. In 1994, the National Academy of Engineering (NAE) and the Institute of Medicine (IOM) joined the NAS as full sponsors of the committee. The committee is composed of members drawn from the membership of the three institutions. The committee has the active support of more than 1,700 members of the NAS, NAE, and IOM, who assist it as “correspondents” in its human rights work by writing appeals in behalf of and letters of encouragement to imprisoned colleagues. The committee is financially supported by the NAS, NAE, and IOM, several private foundations, and contributions from private donors.

The work of the committee is grounded in principles set forth in the U.N. Universal Declaration of Human Rights (UDHR). The committee does not support or oppose any government or political system; it does hold governments responsible for conform-

ing to international standards for the protection of human rights and accountable when they do not.

The committee uses the influence and prestige of the institutions it represents in behalf of scientists, engineers, and health professionals anywhere in the world who are unjustly detained or imprisoned for exercising their basic human rights as promulgated by the UDHR. Each case is carefully investigated, using a variety of sources, before being taken up by the committee. Such individuals cannot have been known to use or advocate violence. The committee also intervenes in behalf of non-violent colleagues who are the recipients of death threats, and it works to promote just prosecution in cases of individuals who have been killed for political reasons.

Activities of the committee include private inquiries, appeals to governments, moral support to prisoners and their families, and consciousness-raising efforts such as workshops and symposia. Periodically, it undertakes a mission of inquiry to a country. It issues public statements regarding a case or reports on the human rights situation in a country only when significant private efforts have proved unsuccessful and after the NAS Council and the presidents of the NAE and IOM have approved such action by the committee. The committee also is a catalyst for human rights issues of concern to the members of the academy complex.

The committee serves as the secretariat for the International Human Rights Network of Academies and Scholarly Societies. The Network, created in 1993, works to address grave issues of science and human rights, particularly the unjust detention or imprisonment of colleagues, throughout the world. Currently, science academies and scholarly societies in 60 countries are affiliated with the Network; each is represented by internationally prominent members who are also human rights advocates. The members of the Network's Executive Committee are: Arjuna Aluwihare, Sri Lanka; Claude Cohen-Tannoudji, France; Ayse Erzan, Turkey; François Jacob, France; John Polanyi, Canada; Pieter

van Dijk, the Netherlands; Edoardo Vesentini, Italy; and Torsten Wiesel, the United States of America.

Appendix B

JUSTICE AGAINST ALL ODDS

Guatemalan Military Officers Finally on Trial for Murder of Myrna Mack

Rachel Garst

September 11th marks not only the date of a U.S. national tragedy, but in the Central American country of Guatemala is the anniversary of another notorious act of terrorism: the vicious stabbing murder of social scientist Myrna Mack by Guatemalan state agents. For over a decade the victim's family has pushed Guatemala's almost inoperative legal system to respond to that crime. That struggle has now finally led to one of Latin America's most important challenges to military impunity.

Guatemalan anthropologist Myrna Mack was murdered on the sidewalk in front of the offices of the Guatemalan Association for the Advancement of the Social Sciences (AVANCSO) in the

early evening of Sept 11, 1990. Twelve years later, on September 3, 2002, the high-level military intelligence officers indicted as the suspected plotters of that murder finally went on trial. Retired General Edgar Augusto Godoy Gaitán, Colonel Juan Valencia Osorio, and Colonel Juan Guillermo Oliva Carrera are at long last facing the charge of planned assassination in an open, public, civilian Guatemalan court. And, after years of impunity won through endless legal delays and appeals, the presiding judge just ordered them confined to prison on the grounds that now that they are finally being forced to face justice, they might well attempt to flee.

Noel de Beteta Alvarez, the low-level sergeant major who actually wielded the knife against Myrna, was convicted and jailed for that murder in 1993. These further indictments are thus not against the actual killer, but more significantly, against the high-level military intelligence officers who apparently masterminded and ordered her assassination as part of a larger state terror campaign.

According to the official 1998 report of the U.N.-backed Guatemalan Historical Clarification Commission (Guatemala's equivalent of a Truth Commission), an estimated 200,000 Guatemalans, nearly all civilians, were killed or "disappeared" during 36 years of civil war that ended in 1996; and some 97% of these cases were attributed to government forces. In the rural areas, according to the Commission, state repression against indigenous populations reached the level of "genocide."

In a country with this degree of state terror, there was nothing particularly unusual about one more murder of yet another social scientist. But what is special about the Mack case is the tenacity and ethical vision with which her family, especially her sister Helen Mack, has pursued basic justice, and successfully mobilized both Guatemalan and international support to that end.

At the time of Myrna's killing, no military personnel had ever been tried for a human rights violation in Guatemala, and Helen Mack was a 39-year-old Guatemalan business administrator with no prior political involvement or legal experience. Yet when Guatemala's civilian government neglected to adequately investigate or prosecute her sister's murder (just as state authorities failed to do in 200,000 other cases) the Mack family decided to pursue justice at all costs.

Making use of a provision Guatemalan law that allows private citizens to sign up in a prosecutorial role ("querellante adhesiva"), Helen has single-mindedly dedicated the last dozen years of her life to investigating, prosecuting, and publicizing her sister's case, and through that process has evolved into a seasoned, though untitled, lawyer advocate. By 1992, Helen's efforts to bring this case to justice won her Sweden's Right Livelihood Award, also known as the "Alternative Nobel Peace Prize." This award enabled Helen to establish the Myrna Mack Foundation, which is dedicated to research and advocacy on measures to help reform the justice system in Guatemala.

Helen Mack's argument is simple yet unprecedented in a country where the rule of law has been so long ignored: the Government of Guatemala must credibly investigate this murder and prosecute those responsible, even if the evidence points to the upper echelons of the armed forces. Only in this way could the country's widely heralded "transition to democracy" begin to have any real meaning.

WHO WAS MYRNA MACK?

Myrna Mack was a social anthropologist whose research on refugees and internally displaced populations helped break the silence within Guatemala concerning the effects of army counterinsurgency and scorched earth policies on Mayan communities in the highlands.

Trained in England, Myrna returned to Guatemala in the mid 1980s, just after the height of the army's war against guerrilla groups and those groups suspected civilian supporters. Rural Guatemala was in shambles, with, according to a Catholic Church estimate, up to one million people forcibly displaced from their homes. In Guatemala City, an entire generation of intellectuals had been either killed or forced into exile. Despite the pervasive fear that existed in Guatemala, Myrna was determined to continue her anthropological work by documenting conditions in the countryside. In 1986, following national elections and the inauguration of a new civilian government, she and a group of colleagues founded a small research institute called the Association for the Advancement of the Social Sciences (AVANCSO).

From 1987 to 1990, Myrna conducted research on the reintegration of refugees and internally displaced groups, a delicate and politically sensitive topic. As she traveled throughout the countryside, Myrna documented the massacres that drove tens of thousands into hiding in the mountains, government policies to capture and control displaced populations, and the difficult and slow processes by which villagers were seeking to return to their former lands (many of which meanwhile had been usurped by others). She shared her research results with Church groups and non-governmental organizations in the capital, and she soon gained recognition as one of the few people in Guatemala City who could accurately describe conditions in the countryside. She worked closely with the Ford Foundation, as well as Georgetown University, the University of California at Berkeley, and the University of Texas.

Whereas the Guatemalan refugees in Mexico had begun to receive international attention and United Nations assistance by the mid 1980s, the situation of the internally displaced was entirely different. Within the borders of Guatemala, extremely difficult political and security conditions made Myrna's field research both

dangerous and unprecedented. Her field visits showed the devastating social effects of the Guatemalan army's policy of resettling internally displaced populations into "model villages." She wrote of how the army viewed the displaced as an issue of national security and of how assistance to these populations was being strictly controlled by military authorities, in violation of international humanitarian law.

In 1990, small groups of displaced villagers living in remote mountainous and jungle areas outside of army control, called "Communities of Population in Resistance (CPR's)" began organizing to seek national and international humanitarian assistance. Many of these people, which numbered about 25,000 persons and included large numbers of women, children and the elderly, had by then been living hidden in the wilderness for 6-8 years or more, with little or no access to clothing or supplies. The army viewed these persons as guerrilla collaborators and fiercely opposed their efforts to live outside military control, responding both with bombing campaigns and the forced political reeducation of those they were able to capture on their periodic sweeps. On September 7, 1990, the CPR's published a statement in the Guatemalan press protesting army bombings and requesting that, as civilians, they be able to exercise their Constitutional right to live, travel, and freely resettle in peace.

A few days later, on September 11, 40-year-old Myrna Mack was stabbed 27 times as she left her office in downtown Guatemala City after work. Many interpreted the attack against Myrna not just as an army effort to discourage research and documentation of rural atrocities, but also as a message to religious and humanitarian groups to dissuade them from aiding the internally displaced. In reaction to the murder, scholars, religious leaders and human rights activists from all over the world sent public letters to the Government of Guatemala, including a protest statement signed by over 500 U.S. university professors.

THE INVESTIGATION AND PROSECUTION OF THE MYRNA MACK MURDER

Investigation of the Myrna Mack murder was difficult from the beginning. Initial obstacles included official statements with offensive insinuations regarding Myrna's character, in order to suggest a crime with non-political motivations; the loss of key forensic evidence from official custody; and the preparation of a false police report. In 1991, after this fake report came to light, the police homicide detective in charge of the case, José Mérida Escobar, was shot and killed shortly after ratifying his original investigative report (which had implicated the military in this killing), and another man was jailed for this supposed crime of passion. Yet another police investigator and numerous other witnesses have been forced into temporary or permanent exile, and other witnesses within Guatemala have been subject to repeated threats and harassment.

Despite these obstacles and dangers, the persistence efforts of Helen Mack and her supporters have slowly succeeded in pushing the case forward through the Guatemalan prosecutorial system and courts. In 1993, a low-level army sergeant and intelligence operative, Noël de Jesús Beteta Alvarez, was finally convicted of the Mack killing and sentenced to 25 years in prison.

But Helen Mack refused to rest there. At the time of the murder, Beteta had been in the employ of an infamous military intelligence unit long operating within the offices of the Guatemalan Presidency, known as the Presidential General Staff (Estado Mayor Presidencial-EMP) and popularly called the "Archivo." With the argument that Beteta was almost certainly acting under orders, for the last nine years Helen Mack has pursued charges against Beteta's superiors in the EMP as the apparent "intellectual authors" of the crime.

The second phase of this case has also been fraught with intimidation against witnesses, prosecutors and judges, as well as

every manner of legal roadblocks. Dozens of judges and courts have passed the case around like a hot potato, and lawyers for the military defendants have filed appeal after appeal, first to try to get the case held in military courts and then to simply delay it ever getting to trial. Indeed, so blatant and numerous have been the obstacles to justice that on August 1, 2001, the Inter-American Human Rights Court in Costa Rica agreed to hear a case against the Government of Guatemala for its failure to ensure the timely application of justice for the Mack family. That separate case, not against the particular defendants but against the state itself, will take place starting November 19, 2002, in San Jose, Costa Rica.

Meanwhile, the case has continued to wend forward in a country where a real transition to democracy and justice still hangs in the balance. The 1985-6 elections and, a decade later, the 1996 peace accords (signed between the Government of Guatemala and that country's tiny and largely ineffectual guerrilla movement) helped to largely end decades of state-sponsored repression. By now, the guerrillas have all been reincorporated into civilian life and Church and semi-official "Truth Commissions" have provided a partial accounting of the worse of state repression. Yet those responsible for the estimated 200,000 civilian deaths and disappearances are still unnamed, and at large. Furthermore, an unrepentant military still wields enormous power and influence; and the current civilian government of Alfonso Portillo is marked by massive instability and ongoing tensions within the government itself. Worse, as the current UN Human Rights Mission to Guatemala winds down and as the Mack case and other similar judicial cases finally make it to trial, attacks against human rights advocates are once again on the rise.

President Portillo, who cultivates an image as a populist and a reformer, was brought to power by an extreme right-wing party led by the infamous retired General Efraim Rios Montt, who had been dictator of Guatemala in 1982-83 during the period of the worst repression and massacres. Under the current Portillo government, where Rios Montt has been able to exercise substantial leadership

as President of Congress, the ruling Guatemalan Republican Front (FRG) leadership has repeatedly shown a blatant disregard for the rule of law. Current accusations against top FRG leaders include the illegal alteration of legislation already voted on by Congress, the use of government printing presses to print anonymous flyers discrediting political opponents, and the illegal appropriation of millions of dollars in state funds.

Over the last two years there has also been a marked increase in threats and attacks on human rights workers. These have included a rash of office break-ins (which usually involve stealing the computers and data bases of the nonprofits thus targeted); the apparently political murder of a U.S. nun in a staged car robbery; and abduction attempts against a visiting Amnesty International representative and last October, against Matilde Gonzalez, an AVANCSO employee. Written threats have also been received at the Mack Foundation office, and in June 2002 AVANCSO director Clara Arenas was included on a death threat naming 11 human rights activists and journalists and signed by a death squad. At the end of August Helen's lawyer also received serious threats.

This wave of persecution coincides with the advance of numerous legal suits brought in recent years against both active-duty and retired Guatemalan government officials (including Rios Montt himself). One of the most important cases was the trial of ex-EMP members accused of the 1998 murder of Guatemalan Bishop Juan Gerardi, head of the Catholic Church human rights office. Just days after releasing a Church report on the history of human rights violations in Guatemala, Bishop Gerardi was found in his garage with his head beaten in with a piece of cement block. In June 2001, an unprecedented judicial ruling found two military intelligence officers—one a retired colonel and the other a captain—as well as a former member of the presidential guard who was also an army-trained hit man, guilty of planning and executing Bishop Gerardi's murder. (The Bishop's housemate, a Catholic priest, was also convicted as an accomplice). The prosecutors, witnesses and judge in this case fled the country after the verdict.

Meanwhile, the infamous EMP--which in theory is to be a secret service but in practice has been a military intelligence office at the service of the presidency-- has repeatedly been targeted for a reform that just never seems to happen. Each one of the last four civilian presidents has vowed to disband it, but each seems to end up relying on its services. President Portillo has proved to be no exception. Upon taking office in January 2001, Portillo had announced his reform plans to the Guatemalan and international community, including the gradual dissolution of the EMP and its replacement by a new civilian secret service (for protection) and a Secretariat of Strategic Analysis-SAE (to generate analysis to guide presidential decision-making). Shortly thereafter, the new civilian head of the new SAE announced the discovery of an illegal file of 650,000 Guatemalans (presumably authored by the EMP) found in the presidency's computers. To date, however, there has been no credible investigation of this illegal political archive and President Portillo not only has backtracked on the dissolution of the EMP, but he has increased its budget and thereby the Presidency's access to soft monies. The Mack case, if successful, could provide one more pressure point to help finally force the dissolution of this militarized presidential intelligence unit.

The Historical Clarification Commission called the Myrna Mack case a paradigm of justice failure in Guatemala, and cited it as evidence of the existence of a parallel, shadowy intelligence apparatus that blocks effective investigation and prosecution of political crimes. The Guatemalan military and police have yet to be brought to account for their murders of thousands upon thousands of Guatemalan citizens, and individuals clearly implicated in these crimes continue to hold high legislative and executive office. Formally, there is rule of law, but in practice, there has been near total impunity for the crimes of the past. In addition, there are clear and ongoing attempts to subvert the effective application of justice through the intimidation of witnesses, prosecutors, and judges.

Nevertheless, the Mack case remains as proof that significant progress can be made and democratic spaces opened up, when citizens refused to be intimidated and demand that justice be done.

Sept 6, 2002

Appendix C

Meetings and Events Attended by the Mission Delegates

Mary Jane West-Eberhard and Morton Panish participated in several private meetings and two public tributes to Myrna Mack in the course of their week in Guatemala City.

Private Meetings

Guatemalan Human Rights Nongovernmental Organizations

- Meeting with Helen Mack, arranged by a delegation of the Latin American Studies Association (LASA) and the Myrna Mack Foundation (Fundación Myrna Mack), who kindly included us when we arrived on short notice to attend the trial.
- Meeting organized by the Rigoberta Menchu Foundation, which featured lectures by the Legal Area Coordinator of the Myrna Mack Foundation—María Eugenia Solís García—on the history and state of the Guatemalan justice system and lectures by two prominent human rights leaders, Nobel Peace Prize Laureates Rigoberta Menchu Tum (Guatemala), who spoke on recent events that, in our view, could affect the safety of researchers in Guatemala, and José Ramos-Horta (East Timor), who compared the human rights situation in his country with that of Guatemala.

Guatemalan Scientific Colleagues

- Meeting with members of the research staff of the Guatemalan Association for the Advancement of the Social Sciences (AVANCSO), Clara Arenas Bianchi (Executive Director), Matilde González, Gustavo Palma, and Eugenio Incer (arranged by LASA delegation and Myrna Mack Foundation)
- Private meeting with AVANCSO Director Clara Arenas

U.S. Government and United Nations

- Meeting with two representatives of the U.S. Embassy in Guatemala—the outgoing Human Rights Officer, Rian Harris, and her replacement, Katherine Read
- Briefing by Dr. Edelberto Torres Rivas, Guatemalan advisor of the United Nations Development Program (UNDP), who spoke on the current situation in Guatemala as it relates to prospects for democracy and to human rights (arranged by LASA delegation and Myrna Mack Foundation)

Public Tributes in Memory of Myrna Mack

- Early morning ceremony on September 11, 2002, commemorating the 12th anniversary of the murder of Myrna Mack, in keeping with a tradition of her friends and colleagues—to visit the site of her murder on that day each year to place floral tributes near a plaque in front of the building that formerly housed the offices of AVANCSO.

(This event was attended by 50 - 75 people, most of whom then walked to the courthouse to attend the trial.)

- A mass on the evening of September 11 to honor the memory of Myrna Mack, at which there was standing room only, held in the San Sebastian church next to the former residence of the murdered bishop, Juan José Gerardi Conedera.

Appendix D

DEATH THREAT

Below is the death threat received by several researchers in Guatemala; an English translation is on page 42.

IIIIIIIIII A LOS ENEMIGOS DE LA PATRIA. IIIIIIIII

EN LOS ULTIMOS MESES LAS SEUDORGANIZACIONES DE DERECHOS HUMANOS Y SUS SIMPATIZANTES SE HAN DEDICADO A DESPRESTIGIAR LA IMAGEN DEL PAIS Y EL TRIUNFO DE LA DEMOCRACIA, SOBRE EL COMUNISMO, GANADO CON SANGRE POR NUESTROS HEROICOS SOLDADOS. ESTAS AGRUPACIONES ESTAN LIDEREADAS POR PERSONAJES CUYAS AMBICIONES PERSONALES SON ANTEPUESTAS POR ENCIMA DE LOS INTERESES DE LA PATRIA. ESTO QUEDO EN EVIDENCIA CON LA VISITA AL PAIS DE LA VIEJA JILANI, A QUIEN LE BESARON LOS PIES Y SE PUSIERON DE ALFONSBRA. ¿ COMO ES POSIBLE QUE EL MINISTERIO PUBLICO REGISTRARA MAS DE 200 DENUNCIAS Y NINGUNA HA PODIDO SER COMPRADA?. SON MENTIRAS E INVENTOS PARA GANAR NOTORIEDAD Y CONSEGUIR QUE LAS INSTITUCIONES INTERNACIONALES LES DEN EL FINANCIAMIENTO QUE YA SE LES AGOTO, POR LA FALTA DE JUSTIFICACION DE SUS ACTIVIDADES EN EL PAIS. ESTOS MALDITOS PERSONAJES SON UNA LACRA PARA LA SOCIEDAD, SON PARASITOS DE LOS DERECHOS HUMANOS, QUE DEBEN SER EXTERMINADOS, COMO SE ERRADICA UN CANCER. LAS MENTIRAS QUE CONTARON Y LA FARSA DE LAS AMENAZAS PROVOCO QUE NUESTRO PAIS QUEDARA COMO MIERDA EN EL FANGO. POR ESO A ESOS PERSONAJES, A SUS SIMPATIZANTES Y LOS PERIODISTAS HUELECULOS QUE PUBLICAN ESAS NIÑEDADES LES DECIMOS QUE YA BASTA, NO TOLERAREMOS MAS SU MENTIRAS Y SI DEVERAS QUIEREN HABLAR PAJAS, AHORA TENDRAN QUE DECIR. POR MAS QUE HEMOS EVITADO QUE EL GRUPO QUE DIRIGE EL CAPITAN NOVA EN EL ESTADO MAYOR DE LA DEFENSA NACIONAL ACTUE, ESTOS MALDITOS NO APARECEN AHORA EL Y SU EQUIPO DE CUACES TENDRA QUE ECHAR PUNTA. LA LISTA DE LOS ENEMIGOS DE LA PATRIA ES GRANDE, Y SI LAS MENTIRAS QUE CONTARON A LA VIEJA JILANI TIENEN UN EFECTO EN EL PAIS LOS PAJEROS DEBERAN PAGARLO CON SU SANGRE. LOS PRIMEROS EN SENTIR EL SACO DEL ACERO DE NUESTRAS BALAS SERAN: CLARA APENAS, MIGUEL ANGEL ALBIZUREZ, MIGUEL ANGEL SANDOVAL, NERY RODENAS, FRANCIS LARUE, MARIO POLANCO, ABNER GUOZ, MARIELOS MONZON, RONALDO ROBLES, ROSA MARIA BOLAÑOS, LA CHINA MALDITA DE HELEN MACK...LA LISTA SIGUE. LAS ADVERTENCIAS ESTAN DE MAS, AHORA ACTUAREMOS DE VERDAD PARA QUE ESTOS TRAIADORES A LA PATRIA CHILLEN POR ALGO HABER SI ES CIERTO QUE TANTO PEDO PARA CASAR AGUAC.

IIIIIIIIII ACTIVISTA VISTO...ACTIVISTA MUERTO IIIIIIIII

GUATEMALTECOS DE VERDAD

!!!!!!!!!! TO THE ENEMIES OF THE NATION !!!!!!!!!

IN RECENT MONTHS THE PSEUDO HUMAN RIGHTS ORGANIZATIONS AND THEIR SYMPATHIZERS HAVE DEDICATED THEMSELVES TO DENIGRATING THE IMAGE OF OUR COUNTRY AND THE TRIUMPH OF DEMOCRACY OVER COMMUNISM, WON WITH THE BLOOD OF OUR HEROIC SOLDIERS. THESE GROUPS ARE LED BY FIGURES WHOSE PERSONAL AMBITIONS ARE PUT ABOVE THE INTERESTS OF THE NATION. THIS BECAME CLEAR WITH THE VISIT TO THE COUNTRY OF JINA JILANI [U.N. Special Rapporteur on Human Rights Defenders] WHOSE FEET THEY KISSED AND WHO THEY LET WALK ALL OVER THEM. HOW IS IT POSSIBLE THAT THE PUBLIC MINISTRY RECORDS A MASS OF 200 COMPLAINTS AND NONE OF THEM CAN BE PROVEN? THEY ARE LIES AND INVENTIONS TO GAIN FAME AND GET INTERNATIONAL INSTITUTIONS TO GIVE THEM THE FUNDS THAT HAVE RUN OUT, BECAUSE OF THE LACK OF JUSTIFICATION FOR THEIR ACTIVITIES IN THE COUNTRY. THESE DAMNED PEOPLE ARE A DRAG ON SOCIETY, THEY ARE PARASITES OF HUMAN RIGHTS WHO SHOULD BE WIPED OUT LIKE YOU WOULD GET RID OF A CANCER. THE LIES THAT THEY TOLD AND THE FARCE ABOUT THREATS MADE OUR COUNTRY LOOK LIKE SHIT IN THE MUD. BECAUSE OF THIS, TO THEM AND THEIR SUPPORTERS AND THE STINKING PRESS THAT PUBLISHES THIS BABY STUFF WE SAY THAT WE HAVE HAD ENOUGH, WE WILL NO LONGER TOLERATE YOUR LIES AND IF YOU REALLY WANT TO TALK B.S., NOW YOU WILL HAVE TO SAY SO. NO MATTER HOW MUCH WE HAVE PREVENTED THE GROUP RUN BY CAPTAIN NOVA IN THE HIGH COMMAND OF THE NATIONAL DEFENSE FROM ACTING, THESE DAMNED PEOPLE NEVER LEARN. NOW HE AND HIS BUDDIES WILL HAVE TO TAKE AIM. THE LIST OF THE ENEMIES OF THE NATION IS GREAT, AND IF THE LIES THAT THEY TOLD THAT OLD LADY JILANI HAVE AN EFFECT ON THE COUNTRY THE SQUEALERS SHOULD PAY FOR IT WITH THEIR BLOOD. THE FIRST TO TASTE THE STEEL OF OUR BULLETS WILL BE: CLARA ARENAS, MIGUEL ANGEL ALBIZUREZ, MIGUEL ANGEL SANDOVAL, NERY RODENAS, FRANK LARUE, MARIO POLANCO, ABNER GUOZ, MARIELOS MONZON, RONALDO ROBLES, ROSA MARIA BOLAÑOS, THAT DAMN CHINESE WOMAN HELEN MACK ... THE LIST GOES ON. THE WARNINGS ARE OVER, NOW WE ARE REALLY GOING TO ACT SO THESE TRAITORS TO OUR COUNTRY HAVE SOMETHING TO SCREAM ABOUT - WE'LL SEE IF IT IS TRUE - SO MUCH FARTING JUST TO SHIT WATER.

!!!!!! AN ACTIVIST SEEN IS A DEAD ACTIVIST !!!!!

TRUE GUATEMALANS

[The list of names includes AVANCSO director Clara Arenas, Helen Mack (sister of Myrna Mack), functionaries of the Catholic Archbishop's human rights office, labor leaders and others.]

Translation by M.J. West-Eberhard

Appendix E

STATEMENT BY MYRNA MACK FOUNDATION

MYRNA MACK TRIAL

October 4, 2002

The Conviction of Colonel Juan Valencia Osorio Defines the Historical Magnitude of this Trial

The sentence handed down yesterday by the Tercero Tribunal de Sentencia in the trial against three military officers accused of having planned and ordered the assassination of my sister, the anthropologist Myrna Mack, constitutes a historical event which reflects the existence of advances, although minimal and fragile, in the administration of justice in Guatemala.

I am satisfied with the thirty-year prison sentence given to Colonel Juan Valencia Osorio, because he was clearly proven to be the author of an institutional crime, a special intelligence operation, which culminated in the murder of my sister.

I am not satisfied with the acquittal of General Edgar Godoy Gaitán and Colonel Juan Guillermo Oliva Carrera, for we presented sufficient evidence to confirm their participation in the planning of this institutional crime. We are going to analyze the ruling in order to determine the judicial actions to follow. That is to say, we are working on a special appeal.

Aside from the acquittal of Godoy and Oliva, the conviction of Colonel Valencia and the fact that a trial was held from the third of September to the third of October, reaffirms my conviction that it is possible to see justice done in Guatemala, even when this involves twelve or more years of continuous struggle.

The historical magnitude of this guilty verdict goes beyond the conviction or acquittal of the accused. Fortunately for all Guatemalans, it represents judicial proof of the terrible human suffering caused by the National Security Doctrine, political counterinsurgency, the concept of the internal enemy, and the perversion of the intelligence agencies.

From this trial, I gain, in the first place, the vindication of the memory and dignity of Myrna. The court established the institutional character of the crime, the political nature of the crime, that the motive for her murder was related to both her scientific work with the displaced in the zones of greatest conflict, and the link between her research and the claims of the Communities of Population in Resistance (CPR).

The court gave probatory value to testimonies, experts and another type of evidence that establishes the former. The court also gave validity to the thesis that my sister was executed because she was considered an internal enemy, and a threat to the state, according to the profile defined by the National Security Doctrine. The court proved there was a surveillance operation that culminated in her assassination, an operation which involved human and material resources originating in the Estado Mayor Presidencial (EMP). In the same manner they established that the Department of Presidential Security was the G-2 of the EMP, and that the now convicted Valencia Osorio, also was involved in postal espionage.

In the second place, through this trial, we have uncovered the criminal practices promoted by the State. The trial also revealed irrefutable evidence of the State's involvement in cases of genocide, massacres, extrajudicial executions, torture, forced disappear

ances, persecutions, expulsion and exile, and many other forms of repression that turned us into a country of victims.

I am certain the victims and families feel represented in the achievements obtained and in some way feel vindicated, for this trial not only judged those responsible for killing Myrna.

It also passed judgment on criminal behavior of the State and some of its institutions. It passed judgment on the National Security Doctrine fostered by the United States, and its application in Guatemala. Among its most relevant components: the concept of the internal enemy, counterinsurgency tactics, the exploitation of the intelligence services, and the extreme inhumane character that defined the internal conflicts and military regimes which for decades existed in nearly all of Latin America.

I want to denounce the malicious attitude of the Army officials and the people who defended the innocence of the accused, for they sought to convert the floor of the Supreme Court into a new center of conflict. I respect the feeling of the families of the accused, of their friends and colleagues, but I was appalled by their proclivities for violence. They tried to provoke with insults and minor physical aggression, perhaps waiting for similar behavior on our part. I conveyed my concerns to the Ministry of Interior and to the Secretaría de Asuntos Administrativos y de Seguridad de la Presidencia.

I want to thank and to acknowledge the security measures provided by the Ministry of Interior through the National Civilian Police since August 21 in compliance with the provisional measures ordered by the Inter-American Human Rights Court. I also want to thank the Secretaría de Asuntos Administrativos y de Seguridad de la Presidencia for the additional security measures they provided us yesterday.

Helen Mack, Guatemala, October 4, 2002