

GUATEMALA: Myrna Mack Street Named for Murdered Anthropologist; Convictions Upheld

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Fifteen years after Myrna Mack was assassinated by a member of the Presidential High Command, the Guatemalan state complied with the sentence issued by the Inter-American Court of Human Rights (CIDH). In its decision, the CIDH ordered the Guatemalan state to publicly ask forgiveness as well as provide financial compensation to the family members.

The Presidential Human Rights Commission (COPREDEH) renamed part of 12th Street in Zone 1, where Mack was stabbed to death on September 11, 1990, as “Myrna Mack Street.” A plaque was also unveiled in front of the offices of the Association for the Advancement of Social Sciences in Guatemala (AVANSCO).

Former member of the Presidential High Command, Noel de Jesus Beteta, is serving a 25-year jail sentence as the intellectual author of Mack’s assassination.

Myrna Mack case history:

RRN members have sent several letters to Guatemala since the 1990 assassination of Myrna Mack Chang, who had discovered mass graves, evidence of security forces' massacres. Mack was stabbed 11 times outside her apartment building.

Myrna Mack, a renowned Guatemalan anthropologist, was assassinated on September 11, 1990, in Guatemala City. She had been stalked for two weeks prior to her death by a military death squad, who targeted her in retaliation for her pioneering field work on the destruction of rural indigenous communities. For over twelve years, Myrna’s sister, Helen Mack, has fought tirelessly to bring to justice to all the persons involved in the murder, including high ranking officials in the Guatemalan armed forces.

In 1991, Helen Mack initiated and pursued a private prosecution in Guatemala of those responsible for the assassination. Her efforts led to the groundbreaking 1993 conviction of one of Myrna's attackers -- a low ranking security official. Later, her efforts led to the indictment and trial order of two colonels and a general—the highest ranking officials in Guatemala ever to face trial for human rights violations—for orchestrating the murder. On October 3, 2002, a Guatemalan criminal court convicted Colonel Juan Valencia Osorio for his role in ordering the killing. In a set-back in May 2003, an appeals court overturned the conviction and the case was taken to Guatemala's Supreme Court. In January 2004, however, Guatemala's Supreme Court upheld the conviction and 30-year prison sentence for General Valencia. Also in January, the Inter-American Human Rights Court of the OAS (Organization of American States) ordered the Guatemalan government to pay Myrna Mack's survivors \$779,000 as compensation for the murder. In addition, the Court ordered the government to carry out a public act in recognition of its responsibility for Mack's assassination, honor her by establishing a scholarship fund in her name, and naming a street or public square in Guatemala City after her.

Prior to Myrna's case, few dared attempt to bring rights violators to justice in Guatemala's courts. Impunity was the norm. By taking the case to court, Helen challenged entrenched impunity backed by State terror. It was the first human rights case during the civil war to go before Guatemala's courts. Many other human rights cases followed in the path opened by this case.

But Helen's efforts did not end there. She has continued to fight to bring others responsible for Myrna's death to justice. Along with her colleagues at the Myrna Mack Foundation, Helen has struggled for years to bring to trial the intellectual authors of Myrna's murder. Serious obstacles have hampered the investigation and prosecution of the case, including the destruction of evidence, the withholding of

documents, threats and attacks on witnesses, lawyers, judges and investigators, and the exploitation of Guatemala's weak judicial system. Given the slow pace and dangers associated with seeking justice in Guatemala, Helen has also resorted to international channels to buttress her efforts at the national level. Shortly after the murder, Helen sought the support of Human Rights First, which initiated an action before the Inter-American Commission on Human Rights of the Organization of American States. The Inter-American Commission since ruled in the case and referred it to the legally binding jurisdiction of the Inter-American Court of Human Rights.

These two parallel proceedings -the domestic criminal trial of the individuals responsible for the killing, and the international claim against Guatemala for breaching its responsibilities to uphold, protect and ensure human rights - are crucial in the pursuit of justice for the Mack family and in their contribution to Guatemala's progress towards a more democratic and rights-respecting society. Since 1991, Human Rights First has supported Helen in her efforts to ensure all Myrna's killers are brought to justice and to hold Guatemala to account for failing to do so. The assassination has become one of Guatemala's paradigmatic human rights cases. Its resolution is central to the search for justice for human rights violations, the effort to find out the truth about past human rights abuses, and the fight to ensure that such violations of human rights never occur again.

Guatemala's 36-year war against insurgency, which ended with 1996 peace accords, was characterized by countless such attacks on innocent civilians. A 1999 report by the Historical Clarification Commission, Guatemala's truth commission, found state forces and allied paramilitary groups were responsible for tens of thousands of rights violations, including attacks against indigenous populations, which Myrna had begun to expose and document when she was murdered.

TIMELINE:

- ▶ June 2002: Helen Mack received a faxed death threat from the Army Chief of Staffs office. (Helen, Myrna's sister, has been pursuing justice in Myrna's murder case.)
- ▶ August 2002: Roberto Romero, attorney for the Mack family, received death threats
- ▶ September 2002: Carmen Ibarra, political advisor to the Myrna Mack Foundation, was followed, just a week after the trial against army officers began. Manuel Gerardo Romero, the son of lawyer Roberto Romero, received death threats.
- ▶ October 2002: **GOOD NEWS!** General Valencia was convicted, the first time in Guatemala a military leader was found criminally culpable for murder carried out by underlings. The other two master-minds (both graduates of the US School of the Americas) were acquitted for "insufficient evidence."
- ▶ Mary 2003: **BAD NEWS!** An appeals court overturned the Valencia's murder conviction in May 2003.
- ▶ January 2004: **GOOD NEWS, again!** Guatemala's Supreme Court upheld the conviction and 30-year prison sentence for General Valencia. Also in January, the Inter-American Human Rights Court of the OAS (Organization of American States) ordered the Guatemalan government to pay Myrna Mack's survivors \$779,000 as indemnity for the murder. In addition, the government must carry out a public act in recognition of its responsibility for Mack's assassination; honor her by establishing a scholarship fund in her name, and naming a street or public square in Guatemala City after her.
- ▶ August 2005: Fifteen years after Myrna Mack was assassinated by a member of the Presidential High Command, the Guatemalan state complied with the sentence issued by the Inter-American Court of Human Rights (CIDH). In its decision, the CIDH ordered the Guatemalan state to publicly ask forgiveness as well as provide financial compensation to the family members.

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