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Probe of Guatemalan Bishop Juan Gerardi's Murder Turns from Military to Priest

by LADB Staff

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Authorities in Guatemala are holding a Catholic priest in connection with the April murder of Auxiliary Bishop Juan Gerardi. Although church leaders and human rights advocates are pressuring the attorney general to pursue leads that might implicate the military, the chief prosecutor in the case appears to have dismissed the theory that Gerardi was murdered because of his human rights activities. Gerardi, who was coordinator of the archdiocesan human rights office (Oficina de Derechos Humanos del Arzobispado, ODHA), was bludgeoned to death two days after presenting a report that asserted the military was responsible for nearly 80% of the human rights violations during the civil war that ended in 1996 (see NotiCen, 04/30/98).

Police quickly arrested various suspects but released them for lack of evidence. The arrest of unlikely suspects and the slow pace of the investigation encouraged speculation that the government did not want to solve the case out of fear it would find military involvement in the murder or in a coverup.

Church officials have carried on a parallel investigation and tried to call attention to areas overlooked by the attorney general's office. In mid-August, the ODHA called on prosecutor Otto Ardon to ask President Alvaro Arzu what he meant by his remark that "there will be surprises" in the case. ODHA officials also asked for an inspection of military facilities to look for evidence that military personnel might have been involved in the murder. The ODHA also supplied the license-plate number of a car seen in the vicinity of the San Sebastian rectory where the body was found. They say the car is registered to a military facility.

Church demands investigation of army officers

Early in the investigation, the ODHA sent names of several military officers it suspected to the special commission Arzu set up to oversee the inquiry. The commission refused to make the names public. Rodolfo Azmitia of the Guatemalan Jurists Association argued that withholding the names was illegal. "Holding back the names...helps the criminals," he said. But commission members argued that making the names public could ruin the officers' lives.

ODHA coordinator Mario Rios Montt said the commission was giving scant attention to the names and accused it of having little interest in solving the case. The refusal to divulge the names fed suspicions that the government was engaged in a coverup and prompted the ODHA to appeal directly to prosecutors to investigate the men named. The debate ended when the newspaper La Prensa printed the names of retired Col. Byron Lima and his son Capt. Byron Lima Oliva, considered the prime suspects by the ODHA. Lima Oliva was on active duty in the presidential guard at the time of Gerardi's murder but was transferred to a UN peacekeeping force in Cyprus four days later.

Defense Minister Gen. Hector Barrios said the list was made up by groups opposed to peace and reconciliation, but he confirmed that the army had begun an investigation of the two officers. In June, Jennifer Harbury, widow of slain guerrilla leader Efraim Bamaca, gave the Inter-American Commission on Human Rights a list of military officers she said were members of a military-backed death squad that might have killed Gerardi or knew who did (see NotiCen, 07/13/98). Adding to the suspicion cast on the military was the July 14 attack that seriously wounded army chaplain Pablo Sebastiano Crestani. Crestani, an Italian priest, fled to Italy after leaving the hospital. Some observers tied the incident to the Gerardi case, speculating that the military wanted to kill Crestani because of information he had about Gerardi's murder.

Probe leads prosecutors away from human rights connection

However, the case that government prosecutor Ardon is preparing does not appear to involve military suspects or make reference to Gerardi's work in human rights as a possible motive. It focuses instead on Mario Orantes, a priest who lived in the San Sebastian rectory where Gerardi was murdered. It was Orantes who found the body and called police. In July, forensic experts at the Universidad Complutense in Madrid examined photographs of Gerardi's body and concluded that marks on the face and hands were caused by dog bites. The finding led to suspicions that a dog belonging to Orantes was somehow involved.

Ardon presented the evidence to a judge who ordered Orantes arrested on July 27. Also arrested was Orantes' cook, Margarita Lopez. Police took the dog for examination. Lopez, who prosecutors said might have destroyed evidence by cleaning up the scene of the crime, received a conditional release from prison, though she is still a suspect. Based on the evidence of dog bites, Ardon obtained a court order to exhume Gerardi's body for further examination, although pathologists who performed the autopsy said they found no dog bites. No date has been set for the exhumation.

In an interview with The Miami Herald, a church official said traces of blood were found inside Orantes' bedroom and that there were contradictions in Orantes account of what happened. After making their own investigation of Orantes, church legal advisors told a meeting of bishops that Orantes may have been involved in the crime. ODHA director Ronal Ochaeta said the police had "compelling" evidence against Orantes and, in an apparent reference to him, said, "The history of the church since the time of Jesus demonstrates that there is always a Judas."

The remark suggested the church had accepted the hypothesis contained in a report Ardon issued in early August that said Gerardi was not killed in the garage of the church residence where Orantes said he found him, but in the bedroom. Gerardi was then moved to the garage and the blood cleaned up with a mop, said the report. Police found traces of blood on the walls of Orantes' bedroom and in the footprints made by a dog. Footprints of a man's shoe were also found in blood traces and authorities are trying to find out if Orantes made the prints.

In his initial statement to police, Orantes said the dog was old and ailing and could not have attacked the bishop. Furthermore, he said the dog was asleep in the bedroom at the time the murder was committed. While the evidence against Orantes has muted church accusations against the military, it has not convinced the ODHA that the military had no part in the murder. In early August, ODHA coordinator Rios Montt said the attorney general's office failed to act impartially

in the investigation. He said Ardon should make the same effort to arrest the two officers as he has in building a case against Orantes. He noted that authorities searched Orantes' residence 18 times. "They should proceed the same way against the military suspects as they have against Father Orantes," said Rios Montt. [Sources: The Miami Herald, 07/29/98; El Nuevo Herald (Miami), 07/19/98, 07/30/98; Siglo Veintiuno (Honduras), 08/07/98; Spanish news service EFE, 06/21/98, 08/08/98; Notimex, 07/20/98, 07/22/98, 07/24/98, 07/25/98, 07/28/98, 07/31/98, 08/05/98, 08/07/98, 08/11/98; The Washington Post, 08/16/98; Associated Press, 06/10/98, 08/14/98, 08/16/98]

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