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Official Report on Guatemalan Bishop Girardi's Murder Fails to Convince

by LADB Staff

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Guatemalan President Alfonso Portillo released a long- overdue report on the April 1998 assassination of Bishop Juan Gerardi (see NotiCen, 1998-04-30). The Catholic Church, human rights organizations, and other critics of the investigation are calling the report a "joke" and a "coverup." Rather than clearing up doubts about the seriousness of the investigation now in its third year Portillo's report has convinced many observers that high- ranking officials were behind the assassination.

When Portillo took over as president in January, he said the proceeding administration had information about the case that it had not made public. He promised to issue a report on what the executive branch knew about the case and in particular what the military knew. He promised also to clear up the case within six months or resign (see NotiCen, 2000-02-20).

During the first months of the Portillo presidency, two military officers and a sergeant were arrested (see NotiCen, 2000-02-03) in connection with the Gerardi case, but Portillo issued no report. Press accounts in anticipation of the report said the document was 40 pages in length and named new suspects from the military.

After an eight-month wait, Portillo sent special prosecutor Leopoldo Zeissig the report containing the results of an "exhaustive" investigation of the crime. But the report, delivered in mid-October, was a scant two pages in length, added no new information, and said nothing about the involvement of the military that was not already known.

Included in the report was a statement by the military indicating that the Defense Ministry had made no investigation of the crime because it was outside its jurisdiction and that it had no knowledge of the crime.

Luis Mijangos, secretary general of the presidency, said Portillo had done what he was asked to do, and under Guatemalan law the public prosecutor is responsible for the investigation. If any further clarification was necessary, Mijangos said, Portillo would issue a second report.

However, Attorney General Adolfo Gonzalez Rodas said the administration had no plans to release another report since Portillo had fulfilled his promise. Human rights groups ridicule the report. Mario Polanco of the Grupo de Apoyo Mutuo (GAM) told Notimex the report was "a joke" and showed that there had been no investigation. Either that or the administration was hiding the results of its investigation because high military or government officials were found to be involved in the assassination, Polanco said.

An editorial in the daily Siglo Veintiuno attacked the report as a coverup. "Once again, it becomes obvious that in the highest spheres of government...there is an explicit agreement not to touch or dismantle the structures of impunity."

Nery Rodenas, director of the Catholic Church's human rights office (Oficina de Derechos Humanos del Arzobispado, ODHA), said he had documents showing that Defense Minister Juan de Dios Estrada told a group in Washington that the murder was the work of a gang of thieves who were robbing churches.

What is publicly known about the prosecutor's investigation does not support such a theory, but in any case the defense minister's statement conflicts with Portillo's report in which the military claimed it had no information on the case. "To have made those declarations in Washington, the minister must have based them on something," Rodenas said. "We believe he has information and is denying it." Portillo said he would consult with Edgar Gutierrez, secretary of strategic analysis, about the minister's theory and despite Mijangos statement that only the prosecutor could investigate a crime order a new investigation to "enlarge the report."

Estrada's explanation of the murder takes its place alongside other theories on how the bishop died, including an attack by a crippled indigent and a coordinated assault by a priest and his aged dog (see NotiCen, 1998-08-20).

Karen Fischer, of Alianza contra la Impunidad, said there was plenty of evidence that the assassination was political. "Every time a political crime occurs in this country, they try to say that those responsible were common criminals," said Fischer.

Two weeks after the report went to Zeissig, Portillo said he would send the prosecutor additional information that was not in the report, including witnesses who had not given their statements to Zeissig. On Oct. 27, Portillo gave Attorney General Gonzalez Rodas the names of additional witnesses. Mynor Melgar, attorney for the ODHA, said Portillo was a liar and the ODHA might bring legal action against him for withholding evidence in a criminal case.

Meanwhile, Judge Eduardo Cojulun Sanchez announced that he was suspending the case against the three military suspects because of a defense motion to have the trial transferred to a military court. Three other defense motions are pending, which means the trial is not likely to begin until next year. [Sources: Notimex, 10/17/00; Siglo Veintiuno (Guatemala), El Nuevo Herald (Miami), 10/19/00; Spanish News Service EFE, 10/23/00; Prensa Libre (Guatemala), 10/15/00, 10/16/00, 10/19/00, 10/20/00, 10/24/00, 10/25/00, 10/26/00, 10/27/00, 10/28/00]

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