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LADB Staff

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Five Suspects on Trial in Bishop Gerardi Case

by LADB Staff

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After lengthy delays, five suspects accused in the bludgeoning murder of Bishop Juan Gerardi went on trial in Guatemala City on March 22. The murder took place in April 1998 and the defendants were jailed in January 2000. Legal delays and motions filed by the three military defendants delayed the trial, which was initially scheduled to begin last October. Gerardi was coordinator of the Catholic Church's Oficina de Derechos Humanos del Arzobispado (ODHA) and had just released his report on human rights violations during the civil war when he was found dead in the rectory garage of the San Sebastian church (see EcoCentral, 1998-04-30).

The defendants are retired army Col. Byron Disrael Lima Estrada, his son Capt. Byron Lima Oliva, former sergeant with the presidential security guard Jose Obdulio Villanueva, Mario Orantes, a priest who lived in the rectory where Gerardi was killed, and Gerardi's cook Margarita Lopez. Lima Estrada, Lima Oliva, and Villanueva are accused of extrajudicial execution and Lima Oliva is also charged with use of false documents. Orantes is charged as an accessory to the murder, and Lopez is charged with evidence tampering.

Prosecutor Leopoldo Zeissig said none of the five was the intellectual author of the crime and that further indictments might be sought. Zeissig, the third prosecutor in the case, said "some eight to 10 people, including judges, prosecutors, and witnesses," had left the country under death threats (see EcoCentral, 1998-12-10). A day before the trial began, explosives were set off behind the house of Iris Jasmin Barrios Aguilar, one of three judges assigned to hear the case. After the trial began, presiding Judge Jose Eduardo Cojulun reported receiving two anonymous letters threatening him with death if he did not resign from the case.

Days before the trial was to begin in March, Lima Oliva's attorney Julio Echeverria petitioned for a postponement because the formal charges placed Gerardi's death on April 27 instead of April 26. The trial had already been postponed in February when Lima Estrada's attorney Julio Cintron Galvez moved to dismiss Judge Barrios Aguilar on grounds that she was biased against his client.

An Appeals Court rejected the motion. In mid-March, Lima Estrada complained of a nervous condition and won another postponement. The military defendants also entered unsuccessful motions to have the case tried in a military court and to block the ODHA's participation in the trial. The ODHA is a co-accuser in the trial along with the state. Defense lawyers argued that the church should not be recognized as a participant in the proceedings because its mission did not include pursuing criminal convictions.

Prosecutor links murder to human rights report

As the trial began, prosecutor Zeissig told a news conference he would argue that the murder was a political crime orchestrated by army officers in retaliation for the publication of Gerardi's human

rights report, *Recuperacion de la Memoria Historica*, which blamed a great majority of the human rights violations during the armed conflict on the military. The name of one of the defendants, Lima Estrada, appears in the report, and he is identified as serving in Quiche during the 1980s when numerous human rights violations were committed by the military in that department. Military officers called by the defense gave testimony described in the media as contradictory and evasive. Zeissig told the Spanish news service EFE that the military had "closed ranks" behind the defendants but that "their attitude shows that the trial is going against them."

A handwriting expert testified that Lima Oliva had written an incriminating message in a letter to his wife and in his appointment calendar. The content was not made public, but press reports said that he had instructed his wife to pay witnesses to testify on his behalf and that he had recorded the plan in his calendar. Fellow prisoners Roberto Barrientos Vasquez and Mynor Hernandez accused Lima Oliva of trying to block their testimony concerning the calendar, which they delivered to the prosecution after Lima Oliva lost it in a prison altercation. Barrientos and Hernandez said Lima Oliva threatened them with reprisals. ODHA director Bishop Mario Rios Montt testified that Antonio Arzu, brother of former President Alvaro Arzu (1996-2000), had proposed that Orantes would go free in return for the church saying the army and the government had nothing to do with the crime.

In other testimony incriminating the military, eyewitness Ruben Chanax Sontay said Lima Estrada contracted him to watch the bishop's residence and report on his movements and visitors. Police and investigators had initially identified Chanax Sontay as an indigent and dismissed his account as unreliable. But in his testimony, he said he was a member of the army's G-2 intelligence service and that he reported on Gerardi every Saturday to Lima Estrada, who paid him US\$38 per week. He said that, on the day of the murder, Lima Estrada told him to leave San Sebastian church by 10:00 p.m. because someone was going to die. Later, Lima Oliva and Villanueva arrived in a black pickup, gave him gloves, and ordered him to help dispose of Gerardi's body. The trial is expected to continue until mid-June.

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