

Elite Guatemalan Lawyer Defies Army's Impunity

Killing of President's Kin Persistently Laid to Military

By Douglas Farah
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GUATEMALA CITY—In a nation sharply divided by class and race, Karen Fischer had it all. Born to a wealthy, land-holding family, she married into the small political elite that for decades, with the support of the army, has governed Guatemala.

But two years ago, the 33-year-old lawyer, investigating the 1993 murder of her father-in-law, Jorge Carpio, found the evidence trail led to the military. In the process, she has become one of Guatemala's most unlikely human rights activists. Carpio, a prominent conservative politician and newspaper man, was a first cousin, close friend and political mentor of President Ramiro de Leon Carpio.

Fischer, who was Carpio's private secretary, and Carpio's widow, Marta Arrivillaga, took a treasonous step for people in their social position—they accused security forces of the murder, and challenged the traditional impunity with which the army has acted.

The army, and its paramilitary allies in Civilian Self-Defense Patrols in rural areas, have long been outside, civilian control, and have been repeatedly singled out by human rights groups as being among the principal human rights violators in the hemisphere.

The Carpio case, say human rights activists, shows how deeply ingrained military impunity remains here. The killing shocked Guatemala and brought a huge outpouring of national grief, yet it remains unresolved.

"If you cannot advance the investigations into the killing of the president's cousin and mentor, then where can you expect justice to be done?" said Amilcar Mendez, leader of a human rights group in the Quiche region. "Imagine what it is like for the majority of victims, to whom repression is the daily bread of life."

The conduct of the Guatemalan army has been under close U.S. scrutiny since Rep. Robert G. Torricelli (D-N.J.) revealed that Col. Julio Alpirez was on the CIA payroll at the time he was a senior officer at a military base near where U.S. citizen Michael Devine was killed by soldiers. Torricelli also linked Alpirez to the torture and execution of guerrilla commander Efraim Bamaca, whose widow is American.

Alpirez was suspended from his job two weeks ago pending an investigation. But in

less than a week—he was cleared in the Bamaca case and remains free.

Despite a stream of death threats, destruction of evidence, intimidation of witnesses and judges and overt warnings from military officials to stop, Fischer continues to press the case against military officers through the notoriously corrupt and inefficient judicial system.

The wealthy "call me the Patty Hearst of Guatemala," said Fischer, who is accompanied by two bodyguards she hired herself. "They cannot understand the struggle for justice, or that I cannot turn back now. Everyone tells me they are sorry about Jorge, but that I should just drop the case. At first it was just Jorge's case, but through the case I began to hear the testimony of all the victims who do not have access to the media, or who are too afraid to speak out. I am not the same person anymore."

Fischer and other investigators contend that Carpio was killed because in Congress and the newspaper he published, *El Grafico*, he came out strongly against an amnesty for senior military leaders. The officers were demanding pardon for their participation in a coup attempt six weeks earlier. Carpio's car was intercepted by about 30 armed men in Quiche province. He was identified and shot, left to die in his wife's arms. Two others were also killed.

Fischer, who arrived for an interview in a Mercedes-Benz, carrying a cellular phone and looking every bit the corporate lawyer she is, said senior military officers, including Gen. Jose Domingo Garcia, who was then defense minister, called Carpio repeatedly at his private office number to press him to change his position.

The military ruled the murder was a robbery, despite the fact that the men had army-issued weapons and had singled Carpio out to kill. Only two pocket knives, a watch and a pair of sun glasses were stolen, according to witnesses. Those who survived, including the widow, were not robbed.

Diplomats and human rights activists said the killing may have been a gruesome warning to de Leon, who took office just six weeks before, after serving as a human rights ombudsman who had spoken out against military abuses. Carpio and de Leon founded the Union of the National Center Party together. Carpio was the godfather of de Leon's three children.

In a move that bitterly disappointed Fischer and the widow, Arrivillaga, two

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days after the murder, de Leon endorsed the military's version of events, although there had been no serious investigation. They have not spoken to de Leon in 14 months.

"Either they are withholding information from him, which I don't believe, or he does

"If you cannot advance the investigations into the killing of the president's cousin, where can you expect justice?"

—Human Rights leader Amilcar Mendez

not have the political will to go any further," said Fischer. "We are very disillusioned. If it was a common crime, why did evidence disappear, why all the threats?"

An investigation by the Inter-American Press Association in March said the "irregularities in the case give a classic definition of what impunity is."



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Class Solidarity Shaken

When lawyer Karen Fischer's father-in-law, a cousin of Guatemala's president, was killed two years ago, she pursued leads that led her to declare he was a victim of the military that members of the ruling elite have refused to challenge. At left, Fischer points to list of potential witnesses.

"During this case there have been two assassinations; two attempted assassinations; acts of direct intimidation; constant threats to witnesses, prosecutors and accusers; disappearance and adulteration of evidence; and the resignation of judges," the report found.

Human rights groups estimate 140,000 people have been killed in Guatemala's sputtering civil war that has dragged on for more than three decades. Indigenous populations, mostly in remote areas where the army carried out a scorched-earth policy to drive out Marxist guerrillas, bore the brunt of the violence. Entire indigenous villages were wiped out.

But seldom have those who enjoyed the fruits of Guatemala's system turned on the system's protector, the military, so publicly and so persistently.

Fischer has worked closely with Helen Mack, sister of anthropologist Myrna Mack, who was killed by a member of presidential military staff in September 1990. Mack is also from an upper-middle-class family. "We help each other," said Mack. "Here there has been a pact in the military of blood and silence. We are trying to break that pact."

No one could accuse Fischer of being a communist or guerrilla sympathizer—the usual charges against human rights activ-

ists—given her background and conservative political participation. So, she said, the women's opponents have tried other ways.

In November, Fischer accused Col. Mario Merida, then deputy minister of government, of trying to intimidate her by warning her not to testify because it would "destabilize the country." Merida, who was head of military intelligence when Carpio was killed, has since been dismissed for corruption. According to local press reports at the time, Merida did not dispute the assertion, but said it was meant as "advice."

Two years later, Fischer said, her old friends refuse to let their children play with hers. She divorced in January, in part, she said, because of her husband Rodrigo's reluctance to continue pursuing the case. Her car was rammed and death threats were left.

"My fight has never been with the army or an institution, I just wanted to find the individuals responsible for killing someone I believed in, who is the grandfather of my children," Fischer said. "A case like this may puncture a small hole in the structure of impunity. How can one not be affected by the bravery of those who fight the system without any protection? Maybe this will open the system up for the thousands of other cases that have been forgotten."