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Guatemalan Murder Case Tests Amnesty Legislation

Officials Say Laws Will Support Human Rights

By Juanita Darling
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GUATEMALA CITY—Before her death, anthropologist Myrna Mack produced groundbreaking work, showing that millions of Guatemalans, mainly Indians, were forced to flee their homes in the 1980s by the government's policy of razing villages as an anti-guerrilla tactic.

Six years after her murder, Mack's legacy is still breaking ground. The soldier convicted of killing Mack is serving a 30-year sentence. "Her case is important because [before that] the military was never judged or sentenced for murder," said Mynor Melgar, special prosecutor in charge of the case.

And this month, the three officers accused of masterminding Mack's murder became the first applicants for amnesty under Guatemala's National Reconciliation Law, a result of the peace agreement signed Dec. 29 to end a 35-year civil war that killed more than 100,000 people.

Guatemalan officials claim that the new law is a breakthrough in human rights protection. Rather than giving a blanket amnesty to guerrillas and the army, it allows the courts to decide, case by case, whether illegal acts were committed as part of the war and should be pardoned, or were crimes that should be prosecuted.

How the courts rule in the Mack case will probably be seen as a bellwether of how rigorous they will be, analysts say. "If amnesty is granted to those tied to Myrna Mack's murder, any crime committed during the armed conflict could receive amnesty," according to a statement from the New York-based Lawyers Committee for Human Rights.

Mack's 1990 murder received international attention at a time when Guatemalans who criticized the gov-

ernment routinely were killed or disappeared. She had interviewed peasants driven from their homes by anti-insurgency tactics at a time when the government denied that such refugees existed. And she took the results of her work to international forums.

Mack was stabbed to death outside her office here in the capital shortly after the first part of her two-volume study was published.

Eyewitnesses testified in court that they saw Sgt. Maj. Noel de Jesus Beteta kill Mack. After Beteta was sentenced in 1994, Mack's sister, Hellen, fought to keep open an investigation into the actions of his commanding officers, who she said ordered the murder. A special prosecutor was assigned, and charges were filed against the officers in June 1996. They are free on bail.

Mario Morales, the officers' lawyer, said he requested amnesty under a section of the law that applies to government employees who commit crimes "in order to prevent, impede, pursue or repress . . . political crimes and related common crimes."

Morales declined to specify which amnesty exemption his clients were claiming, or which of the listed crimes Mack had possibly committed. "The work she did with refugees was the reason for her death, according to witnesses," he said. "We would not venture to say that she had committed a crime and for that reason she died."

Evidence that Mack's murder was a political crime is the only reason that his clients—Gen. Edgar Augusto Godoy, Col. Juan Valencia and Lt. Col. Juan Guillermo Oliva—are involved in the case at all, he said. Morales added that applying for amnesty is not an admission of guilt and that his clients are innocent.

Beteta, the only person imprisoned for Mack's killing, said in an interview at El Pavon prison outside the capital that he has not decided whether to apply for amnesty. "I want to walk out of here with my head held high and with everyone knowing that what they said about me was not true," he said.

Following Morales' amnesty request for his clients, defense lawyers in another well-known case, the 1993 murder of presidential candidate Jorge Carpio, have taken similar action.

"These are high-profile cases," said Hellen Mack, who founded a human rights group named for her sister. "We do not know how many more there are in the countryside . . . or how many of them will receive amnesty."

And if the officers receive amnesty? "I might as well close down the foundation offices," she said.