

PUBLIC

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To: Health professionals
From: Medical Office / Americas program
Date: 13 May 1998

FURTHER INFORMATION ON MEDICAL LETTER WRITING ACTION

(See AMR 34/33/97 - 5 September 1997
AMR 34/09/98 - 6 February 1998 [email/fax only])

LETHAL INJECTION -- GUATEMALA

Keywords

Theme: Death penalty
Profession/association:

Summary

Following a botched execution by shooting in 1996, the Guatemalan government legislated to permit execution by lethal injection. On 10 February 1998 the first such execution - that of Manuel Martínez Coronado - took place in an execution chamber specially constructed in Pavon prison, southeast of Guatemala City. Others under sentence of death are nearing the end of appeals procedures and it seems likely that executions will now take place on a regular basis.

Recommended actions

Letters are requested from health professionals, preferably in Spanish or in your own language, to the addresses given below:

ostating that you are writing as a concerned health professional about the execution of Manuel Martínez Coronado

oacknowledging the responsibility of governments to protect citizens and to punish those guilty of serious crimes

Then - include some or all of the following points:

osuggesting that there is no evidence that the death penalty has made a significant contribution to the protection of the public or brought any decrease in violent crime

oexpressing serious worries about the new method of execution which appears to entail the use of both medical skills and paramedical personnel in killing on behalf of the state

onoting that at a meeting held after Manuel Martínez Coronado's execution to discuss what went wrong during the execution, one of the suggestions made was that paramedics required to administer the poison receive further training. Ask who is to provide such training

oexpressing your strong opposition to the utilization of any medical skills in executions and underlining the fundamental ethical principle of medicine and nursing, that the health professional should work for the benefit of people and should preserve life rather than act as executioners

onoting that the Guatemalan Medical Association has made abundantly clear their ethical position that doctors are not to be involved either clinically or administratively in the execution process

orejecting the idea that killing someone by injection is “humane”

ourging the government to commute the sentences of those currently under threat of execution and to end the use of the death penalty in Guatemala

Addresses

President of the Republic
S.E. Álvaro Arzú Irigoyen
Presidente de la República de Guatemala
Palacio Nacional
6ª Calle y 7ª Avenida, Zona 1
Guatemala, GUATEMALA
Fax: +502 221 4537 or +502 230 1502
(if voice, ask “me puede dar tono de fax, por favor”)
mailto:alvaroarzu@guate.net
Salutation: Sr Presidente / Dear President

Deputy Interior Minister
Salvador Gándara
Vice-Ministerio de Gobernación
Despacho Ministerial, Of. N° 8
Palacio Nacional
6ª Calle y 7ª Avenida, Zona 1
Guatemala , GUATEMALA
Tel: +502 221 4428 Ext.1500
Fax: +502 251 5368

COPIES TO:

Guatemalan medical association
Colegio de Médicos y Cirujanos de Guatemala
O Calle 15-46 zona 15
Colonia "El maestro", 01015
Ciudad de Guatemala, Guatemala

Nurses association
Asociación Guatemalteca de Enfermeras Profesionales
14 Calle #1-15 Zona 3, Apto. 6
Guatemala
Guatemala

Human Rights Procurator
Lic. Julio Eduardo Arango
Procurador de los Derechos Humanos

Attorney General
Lic. Héctor Hugo Pérez Aguilera
Fiscal General de la Nación
Ministerio Público
6ª Avenida 3-11, Zona 4
Guatemala , GUATEMALA
Fax: +502 331 7066
Salutation: Señor Fiscal / Dear Attorney General

Sr Mario René Guerra
Director
Servicio Médico Forense
del Organismo Judicial
Avenida del Cementario 18-26, Zona 3
Ciudad de Guatemala
Guatemala
Tel: +502 230 4206

Minister of Foreign Relations
Sr. Eduardo Stein
Ministro de Relaciones Exteriores
Ministerio de Relaciones Exteriores
Palacio Nacional
6ª Calle y 7ª Avenida, Zona 1
Guatemala , GUATEMALA
Fax: +502 251 8445

Procuraduría de los Derechos Humanos
12 Avenida 12-72, Zona 1
Guatemala, GUATEMALA
Fax: +502 238 1734 or +502 251 7769

CALDH (non-governmental human rights organization)

8a Avenida 1-11, Zona 1

Ciudad de Guatemala, GUATEMALA

Fax (502) 23 21 453

<mailto:CALDH@guate.net>

and to diplomatic representatives of Guatemala accredited to your country.

Date: 13 May 1998

Lethal injection execution GUATEMALA

The first execution by lethal injection in Guatemala took place at 6 a.m. (12.00 GMT) on 10 February 1998 when Manuel Martínez Coronado was executed after a series of last minute legal appeals were rejected by the Guatemalan judiciary. From 1983 onwards, Guatemala had a *de facto* moratorium on executions. Then, in September 1996, two men were executed by firing squad in a botched, televised execution, one of them requiring a *coup de grace* as he had not died after the original volley of shots. Congress then legislated for the introduction of execution by lethal injection and a lethal injection chamber in the *Granja de Rehabilitación de Pavón* (Pavon Rehabilitation Prison), southeast of Guatemala City, was formally opened by the Deputy Interior Minister in July 1997. By September 1997 it appeared that new executions were imminent and Amnesty International issued a medical action calling for commutation of death sentences and an end to the use of the death penalty.

The Inter-American Commission for Human Rights had asked the Guatemalan Government to suspend Martínez Coronado's execution until it could consider whether the 1995 proceedings during which he was convicted met the human rights protection standards set by the American Convention on Human Rights. The government did not do so. Martínez Coronado, an impoverished peasant farmer of Chortí indigenous ancestry, had been found guilty of multiple homicide, carried out in 1995 in the context of a family land dispute.

Prior to the execution, the Guatemalan press and authorities had said that lethal injection was being introduced as it would be painless, more humane and "over in 30 seconds". In the event, the condemned man's execution reportedly took as long as 18 minutes. Witnesses present in the adjacent observation room reported that paramedics performing the execution had trouble finding a vein into which to insert the catheter bearing the lethal drugs. Moreover, the paramedics had been so nervous that they had been shaking badly. This had contributed to their difficulties in finding the condemned man's veins and several attempts had to be made in different areas of the arm. Human Rights Procurator Julio Arango, who observed the execution, later stated: "I think we all have the obligation to tell what happened: his arms were bleeding heavily, I think everyone who was there was suffering." (*"Creo que todos tenemos la obligación de decir lo que pasó: le sangraban los brazos por todos lados, creo que todos los que estuvimos allí sufrimos."*)

The entire execution was broadcast live; radio and television audiences could hear the condemned man's three children and their mother, whom the condemned man had married the previous night in his prison cell, sobbing in the observation room as the execution took place. The sound of the family's distress was reported to have been a factor in unnerving the paramedics.

Events since the execution

A court judge with responsibility for judicial executions later called a meeting of officials to establish what had gone wrong in order to try to avoid a similar scene at future executions. The cot used in the chamber was said to have only two restraints which were insufficient to guarantee immobility of the prisoner. In addition, the inquiry found that a power failure which occurred during the execution had de-programmed the machine feeding the drugs into Martínez Coronado's body. This had affected both the mix and the speed at which the substances were injected and, at one point, the process was apparently halted altogether.

Among the state bodies which participate in executions are the Interior Ministry (*Ministerio de Gobernación*), the Public Ministry's executive office (*Unidad de Ejecución del Ministerio Público*) and the Forensic Medical Service (*Servicio Médico Forense*). The role of the representative from the Forensic Medical Service is to pronounce death, although previously he has given advice on the implementation of execution by lethal injection. The execution was carried out by paramedics as the Guatemalan Medical Association had taken a strong stand against the involvement of trained medical personnel after the authorities had suggested in 1997 using hospitals for executions (see appendix for a public statement made by the GMA at the time).

The post-execution meeting resulted in a number of recommendations, including a call for further training for paramedics to better prepare them "both physically and psychologically" to carry out executions. It also recommended the purchase of a separate generator for the lethal injection chamber so that any further power black-outs would not affect the procedure. It was proposed that the chamber be increased in size so that persons condemned for the same crime could be executed simultaneously, or consecutively on the same day as required by the October 1996 law which established lethal injection as Guatemala's method of execution. Finally, it was decided to order new poison canisters as a matter of urgency, as those used in Martínez Coronado's execution had been "on loan" from a private company and were not sufficient to deal with the multiple executions foreseen. There have been frequent references in the press about the need for officials to move quickly on "improvements" to the execution chamber because some of those under sentence of death were nearing the end of legal appeals.

Debate began immediately after Martínez Coronado's execution about whether future executions should be televised. A bill prohibiting the filming of executions was debated in the Guatemalan Congress and required several hearings as opposition ranks opposed it. There was debate about press freedom and about whether televising executions would have a deterrent effect on violent crime. The press, Bar Association and the judges in charge of executions opposed the bill as unconstitutional, but it has now been voted in by Congress. Henceforth, any filming, photographing or sound recording of executions by the press will be prohibited, although journalists will still be permitted to watch an execution and report on it, and an official filmed record of each execution will be made.

The death penalty in Guatemala

During the *de facto* moratorium on executions between 1983 and 1996, the death penalty had only been applicable for a limited number of crimes. However, the government responded to a rising crime rate by extending the range of crimes punishable by death. The televised execution in 1996 had engendered public revulsion and it is this that moved the Guatemalan government to send a delegation to the United States to see how the more "modern" method of execution by lethal injection functioned.

22 other prisoners are now sentenced to die by lethal injection and new death sentences are regularly being passed. Three former policemen, Miguel Angel López Caló,

Miguel Angel Rodríguez and Aníbal Archila, who were convicted of murder, are likely to be executed in the course of the year once all legal appeals have been heard. Pedro Rax Cucul, a Kekchi indigenous speaker also convicted of murder, will be the next to exhaust his appeals. Others on death row include three members of a band of kidnappers and David Ottoniel Méndez Salazar, found guilty of a 1996 kidnapping. More recently death sentences have been passed against Mario Villalta Gómez and Edmundo Concuíá (on 20 January 1998 for murder); Rigoberto Aragón Jacobo, sentenced to death on 27 February 1998 for murder; five members of the "Banda Los Pasaco" (a gang convicted on 31 March 1998 for kidnapping); Fermín Ramírez, sentenced on 6 March 1998 for rape and murder; Jorge Arturo Mazate Paz, Elmer Orlando Virula and Bernardino Rodríguez Lara (members of the "Banda los Mazate" sentenced on 28 November 1997 for kidnapping); Williams Ernesto González and Macario Tezén sentenced to death on 17 April 1998 for murder.

Appendix
UNOFFICIAL TRANSLATION

Notice published in the daily newspaper, *Prensa Libre*, 11 September 1997

**GOVERNING BOARD AND ETHICS COMMITTEE OF THE GUATEMALAN
MEDICAL ASSOCIATION
(JUNTA DIRECTIVA Y EL TRIBUNAL DE HONOR DEL COLEGIO DE
MEDICOS Y CIRUJANOS DE GUATEMALA)**

FOR PUBLIC INFORMATION

On 4 and 9 June/July? [illegible] 1997 there appeared in both the written and televised media, the statement "LETHAL INJECTION COULD BE CARRIED OUT IN HOSPITALS", a statement which was made by the Honorable President of the Supreme Court, Ricardo Umaña and by the Chief Justice of Judicial Executions, Juan Fernando Godínez Cuéllan.

With regard to that statement the members of the Board of Governors and the Ethics Committee of the Medical Association would like to make it public that we wish to understand why the judiciary feel the need to execute the death sentences hanging over condemned prisoners and would also like to know whether these distinguished professionals are unaware that the medical profession has a CODE OF PROFESSIONAL ETHICS to which medical professionals must adhere.

Hospital centres were created since time immemorial with the aim of aiding human beings to ALLEVIATE PAIN, SAFEGUARD HEALTH AND PRESERVE LIFE AND NOT TO EXTINGUISH LIFE, MUCH LESS SERVE AS EXECUTION CENTRES.

We do not believe that there is a single doctor in this country who would wish to participate in either a clinical or administrative capacity in executions (which will possibly become more frequent) and thus break THE HIPPOCRATIC OATH and open themselves to sanctions which are an integral part of our ethical code.

Clearly it is important to participate in professional and inter-institutional relations to resolve our national problems in a better manner, but in this instance, we believe that it is the Supreme Court which must resolve the issue of the equipment of premises to be used for executions and the implementation of corresponding protocols and that the court should not look for solutions from other institutions whose objectives are fundamentally opposed.