

EXTRA 58/00

Death Pen**GUATEMALA Tomás Cerrate Hernández
Luis Amílcar Cetino Pérez**

The two men named above are scheduled for execution on 29 June, after their requests for executive clemency were turned down by President Alfonso Portillo.

Both are members of a well-known criminal gang. They were convicted in March 1998 of the kidnapping and murder of a wealthy elderly woman, and have recently been moved to death row. Guatemala's lethal injection chamber has been inspected and conditions for their execution have been declared "ideal".

These are the first executions scheduled since President Portillo took office in January. Amnesty International is concerned that if these executions go ahead they could spark off a chain of further executions. At least 30 others are under sentence of death.

BACKGROUND INFORMATION

Guatemala has gradually extended the scope of capital punishment in recent years, to cover crimes including kidnapping. This is in clear violation of its obligations under the American Convention on Human Rights, under which States Party undertook not to extend the death penalty to crimes for which they did not already apply it.

A 13-year *de facto* moratorium on executions ended in September 1996, when two men convicted of the rape and murder of a child went before a firing squad in a botched, televised execution. One of the men had to be shot a second time. The Inter-American Commission on Human Rights (IACHR) had asked the Guatemalan government not to let the executions proceed until it could consider whether the trial at which the men were condemned met the human rights protections standards set by the American Convention on Human Rights. The government rejected the request.

The executions were shown repeatedly on Guatemalan and foreign television, provoking national and international revulsion. The government responded by sending a delegation to the United States to learn how executions were carried out by lethal injection, which they considered to be a more "modern" and "humane" form of execution. The country's first lethal injection facility was officially opened in July 1997 at a viewing hosted by the Vice Minister of the Interior.

Manuel Martínez Coronado, a Chortí indigenous peasant farmer, was the first to be executed by lethal injection, on 10 February 1998. Once again the execution was badly botched. The Guatemalan Medical Association had announced that it did not want its members to be involved in executions. The paramedics assigned to carry it out were shaking so badly that they repeatedly failed to find a vein in which to insert the needle carrying the deadly chemicals. The machine pumping out the lethal mixture malfunctioned during the execution, apparently due to a power failure. Manuel Martínez Coronado took 18 minutes to die. Again, the execution was broadcast on radio and television, and the condemned man's wife and children could be heard crying in the adjoining room.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- recognizing that Tomás Cerrate Hernández and Luis Amílcar Cetino Pérez were convicted of a very serious crime, and acknowledging the duty of governments

to bring perpetrators of violent crimes to justice, but stating opposition to the death penalty in all cases as the ultimate form of cruel, inhuman and degrading treatment and a violation of the right to life, as embodied in the Universal Declaration on Human Rights;

- pointing to Guatemala's botched lethal injection execution of Manuel Martínez Coronado as clear evidence that this method of execution is not a "modern" neither "humane" form of execution.

- expressing concern that these two men may be executed and urging that their death sentences be commuted and no further death sentences passed;

- urging that Guatemala rescind its extensions of the death penalty, which violate its obligations as a State party to the American Convention on Human Rights, which states that "The application of the death penalty shall not be extended to crimes to which it does not presently apply." [Article 4 (2)]

APPEALS TO:

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Salutation:Dear President/ Sr. Presidente

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Salutation:Dear Attorney General/ Sr. Fiscal General

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and to diplomatic representatives of Guatemala accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 29 June 2000.