

PUBLIC

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Death penalty

2 March 2000

GUATEMALA

**Pedro Rax Cucul (Quekchí indigenous peasant)**

**Fermin Ramírez (peasant)**

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The two men named above face imminent execution, having reportedly exhausted all appeals through the courts. They have appealed to President Alfonso Portillo for executive clemency.

Pedro Rax Cucul, a Quekchí indigenous peasant, was convicted of the January 1996 murder of his wife, María Pec Chub, in Santa María Cahabón, Alta Verapaz department. He was sentenced to death in June 1997 by the Alta Verapaz criminal court.

Amnesty International is concerned that medical inquiries into Pedro Rax Cucul's state of mind at the time of the killing have not been adequate. There are reportedly strong indications that he was suffering from paranoia at the time, from which he still suffers, an assessment which we understand was shared by the psychiatrist who examined him early last year. The Guatemalan penal code specifically recognises that people mentally impaired at the time of their crime cannot be held legally accountable.

Fermin López, a peasant, was sentenced to death in March 1998 for the rape and murder of the minor Grendy Jazmin Prado, in Itzapa, Escuintla department, by the Escuintla criminal court.

#### **BACKGROUND INFORMATION**

From 1983 to 1996, Guatemala had a *de facto* moratorium on executions and the death penalty was applicable for only a limited number of crimes. In 1995, however the government responded to a rising crime rate by extending the scope of the death penalty. In September 1996, two men went before a firing squad in a botched televised execution, one of them requiring a *coup de grace* when the first volley failed to kill him. Congress then passed legislation providing for execution by lethal injection. The first such execution took place on 10 February 1998, when peasant Manuel Martínez Coronado was executed after a series of last minute legal appeals were rejected. Again, the execution was badly botched.

The death penalty is irrevocable, and in this it differs from any other sentence. It is therefore particularly disturbing that death sentences may be passed and carried out on the basis of political factors. Amnesty International remains convinced that executions, often of people from the poorest and least literate sectors of society, after trials which commonly fall far short of international standards for due process and fair trial, are not an effective or just response to the country's deep-rooted social and economic problems.

President Alfonso Portillo has stated several times that he does not intend to exercise his prerogative of clemency, a prerogative he believes should not exist in Guatemala.

International standards require a real possibility of clemency for a number of reasons: to correct possible errors, to mitigate the harshness of punishment and to compensate for the rigidity of criminal law by taking into account factors relevant to an individual case for which the law makes no allowance.

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

- urging President Portillo, in these and other cases, to exercise the prerogative of clemency, in the interests of ensuring that irremediable mistakes are not made and that the innocent or incapable are not sent to death, as proclaimed in Article 6 of the International Covenant on Civil and Political Rights: " Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases."

- recognizing the serious nature of the crimes of which Pedro Rax Cucul and Fermín Ramírez were convicted, but reiterating your opposition to the death penalty in all cases, as the ultimate, cruel inhuman and degrading treatment and a violation of the right to life, as proclaimed in the Universal Declaration of Human Rights;

- stressing that all available research indicates that the death penalty does not serve as a deterrent to crime.

**you may also:**

- point out that medical research in the USA has shown that death by lethal injection can be prolonged and painful, and that the participation of doctors or other medical personnel is contrary to the position taken by the World Medical Association against the participation of doctors in any form of execution, at any stage;

- point out that Guatemala is out of step with abolitionist tendencies throughout the world and with Latin America's traditional and much-admired long-term stance against the death penalty.

**APPEALS TO:**

**President of Guatemala**

S.E. Alfonso Portillo Cabrera  
 Presidente de la República de Guatemala  
 6a. Avenida "A" 4-18, Zona 1  
 Ciudad de Guatemala , GUATEMALA

**Telegrams:Presidente, Ciudad de Guatemala, Guatemala**

**Fax: + 502 221 4423**

**Salutation:Excelentísimo Sr. Presidente**

**COPIES TO:**

**Attorney General of the Republic**

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 Fiscal General de la República  
 Ministerio Público, 6a Avenida 3-11, Zona 4  
 Ciudad de Guatemala, GUATEMALA

**Telegrams:Fiscal General, Ciudad de Guatemala, Guatemala**

**Fax: + 502 221 27 18**

**Salutation:Sr. Fiscal General**

**Procurator General**

Lic. Carlos García Regás  
 Procurador General de la Nación  
 Procuraduría General de la Nación  
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**Salutation: Sr. Procurador General**

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 30 March 2000.