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GUATEMALA: AMNESTY INTERNATIONAL APPEALS AGAINST FIRST JUDICIAL EXECUTIONS IN MORE THAN 12 YEARS

Amnesty International is calling on President Alvaro Arzú Irigoyen to immediately commute the death sentences of two men who will be the first people executed in Guatemala for more than 12 years if the sentences are carried out.

Pedro Castillo Mendoza and Roberto Girón could face imminent execution after their appeal to the constitutional court in November 1995 was turned down thereby exhausting all further legal remedies.

“As more and more countries are abolishing the death penalty, we are dismayed that Guatemala is taking the backward step of resuming this cruel, inhuman and outmoded form of punishment,” Amnesty International said today.

Pedro Castillo Mendoza and Roberto Girón were found guilty of raping and killing four-year-old Sonia Álvarez García in Guanagazapa, Escuintla department in April 1993.

“While we do not deny the seriousness of their crime, there is overwhelming evidence that the death penalty does not provide the solution to violent crime,” Amnesty International said.

Now that all legal remedies have been exhausted, the only possibility of overturning the sentence of death is a Presidential pardon. President Arzú has the power to commute death sentences to terms of imprisonment under Decree 159 of the Legislative Assembly which dates back to 1892.

Amnesty International’s concern is heightened by a recent statement on these cases made to the press by President Arzú, where he reportedly said that he will respect the decision of the Supreme Court of Justice and the death penalty will be applied, “*Acataré las decisiones de la Corte Suprema de Justicia, y si dictan la pena de muerte, el Ejecutiva la hará efectiva*”.

**BACKGROUND INFORMATION**

Amnesty International is unconditionally opposed to the death penalty, which it considers the ultimate violation of the right to life. The Guatemalan Penal Code provides for the death penalty for, among other crimes, aggravated homicide of the President and Vice-President of the Republic, killing a kidnap victim and rape of a child under 10. It is optional for parricide, homicide and homicide of the President and Vice-president, but mandatory for rape and kidnapping when death results and the victim is under 10.

In March 1995, the Congress passed a law extending the death penalty to material and intellectual authors of kidnapping or abduction, their accomplices and those attempting to

cover-up such crimes. However, the then President Ramiro de León Carpio neither ratified nor vetoed the law leaving its status unclear.

In July 1995, new legislation was introduced making extrajudicial execution punishable by the death penalty when the victim is less than 12 years old or over 70 years old, among other circumstances. Forced disappearance was also made punishable by the death penalty when the victim as a consequence of forced disappearance suffers serious injuries, or permanent psychological trauma or death.

Amnesty International is concerned that the extensions by Guatemala of the scope of the death penalty places the country in violation of its international commitment as state that ratified the American Convention of Human Rights which states in article 4(2); "The application [of the death penalty] shall not be extended to crimes which it does not present apply".

According to the information received by Amnesty International there are currently at least 6 people, among them Pedro Castillo Mendoza and Roberto Girón, sentenced to death in Guatemala, but four of them still have not exhausted all legal appeals.

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