

EXTERNAL

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Death Penalty / Legal concern

10 July 1997

**GUATEMALA Miguel Angel Revolorio Rodríguez  
Miguel Angel López Calo  
Aníbal Archila Pérez**

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On 18 June 1997, the Guatemalan Constitutional Court turned down the appeals of three former Guatemalan police officers that their death sentences violated the Guatemalan Constitution. The three men have now virtually exhausted all domestic remedies, and formal international appeal mechanisms are not expected to be productive. It is thus feared that their executions may be imminent.

Miguel Angel Revolorio Rodríguez, Miguel Angel López Calo and Aníbal Archila Pérez were sentenced to death in May 1996 for murder and attempted murder, crimes which they allegedly committed in 1995.

Lawyers for the condemned men contend that the proceedings against them fell far short of acceptable standards of due process. For example, the surviving victim gave completely different descriptions of his supposed attackers to the initial police investigator, to the United Nations Verification Mission, MINUGUA, and in his pre-trial statement. He made identifications of the three defendants without the presence of their legal counsel or the judicial authorities who should be present at such proceedings. The police said the identifications were made on the basis of examination of more than 20 police identification cards, but these were never entered into evidence. Only the three identity cards of Miguel Angel Revolorio Rodríguez, Miguel Angel López Calo and Aníbal Archila Pérez were so entered; that of Revolorio did not even display a photograph. All of these circumstances were in violation of the procedures for identification of suspects laid down in the Guatemalan Code of Penal Proceedings, and according to the men's lawyers should therefore have invalidated the identification of their clients.

Legal analysts also consider that two 1995 decrees which widened the range of crimes for which the death penalty can be applied in Guatemala place the country in violation of its international human rights obligations, including those set out in the American Convention on Human Rights which it signed in 1978. Under Article 4 (2) of the convention, "the application of the [death penalty] shall not be extended to crimes to which it does not presently [at the time of signing] apply."

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

- recognizing the seriousness of the crime for which three men were accused 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 or punishment and a violation of the right to life as embodied in the Universal Declaration on Human rights;
- expressing concern that Miguel Angel Revolorio Rodríguez, Miguel Angel López Calo and Aníbal Archila Pérez may be executed and urging that their death sentences be commuted and no further death sentences passed in Guatemala;
- expressing concern that proceedings in the cases against the condemned men contained irregularities which appear to have violated their rights to due process;
- urging that Guatemala rescind its extensions of the death penalty

which place the country in violation of its international commitments as a state which has ratified the American Convention on Human Rights, under which "The application [of the death penalty] shall not be extended to crimes to which it does not presently apply." [article 4 (2)].

**APPEALS TO:**

President of the Republic

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**Telegrams: Presidente, Guatemala, Guatemala**

**Salutation: Sr Presidente / Dear President**

Attorney General

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**Salutation: Señor Fiscal / Dear Attorney General**

**COPIES TO:**

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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 24 August 1997.