

30 June 2000

Further information on 58/00 (AMR 34/23/00, 20 June 2000) - Death Penalty/imminent execution

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

Tomás Cerrate Hernández and Luis Amílcar Cetino Pérez were executed on 29 June 2000 by lethal injection. They were convicted in March 1998 of the kidnaping and murder of a wealthy elderly woman.

In 1998 the Guatemalan Congress amended the law governing procedures for the execution of the death penalty, (Ley que Establece el Procedimiento para la Ejecución de la Pena de Muerte) to prohibit the media from transmitting live images of executions. This followed the botched execution of Manuel Martínez Coronado, the first person to be executed in Guatemala by lethal injection, who died in February 1998. The role of the media was to be confined to observing executions to enable them to report that they had in fact been carried out. However, the executions of Tomás Cerrate Hernández and Luis Amílcar Cetino Pérez were carried out in the presence of the international media and were broadcast live. Once again, relatives of the condemned men could be seen and heard sobbing as the men were put to death. And once again, the lethal injection machine appeared to have malfunctioned; Tomás Cerrate's execution was apparently delayed when one of the lethal machine's pumps was inadvertently de-programmed.

Although the Guatemalan judiciary's chief forensic medical officer had stated before the executions that the men's deaths would only take from 3 to 5 minutes, in fact Luis Amílcar Cetino died after 8-9 minutes of agony and Tomás Cerrate died some 7 minutes after receiving his injection. One of the priests present during the execution declared shortly afterwards that he had the impression that both victims had suffered greatly.

Luis Amílcar Centino Pérez claimed his innocence until the last, insisting that a series of judicial irregularities had occurred during his trial.

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

- expressing deep disappointment that Guatemala proceeded with these executions, and at the macabre spectacle of their transmission on Guatemalan television;
- reiterating Amnesty International's 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 on Human Rights;
- pointing 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;
- Stressing that all available research indicates that the death penalty does not serve as a deterrent to crime.
- 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)] and that no further death sentences be passed or executions carried out.

President of the Republic

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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 11 August 2000.