

EXTERNAL

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To: Health professionals
From: Medical office / Central America sub-regional team
Date: 5 September 1997

MEDICAL LETTER WRITING ACTION

Execution by lethal injection GUATEMALA

Keywords

Theme: death penalty / lethal injection / medical ethics

Affiliation:

Summary

Following a botched execution by shooting in 1996, the Guatemalan government legislated to permit execution by lethal injection. Several men under sentence of death have now exhausted their appeals and the first such execution appears imminent. It is unclear who will carry out the execution with press reports speaking both of a "medical team" and of "paramedics". AI opposes the death penalty unconditionally and is additionally opposed to the use of medical skills to carry out state-ordered executions. AI is urging commutation of death sentences in Guatemala and to end the use of the death penalty.

Recommended Actions

Letters are requested from health professionals, preferably in Spanish or in your own language, to the addresses given below:

- o stating that you are writing as a concerned health professional
- o acknowledging the responsibility of governments to protect citizens and to punish those guilty of serious crimes
- o suggesting there is no evidence that the death penalty has made a significant contribution to the protection of the public
- o expressing serious worries about the new method of execution which appears to involve both medical skills and medical or paramedical personnel in killing on behalf of the state
- o expressing your strong opposition to this role and underlining the fundamental ethical principle of medicine and nursing that the health professional should work for the benefit of people and should preserve life rather than acting as executioners
- o rejecting the idea that killing someone by injection is "humane"
- o urging the government to commute the sentences of those currently under threat of execution and to end the use of the death penalty in Guatemala

Addresses (see over)

Addresses

President of the Republic
 S.E. Álvaro Arzú Irigoyen
 Presidente de la República de Guatemala
 Palacio Nacional
 6ª Calle y 7ª Avenida, Zona 1
 Guatemala, GUATEMALA
 Fax: +502 221 4537 or +502 230 1502
 (if voice, ask "me puede dar tono de fax,
 por favor")
 E-mail: alvaroarzu@guateconnect.com
 Salutation: Sr Presidente / Dear President

Attorney General
 Lic. Héctor Hugo Pérez Aguilera
 Fiscal General de la Nación
 Ministerio Público
 6ª Avenida 3-11, Zona 4
 Guatemala , GUATEMALA
 Fax: +502 331 7066
 Salutation: Señor Fiscal / Dear Attorney
 General

Deputy Interior Minister
 Salvador Gándara
 Vice-Ministerio de Gobernación
 Despacho Ministerial, Of. Nº 8
 Palacio Nacional
 6ª Calle y 7ª Avenida, Zona 1
 Guatemala , GUATEMALA
 Tel: +502 221 4428 Ext.1500
 Fax: +502 251 5368

COPIES TO:

Guatemalan medical association
 Colegio de Médicos y Cirujanos de Guatemala
 O Calle 15-46 zona 15
 Colonia "El maestro", 01015
 Ciudad de Guatemala, Guatemala

Nurses association
 Asociación Guatemalteca de Enfermeras
 Profesionales
 14 Calle #1-15 Zona 3, Apto. 6
 Guatemala
 Guatemala

Minister of Foreign Relations
 Sr. Eduardo Stein
 Ministro de Relaciones Exteriores
 Ministerio de Relaciones Exteriores
 Palacio Nacional
 6ª Calle y 7ª Avenida, Zona 1
 Guatemala , GUATEMALA
 Fax: +502 251 8445

Human Rights Procurator
 Lic. Julio Eduardo Arango
 Procurador de los Derechos Humanos
 Procuraduría de los Derechos Humanos
 12 Avenida 12-72, Zona 1
 Guatemala, GUATEMALA
 Fax: +502 238 1734 or +502 251 7769

*CALDH (non-governmental human rights
 organization)*
 8a Avenida 1-11, Zona 1
 Ciudad de Guatemala, GUATEMALA
 Fax (502) 23 21 453
 E-mail: CALDH@guate.net

and to diplomatic representatives of
 Guatemala accredited to your country.

Date: 5 September 1997

EXECUTION BY LETHAL INJECTION

GUATEMALA

In October 1995, Manuel Martínez Coronado was sentenced to death for the murder of seven members of one family in May 1995. Former Guatemalan policemen Miguel Angel Rodríguez Revolorio, Miguel Angel López Calo and Aníbal Archila Pérez were sentenced to death in May 1996 for murder and attempted murder, crimes which were committed in 1995.

On 12 June 1997, the Guatemalan Constitutional Court rejected the appeal of Manuel Martínez Coronado that his conviction for murder violated the Guatemalan Constitution. On 18 June 1997, the same court rejected a similar appeal by the three condemned policemen based on the same grounds. These prisoners, and at least two others convicted of capital offences, appear to have exhausted all domestic remedies and it is thought that their executions may be imminent. Press speculation suggests that Manuel Martínez will be the first of the condemned men to be executed and that his execution is imminent.

The Guatemalan legislature approved lethal injection as the method of execution following a botched execution by shooting in 1996—one of two men executed required a *coup de grace* to complete the execution. The executions had been televised in Guatemala and widely broadcast abroad. Public revulsion at the spectacle seems to have been instrumental in the government's decision. A "*módulo letal*" (lethal injection chamber) has been constructed within the Granja de Rehabilitación de Pavón (Pavon Rehabilitation Prison), southeast of Guatemala City, and was officially opened by the Deputy Interior Minister Salvador Gándara on 28 July 1997. According to a report in the Guatemalan newspaper, *Prensa Libre* (29 July 1997), Sr Gándara said that the chamber had an extension in which the condemned man could spend time with his family before the execution. The building contained bathing and toilet facilities and was constructed to prevent suicide. In an ante-room there was space for friends of the condemned, legal authorities, judges and the press. In addition, there was an area where the condemned man could talk with priest or pastor if he wished.

Sr Gándara said that the necessary chemicals had been acquired and that one or more executioners had been recruited. He gave no details of numbers or qualifications of those to be involved in carrying out the execution. Reports have described them alternately as "paramedical" and "medical" staff. A report by the Spanish press agency, EFE (26 July 1997), quoted a judge, Juan Fernando Godínez, as suggesting that five paramedics would elect one of their number to carry out the execution. A report from *Prensa Libre* (28 July 1997) spoke of an "air-conditioned clinic with a special medical team [in which] the doctor and his assistants will promptly carry out the orders of the judge" ["*la clínica acondicionada con equipo médico*" [donde] *el médico y sus asistentes prestos a cumplir la orden del ejecutor*"]. The chemicals to be used were described as including thiopental, pancuronium bromide, potassium chloride, dextrose and serum. Some 15 minutes before the execution commenced, the prisoner would be given a muscle relaxant.

The stated intention of introducing lethal injection is to make executions "more humane" and to avoid repeating the spectacle of the kind of botched execution seen in 1996.

Amnesty International opposes executions without reservation but is additionally concerned by any attempt to involve health professionals in carrying out executions. Both doctors' and nurses' organizations have clear ethical policies opposing such participation. The World Medical Association,

for example, has stated that “it is unethical for physicians to participate in capital punishment” (*Resolution on physician participation in capital punishment*, 1981). The International Council of

Nurses has resolved that it “considers participation by nurses, either directly or indirectly, in the immediate preparation for and the carrying out of state authorized executions to be a violation of nursing’s ethical code (*The death penalty and participation by nurses in executions*, 1989).

Background

The Guatemalan Penal Code provides for the death penalty for aggravated homicide of the President or the Vice-President, for the murder of a member of the perpetrator’s immediate family, for killing a kidnap victim or for the rape of a girl under 10. The death penalty was made optional for homicide, but mandatory for rape and kidnapping when death results and the victim was under the age of 10. A sentence can be imposed only after all appeals are exhausted. Guatemala is the only country in Central America to retain the death penalty.

The last executions in Guatemala prior to those in 1996 took place in 1982-1983 in a context of a declared ‘state of siege’ and at the height of the then military government’s counter-insurgency campaign. Special Military Tribunals were empowered to try prisoners, many of them political, without juries, lawyers or the right of appeal. The decree establishing them was rescinded after the government of General Efraín Ríos Montt was overthrown in August 1983.

In the years since then, several death sentences were passed for common crimes, but later commuted. However, as fear of rising crime rates has increasingly gripped Guatemala, there have been increasing expressions of support for the death penalty from many sectors of Guatemalan society. In March 1995, the Guatemalan Congress approved Decree 14-95, which extended the application of the death penalty to anyone convicted of kidnapping, including, in certain cases, accomplices and those who attempt to cover up such crimes. The legislation went into effect by default as the then president, Ramiro de León Carpio, did not reject it within the limit specified by the law. In July 1995, decree, (48-95), extended the death penalty to cover extrajudicial executions by members of the security forces against persons under 12 or over 60, as well as “disappearances” resulting in serious injuries, permanent psychological trauma or death. Analysts considered these measures in violation of Guatemala’s obligations under Article 4 (2) of the American Convention which it signed in 1978. Article 4 (2) states that the application of the [death penalty] shall not be extended to crimes to which it does not presently [at the time of signing] apply.”

Then, in September 1996, the first executions in 13 years took place when Pedro Castillo Mendoza and Roberto Girón were executed by firing squad for the rape and murder of a 4-year-old girl in Escuintla Department. Commentators considered that the two had been deprived of due process guarantees, particularly as they had been without lawyers for a period after their initial detention, and had later been defended by inexperienced law students.

The September executions were televised throughout the country, and viewers saw the leader of the execution squad deliver the *coup de grace* to Pedro Castillo, who had not died from the original volley of shots from the firing squad. Following criticism expressed both abroad and from certain sectors in Guatemala at the macabre spectacle of the televised executions, the Guatemalan Congress approved a measure providing for future executions to be carried out by lethal injection.

Lethal execution as a method of judicial execution was first legislated into being in the United States of America in 1977 and the first execution by this method was carried out in Texas in December 1982. Two physicians assisted at this first execution. In the following 15 years, the majority of executions in the USA have been by lethal injection. They have included botched, painful and prolonged executions such as that of Ricky Rector in Arkansas in January 1992. It took a team nearly an hour to find a vein in which to insert the catheter bearing the lethal chemicals. In the end, it was the condemned man himself who helped secure the line. In 1988, an intravenous line bearing the poison came loose during the execution of Raymond Landry in Texas, spraying the chemicals around the execution chamber. The line was then re-established and the execution proceeded with. He was pronounced dead 40 minutes after being strapped to the execution stretcher. In several other cases, prisoners have shown signs of discomfort or pain in the early part of the execution.