

AI Index: PRE 01/346/2010
05 October 2010

Guatemalan Congress urged to resist attempts to reapply death penalty

Amnesty International has called on the Guatemalan Congress to abolish the death penalty instead of regulating it as MP's debate legislation that would allow its use for the first time since 2000.

The new legislation would create presidential pardons for those on death row, a move that would allow the country to use the death penalty in what politicians say is a response to public pressure over rising gang violence.

"The death penalty is a cruel, inhuman and degrading punishment and violates the right to life as proclaimed in the Universal Declaration of Human Rights", said Guadalupe Marengo, Deputy Director of Amnesty International's Americas program.

"More than two-thirds of countries have abolished the death penalty in law or in practice as in the rest of the Americas. Even the USA, which is the only country in the region that consistently carries out executions, is showing signs of turning against this inhuman and degrading treatment. Guatemala would be turning against this positive trend if its Congress paves the way for the reapplication of the death penalty."

If the Guatemalan Congress votes in favour of that legislation, ten people, who are currently in death row, could be executed.

Amnesty International recognises that crime in Guatemala is widespread and Guatemalan congressmen and women have a duty to ensure they pass legislation that will reduce this worrying trend so that residents can live without fear.

"Executing those who commit horrific crimes will not be a deterrent. Studies from around the world show that the death penalty has no special deterrent effect and far from making society safer, it has a brutalizing effect on society. State sanctioned killing only serves to endorse the use of force and to continue the cycle of violence," said Guadalupe Marengo.

"The Guatemalan Congress should be voting to abolish the death penalty instead of regulating it and address the real issues that lie behind crime. Police and judicial systems must be equipped to eradicate impunity and the government should address inequality and discrimination."

Background information

The Guatemalan constitution, passed in 1985, permits the death penalty under article 18. The last execution was carried out in Guatemala in 2000, using lethal injection. Since then, successive governments have

established a de facto moratorium in the application of death penalty, by not implementing measures to enable them to issue presidential pardons for those sentenced to death. In 2005 the Inter-American court ruled that Guatemala could not apply the death penalty because it did not have a procedure in place for the granting of presidential pardons.

Bill 4175, currently being debated in Congress, proposes a mechanism for presidential pardons. If the Guatemalan Congress votes in favour of that legislation, ten people, who are currently in death row, could be executed.

Capital punishment is irrevocable; and coupled with judicial systems prone to human error and prejudice, the risk of executing an innocent person is ever present. In 2007, the UN reaffirmed and strengthened its position against this cruel and inhumane treatment, when the General Assembly passed a resolution calling upon member states to establish a moratorium on executions with a view to abolishing it all together.