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## ***Guatemala: Pardon illustrates need for maintaining executive clemency***

*The announcement of presidential clemency to illiterate Kekchí-speaking peasant farmer, Pedro Rax Cucul, who was under sentence of death, is a positive acknowledgement of the many irregularities that marked his trial, Amnesty International said today.*

*Pedro Rax had been convicted of the 1996 murder of his wife and condemned to die by lethal injection. President Portillo yesterday commuted his sentence from death to 30 years' imprisonment.*

*"Besides being against the death penalty in all cases, we saw special extenuating circumstances in the case of Pedro Rax, particularly the severe mental disorders from which he has been suffering for some time, and which apparently led to the murder of which he was convicted," Amnesty International said.*

*"This, in combination with the grave shortcomings in the proceedings which convicted him -- conducted entirely in Spanish, a language he did not speak -- made it, in our view, unconscionable that Rax should be executed."*

*"We are pleased that President Portillo has come to the same view," the organization said, adding that what Pedro Rax needs is medical treatment, not simply 30 years isolated in an environment which has already exacerbated his condition.*

While welcoming President Portillo's decision, the human rights organization took the opportunity to reiterate its strong remaining concerns regarding the death penalty in Guatemala.

"This is not an isolated case," Amnesty International said. "Many others amongst the more than 30 people on death row in Guatemala have also been convicted without having had an adequate defence or being afforded minimum standards of due process."

"The grave flaws in the Guatemalan legal process make the use of the death penalty -- in itself the ultimate cruel, inhuman and degrading treatment -- at special risk of convicting and killing innocent people."

Amnesty International also said that the recent decision by the Guatemalan Congress to rescind the Presidential power of pardon violates Guatemala's international obligations.

The organization is urging the Guatemalan Congress to reverse this decision and maintain executive clemency, a power which exists in most of the countries which have the death penalty, and which is recognised and sanctioned under international law including the American Convention on Human Rights and the International Covenant on Civil and Political Rights.

"The Rax case clearly illustrates why this prerogative of clemency must exist: to correct mistakes made in often flawed judicial proceedings," Amnesty International said.

### **Background**

President Portillo cited the fact that the trial had been in Spanish and that Rax had received an inadequate defence, as well as unspecified "socio-economic" elements, as the reasons for commuting his sentence.

*However, the President apparently made no mention of Rax's mental condition, which had been swept aside during the proceedings against him. He had been found carrying part of the severed arm of the murder victim in his lunch pack for example, but this and other indications of mental disorder were dismissed by the Spanish-speaking court medical official who initially examined him as "within the normal bounds of behaviour."*

*Later, independent psychiatrists who examined him with the aid of Kekchí translators found that he had been suffering from paranoid schizophrenia and was most probably delirious at the time he committed his crime.*

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