

via fax: 011 502 2220 4024/4019 Dip. Arturo Eduardo Meyer Maldonado President of the Congress of the Republic of Guatemala	via fax: 011 502 2220 4019 Dip. Humberto Leonel Sosa Mendoza President of the Congressional Extraordinary Justice Reform Committee
via fax: 011 502 2220 4019 Dip Carlos Enrique Bautista Godinez President of the Congressional Human Rights Committee	

March 24, 2008

Dear Sirs:

We are extremely concerned about your consideration of **Decree 06-2008** which President Colom rightly vetoed on March 14. This decree, which establishes a procedure for those condemned to death to request a pardon from the President and which you initially approved on February 12, does not mention and define the criteria under which pardons are to be granted and is, therefore, in breach of a ruling by the Inter-American Court of Human Rights (IACHR), which ordered the specification of clear criteria for evaluating individual petitions for pardon. This leaves Guatemala in breach of the American Convention on Human Rights. Guatemala's own Constitution establishes that international human rights treaties prevail over national law.

In addition, Decree 06-2008 states that the lack of a presidential decision within 30 days of the application for commutation of the death sentence would suffice to consider the request "tacitly rejected," which would therefore lead to execution. **This could be used to speed up executions and would result in the impossibility of appealing in order to stop them.** This approach, known as "negative administrative silence," is legally inconsistent with Guatemala's obligation to establish specific criteria for evaluating each case. Moreover, by leading to executions by default, "administrative silence" could lead to the execution of prisoners who have appealed their sentences to international bodies and whose cases are still pending.

This Decree's interference with the right to life is totally unacceptable. Our opposition to capital punishment is not to excuse or minimize the consequences of violent crime. We do recognize that there is much public anxiety about Guatemala's grave situation of public security. However, changes in public security policies must be consistent with human rights and international law.

We therefore **strongly urge** that you do not override President Colom's veto of Decree 06-2008 or reconsider the bill. The death penalty is the ultimate form of cruel, inhuman and degrading treatment or punishment, and it has not been shown to have a special deterrent effect. We sincerely hope that you will not join the USA as the only other country in the American continent to execute people.

Sincerely,

Brian J. Stefan Szittai
Coordinator

cc: Red de organizaciones por la abolición de la pena de muerte ~ via fax 011.502.2232.5121
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US Senators Brown & Voinovich and US Representatives Kaptur, Kucinich, Latta, LaTourette, Regula, Ryan, Sutton, Tubbs Jones ~ via email

UA 51/08Update Guatemala

The following people hereby urge you to take action on this matter as indicated in this letter: