



Brussels and Guatemala City, October 15th, 2010

Baroness Catherine Ashton,
High Representative of the European Union for Foreign Affairs and Security Policy
Member States of the European Union

Re: Concern regarding the passage of a law, the "law regulating the commutation of the death penalty" in the Congress of Guatemala.

Dear Madame Ashton,

At the end of last week, European and international Ngo networks have expressed to missions and the European Union delegation in Guatemala our deep concern about the decision of the Guatemalan Congress to pass a "law regulating the commutation of the death penalty", which if it were to enter into force, would effectively reactivate the death penalty in Guatemala (see the letter attached).

We welcome the decision, which had already made the missions and the European Union delegation in Guatemala, to disseminate widely through the national press the

Joint Council of Europe / European Union declaration to mark the European Day against the Death Penalty and the World Day against the Death Penalty. We believe that the decision to disseminate this declaration came at an appropriate time and can be complemented by other actions from national and international actors.

We welcome the statements by the President of the Republic of Guatemala, Alvaro Colom, who expressed his willingness to veto the law as he did two years ago in relation to a similar bill, a decision which was supported by extensive analysis as set out in Government Agreement 104-2008. It is vital that the President is supported in order to ensure that he follows through on his commitment

We share the concern expressed by the UN and human rights organizations in Guatemala on the bills that have recently been introduced in Congress, particularly the denouncement of the American Convention on Human Rights (Pacto de San José) and so-called laws "anti-maras", whose spirit is predominantly repressive and discriminatory, and which will furthermore have no impact on resolving the underlying insecurity problems faced by the Guatemalan people. Such measures constitute serious setbacks in human rights and undermine the rule of law.

In light of the Treaty of Lisbon, the democratic clause of the EU and Central America agreement¹, and the EU Guidelines on the death penalty, we respectfully request that the European Union consider emitting a declaration concerning the death penalty in Guatemala, in particular:

1. Welcoming the public declaration of the President of the Republic of Guatemala, in which he expressed his willingness to veto the "law regulating the commutation of the death penalty" and pursue other diplomatic actions to support it.
2. To remind the Guatemalan State, as the EU did via its declaration in 2008, that the European Union opposes the death penalty in all cases and in all circumstances; that the abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights; that the death penalty is a cruel and inhuman punishment and a violation of the right to life, that it provides no added value in terms of deterrence, and any miscarriage of justice, which is inevitable in any legal system, would be irreversible.
3. To remind the Guatemalan State of the importance of promoting security measures, in the framework of a comprehensive democratic security policy, with appropriate allocation and use of financial resources, commensurate with its obligations under international human rights treaties, and such decisions should not be subject to electoral demagoguery. In this sense, it would be desirable to urge the Congress of Guatemala to discuss the set of key legislative proposals currently before it, which enjoy the support of civil society organizations, CICIG and the international community, giving priority to those aimed at strengthening civilian security forces and at improving the capacity and quality of criminal investigations by the Justice Department and the National Civil Police.

¹ Article 1, related to democratic principles, fundamental human rights and the rule of law inspire the domestic and international policies of the parties and constitute essential aspects of this agreement.

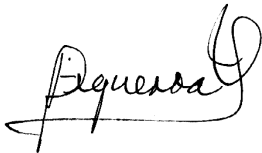
Yours sincerely,



Lizzette Robletto
Presidenta de CIFCA



Eric Sottas
Secretario General OMCT



Dilcia Figueroa
Coordinadora Grupo Sur



Rob van Drimmelen
Secretario General de APRODEV



Anabella Sibrián
Representante en Guatemala
Plataforma Holandesa contra la Impunidad