

3-6-1992

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Guatemala: Judge Orders Death Penalty In Murder Case

by Deborah Tyroler

Category/Department: General

Published: Friday, March 6, 1992

On March 3, court spokespersons told reporters that Judge Yolanda Perez Ruiz ordered the death penalty for Esteban Ajsivinac Patal, a civil patrol (PAC) member and deputy mayor from Chimaltenango department, for his role in the 1991 murder agricultural worker Lucas Pu Us. Ajsivinac Patal's son, Antonio, received a 30-year jail sentence for the same crime. If the ruling stands, Ajsivinac will be the first person to be executed by firing squad in Guatemala in over a decade. The court found that Ajsivinac Patal, his son and several other agricultural workers detained Pu Us on May 15 and accused him of committing a crime, the nature of which was not reported. When Pu Us refused to confess to the crime, he was tied to a tree, beaten, strangled and then his corpse was disposed of in an unmarked grave. Ajsivinac Patal and his son have denied responsibility for the murder. Defense Minister Gen. Jose Domingo Garcia has denied that Ajsivinac was a member of the PACs. On March 4, Presidency Minister Manuel Conde said the government fully supported application of the death penalty in the Ajsivinac case as a way to demonstrate to other criminals that crimes will not go unpunished. He said that President Jorge Serrano is committed to reviving the judicial system and assuring that justice is applied equally to all Guatemalans. Conde added that "the judicial system has been virtually asleep [for a long time], but recently it has begun to shake off the dust. A better application of justice will strengthen democracy in this country enormously." Judge Eduardo Coromac asserted that greater reliance on the death penalty would not solve the problem of impunity. He said that the Guatemalan penal process is "selective" and that there is "discrimination," with "white collar criminals" and those who come from privileged social and economic sectors subject to more lenient treatment. Guatemalan law allows for capital punishment, subject to certain exceptions. The death penalty was last applied during the regime of Gen. Efraim Rios Montt (1982-1983) when sixteen persons accused of various crimes were executed. (Basic data from Agencia Centroamericana de Noticias-Spanish news service EFE, 03/03/92, 03/04/92)

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