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Institution: Inter-American Commission on Human Rights
File Number(s): Case 12.403
Title/Style of Cause: Fermin Ramirez v. Guatemala
Doc. Type: Decision on Precautionary Measures
Dated: 9 February 2004
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29. On February 9, 2004, the IACHR granted precautionary measures in favor of Fermín Ramírez in the context of Case No 12.403, referring to the alleged violation of the rights to life, due process of law, and judicial protection, enshrined in Articles 4, 8, and 25 of the American Convention, as a result of the decision of March 6, 1998 of the Court of Criminal Sentencing, Narcotic Activities and Crimes of Escuintla whereby Mr. Ramírez was convicted and sentenced to death. Available information indicates that, on January 8, 2004, the Constitutional Court had allowed an appeal on the ground that Mr. Ramírez's sentence was unconstitutional, without ordering the provisional suspension of the execution of the death penalty given to Mr. Ramírez. As a consequence, his execution could be scheduled at any time by the judge of execution of sentences. In view of the situation, the Commission requested the Guatemalan State to suspend Mr. Ramírez's execution on the basis that his petition was pending before the inter-American system, in order to avoid depriving any decision by the Commission of its effectiveness. On September 12, 2004, Case 12.403 was referred to the jurisdiction of the Inter-American Court, and on December 3, 2004, the representatives of the beneficiary requested the adoption of provisional measures in favor of Mr. Ramírez. In response, the President of the Court adopted a Resolution on December 21, 2004 (see below the section on matters pending before the Inter-American Court).