

# Fermín Ramírez v. Guatemala

## ABSTRACT<sup>1</sup>

*On May 10, 1997, Mr. Fermín Ramírez was illegally arrested by a group of his neighbors for allegedly committing a crime against a minor. Mr. Fermín Ramírez was convicted and sentenced to death without the opportunity to seek pardon and to exercise his rights to defense with regard to both the variation of the acts charged in the indictment as well as their legal classification. The Court found that the State violated the American Convention on Human Rights.*

### I. FACTS

#### A. Chronology of Events

**May 10, 1997:** Las Morenas villagers arrest Mr. Fermín Ramírez for allegedly raping and murdering twelve-year-old Grindi Jasmín Frañco Torres in the Las Delicias farm.<sup>2</sup> Mr. Fermín Ramírez's neighbors subsequently turn him in to the National Police.<sup>3</sup>

**May 15, 1997:** The Second Lower Court of Criminal Matters, Drug Trafficking, and Environmental Crimes of Escuintla orders preventive detention for Mr. Ramírez for the murder and aggravated rape of Ms. Frañco Torres.<sup>4</sup>

**August 1, 1997:** The Office of the Public Prosecutor charges Mr. Ramírez for the crime of aggravated rape pursuant to Article 175 of the Criminal Code.<sup>5</sup> Article 175 imposes a sentence of thirty to fifty years if the rape results in the victim's death.<sup>6</sup>

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1. Shirinnaz Zekavati, Author; Elise Cossart-Daly, Grace Kim, and Sascha Meisel, Editors; Sarah Frost, Chief Articles Editor; Cesare Romano, Faculty Advisor.

2. *Fermín Ramírez v. Guatemala*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 126, ¶¶ 54(1)-(2) (June 20, 2005).

3. *Id.*

4. *Id.* ¶ 54(2).

5. *Id.* ¶ 54(3).

6. *Id.*

**December 18, 1997:** The Second Lower Court of Criminal Matters, Drug Trafficking, and Environmental Crimes of Escuintla issues the order for the trial to commence and validates the indictment for aggravated rape.<sup>7</sup>

**March 5, 1998:** The Trial Court warns the parties that the charges against Mr. Ramírez's may be modified but the Trial Court does not specify what Mr. Ramírez may be charged with.<sup>8</sup> The President of the Court indicates that he will not receive a new statement from Mr. Ramírez.<sup>9</sup> He does not inform the parties that they have the right to request the suspension of the debate under Article 373 of the Code of Criminal Procedure.<sup>10</sup>

**March 6, 1998:** The Criminal, Drug Trafficking, and Environmental Crimes Trial Court in Escuintla changes Mr. Ramírez charge to murder, without Mr. Ramírez's knowledge, finds him guilty of murder, and sentences him to death.<sup>11</sup>

The Court unanimously holds that Mr. Ramírez is guilty of murder rather than aggravated rape since strangulation was the cause of Ms. Frañco Torres' death.<sup>12</sup> Mr. Ramírez appeals this judgment to the Twelfth Chamber of the Appeals Court of Criminal Matters, Drug Trafficking and Environmental Crimes.<sup>13</sup>

**May 27, 1998:** The Twelfth Chamber of the Appeals Court of Criminal Matters, Drug Trafficking and Environmental Crimes declares Mr. Ramírez's appeal inadmissible.<sup>14</sup>

**June 6, 1998:** Mr. Ramírez's defense counsel presents an appeal for review by a high court before the Twelfth Court of Appeals.<sup>15</sup>

**June 7, 1998:** Mr. Ramírez's defense counsel appeals the May 27, 1998

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7. *Id.* ¶ 54(6).

8. *Id.* ¶ 54(9).

9. *Id.* ¶ 54(13).

10. *Id.*

11. *Fermín Ramírez v. Guatemala*, Admissibility Report, Report No. 74/02, Inter-Am. Comm'n H.R., Case No. 12.403, ¶ 1 (Oct. 9, 2002).

12. *Id.*

13. *Id.* ¶ 54(19).

14. *Id.* ¶ 54(20).

15. *Id.* ¶ 54 (21).

judgment of the Twelfth Chamber of the Appeals Court to the Criminal Chamber of the Supreme Court of Justice.<sup>16</sup>

**August 17, 1998:** The Criminal Chamber of the Supreme Court of Justice declares Mr. Ramírez's appeal inadmissible.<sup>17</sup>

**September 28, 1998:** Mr. Ramírez is transferred to the High Security Center Canadá de Escuintla.<sup>18</sup>

**September 30, 1998:** Mr. Ramírez's defense counsel presents an *amparo* appeal to the Constitutional Court, challenging the August 17, 1998 decision of the Criminal Chamber of the Supreme Court of Justice.<sup>19</sup>

**February 18, 1999:** The Constitutional Court denies the September 30, 1998 *amparo* request in its Extraordinary Court of *Amparo*.<sup>20</sup> The Constitutional Court also imposes a fine of \$13.03 on the sponsoring attorneys payable to Treasury of this Court within five days.<sup>21</sup> Mr. Ramírez's defense counsel requests a clarification of the fine imposed on the attorneys.<sup>22</sup>

**March 1, 1999:** The Constitutional Court declares the clarification inadmissible.<sup>23</sup>

**May 14, 1999:** Mr. Ramírez's defense counsel presents an appeal for review before the Criminal Chamber of the Supreme Court of Justice against the March 6, 1998 final judgment by the Criminal, Drug Trafficking and Environmental Crimes Trial Court of the Department of Escuintla.<sup>24</sup>

**July 12, 1999:** The Criminal Chamber of the Supreme Court of Justice declares the May 14, 1999 appeal inadmissible.<sup>25</sup>

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16. *Id.*

17. *Id.* ¶ 54(22).

18. *Id.* ¶ 54(55).

19. *Id.* ¶ 54(23).

20. *Id.* ¶ 54(24).

21. *Id.*

22. *Id.* ¶ 54(25).

23. *Id.*

24. *Id.* ¶ 54(26).

25. *Id.* ¶ 54(27).

**July 27, 1999:** Mr. Ramírez's defense counsel requests a pardon from the President of the Republic pursuant to Decree 159 of the Legislative Assembly of the Republic of Guatemala.<sup>26</sup>

**May 11, 2000:** The Congress of the Republic of Guatemala overturns Decree 159 with Decree 32-2000.<sup>27</sup>

**June 1, 2000:** Decree 32-2000 goes into effect.<sup>28</sup>

**June 2, 2000:** The President of the Republic denies the request of pardon presented by Mr. Ramírez's defense counsel, as he does not have the power to pardon under Decree 32-2000.<sup>29</sup>

**June 9, 2000:** Mr. Ramírez's defense counsel files an *amparo* appeal with the Constitutional Court against the Criminal Chamber of the Supreme Court of Justice; the Twelfth Chamber of the Appeals Court of Criminal Matters, Drug Trafficking, and Environmental Crimes; and the Criminal, Drug Trafficking, and Environmental Crimes Trial Court of Escuintla for violations of the right to a defense and the right to due process.<sup>30</sup> Mr. Ramírez's defense counsel also requests a provisional *amparo* before Mr. Ramírez is executed.<sup>31</sup>

**November 21, 2000:** The Constitutional Court denies the June 9, 2000 *amparo* requests.<sup>32</sup>

**November 28, 2000:** Mr. Ramírez's defense counsel requests that the Second Court of Criminal Execution avoid setting the date and time of Mr. Ramírez's execution since a complaint was filed on behalf of Mr. Ramírez with the Inter-American Commission on Human Rights.<sup>33</sup>

**December 5, 2000:** Mr. Ramírez is taken to the Center of Prevention Detention for Men on Zone 18 Sector 11.<sup>34</sup> The prison lacks water, has

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26. *Id.* ¶ 54(28).

27. *Id.* ¶ 54(29).

28. *Id.* ¶ 54(29).

29. *Id.*

30. *Id.* ¶ 54(31).

31. *Id.*

32. *Id.* ¶ 54(32).

33. *Id.* ¶ 54(33).

34. *Id.* ¶ 54(55).

serious problems with the sanitary installation and does not have adequate medical services.<sup>35</sup> The sector where Mr. Ramírez is located is twenty meters by six and eight meters and contains forty cement beds.<sup>36</sup> In this sector, there are forty prisoners.<sup>37</sup> There are not adequate educational or sports programs, or medical and psychological assistance.<sup>38</sup> Mr. Ramírez has serious health problems. He suffers from a gastric ulcer, severe gastrointestinal disorders, tachycardia, and insomnia, among others.<sup>39</sup> Mr. Ramírez is also diagnosed with psychological issues, including a chronic situational disorder and a personality disorder.<sup>40</sup>

**December 22, 2000:** The Second Court of Criminal Execution declares Mr. Ramírez's March 6, 1998 request inadmissible.<sup>41</sup>

**January 2, 2001:** Mr. Ramírez's counsel presents a special motion of appeal before the Second Court of Criminal Execution against the December 22, 2000 decision for procedural reasons.<sup>42</sup>

**January 31, 2001:** The Fourth Chamber of the Court of Appeals declares that the motion cannot be appealed and upholds the December 22, 2000 judgment.<sup>43</sup>

**February 13, 2001:** Mr. Ramírez's counsel appeals the January 31, 2001 decision to the Chamber of *Amparo* and Pretrial of the Supreme Court of Justice.<sup>44</sup>

**May 18, 2001:** The Chamber of *Amparo* and Pretrial of the Supreme Court of Justice declares Mr. Ramírez's February 13, 2001 appeal inadmissible.<sup>45</sup>

**June 4, 2001:** Mr. Ramírez's defense counsel appeals the May 18, 2001

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35. *Id.* ¶ 54(56).

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.* ¶ 54(61).

40. *Id.*

41. *Id.* ¶ 54(33).

42. *Id.* ¶ 54(35).

43. *Id.* ¶ 54(36).

44. *Id.* ¶ 54(37).

45. *Id.* ¶ 54(38).

judgment of the Chamber of *Amparo* and Pretrial of the Supreme Court of Justice.<sup>46</sup> He alleges that the Chamber of *Amparo* and Pretrial of the Supreme Court of Justice failed to address whether it was improper for the trial court to change the charges against Mr. Ramírez without his knowledge, as well as other issues.<sup>47</sup>

**June 21, 2001:** The Chamber of *Amparo* and Pretrial of the Supreme Court of Justice declares the June 4, 2001 appeal inadmissible.<sup>48</sup>

**July 11, 2001:** Mr. Ramírez's defense counsel presents a motion of appeal before the Constitutional Court against the *amparo* judgment of May 18, 2001.<sup>49</sup>

**December 19, 2001:** The Constitutional Court confirms the judgment of May 18, 2001 and states that *amparo* appeals should not be used to revise a judicial decision just because the decision was not what the Defendant expected.<sup>50</sup>

**March 8, 2002:** Mr. Ramírez's defense counsel presents a new appeal before the Criminal Chamber of the Supreme Court of Justice against the March 6, 1998 criminal judgment.<sup>51</sup>

**April 2, 2002:** The Criminal Chamber of the Supreme Court of Justice denies the appeal.<sup>52</sup>

**April 25, 2002:** Mr. Ramírez's defense counsel presents an appeal of relief against the April 2, 2002 judgment before the Constitutional Court.<sup>53</sup> Mr. Ramírez's counsel also requests provisional *amparo* relief due to imminent danger of the execution of Mr. Ramírez before he has had an opportunity to exhaust all remedies to defend himself.<sup>54</sup>

**December 30, 2002:** The Constitutional Court, as an extraordinary court of *amparo*, grants Mr. Ramírez's *amparo* request and orders the

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46. *Id.* ¶ 54(39).

47. *Id.*

48. *Id.* ¶ 54(40).

49. *Id.* ¶ 54(41).

50. *Id.* ¶ 54(42).

51. *Id.* ¶ 54(43).

52. *Id.* ¶ 54(44).

53. *Id.* ¶ 54(45).

54. *Id.*

Supreme Court of Justice to issue a new decision regarding the appeal admissibility.<sup>55</sup>

**November 19, 2003:** Mr. Ramírez returns to the High Security Prison Canadá de Escuintla.<sup>56</sup>

**November 25, 2003:** The Criminal Court of the Supreme Court of Justice declares Mr. Ramírez's appeal of the March 6, 1998 judgment inadmissible.<sup>57</sup>

**December 22, 2003:** Mr. Ramírez's defense counsel requests that the Constitutional Court provisionally suspend the dangerousness analysis in Criminal Code Article 132 and Article 5 of Decree 20-96 before the Constitutional Court.<sup>58</sup>

**December 30, 2003:** The Constitutional Court denies Mr. Ramírez's December 22, 2003 motion.<sup>59</sup>

**May 6, 2004:** Mr. Ramírez's defense counsel presents a second appeal for pardon.<sup>60</sup>

**July 20, 2004:** The Constitutional Court denies Mr. Ramírez's December 22, 2003 motion.<sup>61</sup>

**April 11, 2005:** The First Lower Criminal, Drug Trafficking, and Environmental Crimes Court of Escuintla declares admissible a constitutional appeal made by the Attorney for Human Rights in favor of prisoners, indictees, and convicted individuals located in the areas of the High Security facility called "el Infiernito," located within Granja Modelo de Rehabilitación Canadá, Escuintla, and of the prisoners who are exhibiting gastrointestinal and skin alterations.<sup>62</sup>

#### *B. Other Relevant Facts*

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55. *Id.* ¶ 54(46).

56. *Id.* ¶ 54(55).

57. *Id.* ¶ 54(47).

58. *Id.* ¶ 54(48).

59. *Id.* ¶ 54(49).

60. *Id.* ¶ 54(51).

61. *Id.* ¶ 54(50).

62. *Id.* ¶ 54(52).

[None]

## II. PROCEDURAL HISTORY

### A. *Before the Commission*

**June 9, 2000:** The Institute of Public Criminal Defense submits a complaint to the Commission on behalf of Mr. Ramírez against the State regarding his death sentence and requests precautionary measures to protect Mr. Ramírez.<sup>63</sup>

**July 11, 2001:** The State requests that the Commission declare the case inadmissible and refrain from granting precautionary measures to Mr. Ramírez.<sup>64</sup>

**October 9, 2002:** The Commission adopts Report on Admissibility No. 74/02.<sup>65</sup> The petitioners argue that the State violated Articles 4 (Right to Life), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection) of the American Convention.<sup>66</sup> The petitioners also argue that the State violated its general responsibility to respect and ensure the rights granted by the American Convention embodied in Article 1(1) (Obligation to Respect Rights).<sup>67</sup>

The State asks the Commission to rule that the petition is inadmissible because Mr. Ramírez's trial conformed to the strict framework of Guatemalan law and Mr. Ramírez had access to all means of defense necessary to challenge the decision against him.<sup>68</sup> The Commission concludes that it is competent to hear Mr. Ramírez's claim under Articles 46 and 47 of the American Convention.<sup>69</sup>

**February 9, 2004:** The Commission grants precautionary measures in

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63. *Id.*

64. *Id.*

65. Fermín Ramírez v. Guatemala, Admissibility Report, Report No. 74/02, Inter-Am. Comm'n H.R., Case No. 12.403 (Oct. 9, 2002).

66. *Id.* ¶ 2.

67. *Id.*

68. *Id.* ¶ 3.

69. *Id.* ¶ 4.



favor of Mr. Ramírez.<sup>70</sup> The precautionary measures are for the State to refrain from executing Mr. Ramírez while his proceedings before the Commission are in progress.<sup>71</sup>

**March 11, 2004:** The Commission approves the Report on Merits No. 35/04.<sup>72</sup> The Commission finds that the State violated Article 4 (Right to life); Article 8(1) (Right to a Hearing Within Reasonable Time by Competent and Independent Tribunal); Article 8(2)(b) (Right to Have Prior Notification of Charges); Article 8(2)(c) (Right to Adequate Time and Means to Prepare Defense); Article 25 (Right to Judicial Protection), in relation to Article 1(1) (Obligation to Respect Rights) of the American Convention.<sup>73</sup> The Commission also recommends that the State not give effect to Mr. Ramírez's death sentence, grant him a new trial with complete observance of the due process of law and take necessary measures to ensure that the same violations would not be repeated in his new trial.<sup>74</sup>

#### B. Before the Court

**September 12, 2004:** The Commission submits the case to the Court after the State failed to adopt its recommendation.<sup>75</sup>

##### 1. Violations Alleged by Commission<sup>76</sup>

To the detriment of Mr. Ramírez:

Article 4 (Right to Life)

*in relation to:*

Article 1(1) (Obligation to Respect Rights)

Article 2 (Domestic Legal Effect) of the American Convention.

Article 8 (Right to Fair Trial)

Article 25 (Judicial Protection)

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70. Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 126, ¶ 6 (June 20, 2005).

71. *Id.* ¶ 34.

72. Fermín Ramírez v. Guatemala, Report on Merits, Report No. 35/04, Inter-Am. Comm'n H.R., Case No. 12.403 (Mar. 11, 2004).

73. *Id.* ¶ 7.

74. *Id.*

75. *Id.* ¶¶ 1, 10.

76. *Id.* ¶ 2.

*all in relation to:*

Article 1(1) (Obligation to Respect Rights) of the American Convention.

## 2. Violations Alleged by Representatives of the Victims<sup>77</sup>

Same Violations Alleged by Commission, plus:

Article 9 (Freedom from *Ex Post Facto* Laws)

*in relation to:*

Article 2 (Domestic Legal Effect) of the American Convention.

Article 4(1) (Prohibition of Arbitrary Deprivation of Life)

Article 5 (Right to Humane Treatment)

*in relation to:*

Article 1(1) (Obligation to Respect Rights) of the American Convention.

To the detriment of next of kin of Mr. Ramírez:

Article 5 (Right to Humane Treatment)

Article 17 (Rights of the Family)

*all in relation to:*

Article 1(1) (Obligation to Respect Rights) of the American Convention.

**November 26, 2004:** The State appoints Mr. Alejandro Sánchez Garrido as judge *ad hoc*.<sup>78</sup>

**December 9, 2004:** The judge *ad hoc*, Mr. Alejandro Sánchez Garrido, excuses himself due to his knowledge of this case.<sup>79</sup>

**January 17, 2005:** The State appoints Mr. Arturo Alfredo Herrador

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77. *Id.* ¶ 85. Public Criminal Defense Services of Guatemala and David Baiguin and Silvina Ramírez from the Institute of Compared Studies on Criminal Sciences of Guatemala served as Mr. Ramírez's representatives.

78. *Id.* ¶ 15.

79. *Id.* ¶ 17.

Sandoval as judge *ad hoc*.<sup>80</sup>

**February 23, 2005:** The Institute of Comparative Studies in Criminal and Social Sciences of Argentina submits an *amicus curiae* brief to the Court.<sup>81</sup>

**March 7, 2005:** Eugenio Raúl Zaffaroni submits an *amicus curiae* brief to the Court.<sup>82</sup>

**May 13, 2005:** The Irish Centre for Human Rights of National University of Ireland submits an *amicus curiae* brief to the Court.<sup>83</sup>

### III. MERITS

#### A. *Composition of the Court*

Sergio García Ramírez, President  
Alirio Abreu Burelli, Vice-President  
Oliver Jackman, Judge  
Antônio A. Cançado Trindade, Judge  
Cecillia Medina Quiroga, Judge  
Manuel E. Ventura Robles, Judge  
Diego García-Sayán, Judge  
Arturo Alfredo Herrador Sandoval, Judge *ad hoc*

Pablo Saavedra Alessandri, Secretary  
Emilia Segares Rodríguez, Deputy Secretary

#### B. *Decision on the Merits*

**June 20, 2005:** The Court issues its Judgment on Merits, Reparations and Costs.<sup>84</sup>

The Court found unanimously that Guatemala had violated:

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80. *Id.* ¶ 19.

81. *Id.* ¶ 21.

82. *Id.* ¶ 22.

83. *Id.* ¶ 26.

84. *Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 126 (Jun 20, 2005).*

Article 8 (Right to a Fair Trial), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ramírez,<sup>85</sup> because:

*There are limits on the State's fight against crime: it must be carried out in a manner that permits both public security and respect for human rights.<sup>86</sup> The limits on the State's power to control crimes are especially rigorous when the State is imposing the death penalty.<sup>87</sup>*

*The defendant has the right to know the facts he is being charged with in a clear, detailed and precise manner.<sup>88</sup> There must be coherence between the indictment and the conviction.<sup>89</sup> This means that the judgment cannot address facts or circumstances not included in the indictment.<sup>90</sup>*

*Here, after the indictment classified Mr. Ramírez's act as an aggravated rape, the classification was changed to murder by strangulation.<sup>91</sup> The President of the Court only warned the parties that a legal classification other than the one presented in the indictment could be given "at the right moment."<sup>92</sup> However, he did not specify what the new legal classification would be and did not mention the possibility that the change in classification of the crime could lead to admission of new facts.<sup>93</sup> Furthermore, the Trial Court's President did not offer Mr. Ramírez an opportunity to give a new statement regarding the new facts presented.<sup>94</sup> Therefore, Mr. Ramírez was deprived of a chance to adequately prepare a defense.<sup>95</sup>*

*As a result, the State, by disregarding the guarantees of due process, violated Article 8(2) (Right to be Presumed Innocent) and 8(2)(c) (Right to Adequate Time and Means to Prepare a Defense).<sup>96</sup>*

Article 9 (Freedom from *Ex Post Facto* Laws), in relation to

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85. *Id.* ¶¶ 79-80.

86. *Id.* ¶ 63.

87. *Id.* ¶ 78.

88. *Id.* ¶ 67.

89. *Id.*

90. *Id.*

91. *Id.* ¶ 76.

92. *Id.* ¶ 73.

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.* ¶¶ 79-80.

Article 2 of the Convention, to the detriment of Mr. Ramírez,<sup>97</sup> because:

*The freedom from ex post facto laws is one the central elements of criminal prosecution within a democratic state.<sup>98</sup> States are obligated under Article 9 (Freedom from Ex Post Facto Laws) to define criminal actions in the most clear and precise manner possible.<sup>99</sup>*

*Article 132 of the Guatemalan Criminal Code assigns the punishment of twenty-five to fifty years in prison or the death penalty for the crime of murder.<sup>100</sup> The judge will impose the death penalty instead of the maximum prison sentence if the defendant is deemed sufficiently dangerous.<sup>101</sup> Dangerousness is determined from the circumstances of the act and the occasion.<sup>102</sup> If the dangerousness of the defendant implies a criminal consequence such as the death penalty, the personal circumstances of the defendant must be part of the indictment, proven at trial and analyzed in the judgment.<sup>103</sup> Here, the circumstances that would prove Mr. Ramírez's dangerousness were not the object of the indictment.<sup>104</sup>*

*Furthermore, the assessment of the defendant's dangerousness is based on judge's belief of whether the defendant will commit criminal acts in the future.<sup>105</sup> Therefore, the defendant is judged based on his character and not based on the acts he committed.<sup>106</sup> The introduction of the dangerousness of the defendant as criteria for criminal classification and the application of sanctions is not compatible with the freedom from ex post facto laws and is contrary to the Convention.<sup>107</sup>*

*Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention states that the States have a duty to adjust their internal legislation due to the obligations derived from the Convention.<sup>108</sup> Therefore, the State violated Article 9 (Freedom from Ex Post Facto*

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97. *Id.* ¶ 98.

98. *Id.* ¶ 90.

99. *Id.*

100. *Id.* ¶ 91.

101. *Id.* ¶ 92.

102. *Id.*

103. *Id.* ¶ 93.

104. *Id.*

105. *Id.* ¶ 94.

106. *Id.* ¶ 95.

107. *Id.* ¶ 96.

108. *Id.* ¶ 97.

Laws) of the Convention in relation to Article 2 (Obligation to Give Domestic Legal Effect to Rights) for maintaining the part of Article 132 of the Criminal Code that refers to the dangerousness of the defendant.<sup>109</sup>

Article 4(6) (Right to Seek Amnesty, Pardon or Commutation of Sentence), in relation to Articles 1(1) and 2 of the Convention, to the detriment of Mr. Ramírez,<sup>110</sup> because:

*The right to pardon constitutes a part of the international corpus juris, particularly of the American Convention and the International Pact of Civil and Political Rights.<sup>111</sup> Under Article 46 of the Political Constitution of the Republic of Guatemala, international treaties on human rights have preeminence over internal laws.<sup>112</sup> Mr. Ramírez presented a request of pardon based on Decree 159.<sup>113</sup> However, shortly after, Decree 32-2000 was published and revoked Decree 159.<sup>114</sup> As a result, no State body had the power to decide Mr. Ramírez's request for pardon.<sup>115</sup> Consequently, the request of pardon presented by Mr. Ramírez's counsel was denied.<sup>116</sup> As Decree 32-2000 effectively extinguished Mr. Ramírez's ability to request a pardon, the State violated Article 4(6) (Right to Seek Amnesty, Pardon or Commutation of Sentence).<sup>117</sup>*

Article 5 (Right to Humane Treatment), in relation to Article 1(1) of the Convention, to detriment of Mr. Ramírez,<sup>118</sup> because:

*Mr. Ramírez was sentenced to death for committing a crime that he was not originally accused of and his judicial guarantees were violated during the proceedings.<sup>119</sup> Furthermore, the basis for his conviction was a provision that was contrary to the American Convention.<sup>120</sup> Finally, he*

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109. *Id.* ¶ 98.

110. *Id.* ¶ 110.

111. *Id.* ¶ 109.

112. *Id.*

113. *Id.* ¶ 105.

114. *Id.*

115. *Id.*

116. *Id.* ¶ 110.

117. *Id.*

118. *Id.* ¶ 119.

119. *Id.*

120. *Id.*

*was subject to grave conditions while he was imprisoned.<sup>121</sup> Due to all the above, the Court holds that the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhuman or Degrading Treatment) in relation to Article 1(1) of the Convention.<sup>122</sup>*

The Court found unanimously that Guatemala had not violated:

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ramírez,<sup>123</sup> because:

*Mr. Ramírez was not executed as the result of the process against him; thus, the State did not violate Article 4(1) (Prohibition of Arbitrary Deprivation of Life).<sup>124</sup>*

Article 5 (Right to Humane Treatment), in relation to Article 1(1) of the Convention, to detriment of next of kin of Mr. Ramírez,<sup>125</sup> because:

*Even though a wrongly imposed death penalty brings pain to the next of kin of the victim, Mr. Ramírez's representative did not prove that next of kin of Mr. Ramírez suffered a violation of Article 5 (Right to Humane Treatment) of the Convention.<sup>126</sup>*

Article 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ramírez,<sup>127</sup> because:

*Although the higher courts within the State did not realize the irregularities that occurred in the criminal procedure of Mr. Ramírez's case when they were presented with appeals, the higher courts did process and decide the remedies presented by Mr. Ramirez with regularity.<sup>128</sup> Just because the outcomes of the appeals were not*

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121. *Id.*

122. *Id.*

123. *Id.* ¶ 103.

124. *Id.*

125. *Id.* ¶ 120.

126. *Id.*

127. *Id.* ¶ 83.

128. *Id.*

*favorable to Mr. Ramírez, it does not mean that Mr. Ramírez did not have access to an effective remedy.*<sup>129</sup> *Thus, Mr. Ramírez has not proven that the State violated Article 25(1) (Right of Recourse Before a Competent Court).*<sup>130</sup>

The Court did not rule on:

Article 17 (Rights of the Family), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ramírez,<sup>131</sup> because:

*The Court found that Mr. Ramírez's case does not fall under Article 17 (Rights of the Family) since the infringement upon the family life of Mr. Ramírez's next of kin was not the result of specific act or omission of the State.*<sup>132</sup> *Therefore, the Court did not rule on this matter.*<sup>133</sup>

### C. Dissenting and Concurring Opinions

#### 1. Concurring Opinion of Judge Sergio García Ramírez

In a separate opinion, Judge García Ramírez discussed the position of the Inter-American Court regarding due process in general.<sup>134</sup> The State's need to provide security to the society should be done without harming human dignity.<sup>135</sup> Due process is a set of requirements that must be observed so that people are able to adequately defend their rights.<sup>136</sup> The absence of these rights destroys due process.<sup>137</sup>

Judge García Ramírez also discussed the principle of consistency between the indictment and the judgment.<sup>138</sup> It is important that a person knows from the beginning which acts he is being charged with.<sup>139</sup> He does not need to know the technical matters, but must know which acts are attributed to him.<sup>140</sup> There must be a relationship between the

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129. *Id.*

130. *Id.*

131. *Id.* ¶ 121.

132. *Id.*

133. *Id.*

134. *Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Concurring Opinion of Judge Sergio García Ramírez, Inter-Am. Ct. H.R. (Ser. C) No. 126, ¶ 1 (Jun 20, 2005).*

135. *Id.* ¶ 8.

136. *Id.* ¶ 10.

137. *Id.* ¶ 14.

138. *Id.* ¶ 24.

139. *Id.* ¶ 26.

140. *Id.*



indictment and the judgment.<sup>141</sup> The crime of aggravated rape has different elements than the crime of aggravated murder.<sup>142</sup> If the judgment is issued for facts different than the ones from the indictment, the consistency between the indictment and the judgment is violated.<sup>143</sup>

Regarding the matter of dangerousness of agent, Judge García Ramírez stated that by taking into account the dangerousness of the offender, he could be punished for his personality and future behavior and not for his committed acts.<sup>144</sup> In the present case, consideration of dangerousness caused two problems.<sup>145</sup> First, the indictment did not include the charge of dangerousness, and consequently Mr. Ramírez was not given an opportunity to disprove it.<sup>146</sup> Second, it was a transgression from criminal *ex post facto* laws.<sup>147</sup>

Finally, Judge García Ramírez discussed the issue of pardons.<sup>148</sup> The right to present an appeal does not necessarily assure the right of receiving a favorable response.<sup>149</sup> The power of pardon is purely an expression of discretion.<sup>150</sup> It is necessary for the State to exercise its power of pardon with clarity and rationality.<sup>151</sup>

## 2. Concurring Opinion of Judge *ad hoc* Arturo Alfredo Herrador Sandoval

According to Judge Herrador Sandoval, the Court is competent to hear this case since the State ratified the American Convention on May 25, 1978 and accepted the Court's jurisdiction on March 9, 1987.<sup>152</sup>

Judge Herrador Sandoval pointed out that the State did not follow Article 373 of the Guatemalan Code of Criminal Procedures.<sup>153</sup> Furthermore, the State violated due process rights of Mr. Ramírez because Trial Court did not receive a new statement from Mr. Ramírez

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141. *Id.* ¶ 27.

142. *Id.* ¶ 31.

143. *Id.*

144. *Id.* ¶ 36.

145. *Id.* ¶ 37.

146. *Id.*

147. *Id.*

148. *Id.* ¶ 39.

149. *Id.*

150. *Id.* ¶ 40.

151. *Id.*

152. *Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Concurring Opinion of Judge Arturo Alfredo Herrador Sandoval, Inter-Am. Ct. H.R. (Ser. C) No. 126, 6 (Jun 20, 2005).*

153. *Id.*

when it changed the classification of his crime.<sup>154</sup> These procedural errors resulted in the State violating Article 8(2)(b) (Right to Have Prior Notification of Charges) and 8(2)(c) (Right to Adequate Time and Means to Prepare Defense) of the Convention.<sup>155</sup>

Judge Herrador Sandoval noted that the State's failure to hear Mr. Ramírez's request for a measure of grace constitutes a violation of Article 4(6) (Right to Seek Amnesty, Pardon or Commutation of Sentence) of the American Convention.<sup>156</sup> The State's failure to allow convicted persons to request pardons is a *per se* violation of the Convention.<sup>157</sup> The State also violated Article 4(6) (Right to Seek Amnesty, Pardon or Commutation of Sentence) in this specific case because President Alfonso Portillo denied Mr. Ramírez's request for a measure of grace under agreement 235-2000, which went into effect after Mr. Ramírez requested a pardon.<sup>158</sup>

Judge Herrador Sandoval also noted that the conditions of the prison where Mr. Ramírez was located while waiting for the decision of his case lacks the minimum conditions to guarantee the required respect for Mr. Ramírez's physical, psychic, and moral integrity.<sup>159</sup> The State needs to improve the condition of its prisons for its inmates.<sup>160</sup>

#### IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

##### A. *Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

##### 1. Judgment as a Form of Reparations

The Court considers this judgment to be a form of reparation.<sup>161</sup>

##### 2. New Trial

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154. *Id.*

155. *Id.*

156. *Id.*

157. *Id.*

158. *Id.*

159. *Id.*

160. *Id.*

161. *Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 126, ¶ 130 (Jun 20, 2005).*

The State must hold a new trial that satisfies the requirements of due process and meets all the guarantees of hearings and defense for Mr. Ramírez.<sup>162</sup> If he is charged with murder, the State must apply current criminal legislation.<sup>163</sup> However, the State must not apply the part of Article 132 that calculates Mr. Ramírez's "dangerousness."<sup>164</sup> The State may not execute Mr. Ramírez regardless of the result of the trial.<sup>165</sup>

### 3. Modification of Article 132

The State must not apply the dangerousness provision of Article 132 of the Criminal Code of Guatemala and modify Article 132 so that it complies with Article 2 (Domestic Effects) of the American Convention.<sup>166</sup>

### 4. Legislative Reform

The State must adopt legislative and administrative measures to establish a procedure that guarantees individuals sentenced to death have the right to request pardon or commutation of their sentence.<sup>167</sup>

### 5. Provide Medical Treatment and Medication

The State must provide Mr. Ramírez with adequate treatment including medication without any cost.<sup>168</sup>

### 6. Adjust the Prison Conditions to International Norms of Human Rights

The State must adopt measures necessary to ensure that the conditions of its prisons conform to international norms of human rights.<sup>169</sup>

## *B. Compensation*

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162. *Id.* ¶ 130(a).

163. *Id.*

164. *Id.*

165. *Id.* ¶ 130(c).

166. *Id.* ¶ 130(b).

167. *Id.* ¶ 130(d).

168. *Id.* ¶ 130(e).

169. *Id.* ¶ 130(f).

The Court awarded the following amounts:

1. Pecuniary Damages

[None]

2. Non-Pecuniary Damages

[None]

3. Costs and Expenses

The Court ordered the State to reimburse \$5,000 or the equivalent in Guatemalan currency to the Institute of Compared Studies in Criminal Sciences for the expenses incurred pursuing this case in the Inter-American system.<sup>170</sup>

4. Total Compensation (including Costs and Expenses ordered):

\$5,000

*C. Deadlines*

The State must hold a new trial for Mr. Ramírez within a reasonable time.<sup>171</sup> The State may not apply Article 132 of the Criminal Code of Guatemala and must modify it within a reasonable time.<sup>172</sup>

The State must adopt legislative and administrative measures to ensure that every person sentenced to death has the right to request pardon and reform its prisons within a reasonable time.<sup>173</sup>

The State must reimburse cost and expenses within one year after the notification of this judgment.<sup>174</sup>

V. INTERPRETATION AND REVISION OF JUDGMENT

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170. *Id.* ¶ 131.

171. *Id.* ¶ 130(a).

172. *Id.* ¶ 130(b).

173. *Id.* ¶¶ 130(d), 130(f).

174. *Id.* ¶ 132.

[None]

## VI. COMPLIANCE AND FOLLOW-UP

**November 17, 2005:** The State informed the Court that the professionals of the Centro de Alta Seguridad Escuintla provided medical and psychological assistance to Mr. Ramírez.<sup>175</sup> The psychological report did not show that Mr. Ramírez had any mental disorders.<sup>176</sup>

**December 19, 2005:** In a report to the Court, the State indicated that it plans to transfer \$5,000 to the account of Institute of Compared Studies in Criminal Sciences for reimbursement of expenses before the end of 2005.<sup>177</sup>

**July 4, 2006:** The State informed the Court that the Supreme Court of Justice instructed the Criminal Matters, Drug Trafficking, and Environmental Crimes to hear the case against Mr. Ramírez and conduct the trial on April 24, 2006.<sup>178</sup> The trial took place as it was ordered and Mr. Ramírez was convicted of aggravated rape and sentenced to forty years in prison on June 21, 2006.<sup>179</sup> The State further reported that Mr. Ramírez may appeal the conviction.<sup>180</sup>

The State also reported that in response to the Court's order regarding the establishment of procedures guaranteeing pardons, the Committee of Legislation and Constitutional Affairs of the National Congress provided for the approval of the *Ley Reguladora del Recurso de Garcia* (Framework Law on Pardons).<sup>181</sup>

Lastly, the State reported that it fully reimbursed expenses by transferring money to the account of the Institute of Compared Studies in Criminal Sciences.<sup>182</sup>

**September 22, 2006:** In a monitoring compliance report, the Court declared that the State fully satisfied its obligation to reimburse the Institute of Compared Studies in Criminal Sciences for costs and

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175. Fermín Ramírez v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., ¶ 4 (Sept. 22, 2006).

176. *Id.*

177. *Id.* ¶ 5.

178. *Id.* ¶ 6(a).

179. *Id.*

180. *Id.*

181. *Id.* ¶ 6(b).

182. *Id.* ¶ 6(c).

expenses.<sup>183</sup> The Court stated that it will continue monitoring the state's compliance with the remaining orders.<sup>184</sup>

The Court considered that the State has complied with the order of conducting a new trial, but the State did not specify whether Mr. Ramírez was granted the guarantees of due process.<sup>185</sup> Furthermore, the State must refrain from executing Mr. Ramírez regardless of the outcome of the trial.<sup>186</sup>

Since the State has not reported whether or not it has refrained from applying Article 132 of the Criminal Code, which refers to dangerousness of the perpetrator, and it must provide details to the Court regarding the measures it has adopted to address this issue.<sup>187</sup>

In regards to the State's efforts to comply with the Court's order on pardons, the Court was satisfied with the State's efforts, but requested that the State provide further details and refrain from executing individuals sentenced to death who apply for a pardon in the meantime.<sup>188</sup>

In response to the State's report that Mr. Ramírez has been provided with medical and psychological treatment, Mr. Ramirez's representatives have indicated that he has had no access to regular medical, dental and psychological assistance.<sup>189</sup> The Court requested that the State provide specific details regarding the medical treatments it has provided to Mr. Ramírez.<sup>190</sup>

Since the State did not provide any information regarding complying with the Court's order of improving prison conditions so that it would meet international legal standards of human rights, the State must submit an additional report on this matter.<sup>191</sup>

**March 28, 2008:** In response to the State's reports submitted on January 19, July 18, August 2, and November 7, 2007, the Court issued a second monitoring compliance decision.<sup>192</sup>

In its reports, the State indicated that the defense filed a special

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183. *Id.* ¶ 8.

184. *Id.* ¶ 11.

185. *Id.* ¶ 10.

186. *Id.* ¶ 11.

187. *Id.* ¶ 12.

188. *Id.* ¶ 13.

189. *Id.* ¶ 14.

190. *Id.*

191. *Id.* ¶ 15.

192. *Fermín Ramírez v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (Mar. 28, 2008).*

appeal that was dismissed on November 2, 2006 by the Fourth Chamber of the Appellate Court on Criminal, Drug-trafficking and Environmental Offenses.<sup>193</sup> On January 22, 2007, the Criminal Chamber of the Supreme Court of Justice denied Mr. Ramírez's appeal for annulment.<sup>194</sup> The Court noted that the State has fully complied with the order to provide information regarding Mr. Ramírez's new trial.<sup>195</sup> However, the Court requested that the State provide information regarding whether the judgment is final or if the State is still processing another remedy.<sup>196</sup>

The State further reported that in the judgment of June 21, 2006 against Mr. Ramírez, the Court did not apply Article 132 of the Criminal Code of Guatemala regarding the dangerousness of the perpetrator.<sup>197</sup> However, the State did not report on any measures adopted to modify Article 132.<sup>198</sup> Therefore, the Court requested that the State submit information regarding the measures it has adopted to modify Article 132.<sup>199</sup>

In regards to refraining from executing Mr. Ramírez, the State indicated that Mr. Ramírez was convicted to forty years in prison and will not be executed.<sup>200</sup>

In response to the order for allowing for pardon, the State reported that it has proposed legislative measures, but the Court on Constitutional Affairs cannot deliver a judgment on the constitutionality of these measures.<sup>201</sup> The State also reported that people who have applied for pardons have not been executed.<sup>202</sup> The Court requested that the State submit detailed information.<sup>203</sup>

The State reported that it has regularly provided medical, dental and psychological treatment to Mr. Ramírez.<sup>204</sup> The State specifically reported that Mr. Ramírez was diagnosed with gastritis and possibly an ulcer and has been provided with proper medication.<sup>205</sup> However, Mr. Ramírez's representatives indicated that Mr. Ramírez has not received adequate medical care and his medication is given to him

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193. *Id.* ¶ 4.

194. *Id.*

195. *Id.* ¶ 6.

196. *Id.*

197. *Id.* ¶ 7.

198. *Id.* ¶ 9.

199. *Id.* ¶ 10.

200. *Id.* ¶ 11.

201. *Id.* ¶ 14.

202. *Id.*

203. *Id.* ¶ 17.

204. *Id.* ¶ 18.

205. *Id.*

irregularly.<sup>206</sup> Furthermore, the representatives reported that he has not received any dental care.<sup>207</sup> The representatives acknowledged that Mr. Ramírez had received psychological therapy, but the professionals that used to provide psychological assistance have been removed and have not been replaced.<sup>208</sup> Since the State's report and the representative's report contained some contradicting statements, the Court requested that the State provide further information regarding this matter.<sup>209</sup>

The State reported that the Prison Act, which reforms State prisons, was approved by congress.<sup>210</sup> The State also reported that Mr. Ramírez is detained in a prison where there are toilets and a yard where he works as a cook, makes handicrafts and attends a literacy program.<sup>211</sup> The representatives reported that the Prison Act has not been implemented due to lack of funds.<sup>212</sup> Also, the representatives claim that the Prison Act does not comply with international standards because there are no programs on social re-adaptation.<sup>213</sup> Furthermore, the representatives indicated that Mr. Ramírez's prison permanently lacks water, has an insufficient number of toilets, and does not have any professional training programs or workshops.<sup>214</sup> The Court requested that the State submit more information regarding its compliance as to prison conditions.<sup>215</sup>

**May 9, 2008:** The Court issued a third monitoring compliance decision.<sup>216</sup>

The State again reported that the new trial was conducted on June 21, 2006 sentencing Mr. Ramírez to forty years in prison on the count of aggravated rape.<sup>217</sup> The State also reported that the appeal was already decided on November 2, 2006 and there were no recourses pending as of July 2007.<sup>218</sup> In this respect, the Court found that the State complied

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206. *Id.* ¶ 19.

207. *Id.*

208. *Id.*

209. *Id.* ¶ 21.

210. *Id.*

211. *Id.* ¶ 22.

212. *Id.* ¶ 23.

213. *Id.*

214. *Id.*

215. *Id.* ¶ 25.

216. *Fermín Ramírez v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (May 9, 2008).*

217. *Id.* ¶ 6.

218. *Id.*



with their order.<sup>219</sup>

The State reported that Mr. Ramírez has been provided with medical treatment, but does not currently receive psychological treatment due to inadequate space.<sup>220</sup> Mr. Ramírez's representatives reported that he has been receiving his medication from his own next of kin instead of the receiving it from the State, and he has not received any dental care despite having severe tooth pain.<sup>221</sup> The Court noted the efforts of the State, but ordered that the State make efforts to ensure that Mr. Ramírez is adequately provided with necessary treatment.<sup>222</sup>

The State reported that the prison where Mr. Ramírez is detained has bathrooms, adequate conditions and room in corridors and backyards.<sup>223</sup> The State also reported that Mr. Ramírez works as a cook, makes craftsmanship and is in the second stage of a literacy program.<sup>224</sup> Mr. Ramírez's representatives stated that the prison permanently lacks water, does not have enough bathrooms, does not have any professional training or workshops, Mr. Ramírez is not allowed to participate in outdoor activities, the area of recreation is reduced, there is overpopulation in the prison, and the physicians and dentists only visit the prison three times a week.<sup>225</sup> The Court ordered the State to adopt the necessary measures to put an end to all of these conditions.<sup>226</sup>

The State reported that the Prison System Act was passed.<sup>227</sup> The Prison System Act regulates the Guatemalan National Penitentiary System including the pre-trial detention centers and the centers for compliance with convictions of penalties.<sup>228</sup> The State also reported that they plan to build pre-trial penitentiary center and convictions centers, remodel other centers and open up new areas.<sup>229</sup> Furthermore, the State announced that working and educational programs have already been implemented in several centers.<sup>230</sup> The Court recognized the State's progress, but requested that the State submit specific and updated information on the current condition of the prisons and measures

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219. *Id.*

220. *Id.* ¶ 9.

221. *Id.*

222. *Id.* ¶ 12.

223. *Id.* ¶ 13.

224. *Id.*

225. *Id.* ¶ 14.

226. *Id.* ¶ 15.

227. *Id.* ¶ 47.

228. *Id.*

229. *Id.*

230. *Id.*

adopted to remedy prison problem.<sup>231</sup>

In regards to the order to refrain from applying Article 132 of the Criminal Code of Guatemala which refers to dangerousness of the perpetrator, the State reported that there are preliminary drafts which propose modifying Article 132, but it is still pending before the executive branch.<sup>232</sup> The Court found that the State has not yet complied with this order and requested the State to adopt the measures necessary to comply with the judgment.<sup>233</sup>

The representatives reported that the Congress of the Republic passed the “Regulatory Act for the Commutation of the Punishment for the People Convicted with Death Penalty” which gives the president the power to hear and decide pardons.<sup>234</sup> The State acknowledged that this law does not comply with the Court’s order.<sup>235</sup> Therefore, the Court declared that the State may not execute any person sentenced to death until the legislation of the State conforms to the American Convention.<sup>236</sup>

## VII. LIST OF DOCUMENTS

### A. *Inter-American Court*

#### 1. Preliminary Objections

[None]

#### 2. Decisions on Merits, Reparations and Costs

[Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 126 \(June 20, 2005\).](#)

[Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Concurring Opinion of Judge ad hoc Arturo Alfredo Herrador Sandoval,](#)

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231. *Id.* ¶ 50.

232. *Id.* ¶ 38.

233. *Id.* ¶ 46.

234. *Id.* ¶ 51.

235. *Id.* ¶ 63.

236. *Id.*

[Inter-Am. Ct. H.R. \(Ser. C\) No. 126 \(June 20, 2005\).](#)

[Fermín Ramírez v. Guatemala, Merits, Reparations and Costs, Concurring Opinion of Judge Sergio Garcia Ramirez, Inter-Am. Ct. H.R. \(Ser. C\) No. 126 \(June 20, 2005\).](#)

### 3. Provisional Measures

[Fermín Ramírez v. Guatemala, Provisional Measures, Order of the Court, Inter-Am Ct. H.R. \(ser. E\) \(Mar. 12, 2005\) \(Available only in Spanish\).](#)

### 4. Compliance Monitoring

[Fermín Ramírez v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(May 9, 2008\).](#)

[Fermín Ramírez v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Mar. 28, 2008\).](#)

[Fermín Ramírez v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Sep. 22, 2006\) \(Available only in Spanish\).](#)

### 5. Review and Interpretation of Judgment

[None]

#### *B. Inter-American Commission*

##### 1. Petition to the Commission

Fermín Ramírez v. Guatemala, Petition No. 320-00, Inter-Am. Comm'n H.R. (Oct. 9, 2002).

##### 2. Report on Admissibility

[Fermín Ramírez v. Guatemala, Admissibility Report, Report No. 74/02, Inter-Am. Comm'n H.R., Case No. 12.403 \(Oct. 9, 2002\).](#)

### 3. Provisional Measures

Fermín Ramírez v. Guatemala, Precautionary Measures, Order of the Commission, Inter-Am. Comm'n H.R., Case No. 12.403 (Feb. 9, 2004).

### 4. Report on Merits

Fermín Ramírez v. Guatemala, Report on Merits, Report No. 34/04, Inter-Am. Comm'n H.R., Case No. 12.403 (Mar. 12, 2004).

### 5. Application to the Court

Fermín Ramírez v. Guatemala, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.403 (Jun. 9, 2000).

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