

# Press Release

Inter-American Court of Human Rights

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## **GUATEMALA IS RESPONSIBLE FOR THE APPLICATION OF THE DEATH PENALTY IN VIOLATION OF THE RIGHT TO LIFE AND THE PRINCIPLE OF LEGALITY, AS WELL AS FOR THE VIOLATION OF THE RIGHT TO A FAIR TRIAL**

*San Jose, Costa Rica, June 4, 2019.* – In the judgement published today in the *Case of Martínez Coronado v. Guatemala*, the Inter-American Court of Human Rights (“Court” or “Tribunal”) declared the State of Guatemala responsible for the deprivation of life, as well as the violation of principle of legality and the right to a fair trial of Manuel Martínez Coronado. The official summary of the judgment can be found [here](#) and the the entire text of the judgment can be found [here](#) (Only in Spanish).

Mr. Martínez Coronado and a co-defendant were accused for the murder of seven family members on May 16, 1995, in the Palmar Village, located in the municipality of Quezaltepeque, Department of Chiquimula. During the criminal proceedings Mr. Martínez Coronado and the co-defendant were represented by a joint public defendant appointed by the State. On October 26, 1995, the Criminal, Drug Trafficking, and Crimes against the Environment Trial Court of the Department of Chiquimula declared both defendants guilty for the murder of seven people, sentencing Mr. Martinez Coronado to death by lethal injection. On February 19, 1998, he was executed. In order to sustain the responsibility of Mr. Martínez Coronado, the court applied the “element of dangerousness” as established in Article 132 of the Penal Code that was in force at that time, which imposed the capital punishment “if the circumstances of the act, its commission, the way in which it was carried out, or its motives reveal in the perpetrator a greater and more particular dangerousness”.

The Court pointed out that Article 4 of the American Convention determines a clearly restrictive legal regime of the death penalty, which reveals an unequivocal limiting and exceptional tendency in the imposition and application of said penalty. The Tribunal emphasized that on this matter, the American Convention aims towards a progressive abolition by adopting all necessary safeguards to definitively restrict its application, so that its application gets reduced until its total abolition.

After assessing the elements of the case, the Tribunal considered that the State infringed the principle of legality established in Article 9 from the Convention, in conjunction with Articles 1.1 and 2, as well as Articles 4.1 and 4.2 (right to life) in conjunction with Article 1.1 of the same instrument, in view of the uncertainty of the concept of “future dangerousness” enshrined in Article 132 of the Guatemalan Penal Code and the subsequent application of the death penalty to Mr. Martinez established in said provision.

Additionally, the Court observed that there were relevant contradictory elements in the statements given by Mr. Martinez and the co-defendant, which relied on substantial aspects of the version of events given by Mr. Martínez Coronado. On this matter, the Tribunal stated that the inconsistencies in the co-defendants’ testimonies should have been remarked by the public defender, who should have informed the tribunal, so that other defendant was appointed. Even the judicial authorities in charge of the proceedings should have taken pertinent measures *ex officio* to guarantee the defendants’ right of defense, since it was a defense provided by the State. Therefore, the Court concluded that Guatemala violated the applicant’s right to a fair trial,

since it did not comply with its duty to provide the necessary minimal guarantees for an adequate defense, in violation of Articles 8.2.c) and 8.3.e) of the American Convention, in conjunction with Article 1.1. of the Convention.

In view of these violations, the Court ordered several reparations.

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For the issuance of this sentence, the Court was composed by Judge Eduardo Ferrer Mac-Gregor Poisot, President (México); Judge Eduardo Vio Grossi, Vicepresident (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Justice Elizabeth Odio Benito (Costa Rica); Judge Patricio Pazmiño Freire (Ecuador), and Judge Ricardo Pérez Manrique (Uruguay). Judge Eugenio Raúl Zaffaroni (Argentina) was excused by the Court to participate in the deliberation and adoption of this judgment.

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