

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-33/2022 English

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I/A Court H.R.

Protecting Rights

GUATEMALA COMPLIES WITH THE JUDGMENT IN THE CASE OF MARTÍNEZ CORONADO

San José, Costa Rica, June 9, 2022. In accordance with the Provisions of the Order on Monitoring Compliance with Judgment issued by the Inter-American Court on May 12, 2022, Guatemala has carried out the reparations ordered in the Judgment of May 10, 2019. Therefore, the Court will close and archive the case.

For more information, you can view the Judgment of May 10, 2019 [here](#), and the Order of May 12, 2022 [here](#).

On May 10, 2019, the Inter-American Court of Human Rights issued a Judgment, declaring the Republic of Guatemala internationally responsible for the violation of the principle of legality, in relation to the obligation to guarantee the right to life to the detriment of Manuel Martínez Coronado. Said violation occurred due to Mr. Martínez Coronado's conviction and sentencing to death in October 1995 pursuant to a regulation contrary to the Convention (paragraph two of Article 132 of the Guatemalan Penal Code in force on that date), which provided for the establishment of said penalty based on examination of the "dangerousness of the agent". The Court considered that the examination of future dangerousness is incompatible with the principle of legality, since it implies an evaluation by the judge of facts that have not occurred and, therefore, supposes a penalty based on a judgment on the offender's personality and not on the attributable criminal acts according to the relevant criminal classification. In addition, the Court concluded that the State violated Mr. Martínez Coronado's right to be assisted by a defense counsel provided by the State that would guarantee the accused adequate means for his defense. It provided him with a joint public defense counsel, shared with another co-defendant, without considering the existence of contradictions in the statements made by both co-defendants on substantial elements of the version of the events. Such inconsistencies in the statements should have been noticed by the joint counsel, who should have brought them to the attention of the court so that another defense counsel could be appointed, or the judicial authorities in charge of directing the process should have adopted ex officio, the pertinent measures to guarantee the right to a defense because it is a public defense provided by the State.

Due to the aforementioned violations, the Court ordered the following reparation measures in its judgment: (i) publication of the Judgment and its official summary, and (ii) payment of the amount established in the Judgment as compensation for non-pecuniary damage.

The composition of the Court for the Order of May 12, 2022, was as follows: Judge Ricardo C. Pérez Manrique, President (Uruguay); Judge Eduardo Ferrer Mac-Gregor Poisot (Mexico); Judge

Nancy Hernández López (Costa Rica); Judge Verónica Gómez (Argentina); Judge Patricia Pérez Goldberg (Chile), and Rodrigo Mudrovitsch (Brazil). Judge Humberto Antonio Sierra Porto, Vice President (Colombia), did not participate in the deliberation and signing of this order for reasons of force majeure.

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