

Martínez Coronado v. Guatemala

ABSTRACT¹

This case is about the imposition of death penalty in Guatemala. Although the American Convention does not prohibit death penalty and Guatemala is not party to the Protocol to the American Convention abolishing death penalty, in this case the Court found the State overstepped the strict limits the Convention imposes on death penalty.

I. FACTS

A. Chronology of Events

Before May 16, 1995: Manuel Martínez Coronado and his family live in the village of El Palmar, in the municipality of Quezaltepeque, in the Department of Chiquimula, Guatemala.²

May 16, 1995: Mr. Martínez Coronado and his adoptive father, Mr. Daniel Arias, are accused of murdering seven people in the village of El Palmar, Guatemala.³ The murders are purportedly due to a dispute over land.⁴

May 17, 1995: Criminal proceedings begin against Mr. Martínez Coronado and Mr. Arias, with the issuance of an order by the Justice of the Peace (Juzgado de Paz) of Quezaltepeque of the Department of Chiquimula.⁵ Subsequently, Mr. Martínez Coronado and Mr. Arias are captured by local authorities.⁶

¹ Aaron E. Kircher, Author; Katarina Shonafelt, Editor; Ashley Payne, Senior IACHR Editor; Alexandra Reyna, Chief IACHR Editor; Cesare Romano, Faculty Advisor

² Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 376, ¶ 34 (May 10, 2019).

³ *Id.* ¶ 35.

⁴ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, Report No. 78/17, Inter-Am. Comm'n H.R., Case No. 11.834, ¶ 51 (July 5, 2017).

⁵ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 36.

⁶ *Id.*

May 18, 1995: Mr. Martínez Coronado appears before the Justice of the Peace of Chiquimula.⁷ He indicates that he has limited financial resources and wants to be appointed a public defender.⁸ He further indicates that if he does not have a defense lawyer, he will not testify.⁹

May 19, 1995: Mr. Martínez Coronado is appointed a public defender who will also be in charge of Mr. Arias's defense.¹⁰ The public defender appointed by the State is Mr. Julio Alberto Ramírez Lara.¹¹ That same day, a preventive detention order and an indictment for Mr. Martínez Coronado and Mr. Arias are issued.¹²

August 21, 1995: The Second Local Court of Chiquimula (Juzgado Segundo de Primera Instancia de Chiquimula) issues an Order to Open Trial (Auto de Apertura a Juicio).¹³

October 25, 1995: A public debate is held and testimony, including that of Mr. Martínez Coronado and Mr. Arias, is taken.¹⁴

October 26, 1995: The Criminal, Drug Trafficking, and Crimes against Environment Trial Court of the Department of Chiquimula (Tribunal de Sentencia Penal, Narcoactividad y Delitos contra el Ambiente del Departamento de Chiquimula; “Tribunal PNDA”) declares Mr. Martínez Coronado and Mr. Arias responsible for the murders, Mr. Martínez Coronado is sentenced to death by lethal injection and Mr. Arias to thirty years in prison.¹⁵

The court finds that, based on the evidence, Mr. Martínez Coronado violently murdered Juan Bautista Arias, Rosa Albina Miguel, and their children, Arnoldo, Jóvita, and Aníbel Arias Miguel.¹⁶ The court further determines that Mr. Martínez Coronado was a passive participant in the deaths of Emilia Arias and Francisca Arias Miguel.¹⁷

The court determines that Mr. Martínez Coronado and Mr. Arias are particularly dangerous individuals, in light of the not only the circumstances of the act, but also the number of victims, the way in which they

⁷ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 36.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶ 54.

¹² Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 36.

¹³ *Id.* ¶ 38.

¹⁴ *Id.*

¹⁵ *Id.* ¶ 39.

¹⁶ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶ 49.

¹⁷ *Id.*

committed the murders, and the motives that prompted them to commit the act.¹⁸ As a matter of law, Article 132 of the Guatemala Penal Code dictates that the death penalty be imposed instead of the maximum prison sentence when the circumstances of the murder itself evidence the dangerous nature of the defendant.¹⁹ The court goes on to state that, in accordance with Article 18 of the Political Constitution of the Republic of Guatemala (Constitución Política de la República de Guatemala), persons over sixty years of age cannot be put to death, and thus Mr. Arias, being sixty-five years old, is sentenced instead to thirty years in prison.²⁰

November 8, 1995: Mr. Martínez Coronado and Mr. Arias, through Mr. Ramírez Lara, file an appeal against the judgment of October 26, 1995.²¹ In the appeal, they allege that the Tribunal PNDA violated family law when it appointed a guardian for a minor witness, Jaime Eduardo Arias, as only a family court, and not a criminal judge, can take such an action.²² They then argue that, because the declaration of a minor is evidentiarily invalid, the decision must be reversed.²³

May 8, 1996: The special appeal is determined to be without merit by the Sixth Chamber of the Court of Appeals (Sala Sexta de la Corte de Apelaciones) because the appointment of a guardian for the minor witness was made in accordance with Article 213 of the Code of Criminal Procedure (Código Procesal Penal).²⁴

June 4, 1996: Mr. Martínez Coronado and Mr. Arias, through Mr. Ruben Antonio de la Rosa Monzón, file a cassation appeal without formalities against the judgment of May 8, 1996, the basis of which is the conflict between their shared public defense.²⁵ In the appeal, the appellants argue that Article 95 of the Procedural Penal Code should prohibit both parties from being represented by the same counsel because of conflict within their defenses.²⁶

August 27, 1996: The cassation appeal is declared inadmissible by the Supreme Court of Justice (Corte Suprema de Justicia), as there was no

¹⁸ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶ 51.

¹⁹ *Id.* ¶ 38.

²⁰ *Id.* ¶¶ 48, n. 23.

²¹ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 41.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶¶ 59-60.

²⁶ *Id.* ¶¶ 55, 60.

violation of a constitutional or legal norm which would make it necessary to order the annulment of the ruling.²⁷ The Court determines that their right to defense and the principles of due process were fully complied with.²⁸

September 24, 1996: Mr. Martínez Coronado files a constitutional protection suit before the Constitutional Court.²⁹ This action is based on the lack of an appropriate warning by the judge or the public prosecutor on the issue of being appointed a common public defender as Mr. Arias, despite the existence of a conflict of interest between their two defenses.³⁰

June 12, 1997: The Constitutional Court declares Mr. Martínez Coronado's constitutional protection suit inadmissible for lack of any constitutional violation but fails to indicate specific reasons for the exceptionality of the *ex officio* defense or the allegations regarding the violation of the right to defense.³¹

July 3, 1997: Mr. Martínez Coronado files a petition for clemency before the Minister of the Interior (Ministro de Gobernación), requesting that his death sentence be changed to the maximum sentence of fifty years.³² Decree 159 of the National Legislative Assembly of 1892 enables those sentenced to the death penalty to lodge a final petition for clemency.³³ Mr. Martínez Coronado's petition is based on the fact that the criminal proceedings violated due process because, during almost the entire process, Mr. Martínez Coronado and Mr. Arias had a common public defender.³⁴

July 16, 1997: The President of the Republic of Guatemala (Presidencia de la República de Guatemala) denies the petition for clemency, finding that Mr. Martínez Coronado has exhausted all judicial means of appeal and has failed to present compelling reasons to otherwise grant clemency.³⁵

²⁷ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 43.

²⁸ *Id.*

²⁹ *Id.* ¶ 44.

³⁰ *Id.*

³¹ *Id.* ¶ 45.

³² *Id.* ¶ 46.

³³ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶ 34.

³⁴ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 46.

³⁵ *Id.* ¶ 47.

August 20, 1997: Mr. Martínez Coronado files for a review of the July 16, 1997 denial.³⁶

October 23, 1997: An appeal to revise the judgment of October 26, 1995, is likewise declared inadmissible by the Criminal Chamber of the Supreme Court of Justice (Cámara Penal de la Corte Suprema de Justicia) for a lack of new evidence.³⁷

November 10, 1997: The First Judge of Criminal Sentence Execution (Juzgado Primero de Ejecución Penal) sets the date of the execution of Mr. Martínez Coronado for November 21, 1997.³⁸

November 14, 1997: Mr. Martínez Coronado files an appeal for reconsideration, arguing that there is a pending appeal from the complaint filed with the Inter-American Commission.³⁹

November 17, 1997: The First Judge of Criminal Sentence Execution denies the appeal for reconsideration for lack of legal recourse and lack of formal notification.⁴⁰

November 18, 1997: The Commission requests that the State adopt precautionary measures and suspend the execution of Mr. Martínez Coronado.⁴¹

November 19, 1997: Mr. Martínez Coronado reiterates his request to the First Judge of Criminal Sentence Execution to suspend the imposed sentence.⁴² Mr. Martínez Coronado likewise files an extraordinary appeal before the Fourth Chamber of the Court of Appeals (Sala Cuarta de la Corte de Apelaciones), which grants him a provisional protection *ex officio* on this day.⁴³ By virtue of this provisional grant, the execution of the sentence is suspended.⁴⁴

November 20, 1997: The First Judge of Criminal Sentence Execution indicates that it had not been properly notified of the request for

³⁶ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶ 66.

³⁷ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 48.

³⁸ *Id.* ¶ 49.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.* ¶ 50.

⁴² *Id.*

⁴³ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 51.

⁴⁴ *Id.*

precautionary measures by the Commission, therefore it rejects the suspension of the execution.⁴⁵

December 22, 1997: The Third Chamber of the Court of Appeals (Sala Tercera de la Corte de Apelaciones), acting as the Court of Amparo, denies Mr. Martínez Coronado's appeal for protection.⁴⁶

December 29, 1997: Mr. Martínez Coronado files an appeal to the Constitutional Court (Corte de Constitucionalidad) against the December 22, 1997, judgment.⁴⁷

January 21, 1998: The Constitutional Court affirms the judgment of the Third Chamber of the Court of Appeals.⁴⁸

February 2, 1998: The First Judge of Criminal Sentence Execution sets the date of execution for February 10, 1998.⁴⁹

February 9, 1998: An appeal of protection is filed by the Center for Legal Action on Human Rights on behalf of Mr. Martínez Coronado before the Constitutional Court, which requests the suspension of the execution.⁵⁰ Likewise, the Public Criminal Defense Service submits a request to suspend the execution until the Inter-American Commission makes a definitive pronouncement at the hearing scheduled later that month.⁵¹ The First Judge of Criminal Sentence Execution rejects both actions for lack of jurisdiction and for being prohibited under the principle of *res judicata*, which prevents claimants from re-litigating previously resolved claims.⁵²

February 10, 1998: Mr. Martínez Coronado is executed by lethal injection in the Granja Model Rehabilitation Facility.⁵³

June 1, 2000: The Congress of the Republic of Guatemala formally repeals Decree 159 of 1892 and has neither imposed nor applied the death penalty since.⁵⁴

⁴⁵ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 50.

⁴⁶ *Id.* ¶ 51.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* ¶ 52.

⁵⁰ *Id.* ¶ 53.

⁵¹ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 53.

⁵² *Id.*

⁵³ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶ 68.

⁵⁴ *Id.* ¶¶ 35-36.

B. Other Relevant Facts

[None]

II. PROCEDURAL HISTORY

A. Before the Commission

October 31, 1997: The Commission receives a complaint, filed on behalf of Mr. Martínez Coronado by Mr. de la Rosa Monzón of the Public Criminal Defense Services of Guatemala.⁵⁵ An application is likewise submitted to the Inter-American Commission to grant precautionary measures for the State to suspend the execution of Mr. Martínez Coronado.⁵⁶

November 12, 1997: The Commission begins processing the petition brought forward by the Public Criminal Defense Service.⁵⁷ It begins by communicating the request to grant precautionary measures to the State, thereby granting it thirty days to present the pertinent case information.⁵⁸

November 17, 1997: The President of the Supreme Court of Justice responds to the Presidential Commission Coordinator of Executive Policy on Human Rights (Comisión Presidencial Coordinadora de la Política del Ejecutivo en Materia de Derechos Humanos; "COPREDEH") on the process of execution of Mr. Martínez Coronado, regarding the request carried out by the Commission.⁵⁹

November 18, 1997: The Commission requests that the State adopt precautionary measures by suspending the execution of Mr. Martínez Coronado.⁶⁰ The State sends the Commission a document annexing the resolution of the First Judge of Criminal Sentence Execution (Juez Primero de Ejecución Penal) which sets the original date of the execution as November 21, 1997.⁶¹

⁵⁵ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 2(b).

⁵⁶ *Id.*

⁵⁷ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶ 5.

⁵⁸ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 2(b).

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

November 19, 1997: The State informs the Commission that, due to Mr. Martínez Coronado's new appeal for protection, the execution will be postponed until the outcome of the appeal is determined.⁶²

November 20, 1997: The Supreme Court states that the Commission lacks the power to suspend the execution of the sentence and thus rejects the requested precautionary measures.⁶³

November 24, 1997: The Commission reiterates the request for precautionary measures.⁶⁴

November 26, 1997: The State reports that a new appeal has been filed.⁶⁵

December 18, 1997: The President of the Supreme Court of Justice responds via Report No. 2914, to the Commission's request of all pertinent information regarding the case.⁶⁶

February 5, 1998: The State informs the Commission that domestic remedies have been exhausted and that Mr. Martínez Coronado execution is set for February 10, 1998.⁶⁷

July 5, 2017: The Commission issues the Report on Admissibility and Merits No. 78/17 in which it concludes that the State of Guatemala is responsible for the violation of Articles 4.1, 4.2, 8.1, 8.2(c), 8.2(e), 25.1, and 9 of the American Convention on Human Rights.⁶⁸ Furthermore, the Commission recommends that the State: (1) fully repair the human rights violations declared in the report in material and immaterial aspects; (2) adopt the necessary legislative measures to definitively eliminate from the Guatemalan Penal Code the concept of "dangerousness" as a deciding factor in the determination of a criminal sentence; (3) adopt the necessary measures to strengthen the full effectiveness of public defense, especially in cases involving the possible imposition of severe penalties; and (4) adopt the necessary measures so that domestic legislation is consistent with this practice and thus continues on the path towards the abolition of the death penalty.⁶⁹

⁶² Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 2(b).

⁶³ *Id.*

⁶⁴ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶ 7.

⁶⁵ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 2(b).

⁶⁶ *Id.*

⁶⁷ Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, ¶ 7.

⁶⁸ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶¶ 2(c), n.2.

⁶⁹ *Id.* n.3.

August 30, 2017: The Commission notifies the State of the Report and gives it a period of two months to report on compliance.⁷⁰

B. Before the Court

November 30, 2017: The Commission submits the case to the Court after the State fails to adopt its recommendations.⁷¹

February 27, 2018: The General Coordinator of the Inter-American Association of Public Defender's Offices (Asociación Interamericana de Defensorías Públicas; "AIDDEF") informs the Court that Octavio Tito Sufán Farías and Roummel Gevanny Salerno Caballero (hereinafter "representatives") have been appointed to represent Mr. Martínez Coronado.⁷²

May 7, 2018: The representatives present their brief of requests, arguments, and evidence to the Court, in which they substantially agree with the arguments and conclusions of the Commission.⁷³ The representatives further argue that the State is also responsible for the violation of Article 4.6 and 63.2 of the American Convention.⁷⁴

August 1, 2018: The State submits its answering brief, in which it opposes the alleged violations and does not file preliminary objections.⁷⁵

Violations Alleged by Commission⁷⁶

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

Article 4(2) (Limitations on Death Penalty)

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 8(2)(c) (Right to Adequate Time and Means to Prepare Defense)

Article 8(2)(e) (Right to Assistance by Counsel Provided by State)

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

Article 25(1) (Right of Recourse Before a Competent Court)

All in relation to:

Article 1(1) (Obligation of Non-Discrimination)

⁷⁰ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 2(d).

⁷¹ *Id.* ¶ 3.

⁷² *Id.* ¶ 5.

⁷³ *Id.* ¶ 7.

⁷⁴ *Id.*

⁷⁵ *Id.* ¶ 8.

⁷⁶ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 1.

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention

Violations Alleged by Representatives of the Victim⁷⁷

Same violations alleged by the Commission, plus:⁷⁸

Article 4(6) (Right to Seek Amnesty, Pardon, or Commutation of Sentence)

Article 63(2) (Adoption of Provisional Measures by the Court)

In relation to:

Article 1(1) (Obligation of Non-Discrimination)

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention

III. MERITS

*A. Composition of the Court*⁷⁹

Eduardo Ferrer Mac-Gregor Poisot, President

Eduardo Vio Grossi, Vice-President

Humberto Antonio Sierra Porto, Judge

Elizabeth Odio Benito, Judge

L. Patricio Pazmiño Freire, Judge

Ricardo Pérez Manrique, Judge

Pablo Saavedra Alessandri, Secretary

B. Decision on the Merits

May 10, 2019: The Court issues its Judgment on Merits, Reparations, and Costs.⁸⁰

The Court found unanimously that Guatemala had violated:

Article 9 (Freedom from *Ex Post Facto* Laws), Article 4.1 (Prohibition of Arbitrary Deprivation of Life), 4.2 (Limitations of Death Penalty) in

⁷⁷ *Martínez Coronado v. Guatemala*, Merits, Reparations, and Costs, ¶ 7. Rubén de la Rosa serve as the representative of the victim.

⁷⁸ *Id.*

⁷⁹ Judge Eugenio Raúl Zaffaroni, having excused himself, did not participate in this judgment. Likewise, no Deputy Secretary is listed as having participated. *Id.* n.*.

⁸⁰ *Id.* ¶ 1.

relation to Articles 1.1 and 2 of the Convention, to the detriment of Mr. Martínez Coronado,⁸¹ because:

The Court has stated on numerous occasions that the Right to Life is integral to upholding the other rights captured by the Convention.⁸² The obligation to which States commit themselves when vowing to uphold the right to life is two-fold; not only are States required to not arbitrarily take a private citizen's life, but they are also obliged to do what is right and necessary to preserve life as well.⁸³ This dual imposition provides a safeguard against a State's unauthorized and unlimited use of the death penalty.⁸⁴

Article 4 (Right to Life) stringently limits the scope of the crimes for which the death penalty can be employed as punishment to only the most serious of crimes.⁸⁵ This stringent limitation indicates that the death penalty is to be reserved as an exception to the ordinary means of punishment.⁸⁶ Moreover, paragraph 3 of Article 4 (Prohibition of Re-Introduction of Death Penalty) disallows States from reinstating the death penalty once it has been abolished.⁸⁷ Read holistically, the Court concluded that Article 4 (Right to Life) strives to lead States toward abolishing the death penalty altogether.⁸⁸ Therefore, when a State decides to become party to the Convention, it is effectively deciding to move towards eliminating the death penalty from its legal system.⁸⁹

Furthermore, the trend towards moving away from the death penalty is echoed in the Protocol to the American Convention on Human Rights regarding the Abolition of the Death Penalty.⁹⁰ As such, States that are party to the Protocol must refrain from imposing the death penalty on those convicted criminally, and no reservations to the Protocol may be made.⁹¹

⁸¹ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, "Declares" ¶ 1.

⁸² *Id.* ¶ 60.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.* ¶ 62.

⁸⁶ *Id.*

⁸⁷ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 63.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* ¶ 64.

⁹¹ *Id.* ¶ 65.

*The Court then analyzed the element of ‘future dangerousness’ as a legitimate motivation for imposing the death penalty on Mr. Martínez Coronado.⁹² In its analysis, the Court turned to its prior ruling in *Fermín Ramírez v. Guatemala* for guidance.⁹³ In *Fermín Ramírez*, the Court ruled that Article 9 of the Convention (Freedom from Ex Post Facto Laws) requires that States define with as much specificity as possible the criminal acts with which they are charging the accused.⁹⁴ However, determining one’s ‘dangerousness’ entails attempting to predict crime before it happens.⁹⁵ By nature, a judge cannot be specific when ruling on future crime, and therefore the Court in *Fermín Ramírez* ruled that imposing the death sentence based on ‘dangerousness’ contradicts the rights contained in the American Convention.⁹⁶*

Imposing the death sentence on Mr. Martínez Coronado for being ‘dangerous’ is predicated on examining which crimes he is likely to commit in the future, and not on any present criminal act.⁹⁷ Thus, the accused was given the death sentence not for any particular and specific crime that he committed, but rather for his personal characteristics.⁹⁸ Therefore, the Court held the State in violation of Article 9 of the American Convention (Freedom from Ex Post Facto Laws).⁹⁹

Article 8(2)(c) (Right to Adequate Time and Means to Prepare Defense), 8(2)(e) (Right to Assistance by Counsel Provided by State) in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Mr. Martínez Coronado,¹⁰⁰ because:

The Inter-American Court of Human Rights affirmed that publicly appointed legal aid can protect against procedural inequality for vulnerable parties tried by the State.¹⁰¹ However, in order to provide this necessary protection, the publicly appointed counsel must serve as an effective advocate for his or her client and must not be provided solely for the

⁹² *Martínez Coronado v. Guatemala*, Merits, Reparations, and Costs, ¶ 68.

⁹³ *Id.* ¶ 69.

⁹⁴ *Id.* ¶ 60.

⁹⁵ *Id.*

⁹⁶ *Id.* ¶ 69.

⁹⁷ *Id.* ¶ 70.

⁹⁸ *Martínez Coronado v. Guatemala*, Merits, Reparations, and Costs, ¶ 70.

⁹⁹ *Id.*

¹⁰⁰ *Id.* “Declares” ¶ 2.

¹⁰¹ *Id.* ¶ 82.

purposes of conforming to a procedural formality.¹⁰² Therefore, the simple act of providing free legal service for the accused does not by itself automatically satisfy the requirements of Article 8 (Right to a Fair Trial).¹⁰³

The Court found that sharing an attorney with his co-defendant ultimately hurt Mr. Martínez Coronado's case.¹⁰⁴ It is not always the case that sharing a defense with a co-defendant will be detrimental to the outcome of a case, and such a defense is permissible when there are no incongruities between the individual's defenses.¹⁰⁵ However, when inconsistencies in the defenses are noted, it is necessary to appoint a new and distinct defense attorney for the accused.¹⁰⁶ In the case of Mr. Martínez Coronado, the inconsistencies were material and spoke to fundamental aspects of his defense.¹⁰⁷ Thus, sharing a defense with Mr. Arias significantly altered Mr. Martínez Coronado's chances of success.¹⁰⁸

The Court found that the public defender should have advised Mr. Martínez Coronado of the material consequences that these inconsistencies had on his defense, and found also that the public defender should have then brought this issue up with the court as well.¹⁰⁹ Having failed to do so, Mr. Martínez Coronado was not appointed the requisite replacement counsel, nor did the court take any action to assure that his defense be carried out unimpeded.¹¹⁰ Therefore, because the State failed to provide Mr. Martínez Coronado with the necessary access to counsel, the Court found it in violation of Articles 8(2)(c) (Right to Adequate Time and Means to Prepare Defense) and 8(2)(e) (Right to Assistance by Counsel Provided by State) of the Convention.¹¹¹

The Court found unanimously that Guatemala had not violated:

Article 4(6) (Right to Seek Amnesty, Pardon, or Commutation of Sentence) of the Convention, to the detriment of Mr. Martínez Coronado,¹¹² because:

¹⁰² Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 83.

¹⁰³ *Id.*

¹⁰⁴ *Id.* ¶ 85.

¹⁰⁵ *Id.* ¶ 86.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* ¶ 88.

¹⁰⁸ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 88.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.* ¶ 89.

¹¹² *Id.* "Declares" ¶ 3.

Despite allegations by the representatives that the State erred in not properly resolving Mr. Martínez Coronado's petition for clemency, the Court took the position that the State had appropriately handled the petition.¹¹³ Thus, the Court ruled that the State was not in violation of Article 4(6) of the Convention because it had not deviated from its obligations thereof.¹¹⁴

C. Dissenting and Concurring Opinions

[None]

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 Reparation.

The Court stated that the judgment itself will serve as one form of reparation.¹¹⁵

2. Publish the Judgment

The State is obligated to legibly publish, no later than six months from the notification of the judgment, the official summary of the Court's decision in both the State's official newspaper and in a wide-spread, nationally circulated newspaper.¹¹⁶ The State must also make the official judgment available for one year on an official website which may be accessed by the public.¹¹⁷

¹¹³ *Martínez Coronado v. Guatemala*, Merits, Reparations, and Costs, ¶ 73.

¹¹⁴ *Id.*

¹¹⁵ *Id.* "Provides" ¶ 4.

¹¹⁶ *Id.* ¶ 98.

¹¹⁷ *Id.* ¶ 99.

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

[None]

2. Non-Pecuniary Damages

The Court ordered that \$10,000 be split equally among the surviving members of Mr. Martínez Coronado's family, namely his wife, Mrs. Manuela Girón, and their three children, Rony Disrael Martínez Girón, Irma Yojana Martínez Girón, and Marleny Girón.¹¹⁸

3. Costs and Expenses

The Court ordered that the Victims' Legal Assistance Fund be reimbursed the \$280 which it had spent to assist in covering the costs of this case.¹¹⁹

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

\$10,280

C. Deadlines

The State must comply with the payments ordered within one year of the date of notification of the Court's decision.¹²⁰ Likewise, the Court ordered that the State submit within one year of the judgement a report pertaining to the measures adopted by the State to be in compliance with its decision.¹²¹

¹¹⁸ Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, ¶ 114.

¹¹⁹ *Id.* ¶ 117.

¹²⁰ *Id.* ¶ 118.

¹²¹ *Id.* "Provisions" ¶ 8.

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

Martínez Coronado v. Guatemala, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 376 (May 10, 2019).

3. Provisional Measures

[None]

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, Report No. 78/17, Inter-Am. Comm'n H.R., Case No. 11.834, (July 5, 2017).

3. Provisional Measures

[None]

4. Report on Merits

Martínez Coronado v. Guatemala, Report on Admissibility and the Merits, Report No. 78/17, Inter-Am. Comm'n H.R., Case No. 11.834, (July 5, 2017).

5. Application to the Court

Martínez Coronado v. Guatemala, Letter of Submission, Inter-Am. Comm'n H.R., Case No. 11.834, (Nov. 30, 2017).

VIII. BIBLIOGRAPHY

Jesús Martínez Garnelo, *Análisis del caso, "Martínez Coronado vs. Guatemala" de la Corte Interamericana de Derechos Humanos*, 70 REVISTA DE LA FACULTAD DE DERECHO DE MÉXICO 771 (2020) (Mex.).

Martínez Coronado v. Guatemala, Disseminating the Standards for the Protection of Human Rights of the IACHR, Report No. 78/17, Inter-Am. Comm'n H.R., Case No. 11.834, 1 (July 5, 2017), <https://cdn01.pucp.education/idehpucp/wp-content/uploads/2021/01/01034510/Manuel-Mart%C3%ADnez-Coronado-Guatemala.pdf>.

Celina Zubieta, *Guatemala: Prisoner Killed by Lethal Injection*, INTER PRESS SERVICE (Feb. 10, 1998), <http://www.ipsnews.net/1998/02/guatemala-prisoner-killed-by-lethal-injection/>.

