

EXTERNAL

AI Index: AMR 34/28/97

EXTRA 101/97

Death Penalty

15 July 1997

GUATEMALA Manuel Martínez Coronado

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On 12 June 1997, the Guatemalan Constitutional Court turned down the appeal of Manuel Martínez Coronado that the death sentence passed against him violated the Guatemalan Constitution. Martínez Coronado has now virtually exhausted all domestic remedies. A petition for presidential pardon, normally the last available domestic remedy, has already been filed, and formal international appeal mechanisms are not expected to be productive. It is thus feared that his execution may be imminent.

Martínez Coronado was sentenced to death in October 1995 for multiple homicide of seven members of a family, crimes which he allegedly committed in May 1995.

The lawyer for the condemned man contends that the proceedings against him fell far short of acceptable standards of due process. For example, the "tutor" (Court appointed guardian) for the only witness who was a minor, was wrongly appointed. Martínez Coronado and his co-defendant were furthermore represented by the same lawyer when they should have had different lawyers since there were differences in the versions of events they gave and the death sentence was not applicable in the case of the other person, as he was over 60 years old

#### BACKGROUND INFORMATION

Amnesty International is unconditionally opposed to the death penalty, which it considers to be the ultimate form of cruel, inhuman and degrading treatment or punishment and a violation of the right to life, as embodied in the Universal Declaration on Human Rights. The Guatemalan Penal Code provides for the death penalty for a series of crimes, including aggravated homicide of the President and Vice-President of the Republic, killing and kidnap where the victim is killed, and rape of a child under 10. It is optional for parricide, homicide and homicide of the President and Vice-president, but mandatory for rape and kidnapping when death results and the victim is under 10.

In March 1995, the Guatemala Congress passed a law extending the death penalty to material and intellectual authors of kidnapping or abduction, their accomplices and those attempting to cover-up such crimes. The law entered into force by default, the then President not having either ratified or vetoed it within the required time.

In July 1995, new legislation was introduced making extrajudicial execution punishable by the death penalty when the victim is less than 12 years old or over 70 years old, among other circumstances. Forced "disappearance" was also made punishable by the death penalty when the victim as a consequence of forced disappearance suffers serious injuries, or permanent psychological trauma or death.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:**

- recognizing the seriousness of the crime for which Manuel Martínez Coronado was accused and acknowledging the duty of governments to bring perpetrators of violent crimes to justice, but stating opposition to the death penalty in all cases, as the ultimate form of cruel, inhuman and degrading treatment or

punishment and a violation of the right to life as embodied in the Universal Declaration on Human rights;

- expressing concern that Manuel Martínez Coronado may be executed and urging that his death sentence be commuted and no further death sentences passed in Guatemala;

- expressing concern that proceedings in the cases against the condemned man contained irregularities which appear to have violated his rights to due process;

- urging that Guatemala rescind its extensions of the death penalty which place the country in violation of its international commitments as a state which has ratified the American Convention on Human Rights, under which "The application [of the death penalty] shall not be extended to crimes to which it does not presently apply." [article 4 (2)].

**APPEALS TO:**

President of the Republic

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Presidente de la República de Guatemala

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**Salutation: Sr Presidente / Dear President**

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**Salutation: Señor Fiscal / Dear Attorney General**

**COPIES TO:**

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and to diplomatic representatives of Guatemala accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 26 August 1997.