



EMBAJADA DEL ECUADOR  
WASHINGTON D.C.

Washington, May 15, 2012

The Honorable John Kerry  
Chairman  
Foreign Relations Committee  
United States Senate  
218 Russell Office Building  
Washington, D.C. 20510

Dear Senator Kerry:

I am writing in response to your letter dated May 10, 2012, regarding the case of Mr. Luis Agustín Guaman. I appreciate your interest in this tragic case and have conveyed your concerns to the Ecuadorian Attorney General and other judicial authorities. Importantly, let me assure you that my government remains fully engaged on this matter – particularly because it involves the brutal murder of an Ecuadorian citizen and her U.S.-born son. There are an estimated 1.5 to 2 million Ecuadorians in the United States, and their wellbeing is the Embassy's top priority.

Please permit me to provide you with important information on the development of the case. On April 30<sup>th</sup>, the Third Criminal Court of the Azuay Province convicted Mr. Guaman of murder and sentenced him to 25 years in prison. This is the maximum sentence permitted under Ecuadorian law for any crime.

As you note in your letter, the Ecuadorian Constitution and extradition law do indeed prohibit the extradition of Ecuadorian nationals.<sup>1</sup> Consequently, Mr. Guaman cannot be extradited to the United States. However, Ecuador's extradition law does allow judicial authorities to prosecute an Ecuadorian citizen in Ecuador for crimes committed outside the country.<sup>2</sup> Accordingly, for over a year now, Ecuadorian judicial authorities have firmly prosecuted this case using the evidence available to them.<sup>3</sup> Unfortunately, despite multiple requests by authorities in Ecuador, that evidence has not included that which is held by judicial officials in Massachusetts. While the Government of Ecuador has nonetheless successfully

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<sup>1</sup> ECUADOR CONST., Art. 79 (2008); Extradition Law of Ecuador, Art. 4.

<sup>2</sup> Extradition Law of Ecuador, Art. 7 and Art. 21.

<sup>3</sup> In reaching its sentence, the Ecuadorian Court was forced to rely solely on information from INTERPOL, autopsy information, and the testimony of the Palaguachi-Cela family provided through a videoconference conducted at the Consulate of Ecuador in Boston.



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prosecuted Mr. Guaman, it still requires the evidence held by the Plymouth County Attorney General in order to help guard against any potential appeal.

Ecuador's Prosecutor submitted multiple official requests in 2011 – including one on March 22, 2011 and another on November 1, 2011 – to the Government of the Commonwealth of Massachusetts, through the U.S. Department of Justice (DOJ) and the Department of State, pursuant to the Inter-American Convention on Mutual Assistance in Criminal Matters. These requests were marked “URGENT”. Specifically, Ecuadorian authorities requested that the Massachusetts judicial authorities provide all information and evidence available on the Guaman case in order for Ecuador's authorities to build a strong case to prosecute Mr. Guaman in Ecuador for his alleged crimes in Brockton. To date, the Ecuadorian Prosecutor has not received a response to his requests. Nevertheless, Ecuador remains ready and able to cooperate with the United States on this case.

Ecuador has had a longstanding commitment to cooperate with the United States in addressing issues of mutual security. This collaboration includes counternarcotics efforts, government-to-government communications regarding terrorist activities, and mutual cooperation in addressing transnational crime and extraditions. This cooperation is active and ongoing. As Secretary Clinton emphasized in her letter to President Correa on March 28, 2011, where she thanked him for his government's successful efforts in capturing six Pakistani citizens involved in human trafficking, “[c]ombating transnational criminal organizations [...] requires the cooperation of committed partners in the international community.”

We agree. That is why the Government of Ecuador worked diligently to capture the six Pakistani individuals, and it is why we continue to work tirelessly to obtain the evidence necessary to help defend against any appeal Mr. Guaman may file. While I appreciate your disappointment about the decision to not extradite Mr. Guaman, I hope that you will consider supporting my government's effort to obtain the evidence requested from the Massachusetts judicial authorities so that we can ensure he remains incarcerated for his full sentence.

I appreciate your concern on this issue and would like to discuss it with you in greater detail at your convenience.

Sincerely,

Nathalie Cely  
Ambassador of the Republic of Ecuador  
Washington, D.C.