

Myrna Mack Chang v. Guatemala

ABSTRACT¹

This case is about the assassination of one of the most prominent human rights advocates and investigators of the massacre of indigenous peoples by Guatemalan agents between 1981 and 1992. Although the State admitted full responsibility, the Court found Guatemala in violation of the American Convention for failure to investigate Myrna Mack Chang's murder and to prosecute her assassins.

I. FACTS

A. Chronology of Events

October 24, 1949: Myrna Mack Chang is born in Retalhuleu, Guatemala.²

1971: Ms. Mack Chang attends the School of Social Work at the Universidad de San Carlos de Guatemala.³ After graduating from the Universidad de San Carlos, Ms. Mack Chang pursues an advanced degree in economic and social science at the Victoria University of Manchester, followed by a Masters degree in social anthropology from the University of Durham, England.⁴

1974: Ms. Mack Chang gives birth to a daughter, Lucrecia Hernández Mack.⁵

1982: Ms. Mack Chang returns to Guatemala and begins studying the

1. Elise Cossart-Daly, Author; Grace Kim and Sascha Meisel, Editors; Sarah Frost, Chief Articles Editor; Cesare Romano, Faculty Advisor.

2. Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 101, ¶ 134.1 (Nov. 25, 2003).

3. *Id.*; *Myrna Mack's Biography*, THE MYRNA MACK FOUND., <http://www.myrnamack.org.gt/index.php/biografias/myrnamack> (last visited Jan. 25, 2013).

4. Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, ¶ 134.1.

5. *Id.* ¶ 127(c).

displacement of rural indigenous Guatemalans during the armed conflict, taking place at that time.⁶

1986: Prompted by her desire to understand the experience of displaced indigenous communities and to analyze Guatemala's policies targeting these groups, Ms. Mack Chang co-founds the Association for the Advancement of Social Sciences in Guatemala (*Asociación para el Avance de las Ciencias Sociales en Guatemala*; "AVANCSO").⁷ As part of her work with AVANCSO, she travels to regions where the Guatemalan military is actively carrying out "scorched earth policies" against indigenous people believed to be insurgents.⁸ Ms. Mack Chang insists that the Guatemalan military is responsible for the displacement of indigenous populations, and criticizes the Guatemalan government for their treatment of indigenous peoples.⁹

During this period, the Guatemalan military attempts to keep their operations with rural indigenous populations confidential and, as a result, the Guatemalan public is largely unaware that the State is actively slaughtering indigenous people, burning and looting their homes, and kidnapping their children.¹⁰

Ms. Mack Chang is the first person to investigate these State atrocities.¹¹ She speaks out domestically and internationally about the State's treatment of indigenous people, receives support from international organizations, including the Ford Foundation and Georgetown University,¹² and widely circulates a draft report of her research at the United Nation's International Conference on Central American Refugees.¹³

In the course of her work, Ms. Mack Chang meets members of the Communities of the Population in Resistance (*Comunidades de Población en Resistencia*; "CPR"), a peaceful group of citizens that the military has identified as insurgents.¹⁴ Members of the CPR believe that they will be murdered by the military unless they appeal to the Guatemalan public and political leaders for help.¹⁵ They plan to send a

6. *Id.* ¶ 134.2.

7. *Id.* ¶ 134.2.

8. *Id.* ¶ 127(b).

9. *Id.* ¶ 134.2.

10. *Id.* ¶¶ 127(a), 127(b).

11. *Id.* ¶ 127(a).

12. *Id.* ¶ 127(b).

13. *Id.*

14. *Id.* ¶ 124(a).

15. *Id.*

document to the President, the Guatemalan Congressional leader, and other Guatemalan political leaders.¹⁶ Ms. Mack Chang agrees to help them.¹⁷

July 1990: Ms. Mack Chang speaks about the plight of the CPR and the document they will release in Guatemala at a meeting regarding refugees and internally displaced persons in San José, Costa Rica.¹⁸

August 18, 1990: Due to her research and affiliation with CPR, the State identifies Ms. Mack Chang as a threat and places her under surveillance.¹⁹ A group of men, including Noel de Jesús Beteta Álvarez, monitor and follow Ms. Mack Chang.²⁰ Mr. Beteta Álvarez is the Sergeant Major Specialist for a subset of the Security Section of the President General Staff (*Estado Mayor Presidencial*; “EMP”) called “the Archivo.”²¹

According to expert witnesses, the EMP provide security for the Guatemalan President and Vice President, and the Archivo carried out intelligence operations on behalf of the EMP.²² Declassified United States Central Intelligence Agency (“CIA”) documents implicate EMP and the Archivo in numerous human rights violations during the Guatemalan armed conflict.²³

September 11, 1990: Ms. Mack Chang leaves her office at AVANCSO at 8:00 p.m.²⁴ She steps out onto the street, and Noel de Jesús Beteta Álvarez and at least one other person attack her.²⁵ They stab her in the neck, chest, and stomach.²⁶ Ms. Mack Chang lies in the street, blood pouring from her body.²⁷ Eventually, she dies of blood loss.²⁸

The Police investigate the crime scene and order an autopsy.²⁹

16. *Id.*

17. *Id.* ¶¶ 124(a), 124(b).

18. *Id.* ¶ 124(b).

19. *Id.* ¶¶ 134.6, 134.7.

20. *Id.* ¶ 134.3.

21. *Id.*

22. *Id.* ¶¶ 127(k), 127(i), 134.17.

23. *Id.*

24. *Id.* ¶ 134.4.

25. *Id.* ¶¶ 134.4, 134.5.

26. *Id.* ¶ 134.4.

27. *Id.*

28. *Id.*

29. *Id.* ¶ 134.20.

They do not, however, adequately protect the crime scene.³⁰ They do not take fingerprints or photograph her wounds.³¹ They also do not conduct any lab analysis of the crime scene nor examine her clothing.³²

José Mérida Escobar and Julio Pérez Ixcajop, two National Police investigators assigned to the case, compose a report implicating Noel de Jesús Beteta Álvarez and asserting that Ms. Mack Chang was murdered for political reasons.³³ However, the Director of the National Police orders the officers to submit a shorter report stating Ms. Mack Chang's murder resulted from a robbery.³⁴

October 10, 1990: Helen Mack Chang, Myrna's sister, files charges in the Second Criminal Court of First Instance against all suspected of murdering Ms. Mack Chang.³⁵ After preliminary proceedings, the Third Criminal Trial Court of the First Instance takes the case.³⁶ Both the Public Prosecutor and Helen Mack Chang request evidence from the Ministry of National Defense and the Presidential General Staff, but these agencies either claim the documents are pertinent to national security and refuse to submit them to the court or submit altered documents.³⁷

José Mérida Escobar and Julio Pérez Ixcajop, the two police officers investigating Ms. Mack Chang's murder, are followed and threatened by members of the Archivo.³⁸

August 5, 1991: José Mérida Escobar testifies that his initial police report, which stated that Ms. Mack Chang was killed for political reasons, is correct.³⁹ After testifying, he is shot to death by unidentified persons in front of the National Police headquarters.⁴⁰

October 1991: After José Mérida Escobar's murder and continuing threats from the Archivo, Julio Pérez Ixcajop flees to Canada.⁴¹

The Director of the Criminological Investigations Department of

30. *Id.* ¶ 134.86.

31. *Id.*

32. *Id.*

33. *Id.* ¶ 134.87.

34. *Id.* ¶ 134.88.

35. *Id.* ¶ 134.21.

36. *Id.*

37. *Id.* ¶ 134.90.

38. *Id.* ¶ 134.95.

39. *Id.* ¶ 134.96.

40. *Id.*

41. *Id.*

the National Police (“DIC”), the judge who initiated a trial against the suspects in Ms. Mack Chang’s murder, and three key witnesses also flee to Canada because of threats from State agents.⁴²

Additionally, members of the Public Prosecutors Office and judges presiding over various aspects of the case are threatened and advised not to issues any decisions against the State military.⁴³ State agents continue to threaten, follow, and intimidate Ms. Mack Chang’s family, the Mack Foundation, the AVANCSO staff, and the advisors in this case.⁴⁴

February 12, 1993: The Third Criminal Court convicts Noel de Jesús Beteta Álvarez for the murder of Ms. Mack Chang.⁴⁵ The Court does not leave proceedings open for other suspects accused of killing Ms. Mack Chang.⁴⁶

May 3, 1993: The Public Prosecutor’s Office files multiple requests to keep the proceeding open in order to identify and charge other suspects, but the Court denies or dismisses these requests.⁴⁷ Helen Mack Chang files several appeals in her individual capacity.⁴⁸ In total, the parties file more than fifteen *amparo* remedies.⁴⁹

February 9, 1994: The Supreme Court of Justice finds that Helen Mack Chang’s right to due process was abridged because she was unable to bring charges against all responsible parties in a single proceeding.⁵⁰

Subsequently, Helen Mack Chang, suspects in the murder, and the Public Prosecutors Office file numerous cases, complaints, and appeals with the State’s criminal, civil, and military courts.⁵¹ Defendants accused of aiding in Ms. Mack Chang’s murder are eventually acquitted and released,⁵² and, as of the time of judgment, only one of Ms. Mack Chang’s murderers, Noel de Jesús Beteta Álvarez, has been punished for her death.⁵³

42. *Id.* ¶¶ 134.98-134.100.

43. *Id.* ¶ 134.100.

44. *Id.* ¶¶ 134.101, 134.102.

45. *Id.* ¶ 134.22.

46. *Id.*

47. *Id.* ¶ 134.23.

48. *Id.* ¶ 134.24.

49. *Id.* ¶ 134.26.

50. *Id.* ¶ 134.25.

51. *Id.* ¶¶ 134.27- 134.85.

52. *Id.* ¶¶ 134.73, 134.75.

53. *Id.* ¶ 159(c).

B. Other Relevant Facts

From the end of the 1980s through 1996, when the State and insurgent groups enter into a final peace agreement,⁵⁴ the State perpetrates extra-judicial killings against people deemed enemies of the State as a method of “social cleansing” and controlling the Guatemalan people.⁵⁵ Typically, State intelligence agencies, including the Archivo, identify individuals who pose a threat to the State, monitor and follow the individual, plan to execute that individual, and eventually kill whomever they deem a threat.⁵⁶ The State carefully maintains secrecy of these extra-judicial executions; State agents only communicate about these killings verbally, so that there is no record of their involvement, and use official agents and institutions to maintain impunity in these cases.⁵⁷

II. PROCEDURAL HISTORY

A. Before the Commission

September 12, 1990: The Guatemalan Human Rights Commission (*Comisión Guatemalteca de Derechos Humanos*, “CGDH”) files a complaint before the Inter-American Commission.⁵⁸

April 1991: The Lawyers Committee for Human Rights and Georgetown University begin representing the victims, along with several other human rights organizations.⁵⁹

September 17, 1990: The Commission opens Case No. 10.636.⁶⁰

March 5, 1996: The Commission issues Admissibility Report No. 10/96.⁶¹

54. *Plan de Sánchez Massacre v. Guatemala*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 105, ¶ 42(8) (Apr. 29, 2004).

55. *Myrna Mack Chang v. Guatemala*, Merits, Reparations, and Costs, ¶ 134.10.

56. *Id.* ¶ 134.11.

57. *Id.* ¶¶ 134.11, 134.12.

58. *Id.* ¶ 6.

59. *Id.*

60. *Id.* ¶ 7.

61. *Id.* ¶ 8; *Myrna Mack Chang v. Guatemala*, Admissibility Report, Report No. 10/96, Inter-Am. Comm'n H.R., Case No. 10.636 (Mar. 5, 1996).

March 30, 2000: The State recognizes “institutional responsibility” for Ms. Mack Chang’s murder during a public hearing at the Commission, and agrees to begin domestic criminal proceedings to identify and punish Ms. Mack Chang’s killers.⁶² The State agrees to establish a Verification Committee to oversee the proceedings.⁶³ Following this initial agreement, the State and the petitioners come to several agreements regarding the role of and procedures for the Verification Committee.⁶⁴

August 23 and October 4, 2000: The Verification Committee submits reports to the Commission.⁶⁵ They explain that they do not believe that Ms. Mack Chang’s case will reach an effective or appropriate resolution due to numerous judicial obstacles and challenges, which have “obstructed compliance with due process.”⁶⁶

October 5, 2000: Members of the Verification Committee again express that the State has not made a serious commitment to effectively identify and punish Ms. Mack Chang’s killers, and as a result, they will no longer consider a friendly settlement in the case.⁶⁷

March 8, 2001: In Merits Report No. 39/01, the Commission recognizes the State’s acceptance of international responsibility, but finds that the State has nonetheless failed to identify or punish those responsible for Ms. Mack Chang’s murder, and has demonstrated a lack of serious willingness to investigate and punish those responsible for Ms. Mack Chang’s death.⁶⁸ The Commission recommends that the State conduct a complete, impartial, and effective investigation; provide Ms. Mack Chang’s family with reparations in a timely manner; remove all State mechanisms that maintain impunity in this case; and replace the members of the EMP as soon as possible.⁶⁹

62. Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, ¶ 9.

63. *Id.*

64. *Id.* ¶¶ 10-11.

65. *Id.* ¶ 12.

66. *Id.*

67. *Id.* ¶ 13.

68. *Id.* ¶ 14. The Commission’s Report on the Merits was not available at the time of publication, and the Merits Judgment does not indicate if the Commission found that the State had committed specific violations of the American Convention. *Id.*

69. *Id.*

March 19, 2001: The Commission submits the report to the State, and requests that it comply with its recommendations within two months.⁷⁰

B. Before the Court

June 19, 2001: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁷¹

August 23, 2001: The State appoints *ad hoc* judge Francisco Villagrán Kramer.⁷²

1. Violations Alleged by Commission⁷³

To the detriment of Ms. Mack Chang and Ms. Mack Chang's next of kin:

Article 4 (Right to Life)

Article 8 (Right to a Fair Trial)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation to Respect Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁷⁴

Same Violations Alleged by Commission, plus:

Article 5(1) (Right to Physical, Mental, and Moral Integrity) of the American Convention.

70. *Id.* ¶ 15.

71. *Id.* ¶ 1.

72. *Id.* ¶ 23.

73. *Id.* ¶ 2.

74. *Id.* ¶¶ 22, 24, 223. Jeff Clark of the Lawyers Committee for Human Rights; Elijah Barret Prettyman Jr., Lyndon Tretter, Taylor Lee Burke, Shannon Tovan MacDaniel and David Kassenbaum of Hogan and Hartson; and Viviana Krsticevic and Roxanna Altholz of the CEJIL served as representatives of the petitioners.

III. MERITS

A. *Composition of the Court*

Antônio Augusto Cançado Trindade, President
Sergio García Ramírez, Vice-President
Hernán Salgado Pesantes, Judge
Máximo Pacheco Gómez, Judge
Oliver H. Jackman, Judge
Alirio Abreu Burelli, Judge
Carlos Vicente de Roux Rengifo, Judge
Arturo Martínez Gálvez, Judge *ad hoc*

Manuel E. Ventura Robles, Secretary

B. *Decision on the Merits*

November 25, 2003: The Court issues its Judgment on Merits, Reparations, and Costs.⁷⁵

The Court found unanimously that Guatemala had violated:

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Ms. Myrna Mack Chang,⁷⁶ because:

The EMP, a State agency, ordered State agents to commit the extra-judicial killing of Myrna Mack Chang.⁷⁷ The Court noted that the violation of the right to life is exacerbated by the State's consistent practice of committing extra-judicial executions of people considered "internal enemies" of the State.⁷⁸ The Court noted that the State followed a specific, three-part procedure for committing extra-judicial killings.⁷⁹ First, the State identified Ms. Mack Chang as a threat because she researched and publicized State military atrocities against

75. *Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs*. Deputy Secretary Pablo Saavedra Alessandri excused himself from this case, as he served as an attorney in the case. *Id.* at n.*.

76. *Id.* "Declares That" ¶ 1.

77. *Id.* ¶ 138.

78. *Id.* ¶ 139.

79. *Id.* ¶ 140.

indigenous Guatemalans.⁸⁰ Second, the EMP followed a careful, pre-established protocol to complete their extra-judicial killings: State leaders gave Noel de Jesús Beteta Álvarez Ms. Mack Chang's file; he and his team monitored and followed her for fifteen days and then killed her so that her murder appeared to be a robbery gone wrong.⁸¹ All communications regarding the killing was verbal, and her file was shredded and burned after the murder took place.⁸² Third, State intelligence agents violated the law in order to maintain impunity in the case.⁸³

Article 4 (Right to Life) requires that the State not arbitrarily deprive anyone of his or her life and that the State protect the right to life through all of its institutions.⁸⁴ The Court stated that States must effectively investigate and punish those responsible for any extra-legal execution, particularly when State agents perpetrate killings.⁸⁵ The Court found that the leaders of the EMP ordered State agents to carry out and cover up the extra-judicial killing of Ms. Mack Chang, and thus violated Article 4(1) (Right to Life).⁸⁶

Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection), in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Ms. Lucrecia Hernández Mack, Ms. Yam Mack Choy, Ms. Zoila Chang Lau, Ms. Helen Mack Chang, Mr. Marco Mack Chang, Mr. Freddy Mack Chang, and Mr. Ronald Chang Apuy,⁸⁷ because:

State agents actively obstructed justice in the investigation and trials regarding Ms. Mack Chang's death.⁸⁸ The Court noted that State police officers failed to appropriately gather evidence at the scene of Ms. Mack Chang's murder and altered the police report to protect her killers.⁸⁹ The EMP and Ministry of National Defense also manipulated and altered evidence, and State agents refused to provide evidence on

80. *Id.* ¶ 141.

81. *Id.* ¶ 145.

82. *Id.*

83. *Id.* ¶ 149.

84. *Id.* ¶ 153.

85. *Id.* ¶ 156.

86. *Id.* ¶ 158.

87. *Id.* "Declares That" ¶ 2.

88. *Id.* ¶¶ 164, 165.

89. *Id.*

the basis of national security.⁹⁰ According to the Court, these acts obstructed the administration of justice.⁹¹

Additionally, an officer investigating Ms. Mack Chang's death was murdered, and members of the judiciary, attorneys, Ms. Mack Chang's family members, and Mack Foundation and AVANCSO staff were threatened and harassed.⁹² The Court observed that, in order to ensure due process, the State must "provide all necessary means" to protect judicial and investigatory officers, witnesses, and family members of the victim from harassment and threats designed to obstruct judicial proceedings.⁹³

The Court also found that the State contravened the standards for a fair trial, judicial protection, and an effective remedy protected by Articles 8 and 25, because State judges failed to adequately resolve the criminal case for Ms. Mack Chang's murder in a reasonable amount of time.⁹⁴

The Court also found that the investigation for Ms. Mack Chang's death had exceeded a "reasonable term" in violation of Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal).⁹⁵ At the time of the Court's decision, thirteen years had passed since Ms. Mack Chang's death, and the State courts have not issued a definitive judgment identifying all responsible for, and accessories to, her extra-judicial murder.⁹⁶

Due to the acts described above, the Court found that the State was responsible for violating the judicial protection enshrined in Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection).⁹⁷

Article 5(1) (Right to Human Treatment), in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Ms. Lucrecia Hernández Mack, Ms. Yam Mack Choy, Ms. Zoila Chang Lau, Ms. Helen Mack Chang, Mr. Marco Mack Chang,

90. *Id.* ¶ 164.

91. *Id.* ¶¶ 174, 182.

92. *Id.* ¶ 164.

93. *Id.* ¶ 199.

94. *Id.* ¶¶ 164, 202.

95. *Id.* ¶¶ 164, 215.

96. *Id.* ¶¶ 164, 213.

97. *Id.* "Declares That" ¶ 2.

Mr. Freddy Mack Chang, and Mr. Ronald Chang Apuy,⁹⁸ because:

The State failed to adequately identify and punish Ms. Mack Chang's killers, and threatened and harassed people who attempted to attain justice for Ms. Mack Chang's murder.⁹⁹ The Court noted that where States failed to clarify the circumstances surrounding incidents perpetrated against victims of human rights abuses, the victim's family members could be victims themselves.¹⁰⁰

Ms. Mack Chang's family was vulnerable not only because the State failed to bring Ms. Mack Chang's murderers to justice, but also because they, along with others, were threatened and harassed for their efforts to attain justice for Ms. Mack Chang.¹⁰¹ The fact that an investigating officer in this case was murdered increased the family members' feelings of vulnerability and fear.¹⁰² As a result of these acts, Ms. Mack Chang's next of kin felt powerless and afraid that the State would kill them as well.¹⁰³ Thus, the State damaged Ms. Lucrecia Hernández Mack, Ms. Yam Mack Choy, Ms. Zoila Chang Lau, Ms. Helen Mack Chang, Mr. Marco Mack Chang, Mr. Freddy Mack Chang, and Mr. Ronald Chang Apuy's psychological and moral integrity in violation of Article 5(1) (Right to Physical, Mental, and Moral Integrity).¹⁰⁴

C. Dissenting and Concurring Opinions

1. Separate Opinion of Judge Antônio Augusto Cançado Trindade

In a separate opinion, Judge Cançado Trindade explained that this case was a paradigmatic example of a State's aggravated responsibility.¹⁰⁵ Ms. Mack Chang's murder was carried out as a covert military operation within a pattern of State-perpetrated extra-judicial executions; the State maintained impunity in the case; and State agents

98. *Id.* "Declares That" ¶ 3.

99. *Id.* ¶ 232.

100. *Id.* ¶ 225.

101. *Id.* ¶¶ 225, 226, 232.

102. *Id.* ¶ 232.

103. *Id.*

104. *Id.* ¶¶ 232, 233.

105. *Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Separate Opinion of Judge Antônio Augusto Cançado Trindade, Inter-Am. Ct. H.R. (ser. C) No. 101, ¶¶ 1, 2 (Nov. 25, 2003).*

harassed, threatened and murdered people attempting to bring Ms. Mack Chang's murderers to justice.¹⁰⁶ Thus, Judge Cançado Trindade found that this case warranted an analysis of the general concept of aggravated responsibility and aggravating circumstances in human rights abuses.¹⁰⁷

He observed that States are an essential component of international law, yet States have resisted efforts to codify international responsibility for State actors.¹⁰⁸ He then introduced the idea of criminalization of human rights violations, and the recognition of impunity as a per se violation of human rights,¹⁰⁹ and referenced several cases in which the Court had found that States had failed to fulfill their responsibility to combat impunity.¹¹⁰

Judge Cançado Trindade went on to explain that international criminal responsibility of individuals does not exempt the State from responsibility for human rights abuses.¹¹¹ In his view, the international responsibility of States and international criminal responsibility of individuals complement one another.¹¹² He noted that, in the instant case, both the individual and the State were responsible for the murder of Ms. Mack Chang and for impunity in her case, thus constituting aggravated responsibility.¹¹³ He also reflected on natural law, various forms of culpability and the consequence of various forms of guilt as articulated by various philosophers.¹¹⁴

In addition, Judge Cançado Trindade argued that because State crimes are the gravest violation of *jus cogens*, and directly affect the fundamental values of the international community, international bodies must recognize the concept of aggravated responsibility.¹¹⁵ He revisited the State's efforts to perpetuate impunity, and noted that, in previous cases, the Court had found that the next of kin of victims of human rights violations were victims themselves.¹¹⁶

Judge Cançado Trindade then postulated that as long as international criminal courts could not determine the responsibility of States and international human rights courts could not rule on the

106. *Id.*

107. *Id.* ¶ 2.

108. *Id.* ¶ 3.

109. *Id.* ¶¶ 9, 10.

110. *Id.* ¶¶ 11, 12.

111. *Id.* ¶ 13.

112. *Id.* ¶¶ 14, 16.

113. *Id.* ¶ 18.

114. *Id.* ¶¶ 21, 22, 23.

115. *Id.* ¶¶ 27, 28, 30.

116. *Id.* ¶¶ 33-35.

responsibility of the individual, impunity would persist because only some parties responsible for human rights abuses would be punished.¹¹⁷

Judge Cançado Trindade then expressed that compensation and reparations should be used as a punishment to dissuade states from violating international human rights law.¹¹⁸ He also discussed appropriate punishments for aggravated responsibility, the ideas of various theorists, and case law from the Court with regard to compensatory and punitive damages.¹¹⁹

2. Concurring Opinion of Judge Sergio García Ramírez

In a separate opinion, Judge Sergio García Ramírez explained that the various rights recognized by the Court in the present case and in previous cases before the Court comprise an “obligation to provide criminal justice,” and recognized the Mack Chang case as paradigmatic of a State’s failure to administer justice.¹²⁰ He then discussed the importance of access to procedural and substantive justice.¹²¹

He discussed how the Court has dealt with States that accept and acknowledge responsibility for human rights cases before the Court, and examined how the State accepted responsibility in this particular case.¹²² He emphasized that State acceptance of responsibility does not prevent the Court from uncovering the truth, or addressing the violations of human rights.¹²³ He referenced various Court cases to support this proposition.¹²⁴ He also noted that, while the State emphatically accepted responsibility, it was still necessary for the Court to rely on evidence in order to confirm the facts of the case and strengthen the Court’s judgment.¹²⁵

Judge García Ramírez then explained that the Court recognizes States as an integral whole, and cannot parse the occasionally contradictory representations of various State agencies.¹²⁶ Thus, the Court must accept the representations of the political body that

117. *Id.* ¶ 36.

118. *Id.* ¶¶ 36, 38, 40.

119. *Id.* ¶¶ 41, 43-52.

120. *Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Concurring Opinion of Judge Sergio García Ramírez, Inter-Am. Ct. H.R. (ser. C) No. 101, ¶¶ 1-3 (Nov. 25, 2003).*

121. *Id.* ¶ 5, 6.

122. *Id.* ¶¶ 7, 18.

123. *Id.* ¶¶ 7-10, 14-16.

124. *Id.*

125. *Id.* ¶¶ 20, 22-26.

126. *Id.* ¶¶ 26, 27.

represents the State.¹²⁷ In addition, when the State conditions their acceptance of responsibility and commitment to rectifying wrongs on the existence of certain facts, it undermines compliance with international law, and the legitimacy of international judicial bodies.¹²⁸

Judge García Ramírez then examined the responsibility of the State, domestic impunity, and aggravated responsibility in the Mack Chang case.¹²⁹ While it was not possible to hold the State criminally responsible for Ms. Mack Chang's murder, it is important to ensure that the State provide effective criminal justice in a timely manner.¹³⁰ In this particular case, failing to identify all individuals responsible for Ms. Mack Chang's death maintains impunity.¹³¹ Judge García Ramírez also recognized that the failure to provide justice within a reasonable period of time can constitute the denial of justice, and noted several cases previously decided by the Court that invoked this principle.¹³²

Judge García Ramírez then analogized aggravated responsibility of the State to aggravating circumstances in criminal cases, noting the systematic nature of Ms. Mack Chang's murder and the ensuing State-sponsored cover up.¹³³ He rejected the notion of punitive damages for aggravated violations of human rights.¹³⁴

Judge García Ramírez also discussed the central importance of protecting the victim in the Court's jurisprudence, identified distinctions between the injured party and the victim, and discussed how the Court views family members of victims as victims themselves.¹³⁵ In this context, he also analyzed who has a right to compensation in reparation for a human rights abuse.¹³⁶

In addition, Judge García Ramírez argued that the State violated Ms. Mack Chang's freedom of expression embodied in Article 13 (Freedom of Thought and Expression), as her murder was motivated by a desire to punish her for her research and publications and to dissuade others from engaging in similar expression.¹³⁷

Judge García Ramírez closed his concurring opinion with various

127. *Id.* ¶ 28.

128. *Id.* ¶¶ 31, 32.

129. *Id.* ¶¶ 33, 38, 43.

130. *Id.* ¶¶ 34, 35.

131. *Id.* ¶ 37.

132. *Id.* ¶¶ 38-42.

133. *Id.* ¶¶ 43-46.

134. *Id.* ¶ 47.

135. *Id.* ¶¶ 50-54.

136. *Id.* ¶¶ 55-62.

137. *Id.* ¶¶ 63-66, 69, 70.

thoughts: that unclaimed monetary judgments should be applied to other human rights causes; the role of reparations; the role of domestic law in determining compensation; and the importance of preventing States from reducing their compensation to victims via taxes.¹³⁸

3. Concurring Opinion of Judge Hernán Salgado Pesantes

In a separate opinion, Judge Hernán Salgado Pesantes argued that the Court should consider the State's admission of responsibility inapplicable to this case, as they did not accept responsibility until the conclusion of the hearing.¹³⁹ Judge Salgado Pesantes stated that a State's admission of guilt should be used to increase efficiency in cases before the Court, and further the protection of human rights.¹⁴⁰ In this case, the State denied responsibility throughout the majority of the Commission and Court proceedings, so its admission of responsibility did not assist in the efficiency or adjudication of this case.¹⁴¹

4. Concurring Opinion of Judge Alirio Abreu Burelli

In a separate opinion, Judge Alirio Abreu Burelli noted the State's actions that gave rise to human rights violations: Myrna Mack Chang's murder and the State's ensuing efforts to maintain impunity.¹⁴²

Judge Abreu Burelli discussed the State's failure to cooperate during proceedings before the Commission and the Court.¹⁴³ Judge Abreu Burelli noted that the State's positions were contradictory and confusing.¹⁴⁴

Judge Abreu Burelli explained that, though the State accepted responsibility at the end of the proceedings, the recognition of responsibility is an important part of the reconciliation process.¹⁴⁵ This recognition is a form of reparation to the victim's family, a guarantee that this type of human rights abuse will not happen again, and an

138. *Id.* ¶¶ 71-77.

139. *Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Partially Dissenting Opinion of Judge Hernán Salgado Pesantes, Inter-Am. Ct. H.R. (ser. C) No. 101, ¶¶ 1, 2 (Nov. 25, 2003).*

140. *Id.* ¶ 3.

141. *Id.* ¶ 5.

142. *Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Concurring Opinion of Judge Alirio Abreu Burelli, Inter-Am. Ct. H.R. (ser. C) No. 101, I (Nov. 25, 2003).*

143. *Id.* I.

144. *Id.*

145. *Id.* III.

important step toward the establishment of a democratic legal system.¹⁴⁶

5. Partially Dissenting Opinion of Judge Arturo Martínez Gálvez

In a separate opinion, *ad hoc* Judge Arturo Martínez Gálvez, stated that because the State absolutely and unconditionally acknowledged responsibility, the facts were not contested, so it was unnecessary to analyze evidence in this case.¹⁴⁷

Judge Martínez Gálvez objected to the use of facts from the Commission on Historical Elucidation and the Interdiocesan Project for the Recovery of Historical Memoirs, as they were not probative.¹⁴⁸ He also attributed the delay in domestic proceedings to the procedural activity of both parties, and not to the State.¹⁴⁹

Finally, Judge Martínez Gálvez objected to the amount of damages ordered, as the State is impoverished and operating at a high budget deficit.¹⁵⁰

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 explained that the Judgment was to constitute a *per se* form of reparation.¹⁵¹

2. Adequately Investigate Ms. Mack Chang's Murder

The Court ordered the State to identify, try, and punish those

146. *Id.*

147. Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Partially Dissenting Opinion of Judge Arturo Martínez Gálvez, Inter-Am. Ct. H.R. (ser. C) No. 101, I (Nov. 25, 2003).

148. *Id.* II.

149. *Id.* III.

150. *Id.* IV.

151. Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 101, "Declares That" ¶ 4 (Nov. 25, 2003).

responsible for Ms. Mack Chang's extra-judicial killing and covering up Ms. Mack Chang's murder.¹⁵² The Court also ordered the State to remove all obstacles to an effective investigation, and all mechanisms that maintain impunity in this case.¹⁵³ Additionally, the Court ordered the State to protect all persons involved in the case, including judicial officers, witnesses, and Ms. Mack Chang's family members.¹⁵⁴

3. Publically Acknowledge Responsibility

The Court ordered the State to carry out a public act, broadcast in the media, acknowledging responsibility and honoring the memory of Ms. Mack Chang and José Mérida Escobar, the police investigator murdered for his participation in the case.¹⁵⁵ The Court ordered the State to publish particular paragraphs of this Judgment in the State's Official Gazette and in a widely circulated national newspaper.¹⁵⁶

4. Train State Agents in Human Rights Issues

The Court ordered the State to train all members of its armed forces, police, and security agencies in the protection of human rights and compliance with International Humanitarian Law, both in times of peace and of emergency.¹⁵⁷ The Court also ordered that the activities of the military, police and security agencies must comply with the laws of the democratic constitutional order, to human rights treaties, and to international humanitarian laws.¹⁵⁸ The Court ordered that the agencies must, at all times, respect fundamental rights, and submit to the control of civil authorities.¹⁵⁹

5. Publicly Honor Ms. Myrna Mack Chang

In order to raise awareness about Ms. Mack Chang, the Court ordered the State to establish a permanent scholarship in Ms. Mack Chang's name to cover the complete cost of a year of study in

152. *Id.* "And Decides That" ¶ 5.

153. *Id.* "And Decides That" ¶ 6.

154. *Id.*

155. *Id.* ¶¶ 278, 279.

156. *Id.* ¶¶ 280, "And Decides That" ¶ 7.

157. *Id.* ¶ 282.

158. *Id.* ¶ 284.

159. *Id.*

anthropology at a prestigious national university.¹⁶⁰

The Court also ordered the State to name a well-known street or square in Guatemala City near the site of her death for Ms. Mack Chang, and include reference to her work.¹⁶¹

B. Compensation

The Court awarded the following amounts by seven votes to one:

1. Pecuniary Damages

The Court ordered the State to pay Ms. Mack Chang's daughter, Lucrecia Hernández Mack, \$250,000 for Ms. Mack Chang's lost wages.¹⁶² The Court based its calculations on what Ms. Mack Chang earned at the time of her death, what the director of AVANCSO currently earns, the salary of other professionals with similar credentials, life expectancy, salary increases, and inflation.¹⁶³

Given the immense psychological and physical impact of Ms. Mack Chang's death, the Court ordered the State to pay Ms. Hernández Mack, Ms. Mack Chang's daughter, and Mr. Yam Mack Choy, Ms. Mack Chang's father \$3,000 in order to reimburse their medical expenses.¹⁶⁴ As Mr. Mack Choy is deceased, the Court ordered the State to compensate Ms. Zolia Chang Lau, mother of the victim.¹⁶⁵

The Court ordered the State to pay Helen Mack Chang, Ms. Mack Chang's sister, \$25,000, as she gave up her work to pursue justice for her sister.¹⁶⁶

2. Non-Pecuniary Damages

The Court recognized the deep physical and emotional pain and suffering Ms. Mack Chang experienced in the moments before her death.¹⁶⁷ The Court explained that no evidence was necessary to establish that Ms. Mack Chang's family suffered great emotional harm

160. *Id.* ¶ 285.

161. *Id.* ¶ 286.

162. *Id.* ¶ 252.

163. *Id.* ¶ 251.

164. *Id.* ¶ 253.

165. *Id.*

166. *Id.*

167. *Id.* ¶¶ 261, 262.

as a result of her death,¹⁶⁸ and recognized that the State's intimidation and harassment of Ms. Mack Chang's family and prevailing impunity in this case caused Ms. Mack Chang's family pain and suffering.¹⁶⁹

The Court discussed the deep pain that Ms. Mack Chang's daughter, Lucrecia Hernández Mack, suffered as a result of her mother's death, particularly because she lived with her mother, and not her father, her mother was her primary caregiver, and she was sixteen when her mother was murdered.¹⁷⁰ The Court ordered the State to pay Ms. Lucrecia Hernández Mack \$40,000 for the pain and suffering her mother experienced, and \$110,000 to reimburse Ms. Hernández Mack for psychological treatment and the emotional harm she experienced.¹⁷¹

The Court also noted that, in the case of murder, it is not necessary to present evidence in order to prove non-pecuniary damage to that person's parents.¹⁷² The Court recognized the anguish Ms. Mack Chang's parents, siblings, and cousin, who lived in the Mack Chang home and was treated as Ms. Mack Chang's sibling, experienced as a result of her death.¹⁷³ The Court also recognized that Ms. Mack Chang's murder brought on her father's physical illness, which ultimately led to his death.¹⁷⁴ In light of these considerations, the Court ordered the State to pay Ms. Mack Chang's parents, Ms. Yam Mack Choy and Ms. Zoila Chang Lau, each \$40,000; Ms. Mack Chang's siblings and cousin, Mr. Marco Mack Chang, Mr. Freddy Mack Chang, and Mr. Ronald Chang Apuy \$5,000 each; and to pay Ms. Mack Chang's sister, Ms. Helen Mack Chang, \$100,000 to compensate for her suffering and the great difficulty she's encountered in her pursuit of justice.¹⁷⁵

3. Costs and Expenses

The Court ordered the State to pay a total of \$163,000 in reimbursement for costs and expenses in both international and domestic proceedings connected to this case directly to the representatives of the victims.¹⁷⁶ \$150,000 must be paid to the Myrna Mack Foundation; \$5,000 to Lawyers Committee for Human Rights;

168. *Id.* ¶ 264.

169. *Id.* ¶ 264(a).

170. *Id.* ¶ 264(b).

171. *Id.* ¶¶ 266, 267.

172. *Id.* ¶ 264(c).

173. *Id.* ¶¶ 264(c), 264(d), 264(e), 264(g).

174. *Id.* ¶ 264(c).

175. *Id.* ¶¶ 264(d), 267.

176. *Id.* ¶¶ 291, 295.

\$5,000 to Wilmer, Cutler and Pickering; \$5,000 to Hogan and Hartson; and \$3,000 to CEJIL.¹⁷⁷

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

\$789,000

C. Deadlines

The State must compensate all victims and representatives and comply with the measures of reparation within one year of the judgment.¹⁷⁸ The State must also submit a report on compliance with the Judgment to the Court within one year of this decision.¹⁷⁹

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

August 26, 2002: The Court issued a Provisional Measure decision, in which it ordered the State to take all necessary measures to protect the life and safety of Ms. Helen Mack Chang, Ms. Viviana Salvatierra and Ms. América Morales Ruiz, of Mr. Luis Roberto Romero Rivera and of the other members of the Myrna Mack Foundation.¹⁸⁰ The Court also ordered the State allow the beneficiaries of this measure to help plan and implement the Court's orders and ordered the State to investigate and prosecute those who had threatened the beneficiaries of this measure.¹⁸¹

February 21, 2003: The Court issued a Provisional Measure decision, in which it once again ordered the State to take all necessary measures to protect the life and safety of Ms. Helen Mack Chang, Ms. Viviana Salvatierra, Ms. América Morales Ruiz, Mr. Luis Roberto Romero Rivera, and members of the Myrna Mack Foundation, as well as the life

177. *Id.* ¶¶ 291(a)-(e), 292.

178. *Id.* ¶ 293, "And Decides That" ¶ 17.

179. *Id.* ¶ 300.

180. Myrna Mack Chang v. Guatemala, Precautionary Measures, Order of the Court, Inter-Am. H.R., (ser. E) "Decides" ¶ 2 (Aug. 26, 2002).

181. *Id.* "Decides" ¶¶ 3,4.

and safety of Ms. Iduvina Hernández, an expert witness in the case.¹⁸² The Court also ordered the State allow the beneficiaries of this measure to help plan and implement the Court's orders.¹⁸³

June 6, 2003: The Court issued a Provisional Measure decision, in which it ordered the State to protect the life and safety of Mr. Jorge Guillermo Lemus Alvarado, a witness in the case.¹⁸⁴ The Court also ordered the State to continue to take all necessary measures to protect the life and safety of Ms. Helen Mack Chang, Ms. Viviana Salvatierra, Ms. América Morales Ruiz, Mr. Luis Roberto Romero Rivera, and other members of the Myrna Mack Foundation, Ms. Iduvina Hernández, and Ms. Mack Chang's family: Ms. Zoila Esperanza Chang Lau, Mr. Marco Antonio Mack Chang (brother), Mr. Freddy Mack Chang, Ms. Vivian Mack Chang, Mr. Ronnie Mack Apuy, Ms. Lucrecia Hernández Mack and her children.¹⁸⁵ The Court ordered the State to allow the beneficiaries of this measure to help plan and implement these provisional measures and ordered the State to investigate and prosecute those who had threatened the beneficiaries of this measure.¹⁸⁶

November 26, 2007: The Court issued a report on Monitoring Compliance with Judgment, declaring that the State had complied with the orders to remove all mechanisms that maintain impunity,¹⁸⁷ to train military, police, and national security forces in the protection of human rights,¹⁸⁸ establish a scholarship in Ms. Mack Chang's name,¹⁸⁹ and name a well-known street or square in Guatemala City after Ms. Mack Chang.¹⁹⁰ The Court also recognized that the State had partially fulfilled their obligation to investigate and punish those responsible for Ms. Mack Chang's murder, as they had identified, but failed to arrest

182. Myrna Mack Chang v. Guatemala, Provisional Measures, Order of the Court, Inter-Am. H.R. (ser. E) "Having Seen" ¶¶ 1(1), 2(2), "Considering" ¶ 7, "Decides" ¶ 4 (Feb. 21, 2003).

183. *Id.* "Having Seen" ¶ 1(2), "Decides" ¶ 5.

184. Myrna Mack Chang v. Guatemala, Provisional Measures, Order of the Court, Inter-Am. H.R. (ser. E) "Decides" ¶ 2, "Having Seen" ¶ 4 (June 6, 2003).

185. *Id.* "Decides" ¶ 3.

186. *Id.* "Decides" ¶¶ 4, 5.

187. Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 101, "And Decides That" ¶ 6 (Nov. 25, 2003).

188. *Id.* "And Decides That" ¶ 10.

189. *Id.* "And Decides That" ¶ 11.

190. *Id.* "And Decides That" ¶ 12; Myrna Mack Chang v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. H.R. "Declares" ¶ 1 (Nov. 26, 2007).

Mr. Juan Valencia Osorio, one of Ms. Mack Chang's murderers.¹⁹¹ The Court ordered the State to implement any measures necessary to comply with their Judgment, and to submit a report detailing their compliance by April 4, 2008.¹⁹²

January 26, 2009: In a Provisional Measure decision, the Court decided to lift the provisional measures to protect Ms. Viviana Salvatierra, Ms. América Morales Ruiz, and Ms. Iduvina Hernández.¹⁹³ The Court requested, however, that the State maintain all measures to protect Ms. Helen Mack Chang and her family, members of the Myrna Mack Chang Foundation, and Mr. Luis Roberto Romero Rivera, Mr. Jorge Guillermo Lemus Alvarado and his relatives for at least six months.¹⁹⁴

November 16, 2009: The Court issued a Provisional Measure decision lifting the provisional measures to protect Mr. Luis Roberto Romero Rivera and Mr. Jorge Guillermo Lemus Alvarado and his family.¹⁹⁵ The Court requests, however, that the State maintain all measures to protect Ms. Helen Mack Chang and her family, and members of the Myrna Mack Chang Foundation.¹⁹⁶

November 16, 2009: In a Monitoring Compliance decision, the Court stated that it would continue to monitor the State's compliance with their original order to effectively investigate and punish those responsible for Ms. Mack Chang's death.¹⁹⁷ The Court also requested that the State promptly comply with its Judgment.¹⁹⁸

May 14, 2014: The Court issued a Provisional Measure decision declaring that (1) the State shall maintain the measures previously ordered in respect to Ms. Helen Mack Chang and her family, and members of the Myrna Mack Chang Foundation, except for now deceased Mr. Freddy Mack Chang, (2) the State shall present a detailed

191. *Id.* "Declares" ¶ 2.

192. *Id.* "And Decides" ¶ 1, 2.

193. *Myrna Mack Chang v. Guatemala*, Provisional Measures, Order of the Court, Inter-Am. H.R. (ser. E) "Decides" ¶ 1 (Jan. 26, 2009).

194. *Id.* "Decides" ¶ 2.

195. *Myrna Mack Chang v. Guatemala*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "Decides" ¶ 1 (Nov. 16, 2009).

196. *Id.* "Decides" ¶ 2.

197. *Myrna Mack Chang v. Guatemala*, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. H.R. "Declares" ¶ 1 (Nov. 16, 2009).

198. *Id.* "And Decides" ¶ 1.

report on the current situation, comparing to the situation that originally gave rise to the provisional measures, of such persons no later than October 11, 2014, (3) Ms. Helen Mack Chang provide her observations on behalf of herself and her family members within four weeks, (4) the Commission provide their observations within six weeks, and (5) the State continue to implement the provisional measures and maintain the Court abreast of the execution of the same.¹⁹⁹

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations, and Costs

[Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 101 \(Nov. 25, 2003\).](#)

[Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Concurring Opinion of Judge Alirio Abreu Burelli, Inter-Am. Ct. H.R. \(ser. C\) No. 101 \(Nov. 25, 2003\).](#)

[Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Separate Opinion of Judge Antônio Augusto Cançado Trindade, Inter-Am. Ct. H.R. \(ser. C\) No. 101 \(Nov. 25, 2003\).](#)

[Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Partially Dissenting Opinion of Judge Arturo Martínez Gálvez, Inter-Am. Ct. H.R. \(ser. C\) No. 101 \(Nov. 25, 2003\).](#)

[Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs, Concurring Opinion of Judge Sergio García Ramírez, Inter-Am. Ct. H.R. \(ser. C\) No. 101 \(Nov. 25, 2003\).](#)

[Myrna Mack Chang v. Guatemala, Merits, Reparations, and Costs,](#)

199. *Myrna Mack Chang v. Guatemala, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) “Resuelve” ¶¶ 1 - 6 (May 14, 2014) (Available only in Spanish).*

[Partially Dissenting Opinion of Judge Hernán Salgado Pesantes, Inter-Am. Ct. H.R. \(ser. C\) No. 101 \(Nov. 25, 2003\).](#)

3. Provisional Measures

[Myrna Mack Chang v. Guatemala, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(May 14, 2014\) \(Available only in Spanish\).](#)

[Myrna Mack Chang v. Guatemala, Provisional Measures, Order of the Court, Inter-Am. H.R. \(ser. E\) \(Jan. 26, 2009\).](#)

[Myrna Mack Chang v. Guatemala, Provisional Measures, Order of the Court, Inter-Am. H.R. \(ser. E\) \(June 6, 2003\).](#)

[Myrna Mack Chang v. Guatemala, Provisional Measures, Order of the Court, Inter-Am. H.R. \(ser. E\) \(Feb. 21, 2003\).](#)

[Myrna Mack Chang v. Guatemala, Precautionary Measures, Order of the Court, Inter-Am. H.R., \(ser. E\) \(Aug. 26, 2002\).](#)

4. Compliance Monitoring

[Myrna Mack Chang v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. H.R. \(Nov. 16, 2009\).](#)

[Myrna Mack Chang v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. H.R. \(Aug. 14, 2009\) \(Available only in Spanish\).](#)

[Myrna Mack Chang v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. H.R. \(Nov. 26, 2007\).](#)

[Myrna Mack Chang v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. H.R. \(Sept. 12, 2005\) \(Available only in Spanish\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[Myrna Mack Chang v. Guatemala, Admissibility Report, Report No. 10/96, Inter-Am. Comm'n H.R., Case No. 10.636 \(Mar. 5, 1996\).](#)

3. Provisional Measures

[None]

4. Report on Merits

Myrna Mack Chang v. Guatemala, Merits Report, Report No. 39/01, Inter-Am. Comm'n H.R., Case No. 10.636 (Mar. 8, 2001).

5. Application to the Court

[Not Available]

VIII. BIBLIOGRAPHY

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