

Human Rights Defender et al. v. Guatemala

ABSTRACT¹

This case is about the killing of a human rights defender and social activist in Guatemala and the harassment and forcible displacement of his daughter, also a human rights defender and activist. Eventually, the state was found in violation of the American Convention for failing to prosecute those responsible for the death of the father and threats to the daughter, but not for loss of life and for failing to uphold the victims' right to participate in the conduct of public affairs.

I. FACTS

A. Chronology of Events

1. Events pertaining to Florentin Gudiel Ramos

October 16, 1930: Mr. Florentin Gudiel Ramos is born in the Department of Jutiapa, Guatemala.²

1954: Mr. Ramos marries and eventually has seven children, including a daughter named Ms. Makrina Gudiel Alvarez, as well as six grandchildren.³

1954 and 1955: After serving in Guatemala's National Army, Mr. Ramos works as a carpenter and farmer.⁴

1968: Mr. Ramos participates in housing projects as a catechist and promotes a cooperative that combats poverty.⁵ During this time, Mr.

1. Annette Avedissian, Author; Milja Miric, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 283, ¶ 81 (Aug. 28, 2014).

3. *Id.*

4. *Id.* ¶ 82.

5. *Id.*

Ramos is dismissed from his job because he participated in workers' rights defense activities.⁶

1978: Mr. Ramos becomes a member of the Committee for the Improvement of the village Cruz de la Esperanza.⁷

1983: Mr. Ramos's son is forcibly disappeared by State's agents.⁸ A case is filed on his behalf and its subsequent judgment establishes that the State security agents had "disappeared" him.⁹ The court concludes that the security agents considered the family as rebels.¹⁰

Between 1983 and 1987: As a result of being considered rebels by the State, the family moves to Mexico and then to the United States.¹¹

August 9, 1997: After the signing of the Peace Accords, an effort to reach a settlement to end the armed conflicts occurring in Guatemala, Mr. Ramos is granted a "special license for a single return journey to Guatemala" as a member of the international structures of the National Guatemalan Revolutionary Unit (Unit Revolucionaria Nacional Guatemalteca; "URNG").¹² Mr. Ramos returns to Guatemala and becomes a community leader in the village of Cruce de la Esperanza.¹³ Mr. Ramos also establishes the local Development Association for Individuals with Disabilities of Western and Southern Guatemala.¹⁴

January 1998: Mr. Ramos serves as chairman of the Community Self-Management School of the Village of Cruce de la Esperanza.¹⁵ Three years later, Mr. Ramos serves as vice-chairman of the Committee for

6. *Id.*

7. *Id.*

8. *Id.* ¶ 83; IACTHR to Hear Cases Involving Extrajudicial Killings in Peru, Guatemala, and Venezuela During 102nd Regular Session, IJRC (Feb. 4, 2014), <http://www.ijrcenter.org/2014/02/04/iacthr-to-hear-cases-involving-extrajudicial-killings-in-peru-guatemala-and-venezuela-during-102nd-regular-session/#more-3032>.

9. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 83.

10. *Id.*

11. *Id.*

12. *Id.* ¶¶ 75, 84 ("The Court does not have information as to when [Mr. Ramos] joined the URNG, [but] the file shows that, after the signing of the Peace Accords, on August 9, 1997, he was granted a "special license for a single return journey to Guatemala as a member of the international structures of the URNG").

13. *Id.*

14. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 75, 84.

15. *Id.* ¶ 84.

the Prevention of Learning Disabilities.¹⁶ In 2001, Mr. Ramos is recognized as an “Unsung Hero” for his dedication to peace efforts and developing the community.¹⁷ Shortly after, he works with other villages to establish a sports complex for local youth.¹⁸

May 24, 2004: Mr. Ramos serves as Deputy Mayor of the Community Development Council.¹⁹ As Deputy Mayor, he negotiates the building of a sewage system, along with the paving of a three-kilometer road.²⁰ In addition to improving his community’s infrastructure, he takes part in a project to build a peace monument dedicated to the people who died during the country’s civil war.²¹

September 11, 2004: Mr. Ramos is elected Mayor by the General Assembly of the Community Development Council.²²

December 20, 2004: Mr. Ramos’s body is found next to a highway with three fatal gunshot wounds.²³ Two police officers investigate and one reports noticing an empty truck parked nearby.²⁴ A witness reports that two men riding bicycles killed Mr. Ramos.²⁵ The officers remove the body and gather evidence from the scene, including three bullet casings.²⁶ The Assistant Prosecutors orders an autopsy be performed on Mr. Ramos’s body.²⁷

December 21, 2004: A preliminary report is prepared on the investigation.²⁸ The agent who files the report also interviews Mr. Ramos’s daughter, Ms. Makrina Gudiel Alvarez, and two other family members.²⁹ Ms. Alvarez states that, though she did not witness her father’s murder, Miguel Angel Azurdia and Miguel Estrada are responsible for

16. *Id.*

17. *Id.* ¶ 85.

18. *Id.* ¶ 86.

19. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶87.

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.* ¶ 93.

24. *Id.* ¶ 102.

25. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 102.

26. *Id.*

27. *Id.*

28. *Id.* ¶ 103.

29. *Id.*

his death.³⁰ She states his death occurred because of political reasons and that Mr. Ramos had “ideological differences, personal confrontations and conflicts with [Mr. Azurdia and Mr. Estrada in his role as Mayor of the village Cruce de la Esperanza and in the management of the ‘Republic of Mexico’ Community Self-Management School in that village.”³¹ More specifically, it was reported that Mr. Ramos had several confrontations with Mr. Estrada, who was also the former deputy mayor, because Mr. Estrada “wanted to have influence in the village of Cruce La Esperanza when [Mr. Ramos] was a community mayor fully accredited.”³²

December 22, 2004: An autopsy is performed on Mr. Ramos.³³ Ms. Alvarez files a complaint and the Office of Human Rights Ombudsman of Escuintla opens an investigation.³⁴

2005: The Municipal Office of the Public Prosecution Service for Santa Lucia Cotzumalguapo opens an investigation into the death of Mr. Ramos.³⁵

April 2005: The prosecutor sends two envelopes to the Office of the Human Rights Prosecutor.³⁶ The first contains the three bullet shells that were found at the crime scene and the second envelope contains the two pieces of the bullets that were extracted from Mr. Ramos’s body.³⁷ A few months later, the prosecutor asked to the “Ballistics Chief of the Criminal Records Bureau of the National Civil Police to order a ballistics test so as to establish the weapon to which the shells found at the crime scene belong, or if a comparison can be made with those in the archives.”³⁸ However, there is no evidence indicating that the bureau responded.³⁹

30. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 104.001; Human Rights Defender et al. v. Guatemala, Report on Merits, Report No. 56/12, Inter-Am. Comm’n H.R., Case No. 12.775, ¶¶ 32, 140 (Mar. 21, 2012).

31. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 104.

32. Human Rights Defender et al. v. Guatemala, Report on Merits, ¶ 172, n.305.

33. *Id.* ¶ 107.

34. *Id.* ¶ 101.

35. *Id.* ¶ 101.

36. *Id.* ¶ 108.

37. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 108.

38. *Id.*

39. *Id.*

April 12, 2005: The investigating agent asks for information on the two possible suspects, Mr. Azurdia and Mr. Estrada, respectively a former member of the Army *kaibil* Guatemala and a former military commissioner.⁴⁰

May 17, 2005: Two young gang members, “El Queso” and “El Gato,” are now suspected of being materially involved in Mr. Ramos’s death.⁴¹ The investigative hypothesis is that Mr. Ramos was shot because he witnessed another local man being murdered.⁴² The suspects involved in that killing are four individuals nicknamed: “El Gato,” “Susy,” “Salomon,” and “Chelelo”.⁴³ Two others, “Nito” and “Selvin,” are also suspected as associates.⁴⁴

December 9, 2005: A petition is filed on behalf on Mr. Ramos and Ms. Alvarez before the Inter-American Commission on Human Rights.⁴⁵

June 12, 2006: The prosecutor in charge of Mr. Ramos’s case submits a report based on various interviews with Mr. Ramos’s family in which he was told Mr. Azurdia had on one occasion threatened Mr. Ramos.⁴⁶ The report also states that a group of criminals in the community could have been involved with Mr. Ramos’s death because they were involved with additional local crimes that resulted in other people’s deaths.⁴⁷

June 23, 2006: The Ballistics Section of the Technical-Scientific Department of the Public Prosecution Service releases a ballistics test conducted on the shells and bullet pieces that were recovered at the scene of the murder.⁴⁸

August 1, 2006: The assistant prosecutor requests a test to determine if

40. *Id.* ¶ 109; Kaibils were “a special counterinsurgency force of the Guatemalan Army” who were extremely cruel with their training methods and put this brutality in practice with their various operations. *Id.* ¶ 91, n.120; Human Rights Defender et al. v. Guatemala, Report on Merits, ¶¶ 11–12.

41. *Id.* ¶ 113.

42. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 113.

43. *Id.*

44. *Id.*

45. Human Rights Defenders et al. v. Guatemala, Admissibility Report, Report No. 109/10, Inter-Am. Comm’n H.R., Case No. 12.775, ¶ 1 (Sept. 8, 2010).

46. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 114.

47. *Id.*

48. *Id.* ¶ 108.

there is a connection between the bullet shells found at the crime scene and those in the National Civil Police archives.⁴⁹

The investigating agent sends a report to the assistant prosecutor of “desk-based investigations of crimes committed in the area in which [Mr. Ramos] was killed, and which could be connected with his death. The report referred to six cases corresponding to a period between October 2004 and May 2006.”⁵⁰

April 10, 2008: It is discovered that one suspect, “Salomon,” was in jail on the day Mr. Ramos was killed.⁵¹

June 16, 2008: The prosecutor requests the Court of First Instance for Criminal Matters, Drug Trafficking, and Crimes against the Environment of Santa Lucia Cotzumalguapa to take over the case.⁵² The court does so and orders a raid and search of four houses associated with “El Gato,” “Chelelo,” “Salomon,” and “Selvin.”⁵³ The search has no result.⁵⁴

April 9, 2009: A report shows that the location of Mr. Ramos’s murder is an area where criminal acts, including murders, have occurred in the past.⁵⁵

July 20, 2009: The assistant prosecutor sends a detailed report to the Office of Human Rights Prosecutor, which concludes that Mr. Ramos’s case is still under investigation.⁵⁶ The report states that Ms. Alvarez alleged Mr. Azurdia and Mr. Estrada as possible suspects; however, there are no legal grounds to proceed in prosecuting the two individuals because no connection was legally established between them and the case.⁵⁷

2010: One of Mr. Ramos’s family members says that Mr. Estrada has died.⁵⁸

49. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶108.

50. *Id.* ¶ 114.

51. *Id.* ¶ 116.

52. *Id.* ¶ 117.

53. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶117.

54. *Id.*

55. *Id.* ¶¶ 113, 118.

56. *Id.* ¶ 119.

57. *Id.*

58. *Id.* ¶ 120; Human Rights Defender et al. v. Guatemala, Report on Merits, Report No.

2012: Mr. Azurdia dies.⁵⁹

2. Events pertaining to Makrina Gudiel Alvarez

November 26, 2003: Ms. Alvarez files a complaint before the Office of the District Prosecutor of Santa Lucia Cotzumalguapa.⁶⁰ The complaint states that on November 25, 2003, she received a threatening phone call from Mr. Azurdia, in which he stated he “will turn [Ms. Alvarez] and [her] son into shit.”⁶¹ The complaint also states that it is not the first time Mr. Azurdia has threatened her.⁶² For example, on the day of Mr. Ramos’s funeral, it is alleged that Mr. Azurdia and Mr. Estrada were laughing.⁶³ Also, on the night of Mr. Ramos’s wake, “5 to 7 heavily armed people who were led by a suspected *kaibil* arrived in vehicles and took up attacking positions outside the residence of the family.”⁶⁴

February 20, 2004: Ms. Alvarez goes to the Mediation Center of Escuintla for a mediation session regarding the threats, but the other party does not show.⁶⁵ The case transfers to the First Magistrates Court of Escuintla.⁶⁶

December 22 and 23, 2004: Ms. Alvarez reports she and her family were threatened and intimidated during the nine days of prayer following her father’s death.⁶⁷ Because of threats and the recent murder of her father, the National Civil Police are requested to provide security measures for Ms. Alvarez and her family; however, there is no evidence that such protective measures are executed.⁶⁸

December 31, 2004: Ms. Alvarez, Mr. Ramos’s wife, and their next of kin, accompanied by the local police, abandon their homes and flee to

56/12, Inter-Am. Comm’n H.R., Case No. 12.775, ¶¶ 32, 106 (Mar. 21, 2012).

58. *Id.*

59. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶120.

60. *Id.* ¶ 91.

61. *Id.*

62. *Id.*

63. Human Rights Defender et al. v. Guatemala, Report on Merits, ¶ 16.

64. *Id.*

65. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 92.

66. *Id.*

67. *Id.* ¶ 96.

68. *Id.* ¶ 95.

Escuintla as a result of the threats.⁶⁹

January 21, 2005: Ms. Alvarez files a complaint before the Public Prosecution Service.⁷⁰ She alleges that on January 14, 2005, she was driving when she noticed her pick-up truck had been doused with a liquid, presumed to be gasoline.⁷¹ She states in the report she did not see the license plates of the vehicles nearby.⁷² The Department of Criminal Investigations is ordered to investigate and reports that it is impossible to identify any witnesses of the acts.⁷³ Consequently, the case is dismissed February 28, 2008.⁷⁴

February 10, 2005: Ms. Alvarez gives a statement before the Assistant Prosecutor of Santa Lucia Cotzumalguapa about her father's death.⁷⁵ She states the death is caused by political reasons and purports Mr. Alzurdia and Mr. Estrada are responsible.⁷⁶

December 9, 2005: A petition is filed on behalf of Mr. Ramos and Ms. Alvarez before the Inter-American Commission on Human Rights.⁷⁷

February 2006: Ms. Alvarez and her next of kin return to Santa Lucía Cotzumalguapa, but not to their home; instead, they rent a house.⁷⁸

February 16, 2006: Ms. Alvarez returns to her job as Social Organization Officer of the Municipality of Santa Lucía Cotzumalguapa.⁷⁹

June 26 – 27, 2007: Ms. Alvarez takes part in the First National Meeting of Municipal Offices for Women.⁸⁰ A few months later, she is selected to manage the Municipal Office for Women and resigns from her position as Social Organization Officer.⁸¹ A couple years afterwards,

69. *Id.* ¶ 97.

70. *Id.* ¶ 123.

71. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 123.

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.* ¶¶ 103–04.

76. *Id.* ¶ 104.

77. Human Rights Defenders et al. v. Guatemala, Admissibility Report, Report No. 109/10, Inter-Am. Comm'n H.R., Case No. 12.775, ¶ 1 (Sept. 8, 2010).

78. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 99.

79. *Id.*

80. *Id.*

81. *Id.*

Ms. Alvarez is elected Permanent Representative of the Women's Organizations on the Departmental Development Council of Escuintla.⁸² She is also given an award for her efforts to promote women's rights.⁸³

B. Other Relevant Facts

Santa Lucía Cotzumalguapa is a municipality in the Department of Escuintla, Guatemala.⁸⁴ In 2002, Decree 11-2002 (Law of Urban and Rural Development Councils) and Decree 12-2002 (Municipal Code) are issued by the National Congress.⁸⁵ These decrees create the system of Community Development Councils, also known as COCODES, whose purpose is to organize and coordinate developmental, budgetary, and inter-institutional policy for public administration of the public and private section.⁸⁶ COCODES establishes in Santa Lucia and both Mr. Ramos and Ms. Alvarez become members.⁸⁷ The establishment provides a way for the population to take part in public affairs.⁸⁸

II. PROCEDURAL HISTORY

A. Before the Commission

December 9, 2005: Ms. Claudia Samayoa Pineda and Ms. Alvarez submit a petition to the Inter-American Commission on Human Rights ("the Commission") on behalf of Mr. Ramos and Ms. Alvarez.⁸⁹

The petition is filed against Guatemala for its failure to investigate the murder of Mr. Ramos thoroughly and the threatening acts against his daughter, Ms. Alvarez, with due diligence.⁹⁰ The State contends that the case is still in its investigatory phase, but does not object to the petition.⁹¹

September 8, 2010: The Commission adopts Report No. 109/101 and

82. *Id.* ¶ 100.

83. *Id.*

84. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 79.

85. *Id.* ¶ 80.

86. *Id.*

87. *Id.*

88. *Id.*

89. Human Rights Defenders et al. v. Guatemala, Admissibility Report, Report No. 109/10, Inter-Am. Comm'n H.R., Case No. 12.775, ¶ 1 (Sept. 8, 2010); the Commission assigns the petition number 1420-05. *Id.*

90. *Id.* ¶ 8.

91. *Id.* ¶ 3.

declares the case admissible.⁹²

September 16, 2010: The Commission makes itself available to the parties for a friendly settlement agreement.⁹³

October 22, 2010: The petitioners state that they do not wish to have a friendly settlement.⁹⁴

March 21, 2012: The Commission adopts Merits Report No. 56/12.⁹⁵ The Commission finds violations of Articles 8(1) (Right to a Fair Trial) and 25(1) (Right to Nationality) to the detriment of the Alvarez family; Article 4 (Right to Life) to the detriment of Mr. Florentin Gudiel Ramos; Article 22 (Freedom of Movement and Residence) to the harm of the Alvarez family; Article 5(1) (Right to Humane Treatment); and Article 23 (Right to Participate in Government) to the detriment of Mr. Florentin Gudiel Ramos and Ms. Makrina Gudiel Alvarez.⁹⁶ The Commission also makes several recommendations to the State.⁹⁷

B. Before the Court

July 17, 2012: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁹⁸

1. Violations Alleged by Commission⁹⁹

Article 4 (Right to Life)

Article 5(1) (Right to Physical, Mental, and Moral Integrity)

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

Article 22 (Freedom of Movement and Residence)

92. Human Rights Defender et al. v. Guatemala, Report on Merits, Report No. 56/12, Inter-Am. Comm'n H.R., Case No. 12.775, ¶ 5 (Mar. 21, 2012); Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 2(b).

93. *Id.*

94. *Id.*

95. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 2(c).

96. *Id.* ¶ 2c(i)(1-5); Human Rights Defender et al. v. Guatemala, Report on Merits, ¶ 219.

97. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 2(c)(ii)(1-4); Human Rights Defender et al. v. Guatemala, Report on Merits, ¶ 220.

98. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 2(e).

99. *Id.* ¶ 2(c).

Article 23(1) (Rights to Participate in Public Affairs, Elect and Be Elected, and Have Access to Public Service)

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

all in relation to:

Article 1(1) (Obligation of Non-Discrimination) of the American Convention.

2. Violations Alleged by Representatives of the Victims¹⁰⁰

Same Violations Alleged by Commission, plus:

Article 16 (Freedom of Association) of the American Convention.

May 20, 2013: The State of Guatemala submits its preliminary objections, and its observations to the brief of pleadings and motions.¹⁰¹ The State argues that it was not responsible for the alleged violations in regards to the merits of the case.¹⁰²

August 28 and 30, 2013: The Commission submits its observations to the preliminary objections.¹⁰³

III. MERITS

A. *Composition of the Court*¹⁰⁴

Humberto Antonio Sierra Porto, President

Roberto F. Caldas, Vice President

Manuel E. Ventura Robles, Judge

Eduardo Vio Grossi, Judge

Eduardo Ferrer Mac-Gregor Poisot, Judge

Pablo Saavedra Alessandri, Secretary

Emilia Segares Rodríguez, Deputy Secretary

100. Human Rights Defender et al. v. Guatemala, Report on Merits, ¶¶ 1, 215; Ms. Claudia Samayoa Pineda and Ms. Makrina Gudiel Alvarez served as representatives of Mr. Ramos and Ms. Alvarez. *Id.* ¶ 1.

101. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 6.

102. *Id.*

103. *Id.* ¶ 7.

104. Judges Diego Garcia-Sayan and Alberto Perez excused themselves from the deliberations of the judgment. *Id.* **.

A. Decision on the Merits

August 28, 2014: The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.¹⁰⁵

The Court found unanimously that Guatemala had violated:

Article 5(1) (Right to Physical, Mental, and Moral Integrity) in relation to Article 1(1) of the Convention, to the detriment of Ms. Alvarez and her next of kin, as well as in relation to Article 19 (Rights of the Child), to the detriment of next of kin who were children at the time,¹⁰⁶ because:

*Although it is the State's obligation to determine whether a person requires protective measures, Guatemala did not adequately assess Ms. Alvarez's situation and did not adopt any measures to protect her and her family, nor investigated the level of risk to which they were exposed.*¹⁰⁷

Article 5(1) (Right to Physical, Mental, and Moral Integrity) establishes that "every person has the right to have his physical, mental, and moral integrity respected."¹⁰⁸ The State has a responsibility to deliver appropriate protection, suitable to deal with the threat or the harm facing an individual.¹⁰⁹ The Court articulated that the State should have implemented the following protective measures: "a) in keeping with the functions performed by the defenders; b) the level of risk must be assessed in order to adopt measures and monitor those that are in force; and c) it must be possible to modify such measures in accordance with changes in the level of danger."¹¹⁰ The State must instantaneously respond when a threat or harm exists, and the State's safety measures must be kept in effect for as long as the danger lasts.¹¹¹

The Court stated that the measures ordered by the State were neither

105. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs.

106. *Id.* "Operative Paragraphs" ¶ 3; Human Rights Defender et al. v. Guatemala, Petition to Court, Inter-Am. Comm'n H.R., Case No. 12.775, (July 17, 2012).

107. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 155-56.

108. *Id.* ¶ 124, n.218.

109. *Id.* ¶ 157.

110. *Id.*

111. *Id.*

adequate nor effective because Ms. Alvarez was not able to continue her work and activities as a human rights defender.¹¹² Moreover, the Municipal Transit Police, charged with providing protection, lacked the required training.¹¹³ The Court considered it significant that in 1983, Ms. Alvarez and her family endured the forced disappearance of Mr. Ramos's son by State agents.¹¹⁴ Though Ms. Alvarez sought justice, at that time, she and her family were considered "subversive" by security forces and thus, were forced to move around Guatemala, Mexico, and finally the United States.¹¹⁵ The Court also noted that Ms. Alvarez and her family suffered because of the violent death of Mr. Ramos.¹¹⁶

The Court, based on reports of international and national organizations, further considered the State was fully aware that human rights defenders in Guatemala were in a defenseless and unprotected situation.¹¹⁷ Here, the Court indicated that there was enough evidence to presume that the threats and acts of intimidation against Ms. Alvarez were due to the fact that she was a human rights defender.¹¹⁸ Thus, with respect to Ms. Alvarez and her family, the State had an obligation to respond to this immediate danger, but did not implement accurate or effective protective measures.¹¹⁹ Accordingly, the Court found the State had deprived Ms. Alvarez and her family of their Article 5(1) (Right to Personal Integrity) right under the Convention.¹²⁰

Article 22(1) (Right to Move Freely Within a State), in relation to Article 1(1) of the Convention, to the detriment of Ms. Alvarez and her family, as well as in relation to Article 19 (Rights of the Child), to the detriment of next of kin who were children at the time¹²¹ because:

The State failed to provide Ms. Alvarez and her family, who were forcibly displaced following the death of Mr. Ramos, a safe return back to

112. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 158.

113. *Id.*

114. *Id.*

115. *Id.*

116. *Id.*

117. *Id.* ¶ 159.

118. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶159.

119. *Id.*

120. *Id.* ¶ 160.

121. *Id.* "Operative Paragraphs" ¶ 4. The Commission did not allege an Article 19 violation, but the Court found it anyway. *Id.*

their homes.¹²² The Court also stated that since some of Ms. Alvarez's next of kin were children at the time of this forced relocation, the violation implicated Article 19 (Rights of the Child) of the Convention.¹²³

Article 22(1) (Right to Move Freely Within a State) of the Convention states: "[e]very person lawfully in the territory of a State party has the right to move about in it, and to reside in it, subject to the provisions of the law."¹²⁴ According to the Court, the ability to move freely is imperative for a person to develop freely.¹²⁵ This right of movement and of residence consists of: a) the right to move freely within a State and to choose a place of residence, and b) the right of a person to enter and stay in their own country.¹²⁶ The Convention also safeguards an individual's right from forced displacement.¹²⁷ If the State has not created the conditions or offered the means to exercise the right of movement and resident, those rights are considered violated.¹²⁸ Moreover, the State's failure to efficiently investigate acts of violence can prolong a forced displacement.¹²⁹ Lastly, the Court reiterated that the State has an obligation to adopt preventative measures and also to provide displaced persons a safe return, either back to their usual residence, or to their voluntary resettlement in another part of the country.¹³⁰

The Court stated that Ms. Alvarez and her family were forced to pack up and leave their homes because they grew fearful of threats and potential danger they faced following Mr. Ramos's death.¹³¹ Ms. Alvarez sought refuge in Mexico while her children settled in another part of Guatemala.¹³² Though Ms. Alvarez traveled back to Guatemala to cooperate with the investigations into Mr. Ramos's death, she and her family were granted non-immigrant refugee status for a year from the Interior Ministry of the Mexican Government.¹³³ Guatemala did not offer security or protective measures for Ms. Alvarez until 2008, which

122. *Id.* ¶¶ 177–78.

123. *Id.* ¶ 178.

124. *Id.* ¶ 161. n.268.

125. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 165.

126. *Id.*

127. *Id.*

128. *Id.* ¶ 166.

129. *Id.*

130. *Id.* ¶ 167.

131. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 168.

132. *Id.* ¶ 169.

133. *Id.* ¶ 170.

was at least three years after the family was forcibly displaced after Mr. Ramos' death.¹³⁴ Moreover, the State did not specify how it was going to implement those measures in terms of the time, duration, and means, so the Court could not determine whether the State intended to assist a voluntary and safe return to Guatemala.¹³⁵

The Court declared the State violated Article 22(1) (Right to Move Freely Within a State) of the Convention because Ms. Alvarez and her family were forced to leave their usual place of residence due to the potential danger they faced and because the State failed to provide adequate protective measures for their safe return.¹³⁶ The Court also concluded that Ms. Alvarez's children had not yet reached eighteen at the time of the State's violation and thus, were also victims of enforced displacement.¹³⁷ Thus, the Court concluded the violation implicated Article 19 (Rights of the Child) of the Convention in their regard.¹³⁸

Article 23(1) (Rights to Participate in Public Affairs, Elect and Be Elected, and Have Access to Public Service), in relation to Article 1(1) of the Convention, to the detriment of Ms. Alvarez,¹³⁹ because:

*The Court found that, given the political positions Ms. Alvarez held, the State failed to allow her to continue to exercise her political rights despite the State's awareness of the danger she faced.*¹⁴⁰

Article 23(1) (Rights to Participate in Public Affairs, Elect and Be Elected, and Have Access to Public Service) establishes that "every citizen shall enjoy the right to take part in the conduct of public affairs, to vote and to be elected, and to have access to public service."¹⁴¹ It is the State's responsibility to implement necessary measures to guarantee and protect a person's right to be elected to public office.¹⁴² The Court also contended that the State should take action to guarantee vulnerable

134. *Id.* ¶ 176.

135. *Id.*

136. *Id.* ¶ 178.

137. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 178.

138. *Id.*

139. *Id.* "Operative Paragraphs" ¶ 5.

140. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 190, 192.

141. Human Rights Defender et al. v. Guatemala, Report on Merits, Report No. 56/12, Inter-Am. Comm'n H.R., Case No. 12.775, ¶ 198(2)(a), n.332 (Mar. 21, 2012).

142. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs ¶ 185.

*individuals an opportunity to exercise their political rights.*¹⁴³

At the time of Mr. Ramos's death, Ms. Alvarez was the Secretary of the COCODE, which was the main way citizens were allowed to participate in Guatemala's public affairs.¹⁴⁴ Thus, the Court concluded that Ms. Alvarez was indeed involved in politics.¹⁴⁵ The Court also noted that Ms. Alvarez's position as Social Organization Officer of the Municipality of Santa Lucia Cotzumalguapa meant that she was involved in the conduct of public affairs.¹⁴⁶

Because Ms. Alvarez was very involved in politics and in her community, the Court noted that her forced displacement caused an interruption in her political work as social organization officer, as well as from her position as Secretary of the COCODE, since to hold those positions required the individual to reside in the village of Cruce de le Esperanza.¹⁴⁷ The State failed to assure the needed conditions to allow Ms. Alvarez to exercise her political rights stemming from her positions, and so the State was responsible for the violation of Article 23(1) (Rights to Participate in Public Affairs, Elect and Be Elected, and Have Access to Public Service) of the American Convention.¹⁴⁸

Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection), in relation to Article 1(1) of the Convention, to the detriment of Ms. Alvarez and next of kin,¹⁴⁹ because:

The State failed to properly investigate the violent death of Mr. Ramos as well as the threats against Ms. Alvarez and her family diligently, thoroughly, and effectively, which constituted a denial of justice in violation of Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25 (Right to Judicial Protection) of the Convention.¹⁵⁰

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) states that every person has the right to

143. *Id.* ¶ 186.

144. *Id.* ¶ 187.

145. *Id.*

146. *Id.* ¶ 188.

147. *Id.* ¶ 191.

148. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶192.

149. *Id.* "Operative Paragraphs" ¶6.

150. *Id.* ¶ 242.

a hearing by a competent and impartial tribunal to determine his rights and obligations.¹⁵¹ Article 25(1) (Right to Recourse Before a Competent Court) of the Convention gives “the right to simple and prompt recourse [. . .] to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the Constitution or laws of the State concerned or by this Convention.”¹⁵² According to the Court, States are required to provide efficient legal remedies to victims of human rights violations under Article 25 (Right to Judicial Protection), which must be substantiated in accordance with the rules of due process of law under Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) of the Convention.¹⁵³ The right of access to justice guarantees to victims an investigation that is serious, impartial and will lead to the punishment of the perpetrators of the crime.¹⁵⁴

In regards to the investigations of Mr. Ramos’s death, the Court found that the State’s procedures were irregular because the State made errors and postponements in terms of gathering and processing the evidence diligently and efficiently.¹⁵⁵ For example, the Public Prosecution Service, which was in charge of the investigation, did not contact any of the six potential suspects to testify during the investigation.¹⁵⁶ Once the State became aware of the facts, it did not provide protection to potential witnesses, who feared giving information.¹⁵⁷ Further, in response to the alleged threats to Ms. Alvarez and her son, the investigator sent a copy of the investigation to the Assistant Prosecutor and suggested that Mr. Azurdia be summoned to testify, but there was no record that the investigation continued after this initial step.¹⁵⁸ Since no other investigations were carried out to clarify the facts and identify those responsible, the State failed to complete its duty to investigate the alleged threats diligently, thoroughly, and effectively, thus violating Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25 (Right to Judicial Protection) to the det-

151. *Id.* ¶ 194, n.297.

152. *Id.* ¶ 194, n.298.

153. *Id.*

154. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 200.

155. *Id.* ¶ 236.

156. *Id.*

157. *Id.*

158. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 239.

riment of Ms. Alvarez, her family, and Mr. Ramos's next of kin.¹⁵⁹

The Court found by three votes in favor and two against that Guatemala had not violated:

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ramos,¹⁶⁰ because:

*The Commission and the victims' representatives did not provide sufficient evidence to prove that the State should have been aware of the specific situation of danger that Mr. Ramos faced due to his vulnerability as a human rights defender.*¹⁶¹

*Article 4(1) (Prohibition of Arbitrary Deprivation of Life) states, "[e]very person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life."*¹⁶² *The State was not aware of the situation of real and imminent danger to Mr. Ramos because in her November 26, 2003 report, Ms. Alvarez did not mention the danger described extended to Mr. Ramos.*¹⁶³ *She only stated that a former kaibil of the Guatemalan Army had threatened her and her son.*¹⁶⁴

*Additionally, it is not certain whether the former municipal Mayor of Santa Lucia Cotzumalguapa knew of the threats made against Mr. Ramos prior to his death.*¹⁶⁵ *The former Mayor did not inform the Assistant of the Departmental Office of the Human Rights Ombudsman in Escuintla that Mr. Ramos had issues with Mr. Estrada until two days after Mr. Ramos's death.*¹⁶⁶

Thus, the Court concluded that there was insufficient evidence to find the State had definite knowledge of the real and imminent danger to Mr.

159. *Id.* ¶ 242.

160. *Id.* "Operative Paragraphs" ¶7.

161. *Id.* ¶ 149.

162. *Id.* ¶ 124, n.217.

163. *Id.* ¶ 146.

164. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 146; Kaibils were "a special counterinsurgency force of the Guatemalan Army" who were extremely cruel with their training methods and put this brutality in practice with their various operations. *Id.* ¶ 91, n.120.

165. *Id.* ¶ 147.

166. *Id.* ¶ 148.

Ramos before his death.¹⁶⁷ Had the State known or had reason to know of the risk Mr. Ramos faced, it would have been obligated to adopt the necessary measures to address the issue.¹⁶⁸ The Court determined that it did not have adequate grounds to declare the State failed in its duty to protect the life of Mr. Ramos under Article 4(1) (Prohibition of Arbitrary Deprivation of Life) of the Convention.¹⁶⁹

Article 23 (Rights to Participate in Public Affairs, Elect and Be Elected, and Have Access to Public Service), in relation to Article 1(1) of the American Convention, to the detriment of Mr. Ramos,¹⁷⁰ because:

The Court stated that there was a lack of sufficient grounds to conclude that Guatemala had failed to guarantee the exercise of Mr. Ramos's political rights.¹⁷¹ Because there was not enough evidence to support the State's failure to provide Mr. Ramos his right to life under Article 4(1) (Prohibition of Arbitrary Deprivation of Life), the Court concluded that, similarly, there was not sufficient evidence to find the State was unsuccessful in its obligation to guarantee Mr. Ramos's political rights under Article 23(1) (Rights to Participate in Public Affairs, Elect and Be Elected, and Have Access to Public Service) of the Convention.¹⁷²

C. Dissenting and Concurring Opinions

1. Joint Dissenting Opinion of Judges Roberto F. Caldas and Eduardo Ferrer Mac-Gregor Poisot

In a separate opinion, Judge Caldas and Judge Poisot argued the Court should have held Guatemala responsible for the violation of Articles 4(1) (Prohibition of Arbitrary Deprivation of Life) and Article 23(1) (Right to Public Affairs) of the American Convention to the detriment of Mr. Ramos.¹⁷³

The judges disagreed with the majority opinion of the Court that

167. *Id.* ¶¶ 148-49.

168. *Id.*

169. *Id.* ¶ 149.

170. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, "Operative Paragraphs" ¶ 8.

171. *Id.* ¶ 189.

172. *Id.*

173. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Joint Dissenting Opinion of Judge Caldas and Judge Poisot, Inter-Am. Ct. H.R. (ser. C) No. 283, ¶ 1 (Aug. 28, 2014).

there were insufficient elements to prove that the Guatemalan state knew, or should have known, of the serious and imminent danger that Mr. Ramos faced.¹⁷⁴ During the time of this case, the human rights defenders in Guatemala were in a vulnerable state, and Mr. Ramos was part of this group of individuals who were in need of protection.¹⁷⁵ The State was aware of the threats made against Mr. Ramos and his family, including Ms. Alvarez, since state authorities had declared the family was “subversive” and as a result, was forcibly displaced within Guatemala, Mexico, and finally, the United States between 1983 and 1987.¹⁷⁶ Moreover, even if Ms. Alvarez’s report of the threats against her and her son did not mention the danger extended to Mr. Ramos, it is reasonable to assume that it did since Mr. Ramos held an important leadership position in his community.¹⁷⁷

The State’s lack of protection resulted in Mr. Ramos being deprived of his life, as well as the chance to continue exercising his political role in the community.¹⁷⁸ Judge Caldas and Judge Poisot believe that the Court should “have declared the international responsibility of the Guatemalan State for the violation of the guarantee of the right to life and the exercise of political rights, recognized in Articles 4(1) and 23(1),” to the detriment of Mr. Ramos.¹⁷⁹

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 constitutes *per se* a form of reparation.¹⁸⁰

174. *Id.* ¶ 3.

175. *Id.* ¶ 21.

176. *Id.* ¶¶ 7, 23.

177. *Id.* ¶ 22.

178. *Id.* ¶ 24.

179. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Joint Dissenting Opinion of Judge Caldas and Judge Poisot, ¶ 25.

180. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, “Operative Paragraphs” ¶ 9.

2. Investigate Facts and Identify Those Responsible

The Court ordered the State to conduct thorough investigations and criminal proceedings within a reasonable time to find and punish the individuals responsible for the death of Mr. Ramos.¹⁸¹ Moreover, without any filed complaints, Guatemala is to examine the potential irregularities related to Mr. Ramos's case, and if appropriate, to sanction the conduct of the responsible public officials.¹⁸²

3. Provide Adequate Security Conditions

The Court stated that Guatemala is to assure suitable security measures in order for Ms. Alvarez and her next of kin to return to their places of residence.¹⁸³

4. Provide Psychological and Physical Treatment

The Court ordered the State to provide sufficient and effective psychological and psychiatric treatment required by the victims immediately and free of charge.¹⁸⁴ The Court states that this includes free medication as may be required.¹⁸⁵

5. Issue Publications

The Court instructed Guatemala to issue publications of the Judgment that includes one official summary of this Judgment in the official Gazette, one in a national newspaper, and also to keep the entire Judgment on the State's website for one year."¹⁸⁶

6. Submit Annual Reports

The Court ordered Guatemala to submit annual reports on the measures it has taken to execute a beneficial public policy for the secu-

181. *Id.* "Operative Paragraphs" ¶ 10.

182. *Id.*

183. *Id.* ¶ 11.

184. *Id.* ¶ 12; Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 257.

185. *Id.* ¶ 12; Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 258.

186. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 261, "Operative Paragraphs" ¶ 13.

rity of human rights defenders.¹⁸⁷

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded \$30,000 in favor of Ms. Alvarez and each of her three next of kin for different expenses from their forced displacement.¹⁸⁸ The Court awarded an additional \$10,000 for those who were displaced outside Guatemala.¹⁸⁹ Likewise, the Court ordered an additional \$5,000 for Ms. Alvarez's child and also \$10,000 for another representative who traveled with her two children.¹⁹⁰

2. Non-Pecuniary Damages

The Court recognized the impunity surrounding the death of Mr. Ramos and awarded Ms. Alvarez and eleven of her next of kin each \$7,000 for their suffering.¹⁹¹ Similarly, the Court awarded \$5,000 each to Ms. Alvarez and six of her next of kin for their forced displacement.¹⁹²

3. Costs and Expenses

The Court ordered Guatemala to pay \$3,000 to Ms. Alvarez and \$2,000 to her next of kin for costs incurred in the domestic sphere when they participated in the investigations regarding the facts of the case.¹⁹³ The Court also stated that the representatives must be compensated for the expenses they incurred while attending the public hearing before this Court.¹⁹⁴ Thus, the Court ordered Guatemala to reimburse the victims' representatives \$3,439.22.¹⁹⁵ Moreover, the Court thought it was

187. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, "Operative Paragraphs" ¶ 14.

188. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 271, "Operative Paragraphs" ¶ 15.

189. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 271.

190. *Id.*

191. *Id.* ¶ 273.

192. *Id.*

193. *Id.* ¶ 278.

194. *Id.* ¶ 279.

195. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Repara-

reasonable to assume there were added expenses that came up in the nine years it took for the case to proceed.¹⁹⁶ Thus, Guatemala was ordered to reimburse the representatives \$5,000 for costs and \$12,000 for fees.¹⁹⁷

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

\$299,439.22

C. Deadlines

The Court ordered Guatemala to conduct its investigations and criminal proceedings behind the death of Mr. Ramos within a reasonable time.¹⁹⁸ The victims in this case have six months from the time they are notified of this Judgment, to request free psychological and physical treatment from the State.¹⁹⁹ The Court instructed Guatemala to issue publications of the Judgment within six months.²⁰⁰ The State is to submit its annual report of how it has created an effective policy for the security of human rights defenders within one year.²⁰¹ Guatemala must compensate the individuals within one year from the date of notification of this Judgment.²⁰²

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

September 2, 2015: Guatemala has failed to withhold the names of the victims when issuing its publications.²⁰³ The State had until October 29, 2015 to submit its publication of the Judgment by other means so that the names of the victims are not exposed.²⁰⁴

tions and Costs, ¶ 279.

196. *Id.*

197. *Id.*

198. *Id.* ¶ 252.

199. *Id.* ¶ 258.

200. *Id.* ¶ 261.

201. Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 264.

202. *Id.* ¶ 282.

203. Human Rights Defender et al. v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., ¶ 7 (Sept. 2, 2015).

204. *Id.*

February 23, 2016: The Court finds that the “State has fully complied with the following reparations: a) make the publications of the judgment [. . .]; b) pay the victims and their representatives the amounts established in [the judgment] [. . .] for compensation for material and moral damages, and reimbursement of costs and expenses.”²⁰⁵

Additionally, the Court will continue to monitor the compliance in regards to the other reparations ordered in the Court’s judgment.²⁰⁶ Guatemala is to submit a report on compliance with the judgment to the Court no later than May 9, 2016.²⁰⁷

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[Human Rights Defender et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Inter-Am. Ct. H.R. \(ser. C\) No. 283 \(Aug. 28, 2014\).](#)

[Human Rights Defender et al. v. Guatemala, Joint Dissenting Opinion of Judges Roberto F. Caldas and Eduardo Ferrer Mac-Gregor Poisot, Inter-Am. Ct. H.R. \(ser. C\) No. 283 \(Aug. 28, 2014\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[Human Rights Defender et al. v. Guatemala, Monitoring Compliance](#)

205. Human Rights Defender et al. v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., “Resolves” ¶ 1(a-b) (Feb. 23, 2016).

206. *Id.*

207. *Id.* “Resolves” ¶ 3.

[with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Feb. 23, 2016\).](#)

[Human Rights Defender et al. v. Guatemala, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Sept. 2, 2015\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

[Human Rights Defenders et al. v. Guatemala, Admissibility Report, Report No. 109/10, Inter-Am. Comm'n H.R., Case No. 12.775 \(Sept. 8, 2010\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Human Rights Defender et al. v. Guatemala, Report on Merits, Report No. 56/12, Inter-Am. Comm'n H.R., Case No. 12.775 \(Mar. 21, 2012\).](#)

5. Application to the Court

[Human Rights Defender et al. v. Guatemala, Petition to Court, Inter-Am. Comm'n H.R., Case No. 12.775 \(July 17, 2012\).](#)

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[IACTHR: Guatemala Failed to Investigate Human Rights Defender's Killing, Protect Family, IJRC \(Nov. 5, 2014\), http://www.ijrcenter.org/2014/11/05/iacthr-finds-guatemala-responsible-for-failing-to-investigate-human-rights-defenders-killing-protect-family-members/](http://www.ijrcenter.org/2014/11/05/iacthr-finds-guatemala-responsible-for-failing-to-investigate-human-rights-defenders-killing-protect-family-members/)