

Ruiz Fuentes et al. v. Guatemala

ABSTRACT¹

This case is about an alleged criminal who had been sentenced to death for kidnapping a child. He was assaulted while in police custody and escaped from prison, only to be found dead shortly thereafter. Eventually, the Court found Guatemala in violation of several Articles of the American Convention as well as of the Inter-American Convention to Prevent and Punish Torture.

I. FACTS

A. Chronology of Events

August 5, 1997: At 6:50 a.m., three armed men kidnap a child.² The kidnapers make multiple calls to the child’s father, demanding one million quetzals (~138,934 USD) in exchange for the child’s freedom.³

August 6, 1997: Officers from both the Anti-Kidnapping and Extortion Department of the National Civil Police (“PNC”) and the Rapid Response Force arrest Mr. Hugo Humberto Ruiz Fuentes and four other individuals.⁴

There are conflicting versions regarding the time, place, and manner of the arrest.⁵ According to the State’s Criminal Investigations Department, the Guatemalan authorities receive several phone calls indicating a group of suspects may be in custody of an abducted child.⁶ At 8:30 p.m., the officers surround the house containing Mr. Ruiz

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² Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 385, ¶ 52 (Oct. 10, 2019).

³ *Id.* ¶ 52.

⁴ *Id.* ¶ 45.

⁵ *Id.*

⁶ *Id.* ¶ 46.

Fuentes and the other suspects.⁷ Mr. Ruiz Fuentes and Mr. Ronald Ernesto Raxcacó Reyes are heard yelling: “the police are coming!”⁸ Mr. Ruiz Fuentes and Mr. Raxcacó Reyes, who is allegedly holding the kidnapped child, climb a wall and leap down into a vacant lot on the other side.⁹ They are arrested.¹⁰

In contrast, according to Mr. Ruiz Fuentes and co-defendant Mr. Jorge Mario Murga, around 4 p.m. Mr. Ruiz Fuentes is intercepted by three cars and arrested while driving back from Bosques de San Nicolas with Mr. Murga.¹¹ Multiple armed individuals disembark from the cars and force Mr. Ruiz Fuentes and Mr. Murga to exit their car.¹² The armed individuals beat Mr. Ruiz Fuentes’ stomach and ribs with a stick.¹³

Mr. Ruiz Fuentes is taken to Roosevelt Hospital for injuries sustained during his arrest, including polytrauma, acute abdomen, hemoperitoneum, injuries to the intestines, internal bleeding, and trauma.¹⁴ He undergoes an emergency loop colostomy surgery and remains in the hospital.¹⁵

August 8, 1997: Mr. Ruiz Fuentes and the four other arrested individuals are brought before the second criminal magistrate for the municipality of Mixco, Guatemala.¹⁶ Prosecutors charge them with kidnapping or abduction pursuant to Article 201 of Guatemala’s Criminal Code.¹⁷

August 9, 1997: Unidentified men visit Mr. Ruiz Fuentes in the hospital and tell him that if he blames his injuries on a fall from a wall, they will help get him out of jail in a few months.¹⁸

April 20, 1999: Mr. Ruiz Fuentes’ public hearing is scheduled for today; however, his lawyer abandons the hearing, and the court appoints

⁷ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 46.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* ¶ 50; Ruiz Fuentes et al. v. Guatemala, Report on Merits, Report No. XX/17, Inter-Am. Comm’n H.R., Case No. 12.650, ¶ 31 (Jul. XX, 2017).

¹² Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 50.

¹³ *Id.* ¶ 50.

¹⁴ *Id.* ¶¶ 47-48.

¹⁵ *Id.* ¶ 49.

¹⁶ *Id.* ¶ 52, n.61.

¹⁷ *Id.* ¶ 53.

¹⁸ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 51.

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another lawyer.¹⁹ The court postpones the hearing to the next day, allowing new counsel only one day to prepare Mr. Ruiz Fuentes' defense.²⁰

May 14, 1999: The Sixth Sentencing Court for Drug-trafficking and Environmental Crimes of Guatemala convicts Mr. Ruiz Fuentes, Mr. Murga, and Mr. Raxcacó Reyes for kidnapping and sentences them to death.²¹

Soon after, Mr. Ruiz Fuentes and his co-defendants file “a special remedy of appeal based on form and substance” against the court’s judgment.²² Mr. Ruiz Fuentes argues facts found by the sentencing court differed from the facts in his indictment.²³ He further argues that his counsel’s negligence deprived him of his right to provide evidence during the hearing or at trial.²⁴ He also contests the trial court’s analysis of the evidence, which he believes violated the rules of accurate legal judgment.²⁵ Lastly, he argues the court incorrectly applied Article 201 by failing to consider Article 46 of the Guatemalan Constitution and Article 4 of the American Convention, because previously kidnappers were only given the death penalty when the victim had died.²⁶

September 13, 1999: The Fourth Chamber of the Appellate Court (“Appellate Court”) declares the special remedy of appeal inadmissible.²⁷

October 12 and November 4, 1999: Mr. Ruiz Fuentes and Mr. Murga file for cassation against the Appellate Court’s decision before the Criminal Chamber of the Supreme Court of Justice of Guatemala (“Supreme Court”).²⁸

July 20, 2000: The Supreme Court finds the cassation inadmissible.²⁹

¹⁹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 54.

²⁰ *Id.*

²¹ *Id.* ¶ 55.

²² *Id.* ¶ 56.

²³ *Id.*

²⁴ *Id.*

²⁵ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 56.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.* ¶ 57.

²⁹ *Id.*

August 29, 2000: In response to the Supreme Court's decision, Mr. Ruiz Fuentes and Mr. Murga file an application for *amparo* (a protection of their constitutional rights) to the Constitutional Court of the Republic of Guatemala ("Constitutional Court"), reiterating the inapplicability of the death penalty.³⁰

July 4, 2001: The Constitutional Court finds the *amparo* application inadmissible.³¹

December 16, 2002: Mr. Ruiz Fuentes files for judicial review of the final criminal judgment before the Supreme Court, once again arguing the inapplicability of the death penalty.³² He also argues that the imposition of the death penalty violates several tenets of the American Convention.³³

December 1, 2003: The Supreme Court declares the application for judicial review inadmissible, finding Mr. Ruiz Fuentes' arguments did not comply with Article 455 of the Code of Criminal Procedure, which requires a finding of additional probative elements that could support a lesser sentence.³⁴

December 16, 2003: Mr. Ruiz Fuentes files an appeal for clemency requesting substitution of the death penalty for fifty years imprisonment before the Minister of the Interior.³⁵ There is no record that the appeal has been processed.³⁶

October 22, 2005: Mr. Ruiz Fuentes and eighteen other inmates escape from the maximum-security prison Granja Penal Canadá, also known as "El Infiernito," through a tunnel dug with the complicity of prison authorities.³⁷

The State launches "Operation Gavilán," led by the PNC, to recapture the escaped prisoners and return them to secure custody.³⁸

³⁰ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 58.

³¹ *Id.*

³² *Id.* ¶ 59.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* ¶ 60.

³⁶ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 60.

³⁷ *Id.* ¶¶ 2(b), 61.

³⁸ *Id.* ¶ 62.

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November 14, 2005: Mr. Ruiz Fuentes' body is found in Santa Rosa.³⁹ Twelve PNC officers Gavilán arrive to safeguard the crime scene.⁴⁰

According to police records, anonymous informants told police that several unknown individuals had pursued Mr. Ruiz Fuentes.⁴¹ Mr. Ruiz Fuentes and the unknown individuals shot at each other, and Mr. Ruiz Fuentes was hit by several bullets and killed.⁴²

November 15, 2005: An autopsy reveals the cause of death as "cerebral and pulmonary perforation by puncture wounds from firearm bullets."⁴³

November 2005: The Public Prosecution Service of Santa Rosa begins investigating Mr. Ruiz Fuentes' death.⁴⁴

March 28, 2006: The Ballistics Section of the Public Prosecution Service conducts an appraisal to identify the firearm Mr. Ruiz Fuentes was found holding.⁴⁵ It belongs to a law enforcement officer.⁴⁶

B. Other Relevant Facts

In Guatemala, both Article 18 of the State's Constitution and Article 43 of the State's Criminal Code establish the possibility of the death penalty.⁴⁷ Article 201 of the Criminal Code establishes the death penalty as punishment for kidnapping, which results in the death of the person kidnapped.⁴⁸ A kidnapping not resulting in death receives punishment of eight to fifteen years imprisonment.⁴⁹

September 19, 1996: Article 201 is amended, making the death penalty the only available punishment for kidnapping.⁵⁰ This amendment is in force from October 21, 1996, to the time of judgment.⁵¹

³⁹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs ¶ 63.

⁴⁰ *Id.*

⁴¹ *Id.* ¶ 64.

⁴² *Id.*

⁴³ *Id.* ¶ 65.

⁴⁴ *Id.* ¶ 66.

⁴⁵ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 67 n.87.

⁴⁶ *Id.* ¶ 67.

⁴⁷ *Id.* ¶ 36.

⁴⁸ *Id.* ¶ 37.

⁴⁹ *Id.*

⁵⁰ *Id.* ¶ 40.

⁵¹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 40.

October 31, 2000: The Constitutional Court issues a ruling questioning whether the amendment is consistent with the American Convention.⁵²

July 4, 2001: In its judgment on Mr. Ruiz Fuentes' *amparo* application, the Constitutional Court reverses course and finds the American Convention does not prohibit punishing all kidnappers with the death penalty.⁵³

October 24, 2017: The Constitutional Court finds Article 201 unconstitutional and a clear violation of Article 4(2) of the American Convention.⁵⁴

II. PROCEDURAL HISTORY

A. *Before the Commission*

January 2, 2003: The victims' representatives submit the petition to the Commission on behalf of Mr. Ruiz Fuentes and his sister, spouse, permanent companion (A.M.V.), and children.⁵⁵

March 5, 2008: The Commission adopts Admissibility Report No. 14/08, finding the petition admissible.⁵⁶

July 30, 2017: The Commission adopts the Report on Merits No. 94/17 ("Merits Report").⁵⁷

The Commission finds the State violated the victims' right to life, humane treatment, a fair trial, and judicial protection established in Article 4(1) (Prohibition of Arbitrary Deprivation of Life), Article 4(2) (Limitations on Death Penalty), Article 4(6) (Right to Seek Amnesty, Pardon, or Commutation of Sentence), Article 5(1) (Right to Physical, Mental, and Moral Integrity), Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent

⁵² Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 41.

⁵³ *Id.* ¶ 42.

⁵⁴ *Id.* ¶ 43.

⁵⁵ Ruiz Fuentes et al. v. Guatemala, Report on Merits, ¶ 5; Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, ¶ 186.

⁵⁶ Ruiz Fuentes et al. v. Guatemala, Report on Merits, ¶ 5 n.1.

⁵⁷ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 2(d).

Tribunal), Article 8(2)(c) (Right to Adequate Time and Means to Prepare Defense), Article 8(2)(f) (Right of Defense to Obtain the Appearance of Witnesses and Examine Them), Article 8(2)(g) (Right Not to Self-Incriminate), Article 8(2)(h) (Right to Appeal), and Article 25(1) (Right of Recourse Before a Competent Court) of the Convention in connection with Article 1(1) (Obligation of Non-Discrimination) and Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention.⁵⁸

The Commission also finds the State violated the victim's next of kin's right to humane treatment, a fair trial, and judicial protection established in Article 5(1) (Right to Physical, Mental, and Moral Integrity), Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), and Article 25(1) (Right of Recourse Before a Competent Court) of the Convention in connection with Article 1(1) (Obligation of Non-Discrimination) of the Convention.⁵⁹ Lastly, the Commission finds the State responsible for violating Article 1 (Obligation to Prevent and Punish Torture), Article 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment), and Article 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture.⁶⁰

The Commission recommends the State (1) provide full reparations for the violations committed, including fair compensation and measures of rehabilitation; (2) diligently investigate the torture endured by Mr. Ruiz Fuentes and impose appropriate punishments on the perpetrators; (3) diligently investigate the execution of Mr. Ruiz Fuentes and impose appropriate punishments on the perpetrators; (4) adopt necessary measures so domestic death penalty legislation is consistent with the State's practice of moving toward abolition of the death penalty; (5) adopt necessary measures to ensure individuals convicted of crimes have a remedy allowing for full review of the conviction; and (6) adopt measures to train security forces on the prohibition of torture, specifically training on the use of force in the recapture of escaped prisoners.⁶¹

August 30, 2004: At the Commission's request, the Court adopts provisional measures requiring the State to protect the life of Mr. Ruiz

⁵⁸ Ruiz Fuentes et al. v. Guatemala, Report on Merits, "Conclusions," ¶ 215.

⁵⁹ *Id.* ¶ 215.

⁶⁰ *Id.*

⁶¹ Ruiz Fuentes et al. v. Guatemala, Report on Merits, "Recommendations," ¶¶ 1-6.

Fuentes, Mr. Raxcacó Reyes, Mr. Bernardino Rodríguez Lara, and Mr. Pablo Arturo Ruiz Almengor.⁶²

July 4, 2006: The Court lifts the provisional measures upon learning of Mr. Ruiz Fuentes' escape and death.⁶³

B. *Before the Court*

November 30, 2017: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁶⁴

August 14, 2018: The State raises a preliminary objection of *res judicata*.⁶⁵

1. Violations Alleged by Commission⁶⁶

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

Article 4(2) (Limitations on Death Penalty)

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

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

Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment)

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

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

Article 8(2)(f) (Right of Defense to Obtain the Appearance of Witnesses and Examine Them)

Article 8(2)(g) (Right Not to Self-Incriminate)

Article 8(2)(h) (Right to Appeal)

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

all in relation to:

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

⁶² Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 2(b).

⁶³ *Id.*

⁶⁴ *Id.* ¶ 1.

⁶⁵ *Id.* ¶ 7.

⁶⁶ Ruiz Fuentes et al. v. Guatemala, Report on Merits, ¶ 215.

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

Article 5(1) (Right to Physical, Mental, and Moral Integrity)
Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and
Article 25(1) (Right of Recourse Before a Competent Court)
all in relation to:

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

Article 1 (Obligation to Prevent and Punish Torture)
Article 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment) and
Article 8 (Obligation to Investigate and Prosecute) of the Inter-American Convention to Prevent and Punish Torture.

2. Violations Alleged by Representatives of the Victim⁶⁷

Same Violations Alleged by the Commission, plus:

Article 7(1) (Right to Personal Liberty and Security)
Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law)
Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment)
Article 7(4) (Right to Be Informed of Reasons of Arrest and Charges)
Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time)

all in relation to:

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

III. MERITS

A. *Composition of the Court*⁶⁸

⁶⁷ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 6. The victims' representatives are the Center for Justice and International Law (CEJIL) and the Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG).

⁶⁸ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, n.1. Judge Eugenio Raúl Zaffaroni excused himself from taking part in this case, pursuant to Article 21 of the Court's Rules of Procedure.

Eduardo Ferrer Mac-Gregor Poisot, President
Eduardo Vio Grossi, Vice-President
Humberto Antonio Sierra Porto, Judge
Elizabeth Odio Benito, Judge
L. Patricio Pazmiño Freire, Judge
Ricardo Pérez Manrique, Judge

Pablo Saavedra Alessandri, Secretary

B. *Decision on the Merits*

October 10, 2019: The Court issues its Judgment on Preliminary Objections, Merits, Reparations and Costs.⁶⁹

The Court unanimously rejected Guatemala's preliminary objections regarding conformity with domestic law, *res judicata*, and the execution of the death penalty because:⁷⁰

*The State argued that what occurred to Mr. Ruiz Fuentes was legal under the State's domestic law at the time it happened.⁷¹ It also argued that the criminal proceedings Mr. Ruiz Fuentes was subjected to constituted *res judicata* since his representatives exhausted all available remedies under domestic law in force at the time.⁷² Lastly, the State pointed out that it had never imposed the death penalty on Mr. Ruiz Fuentes because his sentence had been reduced from the death penalty to the maximum possible period of imprisonment.⁷³ The Court found that the arguments presented did not constitute a preliminary objection because they did "not explain why the case" would be inadmissible or why the Court was "without jurisdiction to hear it."⁷⁴ The Court emphasized that arguments that cannot be considered without first examining the merits of a case do not constitute preliminary*

⁶⁹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, "DECIDES" ¶ 1.

⁷⁰ *Id.*

⁷¹ *Id.* ¶ 15.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.* ¶ 19.

*objections.*⁷⁵ *For those reasons, the Court dismissed the preliminary objections.*⁷⁶

The Court found unanimously that Guatemala had violated:

Article 4(2) (Prohibition of Arbitrary Deprivation of Life) and Article 6 (Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment), in relation to Articles 1(1) and 2 of the Convention, to the detriment of Mr. Ruiz Fuentes,⁷⁷ because:

*The Court began by highlighting the case of Martínez Coronado v. Guatemala, where it found that the death penalty is only applicable in exceptional cases, and even then, it is subject to strict limitations.*⁷⁸ *It may only be given to perpetrators of the most serious crimes and must be excluded in cases of political offenses or related common crimes.*⁷⁹ *The Court also discussed Raxcacó Reyes v. Guatemala, where it ruled on the application of the death penalty via Article 201 of Guatemala's Criminal Code to Mr. Raxcacó Reyes, who was convicted of the same exact acts as Mr. Ruiz Fuentes.*⁸⁰ *Because these cases were so similar, the Court reiterated that its analysis from Raxcacó Reyes was applicable to Mr. Ruiz Fuentes' case.*⁸¹

*The Court pointed to Article 4 of the Convention, which looks to abolish the death penalty through the adoption of necessary safeguards to restrict the penalty's application and scope.*⁸² *The Court emphasized that abolition of the death penalty is a final, irreversible process for States party to the Convention.*⁸³ *The goal of abolishing the death penalty is also outlined in the Protocol to the Convention.*⁸⁴ *When Guatemala ratified the Convention, Article 201 of its Criminal Code was in force, imposing the death penalty in cases of kidnapping only*

⁷⁵ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 18.

⁷⁶ *Id.* ¶ 19.

⁷⁷ *Id.* "DECLARES" ¶ 2.

⁷⁸ *Id.* ¶ 78.

⁷⁹ *Id.*

⁸⁰ *Id.* ¶ 79.

⁸¹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 79.

⁸² *Id.* ¶ 80.

⁸³ *Id.*

⁸⁴ *Id.* ¶ 81.

where the victim died.⁸⁵ Subsequently, Article 201 was amended many times, including by Legislative Decree No. 81/96 (which imposed the death penalty on perpetrators or masterminds of kidnapping).⁸⁶ Article 201 was applied to Mr. Ruiz Fuentes after this amendment.⁸⁷ Keeping in mind that the that the definition of kidnapping limits the scope of a criminal prosecution and juridical conduct, the Court found that Article 201's amendment violated Article 4(2) of the Convention because it would extend the death penalty to apply to actions not previously punishable by death, and such expansion violates the Article 4(2) mandate to increasingly limit the scope of the death penalty.⁸⁸ The Court considered that each paragraph of pre-amendment Article 201 protected different rights, and applied different punishments for kidnapping on its own (no death penalty) and kidnapping that results in the victim's death (death penalty).⁸⁹

The Court further noted that this expansion of the death penalty made its application mandatory in certain scenarios, depriving the accused of their right to life without analyzing the specific circumstances of their case.⁹⁰ Imposition of the death penalty without analysis of the circumstances of each case is incompatible with Article 4(2) of the Convention, and thus sentencing Mr. Ruiz Fuentes under Article 201 of the Guatemalan Criminal Code violated Article 4(2).⁹¹

Next, the Court discussed Mr. Ruiz Fuentes' appeal for clemency, where he requested commutation or reduction of his sentence before the Guatemalan Minister of the Interior.⁹² The Ministry of the Interior did not process the appeal.⁹³ The Court noted it had decided this issue in *Fermín Ramírez v. Guatemala* and *Raxcacó Reyes v. Guatemala*, and found that because the Guatemalan Congress passed a legislative decree limiting the State's ability to hear clemency appeals, the State failed to fulfill its Article 4(6) obligation regarding the right to apply for amnesty.⁹⁴

⁸⁵ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 82.

⁸⁶ *Id.* ¶ 83.

⁸⁷ *Id.*

⁸⁸ *Id.* ¶¶ 84, 86.

⁸⁹ *Id.* ¶ 85.

⁹⁰ *Id.* ¶ 87.

⁹¹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶¶ 88-89.

⁹² *Id.* ¶ 90.

⁹³ *Id.*

⁹⁴ *Id.* ¶¶ 44, 91.

Lastly, the Court found that Article 201 of the Guatemalan Criminal Code violated Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention by expanding the number of crimes sanctioned with the death penalty instead of adopting the appropriate reforms to reduce them.⁹⁵ In conclusion, the Court found that the State was responsible for violating Article 4(2) and Article 4(6) of the Convention to the detriment of Mr. Ruiz Fuentes.⁹⁶

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ruiz Fuentes,⁹⁷ because:

The Court explained that Article 4 of the Convention obliges States to protect citizens' right to life from violations by State agents and institutions.⁹⁸ The Court explained that Mr. Ruiz Fuentes was found dead, lying on his back, with multiple gunshot wounds, and holding a gun.⁹⁹ The Court noted that the facts were contested and considered the plausibility of the different versions.¹⁰⁰

The Court found the State's theory difficult to believe, as Mr. Ruiz Fuentes was fired at from less than fifteen centimeters away, which is incompatible with an armed confrontation.¹⁰¹ If Mr. Ruiz Fuentes died from a shooting between private individuals, it was unlikely that twelve PNC officers with the Anti-Kidnapping Command would arrive just minutes later.¹⁰² Evidence corroborated that the crime scene was altered.¹⁰³ Moreover, the gun Mr. Ruiz Fuentes was holding was a State agent's, and the State gave no explanation for how Mr. Ruiz Fuentes got hold of it, or why the blood on his hand was not on the gun.¹⁰⁴

The Court emphasized the State's contradictory versions of his death.¹⁰⁵ Different State agents provided different facts via statements,

⁹⁵ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶¶ 92-93.

⁹⁶ *Id.* ¶ 94.

⁹⁷ *Id.* "DECLARES" ¶ 3.

⁹⁸ *Id.* ¶ 100.

⁹⁹ *Id.* ¶ 101.

¹⁰⁰ *Id.* ¶ 102.

¹⁰¹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 103.

¹⁰² *Id.* ¶ 104.

¹⁰³ *Id.* ¶ 105.

¹⁰⁴ *Id.* ¶ 106.

¹⁰⁵ *Id.* ¶ 107.

interviews, and reports.¹⁰⁶ Namely, the State's 2006 report to the Commission indicated that armed men fired at Mr. Ruiz Fuentes abruptly, while a 2009 communication indicated that he had opposed recapture.¹⁰⁷ Similarly, the State's November 2005 brief depicted State agents firing at Mr. Ruiz Fuentes, while its April 2019 brief denied that exact fact.¹⁰⁸ Finally, the Public Prosecution Service of the Special Prosecution Office against Impunity ("FECI") found that Mr. Ruiz Fuentes was extrajudicially executed and that the crime scene was altered and false statements were given to the media and included in police reports.¹⁰⁹ The Court concluded that the State's version of the death was unsupported by evidence.¹¹⁰

For these reasons, the Court found the State responsible for Mr. Ruiz Fuentes' death in violation of his right to life, pursuant to Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) of the Convention.¹¹¹

Articles 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1) of the Convention, and Article 1 (Obligation to Prevent and Punish Torture) and Article 6 (Freedom from Slavery) of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Mr. Ruiz Fuentes,¹¹² because:

The Court analyzed the statement Mr. Ruiz Fuentes made after his arrest and found his statement compatible with injuries verified by multiple medical reports.¹¹³ Indeed, his injuries were more compatible with his version of the facts than the State's version.¹¹⁴ The Court also found that the police threats to Mr. Ruiz Fuentes were corroborated.¹¹⁵ For the foregoing reasons, the Court found that Mr. Ruiz Fuentes suffered serious injuries during his arrest.¹¹⁶

¹⁰⁶ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 107.

¹⁰⁷ *Id.* ¶ 108.

¹⁰⁸ *Id.* ¶ 109.

¹⁰⁹ *Id.* ¶¶ 110-111.

¹¹⁰ *Id.* ¶ 111.

¹¹¹ *Id.* ¶¶ 111-113.

¹¹² Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, "DECLARES," ¶ 4.

¹¹³ *Id.* ¶¶ 123-125.

¹¹⁴ *Id.* ¶ 126.

¹¹⁵ *Id.* ¶ 127.

¹¹⁶ *Id.* ¶ 128.

Next, the Court assessed whether such acts were torture, which requires conduct to be (1) intentional, (2) causing severe physical or mental suffering, and (3) committed with an objective or purpose.¹¹⁷ First, the Court found that state agents beat Mr. Ruiz Fuentes intentionally and continuously to obtain information.¹¹⁸ Second, the abuse was serious and intense as it required emergency surgery, a thirteen-day hospital stay, and necessitated seven months' use of a colostomy bag.¹¹⁹ Thus, the Court found that the three requirements were met and Mr. Ruiz Fuentes was indeed subject to acts of physical torture in violation of Article 5(1) and (2) of the Convention, in relation to Article 1(1) of the Convention, and Articles 1 and 6 of the Inter-American Convention to Prevent and Punish Torture ("ICPPT").¹²⁰

Next, the Court discussed whether Mr. Ruiz Fuentes underwent cruel, inhumane, and degrading punishment while on death row, considering the "death row phenomenon" it found in previous cases: being on death row results in anguish and psychological trauma, constituting cruel punishment.¹²¹ The Court reiterated that the State provided no evidence of Mr. Ruiz Fuentes' supposed sentence reduction.¹²² Additionally, the State's provisional suspension of the death penalty in 2005 did not eliminate it.¹²³ Mr. Ruiz Fuentes remained under constant threat of death for six years and five months on death row.¹²⁴ Additionally, his criminal proceedings likely caused "profound suffering, anguish, anxiety, frustration, and stress."¹²⁵

For the foregoing reasons, the Court concluded that Mr. Ruiz Fuentes endured severe mental suffering while on death row.¹²⁶ This violated Article 5(1) (Right to Physical, Mental, and Moral Integrity) and Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), in relation to Article 1(1).¹²⁷

¹¹⁷ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 129.

¹¹⁸ *Id.* ¶ 130.

¹¹⁹ *Id.* ¶ 131.

¹²⁰ *Id.* ¶ 132.

¹²¹ *Id.* ¶¶ 134-135.

¹²² *Id.* ¶ 133.

¹²³ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 133.

¹²⁴ *Id.* ¶ 136.

¹²⁵ *Id.*

¹²⁶ *Id.* ¶ 137.

¹²⁷ *Id.*

Articles 8(2)(c) (Right to Adequate Time and Means to Prepare Defense) and 8(2)(h) (Right to Appeal), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ruiz Fuentes,¹²⁸ because:

The Court considered whether Mr. Ruiz Fuentes had access to an adequate remedy and whether his due process rights were upheld.¹²⁹ The Court prefaced that its job was not to review the prior judgment as an appellate court, but to assess the proceedings' legality under the Convention.¹³⁰ All States have obligations to protect people, prevent crimes, punish perpetrators of crimes, and maintain public order.¹³¹ The measures a State uses to combat crime must preserve public safety and maintain respect for human rights.¹³²

The Court noted two issues to be decided: whether the State, by (1) prohibiting admission of exculpatory evidence resulting from Mr. Ruiz Fuentes' first defense counsel's negligence; and/or (2) giving Mr. Ruiz Fuentes' second appointed counsel only twenty-four hours to prepare a defense, violated his right to a fair trial.¹³³ The right to adequate defense is central to due process, and must be exercisable from the moment a person is accused through the execution of their sentence.¹³⁴ Regarding the first issue, the State could not be held responsible for the first defense lawyer's error, as it did not result from State action.¹³⁵ The Court therefore found that the State did not violate Article 8(2)(d) and (f) of the Convention.¹³⁶

Next, assessing the time given to Mr. Ruiz Fuentes' second attorney to prepare his defense, the Court pointed out that adequate time to prepare is a fundamental guarantee of the right of defense.¹³⁷ Here, the newly appointed lawyer only had one day to prepare as the trial court assumed he was familiar with the case.¹³⁸ Considering the significance of the charges and the potential consequence of the death penalty, this time was insufficient; thus, the State violated Article

¹²⁸ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, "DECLARES," ¶ 5.

¹²⁹ *Id.* ¶ 146.

¹³⁰ *Id.* ¶ 147.

¹³¹ *Id.* ¶ 148.

¹³² *Id.* ¶ 148.

¹³³ *Id.* ¶¶ 149-150.

¹³⁴ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 151.

¹³⁵ *Id.* ¶ 152.

¹³⁶ *Id.*

¹³⁷ *Id.* ¶¶ 153-154.

¹³⁸ *Id.* ¶ 155.

8(2)(c) (*Right to Adequate Time and Means to Prepare Defense*) of the Convention, in relation to Article 1(1).¹³⁹

Additionally, the right to appeal a judgment is a fundamental guarantee that should be provided to any person subject to a criminal court proceeding.¹⁴⁰ The remedy must provide an adequate means of reversing an erroneous conviction, allowing analysis of the merits of the case – including evidence, facts, and law.¹⁴¹ Guatemala’s remedies in criminal cases are limited: the “special remedy of appeal” only allows review of facts where there is contradicting evidence, and cassation does not permit review of the facts or evidence.¹⁴² Mr. Ruiz Fuentes filed a special remedy of appeal to his sentence, which was deemed inadmissible by the Appellate Court without review of the facts or evidence.¹⁴³

Because the Appellate Court did not examine any issues raised on appeal, this Court found that it did not carry out a comprehensive review of the conviction and thus violated Article 8(2)(h) (*Right to Appeal*).¹⁴⁴ The Court found that examining Article 8(2)(h) in relation to Article 25 was unnecessary.¹⁴⁵ For these reasons, the Court concluded that the State violated Article 8(2)(h) (*Right to Appeal*), in relation to Article 1(1) of the Convention.¹⁴⁶

Article 8(1) (*Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal*) and Article 25 (*Right to Judicial Protection*), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ruiz Fuentes and his sister,¹⁴⁷ and Article 1 (*Obligation to Prevent and Punish Torture*), Article 6 (*Obligation to Take Effective Measures and Punish Torture and Cruel, Inhuman, and Degrading Treatment*), and Article 8 (*Obligation to Investigate and Prosecute*), of the Inter-American Convention to Prevent and Punish Torture, to the detriment of Mr. Ruiz Fuentes,¹⁴⁸ because:

¹³⁹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶¶ 155-156.

¹⁴⁰ *Id.* ¶ 157.

¹⁴¹ *Id.* ¶ 158.

¹⁴² *Id.* ¶¶ 159-162.

¹⁴³ *Id.* ¶¶ 163-166.

¹⁴⁴ *Id.* ¶ 166.

¹⁴⁵ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 167.

¹⁴⁶ *Id.* ¶ 168.

¹⁴⁷ *Id.* “DECLARES,” ¶ 6.

¹⁴⁸ *Id.*

In accordance with the Commission's and representatives' arguments, the Court found that the State did not promptly initiate an effective investigation to identify, prosecute, and punish the perpetrators of the torture.¹⁴⁹ The State did not investigate Mr. Ruiz Fuentes' injuries, his declarations to the trial judge, or his statements during trial.¹⁵⁰ Articles 1, 6, and 8 of the ICPPT increase a State's obligation to investigate.¹⁵¹ Here, the State's lack of a timely investigation violated Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25 (Right to Judicial Protection) of the Convention, in relation to Article 1(1), and Articles 1, 6 and 8 of the ICPPT.¹⁵²

A State's duty to investigate a crime scene is a legal obligation, not a mere formality.¹⁵³ Such an investigation must be serious, effective, objective, and focused on determining the truth.¹⁵⁴ The Court considered measures taken by the State, including the autopsy and the handling of the crime scene.¹⁵⁵

An effective investigation should aim to accurately identify the victim, determine the exact cause and manner of death, and locate and preserve evidence and witness statements.¹⁵⁶ Such an investigation would also include professional autopsies and analyses of human remains.¹⁵⁷ Here, the crime scene was contaminated due to the volume of officers present at the scene.¹⁵⁸ Furthermore, the photos and videos of the scene did not reveal the exact location of the incident.¹⁵⁹ Mr. Ruiz Fuentes' hands were not tested for firearm residue, and his clothes were not taken for testing.¹⁶⁰ The autopsy report was inadequate, as no photos or videos were taken, the clothes were not examined or tested for gunshot residue, and there was no assessment of the distance Mr. Ruiz Fuentes was shot from.¹⁶¹ Investigations did not determine how the gun found with Mr. Ruiz Fuentes' body got there, and only three PNC

¹⁴⁹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶¶ 169-170.

¹⁵⁰ *Id.* ¶¶ 171-172.

¹⁵¹ *Id.* ¶ 173.

¹⁵² *Id.* ¶ 174.

¹⁵³ *Id.* ¶ 175.

¹⁵⁴ *Id.*

¹⁵⁵ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 176.

¹⁵⁶ *Id.* ¶ 178.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.* ¶ 179.

¹⁵⁹ *Id.* ¶ 179.

¹⁶⁰ *Id.*

¹⁶¹ *Id.* ¶ 180.

officers present at the scene were interrogated.¹⁶² Finally, the Court emphasized that the investigation of Mr. Ruiz Fuentes' death remained open for more than fourteen years after he died.¹⁶³

The Court therefore concluded that the State failed carry out an appropriate investigation, prosecute, and punish those responsible for Mr. Ruiz Fuentes' violent death.¹⁶⁴ The State thus violated Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25 (Right to Judicial Protection) of the Convention, in relation to Article 1(1), to the detriment of Mr. Ruiz Fuentes and his sister.¹⁶⁵

Article 5(1) (Right to Physical, Mental, and Moral Integrity), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ruiz Fuentes' sister,¹⁶⁶ because:

The Court prefaced that it has considered victims' family members and next of kin as victims themselves, due to the suffering they experience when their loved ones' rights are violated.¹⁶⁷ The Court considered Mr. Ruiz Fuentes' sister's ("Sister") statements regarding when he was sentenced to death, that she felt she was "on the edge of a nervous breakdown," and "spent the whole night crying."¹⁶⁸ A psychologist's expert opinion stated that Sister suffered from compassion fatigue, vicarious trauma, emotional exhaustion, and depression.¹⁶⁹ The Court concluded that because Sister's anguish followed from the State's actions, the State violated her right to personal integrity established in Article 5(1) (Right to Physical, Mental, and Moral Integrity) of the Convention, in relation to Article 1(1).¹⁷⁰

The Court found unanimously that Guatemala had not violated:

¹⁶² Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 181.

¹⁶³ *Id.* ¶ 182.

¹⁶⁴ *Id.* ¶ 183.

¹⁶⁵ *Id.* ¶ 184.

¹⁶⁶ *Id.* "DECLARES," ¶ 7.

¹⁶⁷ *Id.* ¶ 188.

¹⁶⁸ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 189.

¹⁶⁹ *Id.* ¶ 190.

¹⁷⁰ *Id.* ¶ 191.

Articles 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. Ruiz Fuentes,¹⁷¹ because:

*Mr. Ruiz Fuentes was not subjected to the death penalty.*¹⁷²

IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

A. *Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

1. Investigate Acts of Torture and Identify, Prosecute, and Punish those Responsible

The Court acknowledged the State was carrying out criminal proceedings regarding Mr. Ruiz Fuentes' death and established the State must continue "to identify, prosecute and punish" whoever was responsible for his death, within a reasonable time, and with due diligence.¹⁷³ Specifically, the State has to (1) ensure that the systems involved in investigating have all necessary resources to do so properly and impartially (including protecting the victims and witnesses), and (2) provide Mr. Ruiz Fuentes' family full access to said investigations.¹⁷⁴ Furthermore, the Court determined that the State must begin a diligent investigation into Mr. Ruiz Fuentes' torture within six months, again giving his family members full access and the ability to participate.¹⁷⁵

2. Judgment as a Form of Reparation

The Court noted that the Judgment itself is a form of reparation.¹⁷⁶

3. Publish the Judgment

¹⁷¹ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, "DECLARES," ¶ 8.

¹⁷² *Id.* ¶ 89.

¹⁷³ *Id.* ¶ 200.

¹⁷⁴ *Id.* ¶ 200.

¹⁷⁵ *Id.* ¶ 201.

¹⁷⁶ *Id.* "AND ESTABLISHES," ¶ 9.

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The State must publish the Court-prepared official summary of the judgment in both its Official Gazette and in a national newspaper, and publish the judgment on an official State website for one year.¹⁷⁷

4. Training Measures

The Court ordered the State to implement permanent and specific training courses on the abolition of torture into its police and law enforcement training programs.¹⁷⁸

5. Monitor Compliance

The Court mandated the State report its compliance with the judgment.¹⁷⁹

A. Compensation

The Court awarded the following amounts:

1. Non-Pecuniary Damages

The Court awarded \$60,000 USD for the violations against Mr. Ruiz Fuentes's as non-pecuniary compensation damages, to be paid within one year of its judgment, distributed as \$15,000 to Mr. Ruiz Fuentes's spouse S.J.M., \$15,000 to Mr. Ruiz Fuentes' permanent companion A.M.V., and \$30,000 to be split equally between Mr. Ruiz Fuentes' children.¹⁸⁰ Additionally, the Court awarded \$10,000 to Mr. Ruiz Fuentes's sister for the violations against her.¹⁸¹

2. Costs and Expenses

The Court awarded of \$30,000 USD for expenses incurred during the life of this case, distributed as \$20,000 to the Instituto de Estudios Comparados en Ciencias Penales de Guatemala and \$10,000 to the Center for Justice and International Law.¹⁸² The Court

¹⁷⁷ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 206.

¹⁷⁸ *Id.* ¶ 228.

¹⁷⁹ *Id.* "AND ESTABLISHES," ¶ 16.

¹⁸⁰ *Id.* ¶ 245.

¹⁸¹ *Id.* ¶ 246.

¹⁸² *Id.* ¶ 252.

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also awarded \$1,943.20 USD to Victims' Legal Assistance Fund of the Inter-American Court, to be paid by the State.¹⁸³

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

\$91,943.20 USD

B. Deadlines

The State must comply with the Court's order to amend Article 201 of the Criminal Code within a reasonable time.¹⁸⁴

The State must publish the judgment within six months.¹⁸⁵

The State must report on its compliance with the judgment within one year.¹⁸⁶

The State must pay both the non-pecuniary damage awards and the awards to the Instituto de Estudios Comparados en Ciencias Penales de Guatemala and the Center for Justice and International Law within one year.¹⁸⁷ Finally, the State must pay the award to the Victims' Legal Assistance Fund within six months.¹⁸⁸

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

September 2, 2020: The Court reiterated its order for the State to investigate, identify, and prosecute those responsible for the torture of Mr. Ruiz Fuentes and to submit a report on their compliance with this requirement.¹⁸⁹

¹⁸³ Ruiz Fuentes et al. v. Guatemala, Preliminary Objections, Merits, Reparations and Costs, Judgment, ¶ 255.

¹⁸⁴ *Id.* ¶ 225.

¹⁸⁵ *Id.* ¶ 206.

¹⁸⁶ *Id.* "AND ESTABLISHES," ¶ 16.

¹⁸⁷ *Id.* ¶¶ 252, 256.

¹⁸⁸ *Id.* ¶ 255.

¹⁸⁹ Ruiz Fuentes et al. v. Guatemala and Another Case, Request for Provisional Measures and Compliance Monitoring, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "RESOLVES" ¶¶ 1-2 (Sept. 2, 2020).

November 22, 2022: The Court found that the State fully complied with the reparation measure requiring publication of the judgment.¹⁹⁰ It also found that the State did not comply with the requirement to amend the definition of torture in Article 201 of its Criminal Code.¹⁹¹ Lastly, the Court found that the State paid the award to Mr. Ruiz Fuentes’s sister and his family members.¹⁹²

December 19, 2022: The Court noted that the State did not pay its award to the Victims’ Legal Assistance Fund until November 28, 2022, past the six-month deadline.¹⁹³ Because the State did not pay the interest accrued, the Court ordered the State to promptly pay the default interest amount to the Victims’ Legal Assistance Fund.¹⁹⁴

November 6, 2024: The Court discussed its order in the judgment for the State to train police and security agencies on the prohibition of torture.¹⁹⁵ The Court noted it had previously found the State complied with police training but only partially complied with training State agencies, particularly the Guatemalan Army.¹⁹⁶ The Court analyzed the State’s compliance report submitted on April 12, 2023, and found the State’s new curriculum on the “Prevention and Prohibition of Torture” fully complied with its orders.¹⁹⁷ It ordered the State to promptly comply with the remaining reparation measures, including to investigate, prosecute and punish Mr. Ruiz Fuentes’ torturers, amend domestic legislation to make such punishment possible, reimburse costs still owed and amend its legal definition of torture to conform with international human rights standards.¹⁹⁸ The Court ordered the State to report on its compliance by April 28, 2025.¹⁹⁹

VII. LIST OF DOCUMENTS

¹⁹⁰ Ruiz Fuentes et al. v. Guatemala and Another Case, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (ser. E) “WHEREAS,” ¶ 3 (Nov. 22, 2022).

¹⁹¹ *Id.* “WHEREAS,” ¶ 4.

¹⁹² *Id.* ¶ 21.

¹⁹³ Ruiz Fuentes et al. v. Guatemala and Other Cases, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (ser. E) “WHEREAS,” ¶¶ 3-5 (Dec. 19, 2022).

¹⁹⁴ *Id.* “WHEREAS,” ¶ 5, “RESOLVES,” ¶ 2.

¹⁹⁵ Ruiz Fuentes et al. v. Guatemala and Another Case, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (ser. E) “WHEREAS,” ¶ 3 (Nov. 26, 2024).

¹⁹⁶ *Id.*

¹⁹⁷ Ruiz Fuentes et al. v. Guatemala and Another Case, Monitoring Compliance with Judgment, Order of the Court, “WHEREAS,” ¶¶ 3-8 (Nov. 26, 2024).

¹⁹⁸ *Id.* “RESOLVES” ¶¶ 2-3.

¹⁹⁹ *Id.* “RESOLVES” ¶ 4.

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

Ruiz Fuentes et al. v. Guatemala, Preliminary Objection, Merits and Reparations, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 385, (Oct. 10, 2019).

3. Provisional Measures

Ruiz Fuentes et al. v. Guatemala, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (July 4, 2006).

Ruiz Fuentes et al. v. Guatemala, Provisional Measures and Compliance Monitoring, Order of the Court, Inter-Am. Ct. H.R. (Sep. 23, 2021).

4. Compliance Monitoring

Ruiz Fuentes et al. v. Guatemala, Request for Provisional Measures and Monitoring Compliance With Judgment, Order of the Court, Inter-Am. Ct. H.R. (Sep. 2, 2020).

Ruiz Fuentes et al. v. Guatemala, Monitoring Compliance With Judgment, Order of the Court, Inter-Am. Ct. H.R. (Nov. 22, 2022).

Ruiz Fuentes et al. v. Guatemala, Monitoring Compliance of Reimbursement to Victims' Legal Assistance Fund, Order of the Court, Inter-Am. Ct. H.R. (Dec. 19, 2022).

Ruiz Fuentes et al. v. Guatemala, Monitoring Compliance With Judgment, Order of the Court, Inter-Am. Ct. H.R. (Nov. 26, 2024).

5. Review and Interpretation of Judgment

[None]

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B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

Ruiz Fuentes et al. v. Guatemala, Admissibility Report, Report No. 14/08, Inter-Am. Comm'n H.R., Case No. 12.650 (Mar. 5, 2008).

3. Provisional Measures

[None]

4. Report on Merits

Ruiz Fuentes et al. v. Guatemala, Report on Merits, Report No. 14/08, Inter-Am. Comm'n H.R., Case No. 12.650 (Jul. 2017).

5. Application to the Court

[None]

VIII. BIBLIOGRAPHY

[None]