

Press Release

Inter-American Court of Human Rights

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GUATEMALA IS RESPONSIBLE FOR THE DEATHS OF 11 INDIGENOUS PEOPLE AND THE WOUNDS INFLICTED TO 29 OTHER PERSONS IN THE "XAMÁN MASSACRE"

San Jose, Costa Rica, 28 September 2018.- In the judgment published today in the case *Coc Max et al v. Guatemala* the Inter-American Court of Human Rights (the Court) declared the State of Guatemala responsible for the deaths of 11 indigenous people and the wounds inflicted to 29 other persons in the "Xamán Massacre". Three children were among the 11 people killed. The entire text of the judgment can be found at the following [link](#) (in Spanish)

On 5 October 1995 a military patrol entered into the "Aurora 8 de octubre" indigenous community, located in Xamán. The members of the Armed Forces were surrounded by the inhabitants, who demanded explanations as regards their presence. When the soldiers tried to leave the place, they fired their weapons, causing several deaths and injuring numerous people. 14 members of the Armed Forces were criminally convicted and 11 of them are currently on the run.

The events took place in the framework of an internal armed conflict in Guatemala between 1962 and 1996, where the State implemented the "National Security Doctrine", which considered people belonging to the Mayan people to be an "internal enemy".

The Court stated that the deaths and wounds caused by the Armed Forces violated the right to life and to physical integrity as established in Articles 4.1 and 5.1 of the American Convention on Human Rights. Likewise, the Court concluded that these violations had also a discriminatory nature targeted against indigenous people. In view of the above, the military actions did not comply with the State's duty to respect to respect the rights without any discrimination as protected by Article 1.1 of the Convention. Additionally, the Court determined that the State violated the children rights covered by Article 19 of that same legal instrument for the deaths of three children. The Court also declared that the victims' relatives' right to personal integrity was violated (Article 5.1 of the Convention).

As regards the judicial proceedings, the Court observed that, even though some members of the Armed Forces had been convicted, the State was not diligent, in view of the lack of measures adopted by the State to successfully execute the arrest warrants of the remaining 11 members of the Armed Forces who were on the run. In view of the above, the Court concluded that Guatemala also violated the rights to judicial guarantees and judicial protection in violation of Articles 8.1 and 25.1 of the American Convention.

The Court ordered certain reparations, *inter alia*, the obligation to continue with the investigation of the facts concerning the 11 remaining members of the Armed Forces who were on the run and, if necessary, concerning the remaining elements if appropriate.


You can find the official summary of the judgment [here](#) (in Spanish).

The Court's composition for the sentence included the following: Judge Eduardo Ferrer MacGregor Poisot, President (Mexico); Judge Humberto Antonio Sierra Porto (Colombia); Judge Elizabeth Odio Benito (Costa Rica); Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Patricio Pazmiño Freire (Ecuador). Due to force majeure reasons accepted by the Plenary of the Court, Judge Eduardo Vio Grossi, Vice-President (Chile), did not participate in this period of sessions.

This press release was produced by the Secretariat of the Inter-American Court of Human Rights, which has the sole responsibility to do so.

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