

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS\*  
OF SEPTEMBER 4, 2012  
CASE OF 'LAS DOS ERRES' MASSACRE v. GUATEMALA  
MONITORING COMPLIANCE WITH JUDGMENT**

**HAVING SEEN:**

1. The Judgment on the preliminary objection, merits, reparations and costs (hereinafter, the "Judgment") delivered by the Inter-American Court of Human Rights (hereinafter, the "Inter-American Court" or "the Court") on November 24, 2009.

2. The Order on Monitoring Compliance with Judgment of July 6, 2011, in which the Court declared, *inter alia*, that:

[...]

3. [...]he Court will keep the procedure open to monitor compliance with those aspects that remain pending compliance in this case, namely:

a) To investigate, without delay, in a serious and effective manner, the facts that gave rise to the violations declared in the judgment, in order to prosecute and, as appropriate, punish those responsible (*eighth operative paragraph of the judgment*);

b) To initiate the pertinent disciplinary, administrative or criminal actions under domestic law, against the State authorities who may have committed the facts and obstructed the investigation of them (*ninth operative paragraph of the judgment*);

c) To adopt the pertinent measures to amend the Law on *Amparo*, *Habeas Corpus* and Constitutionality in Guatemala (*tenth operative paragraph of the judgment*);

d) To proceed with the exhumation, identification and return to their next of kin of the remains of those who died during the Dos Erres massacre (*eleventh operative paragraph of the judgment*);

e) To implement training courses on human rights for different State authorities (*twelfth operative paragraph of the judgment*);

f) To organize the public acts ordered (*fourteenth operative paragraph*);

g) To erect a monument (*fifteenth operative paragraph*);

h) To provide the psychological and medical treatment required by the 155 victims (*sixteenth operative paragraph*);

i) To create a webpage to search for children abducted and illegally retained (*seventeenth operative paragraph*); and

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\* Judge Margarette May Macaulay informed the Tribunal that, due to *force majeure* reasons, she could not participate in the deliberation and signature of this Order.

j) To pay the amounts established as compensation for non-pecuniary damage to the 34 people who, to date, have not yet received it for the reasons indicated in considering paragraphs 57 and 58 of this order, and the reimbursement of costs and expenses to CEJIL (*eighteenth operative paragraph of the judgment*).

[...]

3. The reports of the Republic of Guatemala (hereinafter, "Guatemala" or the "State") related to the progress made in the compliance with the Judgment, presented on August 18 and September 22, 2011; February 28 and May 4, 2012.

4. The information submitted by the victims' representatives (hereinafter, the "representatives") on August 10 and the observations to the State's reports on compliance presented on September 2, 2011; April 3 and June 12, 2012.

5. The observations of the Inter-American Commission on Human Rights (hereinafter, the "Commission" or the "Inter-American Commission") on the State's reports on compliance presented on November 18, 2011; April 30 and July 3, 2012.

#### **CONSIDERING THAT:**

1. It is an inherent power of the judicial functions of the Court to monitor compliance with its decisions.

2. Guatemala has been a State Party to the American Convention on Human Rights (hereinafter, the "Convention" or the "American Convention") since May 25, 1978, and that it accepted the binding jurisdiction of the Court on March 9, 1987.

3. Pursuant to article 67 of the American Convention, States Parties must comply fully and promptly with the Court's judgments. Furthermore, Article 68(1) of the American Convention stipulates that "[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties". Therefore, the States must ensure that the rulings set out in the decisions of the Court are implemented at the domestic level.<sup>1</sup>

4. The obligation to comply with the rulings of the Court conforms to a basic principle of the law on the international responsibility of States, supported by international jurisprudence, under which States are required to fulfill their international treaty obligations in good faith (*pacta sunt servanda*) and, as previously held by the Court and provided for in Article 27 of the Vienna Convention on the Law of Treaties of 1969, States cannot invoke their municipal laws to escape from their pre-established international responsibility. The treaty obligations of States Parties are binding on all State powers and organs.<sup>2</sup>

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<sup>1</sup> Cf. *Case of Baena Ricardo et al. Competence*. Judgment of November 28, 2003. Series C N° 104, para.60, and *Case of Radilla Pacheco v. Mexico*. Monitoring Compliance with Judgment. Order of the Court of June 28, 2012, third considering paragraph.

<sup>2</sup> Cf. *International Responsibility for Promulgation and Enforcement of Laws in Violation of the Convention* (Art.1 and 2 of the American Convention on Human Rights). Advisory Opinion OC-14/94 of December 9, 1994. Series A No. 14, para. 35 and *Case of Baena Ricardo et al v. Panama. Monitoring Compliance with Judgment*. Order of the Court of June 28, 2012, fifth considering paragraph.

5. The States Parties to the Convention must ensure compliance with its conventional provisions and their inherent effects (*effet utile*) within their respective domestic legal systems. This principle applies not only in connection with the substantive provisions of human rights treaties (*i.e.* those dealing with the protected rights) but also in connection with procedural rules, such as the ones concerning compliance with the decisions of the Court. Such obligations are intended to be interpreted and enforced in a manner such that the protected guarantee is truly practical and effective, taking into account the special nature of human rights treaties<sup>3</sup>.

6. Those States Parties to the American Convention that have accepted the contentious jurisdiction of the Court are under a duty to fulfill the obligations set by the Tribunal. This obligation includes the State's duty to report on the measures adopted to comply with such decisions of the Court. Timely fulfillment of the State's obligation to report to the Court on the exact manner in which it is complying with each of the aspects ordered by the latter is essential to evaluate the whole status of compliance in this case<sup>4</sup>.

**I. Duty to investigate the facts that gave rise to the violations declared in the judgment, and duty to initiate the relevant disciplinary, administrative or criminal actions under domestic law (*eighth and ninth operative paragraphs of the judgment*)**

7. In its report of May 4, 2012, the State pointed out that:

[o]n August 2, 2011, the Criminal Court of First Instance for Criminal Matters, Drug-Trafficking, and Environmental Crimes concluded that accused persons Reyes Colin Gualip, Manuel Pop Sun, Daniel Martínez Méndez and Carlos Antonio Carías López: a) were found to be the perpetrators of the crime of murder committed against the life and integrity of the inhabitants of *Las Dos Erres*; for which they were sentenced to [...] 6,030 years' incommutable imprisonment; b) were found to be the perpetrators of crimes against humanity, committed against the security of the State; for which they were sentenced to 30 years' incommutable imprisonment; c) that Carlos Antonio Carías Lopez is responsible as perpetrator of the crime of aggravated theft, committed against the property of the inhabitants of community of *Las Dos Erres*, for which he was sentenced to six years' incommutable imprisonment; and d) the Office of the Public Prosecutor was ordered to continue investigating the other persons that might have participated in those events.

The State also informed that the appeals filed against the decision of August 2, 2011, were declared inadmissible.

8. Moreover, the State indicated that "the Court of High-Risk First B [...] decided "to sentence Mr. Pedro Pimentel Rios "to a total of 6,060 years" in prison for the crime of "murder committed against the life of 201 inhabitants of Las Dos Erres community"

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<sup>3</sup> Cf. *Case of Ivcher Bronstein v. Peru. Competence*. Judgment of September 24 1999. Series C N° 54, para. 37, and *Case of Radilla Pacheco v. Mexico. Monitoring Compliance with Judgment*, fourth considering paragraph.

<sup>4</sup> Cf. *Case of Barrios Altos v. Peru. Monitoring Compliance with Judgment*. Order of the Court of September 22, 2005, Considering paragraph seven and *Case of Baena Ricardo et al v. Panama. Monitoring Compliance with Judgment*, seventh considering paragraph.

and "[f]or crimes against humanity" committed against those same persons. Furthermore, it ordered, *inter alia*, "the Office of the Public Prosecutor to continue with the investigation into the chain of command and other persons of the Guatemalan Army that might be related to the events". In addition, the State pointed out that "[o]n September 10, 2010, the Court of First Instance Court on Criminal Matters, Drug-Trafficking and Environmental Crimes of Guatemala ordered the active extradition to the United States of the accused persons, whose arrest is still pending. In turn, it requested the active extradition in Canada of Jorge Vinicio Sosa Orantes, who was arrested on January 14, 2011, in Calgary, Canada".

9. The representatives, in turn, "valu[ed] the great importance of these convictions" but noted that the State has still the obligation to adopt measures to make progress in the investigations "regarding all the perpetrators" and emphasized that, according to the press, Mr. Efraín Ríos Montt, "former Head of State and Commander in Chief of the Armed Forces at the time of the facts of the massacre" was linked to the process, though for different crimes to those referred to in the convictions. In addition to this, they mentioned that "there are arrest warrants pending execution" and that the State "did not refer to the disciplinary, administrative or criminal actions that it has taken against the authorities [...] who might have [...] prevented the investigation of the facts". Finally, they sustained that the part related to the human and material resources of the judicial system "keeps [...] being an obstacle [...] for the progress in the investigation regarding grave human rights violations".

10. The Inter-American Commission valued the progress made in the investigation into the facts and stated that it waits for updated information regarding the conduct of the proceeding. It also indicated that "[a]ccording to public information, by the end of June 2012, the Fourth Appeals Chamber of the Supreme Court of Justice would have admitted a provisional *amparo* filed by Mr. Ríos Montt, which would suspend the criminal proceeding against him". It considered necessary for the State "to present the decision admitting the *amparo* and to explain what is the judicial effect – as to the merits and the procedure- of prosecuting [Mr.] Ríos Montt as a figure different to [the one applied] to the *kaibiles* already convicted".

11. The Court values the actions implemented by the State to make progress in the investigation of the facts of the instant case, including the convictions obtained. Without detriment to the foregoing, the Tribunal deems that the State must continue adopting the pertinent measures to complete the investigation in order to investigate, prosecute and, if applicable, punish all the alleged responsible for the facts that gave rise to the violations declared in the Judgment. Hence, this Court continues considering that it is essential for the State to present updated, detailed and complete information regarding the implementation of the investigation, the actions taken and results obtained, to comply with the Judgment.

## **II. Duty to organize the public acts ordered (*fourteenth operative paragraph of the judgment*)**

12. In the report of May 4, 2012, the State pointed out that:

[...] on December 15, 2011<sup>5</sup>, at *Patio de la Paz* of Palacio Nacional de la Cultura, it organized the Act of International Acknowledgment, which was presided over by President

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<sup>5</sup> The State indicated, literally, that the act was carried out "on December 15, 2012". However, the Court understands that it is a material error and the correct reference is December 15, 2011.

Alvaro Colom Caballeros (2008-2012), for which it coordinated together with the representatives of the relatives, the transfer of those persons residing at different parts of the country to the city; moreover, the State provided them with meals and accommodation. Some State's authorities attended the event.

13. It also informed regarding the duty to show the video on the facts of the Massacre of Las Dos Erres community during the ceremony and also "to show it at a public act in the capital of Petén and in a department of the western area in which grave human rights violations occurred during the internal armed conflict"<sup>6</sup>. It indicated that "together with the representatives of the relatives, it arranged for the presentation of the video on December 7, 2011, on the anniversary of the facts" and that this act took place in Santa Elena, Petén, with the presence of local authorities. It further alleged that "regarding the second act, it agreed with the victims' representatives to carry it out in the Department of Alta Verapáz [and that] the schedule is still pending".

14. The representatives confirmed that the public acts took place in the city of Guatemala and in Santa Elena in December 2011, with the participation of "the victims and in coordination with their representatives of FAMDEGUA". They expressed that "[a]ccording to the victims themselves, [said] acts constituted an important measure of satisfaction". They stated that they are waiting to be notified in relation to "the public act that is still pending" and that they are not aware of the distribution of the copies of the video to universities and public libraries.

15. The Inter-American Commission noted that "the parties agree about the public act of acknowledgement organized"; in addition, it "observ[ed] that the planning of the second act to show the video is still pending" and it considered that the State must present "detailed information regarding the distribution of the documentary video in several universities".

16. The Court takes note of the two public acts organized, in the city of Guatemala and Santa Elena, and of the presentation of the documentary video at the act held in Santa Elena. In this respect, taking into account the arguments presented by the representatives and the Commission (*supra* fourteenth and fifteenth considering paragraphs), in view of the fact that the former expressed their agreement with the manner in which the public acts took place, this Court considers that the State has complied with what was ordered in the fourteenth operative paragraph of the judgment, as to the organization of the two public acts and the presentation of the respective documentary video on the facts of the Massacre of Las Dos Erres community in one of the acts.

17. Moreover, the Court notes that it is still pending the obligation to show the video before mentioned "in a department of the western area in which grave human rights violations occurred during the internal armed conflict"<sup>7</sup>. In turn, the State has not presented information on the compliance with its duty, according to paragraph 263 of the judgment, to distribute the video as widely as possible. These measures must have been implemented within the term of one year, as of notice of the

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<sup>6</sup> Cf. *Case of "Las Dos Erres" Massacre v. Guatemala. Preliminary Objection, Merits, Reparations and Costs*. Judgment of November 24, 2009. Series C N° 211, para. 263.

<sup>7</sup> Cf. *Case of "Las Dos Erres" Massacre v. Guatemala. Preliminary Objection, Merits, Reparations and Costs*, para. 263.

judgment. In view of the foregoing, the Court deems that the State must take, within a reasonable term, and in coordination with the victims and their representatives, all the necessary actions, as soon as possible, to implement the aforementioned measures pending compliance.

**III. Duty to pay the amounts established as compensation for non-pecuniary damage and reimbursement of costs and legal expenses (*eighteenth operative paragraph of the judgment*)**

18. In the report received by the Court on February 28, 2012, the State expressed that in the months of November and December 2011, it made the corresponding payments of the amounts for compensation of non-pecuniary damage to 15 persons who were declared victims in the judgment<sup>8</sup>. It explained that, in some cases, it made some of the payments directly to the victims or their agents and, in other cases, to their heirs. Afterwards, in its report of May 4, 2012, it indicated that it made the payments corresponding to the compensatory amounts ordered in favor of three more victims.<sup>9</sup>

19. Moreover, according to information forwarded on February 28 and May 4, 2012, the State indicated that it has been not possible to contact seven victims<sup>10</sup>; that, in relation to another victim, it is taking some actions<sup>11</sup>, and that in relation to the 13 victims who died, "their relatives must initiate the probate proceeding".<sup>12</sup>

20. Furthermore, in relation to the aforementioned 13 deceased victims, and in relation to those victims that the State indicated that it was not possible to contact, the representatives expressed that "it has been difficult to locate some of the heirs [...] and some of the beneficiaries" and, given that the representatives "have very limited resources to make long trips through the interior of the country in order to locate these persons [...] they request the State to collaborate with them in order to, through its agencies and registries, be able to gather the missing information". They further alleged that some relatives of the deceased victims are facing various

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<sup>8</sup> Said persons are: Juan de Dios Cabrera Ruano, Oscar Adeldo Antonio Jiménez, Rodrigo Mayen Ramírez, Dionicio Campos Rodríguez (in the judgment, his name was written as "Dionisio"), José Ramiro Gómez Hernández, Israel Portillo Pérez, Ladislao Jiménez Pernillo, Mirna Elizabeth Aldana Canan, Felipa de Jesús Medrano Pérez, Valeria García, Luz Castillo Flores (in the judgment, her name was written as "Luz Flores"), Leonarda Falla Sazo (in the judgment, her last name was written as "Saso Hernández"), María Luisa Corado, Inés Otilio Jiménez Pernillo and Abelina Flores.

<sup>9</sup> Said victims are: Toribia Ruano Castillo, María Dolores Romero Ramírez, and Andrés Rivas.

<sup>10</sup> Namely: Ever Ismael Antonio Coto, Héctor Coto, Santos Osorio Lique, Jorge Granados Cardona, María Vicenta Moral Solís, Luciana Cabrera Galeano and María Menegilda Marroquín Miranda (indicated in the State's report of February 28, 2012, as "María Meregilda Marroquin Miranda") .

<sup>11</sup> The victim is Edwin Saul Romero García (his name was indicated as such in the State's report of February 28, 2012; in the judgment, his name was indicated as "Edwin Saúl Romero Garcia"). The State mentioned that it is waiting for his attorneys to present "the power of attorney as required by the law"

<sup>12</sup> According to the information presented by the State, said victims are the following persons: Rafael Barrientos Mazariegos, Ángel Cermeño Pineda, Augusto Mayen Ramírez (his name was indicated as such in the State's Report; in the judgment, his name was indicated as "Augusto Mayen Ramirez"), Marcelino Deras Tejada, Olegario Rodríguez Tepec, Teodoro Jiménez Pernillo, Enriqueta González Gómez (her name was indicated as such in the State's Report; in the judgment, her name was indicated as "Enriqueta Gonzalez G. de Martínez"), Eugenia Jiménez Pineda, Felicita Lima Ayala, Sara Pérez López, Telma Guadalupe Aldana Canan, Tomasa Galicia González and Nicolasa Pérez Méndez.

difficulties to take the pertinent actions, for instance, they "could not obtain the certificates from the National Registry of Individuals [RENAP] since the books had been destroyed or are badly preserved"; some of them cannot remedy the loss of such certificates since they lack "the documents and transcripts required" so that the Attorney General's Office [PGN] may order the "untimely entry" and, "for several months now, they have been waiting for the [Attorney General's Office] to deliver its decision within the framework of several probate proceedings conducted".

21. The Inter-American Commission sustained that "in view of the difficulties faced in order to obtain official identity documents, the State must provide active support from its institutions".

22. Based on the foregoing, the representatives and the Inter-American Commission did not contest the information presented by the State regarding the new payments of the compensatory amounts made. However, in view of said information, this Court notes that the payments corresponding to the compensations ordered in favor of five victims, indicated by the State in its report of February 28, 2012, had been already mentioned in previous State's communications; for which they were considered by the Court upon issuance of its Order of July 6, 2011.<sup>13</sup>

23. This Court values the efforts made by the State to pay the compensatory amounts for non-pecuniary damage ordered in favor of 13 more victims<sup>14</sup> and considers said payments to be fulfilled. Moreover, the Court notes that of a total of 155 victims in respect of whom it ordered the payment of compensations, to date, the State has complied with the payment in favor of 134 of them.

24. Moreover, from the information provided by the parties and the Commission (*supra* eighteenth to twenty-first considering paragraphs), this Court notes that the State has still not paid the amounts corresponding to the compensations established in favor of 21 victims, namely: Luciana Cabrera Galeano, María Menegilda Marroquín Miranda<sup>15</sup>, María Vicenta Moral Solís, Enriqueta González G. de Martínez<sup>16</sup>, Eugenia Jiménez Pineda, Felicita Lima Ayala, Sara Pérez López, Telma Guadalupe Aldana Canan, Tomasa Galicia González, Nicolasa Pérez Méndez, Ever Ismael Antonio Coto, Héctor Coto, Santos Osorio Lique, Jorge Granados Cardona, Rafael Barrientos Mazariegos, Ángel Cermeño Pineda, Augusto Mayen Ramírez<sup>17</sup>, Marcelino Deras

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<sup>13</sup> The Court has verified that, according to the corresponding entries, presented by Guatemala as documentation attached to its communication of July 4, 2011, Mrs. Valeria Garcia received the respective payment on December 27, 2010, as well as Mr. Juan de Dios Cabrera Ruano, Rodrigo Mayen Ramirez and Oscar Adolfo Antonio Jimenez and that Mrs. Luz Castillo Flores, in turn, received it on April 7, 2011. Therefore, in the Order of the Court of July 6, 2011, it was concluded that the State has complied with the payment of the compensations in favor of said persons (*Cf. Case of "Las Dos Erres" Massacre v. Guatemala. Monitoring Compliance with Judgment*. Order of the Court of July 6, 2011, fiftieth considering paragraph and second declarative paragraph).

<sup>14</sup> Namely: Dionicio Campos Rodriguez (in the judgment, his name was indicated as "Dionisio"), José Ramiro Gomez Hernández, Israel Portillo Perez, Ladislao Jimenez Pernillo, Mira Elizabeth Aldana Canan, Felipa de Jesus Medrano Perez, Leonarda Falla Sazo (in the judgment, her last name was indicated as "Saso Hernandez"), María Luisa Corado, Inés Otilio Rodriguez Pernillo, Abelina Flores, Toribia Ruano Castillo, María Dolores Romero Ramirez and Andres Rivas.

<sup>15</sup> The State referred to her as "María Meregilda Marroquin Miranda", *supra* note 11.

<sup>16</sup> The State referred to her as "Enriqueta González Gomez", *supra* note 13.

<sup>17</sup> The State referred to him as "Agusto Mayen Ramirez", *supra* note 13.

Tejada, Olegario Rodríguez Tepec, Teodoro Jiménez Pernillo and Edwin Saúl Romero García<sup>18</sup>. In this respect, the Court deems it is appropriate to indicate that the State as well as the representatives must coordinate the necessary actions to locate the persons who have still not received the payment and, in the case of the deceased victims, they must render assistance in order for their relatives to take the actions or carry out the judicial proceedings that are pertinent to be able to receive the corresponding compensations.

25. Lastly, in relation to the payment of the reimbursement of costs and legal expenses in favor of the Center for Justice and International Law (hereinafter, "CEJIL"), the State informed that "it paid [CEJIL] as reimbursement of legal costs and expenses [the amount of US\$] 27,500.00 [(twenty-seven thousand five hundred) dollars of the United States of America]]". The representatives confirmed that "the State [...] effectively paid the amount ordered by the Inter-American Court to CEJIL". In consequence, the Court considers that the State has fully complied with the payment of the costs and legal expenses ordered in the judgment.

#### **IV. Other measures of reparation pending compliance**

26. The Court notes that the State has not presented fundamental and detailed information regarding the progress made in the observation of the other measures of reparation ordered that are pending compliance<sup>19</sup>.

27. In light of the foregoing, the Court considers it is necessary to reiterate the request made to the State in the Order of July 6, 2011. To this end, it requests the State to adopt, forthwith, all measures that are necessary to promptly and effectively comply with the measures of reparation ordered in the judgment on the preliminary objection, merits, reparations and costs of November 24, 2009, which are pending compliance. Moreover, it requests the State to submit updated, complete and detailed information on such actions.

**THEREFORE:**

**THE INTER-AMERICAN COURT OF HUMAN RIGHTS,**

by virtue of its authority to monitor compliance with its own decisions and pursuant to Articles 33, 62(1), 62(3), 65, 67 and 68(1) of the American Convention on Human

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<sup>18</sup> The State referred to this person as "Edvin Saul Romero García", *supra* note 12.

<sup>19</sup> In this respect, it has only made reference, in its report of May 4, 2012, to the adoption of measures to amend the Law on Amparo, Habeas Corpus and Constitutionality, and it emphasized that there are two legislative bills (registered under numbers "3319" and "2942") which had obtained favorable votes but have been under deliberation since November 29, 2007 and April 28, 2010, respectively. In this regard, the State has presented information on such bills prior to the Order of the Court of July 6, 2011 and the Judgment (Cf. *Case of "Las Dos Erres" Massacre v. Guatemala. Monitoring Compliance with Judgment*, *supra* note 14, considering paragraphs fifteen to eighteen). In its report of December 20, 2010, the State referred to bill "3942" and in its report of May 4, 2012, to bill "2942". However, from the information presented, it does not spring that the State had made reference to a different legislative proposal. In this regard, the representatives "not[ed] with concern that the State did not refer to new bills, actions or specific measures to make progress in the compliance with the measure of reparation in question [and that] it has neither referred to measures adopted to guarantee the effective use of the remedy of amparo until the corresponding amendment is effective". In turn, the Commission "observ[ed] with concern the lack of progress in relation to the order of the Court" .



Rights, and Articles 25(1) and 30 of its Statute and 31(2) and 69 of its Rules of Procedure,

**DECLARES THAT:**

1. In accordance with the terms of sixteenth, twenty-third and twenty-fifth considering paragraphs, respectively, of this Order, the State has complied with:

a) the duty to hold public acts, having organized a public act of acknowledgment of international responsibility in the city of Guatemala, as well as another one in Santa Elena, and to show, in the last act, the documentary video on the facts of the Massacre of Las Dos Erres (*fourteenth operative paragraph of the judgment*)

b) the duty to make the payments established as compensation for non-pecuniary damage in favor of 13 victims (*eighteenth operative paragraph of the judgment*)

c) the duty to make the payment as reimbursement of costs and legal expenses (*eighteenth operative paragraph of the judgment*)

2. In monitoring overall compliance with the Judgment delivered in the instant case and having analyzed the information provided by the parties and the Commission, the Court will maintain open the procedure for monitoring compliance with those aspects still pending compliance in the instant case, namely:

a) To investigate, without delay, in a serious and effective manner, the facts that gave rise to the violations declared in the judgment, in order to prosecute and, as appropriate, punish those responsible (*eighth operative paragraph of the judgment*);

b) To initiate the pertinent disciplinary, administrative or criminal actions under domestic law, against the State authorities who may have committed the facts and obstructed the investigation of them (*ninth operative paragraph of the judgment*);

c) To adopt the pertinent measures to amend the Law on Amparo, Habeas Corpus and Constitutionality in Guatemala (*tenth operative paragraph of the judgment*);

d) To proceed with the exhumation, identification and return to their next of kin of the remains of those who died during the Dos Erres massacre (*eleventh operative paragraph of the judgment*);

e) To implement the training courses on human rights for different State authorities (*twelfth operative paragraph of the judgment*);

f) To show the documentary video on the facts of the Massacre of Las Dos Erres Community in a department of the western area in which grave human rights violations occurred during the internal armed conflict and to take whatever action is necessary, according to the terms of paragraph 263 of the Judgment, "so that the video [is] distributed as widely as possible among the victims, the representatives, and the universities in the country, for its

promotion and subsequent showing" (*fourteenth operative paragraph of the judgment*).

g) To erect a monument (*fifteenth operative paragraph*);

h) To provide the psychological and medical treatment required by the 155 victims (*sixteenth operative paragraph*);

i) To create a webpage to search for children abducted and illegally retained (*seventeenth operative paragraph*); and

j) To make the payments established as compensation for non-pecuniary damage in favor of the 21 victims named in twenty-fourth considering paragraph (*eighteenth operative paragraph of the Judgment*)

**AND DECIDES:**

1. To require the State of Guatemala to continue adopting all measures necessary to effectively and promptly fulfill those aspects which are still pending compliance, in accordance with the terms established in Article 68(1) of the American Convention on Human Rights.

2. To require the State to submit to the Inter-American Court of Human Rights, on January 15, 2013, a complete and detailed report indicating all the measures adopted to comply with the reparations ordered by this Tribunal that are pending compliance and, if applicable, to explain the reasons why it was not able to comply, to that date, with the measures pending compliance.

3. To call upon the representatives of the victims and the Inter-American Commission on Human Rights to submit their observations they deem pertinent to the State report referred to in the preceding operative paragraph, within a term of four and six weeks, respectively, as from the date of receipt of the report.

4. To continue monitoring the aspects of the Judgment on the preliminary objection, merits, reparations and costs of November 24, 2009 that are still pending compliance.

5. To require the Secretariat of the Court to notify this Order to the Republic of Guatemala, the Inter-American Commission on Human Rights and the victims or their representatives.

Diego García-Sayán  
President

Manuel E. Ventura Robles

Leonardo A. Franco

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri  
Secretary

So ordered,

Diego García-Sayán  
President

Pablo Saavedra Alessandri  
Secretary