

INTER-AMERICAN COURT OF HUMAN RIGHTS
CASE OF THE RÍO NEGRO MASSACRES v. GUATEMALA
OFFICIAL SUMMARY ISSUED BY THE INTER-AMERICAN COURT
JUDGMENT OF SEPTEMBER 4, 2012
(Preliminary objection, merits, reparations and costs)

The instant case refers to the five massacres perpetrated against the members of Río Negro community by the Army of Guatemala and members of the Civilian Self-Defense Patrols in 1980 and 1982, as well as the persecution and elimination of its members, and the subsequent human rights violations against the survivors, including the failure to investigate.

On November 30, 2010 the Inter-American Commission on Human Rights (hereinafter “the Inter-American Commission” or “the Commission”) submitted to the jurisdiction of the Inter-American Court the case of the Río Negro Massacres regarding the Republic of Guatemala (hereinafter “the State” or “Guatemala”). This case originated in the petition file by *Asociación para el Desarrollo Integral de las Víctimas de la Violencia en las Verapaces* (hereinafter “ADIVIMA”) on July 19, 2005. The Inter-American Commission approved Admissibility Report No. 13/08 on March 5, 2008, and issued Merits Report No. 86/10 on July 14, 2010, with a series of recommendations to the State. The latter report was served to Guatemala on July 30, 2010, and it was granted two months to report on compliance with the recommendations. On October 4, 2010, the State requested a one-month extension to submit information on compliance with the recommendations made by the Commission. This extension was granted on October 30, 2010, and the Commission ordered the State to submit information by November 20, 2010 at the latest. However, the State did not submit the necessary information. Consequently, the Commission submitted the case to the Court “due to the State’s failure to comply with the recommendations and the resulting need to obtain justice in the case.”

The submission of the case by the Inter-American Commission was notified to the State and to ADIVIMA as representatives of the alleged victims (hereinafter “the representatives”) on March 29, 2011. On June 6, 2011 the representatives submitted the brief containing pleadings, motions and evidence. On November 22, 2011 the State presented its response to petition and observations on the brief containing pleadings, motions and evidence (hereinafter “the response to petition”). In said brief Guatemala challenged the jurisdiction of the Court to hear the violations occurred before the State recognized the Court’s obligatory jurisdiction. However, the State recognized its international responsibility in relation to some of the violations claimed by the Commission and the representatives, and accepted some of the reparations requested by them.

On September 4, 2012 the Inter-American Court issued the Judgment, in which it accepted the State’s partial acknowledgment of international responsibility and admitted the preliminary objection filed by Guatemala regarding the lack of temporal jurisdiction of the Inter-American Court to hear the human rights violations that occurred prior to its recognition of the obligatory jurisdiction of the Court.

I. Preliminary objection

The State argued that the Inter-American Court lacked temporal jurisdiction to rule on “all” of the human rights violations claimed in this case because said violations occurred from 1980 to

1982; in other words, before Guatemala had accepted the compulsory jurisdiction of the Court and because the violations do not persist to date and are not of a continuous nature.

Guatemala recognized the obligatory jurisdiction of the Court on March 9, 1987, and in its declaration it indicated that the Court would have jurisdiction for "cases that occurred after the date" of said recognition. Based on the foregoing and on the principle of non-retroactivity, the Inter-American Court decided that it had jurisdiction to hear facts or events that took place after the date of said recognition and which generated human rights violation of an immediate, continuous or permanent nature. On the other hand, the Court also decided that it had jurisdiction to hear human rights violations of a continuous or permanent nature even if the first act took place prior to the date of recognition of the Court's obligatory jurisdiction, if said violations continued to be perpetrated after the date of said recognition, in order for the principle of non-retroactivity not to be infringed. Considering the above, the Court decided that it had jurisdiction to hear the facts and alleged human rights violations regarding forced disappearances; lack of impartial and effective investigation of the facts; adverse effects on the personal integrity of the next of kin and survivors in relation to the investigation of the facts; the failure to identify those who were executed and disappeared; the "destruction of the community's social fabric," and forced displacement.

II. Partial acknowledgment of responsibility

The State partially acknowledged its international responsibility for some of the human rights violations claimed in the instant case by the Inter-American Commission and the representatives, namely:

- a) The violation of Articles 3 (Right to recognition as a legal person), 4 (Right to Life), 5 (Right to Personal Integrity) and 7 (Right to Personal Liberty) of the American Convention on Human Rights (hereinafter "the American Convention"), in relation to Article 1(1) thereof (Obligation to Respect Rights), as well as the failure to comply with the obligation established in Article I of the Convention on Forced Disappearance, to the detriment of Ramona Lajuj and Manuel Chen Sánchez. Regarding the latter, the State also recognized the violation of Article 19 (Rights of the Child) of the Convention, to his detriment
- b) The violation of Articles 5 (Right to Humane Treatment) and 11 (Right to have his honor respected and his dignity recognized) of the Convention, to the detriment of María Eustaquia Uscap Ivoy.
- c) The violation of Article 5 (Right to Humane Treatment) of the Convention, in relation to Article 1(1) thereof (Obligation to Respect Rights), to the detriment of the members of the Río Negro community who survived the massacres, as well as to the detriment of the next of kin of the members of the community.
- d) The violation of Articles 6 (Freedom from Slavery) and 17 (Rights of the Family) of the Convention, in relation to Article 1(1) thereof, to the detriment of the following 17 children: Agustín Chen Osorio, Celestina Uscap Ivoy, Cruz Pérez Osorio, Froilan Uscap Ivoy, Jesús Tecú Osorio, José Osorio Osorio, Juan Chen Chen, Juan Chen Osorio, Juan Pérez Osorio, Juan Uscap Ivoy, Juana Chen Osorio, María Eustaquia Uscap Ivoy, Pedro Sic Sánchez, Silveria Lajuj Tum, Tomasa Osorio Chen, Florinda Uscap Ivoy and Juan Burrero (Juan Osorio Alvarado).
- e) The violation of Article 19 (Rights of the Child) of the American Convention to the detriment of "those children who were under 18 years of age when the Court's obligatory jurisdiction was ratified";
- f) The violation of Articles 12 (Freedom of Conscience and Religion) and 16 (Freedom of Association) of the Convention, in relation to Article 1(1) thereof, to the detriment of the members of the Río Negro community.

g) The violation of Article 22 (Freedom of Movement and Residence) of the American Convention, in relation to Article 1(1) thereof, to the detriment of the members of Río Negro community who were relocated to Pacux settlement.

h) The violation of Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) of the Convention and to Articles 1, 6 and 8 of the Convention against Torture, and to Article 7(b) of the Convention of Belem do Pará, to the detriment of the survivors and next of kin of those who were tortured and extrajudicially executed during the different massacres.

i) The violation of Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) of the American Convention, in relation to Article 1(1) thereof and to Article I of the Convention on Forced Disappearance, to the detriment of Ramona Lajuj and Manuel Chen Sánchez.

The State expressly opposed that the Court hear the other human rights violations claimed by the Inter-American Commission and the representatives.

The State also accepted some of the “victims of the instant case,” presented a list of victims who allegedly had already received compensation through the National Reparations Program, and accepted some of the reparations requested by the representatives.

The Court accepted the State’s acknowledgment of responsibility for the human rights violations indicated above. Nevertheless, since the dispute remained with regard to the alleged violation of other human rights regarding the determination of the alleged victims and some of the representatives’ claims for reparation, and considering the gravity of the alleged facts and violations, the Court performed an extensive and detailed determination of the facts that took place relating to the human rights violations acknowledged by the State, and it issued a Judgment in this case.

III. *Prior considerations regarding the determination of the alleged victims*

Since there was a dispute regarding the whole group of victims in the instant case, based on Article 35(2) of the Rules of Procedure of the Court, as this is related to five massacres, considering the size of the case, the nature of the facts and the time elapsed, the Court deemed reasonable that it was complex to identify each of the alleged victims. Considering that the State had no opposition to including other persons as alleged victims if and when this agreed with the preliminary objection filed, and “there was no other error or confusion in their identification” considering the characteristics of the instant case, the Court deemed as alleged victims those identified by the representatives who had suffered human rights violations that fell within the temporal jurisdiction of the Court and the partial acknowledgement of responsibility by the State, based on that the Court had the necessary evidence to verify the identity of those persons.

IV. *Merits*

a. *Summary of the facts*

a.1. *General context*

Between 1962 and 1996 an internal armed conflict took place in Guatemala that resulted in enormous human, material, institutional and moral costs. The Historical Clarification Commission (hereinafter “CEH”) estimated that “more than 200,000 persons died or disappeared during the internal armed conflict,” and that the State’s armed forces together with paramilitary groups were responsible for 93% of the human rights violations committed, including 92% of the forced disappearances. The massacres of the instant case occurred within this context.

a.2. Massacre of March 4, 1980 in the chapel of Río Negro Community and extrajudicial killings of July 8, 1980

On March 4, 1980, two members of the Guatemalan Army and an agent of the Ambulatory Military Patrol Police (hereinafter "PMA") came to the village of Río Negro in search of several individuals they accused of having stolen provisions from the INDE workers who were building the Río Chixoy dam. The members of the Río Negro community assembled in front of the village chapel, after which an argument broke out and apparently the PMA agent was hit. The evidence in the case file is not clear as to whether it was said agent or his companions who then fired against the people gathered there, resulting in the deaths of six of them, while another person was wounded and taken to the hospital in Cobán, Alta Verapaz, where he subsequently died. The seven persons killed were leaders and representatives of the community.

Following this massacre, Valeriano Osorio Chen and Evaristo Osorio, two leaders of the Río Negro community committee that were negotiating the resettlement with INDE, were summoned to a meeting to be held on July 8, 1980, at the offices of the said State entity in "Chinatzul, [...] between Santa Cruz and San Cristóbal Verapaz." They were instructed to bring with them the books containing the agreements signed and the commitments made by INDE. The two community leaders left that day to go to the INDE meeting. However, they did not return, and their naked bodies were found several days later in Purulha, Baja Verapaz, with gunshot wounds.

a.3. Massacre of February 13, 1982 in Xococ village

At the beginning of February 1982, a group of armed men set fire to the market in the village of Xococ and killed five people. The Guatemalan Army attributed these facts to the guerrilla and the community of Río Negro; consequently, Xococ community declared itself an enemy of the latter and broke off trading ties. The Army armed, trained and organized the Xococ villagers into civil self-defense patrols that came into confrontation with the community of Río Negro.

On February 6 or 7, 1982, on behalf of the Guatemalan Army, the Xococ patrollers summoned several members of the community of Río Negro to come to their village. When those who had been summoned arrived in Xococ, they were subjected to abuse and accusations by the Xococ patrollers, who accused them of being guerrillas and of having set fire to the market. The patrollers retained the identity cards of these people from Río Negro and ordered them to return the following Saturday to recover the cards.

On February 13, 1982, several members of the Río Negro community returned to Xococ to collect their identity cards. There, the "members of the Xococ Civil Self-Defense Patrol [and] soldiers" were waiting for them, armed with "clubs, poles, ropes and machetes [...]." They surrounded the inhabitants of Río Negro, took money from them, and then allowed them to do their shopping in the market. At around noon the Xococ patrollers put the Río Negro villagers into lines and separated the men from the women and children. The men were taken away "into a hollow" and after hearing "an echoing sound" it was understood that they were killed.

Subsequently, the Xococ patrollers assembled the remaining Río Negro villagers in front of a church, tied up some of them up and/or attacked them "with clubs [and] machetes." They then shut them up in a building without water or food, and some of them remained there in these conditions for two days.

The group of members of the Río Negro community that went to Xococ consisted of approximately 70 persons, most of them adult men, but also children and women, some of them pregnant. However, only two people returned to Río Negro.

On the afternoon of Sunday, February 14, 1982, Teodora Chen escaped from her captors and walked all night toward Río Negro, arriving the following morning to report what had happened in Xococ. She suggested that the members of the community should hide; accordingly, several of them left their homes and went to live in the surrounding hills. That day, soldiers and the Xococ patrollers came to Río Negro asking in each house for the men, who they accused of

having joined the guerrillas. The “patrollers and soldiers told the women [that] if the men [did] not appear, within a month they would be killed.”

a.4. Massacre of March 13, 1982 in Cerro Pacoxom

A month later, around 6 a.m. on March 13, 1982, members of the Guatemalan Army and patrollers from Xococ village came to Río Negro village carrying weapons, spades, pickaxes, ropes, wire and machetes. They went from house to house asking for the men, but most of them were not there because they spent the nights in the hills for safety. Amid accusations that the absence of the men was an indication that they were guerrillas, they demanded that the women, including those who were pregnant, the elderly and the children leave their houses, supposedly to take part in a meeting. They then plundered the village.

The patrollers and soldiers then forced the villagers, mainly women, some of them tied by the neck or the hands, to walk uphill for approximately three kilometers without water or food to a place known as “Cerro Pacoxom.” On the way, the soldiers and patrollers insulted, pushed, struck and flogged them, even the pregnant women, with branches and clubs, killing some who were unable to continue. They also forced the women to dance, according to the patrollers and soldiers, as they would with the guerrillas. Some of the girls and women were separated from the group and raped; the case file indicates that at least one of them was pregnant. María Eustaquia Uscap Ivoy, a minor at the time of the incident, was one of the people taken to Cerro Pacoxom. On arriving there, a soldier took her brother, who she had been carrying on her back, from her. She was then taken to a hillock where she was raped by two soldiers and two patrollers. On returning, she found that her grandmother, who had been taken to Cerro Pacoxom with her, had been murdered. After this, she was taken to Xococ, where she was again raped by a patroller in the market there.

Upon reaching Cerro Pacoxom, the patrollers and soldiers dug a mass grave and then killed the Río Negro people present. They strangled or hung several using poles or rope, and they killed the others with machetes or shot them. They killed the babies and the children with machetes, grabbing them by the feet or the hair and throwing them against rocks or trees until they died; they also assembled them in small groups to shoot them all together. The bodies from the massacre were thrown into a nearby ravine or into a mass grave that the patrollers and soldiers had dug, which they subsequently covered with rocks and branches.

In addition, during the massacre, the patrollers and soldiers selected 17 children from the Río Negro community to take back to the village of Xococ: Agustín Chen Osorio, Celestina Uscap Ivoy, Cruz Pérez Osorio, Froilan Uscap Ivoy, Jesús Tecú Osorio, José Osorio Osorio, Juan Chen Chen, Juan Chen Osorio, Juan Pérez Osorio, Juan Uscap Ivoy, Juana Chen Osorio, María Eustaquia Uscap Ivoy, Pedro Sic Sánchez, Silveria Lajuj Tum, Tomasa Osorio Chen, Florinda Uscap Ivoy and Juan Osorio Alvarado. Some of the children offered themselves or were offered by their mothers to be taken by the patrollers to avoid being killed. After the massacres, the children were forced to walk, hungry and thirsty, to Xococ, where some were taken by the soldiers or the patrollers, while others were led to the village church to be turned over to members of the Xococ community. The Río Negro children were obliged to live with these individuals, some for two to four years, approximately, and were forced to work. The case file indicates that some of the children were threatened and mistreated, and they were prevented from contacting next of kin who had survived the massacres. Some children were given a new identity until they were recovered by their next of kin thanks to measures taken before the municipal authorities. Apart from these 17 children, few people survived the massacre. The case file indicates that at least 70 women and 107 children were murdered.

a.5. Massacre of May 14, 1982 in “Los Encuentros”

Some of the survivors of the massacre that took place on Cerro Pacoxom took refuge in a sacred place known as “Los Encuentros.” There, on May 14, 1982, at approximately 1 p.m., a group of soldiers and patrollers attacked the community, firing at them and throwing grenades. They raped several women, set fire to houses, and tied up and hung a number of people from trees, forcing them to stand on an iron sheet heated by a fire until they died. The patrollers and

soldiers thus killed at least 79 people. Also, on at least three occasions, an army helicopter came to the community and at least 15 people were forced to board it and were never heard from again. Several of the survivors fled to the mountains, where they took refuge from the persecution by the army and the patrollers.

a.6. Massacre of September 14, 1982 in "Agua Fría"

A group of survivors of the Pacoxom and Los Encuentros massacres fled to a village known as "Agua Fría," in the department of Quiché, Guatemala. On September 14, 1982, a group of soldiers and patrollers came to that area and assembled the people in a building. They fired at them from outside and later set fire to the building, killing at least 92 people. At least one person, Timotea Lajuj López, survived the massacre due to the intervention of her brother, who was serving in the Army.

a.7. Life in the mountains and the resettlement of the members of Río Negro Community in Pacux settlement

The individuals who were able to escape the different massacres perpetrated against the Río Negro community took refuge in the mountains, some of them for years, stripped of all of their belongings, sleeping exposed to the elements and moving continuously in order to flee the soldiers and patrollers who pursued them even after the massacres. Some of them were shot to death during those pursuits. Additionally, the members of the Río Negro community experienced severe difficulties finding food, and several children and adults died of hunger because the army and patrollers would destroy any fields they were able to cultivate. Some women gave birth in the mountains and were only able to register their children later, with false dates and places of birth in order to protect them.

When the amnesty law entered into force in 1983, some survivors of the massacres came down from the mountains and were resettled by the government in the Pacux settlement, located behind the Rabinal military garrison. However, the violence against members of the Río Negro community continued there.

At least 289 survivors of the Río Negro massacres identified by the representatives still reside in the semi-urban settlement of Pacux. However, despite the State's efforts, the living conditions in Pacux are precarious and the land is inadequate for subsistence agriculture. In addition, the resettlement entailed the loss of the "relationship that [the community had] with nature," "the celebration of traditional festivals related to agriculture and water," of the "contact with [its] most important sacred places and cemeteries, which were cultural reference points for their ancestors and for the history of their people," of their leaders and spiritual guides, as well as the materials for their handicrafts and music, and the Maya Achí language.

a.8. Investigation of the facts

From October 7, 1999 to May 28, 2008 the First Instance Court for Crime, Drug Trafficking and Environmental Offenses of Baja Verapaz issued two judgments, respectively, in which several responsible persons were convicted for the facts of the massacres of Pacoxom and Agua Fría. Similarly, on October 7, 1993 an exhumation was performed in Río Negro village (Pacoxom). They were able to identify the remains of three persons, namely, Marta Julia Chen Osorio, Demetrio Osorio Lajuj and Margarita Chen Uscap. On February 19, 20 and 21, 1996, in a clandestine cemetery, the exhumation was carried out of the remains of members of the Río Negro community who died during the Agua Fría massacre. It was not possible to identify the victims, but it was certified that in spite of the state of the skeletal remains it was possible to determine that the death of the victims was violent and that recently the cemetery had been partially sacked, and "the amount and quality of the evidence lost was unknown." From September 4 to 17, 2001 the exhumation of remains found in Xococ village was performed. They were able to identify the victims Tereso Osorio Chen and Crispín Tum Iboy.

b. Human Rights violations declared by the Inter-American Court

In application of Article 35(2) of the Rules of Procedure and since the State did not dispute it, taking into account the context and circumstances of the instant case, according to which the forced disappearance of persons was a practice carried out in Guatemala during the internal armed conflict, and the fact that to date, after having been forced to board a helicopter, there is no news of their whereabouts, the Court considered that Ramona Lajuj, Manuel Chen Sánchez, Aurelia Alvarado Ivoy, Cornelio Osorio Lajuj, Demetria Osorio Tahuico, Fermin Tum Chén, Francisco Chen Osorio, Francisco Sánchez Sic, Héctor López Osorio, Jerónimo Osorio Chen, Luciano Osorio Chen, Pablo Osorio Tahuico, Pedro Chén Rojas, Pedro López Osorio, Pedro Osorio Chén, Sebastiana Osorio Tahuico and Soterio Pérez Tum remain victims of forced disappearance to date. Consequently, the Court considered that the State violated the rights recognized in Articles 3, 4(1), 5(1), 5(2) and 7(1) of the American Convention, in relation to Article 1(1) thereof, all in relation to the obligations established in Article I(a) of the Convention on Forced Disappearance, to their detriment. In addition, the Court found that the State violated Article 19 of the American Convention, in relation to Article 1(1) thereof, to the detriment of Manuel Chen Osorio, a minor at the time of the facts.

On the other hand, the Inter-American Court declared the international responsibility of the State for the consequences of the rape suffered by María Eustaquia Uscap Ivoy by soldiers and patrollers. The Court established that the State violated to her detriment the rights recognized in Articles 5(1), 11(1) and 11(2) of the American Convention, in relation to Article 1(1) thereof.

The Court also established that 17 persons, 16 of which were children, were abducted from Río Negro community during the Pacoxom massacre, and that they were forced to work at the homes of patrollers of civilian self-defense groups, which had a serious impact on their mental integrity, and the consequences of this remain to date. Therefore, the Court declared that Guatemala is responsible for the violation of the rights recognized in Article 5(1) of the American Convention, in relation to Articles 6, 17 and 1(1) thereof, to the detriment of María Eustaquia Uscap Ivoy. It also declared that the State is responsible for the violation of Article 5(1) of the Convention, in relation to Articles 6, 17, 19 and 1(1) thereof to the detriment of Agustín Chen Osorio, Celestina Uscap Ivoy, Cruz Pérez Osorio, Froilan Uscap Ivoy, Jesús Tecú Osorio, José Osorio Osorio, Juan Chen Chen, Juan Chen Osorio, Juan Pérez Osorio, Juan Uscap Ivoy, Juana Chen Osorio, Pedro Sic Sánchez, Silveria Lajuj Tum, Tomasa Osorio Chen, Florinda Uscap Ivoy and Juan Osorio Alvarado.

In addition, the Court considered that currently the members of Río Negro community cannot perform their funeral rituals because the State has not located or identified most of the remains of the persons allegedly killed during the massacres, and 17 people remain forcibly disappeared. However, it also indicated that they cannot perform any other type of ritual either because their sacred places which they used to go have been flooded due to the construction of the Chixoy hydroelectric plant.

Furthermore, the Court indicated that the massacres that occurred during the internal armed conflict in Guatemala, added to the displacement of the members of the community of Río Negro and their resettlement in the Pacux settlement, in precarious conditions, led to the destruction of their social structure, the disintegration of the families, and the loss of their cultural and traditional practices, and the Maya Achi language. All of this has had an impact on the collective life of the members of the community of Río Negro who, to date, still live in Pacux. Therefore, the Court considered that Guatemala violated Article 5(1) of the American Convention in relation to Articles 12(1) and 1(1) thereof, to the detriment of the members of Río Negro Community who live in Pacux.

This Court also took into account that subsequent to the massacres perpetrated against the community of Río Negro in 1980 and 1982, the survivors took refuge in the nearby mountains, in dangerous conditions, in order to flee the systematic persecution of State agents aimed at their total elimination. Moreover, given this situation, after 1983, some of these survivors were resettled in the Pacux settlement, where they were subjected to threats, torture, forced labor and other human rights violations. In view of the violent acts they survived and the extreme

deprivation they suffered in those mountains, as well as context of violence that persisted in Guatemala during those years, the Court deemed that the members of Río Negro community were deprived from the possibility to return to their ancestral land during this period due to the well-founded fear of being subjected to violations of their rights to life and personal integrity, among others.

Furthermore, the Court established that the construction of the Chixoy dam and its reservoir physically and permanently prevented the return of Río Negro community to part of their ancestral lands. Therefore, the freedom of movement and residence of the members of the Río Negro community resettled in Pacux has been limited to date by a *de facto* restriction. Lastly, the Court confirmed that the living conditions in Pacux settlement have not allowed the inhabitants to take up again their traditional economic activities and that they have had to participate in economic activities that do not provide them with stable incomes. This has contributed to the disintegration of the social structure and cultural and spiritual life of the community and basic health, education, electricity and water needs have not been fully met. Although Guatemala has made efforts to resettle the survivors of the Río Negro community massacres, it has not created the conditions or provided the means that are essential for repairing or mitigating the effects of their displacement, which was caused by the State itself. Consequently, the Court finds that the State of Guatemala is responsible for the violation of Article 22(1) of the American Convention, in relation to Article 1(1) thereof, to the detriment of the survivors of the Río Negro massacres who live in Pacux settlement.

In addition, the Court found that the State did not assume as its inherent obligation the investigation of the facts of the massacres perpetrated against Río Negro Community, and it has not adequately led to the investigation, pursuit, capture, prosecution and eventual punishment of all those responsible, including perpetrators and masterminds, in a manner that fully and thoroughly examines the multiple violations committed against the members of Río Negro community within the particular context in which the facts of the instant case occurred. In addition, the investigation has not been designed to locate all the disappeared victims, or to find and to identify the remains that have been found in the various exhumations performed. In sum, the facts of this case remain in impunity. Based on the foregoing, the Court decided that Guatemala is responsible for the violation of the rights recognized in Articles 8(1) and 25(1) of the American Convention, in relation to Article 1(1) thereof, and also for non-compliance with the obligations established in Articles 1, 6, and 8 of the Convention Against Torture; Article 1(b) of the Inter-American Convention on the Forced Disappearance of Personae, and Article 7(b) of the Convention of Belém do Pará, to the detriment of the victims of this case, in their respective circumstances.

Finally, the Court deemed that the surviving victims of the Río Negro massacres experience deep suffering and pain due to the impunity in which the facts remain, which fell within a state policy of "scorched earth" intended to fully destroy the community. Therefore, the Court considered that the State violated Article 5(1) of the American Convention in relation to Article 1(1) of said instrument, to the detriment of the survivors of Río Negro massacres.

V. Reparations

The Court established that its Judgment constitutes per se a form of reparation. In addition, it ordered the State to: (i) investigate, promptly, seriously and effectively the facts that gave rise to the violations declared in this Judgment, in order to prosecute and, eventually, punish those responsible; (ii) conduct an effective search for the whereabouts of the victims who were forcibly disappeared; draw up a meticulous plan to search for the members of the Río Negro community who were forcibly disappeared, and to find, exhume and identify the persons presumably executed, and to determine the cause of death and possible prior injuries, and to create a genetic information bank; (iii) make the publications indicated in the Judgment; (iv) hold a public act of acknowledgement of international responsibility for the facts of this case; (v) build the infrastructure and provide basic services in favor of the members of the community of Río Negro who reside in the Pacux settlement, under the terms indicated; (vi) design and implement a project to rescue the Maya Achí culture; (vii) provide medical and psychological treatment to the victims in the instant case; (viii) pay the amounts established as compensation for pecuniary

and non-pecuniary damages, and as reimbursement of costs and expenses; and (ix) it must establish an appropriate mechanism to ensure that other members of the community of Río Negro may subsequently be considered victims of any of the human rights violations declared in this Judgment, and receive individual and collective reparations such as those ordered in this Judgment.

The Court will monitor full compliance with this Judgment, in exercise of its powers and in accordance with its obligations under the American Convention on Human Rights, and will conclude this case when the State has complied fully with its provisions.

The full text of the Judgment can be accessed through the following link:
http://corteidh.or.cr/docs/casos/articulos/seriec_250_ing.pdf