

CASE OF THE VILLAGE OF LOS JOSEFINOS MASSACRE V. GUATEMALA

JUDGMENT OF NOVEMBER 3, 2021

(Preliminary objection, merits, reparations and costs)

In the case of the *Village of Los Josefinos Massacre v. Guatemala*,

the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “the Court”), composed of the following judges:

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

also present,

Pablo Saavedra Alessandri, Secretary, and
Romina I. Sijniensky, Deputy Secretary

pursuant to Articles 62(3) and 63(1) of the American Convention on Human Rights (hereinafter “the American Convention” or “the Convention”) and Articles 31, 32, 62, 65 and 67 of the Rules of Procedure of the Court (hereinafter “the Rules of Procedure” or “the Court’s Rules of Procedure”), delivers this judgment, structured as follows:

I INTRODUCTION OF THE CASE AND PURPOSE OF THE DISPUTE	4
II PROCEEDINGS BEFORE THE COURT	5
III JURISDICTION.....	7
IV PRELIMINARY OBJECTION <i>RATIONE TEMPORIS</i>.....	7
V PRELIMINARY matter.....	8
VI EVIDENCE	10
A.Admissibility of the documentary evidence	10
B.Admissibility of the testimonial and expert evidence	11
VII FACTS.....	11
A.Context	11
B.Events that occurred on April 29 and 30, 1982	12
C. Domestic proceedings based on the events of April 29 and 30, 1982.....	15
VIII MERITS.....	19
VIII-1 RIGHTS TO RECOGNITION OF JURIDICAL PERSONALITY, LIFE, PERSONAL INTEGRITY AND PERSONAL LIBERTY, RIGHTS OF THE FAMILY, RIGHTS OF THE CHILD AND FREEDOM OF MOVEMENT AND RESIDENCE	19
a.1 The forced disappearances.....	19
a.2 Right to freedom of movement and residence.....	20
a.3. Rights of the family and rights of the child	20
B. Considerations of the Court	21
b.1 The forced disappearances	21
b.2 Right to freedom of movement and residence.....	24
b.3. Rights of the family	27
b.4. Rights of the child	28
VIII-2 RIGHTS TO JUDICIAL GUARANTEES AND JUDICIAL PROTECTION	30
A. Arguments of the parties and of the Commission	30
B.Considerations of the Court.....	32
b.1. Obligation to investigate the facts of this case.....	33
b.2. Obstacles arising during the proceedings resulting from the massacre.....	35
b.3. Reasonable time.....	36
b.4. Conclusion	37
VIII-3 PERSONAL INTEGRITY	37
A. Arguments of the parties and of the Commission	37
B.Considerations of the Court.....	38
IX REPARATIONS	39
A. Reparations granted in the context of the procedure before the Commission	40
B. Injured party.....	41
C. Investigation, determination, prosecution and punishment, as appropriate, of all those responsible for the facts that are the subject of this judgment.....	43
c.1 Full investigation and eventual prosecution and punishment of all the masterminds and perpetrators of the massacre	43
c.2 Identification and return of the remains of the victims killed during the massacre and investigation of the fate or whereabouts of the persons disappeared or their remains ..	44
D. Restitution	45

152. Regarding this measure, the *State* recalled that, during the hearing, Francisco Batres had affirmed that the State had helped him to return and had even given him and other members of the community a plot of land; therefore, the State had complied with allowing the “members of the community” to return to the village..... 45

- E. Rehabilitation 46
- F. Measures of satisfaction 46
- G. Other measures requested 48
- H. Compensation 49
- I. Costs and expenses 51
- J. Reimbursement of expenses to the Victims’ Legal Assistance Fund of the Inter-American Court 52
- K. Method of complying with the payments ordered 53

X OPERATIVE PARAGRAPHS 53

I
INTRODUCTION OF THE CASE AND PURPOSE OF THE DISPUTE

1. *The case submitted to the Court.* On July 10, 2019, 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 “Massacre of the village of Los Josefinos” against the Republic of Guatemala (hereinafter “the State of Guatemala,” “the Guatemalan State” or “the State”). According to the Commission, the case relates to the events that took place on April 29 and 30, 1982, in the village of Los Josefinos, located in the department of Petén, Guatemala, during the internal armed conflict. In particular, according to the Commission, the case refers to the actions carried out by the State or that it carry out after March 9, 1987, the date on which Guatemala accepted the Court’s contentious jurisdiction. According to the Commission, these State actions include: (i) the forced disappearance of three persons, who were last seen in the State’s custody; (ii) the forced displacement of the survivors of the massacre and their families; (iii) the violation of the rights of the family and of the child, and also (iv) the violation of the rights to integrity, judicial guarantees and judicial protection. Consequently, the Commission concluded that the State was responsible for the violation of Articles 3, 4(1), 5(1), 5(2), 7, 8(1), 11(2), 17, 19, 21, 22(1) and 25(1) of the American Convention, in relation to Article 1(1) of this instrument and Article I of the Inter-American Convention on Forced Disappearance of Persons (hereinafter “the ICFDP”).

2. *Procedure before the Commission.* The procedure before the Commission was as follows:

- a) *Petition.* On October 27, 2004, the *Asociación Familiares de Detenidos-Desaparecidos de Guatemala* (hereinafter “FAMDEGUA”) and the Center for Justice and International Law (hereinafter “CEJIL”) lodged the initial petition before the Commission.
- b) *Friendly settlement agreement.* On December 18, 2007, the petitioners signed a friendly settlement agreement with the State, to which an addendum was added on April 14, 2008. In this agreement, the State undertook to adopt a series of measures of reparation and guarantees of non-repetition. However, the Commission advised that, on October 24, 2012, owing to the State’s failure to comply fully with the agreement the petitioners asked the Commission to conclude the friendly settlement procedure and to continue processing the case.
- c) *Admissibility Report.* On March 24, 2015, the Commission adopted Admissibility Report No. 17/15, in which it concluded that the petition was admissible.¹
- d) *Merits Report.* On February 12, 2019, the Commission adopted Merits Report No. 16/19, under Article 50 of the Convention (hereinafter also “the Merits Report” or “Report No. 16/19”), in which it reached a series of conclusions and made several recommendations to the State.²
- e) *Notification to the State.* The Merits Report was notified to the State on April 10, 2019. The Guatemalan State indicated its “total opposition and disagreement” with the Merits Report and indicated that it constituted an act of “bad faith, because a [friendly settlement

¹ This was notified to the parties on May 6, 2015.

² The Commission concluded that the State of Guatemala was responsible for the violation of the rights to life and personal integrity, the rights of the child and to recognition of juridical personality, personal liberty, privacy, property, protection of the family, freedom of movement and residence, judicial guarantees and judicial protection. All the foregoing pursuant to Articles 3, 4(1), 5(1), 5(2), 7, 8(1), 11(2), 17, 19, 21, 22(1) and 25(1) of the American Convention in relation to Article 1(1) of this instrument. In addition, the State had failed to comply with the obligations contained in Article 1 of the ICFDP.

agreement] signed by the State and the petitioners existed under which some undertakings remained pending.”

- f) *Submission to the Court.* On July 10, 2019, the Commission submitted to the jurisdiction of the Inter-American Court the facts and human rights violations described in the Merits Report “that occurred or continued to occur after March 9, 1987,” “given the need to obtain justice and reparation.”³

3. *Requests of the Inter-American Commission.* Based on the above, the Commission asked the Court to declare the international responsibility of the State for the violations indicated in points 2, 4 and 6⁴ of the Merits Report. The Commission also asked the Court to order the State to adopt measures of reparation and these are described and analyzed in Chapter IX of this judgment. The Court notes with concern that, almost fifteen years elapsed between the lodging of the initial petition before the Commission and the submission of the case to the Court.⁵

II PROCEEDINGS BEFORE THE COURT

4. *Notification to the State and to the representatives.* The Court notified the Commission’s submission of the case to the representatives of the alleged victims⁶ (hereinafter “the representatives”) and to the State on December 19, 2019.

5. *Brief with pleadings, motions and evidence.* On February 24, 2020, the representatives submitted to the Court their brief with pleadings, motions and evidence (hereinafter “pleadings and motions brief”). The representatives agreed substantially with the Commission’s arguments and asked the Court to declare the international responsibility of the State for the violation of the same articles alleged by the Commission and, additionally, the violation of Articles 11(2), 13, 17 and 19 of the American Convention. Furthermore, through their representatives, the alleged victims requested access to the Victims’ Legal Assistance Fund of the Inter-American Court (hereinafter “the Court’s Legal Assistance Fund” or “the Fund”).

6. *Answering brief.* On September 7, 2020, the State of Guatemala⁷ submitted to the Court its brief with a preliminary objection and its answer to the Merits Report of the Inter-American Commission and the pleadings and motions brief of the representatives (hereinafter “the answering brief”). In this brief, the State asked the Court to decide that it did not have jurisdiction to examine the events that gave rise to the instant case and, consequently, to reject the claims made by the

³ The Commission appointed Commissioner and President Esmeralda Arosemena de Troitiño and then Executive Secretary Paulo Abrão as its delegates before the Court. It also appointed Silvia Serrano Guzmán, Executive Secretariat lawyer at the time, and Ania Salinas Cerda, Executive Secretariat lawyer, as legal advisers.

⁴ These points refer to: (i) the alleged forced disappearance of three persons who were last seen during the events of April 29 and 30, 1982, in the State’s custody; (ii) the alleged forced displacement of the 1,498 survivors of the massacre and their 111 family members, and (iii) the alleged violation of the rights to judicial guarantees and judicial protection of the next of kin of the victims of the massacre, the victims of forced disappearance and their next of kin, and all the surviving victims. According to the Commission, the acts and omissions allegedly correspond to violations of the rights established in Articles 3, 4(1), 5(1), 5(2), 7, 8(1), 22(1) and 25(1) of the American Convention, in relation to Article 1(1) of this instrument, and Article I of the ICFDP.

⁵ The Court notes that the procedure was suspended for a time because the parties were involved in a friendly settlement procedure (see *supra* para. 2.b).

⁶ The organizations that represent the alleged victims are the *Asociación Familiares de Detenidos-Desaparecidos de Guatemala* (“FAMDEGUA”) and the Center for Justice and International Law (“CEJIL”).

⁷ The State of Guatemala appointed Jorge Luis Donado Vivar, Ana Luisa Gatica Palacios and Lilian Elizabeth Nájera Reyes as its agents.

Commission and the representatives.

7. *Observations on the preliminary objection.* On October 9, 2020, the Inter-American Commission and the representatives each presented their observations on the preliminary objection filed by the State.

8. *Public hearing.* In an order of December 15, 2020,⁸ the President called the State, the representatives and the Inter-American Commission to a public hearing to receive their final oral arguments and observations on the preliminary objection and eventual merits, reparations and costs. In addition, in this order, the President required two alleged victims and one expert witness proposed by the representatives to provide their statements during the public hearing, and required six alleged victims, three expert witnesses, and one witness proposed by the representatives to provide their statements by affidavit. The latter were presented on February 10, 2021. Owing to the exceptional circumstances caused by the COVID-19 pandemic, the public hearing was held by videoconference, as established in the Court's Rules of Procedure, on February 17 and 18, 2021, during the 139th regular session.⁹

9. *Amicus Curiae.* On March 3, 2021, the Court received an *amicus curiae* brief submitted by the International Humanitarian Law Clinic at the Universidade Federal do Rio Grande do Sul.¹⁰

10. *Final written arguments and observations.* On March 18, 2021, the parties and the Commission forwarded their final written arguments and final written observations, respectively. The representatives and the State forwarded certain annexes together with the said final written arguments. On the instructions of the President of the Court, the parties and the Inter-American Commission were asked to forward any comments they deemed pertinent on this annexed documentation. On April 22, 2021, the representatives provided their comments and the Inter-American Commission indicated that it had no comments to make.

11. *Deliberation of the case.* The Court deliberated on this judgment in a virtual session on October 7 and 8 and November 3, 2021.¹¹

⁸ Cf. *Case of the Village of Los Josefinos Massacre v. Guatemala. Call to a hearing.* Order of the President of the Inter-American Court of Human Rights of December 15, 2020. Available at: https://www.corteidh.or.cr/docs/asuntos/masacre_de_la_aldea_los_josefinos_15_12_2020.pdf

⁹ There appeared at this hearing:

a) for the Inter-American Commission: Commissioner Esmeralda Arosemena de Troitiño, Deputy Executive Secretary Marisol Blanchard and legal adviser Jorge H. Meza Flores;

b) for the representatives of the alleged victims: Manuel Antonio Mendoza Farfán (FAMDEGUA), Carlos Humberto Martínez Roca (FAMDEGUA), Cecilio Tumux (alleged victim), Marcela Martino Aguilar (CEJIL), Gisela De León De Sedas (CEJIL) and Eduardo Guerrero Lomelí (CEJIL).

c) for the State of Guatemala: the Agent, Jorge Luis Donado Vivar; the Deputy Agent Lilian Elizabeth Nájera Reyes; the Deputy Agent, María Gabriela Hernández Siguantay; the Executive Director of the Presidential Commission on Peace and Human Rights (COPADEF), Hugo Rigoberto Casosola; the Ambassador and Vice Minister of Foreign Affairs, Carlos Ramiro Martínez, and the Ambassador of Guatemala to Costa Rica, Sandra Noriega Urizar.

¹⁰ The brief was signed by Fernanda Madalosso Guimarães, Gabriel Lee MacFadden Santos, Geysa Rodrigues Gonçalves, Isabelle Marcondes Leão de Souza, Julia Brito Ospina, Julio Veiga-Bezerra, Nathalia Igisk Lopes Portuguese and Francisco José Peralta and referred to: (i) jurisdiction and contentious competence of the Inter-American Court of Human Rights; (ii) classification of the armed conflict in Guatemala and application of international humanitarian law to this specific case; (iii) competence of the Court to have recourse to the norms of international humanitarian law; (iv) importance of using international humanitarian law in this case, and (v) training of the Guatemalan armed forces in international humanitarian law as a form of reparation.

¹¹ The judgment was deliberated during the 144th regular session and deliberated and adopted during the 145th regular session, both of which were held virtually using technological means as established in the Court's Rules of Procedure owing to the exceptional circumstances caused by the COVID-19 pandemic.

III JURISDICTION

12. The Inter-American Court has jurisdiction to hear this case pursuant to the provisions of Article 62(3) of the American Convention because Guatemala has been a State Party to this instrument since May 25, 1978, and accepted the contentious jurisdiction of the Court on March 9, 1987. In addition, it deposited the instrument ratifying the ICFDP on February 25, 2000.

IV PRELIMINARY OBJECTION *RATIONE TEMPORIS*

13. The **State** filed a preliminary objection in which it argued that the Court did not have jurisdiction *ratione temporis* to examine the events that occurred on April 28 and 29, 1982, because Guatemala only accepted the contentious jurisdiction of the Court on March 9, 1987. It added that the June 14, 2005, acknowledgement of responsibility for the events that took place on April 29 and 30, 1982, did not authorize the Court to examine the facts submitted to the Court, because “that acknowledgement and the jurisdiction of this organ are different matters,” and that the acknowledgement of international responsibility “does not mean that [the State] has provided access to the Court’s jurisdiction.” Also, regarding the arguments concerning the perpetration of forced disappearances, it recalled that Guatemala had ratified the ICFDP on July 27, 1999; therefore, the Court lacked jurisdiction to rule in that regard. Lastly, it indicated that the limitation of the Court’s jurisdiction extended to the effects that had arisen over time owing to the principle of *accessorium sequitur principale*, which postulates that the accessory cannot be separated from the principle.

14. The **representatives** argued that neither the Commission nor they were asking the Court to rule on the events of the massacre that took place in 1982, but rather on facts following Guatemala’s acceptance of the Court’s jurisdiction. Many of those facts were of a continuous or permanent nature and the Court had already indicated that it had competence to examine such facts, even if they had initiated before the State’s acceptance of its jurisdiction.

15. The **Commission** underscored that, in the instant case, it had submitted to the Court “the State’s acts and omissions that occurred or continued to occur after March 9, 1987.” It also indicated that the Court had already ruled in this regard in the case of the *Río Negro Massacres v. Guatemala*, in which it indicated that the Court also “has competence to examine human rights violations that are continuous or permanent even though the initial act violating them took place before the date on which the Court’s contentious jurisdiction was accepted, if the said violations persist after the date of acceptance, because they continue to be committed; thus, the principle of non-retroactivity is not violated.” Similarly, it clarified that facts prior to the said acceptance may be relevant for the Court’s analysis. Lastly, regarding the Inter-American Convention on Forced Disappearance of Persons, the Commission recalled that forced disappearance has been recognized as a permanent violation extending over time; therefore, the Court is able to rule on the continuation of the forced disappearance of the victims after Guatemala deposited the instrument ratifying that treaty.

16. The Court reiterates that it is unable to exercise its contentious jurisdiction to apply the American Convention and declare a violation of its provisions in relation to alleged State acts or conducts which could entail its international responsibility but that occurred before the acceptance of jurisdiction.¹² However, it is clear that the Court is able to examine acts or facts that have taken

¹² Cf. *Case of Gomes Lund et al. (“Guerrilha do Araguaia”) v. Brazil. Preliminary objections, merits, reparations and costs*. Judgment of November 24, 2010. Series C No. 219, para. 16, and *Case of Herzog et al. v. Brazil. Preliminary objections, merits, reparations and costs*. Judgment of March 15, 2018. Series C No. 353, para. 27.

place following the date of this acceptance. In addition, the Court also has competence to examine human rights violations of a continuous or permanent nature, even though the initial violation took place before the date on which the Court's contentious jurisdiction was accepted, if such violations persisted after this acceptance, because they continue to be committed.¹³

17. Consequently, the Court notes that Guatemala accepted the contentious jurisdiction of the Court on March 9, 1987. The Court also notes that, both the Commission and the representatives have indicated that they are not asking the Court to declare the international responsibility of the State for facts prior to March 9, 1987. In this regard, the Commission indicated that it had submitted to the Court "the State's acts and omissions that occurred or continued to occur after March 9, 1987," which included "the forced disappearance of three persons who were last seen during the events of April 29 and 30, 1982, in the custody of the State; the forced displacement of 1,498 survivors of the massacre and their 111 family members, and the violation of the rights to judicial guarantees and judicial protection of the next of kin of the victims of the massacre, of the victims of forced disappearance and their next of kin, and of all the surviving victims." Taking this into account, the Court concludes that it has jurisdiction to examine the facts and the presumed human rights violations submitted to the Court by the Commission and, in particular: (i) the alleged forced disappearances that began during the massacre; (ii) the alleged forced displacement; (iii) the alleged violation of the rights of the family and of the child; (iv) the alleged violation of judicial guarantees and judicial protection, and also (v) the alleged violation of personal integrity.

18. Accordingly, the Court reaffirms its consistent case law regarding its jurisdiction *ratione temporis* and, given the specific arguments cited by the State, rejects the preliminary objection.

V PRELIMINARY MATTER

19. The **Commission** noted the difficulties that existed to identify all the alleged victims, including both those who died and also their surviving and displaced family members, and stressed the following: (a) the magnitude of the violence used by the army during the massacre and subsequent displacement; (b) the destruction by fire of most of the homes in the village; (c) the fact that many people were burnt to death; (d) the fact that, of the 19 skeletons recovered from the mass grave, it was only possible to identify one precisely, and (e) the rural context of the village of Los Josefinos at the time of the events, with high rates of illiteracy and an absence of official records of births and deaths.

20. In addition, it pointed out that various acts and omissions by the State had created additional obstacles that made it impossible to identify all the alleged victims. Consequently, and taking into account the acknowledgement of international responsibility made by the State in the procedure before the Commission and that the evidence provided by the petitioners had not been contested, the Commission considered that this was sufficient to prove the existence and identity of the alleged victims. It also considered it necessary to add to the list of alleged victims two children who had not been included by the petitioners, based on the evidence that supported the payment of reparations by the State. Lastly, it deemed it pertinent to recommend the need for the State to ensure a mechanism for the full identification of the alleged victims in this case.

21. The **representatives** agreed with the Commission and indicated that the exception established in Article 35(2) of the Rules of Procedure was applicable to this case. They also asked that the Court

¹³ Cf. *Case of Blake v. Guatemala. Preliminary objections*. Judgment of July 22, 1996. Series C No. 27, paras. 39 and 40, and *Case of Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala. Preliminary objections, merits, reparations and costs*. Judgment of November 30, 2016. Series C No. 328, para. 20.

adopt “flexible criteria, adapted to the circumstances of this case, for the identification of victims and family members,” and recognize the people included on the list attached to their pleadings and motions brief as victims, “leaving open the possibility for anyone identified subsequently to also be considered a beneficiary of the reparations decided in the judgment, as it has on other occasions.”

22. For its part, in the hearing before the Court, the **State** challenged the list provided by the representatives with their pleadings and motions brief, arguing that it included an “exaggerated” number of people who “have not been documented or credibly determined,” and that there was no “clarity and legal certainty” in this regard. It also indicated that, in its Merits Report, the Commission “had not made a comprehensive effort with regard to identification” and that “[some] people were not identified precisely” on its list. On this point, Guatemala asserted that the consolidated record of victims requested by the representatives already existed and that this was the one established in the friendly settlement agreement signed before the Commission in 2007. Consequently, it contested the request to keep an open list and asked the Court to recognize as victims only those who had been determined in the friendly settlement agreement. In its final written arguments, the State reiterated that the Consolidated Annex of victims provided by the Commission contained a “disproportionate and unjustified” number of alleged victims, because it did not establish the methodology used to determine these persons and did not include important aspects such as the list with the identity documents, and the relationship between the next of kin and the alleged victims. It added that the Commission had simply based the information on the alleged victims on the information obtained by FAMDEGUA and had not made its own determination based on the facts of the case and the documentation presented. It indicated that the list provided by the Commission contained a series of inconsistencies; for example, the first and last names of some alleged victims did not coincide with their supposed family members and, in some cases, the relationship was not indicated; also, several family groups included people with the same first and last names, without either the representatives or the Commission establishing whether these were homonyms or different persons.

23. Article 35(1) of the Rules of Procedure establishes that the case shall be presented to the Court by submission of the Commission’s merits report, “which shall include the identification of the alleged victims.” According to this article, it corresponds to the Commission and not to this Court to identify the alleged victims in a case before the Court precisely and at the appropriate procedural moment. As a general rule, legal certainty requires that all the alleged victims be duly identified in the merits report, and it is not possible to add new alleged victims following this, subject to the exceptional circumstances provided for in Article 35(2) of the Court’s Rules of Procedure. According to this article “[w]hen it has not been possible to identify one or more of the alleged victims of the facts of the case because it concerns massive or collective violations, the Court shall decide whether to consider those individuals as victims.” In the instant case, the Court finds that the facts affected a substantial number of the members of the village of Los Josefinos and that the case relates to a collective violation of human rights. Therefore, in view of the particularities of the case, the exception established in Article 35(2) of the Court’s Rules of Procedure is applicable.

24. As on previous occasions,¹⁴ the Court considers that, in application of Article 35(2) of the Rules of Procedure, for someone to be considered a victim and receive reparation, they must be reasonably identified. In this regard, the Court recalls that it is not its intention “to bureaucratize the proceedings, but rather, to the contrary, to reconcile the definition determined in the judgment with

¹⁴ Cf. *Case of the Río Negro Massacres v. Guatemala. Preliminary objection, merits, reparations and costs*. Judgment of September 4, 2012. Series C No. 250, para. 49, and *Case of the Massacres of El Mozote and neighboring places v. El Salvador. Merits, reparations and costs*. Judgment of October 25, 2012. Series C No. 25, para. 54.

the requirements of justice.”¹⁵ Consequently, to be able to decide this case, the Court must have a minimum level of certainty about the existence of such persons.

25. In view of the foregoing and based on the particularities of this case, the Court will consider as victims those duly identified persons who have been named by the Commission on its lists annexed to the Merits Report and/or by the representatives on their lists attached to their pleading and motions brief, who have suffered any human rights violations derived from the massacre in the village of Los Josefinos regarding which the Court has jurisdiction *ratione temporis* (see *infra* Chapter IX).

VI EVIDENCE

A. *Admissibility of the documentary evidence*

26. This Court received diverse documents presented as evidence by the Commission, the representatives of the alleged victims, and the State and, as in other cases, it admits them in the understanding that they were presented at the proper procedural moment (Article 57 of the Rules of Procedure).¹⁶

27. The Court also received documents attached to the final written arguments presented by the State and by the representatives of the alleged victims.¹⁷ On April 22, 2021, the representatives of the alleged victims presented their observations on the documents presented by the State. They argued that the presentation of some of these documents was time-barred because they existed prior to the submission of the State’s answering brief, and added that some of them were unrelated to the facts and purpose of this case. Consequently, they asked the Court not to admit any of the documents. Meanwhile, the State did not comment on the documents presented by the alleged victims’ representatives.

28. The Court notes that the documents attached to the State’s final written arguments do indeed refer to facts that occurred prior to the procedural moment established in the Rules of Procedure for the presentation of evidence. Therefore, the said documents will not be admitted. Regarding the documents attached to the representatives’ final written arguments, the Court notes that the first annex refers to identity documents of individualized alleged victims. Finding this useful for deciding the case, the Court incorporates the said documents pursuant to Article 58 of the Rules of Procedure. Additionally, the Court notes that the other two annexes – that is, a copy of procedural records and

¹⁵ Cf. *Case of the Río Negro Massacres v. Guatemala, supra*, para. 49.

¹⁶ In general and based on Article 57(2) of the Rules of Procedure, documentary evidence must be presented with the brief submitting the case or with the pleadings and motions brief or the answering brief, as applicable, and evidence forwarded outside these procedural occasions is not admissible, subject to the exceptions established in the said Article 57(2) of the Rules of Procedure (namely, *force majeure*, grave impediment) or if it relates to a supervening event; that is, one that occurred after the said procedural moment. Cf. *Case of the Barrios Family v. Venezuela. Merits, reparations and costs*. Judgment of November 24, 2011. Series C No. 237, paras. 17 and 18, and *Case of Martínez Esquivia v. Colombia. Preliminary objections, merits and reparations*. Judgment of October 6, 2020. Series C No. 412, para. 43.

¹⁷ The State forwarded six annexes to its final written arguments: (1) Government Decision 99-2020 of the President of the Republic of Guatemala, dated July 30, 2020; (2) Public Prosecution Service, communication of January 29, 2021; (3) Public Prosecution Service, Communication of March 17, 2021; (4) Ministry of Public Health and Social Assistance, communication of March 10, 2021; (5) Fondo de Tierras resolution, and (6) Public Prosecution Service, Communication of February 24, 2021. The representatives of the alleged victims attached three annexes to their final written arguments: (1) Copy of identity documents of victims named in Annex 3 of the pleading and motions brief of February 24, 2020; (2) Copy of procedural records of the procedures to take statements as advance evidence before the Public Prosecution Service, and (3) List of expenses incurred by FAMDEGUA and CEJIL following the presentation of the pleading and motions brief and resulting from this litigation.

the list of expenses incurred by FAMDEGUA and CEJIL – are documents issued following the presentation of the pleadings and motions brief and, therefore, constitute evidence of supervening facts. Therefore, these documents are admissible pursuant to Article 57(2) of the Rules of Procedure.

29. Lastly, in a Secretariat note of September 22, 2021, the Court asked the State to provide as helpful evidence the “consolidated list of victims of the village of Los Josefinos massacre to which the State refers in paragraph 78 of its brief with final arguments presented on March 18, 2021, as well as any other updated record of victims that it has;” it also made the same request to the Commission and the representatives in case they had this information. On September 29, the State and the representatives presented the requested documentation. Pursuant to Article 58 of the Rules of Procedure, this documentation is admissible,

B. Admissibility of the testimonial and expert evidence

30. This Court finds it pertinent to admit the statements made by affidavit¹⁸ and during the public hearing,¹⁹ insofar as they are in keeping with the purpose defined by the President in the order requiring them and the purpose of this case.²⁰

31. The Court notes that the opinion provided by expert witness Jo-Marie Burt was not provided before a notary public. According to the representatives of the alleged victims, this was due to difficulties derived from the COVID-19 pandemic²¹ and the consequent restrictions to movement and limitations to access to notarial services. For these reasons, this expert opinion is admitted.

VII FACTS

32. In this chapter, the Court will establish the facts of the case based on the factual framework submitted to its consideration by the Inter-American Commission, in relation to: (i) the context in which the massacre in the village of Los Josefinos occurred; (ii) the facts relating to this massacre, and (iii) the domestic proceedings instituted as a result of the massacre. Facts prior to the date of Guatemala’s ratification of the contentious jurisdiction of the Court are described to provide background information.

A. Context

33. From 1962 to 1996, Guatemala experienced an internal armed conflict that had a significant human, material, institutional and moral cost.²² The Commission for Historical Clarification

¹⁸ Affidavits were received from Antonio Ajanel Ortíz, Maritza López Mejía, Sotero Chávez, Juana Leónidas García Castellanos de Regalado, Zoila Reyes Pineda, Elidea Hernández Rodríguez and Edgar Fernando Pérez Archila, and also from expert witnesses Jo-Marie Burt, Katherine Doyle and Marina de Villagrán.

¹⁹ The Court received the statements of Francisco Batres Álvarez, María Fidelia Quevedo Bolaños, and expert witness Paula Worby.

²⁰ The purposes of the statements were established in the order of the President of the Court of December 15, 2020.

²¹ When forwarding the statements and expert opinions, the alleged victims’ representatives advised that, owing to the situation caused by the COVID-19 pandemic in the United States of America, where expert witness Jo-Marie Burt lives, it was not possible for her to go before a notary public or to obtain the authentication of her document by other means. They therefore asked the Court to admit her expert opinion with just her signature “based on the flexible criteria for the production and forwarding of evidence that it had decided to adopt in other cases owing to the pandemic.”

²² In particular, in 1990, a peace process was initiated in Guatemala that culminated, in December 1996, with the signature of the Agreement on a Firm and Lasting Peace. Among the documents that were signed was the “Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements.” Cf. *Case of Coc Max et al. (Xamán Massacre) v. Guatemala. Merits, reparations and costs*. Judgment of August 22, 2018. Series C No. 356, para. 30.

(hereinafter “the CEH”) calculated that “there were more than two hundred thousand dead and disappeared as a result of the internal armed conflict.”²³ In addition, this Court has had occasion to rule in this regard in several cases submitted to it²⁴ and has noted that, in the context of this internal armed conflict, the State applied the “National Security Doctrine,” using the concept of “internal enemy” that, although it initially referred to guerrilla organizations, was expanded to include other groups and persons,²⁵ thereby, committing gross human rights violations against defenseless civilians, including women and children, some of a mass nature, such as the massacres.²⁶ In addition, indigenous villages and campesino communities were a particular target of mass executions. Furthermore, in Guatemala at the time of the facts, there was a pattern of the separation of children from their families following the massacres perpetrated by the armed forces, and the abduction and illegal retention of these children, in some cases, by the soldiers themselves.²⁷

34. Another consequence of the conflict was the displacement of people and communities, even outside national territory. The CEH indicated that the massacres and the devastation of villages that occurred between 1981 and 1983 led to the mass flight of Mayan communities and non-indigenous families. About 150,000 people sought safety in Mexico and about a third of them were placed in camps and were recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR).²⁸

B. Events that occurred on April 29 and 30, 1982

35. Starting in the mid-1970s, the guerrilla or the rebel armed forces were active in the municipality of La Libertad, department of Petén, where the village of Los Josefinos was located. These groups frequently entered the village, where they had violent confrontations with the army. In particular, owing to these confrontations, the army carried out a series of assassinations and the capture of individuals accused of collaborating with the guerrilla in the said village in the time immediately prior to the events.²⁹

36. During the morning of April 29, 1982, members of the guerrilla entered the village and summoned its inhabitants to the football pitch. There, they held a meeting and carried out an “act of retribution,” killing two men who, according to the guerrilla, had links to the Guatemalan Army.³⁰

²³ Cf. *Case of the Las Dos Erres Massacre v. Guatemala. Preliminary objection, merits, reparations and costs*. Judgment of November 24, 2009. Series C No. 211, para. 70.

²⁴ This Court has delivered judgment in five Guatemalan cases concerning nine massacres committed during the armed conflict, all of them perpetrated against such sectors of the population by members of the army, namely: *Plan de Sánchez Massacre*, *Las Dos Erres Massacre*, *Río Negro Massacres*, *Members of the village of Chichupac and neighboring communities of the municipality of Rabinal*, and *Coc Max et al. (Xamán Massacre)*.

²⁵ Cf. *Case of Gudiel Álvarez et al. v. Guatemala. Merits, reparations and costs*. Judgment of November 20, 2012. Series C No. 253, para. 54, and *Case of Coc Max et al. (Xamán Massacre) v. Guatemala. Merits, reparations and costs*. Judgment of August 22, 2018. Series C No. 356, para. 29.

²⁶ Cf. CEH, Guatemala: Memory of Silence, June 1999, Chapter II, para. 739 (evidence file, folio 21156-21678).

²⁷ Cf. *Case of the Río Negro Massacres v. Guatemala, supra*, para. 60, and *Case of the Las Dos Erres Massacre v. Guatemala. Preliminary objection, merits, reparations and costs*. Judgment of November 24, 2009. Series C No. 211, para. 177.

²⁸ Cf. *Case of Coc Max et al. (Xamán Massacre) v. Guatemala. Merits, reparations and costs*. Judgment of August 22, 2018. Series C No. 356, para. 31.

²⁹ Cf. Notarized statement of César Armando Palencia Muralles of July 9, 2003 (evidence file, folio 3); Testimony of Francisco Gámez Ávila, January 1996 (evidence file, folio 16), and Testimony of César Armando Catalán Muralles, January 1996 (evidence file, folio 1778).

³⁰ Cf. Notarized statement of César Armando Palencia Muralles of July 9, 2003 (evidence file, folio 3); Notarized statement of Antonio Ajanel Ortiz of July 9, 2003 (evidence file, folio 11), and Statement before the Public Prosecution Service by Otilio García Sermeño on January 25, 2007 (evidence file, folio 577).

Consequently, during the afternoon, there was a confrontation between the guerrilla and members of the army near the village.³¹ Subsequently, the army laid siege to the village so that its inhabitants could not leave.³² At midnight, the soldiers entered the village, killing those who were on patrol, except for one man who was able to escape.³³ Members of the army set fire to the homes and executed anyone who was inside.³⁴ Witnesses recounted that soldiers dressed in camouflage entered the homes to make sure that there were no survivors, shooting or beating to death whole families.³⁵ In addition, as indicated by María Fidelia Quevedo Bolaños during the public hearing held before this Court, some of the women and girls were raped before being executed.³⁶ This took place in a context in which, as indicated by expert witness Jo-Marie Burt, women “were systematically subjected to sexual violence and torture.”³⁷

37. The massacre in the village of Los Josefinos on April 29 and 30, 1982, has been documented in the CEH report³⁸ and the Report of the Interdiocesan Project “Recovery of Historical Memory” (hereinafter “REMHI”).³⁹ Moreover, the State partially acknowledged these events during the friendly settlement procedure before the Inter-American Commission, (see *infra* Chapter IX.a).⁴⁰

38. In all, apart from the two people murdered by the guerrilla and the five people on patrol murdered by the Army,⁴¹ at least 38 people died as a result of the massacre, including men, women

³¹ Cf. Notarial record No. 11-2003 of August 9, 2003 (evidence file, folio 18); Statement before the Public Prosecution Service by César Armando Palencia Murales on July 9, 2003 (evidence file, folio 618); Statement before the Public Prosecution Service by Raimundo López Gualip on January 25, 2007 (evidence file, folio 582); Statement before the Public Prosecution Service by Otilio García Sermeño on January 25, 2007 (evidence file, folio 577), and Statement before the Public Prosecution Service by Samuel Gregorio Bracamonte on November 30, 2007 (evidence file, folio 585).

³² Cf. Statement before the Public Prosecution Service by César Armando Palencia Murales on July 9, 2003 (evidence file, folio 618). See also, Friendly settlement agreement, Massacre of the village of “Los Josefinos,” Petition 1139/04 of December 18, 2007 (evidence file, folio 2439).

³³ Cf. Notarized statement of César Armando Palencia Murales of July 9, 2003 (evidence file, folios 4 and 5); Testimony of Roberto Estrada Marroquín, undated (evidence file, folio 1716); Testimony of César Armando Catalán Murales, January 1996 (evidence file, folio 1778); Statement before the Public Prosecution Service by Raimundo López Gualip on January 25, 2007 (evidence file, folio 583); Statement before the Public Prosecution Service by Otilio García Sermeño on January 25, 2007 (evidence file, folio 578), and Statement before the Public Prosecution Service by Samuel Gregorio Bracamonte on November 30, 2007 (evidence file, folio 585). See also, Friendly settlement agreement, Massacre of the village of “Los Josefinos,” Petition 1139/04 of December 18, 2007 (evidence file, folio 2439).

³⁴ Cf. Notarized statement of César Armando Palencia Murales of July 9, 2003 (evidence file, folios 6 and 7), and Notarized statement of Antonio Ajanel Ortiz of July 9, 2003 (evidence file, folio 11). See also, Friendly settlement agreement, Massacre of the village of “Los Josefinos,” Petition 1139/04 of December 18, 2007 (evidence file, folio 2439).

³⁵ Cf. Notarized statement of César Armando Palencia Murales of July 9, 2003 (evidence file, folios 5 and 6); Notarized statement of Antonio Ajanel Ortiz of July 9, 2003 (evidence file, folio 12); Statement before the Public Prosecution Service by César Armando Palencia Murales on July 9, 2003 (evidence file, folio 618), and Testimony of César Armando Catalán Murales, January 1996 (evidence file, folio 1775). See also, Friendly settlement agreement, Massacre of the village of “Los Josefinos,” Petition 1139/04 of December 18, 2007 (evidence file, folio 2439).

³⁶ Ms. Quevedo indicated that a woman and her daughter, aged 11, were raped. Also, during the public hearing, she recounted that she saw how the woman was positioned dead, “she was kneeling with her face in the dirt, because her throat had not been cut, she had been shot on the lefthand side and all her clothes were pushed up and her private parts were stained.” Cf. Statement of María Fidelia Quevedo Bolaños during the public hearing held in this case on February 17 and 18, 2021, during the 139th regular session.

³⁷ Cf. Expert opinion of Jo-Marie Burt dated February 9, 2021, p. 7 (evidence file, folio 23996).

³⁸ Cf. CEH, Guatemala: Memory of Silence, June 1999 (evidence file, folios 22097 and ff.).

³⁹ Cf. Report of the Interdiocesan Project “Recovery of Historical Memory (REMHI),” available, in Spanish, at: <http://www.derechoshumanos.net/lesahumanidad/informes/guatemala/informeREMHI.htm>. [Abridged English translation also available.]

⁴⁰ Cf. Friendly settlement agreement, Massacre of the village of “Los Josefinos,” Petition 1139/04 of December 18, 2007 (evidence file, folio 2439).

⁴¹ Namely, Santiago Colón Carau, Faustino López, Rigoberto Hernández de la Cruz, Pedro Tumux Tiño and another watchman known as “Beto.”

and children. According to the Commission, to date, it has been possible to identify 19 men,⁴² 4 women⁴³ and 16 children.⁴⁴ However, the number is higher, because, at the present time, the identity and total number of people who lost their life as a result of these events is uncertain.

39. Furthermore, at least two people, José Álvaro López Mejía⁴⁵ and Fabio González⁴⁶ were taken directly from their homes by members of the army during the massacre, and a third person, Florenci Quej Bin, was captured when he returned to his home in Los Josefinos on the day of the massacre.⁴⁷ According to the Commission and the representatives, at this time there is still no information on their whereabouts, or that of several children and other adults, even though the State has compensated some of the families for their “death” during the massacre.

40. On the morning of April 30, 1982, members of the army went to the village, gathered up 19 of those who had been murdered, put them in a cart and buried them in a mass grave located in the village cemetery,⁴⁸ without previously identifying them.⁴⁹

41. Following the events, some people fled from the village, taking refuge in other places,⁵⁰ and even outside the country, in Mexico⁵¹ or Belize,⁵² because the army had labelled them members of

⁴² Emilio Alfaro Alvizures, Jorge Antonio, Baldizón, Ricardo Batres Flores, Damián Crisóstomo Pérez, José Galdámez Alemán, Cristóbal Rey González, Sarvelio Linares Navarrijo, César Humberto Nacho Marroquín, Francisco Catalán, Abel Regalado, Guerra, Pablo Eugenio Méndez Batz, Faustino Osorio, Alfonso Hernández de la Cruz, José Dolores López, Henry Armando Alfaro González, Luis Emilio Alfaro González, Angel Valiente and Patrocinio Garney.

⁴³ Elvira Ramos Moran, Isabel Hernández Pineda, Teodora Hernández, Medina and María Inés Muralles Pineda.

⁴⁴ Víctor David Berdúo Mauricio, Norma Morales Alonzo, Carlos Antonio Ajanel Ramos, Roni (Rony) Amilcar Catalán Muralles, Emilia Ajanel Ramos, Edgar Alfaro González, Juana Ajanel Ramos, Edie Alfaro González, Josefina Ajanel Ramos, Oiga Marina Catalán Murall, Dominga Patrocina Puluc Saban, Esvin Rolando Palencia Muralles and Eleuterio Puluc Saban. Additionally, the Commission considered it proved that the infants, Rigoberto Hernández Arévalo, 15 months of age, and Leiliy (Lelly) Eleany Batres Cordero, 4 months old, died during the flight, due to lack of food. *Cf.* Merits Report No. 16/19, Case 12,991, of February 12, 2019, para. 31 (merits file, folio 30).

⁴⁵ María del Carmen Pérez, Mr. López Mejía’s mother, indicated that soldiers “took him and, since then, we don’t know anything.” *Cf.* Notarized testimonial statement María del Carmen Pérez of June 30, 2007 (evidence file, folio 2632). Also, Mr. López Mejía’s sister indicated that, when their father when to look for him, a soldier warned him to “stop looking for him,” otherwise, he would also be disappeared. *Cf.* Notarized testimonial statement Alba Maritza López Mejía of January 23, 2021 (evidence file, folio 23899).

⁴⁶ His daughter, Gloria Otilia González Medina, indicated that Mr. González was taken from his home at the time of the massacre, stating that the soldiers “broke down the door and took him; they beat his back; there were several soldiers and we screamed and [the soldiers] threatened that they would burn down everything if we continued screaming. They didn’t give any explanations.” *Cf.* Notarized statement of Gloria Otilia González Medina of June 30, 2007 (evidence file, folio 3743).

⁴⁷ *Cf.* Statement of Francisco Quej Xitumul, undated (evidence file, folio 2632).

⁴⁸ *Cf.* COPREDEH, Report of the Guatemalan Government in relation to IACHR Case p-1139-04 Massacre in the village of Los Josefinos, of March 15, 2005 (evidence file, folio 1787). See also, Notarized statement of César Armando Palencia Muralles of July 9, 2003 (evidence file, folio 7); Testimony of Francisco Gámez Ávila, January 1996 (evidence file, folio 16).

⁴⁹ *Cf.* Statements of Francisco Batres Álvarez before the Public Prosecution Service on October 5, 2006 (evidence file, folio 337), of Samuel Gregorio Bracamonte Pineda before the Public Prosecution Service on October 12, 2006 (evidence file, folio 346), of Ernesto Rodolfo Barrios García before the Public Prosecution Service on November 13, 2013 (evidence file, folio 378), and of Francisco Gámez Ávila, January 1996 (evidence file, folio 401).

⁵⁰ *Cf.* Testimony of Francisco Gámez Ávila, January 1996 (evidence file, folio 16); Testimony of Roberto Estrada Marroquín, undated (evidence file, folio 1716), and Testimony of César Armando Catalán Muralles, January 1996 (evidence file, folio 1778).

⁵¹ *Cf.* Notarized statement of Antonio Ajanel Ortiz of July 9, 2003 (evidence file, folio 12), and Notarized statement of Antonio Ajanel Ortiz of January 22, 2021 (evidence file, folio 23893).

⁵² *Cf.* Notarized statement of Sotero Chávez of January 22, 2021 (evidence file, folio 23906).

the guerrilla.⁵³ Some of the survivors returned to the village 11 months after the events, accompanied by the army, which abandoned the village when another 10 families arrived.⁵⁴

C. Domestic proceedings based on the events of April 29 and 30, 1982

42. On January 16, 1996, the Asociación de Familiares Detenidos-Desaparecidos de Guatemala (FAMDEGUA) appeared before the Trial Court of the department of Petén and denounced the events, indicating where the corpses of some of the victims were buried.⁵⁵ It requested, as evidence submitted in advance, the excavation of the mass grave and the exhumation of the buried corpses; to this end, it proposed the participation of the Guatemalan Forensic Anthropology Foundation (hereinafter "the Foundation" or "the FAFG").⁵⁶ The FAFG performed this procedure on March 15 and 24, 1996, and recovered 19 skeletal remains.⁵⁷

43. On March 27, 1996, the trial judge of the department of Petén determined that, from the procedures conducted it was clear that a crime had been committed, and decided to forward the case file to the Public Prosecution Service.⁵⁸ On April 18, 1996, the prosecutor ordered the opening of the corresponding criminal prosecution, deciding that the necessary procedures should be conducted to clarify the facts.⁵⁹

44. On July 24 that year, the FAFG submitted its forensic report of March 25, 1996, to the Prosecution Service indicating that it had not been possible to identify the 19 skeletal remains that had been recovered: 4 corresponding to females, 4 to males and 11 of indeterminate sex owing to the state of erosion of the osseous remains.⁶⁰ In addition, 5 of the remains corresponded to children aged from one month to 11 years; one set of remains corresponded to an adolescent of 12 to 18 years of age, while 12 sets of remains corresponded to adults.⁶¹ The FAFG also reported that it had recovered 27 bullet fragments⁶² and determined that the manner of death of these persons was "violent, legally defined as homicide in all cases."⁶³ On July 28 and 29, 1996, the exhumed remains were exhibited publicly to allow family members to identify them and so that a wake could be held.⁶⁴ Subsequently, the remains were sent to Guatemala City for the corresponding laboratory analyses.⁶⁵

⁵³ Cf. Testimony of Eleodora Grijalva Solís de López, January 1996 (evidence file, folio 1783); Notarized statement of Antonio Ajanel Ortiz of January 22, 2021 (evidence file, folio 23893); Notarized statement of Sotero Chávez of January 22, 2021 (evidence file, folio 23906), and Notarized statement of Edgar Fernando Pérez Archila of February 10, 2021 (evidence file, folio 23926).

⁵⁴ Cf. Testimony of Francisco Gámez Ávila, January 1996 (evidence file, folio 16).

⁵⁵ Cf. COPREDEH, Report of the Guatemalan Government in relation to IACHR Case p-1139-04 Massacre in the village of Los Josefinos, of March 15, 2005 (evidence file, folio 1787).

⁵⁶ Cf. Investigation file, criminal case No. C-805-1996 (evidence file, folio 33).

⁵⁷ Cf. Investigation file, criminal case No. C-805-1996 (evidence file, folios 50 to 56), and Communication of forensic anthropologist F.R. of March 25, 1996 (evidence file, folio 60).

⁵⁸ Cf. Departmental trial judge, Decision of March 27, 1996 (evidence file, folio 58).

⁵⁹ Cf. District Prosecutor of the Public Prosecution Service, Decision of April 18, 1996 (evidence file, folio 78).

⁶⁰ Cf. Guatemalan Forensic Anthropology Foundation, Report dated March 25, 1996 (evidence file, folio 1322).

⁶¹ Cf. Guatemalan Forensic Anthropology Foundation, Report dated March 25, 1996 (evidence file, folio 1322).

⁶² Cf. Guatemalan Forensic Anthropology Foundation, Report dated March 25, 1996 (evidence file, folios 67 to 73 and folio 1322).

⁶³ Cf. Guatemalan Forensic Anthropology Foundation, report dated March 25, 1996 (evidence file, folio 1322).

⁶⁴ Cf. Guatemalan Forensic Anthropology Foundation, report dated July 19, 1996 (evidence file, folio 88). See also, Notarized statement of César Armando Palencia Muralles of July 9, 2003 (evidence file, folio 8).

⁶⁵ Cf. Criminal Trial Court of the department of Petén, ruling of March 27, 1996 (evidence file, folio 61).

45. In a communication of September 19, 1996, the district prosecutor of Petén asked the Prosecutor General to transfer the case to the Prosecution Service for Special Cases "owing to the social impact" of the matter.⁶⁶ The procedures conducted allowed the identity of the person in charge of Military Zone No. 23 at the time of the events to be determined.⁶⁷ On being summoned to make a statement, the Commander denied all knowledge of the massacre and, on being asked who was in charge of directing military operations, he indicated that he did not recall the name of the officers posted to the military zone of Poptún, El Petén, because "this was about fifteen years ago"; that "the Commander of the military detachment was given autonomy to take his decisions based on the detachment's safety requirements," and that general orders were given by the Command of the military zone, while specific orders were determined by the commander of the detachment.⁶⁸ On March 12, 1997, an on-site inspection of the cemetery of the village was performed by the justice of the peace of Sayaxché, Petén.⁶⁹

46. On March 15, 2005, when more than eight years had passed without any significant investigation procedures having been conducted, the Presidential Commission on Human Rights attached to the Presidency of the Republic of Guatemala (hereinafter "COPREDEH") certified that, in effect, no significant steps had been taken in the case and underlined that, since no specific person had been accused in the case, the Public Prosecution Service was not "subject to any time limit to conduct the investigation."⁷⁰ Nevertheless, COPREDEH requested the reactivation of the Public Prosecution Service's investigations.⁷¹ During October 2006, and January and November 2007, the Public Prosecution Service again conducted investigation procedures such as requesting additional information concerning one of the military officers under investigation,⁷² and asking the Ministry of Defense to provide additional information on the military units operating in the department of Petén at the time of the events.⁷³ It also collected a series of statements from survivors and witnesses of the massacre and performed another inspection of the Los Josefinos cemetery.⁷⁴

47. On November 21, 2006, the case file was forwarded to the Unit for Special Cases and Human Rights Violations of the Human Rights Section of the Public Prosecution Service.⁷⁵ On January 23,

⁶⁶ Cf. Petén district prosecutor of the Public Prosecution Service, request of September 19, 1996 (evidence file, folio 97).

⁶⁷ Cf. Commander of Military Zone No. 23, communication of October 29, 1996 (evidence file, folio 99).

⁶⁸ Cf. Statement of Colonel E.C.P. before the Metropolitan District Prosecutor on February 25, 1997 (evidence file, folios 146 and 147)

⁶⁹ Cf. Trial Court of the department of San Benito, ruling of February 27, 1990 (evidence file, folios 119 and 120), and Record of on-site inspection prepared by the justice of the peace of Sayaxché, of March 12, 1997 (evidence file, folios 78 and 79).

⁷⁰ Cf. COPREDEH, Report of the Guatemalan Government in relation to IACHR Case p-1139-04 Massacre in the village of Los Josefinos, of March 15, 2005 (evidence file, folio 1788).

⁷¹ Cf. COPREDEH, Report of the Guatemalan Government in relation to IACHR Case p-1139-04 Massacre in the village of Los Josefinos, of March 15, 2005 (evidence file, folio 1787).

⁷² Cf. Petén district prosecutor, request of October 9, 2006 (evidence file, folio 163).

⁷³ Cf. Prosecutor, Human Rights Section, Unit for Special Cases and Human Rights Violations, request of January 23, 2007 (evidence file, folios 175 to 179).

⁷⁴ Cf. See, for example, Statement before the Public Prosecution Service by Francisco Batres Álvarez on October 5, 2006 (evidence file, folio 521); Statement before the Public Prosecution Service by Antonio Ajanel Ortiz on October 10, 2006 (evidence file, folio 534); Statement before the Public Prosecution Service by Samuel Gregorio Bracamonte Pineda on October 12, 2006 (evidence file, folio 537); Statement before the Public Prosecution Service by José Domingo Díaz López on October 12, 2006 (evidence file, folio 541); Statement before the Public Prosecution Service by Juana Leónidas García Castellanos de Regalado on October 12, 2006 (evidence file, folio 543), and Statement before the Public Prosecution Service by Hilario Larios Pérez on October 12, 2006 (evidence file, folio 545). See also, Record of on-site inspection of January 27, 2007 (evidence file, folios 552 to 554).

⁷⁵ Cf. Communication of the Technical Coordination Secretary of the Public Prosecution Service to the El Petén district prosecutor of November 21, 2006 (evidence file, folio 31).

2007, this unit requested the court's authorization to require further information from the Ministry of Defense concerning the zone, military detachments, troops, commands, officers, and chains of command during the months of March to May 1981.⁷⁶ In this request, the unit placed on record that the "Ministry of Defense [...] has always refused to provide the information that the Public Prosecution Service has asked it to provide in order to clarify the events that it is investigating."⁷⁷ The Ministry of Defense filed several remedies against the judicial decision ordering it to hand over certain information, arguing that this was confidential and referred to military matters that were classified as "secret."⁷⁸ All the remedies were denied and, as a result, on October 2, 2007, the Ministry of Defense issued an official communication in which it indicated that there were no records of the military detachments assigned to the zone at the time of the events, attaching a certification on the location of the Petén detachments in 1982, and the record of the officers occupying the posts of Commander, Second and Third Commander and Officer.⁷⁹ The trial judge then decided to hold a hearing, which took place on December 20, 2007, for the Ministry of Defense to produce the required information classified as secret in order to determine whether it was useful for the investigation.⁸⁰ Neither the Public Prosecution Service nor the Public Defense Service took part in this hearing.⁸¹ In a ruling of January 23, 2008, the San Benito Criminal Court decided not to incorporate the record of the hearing into the proceedings because it did not contain elements that were relevant for the investigation.⁸²

48. In June 2009, the remains of the 19 individuals originally buried in the mass grave were exhumed for a second time to extract DNA samples and compare these to the genetic material of the victims' family members.⁸³ The results of the analyses presented on December 6, 2010, only permitted the identification of one of the victims, Cristóbal Rey González González, with a high degree of certainty.⁸⁴

49. In a ruling of December 2010, the Supreme Court of Justice authorized the transfer of the proceedings and ordered that the case be forwarded from the Petén court to the First Trial Court for criminal matters, drug-trafficking and crimes against the environment of the municipality of Guatemala (hereinafter "the Criminal Trial Court").⁸⁵ Subsequently, in December 2010 and January 2011, the prosecution conducted various investigation procedures to collect the identity cards and birth and death certificates of those who had died on April 29 and 30, in the village of Los Josefinos.⁸⁶

⁷⁶ Cf. Prosecutor, Human Rights Section, Unit for Special Cases and Human Rights Violations, request of January 23, 2007 (evidence file, folios 175 to 179).

⁷⁷ Cf. Prosecutor, Human Rights Section, Unit for Special Cases and Human Rights Violations, request of January 23, 2007 (evidence file, folios 175 to 179).

⁷⁸ See, among others, appeal for reconsideration of the January 26, 2007, ruling of April 17, 2007 (evidence file, folios 225 and ff.); Appeal contesting the ruling of January 26, 2007 (evidence file, folios 235 and ff.); Appeal for reconsideration of the ruling, of April 19, 2007 (evidence file, folios 245 and ff.), and Appeal for reconsideration of the ruling, of April 20, 2007 (evidence file, folios 265 and ff).

⁷⁹ Cf. Ministry of Defense, Communication No. 6992, of October 2, 2007 (evidence file folio 294), and Ministry of Defense, Communication No. 7001, of October 2, 2007 (evidence file folios 863 and ff.).

⁸⁰ Cf. Record of procedure of December 20, 2007 (evidence file, folio 327).

⁸¹ Cf. Record of oral hearing held at the General Luis García León First Infantry Brigade on December 20, 2007 (evidence file, folio 500).

⁸² Cf. San Benito Criminal and Environmental Crimes Court, Authorization ruling on January 26, 2007 (evidence file, folios 182 to 186).

⁸³ Cf. Criminal and Environmental Crimes Court of the department of Petén, ruling of April 29, 2009 (evidence file, folios 447 and ff.).

⁸⁴ Cf. Death certificate of Cristóbal Rey González González (evidence file, folios 1553 and 1554).

⁸⁵ Cf. Supreme Court of Justice, ruling of December 15, 2010 (evidence file, folios 486 and 487).

⁸⁶ Cf. Prosecutor, Human Rights Section, requests addressed to the National Civil Registry (RENAP) on December 29, 2010 (evidence file, folios 1074 to 1099).

On March 30, 2011, the Criminal Trial Court asked the San Benito Criminal Court to forward certain documentation on the location of the Petén military detachments in 1982, the posts occupied by certain officers who held office in Military Zone No. 23 at the time of the massacre, and also the FAFG report and ballistic evidence that was collected during the first exhumation.⁸⁷

50. Then, in 2012 the Public Prosecution Service again took statements from several survivors of the massacre and individuals under investigation⁸⁸ and, in December 2012 and August 2013, received new certifications of the domicile of a number of individuals.⁸⁹

51. On April 3, 2013, FAMDEGUA requested that the victims exhumed in 2009 be buried.⁹⁰ On April 29, 2013, the remains of the only victim of the massacre who had been identified were returned to a survivor of the massacre, and the other skeletal remains were handed over to Francisco Batres Álvarez, survivor of the massacre and representative of the community.⁹¹ That same day, the skeletal remains that had been recovered were again exhibited for the family members to identify them. According to the representatives, this resulted in the identification of three more victims, namely: María Inés Muralles Pineda, Isabel Hernández Pineda and Santiago Colón Carau.⁹² During the procedure, agents of the Prosecution Service conducted an on-site investigation, took photographs and videos, and surveyed the area where the events took place. Their report was sent in on May 22, 2013.⁹³

52. On September 8, 2014, the prosecutor of the Human Rights Section forward information on the case pending before High Risk Criminal Trial Court "B" of the department of Guatemala for the crimes of first degree murder and crimes against the human rights of the inhabitants of the village of Los Josefinos on April 29, 1982.⁹⁴ The most recent procedures included, in particular, the "identification of possible witnesses of these events" who were being located in order to interview them.⁹⁵

53. In a communication of December 26, 2014, the head of the Analysis Unit of the Unit for Special Cases of the Internal Armed Conflict informed the prosecutor of the Human Rights Section of the names of 19 officers related to the case and that 13 of them had been traced.⁹⁶ On November 4, 2015, the Ministry of Defense answered the October 19, 2015, request for information by the prosecutor, indicating that some of the documents requested were not in the Army's General Archives and that it had verified that, in 1982, the "General Luis García León" Military Brigade No. 23 did not exist in the tables setting out the Army's organization and equipment; that there was no information available to determine the names of the commanders and seconds-in-command assigned to certain detachments, and that the ministerial decisions creating them had not been found.⁹⁷

⁸⁷ Cf. Request of the First Trial Judge for criminal matters, drug-trafficking and crimes against the environment to the Trial Judge for criminal matters, drug-trafficking and crimes against the environment, Petén, of March 30, 2011 (evidence file, folio 492).

⁸⁸ Cf. Public Prosecution Service, Record for November 15, 2021 (evidence file, folios 1559 and ff).

⁸⁹ Cf. Investigation file, criminal case No. C-805-1996 (evidence file, folios 1485 to 1534).

⁹⁰ Cf. FAMDEGUA letter to the Public Prosecution Service of April 3, 2013 (evidence file, folio 1535).

⁹¹ Cf. Public Prosecution Service, Record for April 29, 2013 (evidence file, folio 1545).

⁹² Cf. Pleadings and motions brief (merits file, folio 252).

⁹³ Cf. Public Prosecution Service, Evidence Collection Unit, Criminalistic Investigations Directorate, May 22, 2013 (evidence file, folios 1563 to 1590).

⁹⁴ Cf. Prosecutor of the Human Rights Section, communication of September 9, 2014 (evidence file, folio 3208).

⁹⁵ Cf. Prosecutor of the Human Rights Section, communication of September 9, 2014 (evidence file, folio 3209).

⁹⁶ Cf. Communications of the Immigration Department of October 24, 2014, the Tax Administration Superintendence of October 27, 2014, and the Universidad de San Carlos de Guatemala of October 27, 2014 (evidence file, folios 13152 and ff.).

⁹⁷ Cf. Communication No. 009255 of the Ministry of Defense of November 4, 2015 (evidence file, folio 13176).

54. On February 20, 2019, the FAFG informed the prosecutor that it had still be unable to obtain the genetic profiles of 14 bone samples and that it was using all its technical resources to do this, indicating that this required a long and meticulous procedure.⁹⁸

55. Currently, the case is still at the investigation stage by the Unit for Special Cases of the Internal Armed Conflict of the Human Rights Prosecution Service.

VIII MERITS

56. The instant case relates to the alleged violations derived from the events that occurred on April 28 and 29, 1982, regarding which, due either to their continuous nature or their autonomous nature and that they occurred after March 9, 1987, the Court has jurisdiction *ratione temporis*. Taking into account the arguments of the parties and the Commission, the Court will now examine the merits in the following order: (i) alleged violation of the rights to recognition of juridical personality, life, personal integrity, personal liberty, rights of the family, rights of the child and freedom of movement and residence; (ii) alleged violation of judicial guarantees and judicial protection, and (iii) alleged violation of personal integrity.

VIII-1 RIGHTS TO RECOGNITION OF JURIDICAL PERSONALITY, LIFE, PERSONAL INTEGRITY AND PERSONAL LIBERTY, RIGHTS OF THE FAMILY, RIGHTS OF THE CHILD AND FREEDOM OF MOVEMENT AND RESIDENCE⁹⁹

57. In this chapter, as determined in Chapter IV of this judgment on the Court's jurisdiction *ratione temporis*, the Court will examine the alleged human rights violations that, although they began prior to the Court's contentious jurisdiction, are of a continuous nature, namely: (i) the alleged forced disappearances that began at the time of the massacre and still continue, and also (ii) the alleged violation of the right to freedom of movement and residence owing to the forced displacement to which the victims were allegedly subjected following the massacre, and (iii) the alleged violation of the rights of the family and the rights of the child.

a.1 The forced disappearances

58. The **Commission** indicated that at least three people, José Álvaro López Mejía, Fabio González and Florenci Quej Bin, were disappeared on April 29 and 30, 1982, in Los Josefinos. According to existing testimony, they were all last seen in the custody of State security agents and, to date, the State has still not determined their whereabouts. Moreover, in its final written observations, the Commission noted that the representatives had indicated that another nine people had been victims of forced disappearance. The Commission considered that this situation reopened the discussion on the legal classification of these facts with direct consequences on the Court's temporal jurisdiction. The Commission concluded that the State had violated the rights to recognition of juridical personality, life, personal integrity and personal liberty protected by Articles 3, 4(1), 5(1), 5(2) and 7 of the American Convention, in relation to Article 1(1) of this instrument.

59. The **representatives** argued that, as a result of the massacre, at least 14 people were victims

⁹⁸ Cf. Communication Ref. #121/19 DE-FAFG sent by the FAFG to the prosecutor of the Human Rights Section on February 20, 2019 (evidence file, folio 13393).

⁹⁹ Articles 3, 4, 5, 7, 17, 19 and 22 of the American Convention on Human Rights.

of forced disappearance. A first group of 11 individuals, including a young girl and three adolescents, were last seen alive in the village while it was under siege by the army and, to date, their whereabouts remain unknown. These people are allegedly: Rosendo García Sermeño, Félix Lux, Félix Salvatierra Morales, Andrea Castellanos Ceballos, Braulia Sarceño Cardona, Edelmira Girón Galbez and Paula Morales, and the children Norma Morales Alonzo, Victoriano Salvatierra Morales, Antonio Santos Serech and Joselino García Sermeño. The representatives added that the State had compensated the families of five of these victims for their "supposed death." They indicated that, regarding another 3 people, they had received several testimonial statements recounting that these individuals had been intercepted by soldiers and nothing had ever been heard of them again. They concluded that the State was responsible for the violation of Articles 3, 4, 5 and 7 of the American Convention, in accordance with the obligations contained in the ICFDP and in Article 1(1) of the American Convention in relation to all those concerned, and in Article 19 in the case of the children.

60. The **State** did not submit specific arguments in this regard.

a.2 Right to freedom of movement and residence

61. The **Commission** recalled that the evolutive interpretation of the right to freedom of movement had allowed the Court to consider that this provisions also protected "the right not to be forcibly displaced within a State Party." In this case, the Commission considered it proved that the inhabitants of Los Josefinos had been forced to abandon their village and seek refuge, first in the hills and later elsewhere in the country or abroad. The survivors displaced from Los Josefinos were unable to return to their homes and lived for several months, or even years, struggling to survive amid threats and persecution, hunger and lack of access to basic services. Consequently, the Commission concluded that the State of Guatemala had violated the right to freedom of movement and residence recognized in Article 22(1) of the American Convention in relation to the obligations established in Article 1(1) of this instrument.

62. The **representatives** argued that, although the Court did not have jurisdiction to refer to the events of the massacre, forced displacement is of a continuous nature and persists until those affected return to their place of origin or are voluntarily resettled. They added that, for several years the displacement became constant, from one place to another, and even continued after March 9, 1987, until the Peace Accords were signed in 1996. They also indicated that other victims never returned; rather, they settled in other places, within and outside Guatemala, where they still remain.

63. They also underscored that the State had not adopted special measures of protection for women and children, whose situation was especially vulnerable in the context of displacement. Therefore, the State was allegedly responsible for the violation of the rights to personal integrity (Article 5 of the American Convention), to freedom of movement and residence (Article 22 of the American Convention) and to privacy and family life (Article 11 of the American Convention) of the displaced victims. They also indicated that the State had not adopted measures to preserve family units and to facilitate the search for, identification and family reunification of the families dispersed by the armed conflict and that at least four children had been separated from their parents for long stretches of time, which allegedly violated Articles 11(2), 17 and 19 of the American Convention.

64. The **State** did not submit specific arguments in this regard.

a.3. Rights of the family and rights of the child

65. The **Commission** alleged that, following the flight, four of Elvira Arévalos Sandoval's children became lost and it was only seven years later that she found out that one of them, Rigoberto (1 year), had died in the forest, while the other three, Ernestina (14 years), Romelia (13 years) and Rolando (2 years) had taken refuge in Mexico, where they remained separated from their mother,

believing that she had died. After the reunion, Rolando never acknowledged her as his mother. The Commission also indicated that Carmelino Ajanel Ramos was separated from his father for 20 years, because the latter thought that he had been killed in the massacre when he was just five years old.

66. The **representatives** agreed with the Commission and asked the Court to declare the violation of Articles 11(2), 17 and 19 of the Convention.

67. The **State** did not submit specific arguments in this regard.

B. Considerations of the Court

b.1 The forced disappearances

68. In its consistent case law starting in 1988,¹⁰⁰ the Court has established that the forced disappearance of persons is a multiple and continuous violation of many human rights;¹⁰¹ moreover, it is constituted by three concurring elements: (a) deprivation of liberty; (b) the direct intervention of state agents or their acquiescence, and (c) the refusal to acknowledge the detention and to reveal the fate or the whereabouts of the person concerned.

69. The Court has reiterated the permanent nature of the acts that constitute forced disappearance while the victims' whereabouts remain unknown or until their remains are found, and the multiple violations it entails of the rights recognized in the American Convention, so that States have the correlative duty to investigate such acts and, eventually, punish those responsible,¹⁰² pursuant to the obligations derived from that Convention and, in particular, from the ICFDP.¹⁰³ The characterization of forced disappearance as a permanent and multiple violation of human rights¹⁰⁴ is consistent with the standards of the European Court of Human Rights,¹⁰⁵ and the decisions of international bodies.¹⁰⁶

¹⁰⁰ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits*. Judgment of July 29, 1988. Series C No. 4, para. 155, and *Case of Tenorio Roca et al. v. Peru. Preliminary objections, merits, reparations and costs*. Judgment of June 22, 2016. Series C No. 314, para. 141.

¹⁰¹ Cf., *inter alia*, *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, paras. 155 to 157, and *Case of Alvarado Espinoza et al. v. Mexico. Merits, reparations and costs*. Judgment of November 28, 2018. Series C No. 370, para. 163.

¹⁰² Cf., *inter alia*, *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, paras. 155 to 157, and *Case of Alvarado Espinoza et al. v. Mexico, supra*, para. 165.

¹⁰³ Article I of the ICFDP:

The States Parties to this Convention undertake: (a) Not to practice, permit, or tolerate the forced disappearance of persons, even in states of emergency or suspension of individual guarantees; (b) To punish, within their jurisdictions, those persons who commit or attempt to commit the crime of forced disappearance of persons and their accomplices and accessories; (c) To cooperate with one another in helping to prevent, punish, and eliminate the forced disappearance of persons; (d) To take legislative, administrative, judicial and any other measures necessary to comply with the commitments undertaken in this Convention.

¹⁰⁴ That characterization is derived not only from the definition in Article III of the ICFDP, but also from different international instruments. See, Declaration on the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly in its Resolution 47/133 of December 18, 1992, articles 1, 4 and 17, and International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the United Nations General Assembly on December 20, 2006, Articles 2 and 8.

¹⁰⁵ Cf. ECHR, *Case of Kurt v. Turkey*, No. 15/1997/799/1002. Judgment of May 25, 1998, para. 124; *Case of Cyprus v. Turkey* [GS], No. 25781/94. Judgment of May 10, 2001, paras. 132 to 134 and 147; *Case of Varnava and Others v. Turkey* [GS], No. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90. Judgment of September 18, 2009, paras. 111 to 113, 117, 118, 133, 138 and 145; *Case of El-Masri v. The Former Yugoslav Republic of Macedonia* [GS], No. 39630/09. Judgment of December 13, 2012, paras. 240 and 241, and *Case of Aslakhanova and Others v. Russia*, No. 2944/06, 8300/07, 50184/07, 332/08 and 42509/10. Judgment of December 18, 2012, para. 122, 131 and 132.

¹⁰⁶ Cf. Human Rights Commission, Report of the Working Group on Enforced or Involuntary Disappearances. General

70. In keeping with the above, the need to address forced disappearance integrally has also led this Court analyze it as a complex form of the joint violation of several rights recognized in the Convention owing to the multiple conducts that, united by a single purpose, violate continuously, while they subsist, the rights protected by this instrument, in particular the rights to recognition of juridical personality, life, personal integrity and personal liberty recognized in Articles 3, 4, 5 and 7 of the Convention, respectively.¹⁰⁷

71. The Court notes that, in the instant case, although the forced disappearances alleged by the Commission and the representatives began on April 28 and 29, 1982, – that is, prior to the Court’s temporal jurisdiction – it has been proved that the whereabouts of these persons is still unknown. Consequently, and in light of the permanent nature of this type of gross human rights violation and the fact that the whereabouts of the alleged victims remain unknown, it is evident that the Court has jurisdiction *ratione temporis* to examine the alleged forced disappearances.

72. Having established this, the Court notes that it has been proved that at least three people were disappeared at the time of the massacre perpetrated in the village of Los Josefinos on April 28 and 29, 1982, namely: José Álvaro López Mejía, Fabio González and Florenci Quej Bin. Regarding Mr. López Mejía, his mother, María del Carmen Pérez, indicated that soldiers “took him away and since then, we know nothing.”¹⁰⁸ Also, Mr. López Mejía’s sister indicated that when her father went to search for him in the days following the massacre, a soldier warned him to “stop looking for him” because, if not, he would be disappeared also.¹⁰⁹ Meanwhile, the daughter of Fabio González, Gloria Otilia González Medina, indicated that Mr. González was taken directly from his home by members of the army during the massacre, recounting that the soldiers “entered, having broken down the door and took him away; they beat his back; there were several soldiers and we screamed and [the soldiers] threatened to burn down everything if we continued screaming. They didn’t explain anything.”¹¹⁰ In the case of Florenci Quej Bin, the body of evidence reveals that he was captured by state agents when he returned to his home on the day of the massacre.¹¹¹ According to the Commission and the representatives, to date, there is no information on the whereabouts of these three individuals. The State did not submit specific arguments in this regard.

73. The Court reiterates, as it has in previous cases, that it must apply a standard of proof that

comment on article 4 of the Declaration on the Protection of All Persons from Enforced Disappearance, January 15, 1996, UN Doc. E/CN.4/1996/38, para. 55; Human Rights Commission, Report submitted by Mr. Manfred Nowak, independent expert charged with examining the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearances, pursuant to paragraph 11 of Commission resolution 2001/46, January 8, 2002, UN Doc. E/CN.4/2002/71, paras. 84 and 89; Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, General comment on enforced disappearance as a continuous crime, January 26, 2011, UN Doc. A/HRC/16/48, para. 39, and Human Rights Committee, *inter alia*, *Gyan Devi Bolakhe v. Nepal*, UN Doc. CCPR/C/123/D/2658/2015, Communication No. 2658/2015, September 4, 2018, paras. 7.7, 7.8, 7.15 and 7.18; *Tikanath and Ramhari Kandel v. Nepal*, UN Doc. CCPR/C/123/D/2658/2015, Communication No. 2560/2015, August 16, 2019, paras. 7.7, 7.8 and 7.13; *Midiam Iricelda Valdez Cantú and María Hortencia Rivas Rodríguez v. Mexico*, UN Doc. CCPR/C/127/D/2766/2, Communication No. 2766/2016, December 23, 2019, paras. 12.5, 12.7, 12.8, and 12.10, and *Malika and Merouane Bendjael v. Algeria*, UN Doc. CCPR/C/128/D/2893/2016, Communication No. 2893/2016, November 3, 2020, paras. 8.4 to 8.6 and 8.12.

¹⁰⁷ Cf. *inter alia*, *Case of Velásquez Rodríguez v. Honduras. Merits*, *supra*, paras. 150, 155 to 158, 186 and 187; *Case of Godínez Cruz v. Honduras. Merits*. Judgment of January 20, 1989. Series C No. 5, paras. 158, 163 to 167, 196 and 197; *Case of Anzaldo Castro v. Peru. Preliminary objection, merits, reparations and costs*. Judgment of September 22, 2009. Series C No. 202, paras. 68 to 103, and *Case of Isaza Uribe et al. v. Colombia. Merits, reparations and costs*. Judgment of November 20, 2018. Series C No. 363, para. 81.

¹⁰⁸ Cf. Notarized testimonial statement by María del Carmen Pérez of June 30, 2007 (evidence file, folio 2632).

¹⁰⁹ Cf. Notarized testimonial statement by Alba Maritza López Mejía of January 23, 2021 (evidence file, folio 23899).

¹¹⁰ Cf. Notarized statement by Gloria Otilia González Medina of June 30, 2007 (evidence file, folio 3743).

¹¹¹ Cf. Statement by Francisco Quej Xitumul, undated (evidence file, folio 2632).

takes into account the seriousness of attributing international responsibility to a state and that, notwithstanding this, is capable of establishing the truth of the allegations in a convincing manner.¹¹² To this end, in cases of forced disappearance of personas, the use of circumstantial evidence, indicia and presumptions is legitimate and of particular importance to prove the concurrence of any of the elements of forced disappearance, because this specific type of violation is characterized by an attempt to suppress any information that would ratify the detention, whereabouts and fate of the victims.¹¹³ In keeping with these criteria, the Court attributes significant probative value to the statements of witnesses, in the context and the circumstances of a case of forced disappearance, with all the difficulties that result from this, where the evidence is essentially indirect and circumstantial testimony owing to the nature of this crime, added to the pertinent logical inferences,¹¹⁴ and their relationship to a general practice of disappearances.¹¹⁵

74. In light of the arguments presented by the Commission and the representatives, the body of evidence in this case, and the absence of specific arguments by the State in this regard, the Court considers that it has been sufficiently proved that, when the massacre in the village of Los Josefinos began on April 28, 1982, José Álvaro López Mejía, Fabio González and Florenci Quej Bin were intercepted and retained by state agents who, subsequently, concealed their whereabouts, which remain unknown to date. Consequently, the Court concludes 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 Inter-American Convention on Forced Disappearance of Persons, to the detriment of José Álvaro López Mejía, Fabio González and Florenci Quej Bin.

75. Regarding the other 11 people that, according to the representatives were also victims of forced disappearance,¹¹⁶ the Court notes, first, that as indicated, these individuals remain disappeared to date. The Court also notes that they were last seen alive in the village while it was under siege by members of the army and that, following the military operation, their whereabouts are unknown. To this should be added the State's actions at the time of the massacre when it buried numerous unidentified victims in a mass grave.¹¹⁷ That decision, added to the negligence in the investigation of this case (see *infra*, Chapter VIII-2), has meant that, today, almost 40 years after the massacre, it has not been possible to identify 15 people based on the 19 skeletal remains found. The Court recalls that, according to its consistent case law, the relevant factor for a forced disappearance to cease is the determination of the victims' whereabouts or the identification of their remains, and not the presumption of their death,¹¹⁸ and this has not happened in the instant case. Consequently, the

¹¹² Cf. *Case of Velásquez Rodríguez v. Honduras, Merits, supra*, para. 129, and *Case of Alvarado Espinoza et al. v. Mexico. Merits, reparations and costs. Judgment of November 28, 2018. Series C No. 370, para. 169.*

¹¹³ Cf. *Case of Velásquez Rodríguez v. Honduras, Merits, supra*, para. 131, and *Case of Alvarado Espinoza et al. v. Mexico, supra*, para. 169.

¹¹⁴ Cf. *Case of Velásquez Rodríguez v. Honduras, Merits, supra*, para. 130, and *Case of Alvarado Espinoza et al. v. Mexico, supra*, para. 169.

¹¹⁵ Cf. *Case of Fairén Garbi and Solís Corrales v. Honduras. Merits. Judgment of March 15, 1989. Series C No. 6, para. 15, and Case of Alvarado Espinoza et al. v. Mexico. Merits, reparations and costs. Judgment of November 28, 2018. Series C No. 370, para. 169.*

¹¹⁶ Namely, Rosendo García Sermeño, Félix Lux, Félix Salvatierra Morales, Andrea Castellanos Ceballos, Braulia Sarceño Cardona, Edelmira Girón Galbez and Paula Morales, and the children, Norma Morales Alonzo, Victoriano Salvatierra Morales, Antonio Santos Serech and Joselino García Sermeño.

¹¹⁷ The Court recalls that Article II of the Inter-American Convention on Forced Disappearance of Persons defines this as "the act of depriving a person or persons of his or their freedom, in whatever way, perpetrated by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees."

¹¹⁸ Cf. *Case of González Medina and family members v. Dominican Republic. Preliminary objections, merits, reparations and costs. Judgment of February 27, 2012. Series C No. 240, para. 51, and Case of Osorio Rivera and family members v.*

Court concludes 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) of this instrument, all in relation to the obligations established in Article I(a) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Rosendo García Sermeño, Félix Lux, Félix Salvatierra Morales, Andrea Castellanos Ceballos, Braulia Sarceño Cardona, Edelmira Girón Galbez and Paula Morales, and the children, Norma Morales Alonzo, Victoriano Salvatierra Morales, Antonio Santos Serech and Joselino García Sermeño. The State also violated Article 19 of the Convention in the case of these children (*infra* paras. 88 to 93).

b.2 *Right to freedom of movement and residence*

76. With regard to this right, the Court has indicated that “the right to freedom of movement and residence, protected by Article 22(1) of the American Convention, is an essential condition for the free development of the individual and includes, *inter alia*, the right of those who are legally within a State to move freely within it and also to choose their place of residence.”¹¹⁹

77. It should also be emphasized that this right may be violated formally or by *de facto* restrictions when the State has not established the conditions, or provided the means, that permit it to be exercised.¹²⁰ The Court has established that, owing to the complexity of the phenomenon of internal displacement and the broad range of human rights that it affects or jeopardizes, and based on the circumstances of special vulnerability and defenselessness in which those displaced generally find themselves, their situation can be understood as a *de facto* situation of lack of protection. Such *de facto* violations can occur when anyone is a victim of threats or harassment and the State does not provide the necessary guarantees for them to freely travel and reside in the territory in question.¹²¹ The Court has also asserted that the absence of an effective investigation into violent acts may give rise to or perpetuate forced displacement or exile.¹²²

78. Furthermore, the Court recalls that the obligation to ensure the right of freedom of movement and residence should also include the actions undertaken by the State to ensure that displaced populations are able to return to their places of origin without risk of their rights being violated. In this regard, the Court reaffirms that the State obligation to protect the rights of those displaced entails not only the duty to adopt preventive measures, but also to provide the necessary conditions for a dignified and safe return to their usual place of residence or their voluntary resettlement in another part of the country. To this end, the full participation of those displaced in the planning and management of their return or reintegration must be guaranteed.¹²³

79. Lastly, the Court notes that forced displacement is also of a permanent nature¹²⁴ until the conditions are established for the victims to be able to return to their territory.

Peru. Preliminary objections, merits, reparations and costs. Judgment of November 26, 2013. Series C No. 274, para. 31.

¹¹⁹ Cf. *Case of Ricardo Canese v. Paraguay*. Merits, reparations and costs. Judgment of August 31, 2004. Series C No. 111, para. 115, and *Case of Alvarado Espinoza et al. v. Mexico*, *supra*, para. 274.

¹²⁰ Cf. *Case of the Moiwana Community v. Suriname*. Preliminary objections, merits, reparations and costs. Judgment of June 15, 2005. Series C No. 124, paras. 119 and 120, and *Case of Alvarado Espinoza et al. v. Mexico*, *supra*, para. 274.

¹²¹ Cf. *Case of Valle Jaramillo et al. v. Colombia*. Merits, reparations and costs. Judgment of November 27, 2008. Series C No. 192., para. 139, and *Case of Alvarado Espinoza et al. v. Mexico*, *supra*, para. 274.

¹²² Cf. *Case of the Moiwana Community v. Suriname*, *supra* para. 120, and *Case of Alvarado Espinoza et al. v. Mexico*, *supra* para. 274.

¹²³ Cf. *Case of Chitay Nech et al. v. Guatemala*. Preliminary objections, merits, reparations and costs. Judgment of May 25, 2010. Series C No. 212, para. 149, and *Case of Carvajal Carvajal et al. v. Colombia*. Merits, reparations and costs. Judgment of March 13, 2018. Series C No. 352, *supra*, para. 190.

¹²⁴ Cf. *Inter alia*, *Case of Velásquez Rodríguez v. Honduras*. Merits, *supra*, paras. 155 to 157, and *Case of Alvarado*

80. As established in this judgment, following the massacre in the village of Los Josefinos on April 28 and 29, 1982, the members of this community were obliged to flee from their lands. Some of them fled the village and took refuge in other villages¹²⁵ and even abroad.¹²⁶ During the public hearing held before the Court, expert witness Paula Worby described how, in the context of the Guatemalan conflict, there were two categories of people who fled from the village of Los Josefinos. On the one hand, there were the group of people described as the refugee population, most of whom went into exile in Mexico between 1981 and 1983; on the other, were those displaced internally. In this regard, the expert witness mentioned two sub-categories: one, “those displaced in the hills” and, the other, the “dispersed” internally displaced. The former refers to those who hid from the army “in the hills or forests, in the region from which they were displaced.” She indicated that, “in this category, most of them returned to populated areas within a matter of days, weeks or months, but there were places where they ended up grouping together and surviving for years – up to 15 years in some cases.” The expert witness also indicated that most of those displaced by the Los Josefinos conflict ended up being internally displaced scattered around the country.¹²⁷

81. The Court notes that, in Guatemala, the persecution of the civilian population continued for years, especially in the areas where the conflict was most intense, such as in the municipality of La Libertad, Petén, where the village of Los Josefinos was located.¹²⁸ In this regard, expert witness Paula Worby indicated that this persecution took place during the years of the armed conflict when “the authorities at every level fostered suspicions regarding the victims of the conflict, or even branded them directly as members of subversive groups.”¹²⁹ The Court also notes that this situation continued after 1987 and, in particular, after March 9, 1987, the date on which Guatemala accepted the Court’s contentious jurisdiction. In this regard, expert witness Paula Worby indicated that, as of that date, the area continued to be a militarized zone and an area of conflict and that, according to interviews that she had conducted, some of the people had approached the village and verified that it was unsafe,¹³⁰ and therefore did not return. It should also be stressed that some testimonial statements indicated that fear of reprisals by the Army was one of the reasons that people did not return to the village,¹³¹ particularly when the perpetrators of the massacre were free and continued to be present in the areas surrounding Los Josefinos. In this regard, the Court considers that the current situation of absolute impunity also means that the necessary conditions to guarantee a safe return are not in place. To this should be added that the representatives and the Commission have argued that the State has failed to take measures to guarantee the victims’ return to their place of origin following their displacement, either before or after the State accepted the Court’s contentious jurisdiction. This was also corroborated by expert witness Paula Worby who indicated that, regarding the State, “in

Espinoza et al. v. Mexico, supra, para. 165.

¹²⁵ Cf. Testimony of Francisco Gámez Ávila, January 1996 (evidence file, folio 16).

¹²⁶ Cf. Notarized statement by Antonio Ajanel Ortiz of July 9, 2003 (evidence file, folio 12).

¹²⁷ Cf. Expert opinion provided to the Court by Paula Worby during the public hearing held in this case.

¹²⁸ Cf. CEH, Guatemala: Memory of Silence, June 1999, Chapter II, para. 3041 (evidence file, folio 13730).

¹²⁹ Cf. Expert opinion provided to the Court by Paula Worby during the public hearing held in this case.

¹³⁰ Cf. Expert opinion provided to the Court by Paula Worby during the public hearing held in this case. The expert witness stated the following:

[...] knowing this area of the country, which was the municipality of La Libertad at the time – that I got to know in 1988 – and it continued to be a highly militarized area at the time you mention, 1987; it was still a conflictive area; roadblocks were set up; it was very difficult to move about there. And when I think about it, at the time people did not have mobile phones, there was no internet, they did not have the resources to travel or to keep in contact with their family members, they did not even have information; but some of those interviewed also suggested that they went to see or approached and realized that it was not safe.

¹³¹ Cf. Statements of María Luisa Mejía on January 25, 2007 (evidence file, folios 6029 and ff.), and César Armando Palencia Muralles of July 9, 2003 (evidence file, folios 8189 and ff.).

reality, it made no major effort; there were no campaigns, nothing similar to efforts that have been made with the refugees in Mexico; this was never done” and that those efforts began, above all, in the 1990s.¹³²

82. That said, the Court notes that the victims fled from the village at the time of the massacre; that is, before Guatemala had accepted the Court’s temporal jurisdiction. The Court also notes that some victims did return to the village several months after the events,¹³³ and this also occurred prior to the Court’s jurisdiction *ratione temporis*. This is particularly relevant for the analysis of these specific alleged violations because the Court, as indicated above, has temporal jurisdiction over the violations that continued or took place after March 9, 1987, the date on which Guatemala accepted its contentious jurisdiction. Therefore, the Court must determine which of the victims remained unable to return to Los Josefinos and, consequently, in a situation of forced displacement after that date. Based on the arguments of the Commission and of the representatives, as well as the evidence in the case file before the Court, this Court notes that it has been proved that at least 7 people, together with their family units, were unable to return to Los Josefinos prior to March 9, 1987. Thus, María Fidelia Quevedo confirmed this when she recounted how, following the massacre, she fled with her children¹³⁴ and ended by displacing to the department of Guatemala, where she still lives.¹³⁵ Similarly, Antonio Ajanel Ortiz mentioned that he remained in Mexico for 18 years and, even though he returned to Guatemala in 2000 following the signature of the Peace Accords, he has never returned to live in Los Josefinos.¹³⁶ He underlined that he returned in 2000 because an acquaintance told him that “things are quieter now.”¹³⁷ Also, the victims, Alba Maritza López Mejía,¹³⁸ Elidea Hernández Rodríguez,¹³⁹ Sotero Chávez,¹⁴⁰ Juana Leonidas García Castellanos¹⁴¹ and Zoila Reyes Pineda¹⁴² testified that neither they nor their family members had returned to the village and they continue to live away from it today.

83. Based on the above, the Court concludes that, at March 9, 1987, the Guatemalan State continued to be in non-compliance with its obligation to create the conditions for the return or voluntary resettlement of those forcibly displaced from Los Josefinos, and this obliged them to continue living in another part of the country or abroad. Consequently, in light of the evidence provided to this Court, it concludes that the State is responsible for the violation of the right to freedom of movement and residence protected by Article 22 of the American Convention, in conjunction with failure to comply with the obligations contained in Article 1(1) of this instrument, to the detriment of María Fidelia Quevedo, Antonio Ajanel Ortiz, Alba Maritza López Mejía, Elidea Hernández Rodríguez, Sotero Chávez, Juana Leonidas García Castellanos, Zoila Reyes Pineda and

¹³² Cf. Expert opinion provided to the Court by Paula Worby during the public hearing held in this case.

¹³³ Cf. Statement of Alejandra Serech de López on June 30, 2007 (evidence file, folios 6890 and ff.). See also, Pleadings and motions brief (merits file, folio 234).

¹³⁴ According to the list provided by the Commission and the representatives, Mrs. Quevedo Bolaños had 4 daughters and 1 son, namely: Lilian Judith Pérez Quevedo, Sandra Margarita Pérez Quevedo, Rosa Lina Pérez Quevedo, Marta Leonor Pérez Quevedo and Arturo Filadelfo Pérez Quevedo.

¹³⁵ Cf. Witness statement by María Fidelia Quevedo Bolaños of February 4, 2020 (evidence file, folio 23034), and Witness statement by Arturo Filadelfo Pérez Quevedo of February 4, 2020 (evidence file, folio 23029).

¹³⁶ Cf. Notarized statement of Antonio Ajanel Ortiz of January 22, 2021 (evidence file, folio 23893).

¹³⁷ Cf. Notarized statement of Antonio Ajanel Ortiz of January 22, 2021 (evidence file, folio 23894).

¹³⁸ Cf. Witness statement by Alba Maritza López Mejía of February 4, 2020 (evidence file, folio 23035).

¹³⁹ Cf. Notarized statement of Elidea Hernández Rodríguez of January 22, 2021 (evidence file, folio 23920).

¹⁴⁰ Cf. Notarized statement of Sotero Chávez of January 22, 2021 (evidence file, folio 23907).

¹⁴¹ Cf. Notarized statement of Juana Leonidas García Castellanos of January 22, 2021 (evidence file, folio 23912).

¹⁴² Cf. Notarized statement of Zoila Reyes Pineda of January 22, 2021 (evidence file, folio 23914).

their family units.¹⁴³

b.3. Rights of the family

84. The rights that may be violated by situations of forced displacement include the rights of the family recognized in Article 17 of the American Convention, and also the rights of the child, pursuant to Article 19 of this treaty. The former article recognizes that the family is the natural and fundamental unit of society and is entitled to protection by society and the State.¹⁴⁴ The Court has established that the State is obliged to encourage the development and strengthening of the family unit¹⁴⁵ and that the separation of children from their family constitutes, in certain circumstances, a violation of the rights of the family. Therefore, children have the right to live with their family, which is called on to meet their physical, emotional and psychological needs.¹⁴⁶ The Court understands that, in situations of forced displacement, the State has the obligation to seek family reunification, especially in cases of families with children.¹⁴⁷ This duty concerning the rights of the family and the rights of the child, is independent from others that are also pertinent in situations of forced displacement, such as that of making a safe return possible. According to the circumstances of the case, this does not preclude measures to make a safe return possible being appropriate to achieve family reunification. Consequently, in cases of forced displacement, the Court has considered that, because this entails the separation or fragmentation of the family unit, it may result in the State's responsibility for the violation of Article 17 of the Convention and also, if applicable, of its Article 19 in relation to the children affected by this situation.¹⁴⁸

85. In the instant case, the Court notes that Elvira Arévalo Sandoval lost four of her nine children during her flight at the time of the massacre. It was only seven years later that she found out that one of them,¹⁴⁹ Rigoberto (one year old at the time of the massacre), had died in the forest, while the other three, Ernestina, Romelia and Rolando (aged 14, 13 and 2 years at the time of the massacre) had taken refuge in Mexico, where they remained separated from their mother, believing

¹⁴³ According to the list provided by the Commission and the representatives, and as the Court has been able to verify, the family unit of María Fidelia Quevedo Bolaños consisted of: Lilian Judith Pérez Quevedo, Sandra Margarita Pérez Quevedo, Rosa Lina Pérez Quevedo, Marta Leonor Pérez Quevedo and Filadelfo Arturo Pérez Quevedo; the family unit of Antonio Ajanel Ortíz consisted of: Carmelino Ajanel Ramos; the family unit of Alba Maritza López Mejía consisted of: María del Carmen Mejía Pérez de López, Amildo Antonio López Mejía, Alejandra López, Agustín de Jesús López Mejía, Rosa Alvina (Albina) López Mejía, and her brother José Álvaro López Mejía who was a victim of forced disappearance, as declared by the Court in section b.1) of this chapter. Also, the family unit of Elidea Hernández Rodríguez consisted of: Mario Adolfo Alcántara, Tito Asai Alcántara Hernández, Adolfo Lemuel Alcántara Hernández, Anestor [Noé] Alcántara Hernández and Damaris Noemí Alcántara Hernández; the family unit of Sotero Chávez consisted of: Anselma Carrillo Díaz de Chavez, Apolinio Carrillo, Miguel Carrillo Díaz, Natalia Chávez Carillo, Otilia Chávez Carillo, Romeo Chávez Carillo, Daniel Chávez Carillo, Deisy Francisca Chávez Carrillo, José Luis Chávez Carrillo, Jorge Alberto Chávez Carrillo, Antonio Chávez Carillo, Cecilia Chávez Carillo, Marta Chávez Carrillo, Salomón Carrillo Gudiel and Roberto Carrillo Gudiel; the family unit of Juana Leonidas García Castellanos consisted of: Manuel Regalado Nuñez, Ana Mirian Regalado García, Elmin Edel Regalado García, Silvia Elizabeth Reglado García, Byron (Biron) Manuel Regalado García, Jaime San Regalado García, Bermina Llaneth [Janneth] Regalado García, Argentina Regalado García and Eulicer Regalado García, and the family unit of Zoila Reyes Pineda consisted of: Raúl Amadeo Pineda Reyes and Zoila Aida Pineda Reyes.

¹⁴⁴ Cf. *Juridical Status and Human Rights of the Child*. Advisory Opinion OC-17/02 of August 28, 2002. Series A No. 17, para. 66, and *Case of Carvajal Carvajal et al. v. Colombia*, supra, para. 191.

¹⁴⁵ Cf. *Juridical Status and Human Rights of the Child*, supra, para. 66, and *Case of Carvajal Carvajal et al. v. Colombia*, supra, para. 414.

¹⁴⁶ *Juridical Status and Human Rights of the Child*, supra, para. 7, and *Case of Yarce et al. v. Colombia. Preliminary objection, merits, reparations and costs*. Judgment of November 22, 2016. Series C No. 325, para. 246.

¹⁴⁷ Cf. Principle 17 of the United Nations Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2 of February 11, 1998, p.5. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G98/104/93/PDF/G9810493.pdf?OpenElement>

¹⁴⁸ Cf. *Case of Chitay Nech et al. v. Guatemala*, supra, para. 163, and *Case of Alvarado Espinoza et al. v. Mexico*, supra, para. 281

¹⁴⁹ Cf. Statement made by Elvira Arévalos Sandoval on September 29, 2004 (evidence file, folio 6200).

that she had died. Following the reunion, Rolando never acknowledged her as his mother.¹⁵⁰

86. It has also been proved that the child, Carmelino Ajanel Ramos, aged 5 at the time of the massacre, was also separated from his father, Antonio Ajanel Ortiz, for more than 20 years. At the time of the massacre, the child Carmelino was able to flee to the home of his maternal grandparents who also lived in the village and they were able to escape to another village, while his father, who had been injured, fled into the hills and, then, to Mexico.¹⁵¹ The rest of the family (his mother, Elvira Ramos, and his four siblings, Josefina, Juana, Emilia and Carlos Antonio) were killed during the massacre.¹⁵² Father and son met up again in 2004 in the context of a meeting organized by FAMDEGUA,¹⁵³ where they verified that everything that had happened had severely affected their family relationship. In this regard, Ajanel Ortiz stated that, when they met up again, his son did not call him "papa," but rather "don Toño" and that his son reproached him saying that he was to blame for the death of his family.¹⁵⁴ In this regard, expert witness Paula Worby stressed that, as a result of the forced displacement, "families were destroyed; grandmothers and grandfathers, brothers and sisters, uncles and aunts, cousins, they were all dispersed, gone, and this also led to the loss of the social fabric of what had been a community."¹⁵⁵

87. Consequently, the Court finds that, in this case, the State's omissive conduct in relation to the adoption of appropriate measures to enable a safe return and the corresponding family reunification, violated the rights of the family protected by Article 17 of the Convention, as of March 9, 1987, to the detriment of Elvira Arévalo Sandoval and of her children, Ernestina, Romelia and Rolando Hernández Arévalo, and also of Antonio Ajanel Ortiz and of his son Carmelino Ajanel Ramos.

b.4. Rights of the child

88. Article 19 of the American Convention imposes on States the obligation to adopt the "measures of protection" required by their condition as children. The concept of "measures of protection" may be interpreted taking into account other provisions of the Convention and other international human rights instruments. This Court has indicated that "the interpretation of a treaty must take into account not only the agreements and instruments related to the treaty (paragraph 2 of Article 31 [of the Vienna Convention]), but also the system of which it is part (paragraph 3 of Article 31)."¹⁵⁶ Therefore, in order to establish the meaning and scope of this article, the Court will take into account the international *corpus juris* for the protection of children and, in particular, the Convention on the Rights of the Child. As it has on other occasions,¹⁵⁷ when analyzing and interpreting the scope of the provisions of the American Convention in the instant case in which the facts took place in the context of a non-international armed conflict, and pursuant to Article 29 of the American Convention, the

¹⁵⁰ Cf. Statement made by Elvira Arévalos Sandoval on September 29, 2004 (evidence file, folio 6200).

¹⁵¹ Cf. Notarized statement of Antonio Ajanel Ortiz of July 9, 2003 (evidence file, folio 12), and Notarized testimonial statement Antonio Ajanel Ortiz of January 22, 2021 (evidence file, folio 23892).

¹⁵² Cf. Notarized statement of Antonio Ajanel Ortiz of July 9, 2003 (evidence file, folio 12), and Notarized testimonial statement Antonio Ajanel Ortiz of January 22, 2021 (evidence file, folio 23892).

¹⁵³ Cf. Notarized statement of Antonio Ajanel Ortiz of July 9, 2003 (evidence file, folio 12), and Notarized testimonial statement of Antonio Ajanel Ortiz of January 22, 2021 (evidence file, folio 23892).

¹⁵⁴ Cf. Notarized testimonial statement of Antonio Ajanel Ortiz of January 22, 2021 (evidence file, folio 23892).

¹⁵⁵ Cf. Expert *opinion* provided to the Court by Paula Worby during the public hearing held in this case.

¹⁵⁶ Cf. *The Right to Information on Consular Assistance within the Framework of the Guarantees of the Due Process of Law*, Advisory Opinion OC-16/99, October 1, 1999. Series A No. 16, para. 113, and *Case of Cuscul Pivaral et al. v. Guatemala. Preliminary objection, merits, reparations and costs*. Judgment of August 23, 2018. Series C No. 359, para. 83.

¹⁵⁷ Cf. *Case of the Ituango Massacres v. Colombia. Preliminary objection, merits, reparations and costs*. Judgment of July 1, 2006. Series C No. 148, para. 179, and *Case of the Massacres of El Mozote and neighboring places v. El Salvador, supra*, para. 141.

Court also finds it useful and appropriate to have recourse to other international treaties such as the Geneva Conventions of August 12, 1949¹⁵⁸ and, in particular, Article 3 common to the four Conventions,¹⁵⁹ Protocol II additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts of June 8, 1977 (hereinafter "additional Protocol II") to which the State is a party, and customary international humanitarian law,¹⁶⁰ as supplementary instruments and based on their specificity on this matter.

89. International humanitarian law safeguards children, in general, as part of the civilian population; that is, those who do not participate actively in the hostilities, and who must receive humane treatment and not be attacked. In addition, children, who are most vulnerable to suffer violations of their rights during armed conflicts, are beneficiaries of a special protection in function of their age, and for this reason the State must provide them with the care and assistance that they require. Article 38 of the Convention on the Rights of the Child¹⁶¹ also reflects this principle. The list of measures of this nature in treaties on international humanitarian law include those whose purpose is to preserve family unity and to facilitate the search for, identification and reunification of families separated as a result of an armed conflict and, in particular of separated or unaccompanied minors. Moreover, in the context of non-international armed conflicts, State obligations towards children are defined in Article 4(3) of Protocol II additional to the Geneva Conventions, which establishes, among other matters, that: "(b) all appropriate steps shall be taken to facilitate the reunion of families temporarily separated [...]"¹⁶²

¹⁵⁸ Cf., in particular, Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, adopted on August 12, 1949, by the Diplomatic Conference for the establishment of international conventions for the protection of war victims, held in Geneva from April 12 to August 12, 1949, which entered into force on October 21, 1950, and was ratified by Guatemala on May 14, 1952.

¹⁵⁹ Article 3 common to the four Geneva Conventions establishes: Conflicts not of an international character. In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions: (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples. (2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict."

¹⁶⁰ Cf. International Committee of the Red Cross. Customary International Humanitarian Law, Vol. I, edited by Jean-Marie Henckaerts and Louise Doswald-Beck, 2007.

¹⁶¹ Article 38 stipulates that:

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

¹⁶² According to the International Committee of the Red Cross this obligation has been defined as: "Parties to the conflict must do their best to restore family ties, i.e., they should not only permit searches undertaken by members of dispersed families, but they should even facilitate them." Commentary on Protocol II additional to the Geneva Conventions of 1949 and

90. It has been proved that, in this case, at least one girl and three boys¹⁶³ were victims of forced disappearance. The State had the obligation to protect the civilian population in the context of the Guatemalan internal armed conflict and, especially the children, who were in a situation of greater vulnerability and risk that their rights would be violated. However, in this case it has been verified that the military acted completely illegally and used the State's structures to perpetrate the forced disappearance of children, through the systematic nature of the repression to which certain sectors of the population were subjected. In addition, these forced disappearances, perpetrated by State agents, impacted and continue to impact many families.

91. Additionally, the victims, Rolando Hernández Arévalo and Carmelino Ajanel Ramos, who were children at the time of the continued family separation described in the previous section and, also, when the Court's temporal jurisdiction entered into force, had their right to the protection of the family violated; moreover, this had a differentiated impact of them because they were children separated from their parents. The Court recalls that the family to which all children have a rights is, above all, their biological family, including the closest family members who should protect them; at the same time, they should be the principal subject of State measures of protection.¹⁶⁴

92. Furthermore, due protection of the rights of children as subjects of rights should take into consideration their inherent characteristics and the need to contribute to their development, offering them the necessary conditions to live and develop their aptitudes in order to fully exploit their potential,¹⁶⁵ and this did not happen in the instant case, where the State remained indifferent to the situation of the children who were victims of numerous violations derived from the massacre that took place on April 28 and 29, 1982.

93. Based on the above, the Court concludes that the State is responsible for the violation of Article 19 of the American Convention, to the detriment of the children Norma Morales Alonzo, Victoriano Salvatierra Morales, Antonio Santos Serech and Joselino García Sermeño, and also Rolando Hernández Arévalo and Carmelino Ajanel Ramos.

VIII-2 RIGHTS TO JUDICIAL GUARANTEES AND JUDICIAL PROTECTION¹⁶⁶

94. In this chapter, the Court will analyze specifically the alleged deficiencies in the investigations and proceedings instituted as a result of the massacre of the village of Los Josefinos on April 28 and 29, 1982, in alleged violation of Articles 8 and 25 of the American Convention, in relation to Article 1(1) thereof. The Court will make its analysis within the framework of its temporal jurisdiction in this case; that is, as of March 9, 1987.

A. Arguments of the parties and of the Commission

95. The **Commission** noted that the facts of this case occurred in a prevailing context of

relating to the Protection of Victims of Non-International Armed Conflicts. Sub-paragraph B. Reunion of families, para. 4553.

¹⁶³ Namely, the children Norma Morales Alonzo, Victoriano Salvatierra Morales, Antonio Santos Serech and Joselino García Sermeño.

¹⁶⁴ Cf. *Case of Rochac Hernández et al. v. El Salvador. Merits, reparations and costs*. Judgment of October 14, 2014. Series C No. 285, para. 104, and *Case of Ramírez Escobar et al. v. Guatemala. Merits, reparations and costs*. Judgment of March 9, 2018. Series C No. 351, para. 163.

¹⁶⁵ Cf. *Case of Rochac Hernández et al. v. El Salvador, supra* para. 106, and *Case of Ramírez Escobar et al. v. Guatemala, supra*, para. 150.

¹⁶⁶ Articles 8 and 25 of the American Convention.

widespread impunity that, in itself, has been recognized as one of the most serious violations of human rights that occurred in Guatemala and has been one of the key factors contributing to the persistence of human rights violations, and also criminal and social violence. It also noted that the State had not assumed the investigation of this case as an inherent State obligation and the investigation had not been addressed at the effective identification, pursuit, capture, prosecution and eventual punishment of those responsible, in order to make a full examination of the harm caused to the inhabitants of Los Josefinos. In addition, the investigation was not aimed at the identification and return of the remains of those who died in the massacre.

96. The Commission also found that it had been proved that the Army and the Ministry of Defense had directly obstructed the investigations; the latter not only, first, refused to respond to the requests for information alleging that the requested information constituted a "State secret," but also, when it did respond, did so only partially and did not hand over all the information requested or allow the Public Prosecution Service to verify the inexistence of certain archives and denied it the possibility of presenting arguments regarding the Army's categorization of some documents as "secret." It added that the investigation was not concluded within a reasonable time, all of this to the detriment of the right of the victims and their families to know the truth about what happened promptly. The Commission concluded that the State had violated the rights to judicial guarantees and judicial protection guaranteed in 8(1) and 25(1) of the American Convention, in relation to the duty to respect rights established in Article 1(1) of this instrument, to the detriment of the family members of the victims of the massacre, the victims of forced disappearance, and all the surviving victims.

97. The **representatives** argued that the facts of this case were "extremely serious" and should be considered as crimes against humanity. They also argued the following:

- a) The State did not open an investigation *ex officio*.
- b) When the investigations were opened, the State failed to act with due diligence.
- c) The military authorities openly obstructed the investigations; the military institution maintained a negative position, shielding itself by a policy of "State secrets," and asserting that the requested information was confidential under Guatemalan law.
- d) The investigations were not addressed at determining the whereabouts of the disappeared persons.
- e) The investigations were not addressed at investigating, prosecuting and punishing all the masterminds and perpetrators of the facts, but rather at ensuring their impunity.
- f) The State failed to comply with its duty to ensure the safety of the participants in the proceedings: the prosecutors, the anthropologists and even the victims who have been parties to the proceedings have received threats.
- g) The State incurred in an unjustified delay in the investigation of the massacre.

98. They also argued that the Guatemalan State had violated the right to the truth of the surviving victims of the massacre, and of the family members of the disappeared victims and that, in this specific case, this right was derived from Articles 1(1), 8(1), 13 and 25 of the Convention. In addition, in the case of violence against women, as in this case, in which women were the target of the scorched earth policy, the general obligations established in Articles 8 and 25 of the American Convention were supplemented and reinforced for those State that are Parties to the Convention of Belém do Pará, with all the obligations derived from that specific inter-American treaty.

99. The **State** argued that it had taken the necessary measures to conduct an investigation that would allow those responsible for what happened to be individualized and punished. It indicated that it had obtained 59 testimonial statements from the survivors regarding what happened in the village of Los Josefinos, and also the testimony of two members of the Army considered to be “possibly responsible” for the events that occurred. It also affirmed that it had conducted an on-site inspection of the clandestine cemetery found in Los Josefinos; the remains had been exhumed in order to identify them and, later, a monument had been erected with the names of the 19 persons found. It argued that the Ministry of Defense had shared vital information for the proceedings as regards the identification of those responsible. The State concluded that it had made every possible effort to ensure that the investigation permitted the victims to obtain justice and asked the Court to declare that it had ensured the rights to judicial guarantees and judicial protection. In its final written arguments, the State indicated that, on September 8 and 9, 2020, it had held a hearing before the Trial Court “A” for high-risk criminal matters, drug-trafficking and crimes against the environment to receive 12 testimonial statements by videoconference as advance evidence.

B. Considerations of the Court

100. The Court recalls that the obligation to investigate human rights violations is one of the positive measures that States should take to ensure the rights recognized in the American Convention.¹⁶⁷ This obligation is also derived from other inter-American instruments. Moreover, in cases of forced disappearance, this obligation is reinforced by Article I(b), of the ICFDP.¹⁶⁸

101. The obligation to investigate the facts in order to establish responsibilities and punishments, as applicable, acquires importance based on the nature of the rights violated and the gravity of the crimes committed.¹⁶⁹ The Court has pointed out the State’s duty to investigate attacks against personal integrity,¹⁷⁰ and against life,¹⁷¹ including extrajudicial executions and massacres.¹⁷² The Court has also indicated that the State bodies responsible for investigating the forced disappearance of persons – the purpose of which is the determination of their whereabouts and clarification of what happened, the identification of those responsible and their possible punishment – must perform their task diligently and thoroughly.¹⁷³

102. The Court also considers that compliance with the State obligation to investigate and punish gross human rights violations, such as those in the instant case, constitutes not only an international obligation, but also provides essential elements for a comprehensive policy on the right to the truth, access to justice, effective measures of reparation, and guarantees of non-repetition. Therefore, judicial proceedings to clarify what happened in contexts of systematic human rights violations may

¹⁶⁷ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, para. 166, and *Case of Guachalá Chimbo et al. v. Ecuador. Merits, reparations and costs. Judgment of March 26, 2021. Series C No. 423, para. 184.*

¹⁶⁸ Cf. *Case of Rodríguez Vera et al. (Disappeared from the Palace of Justice) v. Colombia. Preliminary objections, merits, reparations and costs. Judgment of November 14, 2014. Series C No. 287, para. 437, and Case of Garzón Guzmán et al. v. Ecuador. Merits, reparations and costs. Judgment of September 1, 2021. Series C No. 434, para. 66.*

¹⁶⁹ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, para. 166, and *Case of Coc Max et al. (Xamán Massacre) v. Guatemala. supra*, para. 79.

¹⁷⁰ Cf. *Case of Perozo et al. v. Venezuela. Preliminary objections, merits, reparations and costs. Judgment of January 29, 2009. Series C No. 195, para. 358, and Case of Coc Max et al. (Xamán Massacre) v. Guatemala, supra*, para. 79.

¹⁷¹ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, para. 177, and *Case of Coc Max et al. (Xamán Massacre) v. Guatemala, supra*, para. 79.

¹⁷² Cf. *Case of the Pueblo Bello Massacre v. Colombia. Judgment of January 31, 2006. Series C No. 140, para. 143; Case of Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala, supra*, para. 210, and *Case of Coc Max et al. (Xamán Massacre) v. Guatemala, supra*, para. 79.

¹⁷³ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits, supra*, para. 177, and *Case of Contreras et al. v. El Salvador, supra*, para. 145, and *Case of Rochac Hernández et al. v. El Salvador, supra* para. 139.

provide an opportunity for public denunciation of arbitrary acts, and accountability for perpetrators; foster society's confidence in the legal system and in the work of its authorities, legitimizing their actions; contribute to social reconciliation procedures based on the knowledge of the truth of what happened and the dignification of the victims and, ultimately, strengthen social cohesion and the rule of law.¹⁷⁴

103. To evaluate compliance with the foregoing, the Court is able, within the sphere of its complementary and collaborative competence, to examine different aspects of the domestic investigation procedures,¹⁷⁵ including the competence of the intervening authorities and the diligence of their actions. The latter, when it is argued that errors could have impaired the investigation as a whole so that, "with the passage of time, the possibility of obtaining and presenting pertinent evidence, which permits clarification of the facts and determination of the corresponding responsibilities, is unduly affected."¹⁷⁶

b.1. Obligation to investigate the facts of this case

104. This Court has established that, in light of the obligation to investigate human rights violations, "once the state authorities are aware of an incident, they must initiate, *ex officio* and without delay, a thorough, impartial and effective investigation [...] using all available legal means and for the purpose of determining the truth."¹⁷⁷

105. In this case, the Court notes, first, that the initiation of the investigations into the gross human rights violations perpetrated on April 28 and 29, 1982, was not decided, *ex officio*; rather, it was opened as a result of the denunciation filed on January 16, 1996, by the Asociación de Familiares de Detenidos-Desaparecidos de Guatemala (FAMDEGUA) before the Trial Court of the department of Petén. The Court also notes that the State was aware of the existence of this massacre, not only because it was perpetrated by state agents, but also because, the day after the incident, the deputy mayor reported the events, and members of the army proceeded to gather up some of the corpses and bury them in a mass grave in the village cemetery.¹⁷⁸

106. In addition, it was not until April 18, 1996 – that is, almost 14 years after the events – that the Public Prosecution Service ordered the initiation of the corresponding criminal prosecution and decided that the necessary measures should be taken to clarify the facts.¹⁷⁹ This involved a flagrant delay that, of necessity, had an impact on the corresponding collection of evidence. Thus, the Court recalls that the effects of the passage of time are directly proportionate to the limitation – and, in

¹⁷⁴ The Special Rapporteur on the promotion of the truth, justice, reparation and guarantees of non-recurrence has stressed that criminal prosecutions in transitional processes "provide recognition to victims as rights holders. They also provide an opportunity for the legal system to establish its trustworthiness, [...] strengthen the rule of law and [...] contribute to social reconciliation." Human Rights Council, Report of the Special Rapporteur on the promotion of the truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, UN Doc. A/HRC/27/56, August 27, 2014, para. 22. See, also, United Nations Security Council, Report of the Secretary-General, The rule of law and transitional justice in conflict and post-conflict societies, UN Doc. S/2004/616, August 3, 2004, para. 39.

¹⁷⁵ Cf. *Case of the "Street Children" (Villagrán Morales et al.) v. Guatemala*. Merits. Judgment of November 19, 1999. Series C No. 63, para. 222, and *Case of Coc Max et al. (Xamán Massacre) v. Guatemala*, *supra*, para. 80.

¹⁷⁶ Cf. *Case of Ibsen Cárdenas and Ibsen Peña v. Bolivia*. Merits, reparations and costs. Judgment of September 1, 2010. Series C No. 217, para. 172, and *Case of Bedoya Lima et al. v. Colombia*. Merits, reparations and costs. Judgment of August 26, 2021. Series C No. 431, para. 128.

¹⁷⁷ Cf. *Case of Velásquez Rodríguez v. Honduras*. Merits, *supra*, para. 177, and *Case of Rosendo Cantú et al. v. Mexico*. Preliminary objection, merits, reparations and costs. Judgment of August 31, 2010. Series C No. 216, para. 175.

¹⁷⁸ Cf. Testimony of Samuel Gregorio Bracamonte, January 1996 (evidence file, folio 646), and Statement before the Public Prosecution Service of Samuel Gregorio Bracamonte on October 12, 2006 (evidence file, folio 537).

¹⁷⁹ Cf. District prosecutor of the Public Prosecution Service, Decision of April 18, 1996 (evidence file, folio 78).

some cases, the impossibility – of obtaining evidence and/or statements, and this obstructs and even renders useless or ineffective, the conducting of evidentiary and/or testimonial procedures to clarify the facts being investigated, identify the possible perpetrators and participants, and determine the eventual criminal responsibilities.¹⁸⁰ The Court also recalls that, in cases of forced disappearance, such as those that occurred in this case, it is essential that the prosecutorial and judicial authorities act promptly and immediately ordering the opportune and necessary measures to determine the victims' whereabouts or the place where they may be deprived of liberty.¹⁸¹

107. Furthermore, the Court notes with concern that, both the procedure to identify the exhumed remains located in a mass grave, and the other action taken to locate the whereabouts or the remains of the other victims have been totally inadequate. Proof of this is the fact that, to date, only 19 skeletal remains found in one mass grave have been recovered¹⁸² and that, based on those remains, it has only been possible to identify four of the victims, namely: Cristóbal Rey González González,¹⁸³ María Inés Muralles Pineda, Isabel Hernández Pineda and Santiago Colón Carau.¹⁸⁴ The Court notes that the fundamental reason for this situation is not only the passage of time, which necessarily affects the state of preservation of the evidence, but also the decision of the army Commander in charge of the region at the time of the facts, who refused the request of the deputy mayor of the village to identify and give a proper burial to each of those who had died and, instead, ordered their interment in a single mass grave.¹⁸⁵ On this point, the Court has indicated that, in cases of gross human rights violations, such as those in this case, the exhumation and identification of the deceased victims forms part of the State obligation to investigate and is an obligation that must be complied with *ex officio*, because "the obligation to investigate includes the right of the victims' next of kin to know their fate and, if application, the location of their remains."¹⁸⁶

108. In addition, from the evidence provided, the Court notes that the procedures conducted to date have consisted, basically, in the collection of statements and documents, measures the purpose of which was not an active search for the truth of what happened. Indeed, the case file does not contain a thorough analysis of the information collected with the aim of undertaking additional investigative actions or following up on different lines of investigation. The Court also considers that the investigations undertaken did not take into account the context of the facts, their complexity, the patterns that explain their perpetration, the complex web of people involved, or the special position of those potentially responsible within the State's structure at that time. On this point, the Court has considered that, in the case of facts such as those alleged in this case, bearing in mind their context and complexity, it is reasonable to consider that there are different degrees of responsibility at different levels.¹⁸⁷ However, this is not reflected in the investigations. Consequently, it does not appear that the authorities in charge of the investigations followed clear and logical lines of

¹⁸⁰ Cf. *Case of Anzualdo Castro v. Peru*, *supra*, para. 135, and *Case of Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala*, *supra*, para. 236.

¹⁸¹ Cf. *Case of Anzualdo Castro v. Peru*, *supra*, para. 135, and *Case of Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala*, *supra*, para. 236.

¹⁸² Cf. Investigation file, criminal case No. C-805-1996 (evidence file, folios 50 to 56), and Communication of Forensic Anthropologist F.R., of March 25, 1996 (evidence file, folio 60).

¹⁸³ Cf. Death certificate of Cristóbal Rey González González (evidence file, folios 1553 and 1554).

¹⁸⁴ Cf. Pleadings and motions brief (merits file, folio 252).

¹⁸⁵ Cf. Statement before the Public Prosecution Service of Samuel Gregorio Bracamonte on November 30, 2007 (evidence file, folio 585), and Statement before the Public Prosecution Service of Samuel Gregorio Bracamonte on October 12, 2006 (evidence file, folio 537).

¹⁸⁶ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits*, *supra*, para. 181, and *Case of Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala*, *supra*, para. 221.

¹⁸⁷ Cf. *Case of Radilla Pacheco v. Mexico*, *supra*, para. 203, and *Case of Rochac Hernández et al. v. El Salvador*, *supra*, para. 150.

investigation taking those elements into account.

109. In sum, all the foregoing has contributed to the current impunity of this case, in which there has been no effort to prosecute and, above all, punish the masterminds and perpetrators of the events, all to the detriment of the victims' right of access to justice and that everything necessary be done to know the truth of what occurred.

b.2. Obstacles arising during the proceedings resulting from the massacre

110. The Court notes that, in this case, among the few procedures conducted to determine the identity of those probably responsible for the massacre are various requests for information made by the Public Prosecution Service to the Ministry of Defense. However, the Court notes that the Ministry of Defense has maintained a negative and obstructive position, based on a policy of "State secrets," by insisting that the requested information is confidential under Guatemalan law. The body of evidence reveals that the Ministry of Defense not only rejected the prosecutor's request for information on several occasions, but also filed several appeals against the judicial ruling that ordered it to hand over certain information, arguing that this was confidential and referred to military matters classified as "secret."¹⁸⁸ These appeals were denied and the Ministry of Defense finally provided information indicating, first, that there were no records of the military detachments assigned to the zone at the time of the events and, then, producing before the San Benito Criminal Court in charge of the case, a certified document on the location of Petén detachments in 1982 and a certified document on the record of the officers occupying the posts of "Commander, Second and Third Commander S-1, S-2, S-3, S-4 and S-5 of Military Zone No. 23 in March, April and May 1982 "contained in General Directives on Officers, classified as secret."¹⁸⁹ On January 23, 2008, the San Benito Criminal Court decided not to incorporate the record of the hearing into the proceedings (the purpose of which had been that the Ministry of Defense exhibit the required information classified as secret),¹⁹⁰ considering that it did not contain elements relevant to the investigation.¹⁹¹

111. The Court recalls that state authorities are obliged to collaborate in the collection of evidence in order to accomplish the objectives of an investigation, and to refrain from taking steps that obstruct the course of the investigation process.¹⁹² Also, in case of human rights violations, state authorities may not shield themselves behind mechanisms such as State secrets or the confidentiality of information, or on grounds of public interest or national security, to fail to provide the information required by the administrative or judicial authorities responsible for the ongoing investigation or proceedings.¹⁹³ However, that is what happened in the instant case in which, far from collaborating with the investigation, the Ministry of Defense was characterized by actions designed to delay and obstruct the obtaining of relevant evidence for the investigation, thus contributing to the current

¹⁸⁸ See, among others, appeal for reconsideration of the January 26, 2007, ruling of April 17, 2007 (evidence file, folios 225 and ff.); Appeal contesting the ruling of January 26, 2007 (evidence file, folios 235 and ff.); Appeal for reconsideration of the ruling, of April 19, 2007 (evidence file, folios 245 and ff.), and Appeal for reconsideration of the ruling, of April 20, 2007 (evidence file, folios 265 and ff).

¹⁸⁹ Cf. Ministry of Defense, Communication No. 6992 of October 2, 2007 (evidence file folio 294); Cf. Ministry of Defense, Communication No. 7001 of October 2, 2007 (evidence file folios 863 and ff.).

¹⁹⁰ Cf. Record of procedure of December 20, 2007 (evidence file, folio 327).

¹⁹¹ Cf. Ruling of the San Benito Criminal Trial Court for criminal matters and crimes against the environment, Petén, of January 23, 2008 (evidence file, folio 336).

¹⁹² Cf. *Case of García Prieto et al. v. El Salvador. Preliminary objections, merits, reparations and costs.* Judgment of November 20, 2007. Series C No. 168, para. 112, and *Case of Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala, supra*, para. 212.

¹⁹³ Cf. *Case of Myrna Mack Chang v. Guatemala. Merits, reparations and costs.* Judgment of November 25, 2003. Series C No. 10, para. 180, and *Case of Gutiérrez Hernández et al. v. Guatemala. Preliminary objections, merits, reparations and costs.* Judgment of August 24, 2017. Series C No. 339, para. 186.

situation of impunity in this case. Moreover, when it finally provided information, this was limited to general information on officers and command posts that the San Benito Criminal Court itself considered irrelevant. This also concurs with the opinion provided by expert witness Lapsley Doyle, who indicated that, in her 30 years of professional experiences as an archivist, document expert, Latin America specialist and human rights researcher, the State of Guatemala “has never permitted a broad and regulated access to the archives of its armed forces to either the victims of gross human rights violations or their family members, for historical clarification or to ensure justice and accountability.”¹⁹⁴

112. Furthermore, it should be added that the State failed to comply with its obligation to ensure the safety of the participants in the proceedings: the prosecutors, anthropologists, and even victims who were parties to the proceedings received threats.¹⁹⁵ In this regard, the Court recalls that, to ensure due process, the State must facilitate all necessary measures to protect the agents of justice, investigators, witnesses, and next of kin of the victims from harassment and threats that are designed to interfere with the proceedings, avoid the clarification of the facts, and conceal those responsible. Otherwise, this would have a threatening and intimidating effect on investigators and potential witnesses, with a serious impact on the effectiveness of the investigation. In addition, such threats and intimidation cannot be considered in isolation, but must be taken into account in the context of interference with the investigation of the case, because they become just one more means of perpetuating impunity or preventing the truth of what happened from being known.¹⁹⁶

b.3. Reasonable time

113. Regarding the general promptness of the proceedings, this Court has indicated that the “reasonable time” to which Article 8(1) of the Convention refers should be assessed in relation to the total duration of the proceedings that are held until the final judgment is handed down. The right of access to justice signifies that the dispute must be decided within a reasonable time, because a prolonged delay may even constitute, in itself, a violation of judicial guarantees.¹⁹⁷ The Court has usually considered the following elements to determine whether the time is reasonable: (a) the complexity of the matter; (b) the procedural activity of the interested party; (c) the conduct of the judicial authorities, and (d) the general effects on the legal situation of the person concerned. In this case, more than 39 years have passed since the massacre without any of the investigations examined in this chapter going beyond the investigation stage; therefore, the standards for reasonableness have been breached. This means that the case remains in total impunity and, consequently, the Court finds it evident that the investigation was not conducted within a reasonable time.

¹⁹⁴ Cf. Expert opinion of Katharine Temple Lapsley Doyle, provided by affidavit on February 10, 2021, p. 3 (evidence file, folio 23978).

¹⁹⁵ Carlos Federico Reyes, member of the FAFG was allegedly threatened on two occasions, and the prosecutors of the Unit for Special Cases and Human Rights Violations reported that they had been followed and under surveillance by unknown individuals. Cf. Notarized statement of César Armando Palencia Muralles of July 9, 2003 (evidence file, folio 7). In addition, as emphasized during the hearing before the Court, family members were threatened when they inquired about what had happened to their loved ones. According to Maritza López, when her father when to inquire about her brother, one of the lieutenants told him that he “should stop looking because, if not, he too would disappear.” Cf. Statement of Maritza López during the public hearing held on February 17 and 18, 2021, during the Court’s 139th regular session.

¹⁹⁶ Cf. *Case of the Las Dos Erres Massacre v. Guatemala*, *supra*, para. 145, and *Case of Members of the village of Chichupac and neighboring communities of the municipality of Rabinal v. Guatemala. Preliminary objections, merits, reparations and costs*. Judgment of November 30, 2016. Series C No. 328, para. 224.

¹⁹⁷ Cf. *Case of Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago. Merits, reparations and costs*. Judgment of June 21, 2002. Series C No. 94, para. 145, and *Case of Grijalva Bueno v. Ecuador. Preliminary objection, merits, reparations and costs*. Judgment of June 3, 2021. Series C No. 426, para. 140.

b.4. Conclusion

114. Based on the foregoing, it can be observed that, during the investigation of the massacre of April 28 and 29, 1982, in the village of Los Josefinos, the State was responsible for a series of obstructions and failures of due diligence that have prevented the effective investigation, prosecution and eventual punishment of those responsible, and this has also violated the victims' right to the truth. Regarding the right to the truth, the Court recalls that everyone, including the next of kin of victims of gross human rights violations, has the right to know the truth. Consequently, the victims' family members and society must be informed of what happened in relation to those violations. Although the right to know the truth has basically been considered part of the right of access to justice, in reality this right to the truth is autonomous because it is very broad and its violation may impair different rights contained in the American Convention depending on the particular context and circumstances of the case.¹⁹⁸

115. The Court also notes that this clear absence of investigation and criminal prosecution of the facts has had a direct effect on the investigation of the numerous gross human rights violations perpetrated at the time of the massacre. To date, it has also prevented making a differentiated analysis of the impact that those violations had on the different groups in a situation of vulnerability within the community, such as the children and women in this case, and this has also rendered the specific violations that these groups suffered invisible.

116. Taking the preceding considerations into account, as well as the body of evidence in this case, the Court finds 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 of the right to know the truth about the events, to the detriment of the persons identified in Annexes III and VIII of this judgment, and also 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 Article I(b) of the Inter-American Convention on Forced Disappearance of Persons, as well as the right to know the truth about the events, to the detriment of the persons indicated in Annex VII of this judgment.

VIII-3 PERSONAL INTEGRITY¹⁹⁹

A. Arguments of the parties and of the Commission

117. The **Commission** determined that the next of kin of the victims of the massacre are, in turn, victims of the violation of their right to personal integrity owing to the pain and anguish they suffered and continue to suffer. It added that, in this case, no meaningful and impartial investigation of the events was initiated *ex officio* and without delay, nor had there been a thorough investigation to uncover the truth of what happened or effective judicial proceedings to identify and punish those responsible. It concluded that the State had violated the right to personal integrity, and the rights of the family and of the child established in Articles 5(1), 5(2), 17 and 19 of the American Convention in relation to the obligations established in Article 1(1) thereof, to the detriment of the survivors and the families of the victims of the massacre in this case.

118. The **representatives** argued that Guatemala had violated the right to personal integrity of the

¹⁹⁸ Cf. *Case of Vereda La Esperanza v. Colombia. Preliminary objections, merits, reparations and costs*. Judgment of August 31, 2017. Series C No. 341, para. 220, and *Case of Omeara Carrascal et al. v. Colombia. Merits, reparations and costs*. Judgment of November 21, 2018. Series C No. 368, para. 256.

¹⁹⁹ Article 5 of the American Convention on Human Rights.

surviving victims and family members due to the suffering caused by the absence of an investigation and the impunity in which the case remains. They also indicated that it had been the victims, through their representatives, who had advanced the proceedings, and that the authorities had continued acting in an ommissive manner. According to the representatives, all of this has resulted in profound suffering and a feeling of helplessness in the face of the certainty that those who had executed and disappeared their family members, caused their displacement and family separation, and destroyed their possessions, leaving them without anything, remained in the most absolute impunity.

119. The **State** did not submit specific arguments in this regard.

B. Considerations of the Court

120. On reiterated occasions,²⁰⁰ the Court has asserted that the next of kin of victims of certain human rights violations may, in turn, be considered victims.²⁰¹ Similarly, it has indicated that it is possible to declare the violation of the right to integrity of the next of kin of victims of certain human rights violations applying a *iuris tantum* presumption with regard to mothers and fathers, daughters and sons, and spouses and permanent companions, provided this is in keeping with the particular circumstances of the case.²⁰² In relation to these family members, it corresponds to the State to disprove this presumption,²⁰³ which is applicable in cases involving massacres and extrajudicial executions²⁰⁴ with regard to family members of those who died. When this presumption is not applicable, the Court must assess, first, the existence of a particularly close connection between the family member and the victim in the case that allow it to establish a violation of their personal integrity and, then, whether the evidence in the case file proves a violation of personal integrity.²⁰⁵

121. Additionally, in cases involving the forced disappearance of persons, the Court has asserted that the violation of the right to mental and moral integrity of the victim's next of kin is a direct consequence of this crime, which causes them severe suffering, which is increased by the constant refusal of the state authorities to provide information on the victim's whereabouts, or to open an effective investigation to clarify what happened.

122. In this case, it has been proved – and the State has acknowledged this – that on April 28 and 29, 1982, a massacre was perpetrated by members of the army that resulted in the death of at least 38 people, including men, women and children, while 14 people were disappeared. To date, the families ignore the whereabouts of many of these victims. The Court recalls that “the continued deprivation of the truth regarding the fate of a disappeared person constitutes a form of cruel,

²⁰⁰ Cf. *Case of Castillo Páez v. Peru. Merits*. Judgment of November 3, 1997. Series C No. 34, fourth operative paragraph *Case of V.R.P., V.P.C. et al. v. Nicaragua. Preliminary objections, merits, reparations and costs*. Judgment of March 8, 2018. Series C No. 350, para. 327, and *Case of Manuela et al. v. El Salvador, supra*, para. 262.

²⁰¹ This is based on the circumstances of the case, in view of the suffering caused by the violations perpetrated against their loved ones and due to the subsequent acts and omission of the state authorities in relation to the facts (*cf. Case of Blake v. Guatemala. Merits*. Judgment of January 24, 1998. Series C No. 36, para. 114, and *Case of Herzog et al. v. Brazil, supra*, para. 351).

²⁰² Cf. *Case of Gudiel Álvarez et al. (Diario Militar) v. Guatemala. Merits, reparations and costs*. Judgment of November 20, 2012, Series C No. 253, para. 286, and *Case of Guzmán Albarracín et al. v. Ecuador. Merits, reparations and costs*. Judgment of June 24, 2020. Series C No. 405, para. 207.

²⁰³ This presumption results in a reversal of the burden of proof because it is not necessary to prove the violation of the rights of these “direct family members,” but rather the State must disprove this (*cf. Case of Valle Jaramillo et al. v. Colombia, supra*, para. 119, and *Case of Guzmán Albarracín et al. v. Ecuador, supra*, para. 207).

²⁰⁴ Cf. *Case of the “Mapiripán Massacre” v. Colombia, supra*, para. 146; *Case of La Cantuta v. Peru, supra*, para. 218, and *Case of Herzog et al. v. Brazil, supra*, para. 351.

²⁰⁵ Cf. *Case of Valle Jaramillo et al. v. Colombia, supra*, para. 119, and *Case of V.R.P., V.P.C. et al. v. Nicaragua, supra*, para. 328.

inhuman or degrading treatment for the close family.”²⁰⁶ As Marina Consuelo García Bravatti de Villagrán confirmed in the expert opinion she presented before this Court, “[t]he pain and suffering caused by the lack of information on the whereabouts of their loved ones prolongs indefinitely the pain, the feeling of insecurity, and the anguish caused by the loss of a loved one.”²⁰⁷ In this regard, Ms. Villagrán noted that, in this case, there was an intergenerational transmission of the psychosocial effects, especially from parents to children, and the second generation of descendants of the surviving victims has also been affected.²⁰⁸ Added to this, is the fact that 39 years have passed since the massacre was perpetrated and the events remain in total impunity,²⁰⁹ an impunity that constitutes revictimization.²¹⁰

123. In sum, in this case, it should be presumed that the personal integrity of the direct family members of those who were disappeared on April 28 and 29, 1982, and also of those executed was violated. The Court has no evidence to disprove this presumption. These family members are identified in Annexes VII and VIII of this judgment.

124. Lastly, with regard to the alleged violation of the personal integrity of the surviving victims of the massacre identified in Annex III of this judgment who are not direct family members of those who were disappeared or killed, owing the current situation of impunity in the case, the Court considers that the gravity of the events of the massacre, which affected the entire community of Los Josefinos, and the lack of a judicial response to clarify this – again it should be stressed that the massacre remains in the most absolute impunity 40 years after it was perpetrated – lead to the conclusion that, in this case and in light of its particularities, there has been a violation of the personal integrity of the surviving victims of the massacre due to the severe suffering and psychological harm they have endured, exacerbated by the intergenerational transmission of the psychosocial effects of the gross human rights violations suffered.

IX REPARATIONS

125. Based on the provisions of Article 63(1) of the American Convention, the Court has indicated that any violation of an international obligation that has caused harm entails the obligation to make adequate reparation and that this provision reflects a customary norm that constitutes one of the fundamental principles of contemporary international law on State responsibility.²¹¹

126. The reparation of the harm caused by the violation of an international obligation requires, whenever possible, full restitution (*restitutio in integrum*), which consists in restoration of the previous situation. If this is not feasible, as in most cases of human rights violations, the Court will

²⁰⁶ Cf. *Case of Trujillo Oroza v. Bolivia. Reparations and costs*. Judgment of February 27, 2002. Series C No. 92, para. 114, and *Case of the Campesino Community of Santa Bárbara v. Peru. Preliminary objections, merits, reparations and costs*. Judgment of September 1, 2015. Series C No. 299, para. 271.

²⁰⁷ Cf. Expert opinion of Marina Consuelo García Bravatti de Villagrán provided by affidavit on February 10, 2021 (evidence file, folio 23950).

²⁰⁸ Cf. Expert opinion of Marina Consuelo García Bravatti de Villagrán provided by affidavit on February 10, 2021 (evidence file, folio 23964).

²⁰⁹ Cf. *Case of Heliodoro Portugal v. Panama. Preliminary objections, merits, reparations and costs*. Judgment of August 12, 2008, para. 174, and *Case of Goiburú et al. v. Paraguay. Merits, reparations and costs*. Judgment of September 22, 2006, para. 97.

²¹⁰ Cf. Expert opinion of Marina Consuelo García Bravatti de Villagrán provided by affidavit on February 10, 2021 (evidence file, folio 23960).

²¹¹ Cf. *Case of Velásquez Rodríguez v. Honduras. Reparations and costs*. Judgment of July 21, 1989. Series C No. 7, para. 25, and *Case of Manuela et al. v. El Salvador, supra*, para. 268.

determine measure to ensure the rights that have been violated and to repair the consequences of such violations.²¹² Therefore, the Court has found it necessary to grant different measures of reparation in order to redress the harm integrally; thus, in addition to pecuniary compensation, measures of restitution, rehabilitation and satisfaction, and guarantees of non-repetition have special relevance for the harm caused.²¹³

127. The Court has established that the reparations must have a causal nexus to the facts of the case, the violations declared, the harm proved, and the measures requested to redress the respective harm. Therefore, the Court must observe this concurrence to rule appropriately and pursuant to law.²¹⁴

128. Taking into account the violations of the American Convention declared in the preceding chapters, in light of the criteria established in the Court's case law concerning the nature and scope of the obligation to make reparation,²¹⁵ the Court will examine the claims submitted by the Commission and the representatives, together with the corresponding arguments of the State, in order to establish measures to redress those violations.

A. Reparations granted in the context of the procedure before the Commission

129. First, it should be underlined that, on December 18, 2007, in the context of the processing of this case before the Inter-American Commission, the representatives and the State signed a friendly settlement agreement.²¹⁶ This agreement was supplemented with an addendum on April 14, 2008.²¹⁷ In the agreement, the State acknowledged that, on April 29, 1982, a military command from the detachments located in the community of Palestina went to Los Josefinos and laid siege to it, preventing anyone from leaving the village. The State also acknowledged that, around midnight, the military command stormed the village, killed those who were on watch, as well as inhabitants, and set fire to the homes.²¹⁸ Consequently, the State undertook to grant financial reparation for pecuniary and non-pecuniary damage, to organize a public act to acknowledge international responsibility in the village of Los Josefinos,²¹⁹ and to continue investigating the case. It also undertook to restore a monument erected by FAMDEGUA at the place where the mass grave was found, to place a commemorative plaque at the place where the bodies of 10 of the victims were found, to take the pertinent steps to set up a health center in Los Josefinos, and to construct a meditation chapel to honor the memory of the victims, and also a multipurpose hall, and a "primary school," and also to

²¹² Cf. *Case of Velásquez Rodríguez v. Honduras. Reparations and costs*, *supra*, paras. 25 and 2, and *Case of Cuya Lavy et al. v. Peru. Preliminary objections, merits, reparations and costs*. Judgment of September 28, 2021. Series C No. 438, para. 186.

²¹³ Cf. *Case of the Las Dos Erres Massacre v. Guatemala*, *supra*, para. 226, and *Case of Vicky Hernández et al. v. Honduras. Merits, reparations and costs*. Judgment of March 26, 2021. Series C No. 422, para. 145.

²¹⁴ Cf. *Case of Ticona Estrada v. Bolivia. Merits, reparations and costs*. Judgment of November 27, 2008. Series C No. 191, para. 110, and *Case of Cuya Lavy et al. v. Peru*, *supra*, para. 187.

²¹⁵ Cf. *Case of Velásquez Rodríguez v. Honduras. Reparations and costs*, *supra*, paras. 25 to 27, and *Case of Manuela et al. v. El Salvador*, *supra*, para. 269.

²¹⁶ Cf. Friendly settlement agreement, Massacre of the village of "Los Josefinos," Petition 1139/04 of December 18, 2007 (evidence file, folio 2439).

²¹⁷ Cf. Addendum of April 14, 2008, to the Friendly settlement agreement of December 18, 2007 (evidence file, folios 2415 to 2417).

²¹⁸ Cf. Friendly settlement agreement, Massacre of the village of "Los Josefinos," Petition 1139/04 of December 18, 2007 (evidence file, folio 2439).

²¹⁹ During this act, the State acknowledged its international responsibility for the violations of Articles 4, 5, 8, 25, 17, 19, in relation to Article 1(1). Cf. Friendly settlement agreement, Massacre of the village of "Los Josefinos," Petition 1139/04 of December 18, 2007 (evidence file, folio 2441).

develop a radio program, the content of which would be agreed on with the victims.²²⁰ Additionally, the State undertook to make a payment towards the expenses of substantiating the procedure before the Inter-American Commission. All necessary steps to comply with the undertakings made in the agreement should have been taken during the first quarter of 2008, although the agreed time frames could be extended by mutual agreement of the parties if a justified reason, *force majeure*, or unforeseen circumstances were verified.²²¹

130. Under the said addendum of April 14, 2008, certain undertaking were expanded, in particular: the construction of a new monument instead of the restoration of the previous one; the modification of the place where the commemorative plaque would be placed, and psychosocial assistance as part of the integral reparation.²²²

131. According to information provided by the Commission, the State has implemented some measures of reparation. Thus, on July 26, 2012, 252 family units received the agreed compensation. Regarding the other measures of reparation that formed part of the friendly settlement agreement, the parties and the Commission both indicated that the State had complied with the public act to acknowledge responsibility, the broadcast of a radio program, and the reimbursement of procedural expenses to FAMDEGUA. Owing to the failure to comply with the other measures of reparation, the representatives had advised the Commission of their intention not to continue with the friendly settlement procedure and asked it to issue the corresponding merits report.²²³

132. Although, ultimately, the agreement had not been endorsed by the Commission, in the Court's opinion the signature of the agreement and the subsequent actions of the parties are relevant when deciding reparations. In particular, the Court will assess the measures of reparation that were implemented by the State and, then, analyze the need to grant additional measures based on the requests presented by the Commission and the representatives, its case law in this regard, and the corresponding arguments of the State.²²⁴

B. Injured party

133. The **Commission** asked the Court to order the State to "[e]stablish a mechanism that, to the greatest extent possible, enables the complete identification of each and every one of the victims of all the violations established in this case and to make the necessary arrangements to ensure that the reparations determined in th[e] merits report are awarded to all the said victims."

134. The **representatives** made the same request and asked the Court to order the State to create a consolidated list of victims of the massacre of the village of Los Josefinos.

135. The **State** indicated that, derived from the friendly settlement procedure before the Commission, a consolidated list of victims of the massacre of Los Josefinos already existed.

²²⁰ Cf. Friendly settlement agreement, Massacre of the village of "Los Josefinos," Petition 1139/04 of December 18, 2007 (evidence file, folios 2439 a 2442).

²²¹ Cf. Friendly settlement agreement, Massacre of the village of "Los Josefinos," Petition 1139/04 of December 18, 2007 (evidence file, folio 2443).

²²² Cf. Addendum of April 14, 2008, to the Friendly settlement agreement of December 18, 2007 (evidence file, folio 2416).

²²³ Cf. Inter-American Commission, Merits Report 16/19, Case of 12,991, Massacre of the village of Los Josefinos with regard to Guatemala, para. 49 (merits file, folio 36).

²²⁴ Cf. *Case of Noguera et al. v. Paraguay. Merits, reparations and costs*. Judgment of March 9, 2020. Series C No. 401, para. 26.

136. As a preliminary point, the Court notes that even though the State has argued that a list of victims already exists – corresponding to the list of victims recognized under the 2007 friendly settlement agreement – that list does not include all the victims declared in this judgment who appear in Annexes II to VIII hereof.

137. In this regard, the Court will consider as injured party, pursuant to Article 63(1) of the Convention, anyone who has been declared a victim of the violation of any rights recognized therein and who is mentioned in Annexes II to VIII of this judgment.²²⁵ Based on these criteria and the evidence provided, this Court has been able to determine a number of victims that is notably less than that of the lists provided by the Commission and the representatives because, in several cases, the appropriate identification was missing or the necessary probative support that would give this Court a minimum certainty about the existence of the victims referred to.²²⁶ These people, who have not been duly identified, are listed in Annex IX, which refers to those individuals regarding whom there are indications that they could be victims, but about whom the Court does not have sufficient information to declare them as such when delivering this judgment.

138. Because it has already established that, in this case, the application of the exception set out in Article 35(2) of the Court's Rules of Procedure is legitimately justified, the Court deems it pertinent that, within twelve months of notification of this judgment, the representatives provide it with the documentation authenticating the identity of the people named in Annex IX of this judgment. This is so that these individuals may be considered victims in this case if it is possible to verify their identity. The representatives must take the necessary steps to contact and inform all the victims named in the said Annex IX so that they may present the required documentation and be identified fully within the stipulated time frame. The Court will make the corresponding assessment when exercising its authority to monitor this judgment.

139. The provisions in this subsection do not exclude the right of any inhabitant of the village of Los Josefinos who was not presented as a victim by the representatives or the Commission, or who appears in Annex IX of this judgment and has not been incorporated as a victim within the twelve months established above, to require, pursuant to domestic law, the remedial measures that correspond to them.

²²⁵ In this regard, as a result of the violations declared in this judgment, the annexes with the lists of victims are as follow:

- I. Alleged victims of extrajudicial execution. Those mentioned in this annex were not declared victims in this case. The Court includes their names only for the purpose of being able to determine their next of kin who have been considered victims in this judgment, pursuant to its Chapters VIII-2 and VIII-3.
- II. Victims of forced disappearance.
- III. Surviving victims of the massacre.
- IV. Victims of forced displacement.
- V. Victims of the violation of the rights of the family.
- VI. Victims of the violation of the rights of the child.
- VII. Next of kin of disappeared victims.
- VIII. Next of kin of alleged victims of extrajudicial execution.

²²⁶ The Court notes that its case file includes proof of the identity of some of the people indicated as victims in this case; particularly, birth certificates, baptismal certificates, death certificates and powers of attorney that were provided by the representatives. Also, there are affidavits and statements made during the public hearing before the Inter-American Court, as well as statements made before the judicial authorities in the context of the domestic criminal investigation, that also mention the names of individuals who the representatives have indicated as victims. Since this evidence was not challenged by the State, the Court finds that it is sufficient to verify the existence and identity of those included on the Commission's lists, as well as on the list presented by the representatives.

C. Investigation, determination, prosecution and punishment, as appropriate, of all those responsible for the facts that are the subject of this judgment

c.1 Full investigation and eventual prosecution and punishment of all the masterminds and perpetrators of the massacre

140. The **Commission** asked the Court to order the State to establish and disseminate the “historical truth” of the events and recommended that the domestic proceedings should continue in order to ensure the effective investigation, capture, prosecution and eventual punishment of those responsible for the alleged human rights violations and to conduct the investigations in an impartial and effective manner and within a reasonable time in order to clarify the events fully, identify the masterminds and perpetrators, and impose the appropriate punishments in accordance with the applicable international standards.

141. Similarly, the **representatives** asked the Court to order the State to investigate, prosecute and punish all those responsible for the human rights violations committed in this case.

142. In its brief with final arguments, the **State** indicated its “commitment to individualize, identify and punish those who perpetrated the events of April 28 and 29, 1982.”

143. Bearing in mind its case law,²²⁷ the Court establishes that the State must remove all the *de facto* and *de jure* obstacles that maintain impunity in this case and open, continue, promote and/or reopen the necessary investigations to individualize, prosecute and punish, as appropriate, those responsible for the human rights violations that are the subject of this case, and establish the truth of the facts, all within a reasonable time, taking into account that more than 39 years have passed since they occurred. In particular, the State must ensure that the following criteria are met:

- a) Considering the severity of the facts, it may not apply amnesty laws or the statute of limitations, or allege measures intended to exempt responsibility, or take refuge behind arguments such as State secrets or the confidentiality of the information, all of which are actually a pretext for impeding the investigation;
- b) It must investigate, *ex officio* and effectively the facts of this case, taking into account the systematic pattern of gross and mass human rights violations that existed at the time in which these occurred. In particular, it must investigate effectively the forced disappearances and forced displacements, the extrajudicial executions, and other human rights violations that were perpetrated, as well as reports that crimes against humanity were committed;
- c) It must determine the identity of the presumed masterminds of the events. Due diligence in the investigation signifies that all state authorities are obliged to collaborate in the collection of evidence; therefore, they must provide the judge of the case with all the required information and refrain from actions that obstruct the course of the investigation, and
- d) It must ensure that the different organs of the system of justice involved in the case have the human, material, technical and scientific resources they require to perform their tasks in a satisfactory, independent and impartial manner, and that those who take part in the

²²⁷ Cf. *Case of Velásquez Rodríguez v. Honduras. Merits*, para. 174, *Case of the Río Negro Massacres v. Guatemala*, *supra*, para. 257, *Case of the Massacres of El Mozote and neighboring places v. El Salvador. Merits*, *supra*, para. 319.

investigation, including the victims or their representatives, witnesses and agents of justice, have the appropriate guarantees for their safety.²²⁸

144. In keeping with its consistent case law,²²⁹ the Court finds that the State must ensure that the victims or their next of kin have full access and capacity to act at all stages of the investigation and prosecution of those responsible, pursuant to domestic law and the provisions of the American Convention. In addition, the results of the corresponding proceedings must be published so that Guatemalan society are informed about the facts that are the subject of this case, and also those responsible.²³⁰

c.2 Identification and return of the remains of the victims killed during the massacre and investigation of the fate or whereabouts of the persons disappeared or their remains

145. The **Commission** asked the Court to order the State to identify and return the remains of all those who died in the massacre and investigate the fate or whereabouts of the three forcibly disappeared persons and of the eight individuals whose whereabouts have not been established since the massacre.

146. The **representatives** asked the Court to order the State to conduct the search, localization, identification and return of the remains of those killed during the massacre, as well as the search and localization of the fourteen forcibly disappeared victims in this case, whose whereabouts remain unknown.

147. In its brief with final arguments, the **State** indicated that it had made an "effort" to locate the remains of the victims of the events of April 28 and 29, 1982.

148. The Court considers that the State, in addition to the investigations and criminal proceedings underway, must immediately draw up a detailed organizational plan, defining specific objectives and goals, and also defining periodic evaluation procedures, for the search for the inhabitants of the Los Josefinos who were forcibly disappeared, as well as for the localization, exhumation and identification of those presumably executed and determination of the cause of death. These people are identified in Annexes I and II of this judgment.

149. In this plan, the State must establish the maximum use of its appropriate scientific and technical human resources. In this regard, the State must:

- a) Within six months of notification of this judgment, present the Court with a timetable with specific short- and medium-term goals, including an estimate of the necessary administrative and budgetary arrangements, and an indication of the state authorities or instances that will intervene in the search, exhumation and identification of the disappeared and of those presumably executed, as applicable, the competence of each one, and which authorities or instances will be in charge of coordination;

²²⁸ Cf. *Order on monitoring compliance with judgment of 12 Guatemalan cases*, considering paragraph 167; *Case of the Las Dos Erres Massacre v. Guatemala*, *supra*, para. 233; *Case of the Río Negro Massacres v. Guatemala*, *supra*, para. 257; *Case of Gudiel Álvarez et al. ("Diario Militar") v. Guatemala*, *supra*, para. 327; *Case of García and family members v. Guatemala*, *supra*, para. 196, and *Case of the Human Rights Defender et al. v. Guatemala*, para. 252.

²²⁹ Cf. *Case of El Caracazo v. Venezuela. Reparations and costs*. Judgment of August 29, 2002. Series C No. 95, para. 118, and *Case of Pacheco Teruel et al. v. Honduras*, *supra*, para. 130.

²³⁰ Cf. *Case of El Caracazo v. Venezuela. Reparations and costs*, *supra*, para. 118, and *Case of Garzón Guzmán et al. v. Ecuador*, *supra*, para. 286.

- b) Use and apply the relevant and necessary national and/or international technical and scientific standards;²³¹
- c) Ensure that state officials and any other person who intervenes in or supports the search, exhumation and identification work has adequate safety guarantees, and initiate the required investigations if these people suffer any type of threat or attack;
- d) Incorporate, *ex officio*, any determination of the cause of death and injuries into the investigations that are already underway or those that are opened into the massacre in this case, for the pertinent effects;
- e) Inform the victims' representatives in writing about the advances in the search, localization, identification, determination of the cause of death and prior injuries of the disappeared and presumably executed and, when applicable, return the remains of these people to their families (*infra* para. 270). Copies of these communications and the representatives' answers must be presented to the Court to be considered at the stage of monitoring compliance with judgment.²³²

150. The mortal remains of the victims in this case must be returned to their next of kin following reliable verification of their identity and relationship, if possible, by DNA testing, as soon as possible and without any cost to the family. The State must also cover the funeral costs in agreement with the deceased's family members,²³³ respecting their beliefs.²³⁴ The State must conclude all the exhumations within four years of notification of this judgment. If the remains of any victim in this case are not claimed by their next of kin within two years from the date they are found, individualized and identified, the representatives or the families directly must be informed. The State must inter those remains individually in a place agreed with the representatives, and record that they are unclaimed remains of people who died as a result of the facts of this case. The State must keep a detailed record of the place and date when the remains were found, the way in which they were identified, the possible manner of death, and the place of the subsequent interment.²³⁵

D. Restitution

151. The **representatives** asked the Court to order the State to implement guarantees for the return of those who had been forcibly displaced.

152. Regarding this measure, the **State** recalled that, during the hearing, Francisco Batres had affirmed that the State had helped him to return and had even given him and other members of the community a plot of land; therefore, the State had complied with allowing the "members of the community" to return to the village.

²³¹ For example, those established in the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and its Model protocol for disinterment and analysis of skeletal remains. This protocol proposes guidelines and procedures for: (1) scene investigation; (2) laboratory analysis of skeletal remains; (3) preparation of the final report, and (4) repository to safeguard the exhumed remains. *Cf. Case of the "Mapiripán Massacre" v. Colombia, supra*, para. 305, and *Case of Gelman v. Uruguay, supra*, para. 259.

²³² *Cf. Case of the Rio Negro Massacres v. Guatemala, supra*, para. 269.

²³³ *Cf. Case of Anzualdo Castro v. Peru, supra*, para. 185, and *Case of the Rio Negro Massacres v. Guatemala, supra*, para. 270.

²³⁴ *Cf. Case of Bámaca Velásquez v. Guatemala. Reparations and costs. Judgment of February 22, 2002. Series C No. 91*, paras. 79 to 82, and *Case of the Rio Negro Massacres v. Guatemala, supra*, para. 270.

²³⁵ *Cf. Case of the Rio Negro Massacres v. Guatemala, supra*, para. 271.

153. The Court notes that, in this case, it has been verified that at least 49 people were victims of forced displacement following the entry into force of the Court's contentious jurisdiction (*supra* paras. 80 to 83 and Annex IV). The State has not submitted specific arguments or proof verifying that, currently, the necessary guarantees exist for these people to be able to return to the village if they so wish. Consequently, the Court requires the State to implement the necessary measures to ensure, in coordination with the representatives in this case, satisfactory conditions for the people who remain displaced to be able to return to their original communities if they so wish. The State must include a report on the measures taken in this regard in the first report that it must submit to the Court pursuant to the nineteenth operative paragraph of this judgment.

E. Rehabilitation

154. The **Commission** asked the Court to order the State to implement a rehabilitation program, including adequate psychological and psychosocial care, for the survivors and for the next of kin of those who were executed or disappeared.

155. The **representatives** asked that the State provide medical, psychological and psychosocial care to the victims and their families, free of charge, including the provision of any medicines they might eventually require, also without charge.

156. In this regard, in its final written arguments, the **State** alleged that the Ministry of Public Health and Social Assistance was providing the following health services, among others, in a health center located in the village of Los Josefinos: doctors' appointments, pregnancy and postpartum controls, control of newborns, nutritional evaluation, and family planning. Regarding the psychological care, it indicated that a district psychologist was located in the Las Cruces Health Center, who provided psychological care and psychosocial support during hearings, home visits, and talks to groups of survivors; therefore, the members of the Los Josefinos community may go to either of these centers to receive the medical and psychological care they need. It also indicated that the victims who do not live in the village may have recourse to the said Ministry to obtain the service they require.

157. Owing to the nature of the violations of the American Convention declared in this judgment, the Court considers that the State must implement a measure to reinforce the health center located in Los Josefinos by providing it with permanent human resources qualified to offer physical, psychological and dental health care, medicines, and fully equipped ambulances.²³⁶ The State has one year from notification of this judgment to implement the corresponding reinforcement actions.

F. Measures of satisfaction

158. The **Commission** asked that, in general, the necessary measures of satisfaction should be adopted to make full reparation for the human rights violations that were declared.

159. The **representatives** asked that the Court order the State to erect a monument as a reminder of the massacre in Los Josefinos. They added that, since the monument erected by the victims was badly damaged, in the addendum to the 2007 friendly settlement agreement the Guatemalan State had undertaken to build a new monument on the same site, and also install the respective plaque. They indicated that, despite this, even though a design had been agreed with the victims and the construction work had begun, the monument had never been completed.

160. The **State** considered that it had complied with the measure of satisfaction because: (i) it had

²³⁶ Cf. *Case of the Rio Negro Massacres v. Guatemala*, *supra*, para. 284.

held a public act to apologize; (ii) it had restored the monument where the mass grave had been located, and (iii) a plaque had been placed commemorating the events of the massacre. Regarding the construction of a monument to commemorate the massacre in Los Josefinos, it stressed that, in its Merits Report, the Commission itself had acknowledged that the State had complied with the construction of this monument; therefore, this measure of reparation was unnecessary.

161. The Court finds, as it has in other cases,²³⁷ that the State must publish, within six months of notification of this judgment: (a) the official summary prepared by the Court, once, in the Official Gazette, in an appropriate and legible font; (b) the official summary prepared by the Court, once, in a national newspaper with widespread circulation in an appropriate and legible font, and (c) this judgment, in its entirety, available for one year on an official website of the State in a way that is accessible to the public from the website's home page. The State must inform the Court immediately when it has made each of the publications ordered, irrespective of the one-year time frame for presenting its first report established in the eleventh operative paragraph of the judgment.

162. Regarding the construction of the monument, the Court notes that, despite the State's assertion that it had restored a monument in agreement with the victims, the representatives have noted that the said monument was never completed. This was confirmed by Francisco Batres who, during the hearing before this Court, indicated that "the State had not complied with the monument; it should have been completed in 2008, but it was not."²³⁸ Consequently, the Court orders the State to continue the construction of the said monument in the place where the clandestine grave was located, and also install a plaque commemorating the events that occurred on April 29 and 30, 1982. This monument must be completed within one year of notification of this judgment.

163. Additionally, and based on the opinion of expert witness Worby during the hearing before this Court,²³⁹ the Court establishes, as it has in other cases,²⁴⁰ that an audiovisual documentary be made on the massacre of April 28 and 29, 1982, in the village of Los Josefinos, and the impact that this has had on the community up until today. The victims must be allowed to participate fully at all stages of the production of the documentary. The State must assume all the expenses arising from the production and distribution of this video. The Court considers that the video must be distributed as widely as possible to the victims, to their representatives, and to military training centers. The video must also be transmitted, at least once, on a national television channel and at a peak viewing hour, and should be uploaded to the website of the Guatemalan Army. The State has one year from notification of this judgment to prepare this audiovisual documentary and distribute it. Furthermore, the State must present a report to the Court on the progress made in complying with this measure of reparation within six months of notification of this judgment. Within four months of notification of this judgment, the State must designate a point person to coordinate with the victims or their representatives in order to comply with this measure.

²³⁷ Cf. *Case of Montesinos Mejía v. Ecuador. Preliminary objections, merits, reparations and costs*. Judgment of January 27, 2020. Series C No. 398, para. 226, and *Case of Manuela et al. v. El Salvador, supra*, para. 273.

²³⁸ Cf. Statement of Francisco Batres Álvarez at the public hearing held on February 17 and 18, 2021, during the 139th regular session.

²³⁹ In answer to a question asked by the President, Elizabeth Odio Benito, regarding whether she had any specific recommendation to make concerning "measures of remembrance so as not to forget," the expert witness indicated that, in order to make reparation to the community it was appropriate to prepare "a documentary or a book with interviews" in order, in some way, "to document and socialize the events, and to discuss things from time to time so as to commemorate significant dates, their own history," because this was part of the "healing process" for the events that had occurred. Cf. Expert opinion provided to the Court by Paula Worby during the public hearing held in this case.

²⁴⁰ Cf. *Case of Cepeda Vargas v. Colombia. Preliminary objections, merits, reparations and costs*. Judgment of May 26, 2010. Series C No. 213, paras. 228 to 230; *Case of the Massacres of El Mozote and neighboring places v. El Salvador, supra*, para. 365, and *Case of Guachalá Chimbo et al. v. Ecuador*, para. 265.

G. Other measures requested

164. The **Commission** asked the Court to order the State to: (i) impose the appropriate administrative, disciplinary or criminal measures for the acts or omissions of state officials that contributed to the denial of justice and impunity; (ii) implement permanent training programs on human rights, international humanitarian law, and international criminal law at military training academies, and (iii) strengthen the capacity of the judiciary to adequately and efficiently investigate the gross human rights violations committed during the armed conflict and punish those responsible, including by providing the necessary material and technical resources to ensure that proceedings unfold correctly.

165. The **representatives** asked that the Court order the State: (i) to investigate the public officials who have obstructed the investigations; (ii) to put in place guarantees for the return of those forcibly displaced, and also (iii) to implement a community development plan in the village of Los Josefinos and, as part of this plan, they asked the Court to order the State to execute measures to provide infrastructure and access to basic services in Los Josefinos; (iv) to implement a comprehensive public policy addressed at the prevention of internal displacement and at providing protection, humanitarian assistance and long-lasting solutions to the internally displaced; (v) to reinforce the mechanism for the protection of victims, witnesses and other procedural parties in Guatemala City and at the municipal level, and (vi) to preserve the Historical Archives of the National Police in order to safeguard access to justice for the victims of all the gross human rights violations that occurred during the armed conflict.

166. Regarding the reinforcement of the mechanism for the protection of victims, witnesses and other procedural parties, the **State** indicated that Guatemala now has the “Law for the protection of procedural subjects and persons connected with the administration of criminal justice, Congressional Decree 76-96, creating the Protection Service for procedural subjects and persons connected with the administration of criminal justice and to provide protection to officials and employees of the Judiciary, civil law enforcement personnel, and officials of the Public Prosecution Service as well as witnesses, expert witnesses, consultants, joint complainants, women victims of violence, their children, and other persons who are exposed to risk owing to their intervention in criminal proceedings.” In the case of the preservation of the Historical Archives of the National Police, the State indicated that, in 2020, the Supreme Court of Justice had ordered its definitive safeguard, requiring the protection, preservation, safeguard and operation of the Historical Archives of the National Police and ordering the Ministry of the Interior to refrain from adopting measures that would threaten the integrity of the Archives. It added that, subsequently, by Ministerial Decision 934-2020 of October 7, 2020, the Ministry of Culture and Sports announced that the Historical Archives of the National Police formed part of the Nation’s cultural heritage.

167. With regard to the measures requested by the Commission, the Court recalls that, in the judgment handed down in the case of *Myrna Mack Chang v. Guatemala*, the State was ordered “to include training on human rights and international humanitarian law in the training courses for members of its Armed Forces, the police and law enforcement agencies.”²⁴¹ In addition, in the judgment delivered in the case of the *Las Dos Erres Massacre v. Guatemala*, the Court also ordered the State “to implement human rights training courses for different state authorities.”²⁴² Consequently, taking into consideration the measures ordered in those two judgments, which, together, refer to the implementation of education and training programs for prosecutors, judges and members of the Armed Forces and that have general effects that go beyond the specific cases,

²⁴¹ Cf. *Case of Myrna Mack Chang v. Guatemala*, *supra*, para. 282.

²⁴² Cf. *Case of the Las Dos Erres Massacre v. Guatemala*, *supra*, twelfth operative paragraph.

the Court does not find it pertinent to order such measures of reparation again.

168. Regarding the other measures requested by the representatives, the Court does not find it appropriate to order them, because the delivery of this judgment and the reparations ordered herein are sufficient and adequate to remedy the violations suffered by the victims in this case.

H. Compensation

169. In general, the **Commission** asked that the State provide fair compensation for consequential damage, loss of earnings, and non-pecuniary damage. In its final written observations, the Commission referred to the payments that the State had made to some of the victims in compliance with the 2007 friendly settlement and indicated that those sums did not include “all the violations that have been examined by the Inter-American Court, which include the violations resulting from the displacement of victims, family separation and forced disappearances, as well as the continuation of the situation of impunity and the disappearances that have subsisted over the years.”

170. The **representatives** indicated that, in 2007, the parties signed a friendly settlement agreement in which the State undertook to pay 47,740 quetzals to each family group for pecuniary and non-pecuniary damage owing to the loss of assets, and 91,740 quetzals to each family group for pecuniary and non-pecuniary damage and loss of earning in the case of the deceased victims. They added that, of the 263 families recognized in the agreement that should have been compensated, six did not receive the corresponding payment owing to documentation problems. In addition, they indicated that this payment did not cover some of the violations that are the subject of these proceedings²⁴³ or the violations committed following the payment of the amount in question, and they asked the Court to order the State to pay an additional amount for the concept of non-pecuniary damage.

171. The **State** recalled that the friendly settlement agreement signed on December 18, 2007, established a series of financial measures of reparation covering consequential damage, non-pecuniary damage and loss of earnings, symbolic reparation, and guarantees of non-repetition and the State undertook to comply with those measures. It indicated that, consequently, it had paid 14,407,360 quetzals to 251 family groups. Moreover, it indicated that, according to the settlement documents signed by the victims, they had agreed not to present any other financial claim in future. Therefore, it indicated that the alleged victims did not have a right to a second compensation.

172. Based on the provisions of Article 63(1) of the American Convention, the Court will now establish the measures required to redress the pecuniary and non-pecuniary damage derived from the violations declared in the preceding chapters.

173. Regarding the pecuniary damage, the Court has no evidence to prove the loss of earnings that the victims in this case suffered owing to the facts that fall within the Court’s jurisdiction. However, the Court finds that it is logical that, in cases such as this, obtaining evidence that proves this type of material loss and providing this to the Court is complex. In addition, it is evident that the human rights violations declared in this case necessarily had serious financial consequences.

174. Based on the criteria established in this Court’s consistent case law, the circumstances of this case, the significance, nature and severity of the violations committed, the harm caused by the impunity, and the physical, moral and mental suffering caused to the victims, the Court finds it

²⁴³ In particular, they referred to “the violations derived from the forced displacement, forced disappearances, and family separations.”

pertinent to establish, in equity, for pecuniary and non-pecuniary damage, the amounts indicated below, which must be paid within the time frame that the Court establishes to this end:

- a) US\$ 55,000.00 (fifty-five thousand United States dollars) to each victim of forced disappearance identified in Annex II of this judgment;
- b) US\$ 5,000.00 (five thousand United States dollars) to each surviving victim of the massacre identified in Annex III of this judgment;
- c) US\$ 5,000.00 (five thousand United States dollars) additional, to each victim of forced displacement identified in Annex IV of this judgment;
- d) US\$ 10,000.00 (ten thousand United States dollars) additional, to each victim of the violation of the rights of the family identified in Annex V of this judgment;
- e) US\$ 10,000.00 (ten thousand United States dollars) additional, to each victim of the violation of the rights of the child identified in Annex VI of this judgment;
- f) US\$ 30,000.00 (thirty thousand United States dollars) additional, to the mothers and fathers, daughters and sons, spouses and permanent companions, and US\$ 10,000.00 (ten thousand United States dollars) to the sisters and brothers, all of them family members of the victims of forced disappearance, of those extrajudicially executed, and of those whose whereabouts are unknown, declared in this judgment and identified in Annexes VII and VIII of this judgment.

175. If any of the victims is included on two or more lists of victims, the amounts established must be added together. If any of the victims indicated in Annex IX is finally identified at the stage of monitoring this judgment as indicated above (paras. 137 and 138), they shall be compensated in keeping with the categorization made in the said annex.

176. The amounts established in favor of those forcibly disappeared must be paid based on the following criteria:

- a) Fifty per cent (50%) of the compensation shall be shared, equally, among the victim's children. If one or several of the children is deceased, the part that would have corresponded to them shall increase that of the other children of the same victim;
- b) Fifty per cent (50%) of the compensation shall be delivered to the person who was the victim's spouse or permanent companion at the time of their death, if applicable;
- c) If there are no family members in one of the categories defined in the preceding subparagraphs, the sum that would have corresponded to the family members in that category, shall increase the part that corresponds to the other category.
- d) If the victim had neither spouse or permanent companion nor children, the compensation shall be delivered to the parents; and
- e) If there are no family members in any of the categories defined in the preceding subparagraphs, the compensation shall be paid to the heirs pursuant to domestic inheritance laws.

177. The sums that have already been delivered to victims in this case at the domestic level must be recognized as part of the reparation owing to them and deducted from the compensation amounts established by the Court in this judgment. At the stage of monitoring judgment in this case, the State

must validate the delivery of the amounts established under the said program.

I. Costs and expenses

178. The **representatives** indicated that FAMDEGUA had acted as complainant from the start of the domestic judicial proceedings incurring not only procedural expenses, but also expenses for transportation and accommodation for the families of the alleged victims who live in distant places. In this regard, and because they indicated that they had not kept the vouchers for all these expenses, they asked the Court to establish the respective amount, in equity, taking into account that the friendly settlement – under which some of the costs and expenses incurred in this process had been paid – was signed more than seven years ago and that, during this time, the judicial proceedings had made no progress, but had suffered serious setbacks. Meanwhile, CEJIL indicated that it had represented the alleged victims in the international proceedings since 1999, incurring expenses related to trips to Guatemala, Petén, and Washington D.C., and also related to legal work on the case. It therefore asked that the Court establish the sum of US\$29,429.00 for costs and expenses, and require the State to reimburse this sum directly to CEJIL. Lastly, the representatives asked to be allowed to present vouchers for all those expenses incurred as a result of the hearing before the Court, and which were not covered by the Victims' Legal Assistance Fund.

179. The **Commission** indicated that, in the context of the friendly settlement procedure, the State had reimbursed FAMDEGUA's expenses.

180. The **State** indicated that, in the context of the friendly settlement procedure, it had made a payment to FAMDEGUA and, therefore, the Court should reject this measure of reparation.

181. The Court reiterates that, pursuant to its case law,²⁴⁴ costs and expenses form part of the concept of reparation because the actions taken by the victims to obtain justice at both the national and the international level entail disbursements that should be compensated when the international responsibility of the State has been declared in a judgment. Regarding the reimbursement of costs and expenses, it is for the Court to prudently assess their scope, which includes the expenses generated before the authorities of the domestic jurisdiction, and also those incurred in the course of the proceedings before the inter-American system, taking into account the circumstances of the specific case and the nature of the international jurisdiction for the protection of human rights. This assessment may be made based on the equity principle and taking into account the expenses indicated by the parties, provided their *quantum* is reasonable.²⁴⁵

182. First, the Court deems it pertinent to clarify that, as indicated by the State and confirmed by the Commission and the representatives, the State has already made certain payments to FAMDEGUA for costs and expenses. The parties have not provided details of these amounts. Nevertheless, the Court notes that the said sums were delivered for procedural actions up until 2007, the year in which the friendly settlement agreement was signed. The Court notes that the international contentious procedure has continued for 14 more years, during which both the victims and their representatives have invested time and effort. The Court finds it reasonable that, during this lapse, they have incurred expenses for litigation, communications, transportation, supplies and other items. Therefore, the Court considers, in equity, that the State should pay, for the concept of costs and expenses, the sum

²⁴⁴ Cf. *Case of Garrido and Baigorria v. Argentina. Reparations and costs*. Judgment of August 27, 1998. Series C No. 39, para. 82, and *Case of Montesinos Mejía v. Ecuador. Preliminary objections, merits, reparations and costs*, *supra*, para. 244.

²⁴⁵ Cf. *Case of Garrido and Baigorria v. Argentina. Reparations and costs*, *supra*, para. 82, and *Case of Manuela et al. v. El Salvador*, *supra*, para. 317.

of US\$ 10,000.00 (ten thousand United States dollars) to FAMDEGUA and US\$ 10,000.00 (ten thousand United States dollars) to CEJIL. These amounts must be delivered directly to each of the organizations representing the victims. The Court also clarifies that, during the procedure of monitoring compliance with this judgment, it may order the State to reimburse the victims or their representatives any reasonable expenses in which they incur at that procedural stage.

J. Reimbursement of expenses to the Victims' Legal Assistance Fund of the Inter-American Court

183. In 2008, the General Assembly of the Organization of American States established the Legal Assistance Fund of the Inter-American Human Rights System "to facilitate access to the inter-American human rights system by persons who currently lack the resources needed to bring their cases before the system."²⁴⁶

184. In a note of the Court's Secretariat of September 3, 2021, a report was sent to the State on the disbursements made in application of the Victims' Legal Assistance Fund in this case, which amounted to US\$ 1,578.11 (one thousand five hundred and seventy-eight United States dollars and eleven cents) and, as established in article 5 of the Court's Rules for the Operation of this Fund, Guatemala was granted a time frame for presenting any comments that it deemed pertinent. The State presented its comments on September 16, 2021, questioning the need to pay for the accommodation of Francisco Batres, victim in this case, and his travel expenses to the department of Guatemala to take part in the hearing held in this case. Regarding the expense of psychosocial support, the State indicated that the representatives had not requested this in their pleading and motions brief.

185. With regard to the State's arguments, the Court recalls, first, that the Rules of the Victims' Legal Assistance Fund establish that the request for access to the Fund must be made in the pleadings and motions brief, and the representatives complied with this requirement. Subsequently, with their definitive lists of October 27, 2020, and before the Court had taken a decision on the admissibility of the request, the representatives asked whether the victims who would make statements during the public hearing to be held before the Court could have professional psychosocial support because their statements would have "significant emotional impact." Consequently, in a Secretariat note of December 8, 2020, it was decided to declare the alleged victims' request to access the Victims' Legal Assistance Fund admissible, and that the necessary financial support would be granted from the Fund to cover the expenses of the presentation of a maximum of five deponents, either at the hearing or by affidavit. Therefore, in an order of December 15, 2020, the President established that the financial assistance would be assigned, among other matters, to cover the costs of the statements of alleged victims Francisco Batres Álvarez and María Fidelia Quevedo Bolaños, "so that they would appear virtually before the Court and provide their statements during the public hearing to be held in this case."²⁴⁷ The said order also specified that those expenses would include the "transfer to a place with the necessary technical equipment and assistance for them to be able to provide their statements by virtual means, as well as the pertinent psychosocial assistance."²⁴⁸ On this basis, the Court considers

²⁴⁶ AG/RES. 2426 (XXXVIII-O/08), Resolution adopted by the XXXVIII General Assembly of the OAS, at the fourth plenary session held on June 3, 2008, "Establishment of the Legal Assistance Fund of the Inter-American Human Rights System", operative paragraph 2(a), and CP/RES. 963 (1728/09), Resolution adopted on November 11, 2009, by the OAS Permanent Council, "Rules of Procedure for the Operation of the Legal Assistance Fund of the Inter-American Human Rights System," article 1(1).

²⁴⁷ Cf. *Case of the Village of Los Josefinos Massacre v. Guatemala. Call to a hearing*. Order of the President of the Inter-American Court of Human Rights of December 15, 2020, considering paragraph 35.

²⁴⁸ Cf. *Case of the Village of Los Josefinos Massacre v. Guatemala. Call to a hearing*. Order of the President of the Inter-American Court of Human Rights of December 15, 2020, considering paragraph 35.

that the expenses to which the State referred arose from an appropriate and proper request made by the representatives, related to the items approved by the President and, therefore, formed part of the disbursements from the Victims' Legal Assistance Fund.

186. In light of Article 5 of the Fund's Rules of Procedure, and owing to the violations declared in this judgment, and that the requirements to access the Fund were complied with, the Court orders the State to reimburse this Fund the sum of US\$ 1,578.11 (one thousand five hundred and seventy-eight United States dollars and eleven cents) for the concept of the necessary expenses incurred. This amount must be reimbursed within six months of notification of this judgment.

K. Method of complying with the payments ordered

187. The State shall make the payment of the compensation for pecuniary and non-pecuniary damage and to reimburse costs and expenses established in this judgment directly to the persons and organizations indicated herein, within one year of notification of this judgment, without prejudice to making full payment before that in accordance with the following paragraphs.

188. If any of the beneficiaries is deceased or dies before they receive the respective amount, this shall be delivered directly to their heirs, pursuant to applicable domestic law.

189. The State shall comply with the monetary obligations by payment in United States dollars or the equivalent in national currency using the exchange rate published or calculated by a pertinent financial or banking authority on the date nearest to the day of payment to make the respective calculation.

190. If, for causes that can be attributed to the beneficiaries of the compensation or to their heirs, it were not possible to pay the amounts determined within the indicated time frame, the State shall deposit such amounts in their favor in a deposit account or certificate in a solvent Guatemalan financial institution, in United States dollars, and in the most favorable financial conditions permitted by banking law and practice. If the corresponding compensation is not claimed, when ten years have elapsed, the amounts shall be returned to the State with the interest accrued.

191. The amounts allocated in this judgment as compensation for pecuniary and non-pecuniary damage shall be delivered to the persons indicated in full, as established in this judgment, without any deductions derived from possible taxes or charges.

192. If the State should incur in arrears, including in the reimbursement of expenses to the Victims' Legal Assistance Fund, it shall pay interest on the amount owed corresponding to banking interest on arrears in Guatemala.

**X
OPERATIVE PARAGRAPHS**

193. Therefore,

THE COURT

Unanimously,

DECIDES,

1. To reject the preliminary objection *ratione temporis* filed by the State, pursuant to paragraphs 16 to 18 of this judgment.

DECLARES

Unanimously, that:

2. The State is responsible for the violation of Articles 3, 4(1), 5(1), 5(2), and 7(1) of the American Convention on Human Rights, in relation to Article 1(1) of this instrument and Article I(a) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of José Álvaro López Mejía, Fabio González, Florenci Quej Bin, Rosendo García Sermeño, Félix Lux, Félix Salvatierra Morales, Andrea Castellanos Ceballos, Braulia Sarceño Cardona, Edelmira Girón Galbez and Paula Morales, pursuant to paragraphs 68 to 75 of this judgment.

3. The State is responsible for the violation of Articles 3, 4(1), 5(1), 5(2), and 7(1) of the American Convention on Human Rights, and also Article 19 thereof, in relation to Article 1(1) of this instrument and Article I(a) of the Inter-American Convention on Forced Disappearance of Persons, to the detriment of Norma Morales Alonzo, Victoriano Salvatierra Morales, Antonio Santos Serech and Joselino García Sermeño, pursuant to paragraphs 68 to 75 and 88 to 93 of this judgment.

4. The State is responsible for the violation of Article 22 of the American Convention on Human Rights, in relation to Article 1(1) of this instrument, to the detriment of María Fidelia Quevedo, Antonio Ajanel Ortiz. Alba Maritza López Mejía, Elidea Hernández Rodríguez, Sotero Chávez, Juana Leonidas García Castellanos, Zoila Reyes Pineda and their family units, pursuant to paragraphs 76 to 83 of this judgment.

5. The State is responsible for the violation of Article 17 of the American Convention on Human Rights, in relation to Article 1(1) of this instrument, to the detriment of Elvira Arévalo Sandoval and of her children, Ernestina, Romelia and Rolando Hernández Arévalo, as well as to the detriment of Antonio Ajanel Ortiz and of his son, Carmelino Ajanel Ramos, pursuant to paragraphs 84 to 87 of this judgment.

6. The State is responsible for the violation of Article 19 of the American Convention on Human Rights, in relation to Article 1(1) of this instrument, to the detriment of Norma Morales Alonzo, Victoriano Salvatierra Morales, Antonio Santos Serech and Joselino García Sermeño, and also of Rolando Hernández Arévalo and Carmelino Ajanel Ramos, pursuant to paragraphs 88 to 93 of this judgment.

7. The State is responsible for the violation of Articles 8(1) and 25(1) of the American Convention on Human Rights, in relation to Article 1(1) of this instrument, as well as of the right to know the truth concerning the events, to the detriment of the persons identified in Annex III and in Annex VIII of this judgment, pursuant to paragraphs 100 to 116 of the judgment.

8. The State is responsible for the violation of Articles 8(1) and 25(1) of the American Convention on Human Rights, in relation to Article 1(1) thereof, as well as of the right to know the truth concerning the events, and Article I(b) of the Inter-American Convention on Forced Disappearance of Persons to the detriment of the persons indicated in Annex VII of this judgment, pursuant to paragraphs 100 to 116 of the judgment.

9. The State is responsible for the violation of Article 5 of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of the persons identified in Annexes III, VII and VIII of this judgment, pursuant to paragraphs 120 to 124 of the judgment.

AND ESTABLISHES:

Unanimously, that:

10. This judgment constitutes, *per se*, a form of reparation.
11. The State shall remove all the *de facto* and *de jure* obstacles that maintain impunity in this case and shall open, continue, expedite and/or reopen the investigations required to individualize, prosecute and punish, as appropriate, those responsible for the human rights violations that are the subject of this case, pursuant to paragraphs 143 and 144 of this judgment.
12. The State shall prepared a detailed organizational plan, defining concrete objectives and goals, and also periodic evaluation procedures, for the search for the inhabitants of the village of Los Josefinos who were forcibly disappeared, and for the localization, exhumation and identification of those presumably executed and determination of their cause of death, pursuant to paragraphs 148 to 150 of this judgment.
13. The State shall implement the necessary measures to ensure, in coordination with the representatives in the instant case, appropriate conditions to enable the persons who remain displaced to return to their original communities, if they so wish, pursuant to paragraph 153 of this judgment.
14. The State shall implement measures to reinforce the health center located in the village of Los Josefinos by providing it with permanent human resources qualified to offer physical, psychological and dental health care, medicines and fully-equipped ambulances, pursuant to paragraph 157 of this judgment.
15. The State shall make the publications indicated in paragraph 161 of this judgment.
16. The State shall continue the construction of the monument in the area where the clandestine grave was found, and also the installation of a plaque commemorating the events of April 29 and 30, 1982, pursuant to paragraph 162 of this judgment.
17. The State shall make an audiovisual documentary on the massacre in the village of Los Josefinos on April 28 and 29, 1982, and on its impact on the community to date, pursuant to paragraph 163 of this judgment.
18. The State shall pay the amounts established in paragraphs 174 and 182 of this judgment as compensation for pecuniary and non-pecuniary damage, and to reimburse costs and expenses, pursuant to paragraphs 175 to 177 and 187 to 192.
19. The State shall reimburse the Victims' Legal Assistance Fund of the Inter-American Court of Human Rights the sum disbursed during the processing of this, pursuant to paragraphs 186 and 192 of this judgment.
20. The State, within one year of notification of this judgment, shall provide the Court with a report on the measures adopted to comply with it.
21. The Court will monitor full compliance with this judgment, in exercise of its authority and in fulfillment of its duties under the American Convention on Human Rights, and will consider this case closed when the State has complied fully with its provisions.

DONE, at San José, Costa Rica, on November 3, 2021, in the Spanish language.

IACtHR. *Case of the Village of Los Josefinos Massacre v. Guatemala*. Preliminary objection, merits, reparations and costs. Judgment of November 3, 2021. Judgment adopted in San José, Costa Rica, in a virtual session.

Elizabeth Odio Benito
President

L. Patricio Pazmiño Freire

Eduardo Vio Grossi

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Eugenio Raúl Zaffaroni

Ricardo C. Pérez Manrique

Pablo Saavedra Alessandri
Secretary

So ordered,

Elizabeth Odio Benito
President

Pablo Saavedra Alessandri
Secretary

ANNEX I: Alleged victims of extrajudicial execution²⁴⁹

1.	[Alfonso] Rigoberto Hernández de la Cruz
2.	[Edwin] Esvin Rolando Palencia Muralles (14 years)
3.	Abel Regalado Guerra
4.	Angel Valiente
5.	Carlos Antonio Ajanel Ramos (10 meses)
6.	César Humberto Nacho Marroquín
7.	Damián Crisóstomo Pérez
8.	David del Cid Patzan (15 years)
9.	Dominga Patrocina Puluc Saban (13 years)
10.	Eleuterio Puluc Saban (17 years)
11.	Elvira Ramos Moran
12.	Emilia Ajanel Ramos (3 years)
13.	Emilio Alfaro Alvizures
14.	Faustino López
15.	Francisco Catalán [Pérez]
16.	Jorge Antonio Baldizón
17.	José Galdámez Alemán
18.	Josefina Ajanel Ramos (10 years)
19.	Juan Carlos Calderón Escobar
20.	Juana Ajanel Ramos (8 years)
21.	Leiliy (Lelly) Eleany Batres Cordero (4 meses)
22.	Manuel Galdámez Alemán
23.	María Inés Muralles Pineda
24.	Olga Marina Catalán Muralles (10 years)
25.	Patrocinio Camey
26.	Pedro Tumux Tiño
27.	Ricardo Batres Flores
28.	Roni (Rony) Amilcar Catalán Muralles (2 years)
29.	Santiago Colón Carau [Carao]
30.	Sarvelio Linares Navarajo
31.	Teodora Hernández Medina
32.	Víctor David Berdúo Mauricio (6 hours)

²⁴⁹ The persons mentioned in this annex were not declared victims in the instant case. The Court includes their names merely in order to be able to determine the next of kin of those who have been considered victims pursuant to Chapters VIII-2 and VIII-3 of this judgment.

ANNEX II: Victims of forced disappearance

1.	José Álvaro López Mejía
2.	Fabio González
3.	Félix (Florencio) Quej Bin
4.	Rosendo García Sermeño
5.	Félix Lux [Hernández]
6.	Félix Salvatierra Morales
7.	Andrea Castellanos Ceballos
8.	Braulia Sarceño Cardona
9.	Edelmira Girón Galbez
10.	Paula Morales
11.	Norma Morales Alonzo
12.	Victoriano Salvatierra Morales
13.	Antonio Santos Serech
14.	Joselino García Sermeño

ANNEX III: Victims who survived the massacre

1.	[Bernarda] Marina Ajanel Pérez
2.	[María] Guadalupe Reyes Pineda
3.	Abel [Enrique] Maeda [Maeda]
4.	Abel de Jesús Lima
5.	Abigail (Avigail) Villatoro Navas
6.	Abimael Díaz González
7.	Abner Gudiel Berdúo Matías
8.	Abner Medrano Najarro
9.	Adan de Jesús Ruíz Reyes
10.	Adán Itzep Mejía
11.	Adan López Flores
12.	Adán Mayorga Alfaro
13.	Adela Barrera González
14.	Adela Vásquez Rivera
15.	Adelfo Cuyuch López
16.	Adelia Alfaro Alvizuris de Mayorga
17.	Adelina Jocop Cuxe de Tax
18.	Adelmo Lemus Ávila
19.	Adolfo Lemuel Alcantara Hernández
20.	Adolfo Navarizo Monterroso
21.	Adolfo Ramos Morales
22.	Adolfo Vinicio Barrios Vásquez
23.	Adrián Alberto Morales Ruano
24.	Adrián Bautista Miranda
25.	Agustin de Jesús López Mejia
26.	Agustín Lorenzana Najarro
27.	Agustina Sabán Chamale
28.	Agusto Roldán Barahona Hernández
29.	Aida Maribel García Moreno de Guillen
30.	Alba Lorenza López Estrada
31.	Alba Maritza López Mejía
32.	Alba Roxana Solis Hernández
33.	Alberto Mejía Santay
34.	Alberto Monger Villatoro González
35.	Alberto Pelicó Santay
36.	Alcides (Alcide) Lorenzana Najarro
37.	Alejandra López
38.	Alejandra Serech

39.	Alejandro Alfaro
40.	Alejandro Figueroa Santos
41.	Alejandro Gómez Rodríguez
42.	Alejandro López Serech
43.	Alejandro Mujo Solares
44.	Alex Bererly [Bererdy] Ávila Ávila
45.	Alexander Galdames Sanauria
46.	Alexdin Amelvin Ávila Cifuentes
47.	Alexis Moisés Velásquez Ruiz
48.	Aleyda (Aleida) Maritza Roldán Castillo
49.	Aleyda Marleny García Moreno de Medrano
50.	Alfonzo Pérez Ramos (Ajanel)
51.	Alfredo Pelicó Ajanel
52.	Alicia Marleny Guevara Martínez
53.	Alicia Najarro Escobar
54.	Alida Asucena Mujo Hernández
55.	Alin Esau Medrano Barahona
56.	Alisandro Barrera González
57.	Allen Osbely Mujo Lorenzana
58.	Alma Delia Zeceña Albeño
59.	Alma Leticia Botello Montepeque [García]
60.	Alma Veronica Godinez De León
61.	Alvaro Camey Valdez
62.	Álvaro Enrique Solís Jiménez
63.	Amanda Castro Arana de Gomez
64.	Amanda Floridalma Ávila Cifuentes
65.	Amarildo Vicente Batres
66.	Ambrocio Cordova Toxcón Miranda
67.	Ambrocio Cuyux (Cuyuch) Xiloj
68.	Amelia Cano Lima
69.	Amelquin [Damelquin] Damaris [Dasary] Ávila
70.	Amilcar Castillo Hernández
71.	Amilcar de Jesús Solís Marroquín
72.	Amilcar Rodríguez Peralta
73.	Amildo Antonio López Mejía
74.	Amparo de la Cruz Verón Alonso
75.	Amparo Elizabeth Pineda del Cid
76.	Amparo Hernández Arévalo
77.	Ana Angélica Mejía Ramírez de Mus

78.	Ana Elizabeth Villatoro González
79.	Ana Elsa González Hernández
80.	Ana Erminia (Ermina) Rodríguez Hernández
81.	Ana Iris Mus Arana
82.	Ana Luz Balan Tzoy de Gómez
83.	Ana Marciela Baldizon Aldana
84.	Ana María Balan Tzoy
85.	Ana María Figueroa Cardona
86.	Ana María Nacho Marroquín
87.	Ana María Navarajo Monterroso
88.	Ana María Pérez Ajualip
89.	Ana María Veliz López
90.	Ana María Verón Alonzo
91.	Ana Mirian Regalado García
92.	Ana Odilia Morán Flores
93.	Ana Rosa Roldán López de Alburez
94.	Ana Veronica Ruíz Reyes
95.	Anabela Mayorga Alfaro
96.	Anacleto Esquivel Méndez
97.	Anastacia Sut Morales
98.	Anastacio Ajanel Pérez
99.	Anastacio Vicente
100.	Andrés Cuyuch Regina
101.	Anestor [Noé] Alcantara Hernández
102.	Angel Alveño López
103.	Angel Custodio Rivera López
104.	Angel Gumercindo Gámez Gámez
105.	Ángel Mario Amaya Zuñiga
106.	Ángel Ramiro Enriquez Melgar
107.	Angela Ávila Montes
108.	Angela Emperatriz Silvestre Manrique
109.	Angela Hernández Arévalo
110.	Ángela Juárez
111.	Angélica de León Mejía
112.	Angelica Elizabeth López Sopón
113.	Angélica María Pérez Albeño
114.	Angelica Verónica López González de Valladares
115.	AngelinaToxcón Miranda
116.	Angelita González Aguilar

117.	Anibal Barahona Hernández
118.	Anibal Hernández Artiaga
119.	Anibal Medina Salazar
120.	Anselma Carrillo Díaz de Chávez
121.	Antolin Xajpot Cuy
122.	Antonia Catalán
123.	Antonia Morán Xiloc
124.	Antonio Ajanel Ortiz
125.	Antonio Chavez Carrillo
126.	Antonio Pérez Ajualip
127.	Antonio Pirir Cuxe
128.	Antonio Rojop Itzep
129.	Apolonio Carrillo Carrillo [Carrio Carrio]
130.	Aracely Navarijo López
131.	Arcenio (Arsenio) Rolando Hernández Donis
132.	Arely (Arely) Adalí Alveño Carrillo
133.	Argentina Roselia Calderón López
134.	Arizmendy Esmeralda Rafael Veliz
135.	Arminda Amparo Enriquez Balan
136.	Arnoldo Cuyuch López
137.	Arnoldo Reyes Hernández
138.	Arnulfo Antonio Chinchilla Cermeño
139.	Arnulfo Cifuentes Solís
140.	Arsenio Cuyuch López
141.	Auda Onelia Larios Morales de Villatoro
142.	Audelia Margarita Berdúo (Verdugo) López
143.	Audelina Hortencia López Grijalva
144.	Aura Alicia Hernández Pérez
145.	Aura Aracely Miranda Ramos de España
146.	Aura Cuyuch López
147.	Aura Elizabeth Vega Rodas
148.	Aura Esperanza Saquic Villatoro
149.	Aura Luz Mauricio Barrios
150.	Aura Marina López Sopon de Che
151.	Aura Marina Peralta Méndez
152.	Aura Marina Reyes Ibarra
153.	Aura Nelly Catalán Muralles
154.	Aura Siomara (Xiomara) Roldán Reyes de Catalán
155.	Aurelio Villatoro

156.	Axel Antonio Aguirre Hernández
157.	Azucena Dequito Catalán Muralles
158.	Balmoris Tecun Hernández
159.	Baltazar (Baltasar) Saquic Villatoro
160.	Baltazar Arroyo Álvarez
161.	Baltazar Ramos Manchame
162.	Balvina Prado Abrego (Abrigo)
163.	Bartolo Daniel López
164.	Basilio Salvatierra Morales
165.	Baudilia Hernández García
166.	Baudilio Antonio Chinchilla Sandoval
167.	Baudilio Catalán Carias
168.	Bayro Eli González Hernández
169.	Bayron (Bairon) Estuardo Amaya Zuñiga
170.	Beatriz Navarajo López
171.	Beda Floridalma Berdúo López
172.	Benajamin Pineda Arriaza
173.	Benedicto (Venedicto) Medina Salazar
174.	Beneranda (Benarda) Méndez
175.	Benigna Carrillo Hernández
176.	Benigna Sazo González
177.	Bermina Llaneth [Janneth] Regalado García
178.	Bernabe Cotzajay Patzán
179.	Bernabe Felipe Ruíz Hernández
180.	Bernabe Salazar Marroquín
181.	Bernarda Elida Bracamonte Pineda
182.	Bernardo Alonzo Marroquín
183.	Berny [Berni] Antonio Albeño Martínez
184.	Berta Alicia López González
185.	Berta Maxaná Pérez
186.	Berta Yolanda Pérez Teo
187.	Bertalina Flores González
188.	Bertha Meléndrez Mendoza
189.	Berthy [Eneyda] Vicente Batres
190.	Bertila (Berta) Esperanza Chinchilla Cermeño
191.	Bertila Pelicó Xiloj de León
192.	Bitinia Margoth Vicente Batres
193.	Blanca Estela Ruíz Reyes de Gregorio
194.	Blanca Lidia Díaz González

195.	Blanca Lidia Rodríguez Peralta
196.	Bonerges Daniel González Aguilar
197.	Brenda Arceli Maeda Recinos de López
198.	Brenda Leticia Cotzajay Arroyo
199.	Brenda Marleni Eguizabal Roldán
200.	Brenda Marleny Cordero Cisneros
201.	Brenda Ninet Artola Ramírez
202.	Brenda Vineth Valenzuela Martínez
203.	Brenda Xiomara Majano Artola
204.	Brenda Yaneth Albeño Martínez
205.	Brenda Yojana Batres Cordero
206.	Bryron Leopoldo Ruiz Turcios
207.	Byron (Biron) Manuel Regalado García
208.	Byron (Efraín) Salazar Constanza
209.	Byron Cotzajay Arroyo
210.	Byron Vinicio Chinchilla Cermeño
211.	Calixto Alveño Cruz
212.	Calixtro González (Calixto)
213.	Candelaria Ajanel Mejía
214.	Candelaria de la Cruz Hernández de León
215.	Candelaria Lorenzana [Marchorro] de Mujo
216.	Candelario [Caudelario] Cuyuch Morán
217.	Candelario Acabal López
218.	Cándida del Rosario Marroquín [y] Marroquín
219.	Candido Osorio Revolorio
220.	Carlos Adolfo Pérez Ramos
221.	Carlos Ajanel de León
222.	Carlos Alberto Rabre Tobar
223.	Carlos Antonio Muñoz Lima
224.	Carlos Borromeo Bracamonte Pineda
225.	Carlos Daniel Roldán Alcantara
226.	Carlos David Orellana Pinto
227.	Carlos Eduardo Alveño Carrillo
228.	Carlos Enrique Balán Godines
229.	Carlos Enrique Roldán Castillo
230.	Carlos Enrique Ruano González
231.	Carlos Enrique Villatoro González
232.	Carlos Francisco Contreras González
233.	Carlos Humberto Navarizo Monterroso

234.	Carlos Humberto Berdúo Matías
235.	Carlos Humberto Camey Valdez
236.	Carlos Humberto Linarez Navarijo
237.	Carlos Manuel Berdúo López
238.	Carlos Pérez
239.	Carlos Rafael García Moreno
240.	Carlos Ramírez González
241.	Carlos Raúl Alonzo Marroquín
242.	Carlos René López González
243.	Carlos René Pérez Albeño
244.	Carlos Romeo Moreno Parada
245.	Carlos Ruano Santos
246.	Carlota Gatica Canté
247.	Carlota Iliana Baldizon Aldana
248.	Carmelina Reyes de León
249.	Carmelina Soc Morales
250.	Carmelino Ajanel Ramos
251.	Carmen Ajanel Pérez
252.	Carmen Del Rosario García Montepeque
253.	Carmen Díaz Albeño
254.	Carmen Pérez Ajanel
255.	Carmen Pérez Morales
256.	Carmen Rodríguez Reyes
257.	Casilda Ajanel De León de Santay
258.	Casildo Toxcón
259.	Casimiro Cuyuch López
260.	Catalina Alvizuris
261.	Catalina Castro García
262.	Catalina Gámez Ramos
263.	Catalina Navarijo Monterroso
264.	Catalino Gomez Prado
265.	Catarina Cisneros
266.	Catarina Ixcoy Sánchez de López
267.	Catarino Colón Mejia
268.	Cecilia Juárez Gómez
269.	Cecilia Juárez Ramos
270.	Cecilio Leonel Bracamonte Pineda
271.	Ceferino Pelicó Ajanel
272.	Celedonio González Hernández

273.	Celestina Ajanel De León de Cuyuch
274.	Celia Martínez Gómez
275.	Celida Argentina Revolorio Rivera de Dubón
276.	Celida Esther Peraza Villatoro
277.	Cervando Sazo
278.	César [Agusto] Gatica Canté
279.	Cesar Armando Palencia Muralles
280.	Cesar Augusto Cuyuch Morán
281.	César Augusto González Ávila
282.	Cesar Israel Contreras Álvarez
283.	César Obndulio Eguizabal Roldán
284.	César Orlando Cordero Cisneros
285.	Cesilio Tumux Tiño
286.	Cirila Puluc Sabán
287.	Clara Luz López Sopón
288.	Claudia Yohana Eguizabal Roldán
289.	Claudio Crisostomo
290.	Claudio Enrique López Estrada
291.	Clemencia Villalobos Camey
292.	Cleydis Yanira Gamboa Berdúo
293.	Concepción Mejía
294.	Confis Medrano Pérez
295.	Consuelo Ajanel Pérez
296.	Consuelo Cifuentes Solís
297.	Consuelo González Hernández
298.	Consuelo González Méndez
299.	Consuelo Rodríguez Peralta
300.	Cornelia Ruíz Hernández
301.	Cornelio Puluc Sabán
302.	Cristina Alonzo Pérez
303.	Cristina Alonzo Pérez de Morales
304.	Cristina Gatica Cante de Mujo
305.	Cristina Vásquez Rivera
306.	Cristóbal Hernández Donis
307.	Cristobal Hernández Solís [Donis]
308.	Cristóbal Silvestre Rodas [Rodas Silvestre]
309.	Cruz Ajanel de León
310.	Cruz Baudilio Gámez Gámez
311.	Cruz Dubón

312.	Cruz Gómez Prado
313.	Damaris Ayté Alveño Carrillo
314.	Damaris Dubon Revolorio de Fabián
315.	Damaris Noemi Alcantara Hernández
316.	Daniel Barrera González
317.	Daniel Chávez Carillo
318.	Daniel Cuyuch López
319.	Daniel Hernández García
320.	Daniel Rafael Bautista
321.	Daniel Ruiz Hernández
322.	Danilo Antonio del Cid Navarajo
323.	Danilo Noé Pérez Albeño
324.	Danis Francisco Aguirre Hernández
325.	Darlin (Daylin) Rosmery Alveño Carrillo
326.	Darlin Kestler González Ávila
327.	David Balan Tzoy
328.	David Estrada Méndez
329.	David Medina Salazar
330.	David Mejía
331.	Deeys (Deysi) Briseydi Silvestre Díaz
332.	Delcy Aracely Silvestre Díaz
333.	Delfino Gómez Pirir
334.	Delia Amabilia Calderón López
335.	Delia Amabilia Cordero Aguilar
336.	Delia Irma Pineda del Cid
337.	Delma Osorio Orantes de Solís
338.	Delmi Marleni Díaz Gámez
339.	Delmin Elizabeth Galdames Sanabria
340.	Delmy Nohemi González Hernández
341.	Delsi Amadilia Maeda Recinos de Orellana
342.	Dermin Rony López Grijalva
343.	Desiderio Navarajo Monterroso
344.	Deybi Amabilia Ávila Bracamonte
345.	Diana Damaris Majano Artola
346.	Diego Diego Andrés
347.	Diego López Orozco
348.	Diego Soc Lux
349.	Dilma Galdames Sanabria
350.	Dolian Eloida Villatoro Samayoa

351.	Dolores Alburez Batres
352.	Dominga Isabel Ramos Gómez
353.	Dominga Solares Ceballos
354.	Donelio Muñoz Hernández
355.	Dora Alicia Alveño Cruz de González
356.	Dora Elizabeth Catalán Muralles de López
357.	Dora Ines Gámez Gámez
358.	Dorca (Dorcas) Frecila Ávila Cifuentes
359.	Doris Adaveli Ávila Bracamonte
360.	Doris Marisela Salazar Constanza
361.	Dorotea Carías
362.	Dorotea González
363.	Eddras Ramos Batres
364.	Eddy Augusto Maeda Ortiz
365.	Edelmira Hernández Pérez
366.	Edelmira Medina Salazar
367.	Edgar Aníbal Donald Pineda del Cid
368.	Edgar Benedicto Albeño Meléndez
369.	Edgar Villatoro Chacón
370.	Edi (Eddy) Alain Martínez Aguilar
371.	Edin Ridaí Barrera Trigueros
372.	Edna Yanira Vásquez Rivera
373.	Eduardo González Ávila
374.	Eduardo Tecun Arriaza [Arriaza Tecún]
375.	Edwin Geovany Martínez Aguilar
376.	Edwin Geovany Mujo Gatica
377.	Edy Eduardo Gamboa Berdúo
378.	Efraín Alberto Villatoro González
379.	Efraín Gatica Canté
380.	Efraín Mejía Pérez
381.	Efraín Salazar Lara
382.	Eglis Cleófas Salazar Sandoval
383.	Ehonildo Dubon Revolorio
384.	Elardo Toxcón Miranda
385.	Elcides Morales García
386.	Elda Aida Enriquez Balan
387.	Eldaí Alicia Bracamonte Pineda
388.	Eleazar Arroyo Álvarez
389.	Elena Álvarez Flores

390.	Elena Itzep Xiloj
391.	Elena Pelicó Ajanel
392.	Elena Rodríguez Peralta
393.	Elena Turcios Juárez de Ruiz
394.	Eleodora Grijalva Solís
395.	Eleuterio Berdúo Tema
396.	Elfigo Adolfo Medrano Najarro
397.	Elgar Remberto Barahona Medrano
398.	Elí Neri Ruíz Reyes
399.	Eli Ruperto Navarajo López
400.	Elia Otilia Martínez Castañeda
401.	Elias Joel Peraza Villatoro
402.	Elías Martínez
403.	Elías Migdael Dubon Revolorio
404.	Eliceo Peraza Villatoro
405.	Elida Noemi Morataya Reyes
406.	Elidea Hernández Rodríguez
407.	Elin Marisol Salazar Sandoval
408.	Elio Estefano Escobar Girón
409.	Eliseo Erasmo Cifuentes Flores
410.	Eliu Abner Medrano Najarro
411.	Elmer Jaboco Berdúo Matías
412.	Elmer Noel López Grijalva
413.	Elmer Obdulio Bracamonte Hernández
414.	Elmin Edel Regalado García
415.	Elsa Antonia Sazo Barrera
416.	Elsa Evelia Molina Mushin
417.	Elsa Marina Valdez
418.	Elvin Rodolfo Hernández Ruano
419.	Elvira (Elvia) Leticia Ruiz Sazo
420.	Elvira Arévalo Sandoval
421.	Elvira de Jesús Gomez Prado (Prada)
422.	Ely Ruth Roldán (Castillo) Reyes de García
423.	Emerita Eugenia Cabrera Grión
424.	Emérito Pérez Azañón
425.	Emeterio Cano Muñoz
426.	Emigdio Francisco Gámez Ávila
427.	Emilia Morán López
428.	Emiliana González Aguilar

429.	Emilio Ajín Roquel
430.	Emilio Medina Salazar
431.	Emma Angelina González
432.	Emma Galdámez Sanabria
433.	Engracia Gámez Pérez
434.	Enmy Rosibel Ruano Berdúo
435.	Enrique Pérez Ramos
436.	Erasmo Batres Cordero
437.	Erick Alexi Ramos Batres
438.	Erick Encarnación Sánchez Revolorio
439.	Erick Rodrigo Pineda Arriaza
440.	Ericka Araceli Chinchilla Cermeño
441.	Ernestina Hernández Arévalo
442.	Ernesto (Enerste) Pérez Ajualip
443.	Ernesto Mejía Calel
444.	Ernesto Rodolfo Barrios García
445.	Ernesto Rodríguez Peralta
446.	Ernesto Rodríguez Quemul
447.	Ervin Jacinto López
448.	Ervin Rocael Ramos Morales
449.	Es[v]in Estuardo Albeño Meléndez
450.	Esna Marisol Bracamonte Menéndez
451.	Esperanza Gómez Prado (Abrego)
452.	Esperanza González
453.	Esteban Mus
454.	Estela Lorenzana Ramos
455.	Ester Aicela Andrés Juan
456.	Ester Pineda Del Cid
457.	Esvin (Esbin) Jeovany Mejía Puluc
458.	Esvin Adolfo López Sopón
459.	Esvín Eduardo Bracamonte Hernández
460.	Esvin Orlando Valdez
461.	Eswin Daniel Balán Godines
462.	Eswin Otoniel Hernández Montenegro
463.	Eucevio [Eucelio] Mayorga Alfaro
464.	Eufemia Valdez Soto de Camey
465.	Eugenia Marisol Berdúo López
466.	Eugenio Peraza Galdámez
467.	Eugenio Peraza Villatoro

468.	Eulalia Juan Matías
469.	Eulogio Itzep Xiloj
470.	Evarista López De Paz
471.	Evaristo Mejía Itzep
472.	Evaristo Mejía Santay
473.	Evelia Lizbeth Mus Arana
474.	Evelin Lemus Ávila
475.	Evelyn Marili Ruano Berdúo
476.	Evelyn Yesenia Calderón Nacho
477.	Ever Eliel González
478.	Everardo Pirir Cuxe
479.	Ezmael Zepeda Castillo
480.	Fabio Lorenzana
481.	Faustino Escobar Ruiz
482.	Federico Ávila Barrios
483.	Federico Haroldo Ávila López
484.	Federico Hernández Arteaga
485.	Feliciano Prado Abrego
486.	Felicita Hernández García
487.	Felipa de Jesús Ajanel Ortíz
488.	Felipa de Jesús Medrano Pérez
489.	Felipa Najarro González
490.	Felipe Balan Tzoy
491.	Felipe Medrano García
492.	Félix Daniel Lux Berdúo
493.	Félix Edmundo Gamboa Rodríguez
494.	Félix Itzep Calel
495.	Félix Morales
496.	Félix Nacho Marroquín
497.	Fermin Medrano Pérez
498.	Fernando Antonio Chinchilla Cermeño
499.	Fidel Antonio Pérez Ramos (Ajanel)
500.	Fidel Teo Albeño
501.	Fidelino Mujo Torres
502.	Filadelfo Arturo Pérez Quevedo
503.	Filadelfo Pineda Barrera
504.	Filomena Catalán Carías
505.	Flor Esmeralda Andreú Girón
506.	Florencio Ajanel De León

507.	Florencio Molina Villatoro
508.	Floralma Cuyuch López
509.	Floralma Flores Juárez de Díaz
510.	Floralma Miranda Pérez
511.	Florinda Cuyuch López
512.	Florinda Linares Navarajo
513.	Florinda Pelicó Xiloj
514.	Francisca Crisostomo Pérez
515.	Francisca De León Pérez de Colón
516.	Francisca Gómez Pirir
517.	Francisca Javier Verón Alonzo
518.	Francisca Morataya Reyes de Montes
519.	Francisca Pelicó Ajanel de Torres
520.	Francisca Pérez Ajualip
521.	Francisca Revolorio Pérez
522.	Francisco Antonio Aguirre Martínez
523.	Francisco Batres Álvarez
524.	Francisco Cardona
525.	Francisco Cuyuch Sarax
526.	Francisco Cuyuch Xiloj
527.	Francisco Figueroa Alcantara
528.	Francisco Flores
529.	Francisco Javier Jocop Guamuch
530.	Francisco Javier Jocop Pineda
531.	Francisco Javier Linares Navarajo
532.	Francisco Javier Mujo Torres
533.	Francisco Javier Pineda Barrera
534.	Francisco Mujo Amaya
535.	Francisco Prado Osorio
536.	Francisco Quej Xitumul
537.	Francisco Quixán
538.	Francisco Sut
539.	Francisco Tumux [Mateo]
540.	Fredy (Fredí) Ottoniel Berdúo López
541.	Fredy Exaú Esquivel González
542.	Fredy Hernández Arteaga (Artiaga)
543.	Fredy Manolo Botello Montepeque [García]
544.	Fredy Oswaldo Rabre Tobar
545.	Fredyn Esdestin Ávila (Suegra)

546.	Froylana Santos
547.	Gabriel Hernández Donis
548.	Gamaliel de Jesús Esquivel González
549.	Gamariel de Jesús Dubon Revolorio
550.	Gaspar Ixcoy Sánchez
551.	Gelmer Adinai Esquivel González
552.	Genaro Acabal López
553.	Genaro Tuy
554.	Gerardo Galdámez Sanabria
555.	Gerardo Roldán Sánchez López
556.	Gerber Alexis Hernández Solís
557.	Germán Eduardo Molina Muxin
558.	German Morataya Rodríguez
559.	German Rene Roldán Alcantara
560.	Germán Roldán Coronado
561.	Gesler (Hessier) Wilfredo (Walfredo) Alveño Carrillo
562.	Gilberto Cuyuch López
563.	Gilberto Cuyuch Morán
564.	Gilberto Gómez Pirir
565.	Gilberto González Hernández
566.	Gilma Yolanda Hernández Pérez
567.	Gilmar Enrique Roldán Reyes (Castillo)
568.	Gilmer Osvin González Ávila
569.	Gladis Marina Alonso González
570.	Gladis Marina Vásquez Rivera de Baltazar
571.	Gladis Rosana Baldizón Aldana
572.	Gladys [Glays] Albeño
573.	Gladys Adilia Nacho Marroquín [de Ramírez]
574.	Gladys Dalila Zepeda Ruiz
575.	Glenda Amparo Esquivel González de Recinos
576.	Glenda Juliza [Yuliza] Valenzuela Martínez
577.	Glendi Mejicanos Barrera
578.	Glendy Marleny Hernández Ruano de Vásquez
579.	Glendy Marleny Solís Hernández
580.	Glendys (Glendy) Madahí Lemus Ávila
581.	Gloria Catalina Pirir Puluc de Sánchez
582.	Gloria Hernández Artiaga
583.	Gloria Najarro Ramos
584.	Gloria Odilia González Medina

585.	Gonzálo Morán Xiloc
586.	Graciela Cermeño Salazar
587.	Gregorio Lorenzana
588.	Greys Hortencia Ávila Cifuentes
589.	Griselda Genoveva Ruiz Reyes
590.	Guadalupe Celeste Majano Artola
591.	Guadalupe Gatica
592.	Guadalupe Lorenzana López
593.	Guadalupe Ramos de Lorenzana
594.	Guadalupe Salguero
595.	Guadalupe Vásquez Melgar
596.	Guillermo de Jesús Aguirre Tobar
597.	Guillermo Orantes López
598.	Guillermo Verón Alonzo
599.	Gumercinda González Montepeque
600.	Gumercinda Pérez
601.	Gumersinda Muxin Pérez
602.	Gustavo Abel González Hernández
603.	Gustavo Adolfo Albeño Martínez
604.	Gustavo Adolfo Barrios Vásquez
605.	Héctor Alfredo González Barrera
606.	Hector Augusto Martínez Castañeda
607.	Héctor Eduardo Reyes Pineda
608.	Héctor Manfredo Ruíz Lorenzana
609.	Héctor Manuel Hernández García
610.	Hector Raúl Lorenzana Ramos
611.	Héctor René Roldán Castillo
612.	Héctor Vásquez Rivera
613.	Helestin Eloaimen Ávila López
614.	Hemphyll Audías Bracamonte Mujo
615.	Henry (Genrri) Manuel Saquic Villatoro
616.	Henry Adalberto [Adalberto] Medrano Najarro
617.	Henry de Jesús Mujo García
618.	Henry Isaias González Ávila
619.	Heraldo Reyes de León
620.	Herly [Erlyn] David Majano Artola
621.	Hermelinda Mejía Itzep
622.	Herminia Ajanel Pérez
623.	Hernán Linares Navarajo

624.	Higinio de Jesús Reyes Pineda
625.	Higinio de Jesús Reyes Pineda
626.	Hilario Larios Pérez
627.	Hilcias Tecun Hernández
628.	Hilda (Ilda) Cuyuch López
629.	Hilda Dianira Linares González
630.	Hilda Isabel García Morales
631.	Hilda Itzep Xiloj
632.	Hilda Leonor Mayorga Alfaro
633.	Hohemí Cuyuch López
634.	Hugo Rene Jerónimo Godoy
635.	Hugo Ricardo Hernández Donis
636.	Hugo Ubaldino Calderón Osorio
637.	Humberto Lorenzana
638.	Humberto Lorenzana Najarro
639.	Idania Maybeline Ruano Berdúo
640.	Iduvina Batres Godínez
641.	Ines Menéndez González
642.	Ingrid Judith López Sopón
643.	Ingrid Yaneth Cruz
644.	Irene Pérez García
645.	Irinea Cristina López Escobar
646.	Iris Magali (Magaly) Navarajo
647.	Iris Marleny (Marlene) Divas Muñoz
648.	Iris Roxana López Martínez
649.	Irma Romelia Pérez Teo
650.	Iroberto Medrano Pérez
651.	Isabel de Jesús Hernández Flores
652.	Isabela Mejía Itzep
653.	Isabelita Hernández Lorenzana de Arriaza
654.	Isaias David Balán Godines
655.	Isau Isaias Villatoro González
656.	Isidro Cuyuch López
657.	Isidro Cuyuch Xiloj
658.	Ismael Cuyuch Sarax
659.	Ismael Fernando Rabre Tobar
660.	Ismael Sánchez Revolorio
661.	Israel Carrera Godoy
662.	Jacinto de Jesús Estrada Martínez

663.	Jacob Balan Tzoy
664.	Jaime San Regalado García
665.	Jaime Toxcón Miranda
666.	Jaime Yohary [Yojari] Ávila Cifuentes
667.	Jaimen Estuardo Lemus Batres
668.	Jairo Noe Villatoro González
669.	Jairo René Palma González
670.	Javier Esquivel González
671.	Jeimi (Geimi) Adeli Díaz Gámez
672.	Jeovanny Benjamín Samora Lemus
673.	Jeremias Dubon Revolorio
674.	Jeremías Silvestre Manríquez
675.	Jesué Félix Molina Muxin
676.	Jesús Ajanel De León
677.	Jesús Galdames Sanauria de Romero
678.	Jesús Oliver Navarajo Marroquín
679.	Jesy Marleny Balán Godines
680.	Jobel Díaz González
681.	Joel Elías Ávila Cifuentes
682.	Joel Hernández Artiaga
683.	Johana Marisol Gamboa Berdúo
684.	Jorge Adan Lemus Hernández
685.	Jorge Alberto Chávez Carrillo
686.	Jorge Antonio Acabal López
687.	Jorge Baldizon Aldana
688.	Jorge Galdámez Alemán
689.	Jorge Leonel Roldán Castillo
690.	Jorge Mario Berdúo López
691.	Jorge Mario Gómez Prado (Prada)
692.	Jorge Mario Reyes Sotoy
693.	José Alfredo Lorenzana Ramos
694.	José Alfredo Velásquez Matute
695.	José Amaya del Cid
696.	José Amilcar Pineda del Cid
697.	José Angel Contreras Figueroa
698.	José Antonio Arroyo Álvarez
699.	José Antonio Colón Mejía
700.	José Antonio Hernandez Medina
701.	José Antonio Linares Navarajo

702.	José Antonio Silvestre Manriquez
703.	José Antonio Villatoro González
704.	José Antonio Xocoxic Navarrijo
705.	José Arturo Gatica Canté
706.	José Benigno Estrada Méndez
707.	José Benito González
708.	José Carlos Rodas García
709.	José Demetrio Estrada Gámez
710.	José Dolores Jocop Pirir
711.	José Domingo Díaz González
712.	José Domingo Díaz López
713.	José Guadalupe Vásquez Rivera
714.	José Guillermo Díaz
715.	José Humberto Alvarado
716.	José Irlando (Islando) Lemus Hernández
717.	José Joel Majano Artola
718.	José Joel Majano Saravía
719.	José Juárez Gómez
720.	José Luis Amaya Zuñiga
721.	José Luis Donis Castellanos
722.	José Luis García Julián
723.	José Luis Morales
724.	José Luis Morán Xiloc
725.	José Luis Puluc Sabán
726.	José Manuel Galdámez Sanabria
727.	José Manuel Morales Alonzo
728.	José Manuel Peraza Villatoro
729.	José María Castillo
730.	José María Miranda Toxcón
731.	José María Villatoro
732.	José María Villatoro González
733.	José Maximino González
734.	José Pío Gómez
735.	José Ramón Pineda del Cid
736.	José Santos Calderón Montano
737.	José Toribio Flores
738.	José Víctor Tumux Puluc
739.	José Yovani Díaz González
740.	Josefa Lima Castellanos

741.	Josefina Alonzo Pérez
742.	Josefina Miranda
743.	Josefina Pérez Herrera de Ajanel
744.	Juan Alfredo Miranda Pérez
745.	Juan Antonio Albeño
746.	Juan Antonio Arroyo Álvarez
747.	Juan Antonio Barahona Hernández
748.	Juan Antonio Dominguez Chevez
749.	Juan Antonio Gatica Canté
750.	Juan Antonio Pineda
751.	Juan Arroyo (Arrollo)
752.	Juan Carlos Hernández Solís
753.	Juan Carlos Mejicanos Barrera
754.	Juan Carlos Pineda Barrera
755.	Juan Carlos Reyes Hernández
756.	Juan Che
757.	Juan de la Cruz Mejicanos García
758.	Juan Francisco Estrada Martínez
759.	Juan Francisco Mejía Pérez
760.	Juan Francisco Tumux Tiño
761.	Juan Francisco Xajpot Sir
762.	Juan Isabel Moscoso Ochoa
763.	Juan Juárez Gómez
764.	Juan Juárez Ramos
765.	Juan López Velasquez
766.	Juan Manuel Martínez Aguilar
767.	Juan Manuel Martínez and Martínez
768.	Juan Miguel Mejicanos López
769.	Juan Pablo Albeño Meléndez
770.	Juan Pérez Ajualip
771.	Juana Acabal Mejía
772.	Juana Cuyuch López
773.	Juana de Dios Morales Castellanos
774.	Juana de Jesús Amaya Del Cid
775.	Juana Elvia Tobar
776.	Juana Herminia López Romero de Berdúo
777.	Juana Isabel Ruano Berdúo
778.	Juana Juárez Gómez de Ruiz
779.	Juana Leonidas García Castellanos de Regalado

780.	Juana María Ajanel Mejía
781.	Juana María Gómez Pirir
782.	Juana Pelicó Ajanel
783.	Juana Puluc Sabán de Pirir
784.	Judith Elizabeth González Hernández de Recinos
785.	Julia Blas Cardona
786.	Julia Calel
787.	Julia Esquivel de Alvarado
788.	Julia Esquivel Escobar
789.	Julia Itzep Calel
790.	Julia Janeth (Angélica) Berdúo López
791.	Julia Villatoro Figueroa de Saquic
792.	Julián Contreras González
793.	Julián Godoy Orellana
794.	Julián López Garza
795.	Juliána Dávila Álvarez
796.	Juliána Morataya Reyes de López
797.	Julio Anibal Roldán Alburez
798.	Julio César Eguizabal García
799.	Julio Edilberto Ruíz Lorenzana
800.	Julio Eduvijes (Eduviges) Ruíz Hernández
801.	Julio Enrique Rivera Guaram
802.	Julio Itzep Mejía
803.	Julio René Majano Artola
804.	Julio Roberto Eguizabal Roldán
805.	Julio Romulo Patzán
806.	Julio Ubeldo Roldán Castillo
807.	Juventino Barrientos Argueta [Juventino Argueta]
808.	Karla Margoth Arroyo Esquivel
809.	Karla Yesenia Pérez Ajualip
810.	Keilyn (Keilin) Celinda [Selinda] Dubon Revolorio
811.	Kendir Amilcar Díaz Gámez
812.	Kenis Edimir (Edenis) Silvestre Díaz
813.	Kevin [Kebyn] Obdulio Cordero Gómez [Gámez]
814.	Kevin Daniel Ruiz Turcios
815.	Klessvy Anayanssy Martínez Vásquez
816.	Klessvy Norayda (Noraida) Martínez Barrera
817.	Laura Alicia López García
818.	Laureana Pérez Ramos (Ajanel)

819.	Lázaro Ajanel Ortíz
820.	Lázaro Ajanel Pérez
821.	Lázaro Margarito Morataya Reyes
822.	Lázaro Morataya Casimiro
823.	Leandro (Liandro) Antonio Lemus Duran
824.	Leidy Priscila González Ávila
825.	Leonardo Pirir Cuxe
826.	Leonel Moreno Parada
827.	Leonidas Mayorga Alfaro
828.	Leonildo Lorenzana Ramos
829.	Leonzo Tumux Tiño
830.	Lesbia Araceli Ruiz Sazo
831.	Lesly Yesenia Arroyo Ortiz
832.	Lester Yovani Silvestre Díaz
833.	Lesvia Esperanza López González
834.	Leticia Medina Contreras
835.	Leydi (Leidi) Janeth (Yanet) Ramos Morales
836.	Leydi Fabiola Roldán Alcantara
837.	Lidia (Ligia) Raquel Hernández Santos
838.	Lidia Elizabet Villatoro Muxin de Mejía
839.	Lidia Elizabeth Vásquez Santizo
840.	Lidia González [Galdamez] Sanahuria
841.	Lidia Santos López de Hernández
842.	Lila (Lilia) Marisol Medina Salazar
843.	Lilian Judith Pérez Quevedo
844.	Lilian López Martínez de Juárez
845.	Lilian Maritza Albeño Meléndez
846.	Liliana Amarilis Lux Berdúo
847.	Liliana Mujo Amaya
848.	Londi (Londy) Patricia Barrios Vásquez
849.	Londy Magaly (Magali) Lemus Ávila (Magali)
850.	Lorenzo (Adelso) Antonio Castillo Hernández
851.	Lorenzo Morán Ramos
852.	Lucas Balan Tzoy
853.	Lucas Ixcoy Sánchez
854.	Lucía Adalí Jocop Pineda
855.	Lucía Parada
856.	Lucia Pérez Chancho
857.	Luciana Itzep Xiloj

858.	Lucila (Lucía) Barrera González de Martínez
859.	Lucila Lorenzana Najarro de Figueroa
860.	Lucila Matías Mendez de Berdúo
861.	Lucinda González Hernández
862.	Lucrecia de Jesús Gómez Vásquez de Mejía
863.	Ludvina Morataya Reyes de González
864.	Ludwin Eli Pérez Santos
865.	Luis Alberto Lemus Ávila
866.	Luis Alberto Lemus Díaz
867.	Luis Alberto López González
868.	Luis Alberto López Sopón
869.	Luis Alberto Zeceña
870.	Luis Alfredo Reyes Pineda
871.	Luis Antonio Godoy Orellana
872.	Luis Antonio Rodríguez Peralta
873.	Luis Armando Ruano González
874.	Luis Arturo Rodríguez Hernández
875.	Luis Eduardo Mujo Hernández
876.	Luis Ernesto Silvestre Díaz
877.	Luis Ernesto Silvestre Morales
878.	Luis Francisco Majano Artola
879.	Luis Francisco Valiente
880.	Luis Ovidio Ruíz Reyes
881.	Luisa Fernanda Barrios Vásquez
882.	Luisa Xiloc Ajtun
883.	Luriana Morán Ramos [Ramos Morán]
884.	Lusbin Haroldo Ávila Bracamonte
885.	Luz Angelica Pineda Barrera
886.	Luz Miriam Valiente
887.	Macabeo Contreras Pérez
888.	Macaria Flores
889.	Macario Nacho Cajas
890.	Macario Orozco López
891.	Mackquiber Bracamonte Mujo
892.	Magaly Arroyo Álvarez
893.	Magdalena Pérez Ajualip
894.	Manases Dominguez Chevez
895.	Manuel Ajanel Mejía
896.	Manuel Ajanel Pérez

897.	Manuel Augusto Morales
898.	Manuel de Jesús Colón Mejía
899.	Manuel de Jesús García Julián
900.	Manuel de Jesús Mujo Solares
901.	Manuel de Jesús Osorio Revolorio
902.	Manuel Domínguez
903.	Manuel Linares Navarajo
904.	Manuel Nehemías Mujo García
905.	Manuel Regalado Nuñez
906.	Manuela González Navarajo
907.	Manuela Hernández García de Muñoz
908.	Manuela Sut Saquic
909.	Mara Maribel Zeceña Albeño
910.	Marcela Xiloj Ajtun
911.	Marcelina Pineda and Pineda
912.	Marcelino Gómez Prado
913.	Marcelino Morataya Reyes
914.	Marcelo Colón Mejía
915.	Marco Antonio Cuyuch Xiloj
916.	Marco Antonio Mus Arana
917.	Marco Antonio Pineda del Cid
918.	Marco Tulio Gatica Canté
919.	Marco Tulio Itzep Xiloj
920.	Marco Tulio Rodríguez Peralta
921.	Marco Tulio Villatoro Muxin
922.	Marcos (Marco) Antonio Lemus Hernández
923.	Marcos García Cermeño (Sermeño)
924.	Marcos Jocop Cuxe (Guamuch)
925.	Marcos Marcelino Berdúo López
926.	Margarita Colón Mejía de Santay
927.	Margarita Méndez Contreras
928.	Margarito Lorenzana Salguero
929.	María Alicia Arteaga (Artiaga) Enríquez
930.	María Alicia Cotzajay Arroyo
931.	María Alicia Pirir Guamuch
932.	María Antonia Canté [de Gatica]
933.	María Antonia Teo Albeño de López
934.	María Arana de Muz
935.	María Beatriz García López de Mujo

936.	María Beatriz Gómez Pirir
937.	María Consuelo Martínez Aguilar
938.	María Cristina del Cid Patzán de Monzón
939.	María Cuxe [Subuyuj]
940.	María de Jesús López Serech
941.	María del Camen Cuyuch Chiloj (Xiloj)
942.	María del Carmen García
943.	María del Carmen Mejia Pérez de López
944.	María Elena Albeño Martínez
945.	María Elena Arroyo Álvarez
946.	María Elena Gámez Pérez
947.	María Elena González Aguilar
948.	María Elena Martínez Hernández
949.	María Elena Prado Osorio
950.	María Elena Ruíz Hernández de Orozco
951.	María Elizabeth Dionicio Flores de Zepeda
952.	María Elvia Lorenzana Ramos de Cisneros
953.	María Emelia Barrera Trigueros
954.	María Esperanza Aguilar Sierra de González
955.	María Esperanza Juárez Ramos
956.	María Estéfana (Estafania) López López
957.	María Estela Roldán Castillo de Eguizabal
958.	María Ester Chinchilla Cermeño
959.	María Ester Godoy Orellana de Jerónimo
960.	María Ester Morán Xiloc
961.	María Eva Balan Tzoy
962.	María Fidelia Quevedo Bolaños
963.	María Gámez
964.	María Graciela Hernández Donis de Ramos
965.	María Guadalupe Gatica Canté
966.	María Herlinda Alvarado Esquivel
967.	María Hortencia García Vásquez
968.	María Isabel (Izabel) Mejicanos Rivera
969.	María Isabel Contreras González
970.	María Isabel Hernández Arévalo
971.	María Leticia Dominguez Chávez
972.	María Lina Cordero Aguilar
973.	María López López
974.	María Luisa Aldana del Valle de Baldizon

975.	María Luisa Amaya Zuñiga
976.	María Luisa Gómez Prado (Prada) de Estrada
977.	María Luisa Mejia
978.	María Luisa Nacho Marroquín de Pixabaj
979.	María Luisa Zuñiga Montepeque de Amaya
980.	María Magdalena Peraza Villatoro
981.	María Magdalena Rivera López
982.	María Manuela Dominguez López
983.	María Mejía Itzep de Xiloj
984.	María Modesta Patzán Mach
985.	María Ofelia Batres Álvarez
986.	María Ofelia Sanauria Murcia
987.	María Otilia González Hernández
988.	María Piedad del Cid de Pineda
989.	María Pineda Solares
990.	María Reginalda Monterroso Escobar
991.	María Rosalía Carias
992.	María Rosario Contreras González
993.	María Santay Xiloj (Xiloj Santay)
994.	María Susana Hernández Jerez
995.	María Susana Samayoa Aguilar de Villatoro
996.	María Susana Sir Patal
997.	María Sut Saquic
998.	María Toila Aguilar Pérez
999.	María Trinidad Martínez [Rodríguez]
1000.	María Victoria Gómez
1001.	María Vital Reyes Oliva
1002.	María Yolanda Pineda Arriaza
1003.	Maríana Jovita Ruiz Sazo
1004.	Maríano García Panusema
1005.	Maricela Jocop Pineda
1006.	Maricela Vásquez Rivera de Barrios
1007.	Mariela Teo Girón
1008.	Marina Elizabeth Mus Arana
1009.	Marío [René] Gatica Canté
1010.	Mario Adolfo Alcantara
1011.	Mario Alberto Hernández Valiente
1012.	Mario Enriquez Sopón
1013.	Mario Noe Villatoro Muchin

1014.	Mario Ruíz Hernández
1015.	Maritza Itzep Mejía
1016.	Maritza Yamela Ávila Cifuentes
1017.	Marivi Jocabeth Medrano Barahona
1018.	Marleny Aracely Hernández Cano
1019.	Marlin Elena Ruiz Turcios
1020.	Marlin Yadira Hernández Solís
1021.	Marlon Omar López Grijalva
1022.	Marta Alicia Baldizon Aldana
1023.	Marta (Mata) Alicia Martínez del Cid
1024.	Marta Alicia Morales García
1025.	Marta Alicia Reyes Sotoy
1026.	Marta Cecilia Ajanel Pérez
1027.	Marta Delia Crisostomo Pérez
1028.	Marta Ines Hernández Donis
1029.	Marta Isabel López Grijalva
1030.	Marta Julia Amaya Zuñiga
1031.	Marta Julia Díaz
1032.	Marta Julia Reyes Pineda
1033.	Marta Julia Roldán Alburez
1034.	Marta Leonor Pérez Quevedo
1035.	Marta Leticia Pérez Ramos
1036.	Marta Lidia González Hernández
1037.	Marta Pérez González
1038.	Marta Silvia Moreno Parada
1039.	Martha Tumux Tiño
1040.	Martha Ynez Hernández Doniz
1041.	Martín López
1042.	Martín Pirir Cuxe
1043.	Martina Sánchez de León de Ixcoy
1044.	Marvin Antonio Gómez Castro
1045.	Marvin Areldin Ávila Alonzo
1046.	Matías Alonzo [López]
1047.	Matilde Florentin Berdúo López
1048.	Matilde Mayorga Alfaro
1049.	Mauricio García Zarceño (Sarceño)
1050.	Mauro Cuyuch López
1051.	Mauro Geovani Acabal López
1052.	Mavis Olinda Lorenzana Ramos

1053.	Maynor Florencio Saquic Villatoro
1054.	Mayra Elizabeth Orantes Arriaga
1055.	Mayra Janenethe [Yannethe] López Grijalva
1056.	Mayra Pérez Ramos (Ajanel)
1057.	Melida Lucinda Alveño Carrillo
1058.	Melvin Eduardo López Martínez
1059.	Mercedes Aguilar
1060.	Mercedes Ramos Batres
1061.	Miguel Andrés Miguel
1062.	Miguel Ángel Ajanel Ajtún
1063.	Miguel Ángel Castañeda Estrada
1064.	Miguel Angel Godoy Orellana
1065.	Miguel Ángel Mujo Solares
1066.	Miguel Angel Pirir Puluc
1067.	Miguel Carrillo Díaz
1068.	Miguel Catalán Aguirre
1069.	Miguel Mejía Santay
1070.	Miguel Pérez Ajualip
1071.	Mildred Yanira Yuc Sagastume
1072.	Milton Armando Hernández Santos
1073.	Milton Saúl González Hernández
1074.	Milton Vicente Batres
1075.	Milvia Karina Chinchilla Cermeño
1076.	Miriam Patricia Trigueros Ramírez
1077.	Mirna Judith López Grijalva
1078.	Mirna Mildeni Díaz Gámez
1079.	Mirna Zucely (Zusely) Roldán Reyes (Castillo)
1080.	Mirsa Oralia Lima de Divas
1081.	Mirza Elvia Martínez Castañeda de Pacay
1082.	Misael Muñoz Lima
1083.	Modesto Mejía Itzep
1084.	Modesto Osorio Revolorio
1085.	Moises Balan Tzoy
1086.	Moises Cabrera Girón
1087.	Moises Hernández Donis
1088.	Mynor (Minor) Ely Berdúo López
1089.	Narciso Cordero Paniagua
1090.	Narciso Pelicó Santay
1091.	Narciso Teo Albeño

1092.	Natalia Chávez Carillo
1093.	Natalia Cuyuch López
1094.	Natalia Mujo Solares
1095.	Nehemías Enriquez Balan
1096.	Nelson Abel Gamboa Berdúo
1097.	Nelson Cuyuch López
1098.	Nelson Norberto Barahona Hernández
1099.	Nelvin Mecdaly Bautista Moreno
1100.	Nery [Ney] Ramos Morales
1101.	Nery Antonio Arroyo Ortiz
1102.	Nery Humberto Martínez Aguilar
1103.	Nery Orlando Lemus Díaz
1104.	Nestor Augusto Botello García [Montepeque]
1105.	Nicolás Quino Sut Saquic
1106.	Nicolasa Cano Santos
1107.	Nicolasa Puluc Sabán
1108.	Nicolasa Salazar García de Medina
1109.	Nivian Amparo Velásquez García
1110.	Nixon García Julián
1111.	Noe Isaac Cifuentes Flores
1112.	Noemí Aicela Villatoro Samayoa
1113.	Noemí López Puntí
1114.	Noemi Sut Saquic de Ruiz
1115.	Nohemy Salguero Najarro de Godoy
1116.	Norberta (Norueta) Osorio Revolorio de Prado
1117.	Norma Aydee García Moreno
1118.	Norma Natividad Zeceña Albeño
1119.	Obdulio Contreras Figueroa
1120.	Odilia Hernández Díaz de González
1121.	Odilia Mayorga Alfaro
1122.	Ofelia Gámez and Gámez
1123.	Olga Estela Estrada Méndez de Butchsel
1124.	Olga Marina Miranda Pérez
1125.	Olifonzo [Olifonso] Castillo Hernández
1126.	Olinda Navarajo López
1127.	Olivia Gámez [Pérez]
1128.	Omar Guillermo Hernández Santos
1129.	Orbelina Alveño Ramos
1130.	Orbelina González González

1131.	Orfa Leticia Hernández Donis
1132.	Orvelina Muños Lima
1133.	Óscar Alejandro Pírir Puluc
1134.	Óscar Armando Hernández García
1135.	Óscar Gonzálo Pérez Ramos [Ajanel]
1136.	Óscar Joaquín Games (Gámez) Pérez
1137.	Óscar Medrano Pérez
1138.	Óscar Mejía Itzep
1139.	Óscar Ovidio Sánchez Revolorio
1140.	Osmin Lorenzana Najarro
1141.	Osvin Gabriel Peraza Villatoro
1142.	Oswaldo (Oswaldo) David Berdúo Matías
1143.	Oswaldo Mus Arana
1144.	Otilia Chávez Carillo
1145.	Otilia Salvatierra Morales
1146.	Otilio García Cermeño (Sermeño)
1147.	Ottoniel Divas Cano
1148.	Ottoniel Mayorga Alfaro
1149.	Over David Bautista Moreno
1150.	Ovidio Sánchez
1151.	Ovidio Servalio Osorio López
1152.	Pablo Cordero Aguilar
1153.	Pablo Ixcoy Ortíz
1154.	Patricia Karina Gamboa Berdúo
1155.	Patricio Mujo Amaya
1156.	Paula Cruz
1157.	Paula Méndez
1158.	Paula Xitumul (Pabla)
1159.	Paz María Ruano Arana
1160.	Pedro Albeño
1161.	Pedro Antonio Hernández
1162.	Pedro Cuyuch Soc
1163.	Pedro Figueroa Alcántara
1164.	Pedro Figueroa Cardona
1165.	Pedro Juárez Ramos
1166.	Pedro Mujo Amaya
1167.	Pedro Mujo Torres (Torres Mujo)
1168.	Pedro Saquic Morales
1169.	Penima Eliasa Quej Xitumul

1170.	Petronila Crisostomo Pérez
1171.	Pilar Donis Lorenzana
1172.	Rafael Camey Valdez
1173.	Rafael Jerónimo Carrera
1174.	Rafael Moreno López
1175.	Rafaela Itzep Mejía
1176.	Raimundo (Raymundo) López Gualip
1177.	Ramiro López Serech
1178.	Ramiro Medina Salazar
1179.	Ramiro Morales García
1180.	Ramón Juárez Gómez
1181.	Ramona (Romana) Rivera (Manjiva)
1182.	Randi (Randy) Leonel Barrios Vásquez
1183.	Randi García Julián
1184.	Randolfo Amaya Zuñiga
1185.	Randolfo Martínez Castañeda
1186.	Raúl Amadeo Pineda Reyes
1187.	Raymundo [Raimundo] López Serech
1188.	Raymundo Martínez Castañeda
1189.	Regina Itzep Xiloj
1190.	Reina Avelina Solís Jiménez
1191.	Reina Maribel Barahona Medrano de Morales
1192.	René Henández Arteaga
1193.	Reyes de Jesús Ramos Batres
1194.	Reyes Divas Zelada
1195.	Reyna Elizabeth Alcantara Montepeque
1196.	Reyna Isabel Pérez Albeño
1197.	Reyna Ismelda Esquivel
1198.	Reyna Izabel Cotzajay Arroyo
1199.	Ricci Ajanel De León
1200.	Rigoberto Chinchilla Cermeño
1201.	Rigoberto Estrada Martínez
1202.	Rigoberto Gatica Canté
1203.	Rigoberto Mayorga Sandoval
1204.	Rigoberto Medina Salazar
1205.	Roberta Gomez Morán
1206.	Roberto Arroyo Álvarez
1207.	Roberto Carrillo Gudiel
1208.	Roberto Esquivel Avalos

1209.	Roberto Zepeda Valiente
1210.	Rocael Elzandro López Grijalva
1211.	Rocael Saquic Villatoro
1212.	Rodolfo Ernesto Barrios Vásquez
1213.	Rodolfo Villatoro Samayoa
1214.	Rodrigo Eufracia Sopón López
1215.	Rodrigo Pineda del Cid
1216.	Rogelio Gámez
1217.	Rogelio Regalado Guerra
1218.	Rolando Alberto Ávila Cifuentes
1219.	Rolando Hernández Arévalo
1220.	Rolando Rodríguez Peralta
1221.	Román de Jesús Medina Hernández
1222.	Román Medina Salazar
1223.	Romana Pérez Medrano de Medrano
1224.	Romelia Hernández Arévalo
1225.	Romelia López López
1226.	Romeo Chávez Carillo
1227.	Rosa Alba [Alva] Julián Alvarado
1228.	Rosa Alvina (Albina) López Mejía
1229.	Rosa Angélica González Medina de López
1230.	Rosa Celina Castañeda
1231.	Rosa Cuyuch Xiloj
1232.	Rosa De León Ajtun
1233.	Rosa Delia Medina Salazar
1234.	Rosa Elvira Albeño Martínez
1235.	Rosa Elvira Cordero Aguilar
1236.	Rosa Elvira González
1237.	Rosa Floridalma Balán Godinez
1238.	Rosa Hilda [Ilda] González
1239.	Rosa Lina Pérez Quevedo
1240.	Rosa Lisseth Medrano Najarro
1241.	Rosa Magdalena Berdúo López
1242.	Rosa María Ixcoy Sánchez
1243.	Rosa María Santay Colón
1244.	Rosa Marily Peraza Villatoro de Ortíz
1245.	Rosalina Hernández Pineda
1246.	Rosalio Pérez
1247.	Rosaria (Rosario) Ariela Ajanel Pérez

1248.	Rosario López Aguilar de Pelicó
1249.	Rosaura Verón Alonzo
1250.	Roselia Esperanza de Jesús Cordero Aguilar
1251.	Roselia Flores
1252.	Roselia Gómez Prado de Hernández
1253.	Roselia Muñoz Lima
1254.	Rosendo Juárez
1255.	Roseyra González Ávila
1256.	Rubén de Jesús Figueroa Lorenzana
1257.	Rubén Mejía Puluc
1258.	Rubén Ramos Morán
1259.	Rubén Roldán Castillo
1260.	Rubidia Verarí Vásquez Rivera
1261.	Rudy Josué Berdúo López
1262.	Ruth Aracely Cifuentes Flores
1263.	Ruth Balán Tzoy de Gómez
1264.	Ruth Elizabeth Maeda Recinos de Castillo
1265.	Ruth Noemí Barahona Medrano
1266.	Ruth Nohemy Gamboa Berdúo
1267.	Rutilia Molina Mushin
1268.	Rutilia Villatoro González
1269.	Sabina Tiño [Sut]
1270.	Sabino (Savino) Pérez Ramos
1271.	Sabino Pérez Ajanel
1272.	Salome Ajanel De León
1273.	Salomé Contreras Corado
1274.	Salvador Molina Muchin
1275.	Samuel de Jesús Maeda Ortiz
1276.	Samuel Gregorio Bracamonte Pineda
1277.	Samuel Lorenzana Ramos
1278.	Sandra Elizabeth Pineda Barrera
1279.	Sandra Elizabeth Samora Lemus
1280.	Sandra Idalma Bautista Moreno
1281.	Sandra Magali Balán Godines
1282.	Sandra Margarita Pérez Quevedo
1283.	Sandra Marisol Roldán Alburez
1284.	Sandy Dayana Aguirre Hernández
1285.	Santa Ajanel Pérez de Mejía
1286.	Santa Otilia Cuyuch Xiloj de Mejía

1287.	Santiago Batres Cordero
1288.	Santiago Colón Mejía
1289.	Santiago Esteban Lemus Hernández
1290.	Santiago Lorenzana Ramos
1291.	Santos Ajanel de León
1292.	Santos Demetrio Santay Sarat
1293.	Santos Gómez de Juárez
1294.	Santos González Navarajo
1295.	Santos Gregorio Gómez Prado (Prada)
1296.	Santos Itzep Chul
1297.	Santos López Calel
1298.	Santos Martínez Morales
1299.	Santos Mejía Maxaná
1300.	Santos Orellana Hernández
1301.	Santos Vicente Pirir Puluc
1302.	Saqueo Abrahan Peraza Villatoro
1303.	Sara Adelia Mayorga Alfaro
1304.	Sara Balan Tzoy
1305.	Sara Elizabeth Xocoxic Navarajo
1306.	Sara Gatica Canté
1307.	Saydi Lisset Ávila Bracamonte
1308.	Sebastián Juárez
1309.	Sebastián Ramírez
1310.	Sebastian Ramos Pascual
1311.	Sebastiana Ajualip
1312.	Selvin Estuardo Ávila Cifuentes
1313.	Selvin Manolo López Grijalva
1314.	Selvin Verón Alonzo
1315.	Seneidy (Semeidy) Yateli González Ávila
1316.	Sergio Eliseo Ramos Batres
1317.	Sheny (Sheni) Patricia González Ávila
1318.	Siama (Fiama) Marisol Ruiz Hernández
1319.	Silvestre Ajanel De León
1320.	Silvia Aracely Mayorga Alfaro
1321.	Silvia Elizabeth Reglado García
1322.	Silvia Gómez Prado
1323.	Silvia Judith Toxcón Miranda
1324.	Silvia Marleni Monzón Regalado de Morales
1325.	Silvia Tumux Tiño

1326.	Sindy Marisela Roldán Alcantara
1327.	Sixta Mejía Santay
1328.	Sofia Marivel Acabal López
1329.	Sofia Pineda Tunas
1330.	Soila Esperanza Colón de León
1331.	Sonia Amilsa Bautista Moreno
1332.	Sonia Elizabeth Puluc Sabán
1333.	Sonia Marisela Barrios Vásquez
1334.	Sonia Marisol Pérez Ramos (Ajanel)
1335.	Sotero Chávez
1336.	Susana Jeanett Ruiz Sazo
1337.	Tania Anali Ramos Batres
1338.	Telma (Thelma) Elizabeth Hernández Arévalo
1339.	Telma (Thelma) Noemí Chinchilla Cermeño
1340.	Telma Bautista Moreno
1341.	Teodoro Hernández Medina
1342.	Teofila Hernández García
1343.	Teófila Martínez
1344.	Teresa de Jesús Donis Aguilar
1345.	Teresa de Jesús Marroquín Mejía
1346.	Teresa Lorenzana Marchorro de Ruíz
1347.	Tereso Pirir Patzán
1348.	Tereza Mejía Itzep
1349.	Thelma Esperanza González Hernández
1350.	Timotea Ajanel de León
1351.	Timoteo González Díaz
1352.	Timoteo Ruperto Navarijo Chutan
1353.	Tito Asai Alcantara Hernández
1354.	Tomás Maurilio Rivera López
1355.	Tomasa Juárez Ramos
1356.	Tomasa Ramos
1357.	Trinidad Crisostomo Pérez
1358.	Trinidad Tzoy Armira de Balan
1359.	Trinidad Verón Alonzo
1360.	Ubaldo [Ubeldo] Enrique Ruiz Sazo
1361.	Valeriano Pelicó Ajxup
1362.	Vanesa Nineth Majano Artola
1363.	Venancio Mejía Itzep
1364.	Ventura Barrera

1365.	Ventura Cordero Aguilar
1366.	Verónica Amparo Cruz
1367.	Veronica González Hernández
1368.	Vicenta Barrera
1369.	Vicenta Marina Berdúo López
1370.	Vicenta Medina Salazar
1371.	Vicente García Moreno
1372.	Vicente Juárez Ramos
1373.	Vicente Ruíz Hernández
1374.	Víctor Antonio Gómez
1375.	Víctor Daniel Molina Muxin
1376.	Víctor David Berdúo Mauricio
1377.	Víctor Emerito Barrera Trigueros
1378.	Víctor Hugo Figueroa
1379.	Victor Hugo Figueroa Lorenzana
1380.	Víctor Hugo Toxcón Miranda
1381.	Victor Leonel Camey Valdez
1382.	Victor Manuel Ajanel Mejía
1383.	Victor Manuel Miranda Pérez
1384.	Victor Mujo Solares
1385.	Víctor Samuel Berdúo López
1386.	Víctor Vicente Martínez Valenzuela
1387.	Victoria [Victoriana] Colón Mejia
1388.	Victoria Albeño [Alveño]
1389.	Victoria Castillo
1390.	Victoria Gregoria Rivera López
1391.	Victoria Moreno Parada
1392.	Victoriana Ajanel De León de Cuyuch
1393.	Victorino García
1394.	Vidal Botello Gómez
1395.	Vidalia Linares Navarijo
1396.	Vilma Llaneth [Janeth] Carrera Godoy
1397.	Vilma Lorena López González
1398.	Vilma Noemi Maeda Recinos
1399.	Vilma Yolanda González Hernández
1400.	Vinier Daniel López Grijalva
1401.	Virgilia Medina Salazar
1402.	Virgilio Castañeda Álvarez
1403.	Virgilio Quixán Jimón

1404.	Waldemar Dibas Cano
1405.	Walter Eleazar Arroyo Esquivel
1406.	Walter Estuaurdo Villatoro Samayoa
1407.	Welmer Noel Hernández Solís
1408.	Wilder [Timoteo] González Citán
1409.	Wilder Osiel Hernández Solís
1410.	Wilfredo (Wuifredo) de Jesús Lemus Hernández
1411.	William (Wuillian) Iván Hernández Donis
1412.	Wilian [Wuillian] Amilsar Cordero Gomez [Gámez]
1413.	Wilian Humberto Reyes Gómez
1414.	William Manfredo Bracamonte Mujo
1415.	Willvy Odair Martínez Vásquez
1416.	Wilmer Omar González Ávila
1417.	Wilson Antonio Berdúo Matías
1418.	Wilson Elizardo Bracamonte Menéndez
1419.	Wilson Rolando Alverño Carrillo
1420.	Yendy Myneira Martínez Estrada
1421.	Yener Adonahí Ruano Berdúo
1422.	Yessica Odily González Hernández
1423.	Yexi Maricruz Dubon Revolorio
1424.	Ynes (Inés) Donis Barrera
1425.	Yolanda Hernández Donis
1426.	Yolanda Marilu Orozco Santos
1427.	Yordi (Yordy) Estuardo González Ávila
1428.	Yovani Acabal López
1429.	Yudi Floribel Aguirre Hernández
1430.	Yudy López Estrada
1431.	Zaira Magali Ávila López
1432.	Zoila Aida Pineda Reyes
1433.	Zoila Elvira Ortíz Meléndez
1434.	Zoila Esperanza Contreras González de Medina
1435.	Zoila Lorena Pérez Ramos (Ajanel)
1436.	Zoila Marina Gómez Prado
1437.	Zoila Reyes Pineda
1438.	Zoilita Cecilia Ruiz Sazo
1439.	Zonia (Sonia) Marina Hernández Donis

ANNEX IV: Victims of forced displacement

1.	María Fidelia Quevedo Bolaños
2.	Lilian Judith Pérez Quevedo
3.	Sandra Margarita Pérez Quevedo
4.	Rosa Lina Pérez Quevedo
5.	Marta Leonor Pérez Quevedo
6.	Filadelfo Arturo Pérez Quevedo
7.	Antonio Ajanel Ortiz
8.	Carmelino Ajanel Ramos
9.	Alba Maritza López Mejía
10.	María del Carmen Mejia Pérez de López
11.	Amildo Antonio López Mejía
12.	Alejandra López
13.	Agustin de Jesús López Mejia
14.	Rosa Alvina (Albina) López Mejía
15.	Elidea Hernández Rodríguez
16.	Mario Adolfo Alcántara
17.	Tito Asai Alcántara Hernández
18.	Adolfo Lemuel Alcántara Hernández
19.	Anestor [Noé] Alcántara Hernández
20.	Damaris Noemí Alcántara Hernández
21.	Sotero Chávez
22.	Anselma Carrillo Díaz de Chavez
23.	Apolinio Carrillo Carrillo
24.	Miguel Carrillo Díaz
25.	Natalia Chávez Carillo
26.	Otilia Chávez Carillo
27.	Romeo Chávez Carillo
28.	Daniel Chávez Carillo
29.	Deisy Francisca Chávez Carrillo
30.	José Luis Chávez Carrillo
31.	Jorge Alberto Chávez Carrillo
32.	Antonio Chávez Carillo
33.	Cecilia Chávez Carillo
34.	Marta Chávez Carrillo
35.	Salomón Carrillo Gudiel
36.	Roberto Carrillo Gudiel
37.	Juana Leónidas García Castellanos de Regalado
38.	Manuel Regalado Nuñez
39.	Ana Mirian Regalado García
40.	Elmin Edel Regalado García
41.	Silvia Elizabeth Reglado García
42.	Byron (Biron) Manuel Regalado García
43.	Jaime San Regalado García
44.	Bermina Llaneth [Janneth] Regalado García
45.	Argentina Regalado García
46.	Eulicer Regalado García
47.	Zoila Reyes Pineda
48.	Raúl Amadeo Pineda Reyes
49.	Zoila Aida Pineda Reyes

ANNEX V: Victims of the violation of the rights of the family

1.	Elvira Arévalo Sandoval
2.	Ernestina Hernández Arévalo
3.	Rolando Hernández Arévalo
4.	Romelia Hernández Arévalo
5.	Antonio Ajanel Ortiz
6.	Carmelino Ajanel Ramos

ANNEX VI: Victims of the violation of the rights of the child

1.	Norma Morales Alonzo
2.	Victoriano Salvatierra Morales
3.	Antonio Santos Serech
4.	Joselino García Sermeño
5.	Rolando Hernández Arévalo
6.	Carmelino Ajanel Ramos

ANNEX VII: Next of kin of disappeared victims

José Álvaro López Mejía	
1.	María del Carmen Mejía Pérez de López
2.	Amildo Antonio López Mejía
3.	Alejandra López
4.	Agustin de Jesús López Mejía
5.	Rosa Alvina (Albina) López Mejía
6.	Alba Maritza López Mejía
Fabio González	
7.	Gloria Odilia González Medina
8.	Luis Armando Ruano González
9.	Carlos Enrique Ruano González
10.	Rosa Angélica González Medina de López
11.	Isaias González Medina
12.	José David González
Félix (Florencio) Quej Bin	
13.	Francisco Quej Xitumul
14.	Penima Eliasa Quej Xitumul
15.	Paula Xitumul (Pabla)
Rosendo García Sermeño	
16.	Mariano García Panusema
17.	Otilio García Cermeño (Sermeño)
18.	Marcos García Cermeño (Sermeño)
19.	Reina Maribel Barahona Medrano de Morales
Félix Lux [Hernández]	
20.	Vicenta Marina Berdúo López
21.	Liliana Amarilis Lux Berdúo
22.	Félix Daniel Lux Berdúo
23.	Heydi Eunice Castro Berdúo
24.	Rafael Osberto Castro Berdúo
25.	Lorena Elizabeth Castro Berdúo
26.	Edwin Estuardo Castro Berdúo
27.	Genifer Aydee Castro Berdúo
28.	John Ezequiel Castro Berdúo
Félix Salvatierra Morales, Paula Morales and Victoriano Salvatierra Morales	
29.	Otilia Salvatierra Morales
30.	Dancy Maritza Carreto Salvatierra
31.	Basilio Salvatierra Morales
32.	Edison Abalsón Figueroa Morales
Andrea Castellanos Ceballos	
33.	Ynes (Inés) Donis Barrera
34.	José Luis Donis Castellanos
35.	Catalina Donis Castellanos
36.	Leonardo Donis Castellanos
37.	Roberto Donis Castellanos
38.	Efraín Cecilio Donis Castellanos
Braulia Sarceño Cardona	
39.	José Carlos Rodas García
40.	Mauricio García Zarceño (Sarceño)
Edelmira Girón Galbez	
41.	Narciso Teo Albeño
42.	Mariela Teo Girón
Josélino García Sermeño	

43.	Mariano García Panusema
44.	Otilio García Cermeño [Sermeño]
45.	Marcos García Cermeño (Sermeño)
Antonio Santos Serech	
46.	Alejandra Serech
47.	Raimundo [Raymundo] López Gualip
48.	María de Jesús López Serech
49.	Alejandro López Serech
50.	Raymundo [Raimundo] López Serech
51.	Ramiro López Serech
Norma Morales Alonzo	
52.	Cristina Alonzo Pérez de Morales
53.	Félix Morales
54.	José Manuel Morales Alonzo
55.	Marvin Anibal Morales Alonzo
56.	Fredy Morales Alonzo

ANNEX VIII: Next of kin of victims who were extrajudicially executed or of victims whose whereabouts are unknown

1.	Juliana Dávila Álvarez
2.	Abilio Hernández Artiaga
3.	Adán Mayorga Alfaro
4.	Adelia Alfaro Alvizuris de Mayorga
5.	Agustina Sabán Chamale
6.	Alejandro Alfaro
7.	Alexander Galdames Sanauria
8.	Alfredo Hernández Artiaga
9.	Alvaro Camey Valdez
10.	Amparo Hernández Arévalo
11.	Ana Marciela Baldizon Aldana
12.	Ana María Nacho Marroquín
13.	Anabela Mayorga Alfaro
14.	Angela Hernández Arévalo
15.	Angélica de León Mejía
16.	Anibal Hernández Artiaga
17.	Antonio Ajanel Ortiz
18.	Antonio Hernández Medina
19.	Argentina Roselia Calderón López
20.	Aura Elizabeth Vega Rodas
21.	Aura Nelly Catalán Muralles
22.	Azucena Dequito Catalán Muralles
23.	Carlos Humberto Camey Valdez
24.	Carlos Humberto Linares Navarajo
25.	Carlota Iliana Baldizon Aldana
26.	Carmelino Ajanel Ramos
27.	Catalina Alvizuris
28.	Catarino Colón Mejia
29.	Cesar Armando Palencia Muralles
30.	Cesilio Tumux Tiño
31.	Claudio Crisostomo
32.	Consuelo González Hernández
33.	Cornelio Puluc Sabán
34.	Delia Amabilia Calderón López
35.	Delmin Elizabeth Galdames Sanabria
36.	Diego López Orozco
37.	Dilma Galdames Sanabria
38.	Dora Elizabeth Catalán Muralles de López
39.	Elsa Marina Valdez
40.	Elvira Arévalo Sandoval
41.	Emma Galdámez Sanabria
42.	Esvin Orlando Valdez
43.	Eucevio [Eucelio] Mayorga Alfaro
44.	Eufemia Valdez Soto de Camey
45.	Evelyn Yesenia Calderón Nacho
46.	Federico Hernández Arteaga
47.	Félix Nacho Marroquín
48.	Fernando Martín Ajú Linares
49.	Florinda Linares Navarajo
50.	Francisca Crisostomo Pérez
51.	Francisco Javier Linares Navarajo
52.	Francisco Tumux [Mateo]
53.	Fredy Hernández Arteaga (Artiaga)

54.	Gerardo Galdámez Sanabria
55.	Gilberto González Hernández
56.	Gladis Rosana Baldizón Aldana
57.	Gladys Adilia Nacho Marroquín [de Ramírez]
58.	Glendi Leticia Ajú Linares
59.	Gloria Hernández Artiaga
60.	Hernán Linares Navarajo
61.	Hilda Leonor Mayorga Alfaro
62.	Hugo Ubaldino Calderón Osorio
63.	Jesús Galdames Sanauria de Romero
64.	Jesús Galdámez Sagastume
65.	Joel Hernández Artiaga
66.	Jorge Baldizon Aldana
67.	Jorge Galdámez Alemán
68.	José Antonio Colón Mejia
69.	José Antonio Crisostomo Pérez
70.	José Antonio Linares Navarajo
71.	José David González
72.	José Luis Puluc Sabán
73.	José Manuel Galdámez Sanabria
74.	Josué Galdámez Sagastume
75.	Juan Francisco Tumux Tiño
76.	Julio Romulo Patzán
77.	Leonidas Mayorga Alfaro
78.	Leonzio Tumux Tiño
79.	Lidia González [Galdamez] Sanahuria
80.	Luis Francisco Valiente
81.	Luz Miriam Valiente
82.	Macaria Flores
83.	Manuel [Antonio] Ajú Linares
84.	Manuel de Jesús Colón Mejia
85.	Manuel Linares Navarajo
86.	Manuela González Navarajo
87.	Marcelo Colón Mejia
88.	Margarita Colón Mejía de Santay
89.	María Alicia Arteaga (Artiaga) Enríquez
90.	María Cristina del Cid Patzán de Monzón
91.	María Estéfana (Estafania) López López
92.	María Isabel Hernández Arévalo
93.	María Lilian Marina Najarro de Galdámez
94.	María López López
95.	María Luisa Aldana del Valle de Baldizon
96.	María Luisa Mejia
97.	María Luisa Nacho Marroquín de Pixabaj
98.	María Modesta Patzán Mach
99.	María Ofelia Sanauria Murcia
100.	Mario Alberto Hernández Valiente
101.	Marta Alicia Baldizon Aldana
102.	Marta Delia Crisostomo Pérez
103.	Martha Tumux Tiño
104.	Matilde Mayorga Alfaro
105.	Mildred Yanira Yuc Sagastume
106.	Nicolasa Puluc Sabán
107.	Odilia Mayorga Alfaro
108.	Ottoniel Mayorga Alfaro
109.	Ovidio Servelio Osorio López

110.	Petronila Crisostomo Pérez
111.	Rafael Camey Valdez
112.	René Arteaga Arteaga
113.	Rogelio Regalado Guerra
114.	Rolando Hernández Arévalo
115.	Romelia López López
116.	Sabina Tiño [Sut]
117.	Santiago Colón Mejía
118.	Sara Adelia Mayorga Alfaro
119.	Silvia Aracely Mayorga Alfaro
120.	Silvia Tumux Tiño
121.	Sonia Elizabeth Puluc Sabán
122.	Sonia Elizabeth Valiente Sánchez
123.	Telma (Thelma) Elizabeth Hernández Arévalo
124.	Teresa de Jesús Marroquín Mejía
125.	Victor Leonel Camey Valdez
126.	Victoria [Victoriana] Colón Mejía
127.	Vidalia Linares Navarizo
128.	José David González
129.	José Antonio Crisostomo Pérez

ANNEX IX: Possible victims who could not be identified

1.	Reyes Jesús Flores	Surviving victim and next of kin of executed victim
2.	Georgina Salcedo	Surviving victim and next of kin of executed victim
3.	Julia Estela Valiente Salcedo	Surviving victim and next of kin of executed victim
4.	Henry Geovani Valiente Salcedo	Surviving victim and next of kin of executed victim
5.	Jorgue Luis Valiente Salcedo	Surviving victim and next of kin of executed victim
6.	Rosenda Llanet Puluc Sabán	Surviving victim and next of kin of executed victim
7.	María Magdalena Medina	Surviving victim
8.	José María Zepeda Regalado	Surviving victim
9.	Samuel González Medina	Surviving victim
10.	Marta Elizabeth González Medina	Surviving victim
11.	José Catalino López Morataya	Surviving victim
12.	Héctor Manuel López Mejía	Surviving victim
13.	Almicar Jocias Quej Xitumul	Surviving victim
14.	Pabla Morales	Surviving victim
15.	Esvin Salvatierra Morales	Surviving victim
16.	María Medina	Surviving victim
17.	Josefina Hernández Medina	Surviving victim
18.	Juan Gabriel López Serech	Next of kin of executed victim
19.	Leonidas López Serech	Next of kin of executed victim
20.	Eugenio Galdámez	Surviving victim and next of kin of executed victim
21.	Héctor Galdámez	Surviving victim and next of kin of executed victim
22.	Rubén Galdámez	Surviving victim and next of kin of executed victim
23.	Rigoberto Hernández Arévalo	Surviving victim and next of kin of executed victim
24.	Carmen Hernández Arévalo	Surviving victim and next of kin of executed victim
25.	Rosa Hernández Arévalo	Next of kin of executed victim
26.	Gilda González Hernández	Surviving victim and next of kin of executed victim
27.	Julio Rodolfo González Hernández	Surviving victim and next of kin of executed victim
28.	Ruth Nohemy Calderón López	Surviving victim and next of kin of executed victim
29.	Casimiro Cuyuch Sarax	Surviving victim
30.	Rafael Ramos Morán	Surviving victim
31.	Mirtala Sermeño	Surviving victim
32.	María Angelica García Sermeño	Surviving victim
33.	Amilda Esther García Sermeño	Surviving victim
34.	Mario García Sermeño	Surviving victim
35.	Blanca Adelaida García Sermeño	Surviving victim
36.	Gerardo García Sermeño	Surviving victim
37.	César García Sermeño Morales	Surviving victim
38.	Juana Antonia Ortiz	Surviving victim
39.	Blanca Oralia Recinos Valdez	Surviving victim
40.	Josue Israel Navarajo Castillo	Surviving victim
41.	Gladis Victoria Navarajo Castillo	Surviving victim
42.	Reginalda Beatriz Navarajo Castillo	Surviving victim
43.	Mardoqueo Adolfo Navarajo Castillo	Surviving victim
44.	Luis Daniel Navarajo Castillo	Surviving victim
45.	Darlin Janeth Navarajo Castillo	Surviving victim
46.	Efraín Gómez Prado	Surviving victim
47.	Teresa Puluc Chamalé	Surviving victim
48.	Metida Albeño Cruz (Melida)	Surviving victim
49.	Buena Ventura (Buenaventura) Reyes Juárez	Surviving victim
50.	Candelario Santay Pérez	Surviving victim
51.	María Julia González López	Surviving victim
52.	Lesly Judith Berdúo Matías	Surviving victim
53.	Robinson Elí Ramírez Manzo	Surviving victim

54.	Jenner Alexander Ramírez Manzo	Surviving victim
55.	Delmyn Aracely Ramírez Manzo	Surviving victim
56.	Julia González	Surviving victim
57.	Sebastián González	Surviving victim
58.	Ovidio Ruíz Geres	Surviving victim
59.	Melquicedes Toxcón Miranda	Surviving victim
60.	Samuel Bracamonte	Surviving victim
61.	Benito Barrera	Surviving victim
62.	Celestina González	Surviving victim
63.	Arnulfo Antonio Cifuentes López	Surviving victim
64.	Julián Ruíz	Surviving victim
65.	Teresa Hernández	Surviving victim
66.	David Ruíz Hernández	Surviving victim
67.	Paula Manriquez Solís	Surviving victim
68.	Reina Margarita Sandoval	Surviving victim
69.	Rony López Grijalva	Surviving victim
70.	Francisco Gámez Ávila	Surviving victim
71.	Marcos Rodríguez Peralta	Surviving victim
72.	Francisco López de la Cruz	Surviving victim
73.	Lilian Marisol Mus Arana	Surviving victim
74.	Esmeralda Maridela Peraza Villatoro	Surviving victim
75.	Margarita Xiloj Ajtun	Surviving victim
76.	Natividad Albeño	Surviving victim
77.	Juana Saquic Morales	Surviving victim
78.	Walter Gimenez Martínez	Surviving victim
79.	Guadalupe Rivera	Surviving victim
80.	María Luisa Barrientos Colindres	Surviving victim
81.	Gloria Angelina Barrientos Colindres	Surviving victim
82.	Maribel del Carmen Aguirre Colindres	Surviving victim
83.	Juan López	Surviving victim
84.	Marta Sotoy Cos	Surviving victim
85.	Simón Wenceslao Rivera Bonilla	Surviving victim
86.	Teofila Amparo Rivera López	Surviving victim
87.	Cesilio Irene Rivera López	Surviving victim
88.	Roberto Estrada Marroquín	Surviving victim
89.	María Cleofas Marroquín Sánchez	Surviving victim
90.	Francisca Castellanos Orantes	Surviving victim
91.	Silvia Consuelo Ávila Alonzo	Surviving victim
92.	Donaldo Pineda del Cid	Surviving victim
93.	Enrique Xocoxic Choc	Surviving victim
94.	Sara E. Xocoxic Navarajo	Surviving victim
95.	Reina Isabel Xocoxic Navarajo	Surviving victim
96.	Rosario Xocoxic Navarajo	Surviving victim
97.	Idomingo González Díaz	Surviving victim
98.	Mirza Yamira Díaz González	Surviving victim
99.	Liver González Díaz	Surviving victim
100.	Erick Díaz González	Surviving victim
101.	Rosa Alba Díaz González	Surviving victim
102.	Margarita Lebon Pérez	Surviving victim
103.	Adelia Miranda Pérez	Surviving victim
104.	Albaluz Albeño Martínez	Surviving victim
105.	Yolanda Esperanza Rivera López	Surviving victim
106.	Luvín Uri Che Rivera	Surviving victim
107.	Oralia Jovita Che Rivera	Surviving victim
108.	Eliseo Fernely Che Rivera	Surviving victim
109.	Yuni Gabrielle Che Rivera	Surviving victim

110.	Juan Manuel Che Rivera	Surviving victim
111.	Blanca Lidia Barrera Fiorian	Surviving victim
112.	Marili Mejicano Barrera	Surviving victim
113.	Delia Mejicano Barrera	Surviving victim
114.	Mercedes Bartola López Sánchez	Surviving victim
115.	Everni Yesenia Regalado García	Surviving victim
116.	Melvin Alexander Godoy Baten	Surviving victim
117.	Bertila Godoy González	Surviving victim
118.	Hilda Orellana Hernández	Surviving victim
119.	Ana Dolores Godoy Orellana	Surviving victim
120.	Loida Emerita Ruiz Lorenzana	Surviving victim
121.	Rosa Izabel Barrios Ramírez	Surviving victim
122.	Andrea Cuxe Subuluy	Surviving victim
123.	Víctor Hugo Martínez Barrera	Surviving victim
124.	Dorcas Elizabeth Martínez Barrera	Surviving victim
125.	Luis Antonio Zeceña Albeno	Surviving victim
126.	Cristobal Silvestre Morales	Surviving victim
127.	Pricila Contreras Ramos	Surviving victim
128.	Daniel Contreras Ramos	Surviving victim
129.	Ávila Isabel Contreras Ramos	Surviving victim
130.	Rudy Gamaliel Contreras Ramos	Surviving victim
131.	Felipe Osorio Revolorio	Surviving victim
132.	Juan Osorio Revolorio	Surviving victim
133.	Alvertina Osorio Revolorio	Surviving victim
134.	Carmelina Osorio Revolorio	Surviving victim
135.	Margarita Osorio Revolorio	Surviving victim
136.	Anaclea Osorio Revolorio	Surviving victim
137.	Doroteo Ramos Morán	Surviving victim
138.	Brayan Estiven Barahona Ruiz	Surviving victim
139.	Ada Alicia Orozco Ruíz	Surviving victim
140.	Flor de María Orozco Ruíz	Surviving victim
141.	Abel Pixabaj Ildelfonso	Surviving victim
142.	María Teresa Pixabaj Nacho	Surviving victim
143.	Erick Rudy Pixabaj Nacho	Surviving victim
144.	Eden Jario Pixabaj Nacho	Surviving victim
145.	Pedro Estuardo Pixabaj Nacho	Surviving victim
146.	Sara Victoria Pixabaj Nacho	Surviving victim
147.	Carlos Humberto Pérez Batres	Surviving victim
148.	Alejandra de Jesús López	Surviving victim
149.	Martina Arriaga Guimanes	Surviving victim
150.	Rudilia Orantes Arriaga	Surviving victim
151.	Guillermo Orantes Arriaga	Surviving victim
152.	Carlos Orantes Arriaga	Surviving victim
153.	Porfirio Orantes Arriaga	Surviving victim
154.	María Elena Girón Medina	Surviving victim
155.	Damilo Teo Girón	Surviving victim
156.	Juana Antonia Teo Girón	Surviving victim
157.	Pedro Díaz	Surviving victim
158.	Alicia Amparo Barahona García	Surviving victim
159.	Mario Adolfo Ixcoy Sánchez	Surviving victim
160.	Brenda Leticia Ixcoy Sánchez	Surviving victim
161.	José Luis Ixcoy Sánchez	Surviving victim
162.	Carlos Humberto Ixcoy Sánchez	Surviving victim
163.	José Abel Saquic Villatoro	Surviving victim
164.	Óscar Romeo Saquic Villatoro	Surviving victim
165.	Alba Leticia Saquic Villatoro	Surviving victim

166.	Sonia Isabel Saquic Villatoro	Surviving victim
167.	Rosa Herlinda Saquic Villatoro	Surviving victim
168.	Yony Alexander Saquic Villatoro	Surviving victim
169.	Salvador Edmundo Moreno Parada	Surviving victim
170.	Manuel de Jesús García	Surviving victim
171.	María Llaneth García Julián	Surviving victim
172.	Marí Nineth García Julián	Surviving victim
173.	Rosanita García Julián	Surviving victim
174.	Hernan Divas Cano	Surviving victim
175.	Marisol Medina Salazar	Surviving victim
176.	Florentina Pérez Ramos (Ajanel)	Surviving victim
177.	Rosendo Ajanel Ortíz	Surviving victim
178.	Gladis Adilia Santay Colón	Surviving victim
179.	Irma Santay Colón	Surviving victim
180.	Santos Demetrio Santay Colón	Surviving victim
181.	María Luisa Santay Colón	Surviving victim
182.	Marta Julia Santay Colón	Surviving victim
183.	Deysi Francisca	Surviving victim
184.	Tito Navarajo López	Surviving victim
185.	José Juárez Ramos	Surviving victim
186.	Andrés Balán López	Surviving victim
187.	María Margarita Pelicó Xiloc	Surviving victim
188.	Manuela Jimón	Surviving victim
189.	Cecilia (Casilda) Quixán Jimón	Surviving victim
190.	Marcela Quixán Jimón	Surviving victim
191.	Ovidio Pineda del Cid	Surviving victim
192.	Patrona (Petrona) Donis Castellanos	Surviving victim
193.	Miguel Angel Villeda Porras	Surviving victim
194.	Ángel Abel Albeño Pérez	Surviving victim
195.	Ismael Zepeda Martínez	Surviving victim
196.	Elvia Maribel Zepeda Martínez	Surviving victim
197.	Alvaro Zepeda Martínez	Surviving victim
198.	Catalina Zepeda Martínez	Surviving victim
199.	Salvador Zepeda Martínez	Surviving victim
200.	Marta Manuela Domínguez López	Surviving victim
201.	José Adlaberto Medina Revolorio	Surviving victim
202.	Macaria Jocop	Surviving victim