

**INDIVIDUAL CONCURRING OPINION
OF JUDGE ALFONSO NOVALES-AGUIRRE**

I have concurred in the Judgment in which the Inter-American Court of Human Rights only partially accepted the objection of incompetence *ratione temporis* interposed by the Government of the Republic of Guatemala, considering as I do that no other decision would have been appropriate in strict compliance with the law. Nonetheless, since the Court has partially accepted the objections, it will not now, in its judgment on the merits, be able to pronounce on Mr. Nicholas Chapman Blake's arrest and murder, since these occurred prior to Guatemala's acceptance of the jurisdiction of the Court.

The unlawful death of any person is intolerable and for that reason alone should not go unpunished. Through this concurring opinion I utter a battle cry against impunity in connection with those events on which the Court has declared itself incompetent, and urge the Government of the Republic of Guatemala to pursue the exhaustive investigations warranted by this case and, consequently, to capture, try and sentence the intellectual or material authors of the crimes committed.

Alfonso Novales-Aguirre
Judge *ad hoc*

Manuel E. Ventura-Robles
Secretary