

REPORT No. 17/15
PETITION 1139-04
ADMISSIBILITY
MASSACRE OF LOS JOSEFINOS VILLAGE
GUATEMALA
MARCH 24, 2015

I. SUMMARY

1. On October 27, 2004, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the IACHR") received a petition lodged by the Association of Family Members of the Detained-Disappeared of Guatemala (FAMDEGUA) and the Center for Justice and International Law (CEJIL) (hereinafter "the petitioners") claiming that the State of Guatemala (hereinafter "Guatemala," "the State," or "the Guatemalan State") bore international responsibility for alleged violations of rights recognized in the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") to the detriment of the inhabitants of the village of Los Josefinos (hereinafter "the alleged victims") the village's survivors, and their relatives,¹ as a result of the massacre of that village on April 29 and 30, 1982, and the ineffective investigation of those events.

2. In particular, the petitioners allege that by reason of the massacre of Los Josefinos and the impunity that surrounded the events, the State violated the rights of the village's inhabitants and their relatives enshrined at Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 17 (rights of the family), 19 (rights of the child), 21 (right to property), and 25 (right to judicial protection) of the American Convention, in connection with the general obligation to respect the rights established in Article 1(1) of that instrument. As to the petition's admissibility, they invoke the exception to the requirement of prior exhaustion of domestic remedies provided in Article 46(2)(c) of the American Convention. The petitioners also say that the massacre of Los Josefinos was not an isolated incident, but part of a broader campaign of violence that the Guatemalan army visited on the Department of Petén, where the village in question is located. Accordingly, in their communication of February 2015, they said that the alleged victims in this case fall into the following four categories: (a) alleged victims of the massacre; (b) alleged victims of attacks prior to the massacre; (c) alleged victims of later attacks; and (4) alleged victims of forced displacement and dispossession of private property.

3. For its part, the State admits its responsibility with respect to the events that occurred during the massacre of Los Josefinos and indicates in relation to the investigation that it is necessary to wait and allow the investigation to run its course and that it has taken "all the steps within its power to carry [it] out ... effectively."

4. Without prejudging the merits of the matter, having examined the positions of the parties and compliance with the requirements provided in Articles 46 and 47 of the American Convention, the IACHR has decided to declare the case admissible for the purposes of examination of Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 17 (rights of the family), 19 (rights of the child), 21 (right to property), and 25 (right to judicial protection) of the American Convention, in connection with Article 1(1) thereof. The Commission has also concluded that the petition is admissible for the purposes of analyzing the applicability of Articles 3, 4, 5, 7, 8, and 25 of the American Convention in connection with Article 1(1) of that treaty and Article I of the Inter-American Convention on Forced Disappearance of Persons. Finally, it has decided to notify the parties of this report and order its publication in its Annual Report to the OAS General Assembly.

II. PROCESSING BY THE COMMISSION

¹ In a communication of February 12, 2015, the petitioners submitted a list of 1191 alleged victims of the massacre and related acts, which is enclosed with this report as Appendix A. The petitioners said that the above list could change in the future as the alleged victims are more accurately identified.

5. Petition 1139-04 was received on October 27, 2004. On December 20, 2004, the petition was forwarded to the State, which was given two months to submit its comments. The State's response was received on March 18, 2005, and transmitted to the petitioners on March 24, 2005. In addition, information was received from the petitioners on April 18, 2005, and duly transmitted to the State.

6. In a communication of June 14, 2004, the State expressed its intention to initiate a friendly settlement process. On August 18, 2005, the IACHR placed itself at the disposal of the parties with a view to facilitating a friendly settlement process in the case. A number of working meetings were held in the framework of that process.² In a communication dated October 24, 2012, the petitioners requested the Commission to conclude the friendly settlement process and continue processing the case. After the friendly settlement process had ended, the IACHR received information from the State in communications dated January 30, 2013; June 14 and 21, 2014, October 3, 2014, and March 16, 2015, all of which were duly forwarded to the petitioners. The petitioners sent communications on September 5, 2013 and February 12, 2015, which were duly transmitted to the State.

III. POSITIONS OF THE PARTIES

A. The petitioners

7. The petitioners report that on April 29 and 30, 1982, there was a massacre at Los Josefinos, a village located in the Municipality of La Libertad, Petén Department, whose population mainly consisted of families of non-indigenous origin. They said that at approximately 5:00 p.m. on April 29, 1982, the *Compañía Los Vencedores* military unit surrounded the village and at around midnight shot and killed the patrol members who were guarding it. The soldiers then torched homes and shot and beat to death the inhabitants of Los Josefinos, who were buried in a mass grave. The petitioners also say that during the massacre the inhabitants of los Josefinos were "completely defenseless" and that the people who were executed were treated with "evident cruelty" by the soldiers. According to the petitioners, during and after the massacre the survivors hid in the surrounding bush and neighboring villages. With respect to the number of people who were killed in the massacre, the petitioners state that they do not know the exact figure for the following reasons: (a) many of the corpses were consumed in the flames of the burnt homes; (b) the survivors fled into the bush, where several of them perished; and (c) the corpses of the dead found on paths were buried in fields or in common graves.

8. They pointed out that the massacre was not an isolated event, given that from late 1981 to 1983, the Guatemalan army carried out acts of repression in the Department of Petén. Specifically, they say that there were two massacres in that department in March and April 1982, with the result that the residents of Los Josefinos came under attack both before and after the massacre on April 29 and 30, 1982. In light of the foregoing, the petitioners point out that the alleged victims in this case are divided into the following four categories: (a) alleged victims of the massacre of los Josefinos and their relatives; (b) alleged victims of the attacks prior to the massacre; (c) alleged victims of the attacks after the massacre; and (4) alleged victims of forced displacement and dispossession of private property.

9. As a result of the massacre, the petitioners claim that the State is responsible for violating the right to life (Article 4) of the alleged victims. With regard to the alleged violation of the right to humane treatment (Article 5), they state that this occurred with the violence to which the inhabitants were subjected for hours before being executed, and by reason of the mental suffering of the survivors and relatives of the alleged victims because of the impunity in "the fruitless investigation of the events."

10. The petitioners also point out that the Guatemalan State violated the rights to a fair trial and judicial protection of the survivors and relatives of the alleged victims on account of the unwarranted delay and ineffectiveness of the investigation of the facts in this case and because they did not have access to an

² Those meetings were held on the following dates: October 20, 2006, during the 126th regular session; October 11, 2007, during the 130th regular session; March 11, 2008, during the 131st regular session; May 27, 2007, during an official visit to Guatemala by the country rapporteur; October 27, 2010, during the 140th regular session; and March 10, 2012, during the working visit by the Rapporteur for Guatemala and the Rapporteur on the Rights of Indigenous Peoples.

effective remedy to protect them from the alleged violations of their rights. Specifically, they hold that there were a number of different irregularities in the investigation in this case, such as: (a) the lack of response by the Police Department to requests for information from the Public Prosecution Service (*Ministerio Público*); (b) the absence from the record of important investigative procedures, such as the forensic anthropology report by the Guatemalan Forensic Anthropology Unit (EAFG) and a ballistic analysis of the fragments of the fire weapon that were found in the corpses; and (c) shortcomings in the visual inspection in 1997. They also report that progress in the framework of this process has been minimal and in that regard they note the following proceedings: (a) disinterment of corpses by the Guatemalan Forensic Anthropology Unit (EAFG), March 1996; (b) opening of the criminal investigation at the Public Prosecution Service's District Prosecutor's Office (*Fiscalía Distrital del Ministerio Público*), April 1996; (c) deposition of the then-Deputy Mayor of Los Josefinos and Commander of Military Zone No. 23; (d) visual inspection, March 1997; and (e) photographic record of the clandestine grave site, October 2007.

11. As regards the rights of the child, the petitioners allege that the State breached its obligation to provide the children with the special protection warranted by their status as such, not only because of the arbitrary executions, but also because the State failed to adopt any measures to provide assistance to the children who were left abandoned. As regards the rights of the family, they say that the actions of the Guatemalan military forces destroyed the fabric of the families that lived in Los Josefinos. As to the right to property, the petitioners point out that this was violated by the Army's destruction of the property and belongings of the inhabitants of Los Josefinos. They also say that the State failed to protect the property of the survivors of the massacre from looting.

12. With respect to exhaustion of domestic remedies, the petitioners say that owing to the fact that in Guatemala terror became an official policy of control from 1978 to 1985, neither the survivors nor the relatives of the alleged victims had dared to report the massacre. As a result, it was only in January 1996—the year the peace accords were signed—that FAMDEGUA requested a preliminary evidentiary hearing before the Court of First Instance of the Department of Petén with a view to the exhumation of the corpses found in the clandestine grave site at Los Josefinos as an advance offering of evidence. In addition, the petitioners say that more than 30 years after the massacre at Los Josefinos and 18 years since the investigation began, little significant progress has been made in the latter and the alleged victims and their relatives have still not received a satisfactory and effective response. In light of the alleged unwarranted delay on the part of the Guatemalan State, the petitioners consider that the exception to the requirement of exhaustion of domestic remedies contained in Article 46(2)(c) of the Convention applies.

B. The State

13. The Guatemalan State acknowledges international responsibility for the events that occurred during the massacre of Los Josefinos. In that regard, it indicates that at approximately 5:00 p.m. on April 29, 1982, the department's military unit had reached the village, surrounded it, and prevented anyone from leaving. At some time before 7:00 p.m., according to the State, the military unit killed the members of the patrol on watch at Los Josefinos and then set fire to the homes and killed the villagers by shooting or beating them to death. The Guatemalan State establishes that the survivors hid in the mountains and that the village was abandoned.

14. With respect to the institution of judicial proceeding in connection with the events in this case, the State agrees with the petitioners that it commenced on January 16, 1996, when FAMDEGUA reported the existence of a grave where the alleged victims of the massacre of Los Josefinos were reputedly buried. The State also concurs with what the petitioners have said with regard to the steps taken in the context of the proceedings.

15. In relation to the alleged victims, the State notes that, before the eventual determination of admissibility and subsequent merits decision, it requests the Commission to acknowledge as "adequate and effective" the economic reparation the State provided to 251 groups of relatives of alleged victims, in the context of the process towards a possible friendly settlement in the present case.

16. With respect to domestic remedies, the State points out that "all the steps ... to carry out the investigation effectively" have been taken, and that it is necessary to give the investigation time to run its course. In its comments of October 3, 2014, the State indicates that work is under way to update the investigation plan in the proceeding, in order to draw up a schedule to carry out the pending procedures for collecting evidence. The State also says that the petitioners have not exhausted the remedies under domestic law since the criminal proceeding is still at the investigation stage and none of the parties have requested a final decision "that would make it possible to bring charges and request a trial." Based on the foregoing, the State requests that the Commission declare this petition inadmissible.

IV. ANALYSIS OF COMPETENCE AND ADMISSIBILITY

A. Competence of the Commission *ratione personæ, ratione loci, ratione temporis* and *ratione materiæ*

17. The petitioners have standing under Article 44 of the American Convention to lodge petitions with the IACHR. The petition names as alleged victims individuals on whose behalf the State of Guatemala undertook to respect and ensure the rights enshrined in the American Convention. Bearing in mind that the number of alleged victims of the various acts alleged in the petition is likely to change and taking into account the complexity of the process of properly identifying the alleged victims in this case, the IACHR takes note of the list submitted by the petitioners and will analyze it during the merits stage.³ As regards the State, the Commission notes that Guatemala has been a party to the American Convention since May 25, 1978, when it deposited its instrument of ratification. Therefore, the Commission is competent *ratione personae* to examine the petition. The Commission is competent *ratione loci* to examine the petition because it alleges violations of rights protected in the American Convention that are purported to have occurred within the territory of Guatemala, a state party to said treaty.

18. The Commission is competent *ratione temporis* because the obligation to observe and ensure the rights protected in the American Convention was already binding upon the State at the time the events described in the petition are alleged to have occurred. Finally, the Commission has *ratione materiae* competence because the petition alleges violations of human rights protected by the American Convention. The Commission is also competent to take up the petition by virtue of the provisions of the Inter-American Convention on Forced Disappearance of Persons, which the State of Guatemala ratified on February 25, 2000, and which provides that the crime of forced disappearance shall be deemed continuous or permanent as long as the fate or whereabouts of the victim has not been determined.

B. Other requirements for admissibility of the petition

1. Exhaustion of domestic remedies

19. Article 46(1)(a) of the American Convention provides that, for the admissibility of a complainant submitted before the Inter-American Commission in accordance with Article 44 of the Convention, it is required that remedies under domestic law be pursued and exhausted in conformity with generally recognized principles of international law. This requirement is aimed at allowing national authorities to hear cases of an alleged violation of a protected right and, if appropriate, having the opportunity to resolve it before being heard by an international body.

20. For its part, Article 46(2) of the American Convention and Article 31(2) of the Commission's Rules of Procedure provide that the requirement of prior exhaustion of domestic remedies is not applicable when: (a) domestic law does not afford due process of law for the protection of the right or rights that have allegedly been violated; (b) the party alleging violation of his rights has been denied access to the remedies

³IACHR, Report No. 51/10, P. 1166-05, Admissibility, *Tibú Massacres*, Colombia, March 18, 2010, par. 102; IACHR, Report No. 13/08, P. 844-05, Admissibility, *Community of Rio Negro of the Maya Indigenous People and Its Members*, Guatemala, March 5, 2008, par. 60; IACHR Report No. 86/06, p. 499-04, Admissibility, *Marino López et al. (Operation Genesis)*, Colombia, October 21, 2006, par. 34.

under domestic law or has been prevented from exhausting them; and (c) there has been unwarranted delay in rendering a final judgment under the aforementioned remedies.

21. In this case, the petitioners establish that the exception to the rule of prior exhaustion of domestic remedies envisaged in Article 46(2)(c) is applicable because more than 30 years after the massacre at Los Josefinos and 18 years since the investigation began, little significant progress has been made in the latter. For its part, the State indicates that "to the extent of its possibilities" it will effectively pursued all the steps and, therefore, that the investigations should be allowed to run their course.

22. In that regard, the Commission notes that the precedents it has established indicate that when a publicly actionable offense is committed, the State has the obligation to institute criminal proceedings and pursue them,⁴ and that in such cases criminal proceedings are the suitable means to clarify the facts, try those responsible, and establish the suitable criminal penalties. Furthermore, the Commission notes that, as a general rule, criminal investigations must be conducted promptly, in order to protect the interests of the victims, preserve the evidence, and safeguard the rights of anyone considered a suspect in the context of the investigation.⁵

23. The allegations in the instant case refer to alleged publicly actionable offenses. Therefore, the criminal proceedings advanced by the State should be considered for the purposes of determining the admissibility of the complaint. Taking into account the positions of the parties and based on the information in the case file, the Commission finds that the judicial proceeding in connection with the events in this case began on January 16, 1996, with the presentation by FAMDEGUA of a petition for a preliminary evidentiary hearing to the Criminal Court of First Instance of the Department of Petén (*Juzgado de Primera Instancia del Ramo Penal del Departamento del Petén*), and a request for the exhumation of the corpses from the clandestine grave site at Los Josefinos in order to determine the identities of the persons to whom they belonged and the cause of death. The Commission notes that on April 18, 1996, the Public Prosecution Service's District Prosecutor's Office (*Fiscalía Distrital del Ministerio Público*), based in Santa Elena Petén, opened a criminal investigation "against whomsoever should prove responsible" (No. 805-96); on December 3, 2010, the Public Prosecution Service requested the Supreme Court of Justice to transfer the case to High-Risk Criminal Court "A" of First Instance of Guatemala Department, where the case currently rests, numbered C-1076-2011-0003.

24. Given the characteristics of this case, the procedures carried out in the framework of the proceeding—mainly consisting of requests for information to public entities and statements by witnesses—and considering that, despite the fact that more than 30 years have passed since the events that are the subject of the petition and more than 19 years since the investigation began, no significant progress has been made by which to identify and prosecute those allegedly responsible, the Commission finds to be applicable the exception provided in Article 46(2)(c) of the American Convention as regards unwarranted delay in domestic judicial proceedings. Therefore, the rule on exhaustion of domestic remedies can be set aside.

25. Finally, the Commission must indicate that the application of the exceptions to the prior exhaustion rule, provided for at Article 46(2) of the Convention is closely linked to the determination of the alleged violations of substantive rights set forth in the Convention, such as the guarantees of access to justice. However, Article 46(2), by its nature and purpose, is a self-contained provision vis á vis the substantive provisions contained in the Convention. Therefore, to determine whether or not the exceptions to the rule of exhaustion of domestic remedies are applicable to a particular case requires an examination carried out in advance of and separate from the analysis of the merits of the case, since it depends on a different standard of appreciation to that used to establish whether or not there has been a violation of Articles 8 and 25 of the Convention.

C. Time period to file the petition

⁴ IACHR, Report 56/14, p. 886-04, *Ronal Jared Martínez Velásquez and Marlón Fabricio Hernández Fúnez*, July 21, 2014, par. 20; IACHR, Report No. 51/10, P. 1166-05, Admissibility, *Tibú Massacres*, Colombia, March 18, 2010, par. 110; IACHR, Report No. 52/97, Case 11.218, *Arges Sequeira Mangas*, Nicaragua, pars. 96 and 97, Report No. 62/00, Case 11.727, *Hernando Osorio Correa*, par. 24.

⁵IACHR, Report No. 51/10, P. 1166-05, Admissibility, *Tibú Massacres*, Colombia, March 18, 2010, par. 110.

26. The American Convention provides that for a petition to be admissible, it must be presented within six months of the date on which the party alleging violation of rights was notified of the final judgment. In the complaint under review the IACHR has determined that the exceptions to the rule of exhaustion of domestic remedies pursuant to Article 46(2)(c) of the American Convention are applicable. In this regard, Article 32 of the Commission's Rules of Procedure states that when the exceptions to the rule requiring prior exhaustion of domestic remedies apply, the petition is to be presented within what the Commission deems to be a reasonable period. The Commission must therefore consider the date on which the alleged violation of rights occurred and the circumstances of each case.

27. As regards the specific circumstances of the facts alleged in the petition, the IACHR has already set out its position in the sense that the facts that are the subject of the complaint occurred during the internal armed conflict in Guatemala. In that connection, the Commission must conclude that the internal armed conflict ended in 1996 with the signing of the peace accords, which act made it possible to investigate the violations perpetrated during same. The effects of the alleged ineffectiveness of the domestic remedies continue into the present, given that at the time that the petition was lodged with the Inter-American Commission in 2004 the investigation of the facts were still at the initial stage.⁶

28. Therefore, in light of the context and characteristics of this case, as well as the fact that the investigation is still open, the Commission considers that the petition was lodged within a reasonable time and that the admissibility requirement in that regard must be deemed met.

D. Duplication of proceedings and *res judicata*

29. The case file does not show that the subject of the petition is pending other international settlement procedures, or that it replicates a petition already examined by this or another international organization. Therefore, the Commission finds that the requirements set forth in Articles 46(1)(c) and 47(d) of the Convention have been met.

2. Characterization of the alleged facts

30. The Commission considers that it is not appropriate at this stage of the proceedings to determine whether or not the alleged violations of the rights of the alleged victims actually took place. For admissibility purposes, the IACHR must only decide whether deeds are alleged that, if proven, would amount to violations of the American Convention, as stipulated in Article 47(b) thereof, and whether the petition is "manifestly groundless" or "obviously out of order" (Article 47.c).

31. The standard for evaluating these factual requirements is different from the requirement for deciding on the merits of a petition. The IACHR must conduct a *prima facie* evaluation to determine whether the petition supports the apparent or potential violation of a right guaranteed by the American Convention, but not to establish the existence of a violation.⁷ This determination involves a summary analysis which does not imply a prejudgment or advance opinion on the substance of the matter. The Commission's Rules of Procedure, by establishing one stage for admissibility and another on merits, reflects this distinction between the evaluation that the Commission must conduct for the purpose of declaring a petition admissible and that required to establish a violation imputable to the State.⁸

⁶IACHR, Report No. 13/08, P. 844-05, Admissibility, Community of Rio Negro of the Maya Indigenous People and Its Members, Guatemala, March 5, 2008, par. 87.

⁷IACHR, Report No. 128/01, Case 12367, *Mauricio Herrera Ulloa and Fernán Vargas Rohmoser of "La Nación" newspaper* (Costa Rica), December 3, 2001, para. 50; Report No. 4/04, Petition 12324, *Rubén Luis Godoy* (Argentina), February 24, 2004, para. 43; Report No. 32/07, Petition 429-05, *Juan Patricio Marileo Saravia et al.* (Chile), April 23, 2007, para. 54.

⁸IACHR, Report No. 31/03, Case 12195, *Mario Alberto Jara Oñate et al* (Chile), March 7, 2003, para. 41; Report No. 4/04, Petition 12324, *Rubén Luis Godoy* (Argentina), February 24, 2004, para. 43; Petition 429-05, *Juan Patricio Marileo Saravia et al* (Chile), April 23, 2007, para. 54; Petition 581-05, *Víctor Manuel Ancalaf Llaupe* (Chile), May 2, 2007, para. 46.

32. Furthermore, neither the American Convention nor the Rules of Procedure of the IACHR require that the petition identify the specific rights allegedly violated by the State in a matter submitted to the Commission, though the petitioners may do so. It is up to the Commission, based on the case-law of the inter-American system, to determine in its admissibility reports which provision of the relevant inter-American instruments is applicable or could be established as having been violated, if the facts alleged are sufficiently proven.

33. In first place, the petitioners allege that the Guatemalan State violated the right to life (Article 4) of the inhabitants of Los Josefinos as a result of the massacre perpetrated by the Army. With regard to the right to humane treatment (Article 5), they say that this was violated to the detriment of the inhabitants of that village through the violence inflicted by the state agents prior to the killings. The State, for its part, accepts that the aforesaid massacre was perpetrated by Guatemalan military forces. In this regard, the IACHR considers that the above submissions could tend to show in the stage on merits possible violations of rights contained in Articles 4 and 5 of the Convention to the detriment of the inhabitants of Los Josefinos, in connection with Article 1(1) of that instrument.

34. With respect to the violations of the rights to a fair trial and judicial protection (Articles 8 and 25), the petitioners state that they were violated to the detriment of the survivors and relatives of the alleged victims by the lack of diligence in investigating the truth and by the unwarranted delay in same. On this point, the State indicates that it has taken every step to conduct an effective investigation. If proven, the respective claims could amount to violations of Articles 8 and 25 of the American Convention, in connection with Article 1(1) thereof, to the detriment of the survivors of the massacre and the relatives of the alleged victims.

35. In addition, the submissions of the petitioners regarding alleged violations of the right to humane treatment (Article 5) of the survivors and of the relatives of the alleged victims by virtue of their alleged suffering because of the impunity surrounding the investigation of the events, could constitute a possible violation to their detriment of Article 5 of the American Convention, in connection with Article 1(1) thereof.

36. In addition, the petitioners' allegations regarding the rights of the family (Article 17) that the actions of the Guatemalan military forces destroyed the fabric of the families that lived in Los Josefinos, could amount to violations of Article 17 of the Convention, in connection with Article 1(1) thereof, to the detriment of the inhabitants of Los Josefinos.

37. The IACHR considers that the claims of the petitioners regarding alleged violation of the right to property (Article 21) caused by the Army's destruction of the property and belongings of the inhabitants of Los Josefinos as well as the failure to protect the property of the survivors of the massacre from looting could tend to characterize possible violations of Article 21 of the American Convention, in connection with Article 1(1) thereof, to the detriment of the inhabitants of Los Josefinos.

38. The Commission will examine in the merits stage if possible violations exist of the rights to life, humane treatment, a fair trial, protection of the family, property, and judicial protection in violation of Articles 4, 5, 8, 17, 21, and 25 of the American Convention, in connection with Article 1(1) thereof. Likewise, the Commission will examine the alleged facts in the light of Article 19 of the American Convention, specifically with respect to the special duty of states to provide protection interpreted in accordance with principle of the best interests of the child and the *corpus juris* on the rights of children.

39. In addition, the the petitioners say that they do not know the whereabouts of survivors of the massacre or their remains because they fled into the bush and several of them died. They also say that the corpses of the dead found on paths were buried in fields or in common graves. Bearing in mind the aforementioned submissions, in the merits stage, the IACHR will analyze the possible violations of Articles 3, 4, 5, 7, 8, and 25 of the American Convention in connection with Article 1(1) of that treaty and Article I of the Inter-American Convention on Forced Disappearance of Persons.

40. In relation to the State's allegations of "adequate and effective" economic reparation provided to 251 groups of relatives of alleged victims in the context of reaching a possible friendly settlement agreement in the present case, the Commission will take these into consideration in its analysis regarding any recommendations that may be issued on the merits stage.

41. Based in the foregoing, the Commission considers the requirements set forth in Articles 47(b) and (c) of the American Convention to be met.

V. CONCLUSIONS

42. The Commission concludes that it is competent to examine the claims filed by the petitioner with respect to the alleged violations of Articles 4, 5, 8, 17, 19, 21 and 25 of the American Convention, in conjunction with Article 1(1) thereof, and that the claims are admissible in accordance with the requirements of Articles 46 and 47 of the American Convention.

43. Based on the factual and legal arguments given above and without prejudging the merits of the matter,

THE INTER-AMERICAN COMMISSION OF HUMAN RIGHTS

DECIDES:

1. To declare the instant case admissible with respect to Articles 3, 4, 5, 7, 8, 17, 19, and 25 of the American Convention in connection with Article 1(1) thereof and with respect to Article I of the Inter-American Convention on Forced Disappearance of Persons.

2. To notify the Guatemalan State and the petitioner of this decision.

3. To proceed with its analysis of merits in the matter.

4. To publish this decision and include it in its Annual Report to the OAS General Assembly.

Done and signed in the city of Washington, D.C., on the 24th day of the month of March, 2015. (Signed): Rose-Marie Belle Antoine, President; James L. Cavallaro, First Vice-President; José de Jesús Orozco Henríquez, Second Vice-President; Felipe González, Rosa María Ortiz, Tracy Robinson and Paulo Vannuchi, Commissioners.