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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 68/03; Petition 11.197
Session: Hundred and Eighteenth Regular Session (7 – 24 October 2003)
Title/Style of Cause: Community of San Vicente los Cimientos v. Guatemala
Doc. Type: Decision
Decided by: President: Jose Zalaquett;
First Vice-President: Clare K. Roberts;
Second Vice-President: Susana Villaran;
Commissioners: Robert K. Goldman, Julio Prado Vallejo.
Dated: 10 October 2003
Citation: Community of San Vicente los Cimientos v. Guatemala, Petition 11.197,
Inter-Am. C.H.R., Report No. 68/03, OEA/Ser.L/V/II.118, doc. 5 rev. 2
(2003)
Represented by: APPLICANTS: the Human Rights Legal Action Center and the Runujel
Junam Council of Ethnic Communities
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I. SUMMARY

1. On August 24, 1993, the Human Rights Legal Action Center (CALDH) and the Runujel Junam Council of Ethnic Communities (CERJ) (hereinafter “the petitioners”), representing 233 indigenous families (hereinafter “the victims”) lodged a petition with the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”). Their filing alleged that the State of Guatemala (hereinafter “the State,” “the Guatemalan State,” or “Guatemala”) had violated the victims’ rights of assembly (Article 15), of freedom of association (Article 16), to property (Article 21), to equal protection (Article 24), and to judicial protection (Article 25), all in connection with the general obligation of respecting and ensuring those rights (Article 1) and adopting domestic legal effects (Article 2), as set forth in the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”).

2. In the complaint the petitioners claimed that in 1981, during the armed conflict, the area known as Los Cimientos, located in El Chajul, Quiché department, where 672 indigenous families who owned the area lived, was invaded by the Guatemalan Army, which established a barracks there. After the community received threats of shelling and following the murder of two community members, the people of Los Cimientos were forced to flee their land in February 1982, abandoning their livestock and crops of corn, beans, and coffee. One month after they left, a number of families returned to the village, only to find that their homes had been burned down and their belongings stolen. The Los Cimientos community was once again expelled in 1994. On

June 25, 2001, the community's lands—which legally belonged to them—were violently taken from them by neighbors and other individuals, apparently with Government support.

3. The Government of Guatemala, in compliance with the friendly settlement agreement reached with the assistance of the Inter-American Commission, relocated 233 indigenous families to the San Vicente estate in Escuintla in early December 2002, after they had been violently expelled from their land in 2001.

4. In accordance with Article 49 of the Convention and Article 41(5) of the Commission's Rules of Procedure, this friendly settlement report offers an overview of the petitioners' allegations, describes the friendly settlement agreement reached, and agrees on its publication.

II. PROCESSING BY THE COMMISSION

5. On August 24, 1993, the petitioners lodged their petition with the Commission, which forwarded it to the State on August 27, 1993. On January 7, 1994, the State sent its reply to the complaint. The State's reply was forwarded to the parties, and the exchange of information and comments described in the American Convention and in the Commission's Rules of Procedure and Statute began.

6. In August 1994, the parties began to discuss the possibility of concluding the case by means of a friendly settlement agreement. They therefore held a series of meetings to discuss and define such an agreement.

7. Thus, in a public hearing on September 6, 1995, considering the needs and nature of the complaint and in compliance with Article 48(1)(f) of the Convention and Article 54(1) and (2) of the Rules of Procedure, the Commission made itself available to the parties with a view to reaching a friendly settlement. The petitioners emphasized the following points: (a) the need to ensure the effective use of the land by the community of Los Cimientos, and the need to remove the families of the Civil Self-Defense Patrols (PACs) occupying those lands, and (b) reaching an agreement on compensation for those who were displaced. The parties agreed to work toward a friendly settlement over a period of three months, to ask the Commission to cease processing of the case for that duration, and to request a meeting with the Commission's Rapporteur for Guatemala on December 12, 1995.

8. A meeting was held between the parties and the Commission's Rapporteur for Guatemala on December 15, 1995; on that occasion, the parties put forward their claims and restated their willingness to reach an agreement.

9. Finally, a friendly settlement was agreed upon on September 11, 2002, when the agreement document was signed by the parties in Guatemala City. The parties asked the Commission to ratify all parts of this friendly settlement agreement.

A. Precautionary measures

10. On May 11, 1994, in light of the withdrawal of the military post that had been established in Los Cimientos and the decision of 280 community members to return to their land the following June, the petitioners asked the Commission to issue precautionary measures to determine the deployment of landmines in the area; to uphold the life, physical integrity, liberty, and all other basic rights of the communities and their members, paying particular attention to guaranteeing their safety before, during, and after the first return and in all subsequent returns; and to uphold the returnees' right of free association, particularly their right to refrain from serving in the "volunteer" civilian patrols.

11. In its reply of August 22, 1994, the State of Guatemala noted that: (a) The landmines located in strategic places around the military base were removed after the post was dismantled and, additionally, work was underway on locating and removing the landmines deployed by the guerrilla forces. (b) The military base was indeed removed in late March 1994 and that the army had no plans to reestablish a post there, even though it was a conflictive area. (c) Through the appropriate agencies, the necessary and relevant security measures were being adopted with a view to the return of the people of Los Cimientos, specifically for their protection. (d) The Constitution of Guatemala states that no inhabitant of the country can be forced to join self-defense or similar groups or associations, with the exception of professional associations. The State therefore asked that the request for precautionary measures be declined.

12. On August 8, 1994, the petitioners sent the Commission a fresh request for precautionary measures on account of the threats made against representatives of the CEAR and two members of the community "by several individuals, apparently members of the Civil Self-Defense Patrols" and made while on an inspection trip to the site prior to the return of the community members planned for May 1994. Because of this, their return was suspended and postponed.

13. In its reply dealing with the question of precautionary measures, the Government informed the Commission of the following: (a) The Government of Guatemala had taken the necessary and relevant security steps for the return of the people of Los Cimientos, as a protective measure specifically for them. (b) The Government of Guatemala, through the Office of the Attorney General, the Public Prosecution Service, and the National Police, were pursuing the appropriate investigations in order to establish what kind of intimidation was taking place and to bring the guilty to justice in accordance with the provisions of Guatemalan criminal law. (c) As had already been reported, the landmines deployed by the military detachment were removed following the dismantling of the post, and the army was making efforts to locate and remove the landmines deployed by the guerrilla forces – a situation provided for in the "Plan for the respect of human rights" drawn up by the Government of Guatemala.

14. On April 20, 1995, the petitioners asked the Commission to order precautionary measures on behalf of Mr. Diego Oxlaj Sarat, Manuel Pasa Bate, Guillermo Sosa, Francisco Medejildo, and Sylvario Pastor, all members of the Los Cimientos community, and on behalf of the representatives of the CERJ, Amilcar Mendez, Gustavo Peralta, and Rogelio Cam.

15. On May 15, 1995, the Commission expressed its concern to the Government of Guatemala, in light of additional information indicating that the assistant mayor of San Marcos, accompanied by 60 heavily armed men, had arrived in the village of Los Cimientos when the

INTA engineers, accompanied by representatives from MINUGUA, were attempting to conclude the delimitation of the community lands, and had made death threats against them if they tried to trace out the property limits. The Commission also noted that the assistant mayor of San Marcos had repeatedly made death threats against Mr. Diego Oxjlaj Sarat, Manuel Pasan Basten, Guillermo Sosa, Francisco Medejildo, and Silvario Pastos, all members of Los Cimientos community, and the leaders Amilcar Méndez, Gustavo Peralta, and Rogelio Cam.

16. On December 23, 2002, the Commission asked the Government to report back within 15 days on the precarious health and nutritional situation of the members of the Los Cimientos community.

17. On January 15, 2003, the State of Guatemala informed the Commission that during the Los Cimientos community members' stay in the village of Batzula, Santa María Cunen, Quiche, the World Food Program (WFP) had been supplying them with foodstuffs under its "Food for Work" program, the last distribution under which had taken place in November 2002 and would have to last them until they relocated.

18. On February 4, 2003, the petitioners reported on the shortage of food and high levels of malnutrition prevailing among the members of the community. On February 11, the petitioners again sent the Commission a letter indicating that the Government was denying them direct assistance and that the WFP program was not being carried out.

19. On March 26, 2003, the petitioners requested precautionary measures and submitted a report describing the conditions of malnutrition found among the families of the Los Cimientos community, together with a list of the foodstuffs that had actually been distributed. It is important to note that this notwithstanding, the petitioners acknowledged that the Government of Guatemala had in fact complied with some parts of the agreement signed on September 11, 2002.

20. On April 8, 2003, the Commission conveyed to the Guatemalan State the information submitted by the petitioners and gave it a period of 15 days in which to report back on the measures it was adopting to provide the food and medical attention needed by the Los Cimientos community in compliance with item 8 of the agreement. The Commission also informed the State that it has been told that since the community relocated in December 2002, it had received food supplies on two occasions: the first took place during the relocation process, with sufficient food supplies for three days; and the second, on the date of the visit. The Commission had also received information indicating that the medical attention provided was inadequate to deal with the community's health problems, particularly those of its children.

21. On May 9, 2003, the Government submitted information on the steps that had been taken. The Government explained that through the health center in Siquinalá municipality, Escuintla, it had been monitoring the Los Cimientos community and that the community members had been given appointments for medication purposes on specific dates but had failed to turn up. It had therefore been able to cater to no more than 53% of the community's total number. It also told the Commission that April 8, 2003, saw the inauguration of the school that the Government of Guatemala had built on the Los Cimientos, furnished with two "Presidential Libraries."

22. On July 2, 2003, the petitioners wrote to the Commission, asking it once again to intervene and urge the Government of Guatemala to comply with the agreement signed by the Government and the community on September 11, 2002.

23. On July 21, 2003, the Commission asked the Government to submit information on the situation of the Los Cimientos community within the following 15 days.

III. FACTS BEHIND THE CASE

24. The area known as Los Cimientos, located in El Chajul, Quiché department, where 672 indigenous families who owned the area lived, was invaded in 1981 by the Guatemalan Army, which set up a barracks there. After threats of shelling were made against the community, arguing that there was a presence of the rebel organization known as the Guerrilla Army of the Poor (EGP) in the area, and after two members of the community were murdered, they were forced to abandon their lands in February 1982, leaving behind their livestock and their crops of corn, beans, and coffee. One month after they left, a number of families returned to the village, only to find that their homes had been burned down and their belongings stolen.

25. Los Cimientos covers an area of 1350 ha, which had been inhabited and worked by the victims' ancestors since before 1909. That year the President of the Republic awarded the Los Cimientos land to the landholders, with the title deeds duly recorded and registered. Subsequently, in 1973, the sole title deed was broken up, with a plot of land being given to each inhabitant who so requested; these new title deeds were also duly recorded and registered.

26. The victims fled to different parts of Guatemala and, between 1982 and 1985, survived as internal displaced persons, living under pressure and in fear of attacks by the Guatemalan army, unable to produce or to develop. In 1985 the community's members began formalities with the Government, asking to be allowed to return and requesting recognition of their title deeds. In 1990 they began legal proceedings to recoup the land occupied by the army; however, as of the date of the complaint, in 1993, the trial was still pending. At that time most of the victims were spread around Quiché department, particularly the towns of Xequel, Batzula, Media Luna, Xetzac, San José, and San Antonio, living in conditions of extreme poverty.

27. In 1990, the Guatemalan Army used the Los Cimientos area to relocate 50 families from Chajul in a model village—a method used at the time by the armed forces to resettle internally displaced persons in order to be able to control their activities.

28. On March 28, 1994, the military detachment in Los Cimientos was dismantled and relocated on a site close to the property. The withdrawal of the military facility was certified in writing by the assistant attorney for human rights of Nebaj municipality.

29. The military post was installed on the property of one of the victims, and no one from the Los Cimientos community had authorized the installation of the facility on their land. Because of the installation of the military post and the continuous threats made against the community's members, they were forced to abandon their lands. The victims lived in terror between 1981 and February 1982, when they had to abandon their land.

30. On August 7, 1994, a meeting was held in Santa Cruz el Quiché, attended by representatives of the following agencies: the Roman Catholic church, Guatemala's Attorney for Human Rights, the Guatemalan Government, representatives of Chiul, representatives of Chajul, the Runujel Junam Council of Ethnic Communities (CERJ), and the Union for Trade-Union and Popular Action (UASP). One of the main conclusions reached at that meeting was regarding the need to conduct a technical and legal study of landownership in El Cimiento, Chajul, el Quiché, to be carried out by a joint commission involving both parties, through their respective legal advisors.[FN1]

[FN1] Other conclusions from this meeting: (a) Observe mutual respect; (b) Respect people's physical integrity; (c) Set a time limit for the study to be completed; (d) Both parties to respect the result of the study; and (e) Respect compliance with the Government's formal commitment to award lands through the National Commission for the Attention of Repatriated, Refugee, and Displaced Persons and the National Fund for Peace to those persons ruled not the owners of El Cimiento.

31. On August 31, 1994, the Legal Technical Committee for Studying the Los Cimientos Question was established, comprising representatives of the conflicting parties: municipality of Chajul, municipality of San Juan Cotzal, community of displaced persons of the Los Cimientos estate. It also comprised representatives of the following bodies: Office of the Attorney for Human Rights, Office of the Attorney General of the Nation, Guatemalan Episcopal Conference, COPREDEH, National Commission for the Attention of Repatriated, Refugee and Displaced Persons (CEAR), and National Fund for Peace (FONAPAZ).

32. On January 27, 1995, the Legal Technical Committee for Studying the Los Cimientos Question issued its final report.[FN2]

[FN2] In its report the Legal Technical Commission determined that: The case covered by this study does not strictly speaking entail a conflict of ownership over the same property. This is because the property rights claimed by the parties differ from one another according to the respective deeds of creation. They correspond to a polygon that physically has a defined shape in the area where the property is located, with the sole exception of the eastern border of the estate known as LOS CIMIENTOS, which must follow the shape of the Cotzal or Putul river, its natural limit. Based on the willingness of the parties to resolve their differences through conciliation and on the commitment acquired in that sense, the results of the investigation allow the establishment of markers and limits that describe the polygons corresponding to the parties' recorded rights. Measuring the polygonal shapes of the properties involved in the conflict must be carried out urgently on account of the critical social and economic conditions faces by the area's residents from all the communities involved in the dispute. Once the polygons corresponding to the properties in question and their limits have been identified, and at all times on a consensus basis, the communities must resettle in the locations actually due to them under the deeds indicated in the study. To cover the cost of this measure and to provide redress for the

losses it will cause, CEAR and FONAPAZ must pursue the support programs necessary to comply with the promise they made to the communities in the original meeting that created the Commission, with oversight by COPREDEH and human rights agencies. The study states that “all the recommendations issued as a result of the ruling are practicable and must be carried out in order to finally settle the differences between the communities living in the area, with their desire for consensus and the provisions of the commitment document entered into in order to resolve this problem. These recommendations must be followed by the parties and by the agencies listed in the minutes of the meeting held in Santa Cruz del Quiche on August 7, 1994, whereby this Legal Technical Committee was set up, in accordance with the commitments assumed and with its jurisdiction.” Finally, the Legal Technical Commission added the following to the ruling dated February 10, 1995: “The root problem in the Los Cimientos case, involving the communities of Chajul and Cotzal and the communities that were displaced from Los Cimientos to Chiul and have returned to Los Cimientos, is one that entails social issues and human rights arising from dispossession; it warrants a prompt solution and the close attention of the competent state agencies.”

33. On February 24, 1995, a meeting was held on the Los Cimientos case at the Office of the Attorney General, attended by representatives from the following bodies and organizations: COPREDEH, the military command of the 20th military zone, the first vice-president of INTA, CEAR, the bishop of Quiché, CERJ, the Chajul council, and representatives of Los Cimientos and San Marcos. This meeting decided that: the Legal Commission had concluded the legal study phase; the next phase would deal with solving the human problem, together with the physical issue of defining the three property boundaries; the first measuring phase would be carried out by the National Agrarian Transformation Institute (INTA); the second phase, involving the opening of paths to determine the precise boundaries, would have to be supported by communities, and those tasks would conclude in June 1995.[FN3]

[FN3] With respect to the human issue, CEAR will assume responsibility for obtaining food and minimal shelter for the Los Cimientos community; COPREDEH will support their reintegration, entailing programming their first return to their own lands with rights and entitlements for all, planning productive projects, and supplying funding for the communities. Finally, they agreed that this support would have a social and human dimension, supported by FONAPAZ, COPREDEH, the armed forces, CEAR, and INTA, through courses, workshops, etc.

34. Although the situation at Los Cimientos arose from an old land dispute, the complaint lodged with the Commission deals with specific violations of the petitioners’ rights as guaranteed by the Convention and the Constitution of Guatemala – violations that began with the forced displacement of the village’s inhabitants by Guatemalan Army and continued for a period of years. Part of the conclusions reached by the Legal Technical Commission ruled that the property deeds invoked by the displaced inhabitants of Los Cimientos were legitimate. In light whereof, the petitioners asked the Inter-American Commission: to issue a report under Article 46 of the Rules of Procedure, ruling that the Government of Guatemala did violate Articles 1, 5, 11, 21, 24, 25, and 26 of the Convention; in compliance with Article 47 of the Rules of Procedure, to

urge the Government to act in good faith during the negotiations and to proceed with all due dispatch; to recommend that the Government pay the petitioners fair compensation for all the losses suffered as a result of their forced displacement; and to refer this case to the Court.

35. However, the steps taken in connection with the Los Cimientos case did not alter the position of the petitioners, whose rights have been violated: that the Government of Guatemala should assume responsibility, make amends to the victims for the harm suffered, and restore full enjoyment of the petitioners' rights, recognizing their legal title to the land and making amends for the losses caused by their forced displacement.

IV. FRIENDLY SETTLEMENT

36. The State and the petitioners signed a friendly settlement agreement, the text of which provides as follows:

AGREEMENT:

1. The Government of the Republic, through the Presidential Unit for Conflict Resolution, by means of the corresponding legal mechanisms, shall purchase, for the transfer and definitive settlement of the entire population (land owners, land holders, and assigns) and on behalf of all the members of the Los Cimientos Quiché community, comprising the civic association "Community Association of Residents of Los Cimientos Xetzununchaj," the San Vicente Osuna estate, recorded in the General Property Register as rustic estate No. 957, page 27, of book 23 of Escuintla, with an extension of 800 ha, and its annex, the Las Delicias estate, recorded in the General Property Register as rural estate No. 199, p. 126, book 6 of Escuintla, covering 45 ha, which are adjacent to each other and are located in Siquinalá municipality, Escuintla department.

The public purchase deed that is to be signed will specify that the San Vicente Osuna estate and its annex, the Las Delicias estate, will become the property of the "Community Association of Residents of Los Cimientos Xetzununchaj" civic association, comprising all the members of the Los Cimientos Quiché community.

The purchase operation includes all the administrative and registration expenses obligatorily arising from that juridical act. By means of legal mechanisms, the Government authorities, in conjunction with the community's representatives, will negotiate regarding the possibility of securing an exemption and/or special treatment for the tax payments with the corresponding authorities.

The "Community Association of Residents of Los Cimientos Xetzununchaj" civic association represents at least two hundred and thirty-three families who were affected by the violent dispossession inflicted on them, and a commitment exists toward them to make all efforts to raise the living standards of all.

Prior to purchasing the estate and as promptly as possible, the technical agency specializing in this field of work shall conduct a population census in order to update the information provided by the representatives of the Community Association of Residents of Los Cimientos

Xetzununchaj and accurately determine the number of individuals and families that are to benefit.

2. The representatives of the Community Association of Residents of Los Cimientos Xetzununchaj expressly note that the estates to be purchased (San Vicente Osuna and its annex, the Las Delicias estate) fully satisfy the land claims of the Los Cimientos Xetzununchaj community in terms of area, quality, and location.

3. This agreement satisfies the past claims made by the members of the Los Cimientos community before the State of Guatemala, before international human rights agencies, and in the framework agreement for negotiations between the Government of the Republic and the community of Los Cimientos, Quiché, signed by the parties on August 21 of this year; thus, upon the signature of the deed transferring ownership of the aforesaid lands, the not-for-profit civic association known as the “Community Association of Residents of Los Cimientos Xetzununchaj” shall hand over to the State of Guatemala the corresponding document of closure.

4. As a part of the comprehensive, fair, and final solution of this conflict, the community of Los Cimientos, Quiché, through the “Community Association of Residents of Los Cimientos Xetzununchaj” civic association, and the Government of the Republic will jointly identify and negotiate, within 60 days following the settlement of the community, urgent projects to reactivate its productive, economic, and social capacities, with a view to fostering the community’s development and wellbeing.

For this, the results of the agrological study already carried out must be available, together with the record of the landmarks and limits of the San Vicente Osuna estate and its annex, the Las Delicias estate.

5. Consequently, the purchase and adjudication of the lands indicated in item (1), together with the development and monitoring of the joint and complementary actions established in this document, as applicable, shall represent for the Los Cimientos community the final and satisfactory conclusion of the conflict related to this agreement.

6. The individual land owners, land holders, and assigns of the estates comprising the Los Cimientos community, as a part of the commitments arising from the Government’s purchase on their behalf of the estates known as San Vicente Osuna and its annex, the Las Delicias estate, shall cede their current rights of ownership, holding, and inheritance to the Land Fund, in compliance with the provisions of Article 8(h) of the Land Fund Law, Decree No. 24-99.

7. The Government of the Republic shall be responsible for relocating the 233 families of the Los Cimientos, Quiché, community, together with their property. This shall be affected using appropriate means of transport from the village of Batzulá Churranchó, Santa María Cunén municipality, Quiché department, to the San Vicente Osuna estate and its annex, the Las Delicias estate, located in Siquinalá municipality, Escuintla department.

8. The Government shall provide the resources necessary to feed the 233 families during their transfer to and establishment in their new homes, and it shall accompany them with a duly

equipped mobile unit for the duration of the transfer and until such time as a formal health facility is established in their settlement, in order to cater for any emergency that may arise.

9. For the community's location and resettlement, the Government of the Republic will provide humanitarian assistance, minimal housing, and basic services through the appropriate official agencies. The Government of the Republic will request that the situation be monitored by a commission comprising members of UPRECO, accompanying organizations, the United Nations Verification Mission in Guatemala – Quiché region (MINUGUA), and the Organization of American States (OAS/PROPAZ).

10. For the Government of the Republic to formalize the purchase operation described in item (1), the Los Cimientos community will have to present the legal documents demonstrating its status as a civic association, the registration of its legal representatives' appointments, and its accreditation before UPRECO. They will also be required to submit documentation of their compliance with the terms of the final part of the first paragraph of item (2).

11. The Government of Guatemala agrees to organize the creation of a promotion committee that will be responsible for monitoring progress with the legal proceedings initiated against the individuals involved in the events of June 25, 2001, perpetrated against the owners of the Los Cimientos and Xetzununchaj estates.

We, the individuals appearing herein, having been informed of the content and scope of this document, assume the commitment of complying with it and hereby ratify, accept, and sign it. In Guatemala City, on the eleventh day of September, two thousand and two.

37. On March 4, 2002, a working meeting was held in Washington, D.C., attended by the Government, the petitioners' advisors, and the Inter-American Commission. The Government of Guatemala, through the Presidential Conflict Resolution Unit (UPRECO), the representatives of the Cimientos Quiché community, along with observers from MINUGUA and OAS-Propaz overseeing the negotiations, reported the following progress: (1) Follow-up of visits to different estates, through the offices of the Joint Commission agreed on by the parties. The search continues for an estate with the required facilities for habitation, optimal agrological conditions, location, houses, and other features that the petitioners require. (2) In compliance with the petitioners' requests, the members of UPRECO officially presented the representatives of the Cimientos Quiché community with the document containing the "Procedure for negotiations between the Government of the Republic and the Cimientos community." This document represents the legal framework for the financial basis of the negotiation process. (3) There has been a fluid exchange of information and coordinated actions between the Technical Commission of the Presidential Conflict Resolution Unit (UPRECO) and the representatives of the Los Cimientos community. (4) The humanitarian assistance is being coordinated by the Secretariat for Planning and Programming of the President's Office, through the World Food Programme and the National Fund for Peace (FONAPAZ), by means of the Food for Work program. Thus, they are supplied with humanitarian assistance as long as they participate in different training courses: literacy, health, safety in the home, building latrines, etc.

38. On July 26, 2002, a working meeting was held in Guatemala City. In accordance with the terms set by the Inter-American Commission, the Government of Guatemala was asked to furnish information regarding the following points agreed on at the “Negotiation Framework Agreement” meeting between the Guatemalan State and the Los Cimientos community: (1) The parties explained to the Commission that they had agreed to substitute land area for land quality; thus, the land that the State had agreed to purchase was an estate as large as or larger than the Los Cimientos estate in terms of its productive quality. (2) The Government stated its willingness to sign the Framework Agreement, the text of which was reviewed and accepted by the parties, in the presence of the Inter-American Commission within a period of 15 days following the meeting of July 25, 2002. The parties agreed to inform the Inter-American Commission regarding the signing of the Agreement during its visit to Guatemala scheduled for August 26 and 27. (3) COPREDEH agreed to visit the community, along with a notary public, in order to formalize the victims’ mandate of legal representation and be able to issue the public deed of ownership over the land to be purchased on the community’s behalf. On August 21, 2002, the parties signed the Negotiation Framework Agreement.

39. On September 11, 2002, the parties met in Guatemala City to sign the friendly settlement agreement containing the final actions whereby the conflict was to be resolved. The meeting took place at the Secretariat for Executive Coordination of the President’s Office. Representing the Government of the Republic were: the acting coordinator of the Presidential Unit for Conflict Resolution (UPRECO) and chairman of the Presidential Coordinating Commission for Executive Human Rights Policy, Dr. Alfonso Fuentes Soria; the other members of UPRECO; the presidential secretary for executive coordination, Dr. Jorge Alberto Pérez Marroquín; the presidential secretary for peace, Ms. Ana Catalina Soberanis Reyes; the presidential secretary for strategic analysis, Mr. Edgar Armando Gutiérrez Girón; the director general of the Presidential Office for Legal Assistance and Resolution of Land Disputes, Dr. Gustavo Adolfo Ciriaiz López; and the presidential secretary for agrarian affairs, Mr. Pedro Pablo Palma Lau. Representing the assembly of land owners, land holders and assigns of the Los Cimientos and Xetzununchaj estates in the municipality of San Gaspar Chajul, Quiché department, were Mr. Diego Itzep Pasá, Eulogio Ordoñez, José Itzep Oxlaj, Antonio Pastor Itzep, Lucía Pasá Baten, Francisco Meregildo Utuy, and Pedro Sarat Rojop. The purpose of the meeting was to sign the friendly settlement agreement containing the final actions with which the Los Cimientos conflict was to be settled.

40. On September 18, 2002, the Government purchased the San Vicente Osuna estate and its annex, the Las Delicias estate, on behalf of the Community Association of Residents of Los Cimientos and Xetzununchaj, recorded in Public Deed No. 24. It also covered all the administrative and registration costs.

41. On October 15, 2002, the Commission held another working meeting to further pursue the negotiation process. On that occasion the Government reported its purchase of the San Vicente Osuna estate and its annex, Las Delicias.

42. On November 15, 2002, the international group supporting the Los Cimientos community requested urgent medical attention for the community’s members located at the refugee camp in Batzulá, El Quiché.

43. On December 2, 2002, the population census was carried out to determine the number of individuals and families who were to benefit. This was verified by the International Organization for Migration.

44. On December 9, 2002, the Government transferred the 233 families and their property from the village of Batzulá Churranchó, Santa María Cunén, Quiché, to the San Vicente Osuna estate in Siquinalá, Escuintla department. On that same occasion they asked for accompaniment by a commission comprising UPRECO, MINUGUA, OAS, IOM, the departmental governor, the municipal mayor, and ministry representatives.

45. Following this, the Commission has been monitoring the negotiations toward a friendly settlement and, after the agreement was signed in September 2002, it has been observing compliance with the commitments acquired by the parties thereunder.

V. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

46. The Inter-American Commission again notes that pursuant to Articles 48(1)(f) and 49 of the Convention, the aim of this procedure is “reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention.” Accepting this procedure demonstrates the State’s good faith in pursuit of the Convention’s purposes and goals under the principle of *pacta sunt servanda*, whereby states are required to comply in good faith with the treaty obligations they assume. It would also like to note that the friendly settlement procedure provided for in the Convention allows individual cases to be concluded in a no contentious fashion and that in cases from several different countries, it has served an important vehicle for resolving disputes that is available to either party.

47. The Inter-American Commission has closely followed the development of the friendly settlement reached in this case. The Commission greatly appreciates the efforts of both parties in reaching this settlement, which is compatible with the purpose and goals of the Convention.

VI. CONCLUSIONS

48. The Commission again applauds the State of Guatemala for its willingness to resolve this case through reparations, including those measures necessary to purchase land and transfer ownership of it to the indigenous families and to provide the communities with the necessary social assistance. The Commission also repeats its appreciation of the petitioners and of those individuals who were affected by accepting the provisions of the friendly settlement agreement.

49. Based on the above remarks and in light of the procedure set forth in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its deepest appreciation of the efforts made by the parties and its satisfaction at the realization of the friendly settlement agreement in the case at hand, based on the purpose and goals of the American Convention.

50. In consideration of the comments and conclusions set out in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

DECIDES:

1. To approve the terms of the friendly settlement agreement signed by the parties on September 11, 2002.
2. To continue with its monitoring and oversight of the points contained in the friendly settlement that are still pending compliance and, in that context, to remind the parties of their obligation to report back to the Inter-American Commission every three months on their compliance with this friendly settlement agreement.
3. To publish this report and to include it in its Annual Report to the General Assembly of the OAS.

Done and signed at the headquarters of the Inter-American Commission on Human Rights in the city of Washington, D.C., on the 10th day of the month of October, 2003. (Signed): José Zalaquett, President; Clare K. Roberts, First Vice-President; Susana Villarán, Second Vice-President; Robert K. Goldman and Julio Prado Vallejo, Commissioners.