



International Covenant on Civil and Political Rights

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Human Rights Committee

Decision adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communications Nos. 4023/2021–4032/2021 , *** , *****

Communications submitted by:

35 members of the K'iche' Mayan people of the municipality of Chiché (No. 4023/2021); 9 members of the Ixil Mayan people of the municipalities of San Gaspar Chajul and San Juan Cotzal (No. 4024/2021); 21 members of the K'iche' Mayan people of the Chicabracán community of the municipality of Santa Cruz del Quiché (No. 4025/2021); 26 members of the K'iche' Mayan people of the municipality of Uspantán (No. 4026/2021); 28 members of the K'iche' Mayan people of the communities of Cantón La Montaña in the municipality of San Pedro Jocopilas and the village of Chajbal in the municipality of Santa Cruz del Quiché (No. 4027/2021); 4 members of the Kaqchikel Mayan people of the municipality of San Juan Comalapa (No. 4028/2021); 20 members of the K'iche' Mayan people of the municipality of Santa Cruz del Quiché (No. 4029/2021); 26 members of the K'iche' Mayan people of the municipality of Chinique (No. 4030/2021); 28 members of the K'iche' Mayan people of the village of San Sebastián Lemoa in the municipality of Santa Cruz del Quiché (No. 4031/2021); 72 members of the Kaqchikel Mayan people of the municipality of San José Poaquil (No. 4032/2021), all represented by Impunity Watch

Alleged victims:

269 members of the K'iche', Ixil and Kaqchikel Mayan peoples

* Second reissue for technical reasons (4 September 2025).

** Adopted by the Committee at its 136th session (10 October–4 November 2022).

*** The following members of the Committee participated in the examination of the communication: Wafaa Ashraf Moharram Bassim, Yadh Ben Achour, Arif Bulkan, Mahjoub El Haiba, Furuya Shuichi, Carlos Gómez Martínez, Marcia V. J. Kran, Duncan Laki Muhumuza, Photini Pazartzis, Hernán Quezada Cabrera, Vasilka Sancin, José Manuel Santos Pais, Soh Changrok, Kobauyah Tchamdja Kpatcha, Hélène Tigroudja, Imeru Tamerat Yigezu and Gentian Zyberi.

**** The annexes are being circulated in Spanish only.



<i>State party:</i>	Guatemala
<i>Date of communications:</i>	Between 3 September and 5 October 2021 (initial submissions)
<i>Document references:</i>	Decision taken pursuant to rule 92 of the Committee's rules of procedure, transmitted to the State party on 13 October 2021 (not issued in document form)
<i>Date of adoption of decision:</i>	26 October 2022
<i>Subject matter:</i>	Failure to implement agreements on reparations for the forced displacement of Mayan peoples during the scorched-earth policy (Nos. 4023/2021–4031/2021); executions and enforced disappearances (Nos. 4023/2021–4032/2021)
<i>Procedural issues:</i>	Competence <i>ratione temporis</i> ; competence <i>ratione personae</i> ; exhaustion of domestic remedies; fourth instance
<i>Articles of the Covenant:</i>	2 (3), 6 (1) and (3), 7, 9, 12, 14 (1), 17, 23 and 24
<i>Article of the Optional Protocol:</i>	5 (2) (b)

1.1 The authors of the 10 communications¹ are nationals of Guatemala and members of various communities of the K'iche', Ixil and Kaqchikel Mayan peoples. In the first nine communications (Nos. 4023/2021–4031/2021), the authors claim that the State party has violated their rights under article 12 of the Covenant, read alone and in conjunction with articles 2 (3), 6, 7, 9, 14 (1), 17, 23 and 24. In all 10 communications, the authors claim violations of the rights of their disappeared relatives under articles 6, 7 and 9 of the Covenant and of their executed relatives under article 6 of the Covenant. They also claim violations of article 7 in respect of the relatives of disappeared persons and the authors who were victims of sexual violence. The Covenant and the Optional Protocol entered into force for the State party on 5 August 1992 and 28 February 2001, respectively. The authors are represented by counsel.

1.2 On 13 October 2021, in accordance with rules 92 (5) and 97 (3) of its rules of procedure, the Committee, acting through its Special Rapporteurs on new communications and interim measures, decided to register the 10 communications jointly because of their legal and factual similarity,² to request the State party to submit observations relating only to admissibility and to consider the communications jointly.

Factual background

2.1 The authors maintain that during the internal armed conflict, from 1978 until the signing of the Peace Agreements in 1996, the State party applied a scorched-earth policy against the Mayan people consisting of military and paramilitary operations aimed at its destruction. The authors point out that the Inter-American Commission on Human Rights, on the basis of on-site visits to Guatemala and to refugee camps in Mexico, concluded that bombings, looting, village burnings and mass killings had left most of the people affected without any homes or land.³ The Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer (Commission for Historical Clarification) noted that between 500,000 and 1.5 million Mayan people had fled their communities and that the only factor common to all the victims was that they belonged

¹ See annex I: the authors of the 10 communications and the relatives on whose behalf the communications were submitted.

² The 10 communications have more points in common (context, origin of the authors, representatives, date of submission) than differences (not all claim a violation of article 6 or article 12, for example).

³ Inter-American Commission on Human Rights, Annual Report of the Inter-American Commission on Human Rights 1984–1985, document OEA/Ser.L/V/II.66, 1 October 1985. Available at <http://www.cidh.org/annualrep/84.85eng/toc.htm>.

to a particular ethnic group, which indicates that these acts were committed with intent to destroy, in whole or in part, communities of the Mayan population.⁴

2.2 The authors of the 10 communications belong to the K'iche', Ixil and Kaqchikel Mayan peoples. They are originally from the departments of Quiché and Chimaltenango and they used to work in agriculture and animal husbandry. They are relatives of people who were executed or disappeared during the internal armed conflict. The authors of the first nine communications were also forced to flee their lands due to the scorched-earth policy. They initially took refuge in the mountains and later arrived in the capital, where, in order to avoid persecution, they abandoned their cultural practices, stopped wearing their traditional costumes and speaking their language, and changed their identities. Even though the persecution ended in 1996, they claim that they have survived ever since on the outskirts of the city by carrying out informal work, in extreme poverty, and are unable to return to their communities because their lands are occupied by former military personnel who, as a "reward" for their activities during the conflict, took over their farms and even obtained legal title to the unlawfully possessed property. The authors state that second- and third-generation children born after their parents had been displaced suffer the trauma of being uprooted from their family, cultural and social environment.

Communication No. 4023/2021: displacement of seven K'iche' Mayan families from the municipality of Chiché

2.3 On 1 March 1981, soldiers arrived at the home of Tomasa Rodríguez Morales de Saquic. She and her minor daughter fled to the mountains before reaching the capital, where they now live in extreme poverty.

2.4 In late 1981, María Xón Cuin de Guarcas saw soldiers burn down her house. She fled to the mountains with family members, where they survived while hiding from the army for eight years. Since moving to the capital, they have survived as street vendors in precarious conditions.

2.5 In March 1982, soldiers arrived at the family home of Petrona Morales Lastor de Ajtzac. The family hid in the mountains until the Peace Agreements were signed and then moved to the capital; they were unable to return to their home because it was occupied by former soldiers. On 3 May 2013, her husband, Miguel Ajtzac Lux, died as a result of the extreme poverty in which they were living.

2.6 In 1982, soldiers burned the home and crops of Paulina Sut Morales's family. They fled to the mountains and hid there for two years. Following the deaths of some members of the family, they fled to the capital, where they have been surviving in precarious conditions ever since.

2.7 In 1982, soldiers burned Dominga Tecum Xirum's home and crops. The family hid in the mountains, where her husband died of malnutrition. Since then, she and her son and granddaughters have been living in the capital city in extreme poverty.

2.8 In 1982, soldiers burned the house, crops and animals belonging to Diego Morales Saquic's family. They escaped to the mountains, where his father and two of his children died. He subsequently fled to the capital city, where he and his children and grandchildren survive in precarious conditions.

2.9 In 1983, following a massacre in the community, Maria Lastor Tol's family fled and hid in the mountains for two years. As a result of the lack of shelter and food, one of her daughters and her father died. In 1985, they managed to move to the capital, where they have been working in the informal economy ever since. In 2019, her husband, Tomás Morales Saquic, died as a result of living in extreme poverty.

⁴ United Nations Office for Project Services, Commission for Historical Clarification, *Guatemala: Memoria del Silencio* (Guatemala: Memory of Silence), 1999, vol. IV, chap. III, para. 4194, and chap. IV, para. 111.

Communication No. 4024/2021: displacement of two Ixil Mayan families from the municipalities of San Gaspar Chajul and San Juan Cotzal

2.10 On 28 August 1977, Miguel Sanic Itzep, a member of a cooperative, was arrested by soldiers and tortured for 24 days. When he was able to escape, he fled to Mexico. In 1980, his family fled to the mountains when their village was destroyed and burned. In 1984, they were reunited in the capital, where they currently live in precarious conditions.

2.11 In 1985, soldiers executed Ana Gómez Aguilar's father-in-law. She fled with her husband and children to the capital, where they still live in extreme poverty.

Communication No. 4025/2021: enforced disappearances and displacement of four K'iche' Mayan families from the Chicabracán community in the municipality of Santa Cruz del Quiché

2.12 In 1980, Salvador Ventura López fled with his wife and daughter after being warned that soldiers had been ordered to disappear him. On 12 August 1982, his father, Santos Ventura Chich, was disappeared by soldiers.

2.13 In early 1980, the husband of Manuela Ventura Tiño de González, Miguel González López, was disappeared by soldiers. The family took refuge in the mountains, where they remained for three years before moving to the capital.

2.14 On 12 August 1982, Sebastiana Cun López's family fled the community after soldiers had raped her and tortured her husband before disappearing him.

2.15 In 1982, Manuel Gómez Osorio's family fled their community and moved to the capital, where they continue to survive as vendors on the informal market.

Communication No. 4026/2021: enforced disappearances, extrajudicial executions and displacement of four K'iche' Mayan families from the municipality of Uspantán

2.16 In 1980, Miguel León Aguaré's father was disappeared by soldiers. He was 3 years old when he escaped to the mountains with his family, where his sister Marta León Aguaré died of malnutrition. Four years later, they moved to the outskirts of the capital. He suffers from transgenerational trauma. He married a Mayan woman who was also displaced. Their three children are third-generation displaced children.

2.17 In April 1981, when his parents were executed, Julián Vicente Velásquez fled with his family to the mountains, where his son died as a result of persecution and malnutrition. The rest of the family are currently surviving in the capital.

2.18 In April 1981, Juan Petronilo Vicente Velásquez's family fled to the mountains when the army entered their village. They remained there for three years and María Martina Vicente León, one of his daughters, died there of malnutrition.

2.19 On 14 February 1982, Juliana Socoy Car and her husband fled to the mountains after soldiers raided their village and indiscriminately fired at the inhabitants. They hid for three years before moving to the capital.

Communication No. 4027/2021: enforced disappearances, extrajudicial executions and displacement of six K'iche' Mayan families from the municipalities of San Pedro Jocopilas and Santa Cruz del Quiché

2.20 In 1981, when soldiers arrested members of her family and killed her brother, Francisca Osorio Lucas de Pacheco fled to the mountains. She currently survives in the capital by selling vegetables and tortillas.

2.21 On 12 June 1982, Juana Vicente López was working in her cornfields when she saw soldiers taking away her father. She and some relatives fled to the capital, where she works as a house cleaner.

2.22 On 27 August 1982, soldiers arrived at the home of María Antonia Velásquez Pérez de Mejía and killed several of her relatives. The rest of the family escaped to the capital city, where they work as street vendors. On 31 October 2017, her mother, Andrea Pérez Ixcoy Reynozo, died as a result of living in extreme poverty.

2.23 On 29 November 1982, Félix Enrique Velásquez Mejía was 5 years old when his father was killed; he fled to the capital with a brother.

2.24 In March 1983, soldiers captured Rosa Vicente López's husband, tortured him and killed him. In her eighth month of pregnancy, she fled to the mountains, where she gave birth a few days later. She and her daughter currently survive in the capital by working in the informal economy.

2.25 In October 1983, soldiers captured one of Victoriana Mejía Tax's children; she decided to flee to the capital with the rest of her family. In March 1984, two more of her children were disappeared by soldiers in the capital.

Communication No. 4028/2021: enforced disappearances and displacement of a Kaqchikel Mayan family from the village of Simajhuleu in the municipality of San Juan Comalapa

2.26 In early 1980, Eulogio Oztzy Colaj was working in his cornfields when his sons, one of whom was a minor, were disappeared by soldiers. He fled to the capital with his daughter, where they survive on charity.

Communication No. 4029/2021: enforced disappearances and displacement of five K'iche' Mayan families from the municipality of Santa Cruz del Quiché

2.27 In August 1979, upon learning that their names were on an army blacklist, Marta Zacarías Laines and her family fled to the capital, where her husband and son were disappeared on 20 September 1981 and 29 July 1982, respectively.

2.28 On 22 October 1981, when soldiers captured her husband, Rosario Poncio Ambrosio fled with her children to the mountains, where they stayed for six months before moving to the capital. They continue working in the informal economy in order to survive.

2.29 In early 1982, when the army arrived in her village, Anselma Coxaj Lux and her family took refuge in the mountains, where her husband and brother were eventually captured by the army. She and her minor children fled to the capital, where they had to steal vegetables to feed themselves.

2.30 On 9 January 1982, when Cristina Lux Medrano was 9 years old, her grandfather was dragged to death by soldiers and her grandmother was raped in front of her. After fleeing with her family, she spent eight months in the mountains before moving to the capital, where, on 2 July 2020, her mother, Micaela Medrano López, died as a result of living in extreme poverty.

2.31 In February 1982, Sebastiana López Ventura was arrested; she was then raped and tortured for five months. As a result of being raped, she gave birth to a daughter. She managed to flee to the capital, where she survives by eating food scraps that she finds in rubbish bins.

Communication No. 4030/2021: enforced disappearances, extrajudicial executions and displacement of five K'iche' Mayan families from the municipality of Chinique

2.32 In late 1981, two of Nicolás Quinilla Quinilla's minor sons died in the mountains from malnutrition, while his third son, who was 15 years of age, was executed for refusing to join the Civilian Self-Defence Patrol. In September 1982, he and his wife fled to the capital.

2.33 On 5 March 1982, 17-year-old Juana Tipaz González de Ventura had to leave her home with her family when the army set fire to their house. They crossed the mountains to reach the capital, where her father died in 1983. Her first husband, Ignacio Chaperón, was disappeared on 22 October 1984.

2.34 Also on 5 March 1982, Catalina Vicenta López y López and her family escaped to the mountains when soldiers burned their house and crops. They remained in hiding until October 1983, when they fled to the capital.

2.35 Also on 5 March 1982, soldiers executed the husband of Candelaria Vásquez Us and burned her home and crops. The family moved to the capital in November 1982.

2.36 Felipa Tipaz Us and her family also fled in late 1982. They are currently surviving in the capital.

Communication No. 4031/2021: enforced disappearances, extrajudicial executions and displacement of nine K'iche' Mayan families from the village of San Sebastián Lemoa in the municipality of Santa Cruz del Quiché

2.37 In early 1980, soldiers raped 17-year-old Dolores Ventura. Her father was disappeared in 1981 and her 16-year-old brother in 1982. She and the rest of her family fled to the capital, where they live in extreme poverty. In 2020, her husband, Francisco Cun López, died as a result of living in extreme poverty.

2.38 In early 1980, Anastacia González Tipáz and her family fled to the mountains when their home was burned down. They subsequently moved to the capital.

2.39 Encarnación Ventura Lux de Gorge fled to the mountains with her children after soldiers had tortured and beheaded her husband. They took refuge in the capital, where they are living in extreme poverty.

2.40 In early 1982, when one of her daughters was executed, Anastacia Loarca moved to the capital. On 22 January 2013, she died there as a result of living in extreme poverty.

2.41 In 1982, when the army executed her 15-year-old sister, Cecilia López Loarca fled to the mountains with her surviving relatives.

2.42 In October 1982, María Ren Yá de Ventura fled with relatives when the army burned down her home and disappeared her husband.

2.43 In October 1983, María Gómez de León fled to the capital, where she has managed to survive in extreme poverty by working in the informal economy.

2.44 On 10 September 1984, Dolores López de Ren and her three daughters fled to the capital when her husband was executed.

2.45 In 1984, Agapito Ventura González, his wife and their 10 children fled to the capital when the army burned their home and crops. They survived on food waste before finding informal work.

Communication No. 4032/2021: enforced disappearances and extrajudicial executions of 13 Kaqchikel Mayan families from the municipality of San José Poaquil

2.46 On 24 January 1981, Ignacio Tartón Chalí was arrested by officers of the National Police. His wife was later able to identify his body. His eyes had been gouged out.

2.47 Josefa Muchuch Ordóñez's husband, Paulino Jutzuy Chutá, was captured on 27 November 1981. Her brother-in-law, León Jutzuy Chutá, was subsequently arrested. In February 2001, the Guatemalan Forensic Anthropology Foundation found the remains of both men.

2.48 On 2 December 1981, Hilario Martín Muchuch Ordóñez was arrested by soldiers. His remains have not yet been found.

2.49 On 5 March 1982, Juan Sirín Calí was arrested by soldiers. In 2001, the Guatemalan Forensic Anthropology Foundation identified his remains.

2.50 On 7 March 1982, Abraham Chutá Quiná was arrested by soldiers. His family stopped searching for him when they received death threats. His whereabouts are still unknown.

2.51 On 13 April 1982, Ceferino Telón Cúmez was arrested by soldiers and his whereabouts are still unknown.

2.52 On 15 April 1982, Felipe Oxí Morales was arrested by soldiers and his whereabouts are still unknown.

2.53 On 6 October 1982, Hilario Cun Calí was executed and his body was identified days later. His brother, Fermín Cun Calí, was executed on 30 June 1985.

2.54 On 27 March 1984, 26 June 1984, 8 September 1984 and 5 April 1987, Ismael Oxí Asijtuj, Bibiano Xon, Gabriel López Simón, Benigno López Simón and Juan Oxí Ortiz were arrested by soldiers. Their whereabouts are still unknown.

Commitments made by the State party, before and after the entry into force of the Optional Protocol, to provide reparations to victims of the internal armed conflict

2.55 In 1996, when the Peace Agreements were signed, the State party recognized the need to provide reparations for the grave human rights violations committed against the Mayan people, and accordingly concluded the Comprehensive Agreement on Human Rights, the Agreement on Resettlement of the Population Groups Uprooted by the Armed Conflict and the Agreement on the Establishment of the Commission to Clarify Past Human Rights Violations and Acts of Violence that have Caused the Guatemalan Population to Suffer. In 1997, the Peace Secretariat was established to implement reparations programmes in accordance with the recommendations of the Commission for Historical Clarification.

2.56 On 9 April and 7 May 2003, Government Orders No. 235-2003 and No. 258-2003 established the National Reparations Programme, under the coordination of the National Reparations Commission, with both the Programme and the Commission being attached to the Peace Secretariat. The human rights violations and crimes against humanity for which reparations were to be provided were: (a) enforced disappearance, (b) extrajudicial execution, (c) physical and mental torture, (d) forced displacement, (e) forced recruitment of minors, (f) sexual violence, (g) violations against children, (h) massacres and (i) other violations.⁵

Applications for reparations submitted by the authors of the 10 communications to the National Reparations Programme and the reparations agreement concluded with the authors of communications Nos. 4023/2021–4031/2021

2.57 The authors state that, owing to threats made against them, they have been unable to pursue judicial remedies in relation to the violations suffered. Together with other victims, they established the Asociación Movimiento Nacional de Víctimas del Conflicto Armado Interno de Guatemala, Q'anil Tinamit, which empowered them to file administrative appeals with the National Reparations Programme. The Programme was set up specifically by the State party to provide reparations to victims of the armed conflict.

2.58 On 24 and 25 August 2005, the authors of communication No. 4032/2021 submitted applications for financial redress under the National Reparations Programme for the enforced disappearance and execution of their relatives.⁶

2.59 In January 2009, the authors of communications Nos. 4023/2021–4031/2021 submitted applications for reparations under the National Reparations Programme, stating that their relatives had been tortured, executed or disappeared, that they had suffered acts of cultural destruction and that they had since been abandoned to their fate in the slums of the capital. By way of reparation, they specifically requested land and housing as a means of ending their forced displacement.

2.60 On 22 June 2009, the National Fund for Peace, the Peace Secretariat and the National Reparations Programme signed inter-agency cooperation agreement CCI-9-2009, which provided for the construction of 1,646 homes, at a unit cost of 48,000 quetzales (Q), and seven mausoleums and monuments. On 18 November 2009, they signed an addendum increasing the number of houses to 2,372 and lowering the unit cost to Q 35,000. The deadline for the construction of the housing units was one year, in recognition of the fact that the restitution of housing as a measure of redress is also a way of combating extreme poverty.

2.61 On 31 May 2011, by a collective decision on material reparation (legal decision DAJ-141-2011), the Legal Affairs Directorate of the National Reparations Programme recognized the authors of communications Nos. 4023/2021–4031/2021 as victims of the “crime against humanity” of forced displacement. The decision affirmed that “surviving in a hostile environment, with no food or shelter, and with young children and older persons to look after, became a gargantuan task. The authors’ day-to-day insecurity and the psychological impact

⁵ Government Order No. 258-2003 of 7 May 2003, as amended, Establishment of the National Reparations Programme, art. 2.

⁶ Cases Nos. 03-02-00044/03-02-00062/03-02-00093/03-02-00168/03-02-00097/03-02-00217/03-02-00549/03-02-00067/03-02-00034/03-02-00077/03-02-00118/03-02-00037/03-02-00039.

of the violence they had suffered made many of them ill, and the most vulnerable among them died”.

2.62 On 6 June 2011, the National Reparations Commission issued decision CNR-RM-10-2011, which assigned plots of land to the authors in the municipality of San Juan Sacatepéquez and established that the housing to be built would have drinking water, electricity, drains and public lighting. The decision also stated that the authors’ lives in the capital had, “to date, been lived in conditions that violate human dignity”.

2.63 On 14 October 2011, public deeds granting each family its plot of land were issued. To date, however, the authors remain displaced on the outskirts of the capital because the State party has not fulfilled its commitment to build the houses, as set out in decision CNR-RM-10-2011.

2.64 On 22 July 2015, the Q’anil Tinamit association, the National Reparations Commission and the National Reparations Programme signed an institutional commitment to provide comprehensive reparations, pursuant to which the National Reparations Programme undertook to uphold the principle of non-impairment of rights to redress, subject to the availability of financial resources. The commitment provides for the allocation of Q 300 million per year for this purpose.

Appeals against the stoppage of reparation measures

2.65 In view of the failure to build the houses, the authors of communications Nos. 4023/2021–4031/2021 submitted dozens of requests for meetings with different agencies of the State party, claiming that they had not received reparation in accordance with the signed agreements. These requests all went unanswered.

2.66 In July 2016, pursuant to article 25 of the *Amparo*, Habeas Corpus and Constitutionality Act, which empowers the Human Rights Advocate to take action on behalf of indeterminate victims and indigent persons, the Advocate filed an application for *amparo* against the National Reparations Commission for the stoppage of reparation measures. The authors of the 10 communications, acting through the Q’anil Tinamit association, participated as interested third parties.

2.67 On 23 November 2016, the *Amparo* Court found the application admissible, stating that “although it is true that the State has recognized the right of the victims of the armed conflict to reparation ... and that the obligations undertaken by the State of Guatemala in the Peace Agreements ... are in force and must be fulfilled by the respondent authority, it is also true that government institutions need the necessary budget to carry out their functions ... and that the evidence provided indicates that the budgetary allocation has been significantly reduced”. The Court ordered the National Reparations Commission to “take the necessary administrative and financial steps, within 30 days, ... to fulfil each of the objectives of the National Reparations Programme so that it can continue to assist the victims of the internal armed conflict, for whom it was established”.⁷

2.68 The National Reparations Commission filed an appeal but it was rejected by the Constitutional Court on 17 January 2019. The Constitutional Court found that, as the State party is under an obligation to provide redress to victims, “no claim or administrative difficulty may be invoked to justify the failure to honour that commitment. It is the State’s responsibility to provide such compensation through the Programme and to finance it and ensure its effectiveness.” The Constitutional Court therefore instructed the National Reparations Commission to inform the *Amparo* Court of the measures that it had taken and the results obtained.⁸

2.69 On 1 May 2019, the National Reparations Commission informed the *Amparo* Court that it had fulfilled, and would continue to fulfil, the primary purpose for which the National Reparations Programme had been established. The authors state that the National Reparations Commission has done no more than request funds from Congress but has not implemented the budget. When the Human Rights Advocate requested the enforcement of the *amparo*

⁷ Case No. 01050-2016-00589.

⁸ Case No. 6238-2016.

ruling, the *Amparo* Court denied the request, stating that the measures ordered by the Constitutional Court had been taken. However, the authors argue that the only part of the ruling that was implemented was the order to report on the steps taken. The essential part of the *amparo* ruling, which was the order requiring the National Reparations Commission to carry out the reparation obligations set out in the National Reparations Programme, was not implemented.

2.70 The authors state that, in 2020, the State party took steps to shut down the National Reparations Programme, dismissing staff, failing to renew staff contracts and closing regional headquarters. The President of the Republic announced that the resources that would no longer be earmarked for reparations would be used to provide food for 200,000 children.⁹ On 19 April 2020, the Q'anil Tinamit association, acting on behalf of the authors of the 10 communications, who were personally and directly affected by the threatened closure of the National Reparations Programme, submitted a preventive *amparo* application to the Constitutional Court with a view to preventing the President of the Republic from shutting down the Peace Secretariat and the Programme. Citing article 2 (3) of the Covenant, it alleged that the threatened closures violated the authors' rights to justice and reparation.¹⁰

2.71 However, the President of the Republic, by Government Order No. 98-2020 of 30 July 2020, ordered the closure of the Peace Secretariat and the attachment of the National Reparations Programme to the Ministry of Social Development. On 19 July 2021, the preventive *amparo* application was dismissed, as it had become moot. The authors of communications Nos. 4023/2021–4031/2021 claim that this development has precluded any chance that the reparation measures agreed with them will be implemented. The authors of communication No. 4032/2021 state that their claims for financial redress for the enforced disappearance and extrajudicial execution of their relatives had still been pending when the Peace Secretariat was shut down.

Complaint

3.1 The authors claim that they have exhausted domestic remedies, as they have filed applications for *amparo* in connection with the failure to take action under the National Reparations Programme and the closure of the Peace Secretariat.

3.2 The authors claim that the Committee has competence *ratione temporis* to consider the communications. They point out that the Covenant and the Optional Protocol entered into force for the State party on 5 August 1992 and on 28 February 2001, respectively. The authors recall that a continuing violation is to be interpreted as an affirmation of previous violations after the entry into force of the Optional Protocol. In this connection, the authors of communications Nos. 4023/2021–4031/2021 claim that their forced displacement began before the Optional Protocol entered into force but continues today because the affected persons cannot return to their communities and have not been resettled. They point out that, according to the Guiding Principles on Internal Displacement, States have the duty to allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or to resettle voluntarily in another part of the country. They also recall that, in other cases involving Guatemala, the Inter-American Court of Human Rights has noted the continuing nature of the illegal occupation of land belonging to victims of forced displacement.¹¹ In addition, the authors of the 10 communications claim that, while the enforced disappearances began before the entry into force of the Optional Protocol, they are continuing because the victims' remains have not been found. With regard to instantaneous violations, such as extrajudicial executions, the authors argue that, although the acts took place before the entry into force of the Optional Protocol, the obligation to investigate them remains. Lastly, the authors argue that, on 10 May 2013, after the Optional Protocol had entered into force, the

⁹ See <https://republica.gt/guatemala/2020-4-2-5-14-50-presidente-anuncia-el-cierre-de-la-sepaz-y-secretaria-de-asuntos-agrarios>.

¹⁰ Case No. 1762-2020.

¹¹ *Case of the Río Negro Massacres v. Guatemala*, judgment of 4 September 2012; *Case of Chitay Nech et al. v. Guatemala*, judgment of 25 May 2010; and *Case of the Members of Chichupac Village and Neighboring Communities of the Municipality of Rabinal v. Guatemala*, judgment of 30 November 2016.

State party recognized the facts by handing down a judgment convicting the former dictator Ríos Montt of genocide against the Ixil Mayan people.¹²

3.3 With regard to the merits, the authors of the first nine communications (Nos. 4023/2021–4031/2021) first claim a violation of article 12 of the Covenant, read alone, as they were forced to flee their lands as a consequence of the scorched-earth policy. They recall that, according to paragraph 7 of the Committee’s general comment No. 27 (1999), article 12 of the Covenant also provides for “protection against all forms of forced internal displacement”, and that the Guiding Principles on Internal Displacement are applicable to displacement based on policies of apartheid or ethnic cleansing aimed at altering the ethnic composition of the affected population. Although the State party acknowledged in the reparations agreement that these authors are victims of forced displacement, it has not yet resettled them and their original lands are still occupied by former military personnel.

3.4 The authors also argue that forced displacement, being a violation of multiple human rights, is an issue that transcends the protection provided for by article 12. It also has a severe psychological impact and involves loss of land and housing, marginalization, unemployment, impoverishment, deterioration of living conditions entailing an increased risk of illness and mortality, and social dislocation. Therefore, they claim a violation of article 12 of the Covenant, read in conjunction with articles 6, 7, 9, 17, 23 and 24.

3.5 With regard to the violation of article 12 of the Covenant, read in conjunction with article 6, the authors state: (a) that these displacements were caused by a State policy of genocide; that the Committee, in relation to article 6 (3) of the Covenant, reminds all States parties that are also parties to the Convention on the Prevention and Punishment of the Crime of Genocide of their obligation to punish this crime;¹³ and that the extremely precarious conditions in which the authors continue to live are bringing about the destruction of part of the group; and (b) that some of their family members died as a result of the extreme poverty caused by displacement, both before¹⁴ and after¹⁵ the Optional Protocol entered into force, and that these deaths are therefore attributable to the State party.

3.6 With regard to the violation of article 12 of the Covenant, read in conjunction with article 7, the authors state that not only do they survive by means of activities that fail to provide them with a decent living, but they also suffer from serious psychosomatic illnesses as a result of being uprooted, yet the State party refuses to implement a programme to provide psychosocial and medical care.

3.7 Regarding the violation of article 12 of the Covenant, read in conjunction with article 9, the authors state that the right to security of person is one of the key elements of measures to restore the rights of displaced populations and that the right to return depends on three fundamental elements – legal, physical and material security – that are lacking in their case.

3.8 Regarding the violation of article 12 of the Covenant, read in conjunction with article 17, the authors point out that their homes and crops were destroyed and that being uprooted from their territories had a particular impact on them because they are Indigenous.

3.9 With regard to the violation of article 12 of the Covenant, read in conjunction with article 23, the authors note that the constant persecution of their families led to the break-up of the family unit and that family bonds have a special significance for Indigenous Peoples. They note that, according to international case law, forced displacement gives rise to State responsibility for violating the right to family life¹⁶ insofar as it entails the break-up of the family unit.

¹² The Constitutional Court of Guatemala nonetheless overturned that judgment and subsequently dismissed the case upon the death of the accused.

¹³ General comment No. 36 (2018), para. 39.

¹⁴ See the list drawn up by the Committee, annex II.

¹⁵ See the list drawn up by the Committee, annex III.

¹⁶ Inter-American Court of Human Rights, *Case of Yarcce et al. v. Colombia*, judgment of 22 November 2016, para. 247.

3.10 With regard to the violation of article 12 of the Covenant, read in conjunction with article 24, the authors note that displaced children, including those who were children when they fled, those who were born displaced¹⁷ and third-generation children born displaced who are still minors today,¹⁸ suffer from transgenerational harm and live in a culture that is alien to their Mayan culture, with a consequent loss of identity, cultural uprooting and destruction of the social and community fabric.

3.11 In addition, the authors of the 10 communications claim: (a) a violation of article 6 of the Covenant in respect of their executed relatives;¹⁹ (b) violations of articles 6, 7 and 9 in respect of their disappeared relatives;²⁰ and (c) a violation of article 7 in respect of the relatives of the disappeared,²¹ who have suffered the anguish of not knowing the whereabouts of their loved ones, and in respect of the authors who were victims of rape.²²

3.12 The authors of the 10 communications also claim violations of article 14 (1) of the Covenant, read in conjunction with article 2 (3), on the grounds that no criminal investigation into the facts has been carried out ex officio, in violation of their right to truth and justice, and article 2 (3) (c), on the grounds that decisions recognizing rights have not been enforced, because: (a) the *amparo* ruling ordering the National Reparations Commission to fulfil the reparation obligations established under the National Reparations Programme has not been implemented, even though the *Amparo* Court had the means by which to ensure compliance with the obligation, given that article 55 of the *Amparo* Act provides that “in order to ensure the implementation of rulings issued in *amparo* proceedings, the Court, on its own motion or at the request of a party, shall take every possible measure to ensure compliance with the ruling”, and (b) the State party has also failed to implement decision CNR-RM-10-2011, by which it undertook to build housing for the authors of the first nine communications as redress for their continuing forced displacement.

3.13 Lastly, the authors request the Committee to instruct the State party to: (a) investigate the facts and prosecute the persons responsible; (b) provide them with adequate compensation for the harm that they have suffered; (c) ensure the proper functioning of the National Reparations Programme; and (d) in respect of the first nine communications, protect the authors’ security of person so that, if they so wish, they can return to their communities of origin and regain the lands that were illegally taken from them.

State party’s observations on admissibility

4.1 On 14 December 2021, the State party noted that, in the present cases, the dispute revolves around the National Reparations Programme. It points out that the Programme has not ceased to operate but is now being run by the Ministry of Social Development rather than the Peace Secretariat. The unit responsible for the Social Development Fund, taking into account the State party’s available funds, budgeted Q 13,512,623 for the provision of services to the victims of the conflict for the 2022 financial year. According to the State party, it recognized in the Peace Agreements that the people of Guatemala have the right to know the whole truth about the human rights violations that occurred during the internal armed conflict but “the road to reparations is long”.

4.2 The State party argues that the Committee lacks competence *ratione temporis* to examine the facts, as the Optional Protocol entered into force for Guatemala on 28 February 2001, no act has been committed that would justify characterizing the displacements as continuing and there is no obligation to investigate previous executions because, as the Committee rightly stated in its decision on the case of *K.K. et al. v. Russian Federation*,²³ a continuing procedural obligation to investigate violations that occurred before the entry into force of the Covenant derives from a substantive obligation only if the status of the alleged

¹⁷ See the list drawn up by the Committee, annex IV.

¹⁸ See the list drawn up by the Committee, annex V.

¹⁹ See the list drawn up by the Committee, annex VI.

²⁰ See the list drawn up by the Committee, annex VII.

²¹ See the list drawn up by the Committee, annex VIII.

²² See the list drawn up by the Committee, annex IX.

²³ CCPR/C/127/D/2912/2016, para. 6.4.

victim as a victim has been acknowledged, which is not the case in respect of the present communications.

4.3 The State party also argues that the Committee also lacks competence *ratione personae* in relation to persons who had not yet been born at the time of the events.

4.4 The State party further argues that the communications should be declared inadmissible for failure to exhaust domestic remedies in relation to: (a) the allegation that the authors were unable to return to their communities, given that the authors did not file, within the established time period of one year from the time they had fled, an application for a summary procedure to halt the dispossession, which is the appropriate way to claim the right to property; (b) the lack of reparations, as the application for *amparo* was related to the general failure to implement the National Reparations Programme, with no specific allegation being made in relation to the properties granted to the authors; (c) enforced disappearances, since the authors filed petitions for habeas corpus, a remedy intended to protect individual liberty, in only one case²⁴ and, when this was unsuccessful, did not request a special inquiry procedure; and (d) the closure of the Peace Secretariat, given that the appropriate remedy was not an application for *amparo* but an application for constitutional review, which the authors have not initiated.

4.5 Lastly, the State party argues that the communications seek a review at fourth instance of both the decision denying the enforcement request in respect of the *amparo* ruling, on the grounds that the measures ordered by the Constitutional Court had been taken (see para. 2.69), and the decision ordering the dismissal of the application for *amparo* to prevent the closure of the Peace Secretariat, on the grounds that the application had become moot (see para. 2.71).

Authors' comments on the State party's observations on admissibility

5.1 On 15 February 2022, the authors noted that the State party had acknowledged its responsibility in several ways, including: (a) in the report issued by the Commission for Historical Clarification in 1999; (b) by establishing the National Reparations Programme in 2003; (c) in inter-agency agreement CCI-9-2009 of 2009, recognizing the authors of communications Nos. 4023/2021–4031/2021 as victims of forced displacement; (d) by issuing public deeds granting the authors land by way of reparation; and (e) in its observations, in which it recalls that the Guatemalan people have the right to know the whole truth and that the present cases revolve around reparations. The authors argue that, by virtue of the principle of estoppel, the State party cannot deny that the violations were perpetrated or that it has obligations under the reparations agreements concluded with them. They further note that the State party did not explain why it has not met its obligation to build housing.

5.2 The authors note that when the National Reparations Programme was established, it was expected to receive a budget of Q 300 million per year. However, it had a budget of only Q 40 million in 2018 (of which only 86 per cent was executed), Q 40 million in 2019 (of which only 78 per cent was executed) and Q 40 million in 2020 (of which only 32 per cent was executed). They maintain that the budget of Q 13 million announced for 2022 (see para. 4.1) is not in line with what has been agreed. They recall that the Committee itself, in its concluding observations of 2018, expressed concern about the reduced budget and the small number of reparation orders issued.²⁵

5.3 Basing their argument on the Committee's jurisprudence,²⁶ the authors maintain that the violations are persistent and ongoing, as: (a) no returns or resettlements have taken place in connection with the first nine communications; (b) enforced disappearances are continuing violations for as long as the victims' remains are not found; (c) the facts have not been investigated; and (d) they have not received full reparation.

5.4 With regard to the continuing nature of the displacements, the authors recall that several international rulings have already noted that Mayan peoples displaced from their communities by the internal armed conflict have still not been able to return to their homes

²⁴ On behalf of Benigno López Simón (family No. 12 of communication No. 4032/2021), case No. 01073-1985-00783 before Collegial Criminal Court of First Instance No. 9.

²⁵ CCPR/C/GTM/CO/4, para. 18.

²⁶ *Quliyev v. Azerbaijan* CCPR/C/112/D/1972/2010 and CCPR/C/112/D/1972/2010/Corr.1), para. 8.3.

and that such violations are therefore ongoing.²⁷ The authors also recall that, according to the Representative of the Secretary-General on the human rights of internally displaced persons, the needs of such persons do not automatically disappear when a conflict ends or when they initially find safety. Rather, they “usually face continuing problems, requiring support until they achieve a durable solution to their displacement”. This solution includes safety, an adequate standard of living, access to livelihoods, restitution of housing, family reunification and access to justice.²⁸

5.5 With regard to the continuing obligation to investigate extrajudicial killings and enforced disappearances, the authors recall that, according to paragraph 18 of the Committee’s general comment No. 31 (2004), failure to bring to justice perpetrators of such violations could amount to a breach of the Covenant. The authors also recall that acts of genocide are imprescriptible and that, as reaffirmed by the Inter-American Court of Human Rights, the State has an obligation to investigate them, given that at least since 1999, when the Commission for Historical Clarification published its final report, the State “had knowledge that the acts committed in this case were possibly motivated by racist ideas and/or constituted acts of genocide”.²⁹

5.6 With regard to the question of competence *ratione personae*, the authors reiterate that children born into a situation of ongoing displacement, outside their community setting, are severely affected by the loss of their culture, language and traditions and are deprived of education and health by the extreme poverty of their displaced parents. They also suffer transgenerational trauma caused by the violence experienced by their parents.³⁰

5.7 With regard to the exhaustion of domestic remedies, the authors maintain that: (a) a summary procedure to halt dispossession would not have been appropriate or effective under the military dictatorship; (b) during the time they were being persecuted, it would not have been feasible to file an application for a writ of habeas corpus in respect of the enforced disappearances, given the risk of reprisals; and (c) with regard to the appropriateness of applying for constitutional review rather than for *amparo* in connection with the closure of the Peace Secretariat, they state that the Constitutional Court does not enjoy the guarantees of independence and impartiality required to ensure due process of law.³¹

5.8 The authors also state that they are not seeking to have any decisions reviewed but to demonstrate that the *amparo* ruling has not been enforced, as the National Reparations Commission was not obliged to take the necessary steps to give effect to the reparations agreements. They add that it is not enough to formally declare the existence of a remedy or to issue a judgment setting out rights and obligations.³² In this regard, article 2 (3) (c) of the Covenant provides that the competent authorities must enforce remedies when granted, but the *Amparo* Court has not done so despite having had the means by which to ensure compliance with the obligation (see para. 3.12).

5.9 Furthermore, the application for *amparo* that was filed to prevent the closure of the Peace Secretariat had no effect. The Constitutional Court had four months in which to order the President of the Republic to refrain from closing the Peace Secretariat and to give continuity to the National Reparations Programme but failed to rule on the matter and, on

²⁷ Inter-American Court of Human Rights, *Case of the Río Negro Massacres v. Guatemala*, para. 178; and *Case of the Moiwana Community v. Suriname*, judgment of 15 June 2005, para. 108, finding that the Court had jurisdiction because the displacement constituted a situation that persisted after the State had recognized the Court’s jurisdiction.

²⁸ A/HRC/13/21/Add.4.

²⁹ Inter-American Court of Human Rights, *Case of the Members of Chichupac Village and Neighboring Communities of the Municipality of Rabinal v. Guatemala*, para. 255.

³⁰ Brisa Varela, “Los desplazamientos forzados y la desterritorialización como experiencia traumática personal y transgeneracional”, (Forced displacement and uprooting as experiences of personal and transgenerational trauma), *Iztapalapa. Revista de Ciencias Sociales y Humanidades*, vol. 35, No. 76 (January–June 2014), available at <https://doi.org/10.28928/ri/762014/atc3/varelab>.

³¹ The authors refer to the press release issued by the Special Rapporteur on the independence of judges and lawyers on 19 April 2021, available at <https://www.ohchr.org/en/press-releases/2021/04/guatemala-un-expert-deeply-concerned-congress-refusal-reappoint-top-judge>.

³² Inter-American Court of Human Rights, *Case of Baena-Ricardo et al. v. Panama*, judgment of 28 November 2003, para. 82.

19 July 2021, declared the application moot because the act that it had been intended to prevent had already taken place.

State party's additional observations

6. On 18 August 2022, the State party restated its arguments on admissibility, specifying that the failure to apply for a summary procedure to halt dispossession demonstrates that the authors were not the owners of the property they had inhabited and that the true owners currently possess the property lawfully. It also argued that its statement to the effect that the Guatemalan people have the right to know the truth does not identify any of the authors of the present communications and therefore is not an acknowledgment of responsibility that would obviate the need to determine admissibility.

Issues and proceedings before the Committee

Consideration of admissibility

7.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 97 of its rules of procedure, whether the communication is admissible under the Optional Protocol.

7.2 The Committee has ascertained, as required under article 5 (2) (a) of the Optional Protocol, that the same matter is not being examined under another procedure of international investigation or settlement.

7.3 The Committee notes the State party's argument that it lacks competence *ratione temporis* because the acts on which the alleged violations are based occurred before the Optional Protocol entered into force for the State party, no subsequent acts have been committed that would justify characterizing the displacements as continuing and there is no obligation to investigate previous executions. The Committee also notes the authors' arguments that: (a) the forced displacements are persistent and ongoing, as no returns or resettlements have taken place; (b) the enforced disappearances are ongoing, as the victims' remains have not been found; (c) the State party has an ongoing obligation to investigate the facts; and (d) the Committee is competent to examine the alleged violations, given that the State party recognized them by issuing a judgment in 2013 convicting former dictator Ríos Montt of acts of genocide.³³

7.4 The Committee recalls its jurisprudence to the effect that "alleged violations of the Covenant which occurred before the entry into force of the Optional Protocol for a given State party may be examined by the Committee if those violations continue after that date or continue to have effects which in themselves constitute a violation of the Covenant",³⁴ or if the State party affirms such a violation.³⁵

7.5 The Committee must determine whether the criteria set out in the above-mentioned jurisprudence are met in the cases before it, i.e., whether it is competent to examine the alleged violations related, in the first place, to forced displacement. In this regard, the Committee takes note of the statement by the Inter-American Court of Human Rights to the effect that forced displacement is ongoing in nature for as long as the authors cannot return, in safety and with dignity, to their places of habitual residence or resettle voluntarily in another part of the country.³⁶ The Committee also notes that, in the collective decision on

³³ The Constitutional Court of Guatemala nonetheless overturned that judgment and subsequently dismissed the case upon the death of the accused.

³⁴ *Kouidis v. Greece* (CCPR/C/86/D/1070/2002), para. 6.3; and *Quliyev v. Azerbaijan*, para. 8.3, among others.

³⁵ CCPR/C/96/D/1536/2006, para. 8.5; *Yurich v. Chile* (CCPR/C/85/D/1078/2002), para. 6.4; *Sarma v. Sri Lanka* (CCPR/C/78/D/950/2000), para. 6.2; *Sankara et al. v. Burkina Faso* (CCPR/C/86/D/1159/2003), para. 6.3; *Aduayom et al. v. Togo* (CCPR/C/57/D/422/1990), para. 6.2; *Kouidis v. Greece*, paras. 6.3–6.5; and *Yusupova v. Russian Federation* (CCPR/C/114/D/2036/2011), para. 6.6.

³⁶ Inter-American Court of Human Rights. *Case of the Members of Chichupac Village and Neighboring Communities of the Municipality of Rabinal v. Guatemala*, para. 175; and *Case of the Village of Los Josefinos Massacre v. Guatemala*, judgment of 3 November 2021, para. 79.

material compensation issued in 2011, i.e., after the entry into force of the Optional Protocol, the State party recognized the authors of the first nine communications as victims of the “crime against humanity” of forced displacement (see para. 2.61) and that, pursuant to decision CNR-RM-10-2011 of the same year, the National Reparations Commission allocated plots of land to these authors as reparation for forced displacement and stated that housing would be built on the allocated land. The Committee thus considers that the State party has recognized the violations relating to the forced displacement to which the authors of the first nine communications were subjected, and notes that the State party has not yet completed the process of resettling these authors. Therefore, on the basis of both the continuing nature of the forced displacement and the State party’s recognition of those violations and failure to implement the resettlement agreement reached with the authors, the Committee concludes that it is not precluded *ratione temporis*, under article 3 of the Optional Protocol, from examining this part of the complaint.

7.6 With regard to the admissibility of the claims concerning the forced displacements, the Committee notes the State party’s argument that domestic remedies have not been exhausted because, in the year after they had fled, the authors did not file an application for a summary procedure to halt the dispossession so that they could return to their communities, and because the application for *amparo* for failure to provide reparations was related to the general failure to implement the National Reparations Programme and did not specifically address the failure to construct housing. However, the Committee considers that the State party has not explained how a summary procedure to halt dispossession would have been appropriate and effective at that time for members of persecuted Indigenous Peoples whose ownership of the land is called into question by the State party itself (see para. 6). Furthermore, the Committee considers that administrative proceedings under the National Reparations Programme, which the State party had established specifically to provide reparation to victims of the conflict, were a suitable remedy for enabling the authors to claim their right to redress for displacement. This was recognized by the State party itself before the Inter-American Court of Human Rights, when it submitted an objection for failure to exhaust domestic remedies on the grounds that the alleged victims in that case had not brought proceedings under the National Reparations Programme as an administrative remedy established to provide individual and/or collective redress to the victims of the internal armed conflict.³⁷ As the National Reparations Programme does not provide for a mechanism by which to appeal against a failure to implement its measures, the Committee considers that the filing of an application for *amparo* for failure to take action was sufficient to exhaust domestic remedies. In the light of the foregoing, the Committee considers that article 5 (2) (b) of the Optional Protocol does not preclude it from considering the authors’ claims under article 12 of the Covenant.

7.7 Regarding the allegations relating to the violation of article 12 of the Covenant, read in conjunction with articles 6, 7, 9, 17, 23 and 24, the Committee recalls that “[t]he rights that may be violated by situations of forced displacement include the rights of the family ... and also the rights of the child”,³⁸ the right to the protection of private and family life and the right to the security of person necessary for return or resettlement to take place. The Committee also notes that inter-agency cooperation agreement CCI-9-2009 recognized that the restitution of housing was a way of combating extreme poverty, and that decision CNR-RM-10-2011 of the National Reparations Commission stated that the lives of the victims who had been displaced to the capital had, “to date, been lived in conditions that violate human dignity”. Therefore, the Committee considers that the allegations related to the violation of article 12, read in conjunction with articles 7, 9, 17, 23 and 24, are sufficiently substantiated for the purposes of admissibility. However, regarding the alleged violation of article 12, read in conjunction with article 6, as a result of the deaths that occurred because of the extreme poverty in which the victims were living in the capital, the Committee considers that the authors have insufficiently substantiated their claims, and therefore finds them inadmissible under article 2 of the Optional Protocol.

³⁷ *Case of the Members of Chichupac Village and Neighboring Communities of the Municipality of Rabinal v. Guatemala*, para. 40.

³⁸ Inter-American Court of Human Rights, *Case of the Village of Los Josefinos Massacre v. Guatemala*, para. 84.

7.8 The Committee notes that the substance of the authors' claims also points to a violation of article 12 of the Covenant, read in conjunction with article 27. The Committee notes that the authors not only filed claims of "cultural destruction" at the domestic level under the National Reparations Programme (see para. 2.59), but also mentioned, at the international level, that in order to avoid persecution after being displaced to the capital, they had had to abandon their cultural practices, stop wearing their traditional costumes, stop speaking their language and change their identities (see para. 2.2); that they suffer from serious psychosomatic illnesses as a result of being uprooted (see para. 3.6); that being uprooted from their territories had a particular impact on them because they are Indigenous (see para. 3.8); and that they are all still living in a culture that is alien to their Mayan culture, with a consequent loss of identity, cultural uprooting and destruction of the social and community fabric (see para. 3.10). Therefore, the Committee also considers that it has competence to examine the claims related in substance to the violation of article 12, read in conjunction with article 27.

7.9 To conclude its analysis of the admissibility of the claims concerning forced displacement, the Committee notes the State party's argument that the communication is inadmissible *ratione personae* in relation to persons who had not yet been born at the time of the events that took place between 1977 and 1985. The Committee also notes the authors' argument that children born during forced displacement suffer from transgenerational trauma, not only because the violence experienced by their parents is transmitted to them but also because they are growing up in an environment alien to their Mayan culture and in a situation of extreme poverty owing to the continued displacement of their families. The Committee takes the view that this issue is closely related to the merits of the case and involves considering whether these persons can be regarded as victims of forced displacement. Consequently, in accordance with article 2 of the Optional Protocol, the Committee considers that there is no obstacle to the admissibility of the claims made on behalf of the authors' children born during their forced displacement.

7.10 In connection with the alleged violations relating to enforced disappearances, the Committee recalls that enforced disappearances are continuous violations³⁹ that cease only when the disappeared persons are located or, if they have died, when their remains have been exhumed, identified and returned,⁴⁰ which has not been done in the present cases. However, the Committee notes that the authors mentioned the enforced disappearances of their relatives to the National Reparations Programme only in order to substantiate their claims for reparation in the form of housing (communications Nos. 4023/2021–4031/2021) and financial compensation (communication No. 4032/2021), without providing any details on the enforced disappearances as such and without requesting the State party to investigate and punish those acts. The Committee also notes that, in alleging before it the exhaustion of domestic remedies (see para. 3.1), the authors focused on the applications for *amparo* filed in connection with the State's failure to take action under the National Reparations Programme and the closure of the Peace Secretariat, i.e. the failure to implement reparation measures, but have not provided any information in respect of, for example, a persistent inability to avail themselves of judicial remedies for the enforced disappearances of their relatives. Accordingly, in the Committee's view, in the present communications the authors have focused more on the failure to implement reparation measures than on the pursuit of justice for the disappearance of their relatives. Therefore, in accordance with article 2 of the Optional Protocol, the Committee finds that the subsidiary claims regarding the alleged violations of articles 6, 7 and 9 of the Covenant in respect of the disappeared persons and of articles 7 and 14 (1) of the Covenant, read in conjunction with article 2 (3), in respect of their relatives are insufficiently substantiated and are thus inadmissible.

7.11 With regard to the alleged violations relating to the extrajudicial executions of some of the authors' relatives, the Committee recalls that, since those were instantaneous acts that began and ended before the entry into force of the Optional Protocol, and since the authors

³⁹ International Convention for the Protection of All Persons from Enforced Disappearance, art. 8 (1) (b).

⁴⁰ Working Group on Enforced or Involuntary Disappearances, general comment on enforced disappearance as a continuous crime, para. 1 (A/HRC/16/48, chap. II (G)). See also Inter-American Court of Human Rights, *Case of the Village of Los Josefinos Massacre v. Guatemala*, para. 69.

have insufficiently substantiated the alleged failure to investigate, the Committee does not have competence *ratione temporis* to consider them, as there have been no acts in the present cases affirming the instantaneous violations that occurred prior to the entry into force of the Optional Protocol. Therefore, in accordance with article 3 of the Optional Protocol, the Committee finds that it lacks competence *ratione temporis* to consider the alleged violation of article 6 in respect of the persons who were executed.

7.12 In connection with the foregoing, the Committee considers that it does not have competence *ratione temporis* to consider the allegations of sexual violence, since they also concern instantaneous acts that occurred before the entry into force of the Optional Protocol, and the authors have insufficiently substantiated the alleged failure to investigate. Therefore, the Committee finds the claims concerning the violation of article 7 of the Covenant in respect of the authors who were victims of sexual violence to be inadmissible *ratione temporis* under article 3 of the Optional Protocol.

7.13 Lastly, with regard to the claims that the State party violated articles 2 (3) and 14 (1) of the Covenant by failing to implement the reparations provided for in the National Reparations Programme, the Committee notes the State party's argument that the communications seek a review of the decision dismissing the request for enforcement of the *amparo* ruling (see para. 2.69) and the decision dismissing the preventive *amparo* application because the Peace Secretariat had been closed down (see para. 2.71). In this regard, the Committee notes the authors' argument that they are not seeking to have these decisions reviewed but to demonstrate that domestic remedies have not been effective in achieving the implementation of the reparations provided for under the National Reparations Programme. The Committee considers that this question of admissibility is closely related to the merits, as it is linked to the alleged failure to enforce both the *amparo* ruling ordering the National Reparations Commission to fulfil the reparation obligations under the National Reparations Programme and decision CNR-RM-10-2011, whereby the State party undertook to build housing for the authors of the first nine communications. Recalling that the failure to enforce decisions recognizing rights and granting reparations may constitute a violation of article 14 (1) of the Covenant, read in conjunction with article 2 (3),⁴¹ the Committee considers that this claim is sufficiently substantiated for the purposes of admissibility and finds that it is not precluded, under article 2 of the Optional Protocol, from examining this part of the communication.

8. Accordingly, the Committee decides:

(a) That the 10 communications are admissible insofar as they raise issues with respect to article 14 (1) of the Covenant, read in conjunction with article 2 (3), and that the first nine communications (Nos. 4023/2021–4031/2021) are also admissible insofar as they raise issues with respect to article 12 of the Covenant, read alone and in conjunction with articles 7, 9, 17, 23, 24 and 27;

(b) In accordance with rule 101 (2) of the Committee's rules of procedure, to request the State party to submit to the Committee, within six months of the date of transmittal of the present decision, observations on the merits of the communication;

(c) That these observations shall be communicated to the authors under rule 101 (3) of the Committee's rules of procedure, for their comments;

(d) That the present decision shall be communicated to the State party and to the authors.

⁴¹ *Chakupewa et al. v. Democratic Republic of the Congo* (CCPR/C/131/D/2835/2016), para. 6.3.

Anexo I

Los autores de las diez comunicaciones y sus familiares en cuyo nombre se presentan

Comunicación núm. 4023/2021: 35 miembros del pueblo maya k'iche' del municipio de Chiché

Familia 1: Tomasa Rodríguez Morales de Saquic y Manuela Saquic Rodríguez de González.

Familia 2: María Xón Cuin de Guarcas y Amelia Patricia Guarcas Xon.

Familia 3: Petrona Morales Lastor de Ajtzac, Mayra Catarina Ajtzac Morales, Pedro Miguel Ángel Ajtzac Morales, Tomás Adrián Arturo Ajtzac Morales y María Guadalupe Ajtzac Morales, en nombre propio y en nombre de Miguel Ajtzac Lux, esposo y padre.

Familia 4: Paulina Sut Morales, Gladys Viviana Pérez Sut y Walter Martin Perez Sut.

Familia 5: Dominga Tecum Xirum, Sebastián Cuín Tecum, Débora Sulamita Cuín Morales y Juana Alicia Cuín Morales de Mateo.

Familia 6: Diego Morales Saquic, Juana Cuín Tzoc, Josefa Herlinda Morales Cuín, Narcisa Estela Zurdo Xajap de Morales, Tomás Morales Cuín, Manuela Morales Cuin de Cuin, Óscar Diego David Morales Nix, Ruth Noemí Morales Nix, Mayra Jerónima Saraí Morales Nix y Juana Rebeca Morales Nix.

Familia 7: María Lastor Tol, José Morales Lastor, Isabel Morales Lastor, Alfredo Morales Lastor, Mario Estuardo Morales Lastor, Adelaida Carolina Morales Lastor de Coxigua y Miguel Morales Lastor, en nombre propio y en nombre de Tomás Morales Saquic, esposo y padre.

Comunicación núm. 4024/2021: 9 miembros del pueblo maya ixil de los municipios San Gaspar Chajul y San Juan Cotzal

Familia 1: Miguel Sanic Itzep, Cipriana Álvarez Ajanel, Eugenia Aj'mak Sanic Álvarez, Eugenia 'E' Kanil Sanic Álvarez, Ana Agustina Sanic Álvarez y María Toj Sanic Álvarez, en nombre propio y en nombre del menor de edad Francisco Miguel Sanic Álvarez.

Familia 2: Ana Gómez Aguilar y Ana María Cavinál Gómez.

Comunicación núm. 4025/2021: 21 miembros del pueblo maya k'iche' de la comunidad Chicabracán del municipio Santa Cruz del Quiché

Familia 1: Salvador Ventura López, Antonia López López de Ventura e Irene Petronila Ventura López, en nombre propio y en nombre de Santos Ventura Chich, padre desaparecido de Salvador Ventura López.

Familia 2: Manuela Ventura Tiño de González, María Ofelia González Ventura, Angelina González Ventura y Juan Manuel Ventura, en nombre propio y en nombre de Miguel González López, esposo desaparecido de Manuela Ventura Tiño de González.

Familia 3: Sebastiana Cun López, Sebastián Tiño Cun, Catarina Tiño Cun y Petronila Cun, en nombre propio y en nombre de Sebastián Tiño Tiño, esposo desaparecido de Sebastiana Cun López.

Familia 4: Manuel Gómez Osorio, Teodora de León Osorio de Gómez [esposa, 1950], Sebastiana Gómez Gonzales, Sebastiana Gómez de León, Diego Benjamín Gómez de León, Margarito Práxedes Gómez de León y Marcos Irineo Gómez de León.

Comunicación núm. 4026/2021: 26 miembros del pueblo maya k'iche' del municipio de Uspantán

Familia 1: Miguel León Aguaré, Simeona Aguaré Velásquez, Julia Ermitana Ixchop Ajcot, Cindy Mishell León Ixchop y Simeona Elizabeth León Ixchop, en nombre propio y en nombre del menor de edad Miguel Estuardo León Ixchop, en nombre de Marta León Aguaré, hermana de Miguel León Aguaré fallecida, y en nombre de Juan León López, padre de Miguel León Aguaré desaparecido.

Familia 2: Julián Vicente Velásquez, Santos Teresa Vicente Damián, Corona de Jesús Vicente Vicente, Reginaldo Yovani Vicente Vicente y Álvaro Alonso Vicente Vicente, en nombre propio y en nombre de su hijo fallecido Juan Noe Vicente Damián, y de sus padres ejecutados Feliciano Vicente y Martina Velásquez.

Familia 3: Juan Petronilo Vicente Velásquez, Francisca León López, Lidia Roselia Vicente León, Carlos Enrique Vicente León, Aura Yolanda Vicente León, María Eugenia Vicente León y Alicia Raquel Vicente León, en nombre propio y en nombre de su hija y hermana María Martina Vicente León.

Familia 4: Juliana Socoy Car y Miguel Ixcotoyac Socoy.

Comunicación núm. 4027/2021: 28 miembros del pueblo maya k'iche' de las comunidades del Cantón La Montana del municipio de San Pedro Jocopilas y de la aldea Chajbal del municipio de Santa Cruz del Quiché

Familia 1: Francisca Osorio Lucas de Pacheco y Angélica Ixmukané Osorio.

Familia 2: Juana Vicente López, Julia Rosario Vicente y Xiomara Maribel Hernández Vicente.

Familia 3: María Antonia Velásquez Pérez de Mejía y Calixto Waldemar Velásquez Mejía, en nombre propio y en nombre de la madre de María Antonia Velásquez Pérez de Mejía, Andrea Pérez Ixcoy Reynozo, fallecida.

Familia 4: Félix Enrique Velásquez Mejía y Julia Tipaz de Velásquez, en nombre propio y en nombre de sus hijos menores de edad, Juana Natalia Lourdes Velásquez Tipaz y Mariana Yamilet Velásquez Tipaz, y del padre ejecutado de Félix Enrique Velásquez Mejía, Juan Velásquez Velásquez.

Familia 5: Rosa Vicente López y Cristina Vicente, en nombre propio y en nombre de su esposo y padre ejecutado, Martín Pú Poncio.

Familia 6: Victoriana Mejía Tax, Felipe Chaperón Mejía, Agustín Chaperón Mejía, Antonia Raguex Tiu de Chaperón, Blanca Estela Chaperón Raguex, Cecilia Victoria Chaperón Raguex, Elena Alejandra Chaperón Raguex, Pedro José Chaperón Raguex y Juan Carlos Chaperón Raguex, en nombre propio y en nombre de tres hijos desaparecidos de Victoriana Mejía Tax, Higinio Chaperón Mejía, Santos Chaperón Mejía y Paulino Chaperón Mejía.

Comunicación núm. 4028/2021: 4 miembros del pueblo maya kaqchiquel de la aldea Simajhuleu del municipio de San Juan Comalapa

Familia 1: Eulogio Oztzy Colaj y María Florinda Oztzy Pichiyá, en nombre propio y en nombre de dos hijos desaparecidos de Eulogio Oztzy Colaj, Marcelo Oztzy Pichiyá y Pedro Oztzy Pichiyá.

Comunicación núm. 4029/2021: 20 miembros del pueblo maya k'iche' del municipio de Santa Cruz del Quiché

Familia 1: Marta Zacarías Laines, Marta Susana Zapeta Zacarias de Molina e Ismelda Beatriz Zapeta Zacarias de López, en nombre propio y en nombre del hijo, Celso Arnulfo Zapeta Zacarias y del esposo, Encarnación Zapeta, ambos desaparecidos.

Familia 2: Rosario Poncio Ambrosio.

Familia 3: Anselma Coxaj Lux, Pedro Celso Poncio Coxaj, María Ignacia Poncio Coxaj, José Basilio Poncio Coxaj y Marcos Cleto Poncio Coxaj.

Familia 4: Cristina Lux Medrano y Felipe Zapeta Mendoza, en nombre propio y en nombre de la madre de Cristina Lux Medrano, Micaela Medrano López.

Familia 5: Sebastiana López Ventura, Pedro López López, José López López, Manuel López López, Pedro López López y Ana Martina López.

Comunicación núm. 4030/2021: 26 miembros del pueblo maya k'iche' del municipio de Chinique

Familia 1: Nicolás Quinilla Quinilla y Jesús Zacarías Laynez, en nombre propio y en nombre de dos hijos fallecidos, Pedro Marcial Quinilla Zacarías y Marcos Quinilla Zacarías, y de un hijo ejecutado, Agustín Quinilla Zacarías.

Familia 2: Juana Tipaz González de Ventura, Lorenzo Ventura Ventura, Domingo Lorenzo Ventura Tipaz, Juana Sebastiana Magdalena Ventura Tipaz, Agustín Edgar Andrés Ventura Tipaz, Sebastián Manuel Rosendo Ventura Tipaz y Julia Tipaz de Velásquez, en nombre propio y en nombre de su primer esposo desaparecido, Ignacio Chaperón, y de su padre fallecido, Agustín López.

Familia 3: Catalina Vicenta López y López y Wualter Alejandro Elías González, en nombre propio y en nombre del menor de edad Fernando Josué González López.

Familia 4: Candelaria Vásquez Us, Ana Cristina Vásquez Us, Nicolasa Tipaz Vásquez, Vicenta Tipaz Vásquez y Victoria Tipaz Vásquez, en nombre propio y en nombre de Lorenzo Tipaz, esposo ejecutado.

Familia 5: Felipa Tipaz Us, María Angélica Us Tipaz de Flores y María Us Tipaz.

Comunicación núm. 4031/2021: 28 miembros del pueblo maya k'iche' de la aldea San Sebastián Lemoa del municipio de Santa Cruz del Quiché

Familia 1: Dolores Ventura Ventura, Mario Francisco Cun Ventura, María Victoria Cun Ventura, Felipe Natividad Cun Ventura y Juan José Cun Ventura, en nombre propio y en nombre de su esposo fallecido, Francisco Cun López, de su padre desaparecido, Felipe Ventura González, y de su hermano desaparecido, Diego Ventura Ventura.

Familia 2: Anastacia González Tipaz.

Familia 3: Encarnación Ventura Lux de Gorge, Silvia María Jorge Ventura y Aurelio Celestino Jorge Ventura, en nombre propio y en nombre de su esposo ejecutado, Sebastián Jorge López.

Familia 4: Rolando Agapito López López, en nombre propio y en nombre de su abuela fallecida, Anastacia Loarca.

Familia 5: Cecilia López Loarca, en nombre propio y en nombre de su hermana ejecutada, Sipriana Nelia López Loarca.

Familia 6: María Ren Yá de Ventura, Mateo Ventura Ren y Leonardo Ventura Ren.

Familia 7: María Gómez de León y Salvador Carlos Yá Gómez.

Familia 8: Dolores López de Ren, María Tiño López, Tomasa Ren López y María Ren López.

Familia 9: Agapito Ventura González y Juana María Ventura Lux.

Comunicación núm. 4032/2021: 72 miembros del pueblo maya kaqchiquel del municipio de San José Poaquil

Familia 1: Rosa Gabriel Miza, José Benigno Tartón Gabriel, Manuel de Jesús Tartón Gabriel, Cesar Augusto Tartón Gabriel, Elsa Marina Tartón Gabriel, Rubén Alfredo Tartón Gabriel y Silvia Elizabeth Tartón Gabriel, en nombre propio y en nombre de su esposo y padre ejecutado, Ignacio Tartón Chalí.

Familia 2: Josefa Muchuch Ordóñez, en nombre propio y en nombre de su esposo y cuñado ejecutados, Paulino Jutzuy Chutá y León Jutzuy Chutá.

Familia 3: Gabina Sut, Gilda Eluvia Muchuch Sut y Blanca Élide Muchuch Sut, en nombre propio y en nombre de su esposo y padre desaparecido, Hilario Martín Muchuch Ordóñez.

Familia 4: Olivia Solano Chutá, Jorge Sirín Solano, María Angélica Sirín Solano, Mario Enrique Sirín Solano y Luvia Aracely Sirín Solano, en nombre propio y en nombre de su esposo y padre ejecutado, Juan Sirín Calí.

Familia 5: Juana Pichiyá Calí, María Inocenta Chutá Pichiyá, Carlos Humberto Chutá Pichiyá, Felipe Abraham Chutá Pichiyá, Irma Yolanda Chutá Pichiyá de Cun, María Elena Chutá Pichiyá, Miguel Ángel Chutá Pichiyá y Zoila Angelina Chutá Pichiyá de Poncio, en nombre propio y en nombre de su esposo y padre desaparecido, Abraham Chutá Quina.

Familia 6: Lorenza Quill y Margarita Telón Quill de Tzaj, en nombre propio y en nombre de su esposo y padre desaparecido, Ceferino Telón Cúmez.

Familia 7: Celestina Morales Tartón, Mirtala Oxí Morales, Armando Jeremías Oxí Morales, Gloria Elizabeth Oxí Morales de Morales y Olga Liliana Oxí Morales, en nombre propio y en nombre de su esposo y padre desaparecido, Felipe Oxí Morales.

Familia 8: Estéban Miza Calí, María Roselia Cun Miza, Irma Yolanda Cun Miza, Héctor Armando Cun Miza, Aura Marina Cun Miza y Adán Leonel Cun Miza, en nombre propio y en nombre de sus compañeros y padre ejecutado, Hilario Cun Calí y Fermín Cun Calí.

Familia 9: Mariana Chutá Tubac, Everilda Oxí Chutá y Mercedes Floridalma Oxí Chutá, en nombre propio y en nombre de su esposo y padre desaparecido, Ismael Oxí Asijtuj.

Familia 10: Agustina Maxía, Manuel Xon Maxía y Vicente Xon Maxía, en nombre propio y en nombre de su esposo y padre desaparecido, Bibiano Xon.

Familia 11: Alberta Muchuch Oxí de López, María Enma López Muchuch, Margarita López Muchuch, Marta Odilia López Muchuch y Telma Yolanda López Muchuch, en nombre propio y en nombre de su esposo y padre desaparecido, Gabriel López Simón.

Familia 12: Alejandra Pichiyá Otoy, Paula López Pichiyá, Flaviana López Pichiyá, Carlos Enrique López Pichiyá, Rigoberto López Pichiyá, Josefa López Pichiyá y Roselia López Pichiyá, en nombre propio y en nombre de su esposo y padre desaparecido, Benigno López Simón.

Familia 13: Faustina Morales y Juan Francisco Oxí Morales, en nombre propio y en nombre de su esposo y padre ejecutado, Juan Oxí Ortiz.

Anexo II

Personas fallecidas durante la huida antes de la entrada en vigor del Protocolo Facultativo

Comunicación núm. 4026/2021

Marta León Aguaré, Juan Noe Vicente Damián y María Martina Vicente León.

Comunicación núm. 4030/2021

Pedro Marcial Quinilla Zacarías, Marcos Quinilla Zacarías y Agustín López.

Anexo III

Personas fallecidas debido a las condiciones del desplazamiento después de la entrada en vigor del Protocolo Facultativo

Comunicación núm. 4023/2021

Miguel Ajtzac Lux, fallecido en 2013, y Tomás Morales Saquic, fallecido en 2019.

Comunicación núm. 4027/2021

Andrea Pérez Ixcoy Reynozo, fallecida en 2017.

Comunicación núm. 4029/2021

Micaela Medrano López, fallecida en 2020.

Comunicación núm. 4031/2021

Francisco Cun López, fallecido en 2020, y Anastacia Loarca, fallecida en 2013.

Anexo IV

Menores de edad que tuvieron que huir de sus comunidades y niños que nacieron en situación de desplazamiento, y que son actualmente adultos

Comunicación núm. 4023/2021

Manuela Saquic Rodríguez de González; Amelia Patricia Guarcas Xon; Petrona Morales Lastor de Ajtzac, Mayra Catarina Ajtzac Morales, Pedro Miguel Ángel Ajtzac Morales, Tomás Adrián Arturo Ajtzac Morales, María Guadalupe Ajtzac Morales; Gladys Viviana Pérez Sut, Walter Martin Perez Sut; Sebastián Cuín Tecum, Débora Sulamita Cuín Morales, Juana Alicia Cuín Morales de Mateo; Josefa Herlinda Morales Cuín, Narcisa Estela Zurdo Xajap de Morales, Tomás Morales Cuín, Óscar Diego David Morales Nix, Ruth Noemí Morales Nix, Mayra Jerónima Saraf Morales Nix, Juana Rebeca Morales Nix; José Morales Lastor, Isabel Morales Lastor, Alfredo Morales Lastor, Mario Estuardo Morales Lastor y Adelaida Carolina Morales Lastor de Coxigua.

Comunicación núm. 4024/2021

Cipriana Álvarez Ajanel, Eugenia Aj'mak Sanic Álvarez, Eugenia 'E' Kanil Sanic Álvarez, Ana Agustina Sanic Álvarez, María Toj Sanic Álvarez; y Ana María Cavinál Gómez.

Comunicación núm. 4025/2021

Irene Petronila Ventura López; María Ofelia González Ventura, Angelina González Ventura, Juan Manuel Ventura, Miguel González López; Sebastián Tiño Cun, Catarina Tiño Cun, Petronila Cun; Sebastiana Gómez Gonzales, Sebastiana Gómez de León, Diego Benjamín Gómez de León, Margarito Práxedes Gómez de León y Marcos Irineo Gómez de León.

Comunicación núm. 4026/2021

Miguel León Aguaré, Julia Ermitana Ixchop Ajcot, Cindy Mishell León Ixchop, Simeona Elizabeth León Ixchop; Corona de Jesús Vicente Vicente, Reginaldo Yovani Vicente Vicente, Álvaro Alonso Vicente Vicente, Juan Noe Vicente Damián; Lidia Roselia Vicente León, Carlos Enrique Vicente León, Aura Yolanda Vicente León, María Eugenia Vicente León, Alicia Raquel Vicente León, María Martina Vicente León; y Miguel Ixcotoyac Socoy.

Comunicación núm. 4027/2021

Cristina Vicente; Angélica Ixmukané Osorio; Julia Rosario Vicente, Xiomara Maribel Hernández Vicente; Félix Enrique Velásquez Mejía, Julia Tipaz de Velásquez; Calixto Waldemar Velásquez Mejía; Felipe Chaperón Mejía, Antonia Raguex Tiu de Chaperón, Blanca Estela Chaperón Raguex, Cecilia Victoria Chaperón Raguex, Elena Alejandra Chaperón Raguex, Pedro José Chaperón Raguex y Juan Carlos Chaperón Raguex.

Comunicación núm. 4028/2021

María Florinda Otzoy Pichiyá y Pedro Otzoy Pichiyá.

Comunicación núm. 4029/2021

Marta Susana Zapeta Zacarias de Molina, Ismelda Beatriz Zapeta Zacarias de López; Pedro Celso Poncio Coxaj, María Ignacia Poncio Coxaj, José Basilio Poncio Coxaj, Marcos Cleto Poncio Coxaj; Cristina Lux Medrano; José López López, Manuel López López, Pedro López López y Ana Martina López.

Comunicación núm. 4030/2021

Juana Tipaz González de Ventura, Domingo Lorenzo Ventura Tipaz, Juana Sebastiana Magdalena Ventura Tipaz, Agustín Edgar Andrés Ventura Tipaz, Sebastián Manuel Rosendo Ventura Tipaz, Julia Tipaz de Velásquez; Wualter Alejandro Elías González; Ana Cristina Vásquez Us, Nicolasa Tipaz Vásquez, Vicenta Tipaz Vásquez, Victoria Tipaz Vásquez; y María Us Tipaz.

Comunicación núm. 4031/2021

Dolores Ventura Ventura, Mario Francisco Cun Ventura, María Victoria Cun Ventura, Felipe Natividad Cun Ventura, Juan José Cun Ventura; Anastacia González Tipáz; Silvia María Jorge Ventura, Aurelio Celestino Jorge Ventura; Rolando Agapito López López; Juana María Ventura Lux; Mateo Ventura Ren, Leonardo Ventura Ren; Salvador Carlos Yá Gómez; María Tiño López, Tomasa Ren López y María Ren López.

Anexo V

Niños de tercera generación nacidos desplazados y que siguen siendo menores en la actualidad

Comunicación núm. 4024/2021

Francisco Miguel Sanic Álvarez.

Comunicación núm. 4026/2021

Miguel Estuardo León Ixchop.

Comunicación núm. 4027/2021

Juana Natalia Lourdes Velásquez Tipaz y Mariana Yamilet Velásquez Tipaz.

Comunicación núm. 4030/2021

Fernando Josué González López.

Anexo VI

Personas ejecutadas

Comunicación núm. 4026/2021

Feliciano Vicente y Martina Velásquez.

Comunicación núm. 4027/2021

Martín Pú Poncio y Juan Velásquez Velásquez.

Comunicación núm. 4030/2021

Agustín Quinilla Zacarías y Lorenzo Tipaz.

Comunicación núm. 4031/2021

Sebastián Jorge y Sipriana Nelía López Loarca.

Comunicación núm. 4032/2021

Ignacio Tartón Chalí, Paulino Jutzuy Chutá, León Jutzuy Chutá, Juan Sirín Calí, Hilario Cun Calí y Fermín Cun Calí.

Anexo VII

Personas desaparecidas

Comunicación núm. 4025/2021

Santos Ventura Chich, Miguel González López y Sebastián Tiño Tiño.

Comunicación núm. 4026/2021

Juan León López.

Comunicación núm. 4027/2021

Higinio Chaperón Mejía, Santos Chaperón Mejía y Paulino Chaperón Mejía.

Comunicación núm. 4028/2021

Marcelo Otzoy Pichiyá y Pedro Otzoy Pichiyá.

Comunicación núm. 4029/2021

Encarnación Zapeta y Celso Arnulfo Zapeta Zacarias.

Comunicación núm. 4030/2021

Ignacio Chaperón.

Comunicación núm. 4031/2021

Felipe Ventura González y Diego Ventura Ventura.

Comunicación núm. 4032/2021

Hilario Martín Muchuch Ordóñez, Abraham Chutá Quina, Ceferino Telón Cúmez, Felipe Oxí Morales, Ismael Oxí Asijtuj, Bibiano Xon, Gabriel López Simón, Benigno López Simón y Juan Oxí Ortiz.

Anexo VIII

Familiares de desaparecidos

Comunicación núm. 4025/2021

Familiares de Santos Ventura Chich: Salvador Ventura López, Antonia López López de Ventura e Irene Petronila Ventura López.

Familiares de Miguel González López: Manuela Ventura Tiño de González, María Ofelia González Ventura, Angelina González Ventura y Juan Manuel Ventura.

Familiares de Sebastián Tiño Tiño: Sebastiana Cun López, Sebastián Tiño Cun, Catarina Tiño Cun y Petronila Cun.

Comunicación núm. 4026/2021

Familiares de Juan León López: Miguel León Aguaré, Julia Ermitana Ixchop Ajcot, Cindy Mishell León Ixchop, Simeona Elizabeth León Ixchop, Miguel Estuardo León Ixchop, Marta León Aguaré y Simeona Aguaré Velásquez.

Comunicación núm. 4027/2021

Familiares de Higinio Chaperón Mejía, Santos Chaperón Mejía y Paulino Chaperón Mejía: Victoriana Mejía Tax, Felipe Chaperón Mejía, Agustín Chaperón Mejía, Antonia Raguex Tiu de Chaperón, Blanca Estela Chaperón Raguex, Cecilia Victoria Chaperón Raguex, Elena Alejandra Chaperón Raguex, Pedro José Chaperón Raguex y Juan Carlos Chaperón Raguex.

Comunicación núm. 4028/2021

Familiares de Marcelo Oztzy Pichiyá y Pedro Oztzy Pichiyá: Eulogio Oztzy Colaj y María Florinda Oztzy Pichiyá.

Comunicación núm. 4029/2021

Familiares de Celso Arnulfo Zapeta Zacarias y Encarnación Zapeta: Marta Zacarías Laines, Marta Susana Zapeta Zacarias de Molina e Ismelda Beatriz Zapeta Zacarias de López.

Comunicación núm. 4030/2021

Familiares de Ignacio Chaperón: Juana Tipaz González de Ventura, Lorenzo Ventura Ventura, Domingo Lorenzo Ventura Tipaz, Juana Sebastiana Magdalena Ventura Tipaz, Agustín Edgar Andrés Ventura Tipaz, Sebastián Manuel Rosendo Ventura Tipaz, Agustín López y Julia Tipaz de Velásquez.

Comunicación núm. 4031/2021

Familiares de Felipe Ventura González y Diego Ventura Ventura: Dolores Ventura Ventura, Mario Francisco Cun Ventura, María Victoria Cun Ventura, Felipe Natividad Cun Ventura, Juan José Cun Ventura y Francisco Cun López.

Comunicación núm. 4032/2021

Familiares de Hilario Martín Muchuch Ordóñez: Gabina Sut, Gilda Eluvia Muchuch Sut y Blanca Élida Muchuch Sut.

Familiares de Abraham Chutá Quina: Juana Pichiyá Calí, María Inocenta Chutá Pichiyá, Carlos Humberto Chutá Pichiyá, Felipe Abraham Chutá Pichiyá, Irma Yolanda Chutá Pichiyá de Cun, María Elena Chutá Pichiyá, Miguel Ángel Chutá Pichiyá y Zoila Angelina Chutá Pichiyá de Poncio.

Familiares de Ceferino Telón Cúmez: Lorenza Quill y Margarita Telón Quill de Tzaj.

Familiares de Felipe Oxí Morales: Celestina Morales Tartón, Mirtala Oxí Morales, Armando Jeremías Oxí Morales, Gloria Elizabeth Oxí Morales de Morales y Olga Liliana Oxí Morales.

Familiares de Ismael Oxí Asijtuj: Mariana Chutá Tubac, Everilda Oxí Chutá y Mercedes Floridalma Oxí Chutá.

Familiares de Bibiano Xon: Agustina Maxía, Manuel Xon Maxía y Vicente Xon Maxía.

Familiares de Gabriel López Simón: Alberta Muchuch Oxí de López, María Enma López Muchuch, Margarita López Muchuch, Marta Odilia López Muchuch y Telma Yolanda López Muchuch.

Familiares de Benigno López Simón: Alejandra Pichiyá Oztzy, Paula López Pichiyá, Flaviana López Pichiyá, Carlos Enrique López Pichiyá, Rigoberto López Pichiyá, Josefa López Pichiyá y Roselia López Pichiyá.

Familiares de Juan Oxí Ortiz: Faustina Morales y Juan Francisco Oxí Morales.

Anexo IX

Autoras que sufrieron violación sexual

Comunicación núm. 4025/2021

Sebastiana Cun López.

Comunicación núm. 4029/2021

Micaela Medrano López y Sebastiana López Ventura.

Comunicación núm. 4031/2021

Dolores Ventura Ventura.
