

**TECHNICAL INFORMATION SHEET**  
**PETITION 133-04 JOSE MIGUEL MÉRIDA ESCOBAR**  
**FRIENDLY SETTLEMENT REPORT No. 99/05**  
**ARCHIVE**  
**(GUATEMALA)**

**I. SUMMARY OF THE CASE**

**Victim (s):** Jose Miguel Mérida Escobar

**Petitioner (s)<sup>1</sup>:** Ever Obdulio Mérida Escobar

**State:** Guatemala.

**Beginning of the negotiation date:** January 27, 2004.

**FSA signature date:** July 22, 2005.

**Report on Friendly Settlement Agreement:** 99/05, published on October 27, 2005

**Estimated length of the negotiation phase:** 1 year

**Associated Rapporteurship:** Unit on Memory, Truth, and Justice

**Topics:** Summary, extrajudicial, or arbitrary executions

**Facts:** In summary, on February 19, 2004, the IACHR received a petition filed by Amanda Gertrudis Escobar Ruiz, Fernando Nicolás Mérida Fernández, Amparo Antonieta Mérida Escobar, Rosmel Omar Mérida Escobar, Ever Obdulio Mérida Escobar, William Ramírez Fernández, Nadezhda Vásquez Cucho, and Helen Mack Chan alleging that the State of Guatemala was responsible for the extrajudicial execution of José Miguel Mérida Escobar on August 5, 1991. According to the petition, Mr. Mérida Escobar worked as Chief of the Homicide Section of the Department of Criminological Investigations of the National Police and oversaw the criminal investigation into the assassination of anthropologist Myrna Mack Chang. In the context of this criminal investigation, on September 29, 1990, he concluded that the main suspect in the assassination of Myrna Mack Chang was a member of the Security Department of the Presidential High Command of the Guatemalan Army. On August 5, 1991, Mr. Mérida Escobar was assassinated with gunshots to the head, neck, left torso, and left arm; he died instantly.

**Rights asserted:** The petition alleged that the State was responsible for violating the rights enshrined in Articles 4 (right to life), 5 (right to humane treatment), 8 (right to a fair trial), 25 (right to judicial protection), and 1.1 (obligation to respect rights) of the American Convention, to the detriment of José Miguel Mérida Escobar, who was extrajudicially executed, and his family.

**II. PROCEDURAL ACTIVITY**

1. On July 22, 2005, the parties signed a friendly settlement agreement.
2. On October 27, 2005, the Commission approved the agreement signed by the parties, by means of Report No. 99/05.

<sup>1</sup> On August 31, 2021, the Myrna Mack Foundation stated that it no longer continued to act as representative; decision made known to the petitioners.

### III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Clause of the Agreement	Status of Implementation
<p><b>III. RESPONSIBILITY OF THE STATE.</b> The Government of Guatemala recognizes the international responsibility of the State for the extrajudicial execution of the Chief of the Homicide Section of the National Police, JOSÉ MIGUEL MÉRIDA ESCOBAR, who was the victim or retaliation, persecution, and threats by members of the Guatemalan Military Intelligence as a result of his valiant work as an investigator in the case of the murder of Myrna Mack Chang, and who was subsequently executed extrajudicially on August 5, 1991. Likewise, the Government of Guatemala recognizes the international responsibility of the Guatemalan State for refusal to administer justice by investigating, prosecuting, and punishing the material and intellectual authors of the extrajudicial execution of José Miguel Mérida Escobar.[...].</p>	<b>Declarative</b>
<p><b>IV. RIGHT TO REPARATIONS FOR DAMAGES.</b> The right to reparations to assist the victim's next of kin is reflected in various universal and regional treaties and conventions, and even in the resolutions issued by the Inter-American Court of Human Rights itself. Pecuniary compensation is the most common way to compensate victims and/or their next of kin. It is extremely difficult to compute the appropriate amount, and usually the decision is made to opt for a prudent amount that does not necessarily cover absolutely all the damages or losses incurred but does provide relatives with a sufficient amount to compensate for their suffering and the damages caused. It is therefore the right of the next of kin to obtain integral reparations, including measures of compensation for serious damages and losses incurred, in addition to measures to satisfy them individually and their dignity in the community, including moral and symbolic reparations.</p>	<b>Declarative</b>
<p><b>V. ECONOMIC REPARATIONS.</b> The amount of economic reparations may not be published and shall remain confidential out of concerns for the security of the family of José Miguel Mérida Escobar.</p>	<b>Total<sup>2</sup></b>
<b>VI. OTHER TYPES OF REPARATIONS</b>	
<p><b>INVESTIGATION</b> The Government of Guatemala shall take steps to ensure that the <i>Ministerio Público</i> conducts a serious and effective investigation, that culminates in a criminal proceeding that identifies, prosecutes and convicts all the material and intellectual parties responsible for the extrajudicial execution of police investigator José Miguel Mérida Escobar, in addition to the parties responsible for irregularities in the criminal investigation of this case.</p>	<b>Total<sup>3</sup></b>
<b>MEASURES TO HONOR THE MEMORY OF THE VICTIM</b>	

<sup>2</sup> See IACHR, Annual Report 2018, Chapter II, Section G. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR, available at: <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.2-en.pdf>

<sup>3</sup>See IACHR, 2019 Annual Report, Chapter II.G, Friendly Settlements, available at <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2019cap.2-en.pdf>

a) The Government of the Republic pledges to make appropriate arrangements with the Ministry of the Interior and International Cooperation to establish a fellowship for police studies abroad.	<b>Total<sup>4</sup></b>
b) The Government of the Republic pledges to look into the feasibility of drawing up a letter of recognition of the international responsibility of the State of Guatemala for the extrajudicial execution of José Miguel Mérida Escobar, a letter which will be circulated to international organizations by way of the Official Gazette and the Internet.	<b>Partial<sup>5</sup></b>
c) The Government of Guatemala pledges to take the relevant steps to ensure that the Ministry of the Interior authorizes placement of a plaque in honor of police investigator José Miguel Mérida Escobar at the facilities of the Palace of the Civil National Police, in memory of José Miguel Mérida Escobar. However, the petitioners are advised that if placement of the plaque at the place indicated should not be authorized, an alternative will be arranged.	<b>Total<sup>6</sup></b>
d) The Government of the Republic pledges to ensure that the appropriate authorities will take steps to determine the viability of changing the name of the Santa Luisa district in the Municipality of San José del Golfo, department of Guatemala, where he resided with his family, to the name of José Miguel Mérida Escobar.	<b>Total<sup>7</sup></b>
<p><b><u>LIFE PENSION</u></b></p> <p>The Government of the Republic shall take steps to ensure that the Executive Agency provides a life pension to the parents of José Miguel Mérida Escobar, Amanda Gertrudis Escobar Ruiz, and Fernando Nicolás Mérida Hernández, and a pension to his youngest son, Edilsar Omar Mérida Alvarado, until he completes his advanced technical studies. Through the power of the President of the Republic to grant this type of benefits, in accordance with the provisions of Art. 183, paragraph “t” of the Political Constitution of the Republic of Guatemala.</p>	<b>Total<sup>8</sup></b>
<p><b><u>HEALTH</u></b></p> <p>The Government of the Republic pledges to take the relevant steps to ensure that the Ministry of Public Health provide for psychological treatment for Mrs. Rosa Amalia López, the widow of the victim, and for the youngest of his sons, Edilsar Omar Mérida Alvarado.</p>	<b>Total<sup>9</sup></b>

<sup>4</sup> See IACHR, Annual Report 2021, Chapter II, Section F: Progress and Setbacks in the Negotiation and Implementation of Friendly Settlement Agreements, Available at: <https://www.oas.org/es/cidh/docs/anual/2021/capitulos/IA2021cap2-es.pdf>.

<sup>5</sup> See IACHR, Annual Report 2021, Chapter II, Section F: Progress and Setbacks in the Negotiation and Implementation of Friendly Settlement Agreements, Available at: <https://www.oas.org/es/cidh/docs/anual/2021/capitulos/IA2021cap2-es.pdf>.

<sup>6</sup> See: IACHR, Annual Report 2018, Chapter II, Section G. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR, available at: <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.2-en.pdf>

<sup>7</sup> See: IACHR, Annual Report 2018, Chapter II, Section G. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR, available at: <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.2-en.pdf>

<sup>8</sup> See: IACHR, Annual Report 2018, Chapter II, Section G. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR, available at: <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.2-en.pdf>

<sup>9</sup> See: IACHR, Annual Report 2018, Chapter II, Section G. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR, available at: <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.2-en.pdf>

<p><b>EDUCATION</b></p> <p>The Government of the Republic pledges to take the relevant steps to ensure that the Ministry of Education arranges for a scholarship to be granted to the youngest son of the victim, Edilsar Omar Mérida Alvarado, in accordance with his level of education, and provided it is legally possible to do so.</p>	<p><b>Total<sup>10</sup></b></p>
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#### **IV. LEVEL OF COMPLIANCE OF THE CASE**

3. The Commission noted that the petitioners did not submit updated information since the publication of the friendly settlement agreement since October 19, 2017. Additionally, the Commission noted that since publication of the FSA, the Commission had been following up on compliance with the clauses agreed upon by the parties in Chapter II G of the Annual Report, presented to the OAS General Assembly. As part of this follow-up, the petitioning party was requested updated information each year, granting them a reasonable period of time to submit the information they deem necessary.

4. Based on the foregoing and taking into account that the petitioners did not submit the comprehensive report as requested by the IACHR on July 30, 2021 and noting the unjustified procedural inactivity of the petitioners, which constitutes a serious indication of disinterest in the follow-up on the FSA, the Commission decided to cease the follow-up of the compliance of the friendly settlement agreement and archive the case in accordance with Articles 42 and 48 of its Rules of Procedure, noting on the record of its Annual Report to the General Assembly of the Organization of American States, that there has been partial compliance with the friendly settlement agreement.

5. Consequently, the Commission decided to cease the follow-up on compliance with the friendly settlement agreement and archive the matter.

#### **6. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE**

##### **A. Individual outcomes of the case**

- The compensation amounts agreed to by the parties was paid to the victim's family members.
- A commemorative plaque was installed.
- A street was named in the victim's honor.
- The beneficiaries' medical expenses were covered.
- The Criminal Sentencing Court for Drug Trafficking and Crimes against the Environment, High Risk, handed down convictions against the former police officers José Miguel González Grijalva, Julio Rabanales, and Martin Alejandro García Mejía, for crimes against duties to humanity and complicity in murder.

<sup>10</sup> See: IACHR, Annual Report 2018, Chapter II, Section G. Status of Compliance with the Recommendations Issued by the IACHR in Merits Reports and Friendly Settlement Agreements Approved by the IACHR, available at: <http://www.oas.org/en/iachr/docs/annual/2018/docs/IA2018cap.2-en.pdf>