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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 43/2024**

Precautionary Measure No. 582-24

Mirian Aída Reguero Sosa<sup>1</sup> and her family unit regarding Guatemala<sup>2</sup>

August 2, 2024

Original: Spanish

**I. INTRODUCTION**

1. On May 22, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures urging the Commission to require that the State of Guatemala (“the State” or “Guatemala”) adopt the necessary measures to protect the rights to life and personal integrity of Mirian Aída Reguero Sosa and her family unit<sup>3</sup> (“the proposed beneficiaries”). According to the request, the proposed beneficiary is a prosecutor from the Public Prosecutor’s Office of Guatemala and has been the target of assassination attempts.

2. Pursuant to the provisions of Article 25(5) of its Rules of Procedure, the Commission requested information from the parties on June 4, 2024. The applicants responded on June 16, 2024. The State of Guatemala submitted its report on June 19, 2024.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Therefore, in accordance with Article 25 of its Rules of Procedure, the Commission requests that Guatemala: a) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiaries; b) ensure the necessary measures to guarantee that Mirian Aída Reguero Sosa can exercise her functions without being subject to threats, intimidation, harassment, or acts of violence; c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicants**

4. According to the applicants, proposed beneficiary Ms. Reguero Sosa, has been a prosecutor for the Public Prosecutor’s Office of Guatemala for approximately 16 years. In this time, she has promoted the prosecution of common crime and organized criminal structures. She began her work in 2008 in the Department of Cobán, Alta Verapaz, as a Prosecutorial Officer I. In 2009, she was promoted to Assistant Prosecutor I. In 2011, she was transferred to Guatemala City, where she has been responsible for investigating criminal structures<sup>4</sup> involved in various crimes, including illicit association, kidnapping, and rape, among others. As a result of her activities, the proposed beneficiary has reportedly received threats and experienced two attacks with firearms.

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<sup>1</sup> The applicants also identify her as Mirian Aida Reguero Sosa.

<sup>2</sup> In accordance with Article 17(2)(a) of the Commission’s Rules of Procedure, Commissioner Edgar Stuardo Ralón Orellana, a Guatemalan national, did not participate in the debate or deliberation of this matter.

<sup>3</sup> C.E.R.S. (son), A.A.O. (mother of goddaughter), and L.E.P.A. (goddaughter).

<sup>4</sup> Namely, “Los violadores de la Roosevelt,” “Los cigarreros,” “Aguamiel,” “La patrona,” “Las plaadoras,” “Los paqueteros,” “Los cristaleros,” “Los pelones,” among others.

5. In 2022, the proposed beneficiary was appointed as Special Prosecutor for Fraud against the Property Registry and led an investigation into a criminal organization known as “Los Leones,” comprised of a group of lawyers who, under death threats, stripped their victims of their properties. After conducting an operation in September 2022 to recover several properties in the aforementioned case, individuals who have not yet been identified left a vehicle in front of her residence. Inside the vehicle was the body of a man with two gunshot wounds. The applicants allege that prosecutor Reguero Sosa informed the authorities, who reportedly told her that unless there was a direct threat, they could not take any action. However, after the proposed beneficiary noticed she was being followed by unfamiliar cars in the following days, she reportedly went to the head of the Special Forces Division of the Police. After explaining the circumstances, the applicants state that a unit was assigned to guard Prosecutor Reguero Sosa’s residence. Nevertheless, she had to continue to use public transport to travel to hearings and debates against another structure called “Los Topacios.” She did not have any protection measures in her favor during these journeys.

6. On October 28, 2022, as the proposed beneficiary left her residence and was traveling in a vehicle with her partner, who was also an official of the Public Prosecutor’s Office, two individuals on a moped opened fire with firearms, striking the proposed beneficiary five times and killing her partner. She underwent surgery on her right arm due to a multiframegmentary fracture. Following the injuries she sustained in the attack, the proposed beneficiary was suspended from work from October 2022 to February 18, 2024. In November 2023, she reportedly moved to a residence with a security checkpoint. It was indicated that the Prosecutor’s Office had not informed her of the danger of the people who had carried out the attack. The applicants state that, to date, the investigation into this incident has been unsuccessful, partly due to several changes in the prosecutor’s office.<sup>5</sup> She alleges not receiving any information on the progress of the investigation despite repeated requests. In February 2023, via a television program, she was informed about the capture of three individuals whom the Public Prosecutor’s Office identified as the perpetrators of the crime. It is stated that one of those who was arrested was murdered a few months after his detention and it is not known who the intellectual authors are.

7. The proposed beneficiary returned to work on February 19, 2024, and was appointed to the Metropolitan District Attorney’s Office to join the criminal prosecution teams for new cases, where she felt “protected.” However, on March 11, 2024, she was notified of her transfer to the liquidating prosecutor’s office, without knowing who had ordered the transfer. The proposed beneficiary objected and informed the Security Department of the Public Prosecutor’s Office and the regional prosecutor that same day that the transfer put her life at risk, since the new location did not have an assigned parking space. This meant she had to get out and get into her vehicle on public roads. She feared meeting her perpetrators again. Despite his warning, the applicants allege that the authorities indicated that she had to accept the transfer on the grounds that it was “out of their hands.”

8. On March 14, 2024, Prosecutor Reguero Sosa observed two men who seemed to become alert when they saw her exit her office. Upon arriving at her residence, she also observed unknown vehicles. She allegedly reported this situation to the Security Department of the Public Prosecutor’s Office. In response, she was told that she had no grounds for concern as she had already been assigned to two duly trained individuals for her protection.

9. On March 27, 2024, the proposed beneficiary went to a medical appointment with her 76-year-old mother. They were accompanied by two security agents and a driver. Upon leaving the location, four individuals dressed as National Civil Police officers opened fire, resulting in the deaths of Ms. Reguero Sosa’s mother and a security agent. They allege that this event could have been avoided if the Public Prosecutor’s Office had taken the necessary steps to find the intellectual authors of the first attack, who are allegedly part of

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<sup>5</sup> Initially, the case was prosecuted by the Prosecutor’s Office for Crimes against Life, then it was transferred to the Prosecutor’s Office for Femicide, and subsequently referred to the Prosecutor’s Office for Drug Trafficking.

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an organized crime structure. Moreover, the applicants indicate that there is suspicion regarding the potential participation of officials of the Public Prosecutor's Office in the attack carried out on March 27.

10. The day after the attack, authorities from the Public Prosecutor's Office reportedly went to the proposed beneficiary's residence and told her that she could rely on the support of the institution and that they would help her to go abroad. She reportedly informed them of the deficiencies in the security provided to her, as well as the fact that she had not been informed of the progress of the investigation. She was also granted a work suspension until April 16, 2024, due to the event, which was categorized as an "accident." This suspension was renewed on April 16, 2024, to extend until May 6, 2024.

11. On April 10, 2024, the Security Department of the Public Prosecutor's Office issued an official communication with recommendations for Ms. Reguero Sosa's protection detail after conducting a risk assessment. Among the recommendations, the following is stated: "to continue with the established security arrangement, which includes eight security agents divided into four per shift who use an institutional vehicle equipped with ballistic protection capabilities." Additionally, "to maintain the perimeter security service at her residence and provide accompaniment to the locations she needs to go to, preferably with personnel from the Special Forces Division of the National Civil Police." Moreover, it was recommended to report any displacement to the Head of Services of the Department of Security to reinforce the detail with at least three security agents, as well as to request the support of motorized units of the National Civil Police. The documentary support of the risk assessments indicates that the Recommendation has a rating of "High."

12. On April 11, 2024, personnel from the Public Prosecutor's Office arrived at the proposed beneficiary's office with a search warrant for inspection, evidence collection, and seizure,<sup>6</sup> as well as an arrest warrant for Ms. Reguero Sosa. The arrest warrant was reportedly issued by the Seventh Criminal Court of First Instance for Drug Trafficking and Environmental Crimes of Guatemala, for the crimes of abuse of authority, liability of public employees and officials, and money laundering.<sup>7</sup> On April 12, 2024, the proposed beneficiary appeared before the Pluripersonal Court of First Criminal Instance and Crimes against the Environment. Her legal situation was addressed by binding her to trial for the crime of abuse of authority, while finding no merit for the charges of money laundering and liability of public employees and officials. Additionally, the court imposed alternative measures for the crime of abuse of authority, which include: a prohibition on leaving the country without judicial authorization, surrendering her passport to the judiciary, a ban on appearing before any Prosecutor's Office of the Public Prosecutor's Office, and the requirement to report in person to the central Public Prosecutor's Office once a month for biometric fingerprint registration.

13. With respect to the foregoing, the applicants indicate that the Public Prosecutor's Office has been incompetent in investigating the attacks of which the proposed beneficiary has been a victim and has now violated all her rights by exposing her to the murderers who are persecuting her. She indicates that the search of her residence was carried out with excessive police support which emotionally affected Ms. Reguero Sosa's 9-year-old son, who, upon hearing a patrol car, ran to hide and cry. In addition, during the search, the computers containing personal information of her minor son and L.E.P. were seized. She also states that the actions of the Public Prosecutor's Office exposed the location of the proposed beneficiary's residence unnecessarily, since she mentions that she could have been summoned to the Public Prosecutor's Office to clarify any facts, instead of being apprehended in her home. The applicants warn that this exposure puts the physical integrity of the proposed beneficiaries at risk.

14. The applicants add that the Public Prosecutor's Office requested before the judge who heard the first statement of the proposed beneficiary that the blocking of bank accounts be imposed as a precautionary measure. The judge considered the request inadmissible since he dictated lack of merit for the

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<sup>6</sup> Order authorized by the Seventh Pluripersonal Court of Criminal First Instance Narcoactivity and Crimes against the Environment, judicial file 02074-2023-00030, April 10, 2024.

<sup>7</sup> Investigation conducted by the Prosecutor's Office for Drug Trafficking Crimes.

crime of money laundering. However, the prosecutors allegedly required the same measure before another court, and it was granted to them. In this sense, the proposed beneficiary understands that her survival and that of her economic dependents is being put at risk. The salary she earns as a prosecutor, as well as her savings and other income, are in the accounts that have been blocked.

15. On June 15, 2024, the applicants reported that, according to investigations by the media outlet *Guatevisión*, the attack on March 27, 2024, against prosecutor Reguero Sosa had been ordered by the leader of the Barrio 18 criminal gang, also known as Mara 18.<sup>8</sup> The applicants reiterated that there has been no alleged progress in the investigations of the two attacks that the proposed beneficiary has suffered. They add that her protection detail has not been reinforced, despite the recommendations made by the Public Prosecutor's Office on April 10, 2024. The applicants stated that the current detail has remained unchanged since October 28, 2022. This protection was granted by the Public Prosecutor's Office due to the risks associated with her role as a prosecutor and includes an armored vehicle, a driver, and a security agent accompanying the proposed beneficiary, Reguero Sosa, as well as a second driver and a second security agent for her family.

16. The proposed beneficiaries are currently confined to their homes for fear of being the victims of a new attack. For this reason, they request protection measures and an investigation into the attacks of which she was allegedly a victim.

## **B. Response from the State**

17. The State requested that, based on its response, the facts be analyzed "to determine whether or not the assumptions of seriousness, urgency, and irreparable harm are met in the matter at hand." The State reiterated its total commitment to promote compliance with its international obligations to guarantee full respect for human rights. The State expressed disappointment with the events that occurred to the proposed beneficiary on October 28, 2022, and March 27, 2024. At the same time, it recognized "the transcendental work carried out by the proposed beneficiary, and how this may imply that she be exposed to situations of risk."

18. The State stressed that the proposed beneficiary's employment at the Public Prosecutor's Office began on October 24, 2008. The State indicated that "it is important that the actions taken by the Public Prosecutor's Office be evaluated, in order to guarantee the protection of the proposed beneficiary through the personal security detail that is currently in force." The State considered that the security detail provided by the Security Department of the Public Prosecutor's Office "helps to reduce the possibility of being placed in situations of risk and seriousness she is exposed to."

19. The State indicated that the data on the proposed beneficiary's personal security is classified as confidential, according to Article 23 of the Law on Access to Public Information,<sup>9</sup> and therefore requested the IACHR to "take the necessary measures to safeguard it, without prejudice to sending the information to the representatives in its entirety." The State attached a response from the Public Prosecutor's Office of Guatemala, which, verbatim, states the following:

"the Security Department provides a security detail in accordance with the respective risk assessments, no information requested is provided as it is considered sensitive information."

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<sup>8</sup> The *Guatevisión* report alleges that a number of Barrio 18 gang members were killed inside the Fraijanes II penitentiary and in the Colonia de Mixco, allegedly as punishment for failing to execute the assassination order of prosecutor Reguero Sosa.

<sup>9</sup> The State stressed that this Article states the following: "For the purposes of this law, the following is considered confidential information: [...] 4. When the information disseminated could cause serious harm or damage to the activities of investigation, prevention, or prosecution of crimes, [...] or to the administration of justice; [...]"

20. The State added that “the implemented detail has the good purpose of providing a rapid and effective protection response to the existence or recognition of an urgent threat that may threaten the proposed beneficiary.”

21. Regarding investigations, the State reported the status of ten case files: nine in which it is the plaintiff<sup>10</sup> and one in which she appears as a defendant.<sup>11</sup> All files have been archived or dismissed. Regarding the investigations, the State adds that it is compiling the necessary information to provide a precise response, which will be communicated in a timely manner. The Public Prosecutor’s Office refers to a list of two disciplinary files from 2024: one under investigation, and the other with “total judicial reserve, for which reason the investigation is suspended.”

22. Lastly, the State requested that the IACHR “determine the appropriateness of the precautionary measures [...] considering the arguments presented in this report.”

### III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

23. The mechanism of precautionary measures is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm to persons.

24. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly stated that precautionary and provisional measures have a dual nature, one protective and the other precautionary.<sup>12</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.<sup>13</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.<sup>14</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or

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<sup>10</sup> The files reported were: (1) A 2011 docket for felony menacing with no offense selected on physical file (dismissed); (2) A 2015 docket for felony aggravated larceny on physical file (dismissed); (3) A 2016 docket for no offense specified as dismissed; (4) A 2018 docket for felony aggravated larceny on physical file (dismissed); (5) A 2022 docket for felony larceny as filed; (6) A 2024 docket for felony larceny as filed; (7) A 2024 docket for no specified offense as dismissed; (8) A 2024 docket indicating “no offense” as filed; and (9) A 2024 docket for no specified offense as dismissed.

<sup>11</sup> A 2022 file for the crime of passive bribery, material falsehood, hindering criminal prosecution, influence peddling under physical file (dismissed).

<sup>12</sup> I/A Court H.R., [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Case of Carpio Nicolle et al. v. Guatemala. Provisional Measures, Order of July 6, 2009, considerandum 16 [only in Spanish].

<sup>13</sup> I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

<sup>14</sup> I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

provisional measures allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.<sup>15</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

25. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>16</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>17</sup> This is better suited to be addressed by the Petition and Case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>18</sup>

26. In analyzing this request, the Commission considers it important to recall the identified context in Guatemala applicable to the Public Prosecutor’s Office of Guatemala, with a view to understanding the particular situation that the proposed beneficiary faces.

- *Identified context on the situation of the Public Prosecutor’s Office of Guatemala*

27. The Commission has been monitoring the human rights situation in Guatemala over the years. Since 2021, the Commission included Guatemala in Chapter IV.B. of its Annual Report, due to the progressive weakening of the rule of law as a result of a process of gradual co-optation of the system of administration of justice by power groups interested in perpetrating impunity and corruption.<sup>19</sup> In this context, more than 30 justice operators have left the country in exile after denouncing criminal prosecution due to their jurisdictional work and because in repeated cases of criminalization preventive detention was allegedly

<sup>15</sup> I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 7; [Matter of “El Nacional” and “Así es la Noticia” newspapers](#), Provisional Measures regarding Venezuela, Order of November 25, 2008, considerandum 23; [Matter of Luis Uzcátegui](#), Provisional Measures regarding Venezuela, Order of January 27, 2009, considerandum 19.

<sup>16</sup> I/A Court H.R., [Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua](#), Extension of Provisional Measures, Order of August 23, 2018, considerandum 13 (Available only in Spanish); [Matter of children and adolescents deprived of liberty in the “Complexo do Tatuapé” of the Fundação CASA](#), Provisional Measures regarding Brazil, Order of July 4, 2006, considerandum 23.

<sup>17</sup> IACHR, [Resolution 2/2015](#), Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; [Resolution 37/2021](#), Precautionary Measure No. 96-21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

<sup>18</sup> In this regard, the Court has stated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R., [Matter of James et al. regarding Trinidad and Tobago](#), Provisional Measures, Order of August 29, 1998, considerandum 6 (Available only in Spanish); [Case of the Barrios Family v. Venezuela](#), Provisional Measures, Order of April 22, 2021, considerandum 2 (Available only in Spanish).

<sup>19</sup> IACHR, [Resolution 3/2023. “Human Rights, the Instrumentalization of the Justice System and the Serious Risks to the Rule of Law in Guatemala”](#), December 10, 2023.

ordered.<sup>20</sup> By 2023, the Commission again included Guatemala in Chapter IV.B of its Annual Report upon identifying, among other things, the abusive exercise of power by the Public Prosecutor's Office, which reflected the State's systematic and prolonged failure to comply with its obligation to combat impunity.<sup>21</sup>

28. As regards the Public Prosecutor's Office, through its 2022 Annual Report, the Commission expressed concern on the progressive loss of independence that the Public Prosecutor's Office was experiencing.<sup>22</sup> The IACHR also highlighted the de facto dismantling of units within the Public Prosecutor's Office responsible for investigating corruption and transitional justice cases. This dismantling has been carried out through the transfer, criminalization, or arbitrary removal of officials, including career prosecutors. This process appears to be part of a broader effort by power groups to gradually co-opt institutions responsible for administering and delivering justice, thereby perpetuating impunity and corruption in Guatemala.<sup>23</sup> In 2023, the IACHR received information on the continuation of a recurrent practice of arbitrary transfers and dismissals of prosecutors.<sup>24</sup>

- *Situation of the proposed beneficiary and her family unit*

29. When analyzing the requirement of *seriousness*, the Commission notes that the proposed beneficiary has been a prosecutor for approximately 16 years. As part of her work, according to available information, she has promoted criminal investigations against common crime and criminal structures, and has questioned the response of the Public Prosecutor's Office to address her situation. In this regard, the State itself described its work as "transcendental" and that it may expose her to situations that pose a risk. Under this scenario, the Commission considers that, based on the specific facts alleged, the proposed beneficiary's situation is particularly serious.

30. The following are the considerations that lead this Commission to this conclusion:

- i. Between 2022 and 2024, the proposed beneficiary has been the subject of two armed attacks against her life. Given the intensity of the attack, she sustained severe injuries to her body that required surgical intervention and the suspension of her work as a prosecutor. The Commission believes that these events reveal an intention of the aggressors to end the life of the proposed beneficiary, or to threaten her with acts of armed violence against her. This intention has been sustained over the past two years.
- ii. In addition to bodily injury, the armed attacks resulted in the death of family members of the proposed beneficiary: her then partner, in 2022, and her mother, in 2024. Consequently, the Commission identifies that part of her family unit has been victims of the armed attacks against her.
- iii. The Commission observes that the armed attacks against the proposed beneficiary were preceded by being followed by unidentified persons and cars at her residence when she travelled. In 2022, unidentified individuals left a body with two gunshot wounds in a vehicle in front of the proposed beneficiary's house.
- iv. The Commission understands that the events that the proposed beneficiary has been facing have materialized during her transportation, even with the security detail provided by the Public

<sup>20</sup> Ibidem.

<sup>21</sup> IACHR, [2023 Annual Report](#), Chapter IV.B. Guatemala, OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 4.

<sup>22</sup> IACHR, [2022 Annual Report](#), Chapter IV.B Guatemala, OEA/Ser.L/V/II. Doc. 50 rev. 1, April 1, 2023, para. 83.

<sup>23</sup> IACHR, [2022 Annual Report](#), Chapter IV.B Guatemala, OEA/Ser.L/V/II. Doc. 50 rev. 1, April 1, 2023, para. 13.

<sup>24</sup> IACHR, [2023 Annual Report](#), Chapter IV.B. Guatemala, OEA/Ser.L/V/II. Doc. 386 rev. 1, December 31, 2023, para. 46.

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- Prosecutor's Office. This reflects that the implemented detail was not effective to protect her, despite the alerts she gave over time.
- v. The Commission notes that the proposed beneficiary's situation was known to the competent authorities, particularly, of her own institution, the Public Prosecutor's Office. According to the available information, she has also raised concerns about the inadequate protective measures provided by the Public Prosecutor's Office over the past two years, including, for example:
- a. The investigations into the 2022 attack have not progressed in identifying the intellectual authors of the attack, despite the arrest of three perpetrators and the subsequent murder of one of them. The applicants also noted that the proposed beneficiary was not kept informed about the status of the investigations into the events of which she was a victim.
  - b. The decision of the Public Prosecutor's Office to transfer the proposed beneficiary did not take into account the security alerts she expressed. She indicated that she went from a Prosecutor's Office where she felt "protected" to another where there were no security conditions. In this new location, she would have to travel on public roads, where she could meet her perpetrators again.
  - c. The reinforcement of the protection detail in her favor was established by the Security Department of the Public Prosecutor's Office on April 10, 2024, following the armed attack of March 2024, but it has not been carried out. According to the file, the risk assessment was determined to be "High" under the recommendation heading.
  - d. There is no information on the progress of any investigation opened by the Public Prosecutor's Office for the March 2024 attack against the proposed beneficiary.
- vi. An aspect of particular concern to this Commission is that, as the available information reveals, the risk alleged has already materialized on two occasions. The Commission believes that the armed attack of March 2024 shows, without a doubt, that the protection detail in her favor since 2022 has not been effective in protecting the proposed beneficiary and her family. Furthermore, it does not create conditions for her security agents to be able to work without putting their own lives at risk. The Commission understands that, despite the ongoing security alerts raised by the proposed beneficiary, state institutions failed to implement adequate and effective protective measures for her over the past several years.
- vii. The Commission notes that it has been alleged that criminal structures were behind the March 2024 attack. Although it is not within the Commission's jurisdiction to determine the authorship of the alleged events, it does highlight the special vulnerability of the proposed beneficiary, given that criminal organizations continue to pose a threat to her life. Although the perpetrators of the 2022 armed attack had already been arrested, the Commission understands that the intellectual authors behind the attacks are allegedly still attempting to murder or intimidate her, using armed violence and the assassination of her close family members.
- viii. Lastly, the Commission observes that the applicants alleged that, in the context of a search and arrest of the proposed beneficiary in April 2024 for crimes of abuse of authority, the Public Prosecutor's Office exposed the location of her residence, despite the fact that she could have attended a possible summons issued to her. After alternative measures were imposed, the proposed beneficiary indicated that she is "afraid" and "confined" in her residence to avoid another attack against her.



31. In view of this situation, the Commission notes that the State regretted the events that occurred against the proposed beneficiary in 2022 and 2024. It also stressed that, since she has an employment relationship with the Public Prosecutor's Office, her security detail is provided by the Security Department of this institution. The Commission notes that the State forwarded the response from the Department, which indicated that it "provides a security detail in accordance with the respective risk assessments" and that it does not provide "the information requested because it is considered sensitive information." The Commission reported on the investigations in which the proposed beneficiary appears as plaintiff and as a defendant. All the files of the investigations submitted has reportedly been filed or dismissed. The State also sent the status of disciplinary proceedings.

32. Regarding the State's response, the Commission has the following considerations:

- i. The State's response does not dispute any of the allegations presented by the applicants, who not only referred to a specific situation presenting a risk, but also provided supporting documentation on the security measures adopted, risk assessments, and the status of investigations.
- ii. The information that States may submit in the framework of the precautionary measures mechanism is extremely important for the IACHR to be able to assess the actions they are implementing in light of the alleged situation. Paragraph 5 of Article 25 of the IACHR Rules of Procedure<sup>25</sup> starts from the importance of having "relevant information" from the State before this Commission adopts a decision on the request for precautionary measures. In this particular matter, it was relevant for the State to report in detail on the protection detail and elements on its suitability and effectiveness.
- iii. In general, the States report the measures they have implemented regarding precautionary measures, which is crucial for the effective functioning of the mechanism and for the considerations the IACHR may make in this context. As a result, the lack of information by decision of the Public Prosecutor's Office hinders and obstructs the Commission from fully carrying out its mandate.
- iv. The Inter-American Commission and the Inter-American Court have referred to the duty of States to report, in the framework of the supervision of compliance with judgments and provisional measures. For example, in the 2021 provisional measures resolution of the *Case of the Barrios Family v. Venezuela*, it was indicated that the State's obligation to indicate to the Court how it is complying with the measures ordered is fundamental to evaluate compliance with them, and constitutes a dual obligation that requires the timely presentation of a document with specific, certain, current, and detailed material reference to the issues on which this obligation is based.<sup>26</sup> Even in the case of information reserved by law, the Inter-American Court indicated, in the *Case of Radilla Pacheco v. Mexico*, which, for purposes of international jurisdiction, is the State that has control of the means to clarify events that occurred within its territory.<sup>27</sup> As a result, the State is required to send the requested copies and inform on any legal reservations and the need, appropriateness, or relevance of maintaining the confidentiality of that information. This is

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<sup>25</sup> IACHR, Rules of Procedure, Article 25(5): Prior to the adoption of precautionary measures, the Commission shall request relevant information to the State concerned, except where the immediacy of the threatened harm admits of no delay. In that circumstance, the Commission shall review that decision as soon as possible, or at the latest during its next period of sessions, taking into account the information received from the parties.

<sup>26</sup> I/A Court H.R., *Matter of the Barrios Family v. Venezuela*, Provisional Measures, Order of April 22, 2021, considerandum 9 (Available only in Spanish); *Case of Bámaca Velásquez v. Guatemala*, Monitoring Compliance with Judgment, Order of July 4, 2006, considerandum 7; and *Matter of Members of the Choréachi Indigenous Community regarding Mexico*. Provisional Measures. Order of June 10, 2020, considerandum 25 (Available only in Spanish).

<sup>27</sup> I/A Court H.R., [Case of Radilla Pacheco v. Mexico](#), Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 23, 2009, Series C No. 209, para. 89-92.

carefully evaluated by the Court for the purpose of including it in the ongoing case, as appropriate.<sup>28</sup>

- v. The Commission regrets that it does not have the information requested from the State, particularly regarding protection details provided for by the Public Prosecutor's Office, as this is relevant for a comprehensive analysis of the alleged situation.
- vi. It is recalled that in previous cases of justice operators in Guatemala before the IACHR and the Inter-American Court, the State, in general, and the Public Prosecutor's Office, in particular, provided information on security details in favor of justice operators, including prosecutors from the Public Prosecutor's Office. At no time was the designation of "confidential" information used to deny access to the bodies of the Inter-American Human Rights System. In all the most recent cases, the State reported on the security details implemented by its institutions. For example, in 2023 and 2024, in the matters regarding Justice Leyla Lemus Arriaga<sup>29</sup> and Justice Irma Palencia Orellana.<sup>30</sup> In both cases, the State also referred to actions taken by the Public Prosecutor's Office in the framework of open investigations, including on proceedings carried out, as in the case of Justice Leyla Lemus Arriaga.<sup>31</sup> The same is true when reviewing cases of provisional measures before the Inter-American Court. For example, the State referred to the protection detail provided by the Public Prosecutor's Office for three prosecutors of the Special Prosecutor's Office against Impunity (FECI) in 2020,<sup>32</sup> and for one prosecutor of the Human Rights Prosecutor's Office of Guatemala in 2022.<sup>33</sup>
- vii. In the event of particularly sensitive situations, the Commission may carefully assess the need, appropriateness, or relevance of maintaining the confidentiality of such information when making its decisions public, without affecting the information forwarded between the parties.<sup>34</sup>

33. In these circumstances, and considering the evaluations mentioned above, the Commission deems that, based on the applicable *prima facie* standard, the requirement of seriousness is sufficiently established concerning the proposed beneficiary. In addition, the Commission understands that this assessment can be extended to the current members of her family unit, considering that two family members of the proposed beneficiary have already been murdered.

34. Regarding the *urgency* requirement, the Commission observes that it has been met since the nature of the facts described suggest that the threatening situation may materialize, given that Ms. Reguero Sosa has already experienced two attempts on her life and the murder of two family members. The likelihood of the risk materializing increases in the face of questions about her current protection detail. Consequently,

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<sup>28</sup> Ibidem.

<sup>29</sup> IACHR, [Resolution 2/2024](#), Precautionary Measure No. 4-24, Leyla Susana Lemus Arriaga regarding Guatemala, January 13, 2024, paras. 17 and 18.

<sup>30</sup> IACHR, [Resolution 1/2024](#), Precautionary Measure No. 1088-23, Irma Elizabeth Palencia Orellana regarding Guatemala, January 13, 2024, paras. 23 and 25.

<sup>31</sup> Ibidem.

<sup>32</sup> I/A Court H.R., [Case of Ruiz Fuentes et al. v. Guatemala](#), Provisional Measures, Order of September 2, 2020, considerandum 7, para. 13 (Available only in Spanish).

<sup>33</sup> I/A Court H.R., [Cases of Bámaca Velásquez, Maritza Urrutia, Plan de Sánchez Massacre, Chitay Nech et al., Río Negro Massacre, and Gudiel Álvarez et al. \("Diario Militar"\) v. Guatemala](#), Adoption of Urgent Measures, Order of July 11, 2022, para. 10 (Available only in Spanish).

<sup>34</sup> For example, the Commission has decided to omit references to protection details in favor of persons in its public resolutions, without prejudice to information forwarded between the parties. See, for instance: IACHR, [Resolution 63/2023](#), Precautionary Measure No. 646-23, Christian Gustavo Zurita Ron, Verónica Alexandra Sarauz Peñaranda et al. regarding Ecuador, October 30, 2023, paras. 10 and 28.

the Commission considers that there is a need for immediate action as it has not identified that the risk factors have been duly mitigated or have disappeared, a situation that has persisted for at least the last two years.

35. Regarding the requirement of *irreparable harm*, the Commission concludes that it has been met, insofar as the potential impact on the rights to life, personal integrity, by their very nature, constitutes the maximum situation of irreparability.

#### **IV. BENEFICIARIES**

36. The Commission declares Mirian Aída Reguero Sosa, her son C.E.R.S., her goddaughter L.E.P.A. and her relative A.A.O. to be the beneficiaries of the precautionary measures. The beneficiaries are duly identified in these proceedings.

#### **V. DECISION**

37. The Commission considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, the Commission requests that Guatemala:

- a) adopt the necessary measures to protect the rights to life and personal integrity of the beneficiaries;
- b) ensure the necessary measures to guarantee that Mirian Aída Reguero Sosa can exercise her functions without being subject to threats, intimidation, harassment, or acts of violence;
- c) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged facts that gave rise to this resolution, so as to prevent such events from reoccurring.

38. The Commission also requests that Guatemala report, within 15 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

39. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment of any violation of the rights protected in the American Convention and other applicable instruments.

40. The Commission instructs its Executive Secretariat to notify this resolution to the State of Guatemala and the applicants.

41. Approved on August 2, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary