

TECHNICAL INFORMATION SHEET
CASE 12.591 ANGÉLICA JERÓNIMO JUÁREZ
FRIENDLY SETTLEMENT REPORT N° 123/12
FULL COMPLIANCE
(GUATEMALA)

I. SUMMARY OF THE CASE

Victim (s): Angélica Jerónimo Juárez

Petitioner (s): Nicolás Alvarado Tolón

State: Guatemala

Report on Friendly Settlement Agreement No.: 123/12, published on November 13, 2012

Related Rapporteurship: Rapporteurship on the Rights of Women

Topics: Right to life/ Humane Treatment/ rights of the family/ right to equal protection

Facts: On April 27, 2002, Mr. Nicolás Alvarado Tolón took his wife, Angélica Jerónimo Juárez, for admittance to the National Hospital of Salamá, Baja Verapaz, with labor pains. After being examined by the doctors, she underwent surgery for a Caesarean section. Subsequently, she was transferred to the San Juan de Dios General Hospital in Guatemala City, where she remained for one month. She was then transferred to the Salamá National Hospital to receive physiotherapy sessions and finally taken home to continue receiving care, since she failed to fully recover from the effects of the medical malpractice during the Caesarean intervention.

On May 9, 2002, Mr. Nicolás Alvarado Tolón filed a complaint with the Public Ministry against Mrs. Gilda Antonia Teos Herrera who administered the anesthesia during the procedure. On December 12, 2005, the Baja Verapaz Criminal Trial Court for Drug-related Crimes and Crimes against the Environment delivered its verdict acquitting Gilda Antonia Teos Herrera of any criminal responsibility and upholding the civil suit against her. It ordered her to pay the aggrieved party the sum of 35,000 quetzales as compensatory damages in favor of the victim and ordered the Guatemalan State to pay 700,000 quetzales in compensatory damages. The Guatemalan State, through the National General Procurator's Office (PGN), filed an appeal, which was upheld by the Joint Regional Chamber of the Court of Appeals of Cobán, Alta Verapaz that annulled the decision appealed in a judgment dated March 27, 2006. The family was unable to file a cassation appeal due to their economic circumstances.

Rights Alleged: The petitioner alleged that the State had violated rights set out in Articles 4 (right to life), 5 (right to humane treatment), 17 (rights of the family) and 24 (right to equal protection) of the American Convention on Human Rights (hereinafter "Convention" or "American Convention"), in relation to Article 1.1 of the same international instrument. The petitioner also maintained the State's international responsibility for alleged violations of Articles I, II, VI, VII, XI and XVIII of the American Declaration of the Rights and Duties of Man.

II. PROCEDURAL ACTIVITY

1. On November 21, 2007, the parties signed a friendly settlement agreement.

2. On November 13, 2012, the Commission approved the friendly settlement agreement in Report No.123/12.

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

Agreement Clause	Status of Compliance
IV. THE STATE'S ACKNOWLEDGMENT OF ITS RESPONSIBILITY AND ACCEPTANCE OF THE FACTS	
On instructions from the Constitutional President of Guatemala and notwithstanding any national responsibilities that may be established, COPREDEH, representing the State of Guatemala before the Inter-American Commission on Human Rights, acknowledges the State's international responsibility for the violations of the following rights of Mrs. Angélica Jerónimo Juárez: Article I. Right to life, liberty and personal security; Article VI. Right to a family and to protection thereof; Article VII. Right to protection for mothers and children; Article XI. Right to the preservation of health and to well-being, all recognized in the American Declaration of the Rights and Duties of Man; and Article 5. Right to humane treatment, and Article 17, Rights of the Family, recognized in the American Convention on Human Rights.	Declarative Clause
V. REPARATIONS	
Pecuniary Damages:	
a) The Government of Guatemala recognizes Mrs. Angélica Jerónimo Juárez' right and the right of her family to redress for the violations suffered; therefore, as economic reparations, computed in accordance with the actuarial calculation done in the present case and by mutual agreement with the family members of Angélica Jerónimo Juárez, the Government of Guatemala commits to pay the sum of ONE MILLION TWO HUNDRED SIXTY-ONE THOUSAND SIX HUNDRED QUETZALES (1, 261,600.00), which shall be compensation for moral damages, <i>lucrum cessans</i> and <i>consequential damages</i> .	Total ¹
Terms for Payment:	
The economic reparations shall be paid during the month of December 2007. The terms agreed upon in this Friendly Settlement may, for budgetary reasons, be extended by mutual agreement between parties.	Declarative Clause
Non-Pecuniary Damages:	
a) The Government of Guatemala commits to arrange with the Ministry of Public Health and Social Assistance so that Mrs. Angélica Jerónimo Juárez continues to receive therapy in accordance with the medical possibilities of the Salamá Hospital in the Department of Baja Verapaz.	Total ²
b) The Government of Guatemala will arrange with the Ministry of Agriculture, Livestock and Food to provide monthly food supplies to the family of Angélica Jerónimo Juárez for the next two years, in accordance with the possibilities of said Ministry.	Total³
c) The Government of Guatemala commits to arrange with the Ministry of Education to provide educational fellowships to those minor children of Mrs. Angélica Jerónimo Juárez who meet that Ministry's established requirements.	Total ⁴

¹ See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with recommendations of the IACHR, paras. 879-885.

² See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with recommendations of the IACHR, paras. 879-885.

³ See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with recommendations of the IACHR, paras. 879-885.

⁴ See IACHR, Annual Report 2013, Chapter II, Section D: Status of Compliance with recommendations of the IACHR, paras. 879-885.

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Annual Report 2012.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State paid the amount for pecuniary reparations.
- The State provided food baskets for Angélica's family in 2008, 2009, 2010, and 2011.
- The State provided fellowships for Angélica Jerónimo Juárez's daughters, as well as relieving her son Fidelfo Alvarado Jerónimo from the payment of tuition fees at the Basic Cooperation Educational Institute.