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REPORT No. 270/25
PETITION 1198-23
REPORT ON FRIENDLY SETTLEMENT

AUGUSTO JORDÁN RODAS ANDRADE
GUATEMALA

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REPORT No. 270/25
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FRIENDLY SETTLEMENT
AUGUSTO JORDÁN RODAS ANDRADE
GUATEMALA¹
DECEMBER 10, 2025

I. SUMMARY AND RELEVANT PROCEDURAL ASPECTS OF THE FRIENDLY SETTLEMENT PROCESS

1. On July 3, 2023, the Inter-American Commission on Human Rights (hereinafter "the Commission" or "IACHR") received a petition presented by Mr. Christian González Chacón (hereinafter "the petitioner" or "the petitioning party"), alleging the international responsibility of the Republic of Guatemala (hereinafter "State" or "Guatemalan State" or "Guatemala"), for the violation of the human rights contemplated in Articles 8.2 (presumption of innocence), 8.5 (publicity of the process), 23.1 and 23.2 (political rights), and 25.1 (judicial protection) of the American Convention on Human Rights (hereinafter "Convention", "American Convention", or "ACHR"), in connection with its Articles 1.1 (obligation to respect rights) and 2 (duty to adopt domestic law provisions), to the detriment of Augusto Jordán Rodas Andrade (hereinafter "alleged victim") as a result of the decision of the Supreme Electoral Tribunal to declare inadmissible his registration as a candidate of the political party *Movimiento para la Liberación de los Pueblos* (MLP) for the Vice-Presidency of the Republic of Guatemala during the 2023 electoral process.

2. On February 7, 2024, the State expressed interest in initiating a friendly settlement process and on May 18 of that year, the petitioning party confirmed its willingness to move forward with the negotiation.

3. On June 11, 2024, the Commission formally notified the parties of the initiation of the friendly settlement process, which led to the signing of a friendly settlement agreement (hereinafter "FSA" or "agreement") on June 26, 2025, in Guatemala City. Subsequently, on July 30, 2025, the State sent a letter signed by both parties on July 15 of the same year, in which they jointly requested the approval of the FSA.

4. This friendly settlement report, in accordance with Article 49 of the Convention and Article 40(5) of the Commission's Rules of Procedure, provides an overview of the facts alleged by the petitioning party and includes the friendly settlement agreement signed on June 26, 2025, by the petitioning party and the Guatemalan State. Also, the Commission hereby approves the agreement signed by the parties and decides to publish this report in its Annual Report to the General Assembly of the Organization of American States.

II. THE FACTS ALLEGED

5. The petitioner reported that on January 27, 2023, the General Directorate of the Citizen Registry of the Supreme Electoral Tribunal declared the registration of the presidential ticket,² which included Mr. Rodas Andrade as vice presidential candidate for the *Movimiento para la Liberación de los Pueblos* (MLP) party, to be inadmissible, as it considered that there was an impediment to running for public office, consisting of the existence of legal charges and complaints against the alleged victim.

6. The petitioning party stated that when the alleged victim applied for registration with the Department of Political Organizations of the Citizen Registry, he had attached a valid certificate stating that "he had no pending claims or lawsuits as a result of the public office or offices previously held." However, the authority allegedly reported that, when it accessed the web site of the Office of the Comptroller General of Accounts of Guatemala and checked that document, it found that the document consulted electronically

¹Pursuant to Article 17(2)(a) of the Rules of Procedure of the IACHR, Commissioner Edgar Stuardo Ralón Orellana, a Guatemalan national, did not participate in the discussion or decision on this case.

² Including the candidate for the Presidency of the Republic of Guatemala Thelma Cabrera Pérez; and the candidate for the Vice-Presidency of the Republic of Guatemala Augusto Jordán Rodas Andrade.

indicated that Mr. Rodas Andrade faced legal charges and complaints, which banned him from applying for public office and invalidated the document initially exhibited by the alleged victim.

7. According to the initial petition, on January 30, 2023, the MLP reportedly filed an appeal before the Supreme Electoral Tribunal for annulment against the decision issued; however, on February 2, 2023, it was declared null and void. Subsequently, on February 4, 2023, the political party reportedly filed an amparo action before the Constitutional Court, which was declared inadmissible on April 13, 2023. An appeal for amparo against that ruling was filed before the Constitutional Court, which, in a resolution of May 2, 2023, was also declared inadmissible.

8. According to the petitioner, these outcomes were part of a context characterized by arbitrary use, for political ends, of criminal and electoral law and using fake legal arguments, to exclude candidacies that threatened pro-government options. International organizations, countries, and NGOs have denounced these exclusions, together with cases of bribes requested for registration, which are part of a general scenario of a weakening of the rule of law and coordination between institutions and parties to favor certain candidates, undermining equality in the exercise of political rights, inclusion, and the integrity of the democratic process.

III. FRIENDLY SETTLEMENT

9. On June 26, 2025, in Guatemala City, the parties signed a friendly settlement agreement, the text of which establishes the following:

FRIENDLY SETTLEMENT AGREEMENT -FSA-
REGARDING THE VIOLATION OF CIVIL AND POLITICAL RIGHTS BY THE STATE OF GUATEMALA AGAINST
AUGUSTO JORDÁN RODAS ANDRADE
PETITION P-1198-23

I. REGARDING THE APPEARANCE AND WILL OF THE PARTIES.

1. The State of Guatemala, through **Elvyn Leonel Díaz Sánchez**, forty (40) years of age, married, Guatemalan, Attorney at Law and Notary Public, domiciled in the department of Guatemala, who identifies himself with the Personal Identification Document (DPI) with Unique Identification Code (CUI) number [...], issued by the National Registry of Persons of the Republic of Guatemala, Central America, acts in his capacity as **EXECUTIVE DIRECTOR OF THE PRESIDENTIAL COMMISSION FOR PEACE AND HUMAN RIGHTS (COPADEH)**, as evidenced by Governmental Agreement number thirty-seven (37) dated May twenty (20), two thousand twenty-five (2025), issued by the General Secretariat of the Presidency of the Republic, according to the appointment registry, Book One (1), Folio One Hundred and Twenty-two (122) and Box Thirty-seven (37) and, through the Minutes of taking possession of the position number zero sixty dash two thousand twenty-five (060-2025) dated May twenty-second (22) of two thousand twenty-five (2025), contained in the minutes book of the Department of Human Resources. **REPRESENTING THE STATE OF GUATEMALA**, declares that they are duly empowered to grant the present instrument in accordance with article 2 paragraph j of governmental agreement number 27-2024 of the President of the Republic and, in accordance with the instruction issued by the President of the Republic of Guatemala, Bernardo Arévalo de León, contained in **Official Letter No. 32 dated June 16, 2025**.

2. The petitioner and his representative (*mandatario*): **Augusto Jordán Rodas Andrade**, fifty-six (56) years old, married, Guatemalan, Attorney at Law and Notary Public, who identifies himself with Personal Identification Document (DPI), with Unique Identification Code (CUI), number [...], issued by the National Registry of Persons (RENAP), and **Walter Antonio Romero Velásquez**, with Personal Identification Document (DPI), with Unique Identification Code (CUI), number [...], issued by the National Registry of Persons (RENAP), who acts in his capacity as **Special Judicial Representative (Mandatario Especial Judicial con Representación)**, according to the notarial act signed in the City of Bogotá, Colombia, on February fourth of the year two thousand twenty-three before the notary Alma Virginia Arango Guzmán, where a Special and Judicial Mandate with Representation was granted by Augusto Jordán Rodas Andrade to Walter Antonio Romero Velásquez for an indefinite term, which is duly registered in the Electronic Registry of Powers of Attorney of the General Archive of Protocols of the Judicial Branch under number one (1) of the power of attorney number six hundred and sixty two

thousand nine hundred and one dash E (662901-E), dated February ninth (9), two thousand twenty three (2023).

3. On July 3, 2023, the Inter-American Commission on Human Rights (hereinafter "IACRH") received petition P-1198-23 from Mr. Augusto Jordán Rodas Andrade against the State of Guatemala alleging international responsibility of the State of Guatemala for the violation of his political rights, presumption of innocence, publicity of the process, and judicial protection recognized in Articles 23, 8.2, 8.5, and 25 respectively of the American Convention on Human Rights.

4. On November 7, 2023, the IACRH granted the State of Guatemala a period of three months, in accordance with Article 30(3) of the IACRH Rules of Procedure, to submit a response to the petition filed by Mr. Augusto Jordán Rodas Andrade, number P-1198-23.

5. On January 29, 2024, the Office of the Attorney General of the Nation, through communication REF.UAI/JS/jl/198-2024, requested this Presidential Commission to provide observations on the admissibility of the petition filed by Mr. Augusto Jordán Rodas Andrade.

6. This Presidential Commission for Peace and Human Rights was summoned by the Office of the Attorney General of the Nation to an inter-agency meeting on January 31, 2024, where it was agreed, after analyzing the petition presented in this case, to convey this Commission's acceptance of the viability of initiating a Friendly Settlement Agreement negotiation with the petitioning party. Therefore, this Presidential Commission, through communication Official Letter No. DIDEH-0163-2024/COPADEH/DIDEH/AF/ dated February 6, 2024, based on the functions assigned to it by Governmental Agreements 100-2020, 306-2022, and 27-2024, all of the President of the Republic, requested the Office of the Attorney General of the Nation to inform the honorable Inter-American Commission on Human Rights, about its readiness to initiate a Friendly Settlement Process with the Petitioner, considering that the latter should present its official proposal to initiate the negotiations referred to in Article 40 of the Rules of Procedure of the Inter-American Commission on Human Rights.

7. To that end, several virtual meetings have been held with the petitioner and his representative³ and some measures of reparation have been agreed upon in his favor in the present case, taking into consideration and as a baseline, the claims made by the petitioner via e-mail on August 14, 2024, on the following terms:

II. REGARDING RECOGNITION OF THE STATE'S RESPONSIBILITY AND ACCEPTANCE OF THE FACTS.

8. Within the framework of this friendly settlement agreement, the State acknowledges the following facts:

9. The State of Guatemala arbitrarily denied **Augusto Jordán Rodas Andrade** (hereinafter, "the victim") his right to participate as a candidate for the position of Vice President of the Republic, for the political party *Movimiento para la Liberación de los Pueblos* (MLP), during the electoral process held in Guatemala in 2023. The victim has indicated that the State of Guatemala committed arbitrary acts that resulted in violations of his political rights, presumption of innocence, publicity of the process, and judicial protection, recognized in Articles 23, 8.2, 8.5, and 25, respectively, of the American Convention on Human Rights.

10. On January 27, 2023, the General Directorate of the Citizen Registry of the Supreme Electoral Tribunal ruled that it was inadmissible to register the presidential ticket⁴ which included Mr. Augusto Jordán Rodas Andrade, as vice-president. The Directorate of the Citizen Registry indicated that, according to Article 33 paragraph c) of the Regulations of the Law of Probity and Responsibilities of Public Officials and Employees, "*the document or certificate (finiquito) issued does not exempt from liability the person in whose favor it was issued, if it is subsequently discovered that there was administrative, civil, and/or criminal liability in the exercise of his public function, in which case it shall be null and void.*"

³ Dr. Christian González Chacón.

⁴ Thelma Cabrera Pérez - Candidate for President of the Republic of Guatemala.

Augusto Jordán Rodas Andrade - Candidate for Vice President of the Republic of Guatemala.

11. In addition, the General Directorate added that, although Mr. Augusto Jordán Rodas Andrade attached a valid certificate, on January 27, 2023, in compliance with the aforementioned rules and the instructions contained in the said circular, the web portal of the Comptroller General of Accounts was accessed, where it was established that the aforementioned document, as of this date, is not valid, since the "Description" section contains legal charges and a denunciation, which constitutes an impediment to be eligible for public office; therefore, it is not possible to grant the request.

12. Against this decision issued on January 30, 2023 by the General Director of the Citizen Registry of the Supreme Electoral Tribunal, the MLP filed an appeal for annulment before the Magistrates of the Supreme Electoral Tribunal, of the declaration denying the request for registration of the candidates Thelma Cabrera Pérez, for the position of President of the Republic of Guatemala, and Augusto Jordán Rodas Andrade, for the position of Vice President of the Republic of Guatemala.

13. In the petition before the IACtHR, the petitioning party argued that various legal suits were filed to protect its rights and thus reverse the decision of the Supreme Electoral Tribunal dismissing the appeal for annulment filed by the MLP political party. Those suits included a constitutional amparo action filed on February 4, 2023, before the Supreme Court of Justice, which was declared inadmissible on April 13, 2023. In view of that outcome, an appeal of amparo was filed before the Constitutional Court, which was dismissed in a resolution issued on May 2, 2023.

14. That appeal argued that various conventional rights had been violated, such as due process, the right to elect and be elected, legality, and presumption of innocence, since registration had been denied based on allegations against Mr. Rodas Andrade, without proof of the veracity of the information cited, even though Mr. Rodas Andrade was not limited in his civil and political rights by a final judgment. In fact, even today, the allegations in question remain confidential, so that it is not even possible to examine their plausibility.

15. The Supreme Electoral Tribunal, based on the aforementioned considerations and laws, dismissed the appeal for annulment filed by the MLP political party, through its general secretary and legal representative, Cirilo Pérez Ordoñez, thus confirming resolution number PE dash DGRC dash zero eleven dash two thousand and twenty three, issued by the General Directorate of the Citizen Registry.

16. In his petition before the Inter-American Commission on Human Rights, the victim has argued that, with this, the procedures based on electoral legislation were exhausted, so that he then proceeded to seek and exhaust all the remedies available through constitutional channels. In particular, on February 4, 2023, a constitutional action of amparo was filed before the Supreme Court of Justice, with a view to obtaining the protection of the political and electoral participation rights of Thelma Cabrera Pérez and Augusto Jordán Rodas Andrade to the respective positions of president and vice-president for the Movimiento para la Liberación de los Pueblos. In this regard, it was argued that the non-registration of the victims in this case violated various human rights, including the principle of equality, the presumption of innocence and due process, as well as the right to elect and be elected.

17. It is evident that the acts and decisions of the State of Guatemala, through its administrative and judicial bodies, resulted in the unjustified restriction of their right to participate in free and genuine elections, as guaranteed by Article 23 of the American Convention on Human Rights. In response to these complaints, the State of Guatemala, recognizing the need to adopt measures to strengthen respect for civil and political human rights and democratic principles, expressed its willingness to resort to the friendly settlement mechanism, as provided for in Article 40(1) of the Rules of Procedure of the Inter-American Commission on Human Rights. This agreement reflects the mutual commitment of the parties to resolve this case through a process of dialogue and consensus, respecting international human rights standards binding on the Guatemalan State.

18. The State of Guatemala, through this Friendly Settlement Agreement, recognizes that during the general electoral process held in the year 2023, arbitrary acts and omissions occurred that resulted in the violation of the political rights, presumption of innocence, publicity of the process, and judicial protection, recognized in Articles 23, 8.2, 8.5, and 25 respectively of the American Convention on Human Rights, of the citizen **AUGUSTO JORDÁN RODAS ANDRADE**. In particular, the State admits that it did not guarantee the full exercise of the victim's rights to participate in genuine elections under conditions of equality, as established in Article 23 of the American Convention on Human Rights, nor his right to

effective judicial remedies to challenge arbitrary decisions, in accordance with Article 25 of the same international instrument.

19. This recognition is based on the analysis of the administrative acts and judicial decisions issued in relation to the registration of the victim's candidacy put forward by the MLP political party.

20. The State of Guatemala also recognizes that the actions of the Supreme Electoral Tribunal and the aforementioned judicial decisions violated the fundamental principles of equality and non-discrimination guaranteed in Articles 1(1) and 24 of the American Convention on Human Rights. These actions not only limited the victim's right to participate under equal conditions in the electoral process but also undermined confidence in the institutions in charge of guaranteeing respect for fundamental rights, thereby affecting the democratic principles that should govern an electoral process.

21. In addition, the State of Guatemala admits that the violations identified not only had a direct impact on the victim, but also set a negative precedent in the area of political rights and judicial protection in the country, by limiting the full exercise of rights that are essential for the strengthening of a representative democratic system based on administrative requirements, despite the fact that the American Convention explicitly establishes the grounds for restriction in Article 23(2).

22. In light of the above, the State of Guatemala undertakes to repair the damages caused through the implementation of *comprehensive reparation measures*. First, the State shall adopt *measures of satisfaction* related to the public recognition of the violations committed through an act of public apology and acknowledgement of responsibility. Secondly, the State will implement *measures of non-repetition*, committing itself to promote the principle of maximum electoral participation by strengthening the capacities of the independence and autonomy of the Supreme Electoral Tribunal through academic meetings to be organized by the Directorate for the Strengthening of Peace of COPADEH. That process will be advanced through an academic forum with the participation of prominent Guatemalan jurists, magistrates of the Supreme Electoral Tribunal, the Citizen Registry, and others, which will address topics related to "*Conventionality and constitutionality of the requirement to produce a temporary certificate of non-existence of alleged charges and its application in the process of general elections in Guatemala*", and through two workshops which will address issues such as "*Strengthening the independence and autonomy of the Supreme Electoral Tribunal of Guatemala*", to be chosen by consensus and agreed upon with the victim and his representative. Finally, the State will adopt *measures of economic reparation* as a consequence of the situations that have led to the violation of the rights of Augusto Jordán Rodas Andrade, through the payment of fair compensation.

23. This Agreement not only reflects the commitment of the State of Guatemala to comply with its international human rights obligations, but also its intention to restore the victim's confidence in the democratic system and in the national institutions responsible for safeguarding their rights. This commitment will be materialized through the concrete measures detailed in this agreement, which seek not only to redress the violations suffered but also to consolidate a framework of respect and effective protection for political rights in Guatemala.

24. On instructions of the Constitutional President of the Republic, the Presidential Commission for Peace and Human Rights, on behalf of the State of Guatemala and before the Inter-American Commission on Human Rights, acknowledges the international responsibility of the State for the violations of the following rights: political rights, presumption of innocence, publicity of the process, and judicial protection, recognized in Articles 23, 8.2, 8.5, and 25 respectively of the American Convention on Human Rights, to the detriment of Augusto Jordán Rodas Andrade.

25. It is important to remember and cite precedents of cases related to the violation of civil and political rights, since human rights constitute one of the most important achievements of mankind, based on the natural law philosophy that first introduced those rights in society, constituting them in favor of the individual and placing a limit on State activity. Based on the above, *Gregorio Peces Barba* has defined them as: "*the faculty that the norm attributes of protection to the person in relation to their life, their freedom, equality, their political and social participation, or any other fundamental aspect that affects their integral development as a person, in a community of free men, demanding respect for other men, social*

groups and the State, and with the possibility of setting in motion the coercive apparatus of the State in case of infringement.⁵

26. Thus, always based on the jurisprudence of the Inter-American Human Rights System, it is established that: *"In a democratic society, the rights and freedoms inherent in the human person, the guarantees applicable to them, and the rule of law form a triad.⁶ Each component thereof defines itself, complements and depends on the others for its meaning."* **In weighing the importance of political rights, the Court notes that even the Convention, in Article 27, prohibits their suspension and the suspension of the judicial guarantees indispensable for their protection.**⁷ (underlining and emphasis added).

27. It has also been established that *"Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government."*⁸

28. In short, political participation is a human right that allows any person to carry out activities aimed at involvement in the designation of the rulers of a State and influencing political life within that State. This prerogative can be exercised directly, when the citizen performs the participatory acts, or indirectly if the prerogative is exercised through representatives or groups.

29. Derived from the above, Article 23 of the American Convention on Human Rights regulates as follows "(...) 1. Every citizen shall enjoy the following rights and opportunities:

- a. to take part in the conduct of public affairs, directly or through freely chosen representatives;
- b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and
- c. to have access, under general conditions of equality, to the public service of his country. (...) Article 23.2 stipulates that the exercise of the rights and opportunities may be regulated "only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings." In the case of *Gadea Mantilla v. Nicaragua*, the Inter-American Court stated that States can and should regulate political rights, as long as such regulation pursues a legitimate end -protecting representative democracy- and meets the requirements of appropriateness, necessity and proportionality.⁹ Similarly, since the case of *López Mendoza v. Venezuela*, the Inter-American Court has established that restrictions on the right to be elected based on administrative sanctions do not comply with Article 23.2 of the American Convention.¹⁰

III. REPARATION CLAUSES AGREED TO BY THE PARTIES.¹¹

30. The friendly settlement mechanism, provided for in Article 48-1-f) of the American Convention on Human Rights (ACHR) and Article 40 of the Rules of Procedure of the IACR, seeks to guarantee dialogue to resolve conflicts related to human rights violations, thus promoting a balance between the victims' right to comprehensive reparation and the State's obligation to ensure respect for and

⁵ Par. 2.1 of the Friendly Settlement Agreement, Within Petition P-1287 - 2019. Zury Mayte Ríos Sosa and Daughter, Roberto Molina Barreto before the Inter-American Commission on Human Rights.

⁶ Cf. Juridical Condition and Human Rights of the Child, *supra* note 156, par. 92: Powers of the Inter-American Commission on Human Rights, (Articles 41, 42, 44, 46, 47, 50, and 51, American Convention on Human Rights), Advisory Opinion OC-13/93 of July 16, 1993. Series A No. 13, par. 31: Judicial Guarantees in States of Emergency, *supra* note 141, par. 35 and Habeas corpus in Emergency Situations (Articles 27.2, 25.1, and 7.6, American Convention on Human Rights), Advisory Opinion OC-8/87 of the January 30, 1987. Series A No. 8. par. 26.

⁷ Booklet No. 20 "Political Rights. I/A Court H.R. P. 5 (page 3).

⁸ Inter-American Democratic Charter Adopted by the General Assembly at its special session on September 11, 2001, article 3.

⁹ I/A Court H.R. Case of *Gadea Mantilla v. Nicaragua*. Merits, Reparations, and Costs. Judgment of October 16, 2024. Series C No. 543.

¹⁰ I/A Court H.R. Case *López Mendoza v. Venezuela*. Merits, Reparations, and Costs. Judgment of September 1, 2011. Series C No. 233.

¹¹ It is noted that due to a material error the parties omitted the numbering of this clause, and the Commission therefore corrects it to facilitate the monitoring of its implementation.

protection of the rights enshrined in the ACHR. Thus, this agreement expresses the willingness of both parties to abide by the principles of justice, equity, and guarantees of non-repetition, with full respect for the international commitments acquired by the State of Guatemala in accordance with international human rights standards.

ECONOMIC REPARATION MEASURES¹²

31. The IACtHR Court has established on the basis of the provisions of Article 63.1 of the American Convention on Human Rights, that any violation of an international obligation that has caused damage entails the duty to make adequate reparation¹³ and that this provision "*reflects a customary rule*" that constitutes one of the fundamental principles of contemporary international law on State responsibility¹⁴ and even a general concept of law.¹⁵

32. In this regard, the victim **Augusto Jordán Rodas Andrade**, through his formal proposal submitted on August 14, 2024, has requested a compensation of [...].

33. This Presidential Commission for Peace and Human Rights, through its actuary hired for professional services, determined that the total amount that the State of Guatemala can grant the victim is \$[...], broken down as follows:

- Pecuniary damages \$[...]
- Non-pecuniary damages \$[...]
- Costs and Expenses \$[...]

34. The parties fully agree that the payment of the economic reparation measure of [...] shall be made to the victim through a legally constituted representative in the country, by means of a single payment, within a **period of no more than one (1) year** from the signing of this Agreement and that, with the presentation to the Inter-American Commission on Human Rights of the copy of the Single Registration Voucher -CUR- of the payment made and a copy of the final settlement signed by the representative, there shall be "**total compliance**" with respect to the measure of economic reparation described in paragraph 33 of this Agreement and, consequently, the supervision of the IACtHR with respect to its execution shall cease, and therefore, the victim waives any future claim before the Inter-American Human Rights System and before the Universal Human Rights System with respect to the violated rights described in this Agreement.

B. MEASURES OF SATISFACTION.

35. The State of Guatemala undertakes to make a public apology in recognition of the violations of the political rights of citizen **AUGUSTO JORDÁN RODAS ANDRADE**. This act will be carried out through an **ACT OF PUBLIC APOLOGY AND ACKNOWLEDGEMENT OF INTERNATIONAL RESPONSIBILITY** with the participation of the President of the Republic of Guatemala and/or representatives of the Presidential Commission for Peace and Human Rights and representatives of the Attorney General's Office, plus the victim and his representatives. Said act will take place in any of the following places: (a) Costa Rica; (b) Mexico or (c) Spain, **within the second semester of fiscal year 2025** and, the State of Guatemala shall allude among other things, to the following statements:

36. "The State of Guatemala, in compliance with its international obligations and in the framework of the commitments acquired before the Inter-American Human Rights System, recognizes that during the electoral process of the year 2023 it violated the political rights of citizen AUGUSTO JORDÁN RODAS ANDRADE. Therefore, the State assumes its responsibility and firmly commits to ensuring that these violations are not repeated in future elections, fully respecting the rights of the aforementioned citizen to run for any elected office."

37. This does not exempt the victim Augusto Jordán Rodas Andrade and every Guatemalan citizen from the responsibility of having to comply with the requirements established by the applicable legislation in force to run for public office, nor does it attribute responsibility to the Central Government to interfere in

¹² In accordance with the provisions of paragraph 41 of clause IV on the approval of this FSA, the Commission does not disclose the economic compensation amounts agreed to by the parties.

¹³ Ref. I/A Court H.R., Case of Velásquez Rodríguez v. Honduras. Reparations and Costs. Judgment of July 21, 1989.

¹⁴ Ref. I/A Court H.R., Case of The "Street Children" (Villagrán Morales et al.) v. Guatemala. Judgment of May 26, 2001.

¹⁵ Ref. I/A Court H.R., Case of Velásquez Rodríguez v. Honduras. Judgment of July 29, 1988.

the decisions of the agencies, or autonomous, semi-autonomous, independent or any other institution of this nature, which could be interpreted as interference in matters concerning the three branches of government or that directly or indirectly threatens the rule of law and the autonomy and/or legal nature of these and the sovereignty of the State of Guatemala.

38. The parties agree that there shall be "**full compliance**" with paragraphs 35 to 37 of this Agreement when the State of Guatemala submits the report with photographs and lists of participants that support the realization of said act. The details and specifics of the realization of such act will be made in consultation and coordination with the victim and his representative. All logistical expenses for the State involved in the performance of this act shall be covered by the State of Guatemala.

C. MEASURES OF NON-REPETITION.

39. The State of Guatemala commits, through the Presidential Commission for Peace and Human Rights, specifically through the Department of Education and Training of the Directorate for Strengthening Peace, to the following:

- a) To organize, in accordance with Annex 1 of this Friendly Settlement Agreement, an academic forum entitled "*Conventionality and constitutionality of the requirement to produce a temporary certificate of non-existence of alleged charges and its application in the process of general elections in Guatemala.*"
- b) To organize, in accordance with Annex 1 of this Friendly Settlement Agreement, two workshops (one in the department of Quetzaltenango and the other in the department of Alta Verapaz), entitled "*Strengthening the independence and autonomy of the Supreme Electoral Tribunal of Guatemala.*"

40. The parties agree that there shall be "**full compliance**" with paragraph 39 of this Agreement when the State of Guatemala submits to the IACtHR the report with photographs and lists of participants showing the completion of the forum and the two workshops, which shall be held within fiscal year 2025, according to the specifications contained in Annex 1 of this Friendly Settlement Agreement. In order to comply with this measure of non-repetition, the State shall coordinate with the victim and his representative.

IV. APPROVAL BY THE IACtHR:

41. The parties shall jointly request the Inter-American Commission on Human Rights to approve and publish the report of this Friendly Settlement Agreement immediately after the Agreement is signed, **keeping the amounts set forth in this Agreement fully confidential.** The State undertakes to provide information on the status of compliance with the measures agreed upon by the State of Guatemala and the victim.

42. Two (2) originals of this Friendly Settlement Agreement -FSA- have been signed, consisting of nine sheets with COPADEH's letterhead, plus six sheets of ANNEX 1: one original for the victim and one original to be kept by the Presidential Commission for Peace and Human Rights -COPADEH-.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

10. The IACtHR reiterates that, under Articles 48(1)(f) and 49 of the American Convention, this procedure is geared to "reaching a friendly settlement of the matter on the basis of respect for the human rights recognized in this Convention." The State's consent to pursue this avenue is evidence of its good faith with regard to honoring the Convention's purposes and objectives, based on the principle of *pacta sunt servanda*, requiring States to comply in good faith with the obligations undertaken in treaties.¹⁶ The IACtHR also wishes to point out that, with the friendly settlement procedure provided for in the Convention, individual cases can be settled in a non-contentious manner. In cases involving a number of countries, the friendly settlement procedure has proven to be a useful vehicle that both parties can utilize to arrive at a solution.

¹⁶ Vienna Convention on the Law of Treaties, United Nations. Doc. A/CONF.39/27 (1969), Article 26: "Pacta sunt servanda." Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

11. The Inter-American Commission has closely monitored the progress of the friendly settlement reached in the instant case and appreciates the efforts made by both parties during negotiations to reach this friendly settlement, which is compatible with the object and purpose of the Convention.

12. In accordance with clause IV of the agreement signed between the parties by which they requested the Commission to approve the friendly settlement agreement contemplated in Article 49 of the American Convention, and taking into consideration the parties' request of July 30, 2025 to move ahead with it, it is appropriate at this time to assess compliance with the commitments undertaken in this instrument.

13. The Inter-American Commission considers that clauses I (appearance and willingness of the parties), II (recognition of the responsibility of the State and acceptance of the facts), and IV (approval by the IACtHR) of the agreement are of a declaratory nature, and therefore it is not appropriate to supervise their compliance. In this regard, the Commission appreciates Declaratory Clause II, in which the Guatemalan State recognizes its international responsibility for the violation of political rights (Article 23), the presumption of innocence (Article 8.2), the publicity of the process (Article 8.5), and the guarantee of judicial protection (Article 25), established in the ACHR, to the detriment of Augusto Jordán Rodas Andrade, and considers it relevant to provide some clarifications in this regard.

14. Article 48.1(f) of the American Convention allows for parties to reach a friendly settlement during the processing of an individual petition, based on respect for the human rights recognized in the Convention. Additionally, Article 49 states that if the parties do reach a solution, the Commission must prepare a report that will be given to the petitioner and the States Parties and then sent to the Secretary General of the OAS for publication. This report must include a summary of the facts, and the agreement reached.

15. According to the IAHRS regulations, the parties may reach a friendly settlement agreement at any stage of the inter-American procedure. Consequently, the supervision of its compliance with the American Convention is the responsibility of both the Court and the Inter-American Commission. Within the jurisdiction of the Court, Article 63 of its Rules stipulates that when the parties communicate the existence of a solution or any other relevant fact indicative of the resolution of the dispute, the Court must, at the appropriate procedural moment, decide on its admissibility and the legal effects that may ensue.

16. The Court has emphasized that, in exercising its powers of international judicial protection—an issue of international public order that transcends the will of the parties—it is responsible for ensuring that friendly settlement agreements are acceptable for the purposes the Inter-American system seeks to achieve¹⁷. The exercise of this task is not limited to verifying that the formal conditions for their signing are met but also involves the duty to verify the substantive requirements that ensure these agreements do not, directly or indirectly, violate the American Convention, to proceed with their homologation. The verification of substantive requirements involves comparing the agreements reached between the parties with the nature and severity of the alleged violations; the demands and interests of justice; the particular circumstances of the specific case; and the attitude and position of the parties, to be able to determine the truth of what happened and to establish reparations in accordance with inter-American standards¹⁸.

17. Meanwhile, Article 40.5 of the IACtHR Regulations stipulates that if the parties reach a friendly resolution, the Commission must approve a report containing a concise summary of the facts and the resolution reached, transmit it to the parties involved, and publish it. It further states that prior to approving such a report, the Commission must ensure that the victim and their beneficiaries have provided their consent to the agreement. Moreover, it specifies that, in all instances, the friendly resolution must be founded on respect for the human rights acknowledged in the American Convention, the American Declaration, and other relevant instruments.

¹⁷ I/A Court H.R. Case García y familiares v. Guatemala. Merits and Reparations. Judgment of November 29, 2012. Series C No. 258.

¹⁸ I/A Court H.R., Case Aguirre Magaña v. El Salvador, Merits and Reparations, Judgment of March 8, 2024, Series C, No. 517.

18. Thus, from a consistent interpretation of Article 49 of the ACHR, Article 40.5 of the IACtHR Regulations, and Inter-American jurisprudence, it follows that, to carry out the homologation of the agreement reached by the parties, the Commission must approve a report that verifies, on one side, that the alleged victim and/or their beneficiaries have consented to the agreement and its content; and, on the other side, that the resolution reached is based on respect for the human rights recognized in the fundamental instruments of the Inter-American System. This assessment requires not only verifying the formal conditions but also analyzing the material compatibility of the agreement with the relevant Inter-American standards, which involves examining the nature and seriousness of the alleged violations; the requirements and interests of justice; the specific circumstances of the case; and the attitude and stance of the parties.

19. The IACtHR notes that, in this case, the State has acknowledged its international responsibility both for the facts presented by the petitioner and for its legal qualification in accordance with the American Convention on Human Rights. Specifically, the State has recognized that “the administrative acts and judicial decisions issued in relation to the registration of the victim’s candidacy by the political party MLP” [...] “did not ensure the full exercise of the victim’s rights to participate in genuine elections under conditions of equality, as established in Article 23 of the American Convention on Human Rights, nor their right to effective judicial remedies to challenge arbitrary decisions, in accordance with Article 25 of the same international instrument.”

20. The Commission appreciates the expression of willingness demonstrated by the State of Guatemala and emphasizes that the acknowledgment of international state responsibility within the framework of a friendly settlement procedure holds significant importance. This acknowledgment not only exemplifies a commitment to the principles and values of the Inter-American System of Human Rights but also establishes a foundation of trust between the parties, thereby aiding in the cessation of contentious disputes and encouraging their consensual resolution. The Commission underscores that the acknowledgment made by the State in this case is especially pertinent to the Inter-American System, as the facts recognized and their legal qualification contribute to the development of inter-American standards concerning political rights.

21. The precedents of the Inter-American Court have been unequivocal in asserting that, pursuant to Article 23.2 of the American Convention, the imposition of administrative sanctions that prevent political participation in popularly elected positions constitutes an undue restriction on political rights¹⁹. While the aforementioned paragraph delineates specific justifications allowing States to regulate the exercise of such rights, the Commission has maintained that these constitute *numerus clausus* limitations; thus, any restriction outside these grounds is incompatible with the Convention²⁰. Furthermore, concerning disciplinary procedures, the Inter-American Court has explicitly clarified that restrictions on political rights may only be imposed through a judgment rendered by a competent judicial authority in a criminal proceeding²¹.

22. In the cases *Petro Urrego v. Colombia* and *López Mendoza v. Venezuela*, the Inter-American Court established the standard according to which: (1) any restriction on the exercise of political rights—including dismissal, disqualification, or prohibition from running for office—(2) can only be imposed through a criminal sentence, (3) issued by a competent judge, and (4) within a procedure that fully respects due process guarantees. In the *López Mendoza* case, the Court emphasized that administrative disqualifications imposed by the Comptroller General of the Republic violated Article 23 of the American Convention by preventing Leopoldo López from running for office without judicial mediation. This constituted a violation not only of his political rights but also of the rights of the electorate. The Court further elaborated this standard in *Petro Urrego v. Colombia* by declaring that the dismissal and disqualification of a popularly elected official by the Disciplinary Chamber of the Attorney General’s Office constituted interference incompatible with the Convention, as they involved administrative sanctions that invaded a sphere reserved exclusively for criminal judges. Taken together, both cases demonstrate a consolidated criterion that holds that, under the rules of the American

¹⁹ I/A Court H.R. Case López Mendoza v. Venezuela. Merits, Reparations, and Costs. Judgment of September 1, 2011. Series C No. 233.

²⁰ IACtHR. Report No 137/99. Case 11.863. Merits. Andrés Aylwin Azócar and others (Chile), December 27, 1999.

²¹ I/A Court H.R. Case Gustavo Petro Urrego v. Colombia. Merits and Reparations. Judgment of July 8, 2011. Series C No. 406.

Convention, administrative authorities lack the competence to impose sanctions resulting in disqualification from exercising political rights.

23. The Commission emphasizes that, in accordance with this standard, the acknowledgment by the State concerning the facts and their characterization aligns with the Inter-American legal framework concerning political rights. This is attributable to the fact that the State (1) imposed a political restriction on Mr. Rodas, namely a prohibition from running for a presidential election, (2) through an administrative sanction rather than a criminal conviction, (3) issued by a non-judicial authority, and (4) in a proceeding that did not adhere to established principles of due legal process. In this context, the IACHR notes that the parties acknowledged that, although Mr. Rodas possessed the certificate required by the Electoral and Political Parties Law as well as the Law of Probity and Responsibilities of Officials and Public Employees, the electoral authorities denied the registration of the presidential ticket in which he was participating based solely on a search conducted on the General Comptroller's website, which revealed the existence of a complaint against him. All of this occurred although regulations establish that such a record only loses validity if it is subsequently verified that there exists administrative, civil, or criminal responsibility in the exercise of public office.

24. The acknowledgment of responsibility made by the State in this case not only confirms but also reinforces the Inter-American standard regarding restrictions on political rights. Firstly, it affirms the literal interpretation of Article 23 of the Convention concerning the restrictions that may be conventionally applied to the exercise of political rights. Secondly, it recognizes that restricting individuals' political participation based on confidential allegations constitutes a violation of political rights, the presumption of innocence, the publicity of the process, and judicial protection, as established in Articles 23, 8.2, 8.5, and 25 of the American Convention on Human Rights. The IACHR underscores that this aspect is especially significant because, unlike other precedents, there was not even an investigation into the alleged complaints. This absence prevents the establishment of objective criteria of responsibility to justify the imposition of sanctions and hampers the development of a substantial basis for challenge, thereby restricting the exercise of the right to defense.

25. The Commission underscores the significance of due process in all procedures whose resolutions determine rights and obligations, including political rights. In this context, the presumption of innocence and the right to defense play an indispensable role, as they are vital not only for individual and collective participation in public life but also for guaranteeing the impartiality, transparency, and fairness that should characterize electoral processes within a democracy. Furthermore, the absence of these guarantees in decisions that restrict the exercise of political rights risks engendering adverse effects on public perception and causing imbalances that hinder the proper development of electoral contests. Consequently, the Commission emphasizes the positive disposition of the State of Guatemala, and the widespread acknowledgment of responsibility expressed as a demonstration of its commitment to the values and principles of the American Convention.

26. At the same time, regarding the provisions of paragraphs 32 to 34 of clause III (economic compensation measures), paragraph B of clause III (measures of satisfaction), and paragraph C of clause III (measures of non-repetition) of the friendly settlement agreement, the Commission observes, and hereby declares, that compliance with said measures is still pending. Consequently, the Commission will await updated information to be submitted by the parties during the friendly settlement follow-up stage.

27. Finally, the IACHR reiterates that the rest of the content of the friendly settlement agreement is declarative and therefore not subject to its supervision. Consequently, the Commission considers that compliance with the friendly settlement agreement is still pending at the moment of its approval, and it will continue to supervise implementation of the aforementioned clauses until full compliance is achieved.

V. CONCLUSIONS

28. Based on the foregoing and in keeping with the procedure provided for in Articles 48(1)(f) and 49 of the American Convention, the Commission would like to reiterate its profound appreciation of the efforts made by the parties and its satisfaction that a friendly settlement has been arrived at in the present case on the basis of respect for human rights and consistent with the object and purpose of the American Convention.

29. Based on the reasons and conclusions contained in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the friendly settlement agreement that the parties signed on June 26, 2025.

2. To declare that compliance is still pending with paragraphs 32 to 34 of clause III (economic compensation measures), paragraph B of clause III (satisfaction measures), and paragraph C of clause III (non-repetition measures) of the friendly settlement agreement, according to the analysis contained in this report.

3. To publish the present report and include it in its Annual Report to the General Assembly of the OAS.

Approved by the Inter-American Commission on Human Rights on the 10th day of the month of December, 2025. (Signed): José Luis Caballero Ochoa, President; Andrea Pochak, First Vice President; Gloria Monique de Mees, Roberta Clarke, and Carlos Bernal Pulido, Commissioners.