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**REPORT No. 97/25**  
**PETITIONS 2350-23 and 2351-23**  
REPORT ON FRIENDLY SETTLEMENT

ROBERTO ARZU GARCIA GRANADOS AND DAVID ESTEBAN  
PINEDA BARRIOS  
GUATEMALA

Approved electronically by the Commission on June 24, 2025.

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**REPORT No. 97/25**  
**PETITIONS 2350-23 AND 2351-23**  
**FRIENDLY SETTLEMENT**  
**ROBERTO ARZU GARCIA GRANADOS AND DAVID ESTEBAN PINEDA BARRIOS**  
**GUATEMALA<sup>1</sup>**  
**JUNE 24, 2025**

**I. SUMMARY AND RELEVANT PROCEEDINGS OF THE FRIENDLY SETTLEMENT PROCESS**

1. On November 21, 2023, the Inter-American Commission on Human Rights (hereinafter, "Commission," "Inter-American Commission," or "IACHR") received petitions P-2350-23, lodged by Mónica Rodríguez on behalf of Roberto Arzu García Granados, and P-2351-23, filed by David Esteban Pineda Barrios, (hereinafter the "petitioners"), alleging the international responsibility of the Republic of Guatemala (hereinafter, "State," "Guatemalan State," or "Guatemala") for violation of the human rights provided for in Articles 8 (judicial guarantees), 23 (political rights), and 25 (judicial protection) of the American Convention on Human Rights, (hereinafter, "Convention" or "American Convention"), in relation to Article 1(1) (obligation to respect rights) thereof, to the detriment of Roberto Arzu García Granados and David Esteban Pineda Barrios (hereinafter the "alleged victims"), respectively, owing to a Supreme Electoral Tribunal decision to annul their registration as candidates for president and vice president of the Republic of Guatemala, representing the political party PODEMOS, in the 2023 general elections.

2. On September 25, 2024, the State expressed interest in initiating a friendly settlement process with respect to petition P-2350-23 and asked the IACHR to join it with petition P-2351-23 and to extend the State's consent to initiate a friendly settlement process to both matters jointly. On October 7, 2024, petitioner Mónica Rodríguez indicated her willingness to move forward with the negotiation process pertaining to petition 2350-23.

3. On January 22, 2025, the State and Messrs. Roberto Arzu García Granados and David Esteban Pineda Barrios, along with their respective representatives, signed a friendly settlement agreement (hereinafter "FSA") regarding both petitions. This marked the beginning of a friendly settlement process facilitated by the Commission, which was formally notified in petitions P-2350-23 and P-2351-23 on January 23 and 27, 2025, respectively. On February 5, 2025, the parties jointly submitted a progress report on compliance with the FSA and requested its official approval.

4. Pursuant to Articles 49 of the American Convention and 40(5) of the Commission's Rules of Procedure, this friendly settlement report includes a summary of the petitioners' allegations, and a transcription of the friendly settlement agreement signed on January 22, 2025 between the petitioners and representatives of the Guatemalan State. The Commission hereby approves the agreement signed by the parties and agrees to publish this report in its Annual Report to the General Assembly of the Organization of American States.

5. Additionally, in response to the parties' request and in view of the fact that a single FSA was signed for comprehensive reparations for the alleged victims in the two cases at hand, the Commission decides to join them in this process.

**II. THE FACTS ALLEGED**

6. According to the petitions, in August 2022, the Supreme Electoral Tribunal's Citizen Registry sanctioned the political party PODEMOS, preventing it from registering its presidential and vice-presidential candidates. The Citizen Registry deemed certain actions taken by Roberto Arzu García Granados to be early campaigning, in violation of Guatemala's Electoral and Political Parties Law. The petitioners indicated that they appealed the decision and, on January 19, 2023, a ruling in their favor overturned the sanction.

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<sup>1</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 take part in the discussion or decision in this case.

7. According to the petitioners' allegations, PODEMOS held a National Proclamation Assembly on December 11, 2022, during which the decision was made to nominate Roberto Arzu García Granados and David Esteban Pineda Barrios as candidates for the offices of president and vice president of the Republic of Guatemala, respectively, in the 2023 general elections. Consequently, on January 21, 2023, the PODEMOS Secretary General asked that General Directorate of the Supreme Electoral Tribunal's Citizen Registry to register this presidential ticket, in accordance with the procedures set forth in the Electoral and Political Parties Law and its regulations. The request was admitted on January 27, 2023 and notified on January 28, 2023.

8. Per the initial petition, the National Executive Committee Secretary General of the political party Frente de Convergencia Nacional (FCN-NACIÓN) challenged the above decision, alleging that Roberto Arzu García Granados had engaged in acts or activities that constituted a breach of the electoral process and therefore did not meet the requirements for registration set out in Article 214(g) of the Electoral and Political Parties Law. The petitioners claimed that the Supreme Electoral Tribunal then arbitrarily decided to revoke the alleged victims' registration on February 6, 2023 upon deciding that the candidate had indeed engaged in early campaigning and that PODEMOS was insolvent due to a fine imposed in 2019. In this regard, the petitioners argued that the Supreme Electoral Tribunal had failed to both analyze the claimant's standing and exhaust administrative channels with respect to the candidate's purported actions, bearing in mind that the facts alleged had already been subject to scrutiny in the context of the January 2023 decision. The petitioners likewise noted that PODEMOS's alleged insolvency was not part of the challenge and that the fine had been settled in due time.

9. The petitions indicated that the alleged victims had filed a constitutional amparo appeal against the February 6, 2023 decision with the Supreme Court of Justice's Amparo and Preliminary Proceedings Chamber. Their amparo appeal was dismissed on April 29, 2023. The petitioners then appealed that ruling before the Constitutional Court which, in a May 25, 2023 decision, upheld it.

### III. FRIENDLY SETTLEMENT

10. On January 22, 2025, the parties signed a friendly settlement agreement, the text of which is as follows:

**FRIENDLY SETTLEMENT AGREEMENT (FSA)  
PERTAINING TO THE VIOLATION OF THE CIVIL AND POLITICAL RIGHTS OF ROBERTO ARZU GARCÍA  
GRANADOS AND DAVID ESTEBAN PINEDA BARRIOS BY THE  
STATE OF GUATEMALA  
PETITION P-2350-23 AND PETITION P-2351-23**

#### I. APPEARANCE AND WILLINGNESS OF THE PARTIES

1. The State of Guatemala, in the person of **Carlos Federico Amézquita Galindo**, fifty-six (56) years of age, single, Guatemalan, sociologist, domiciled in the department of Guatemala, offering Personal Identification Document (DPI) with Unique Identification Code (CUI) number two thousand four hundred ninety-three space sixty-two thousand three hundred seventeen space zero nine hundred one (2493 62317 0901), issued by the National Registry of Persons of the Republic of Guatemala, Central America, acting in his capacity as **EXECUTIVE DIRECTOR OF THE PRESIDENTIAL COMMISSION FOR PEACE AND HUMAN RIGHTS (COPADEH)**, as evidenced by Governmental Agreement number one hundred and thirty-eight (138) of September eighteenth, two thousand twenty-four, and the Inauguration Record of September nineteenth, two thousand twenty-four, contained in the proceedings log of the Department of Human Resources, **ON BEHALF OF THE STATE OF GUATEMALA** declares that for purposes of the present instrument he is duly empowered to appear, sign, and ratify the Friendly Settlement Agreement (FSA) pertaining to the violation of the civil and political rights of Roberto Arzu García Granados and David Esteban Pineda Barrios by the State of Guatemala, pursuant to Article 2(j) of Presidential Governmental Agreement number 27-2024 and per the instructions issued by the President of the Republic of Guatemala, Bernardo Arevalo de León, contained in Official Letter No. 03 dated January 17, 2025.

2. The petitioners and their representatives: **Roberto Arzu García Granados**, as a **Petitioner**, fifty-four years of age, single, Guatemalan, businessman, here domiciled, with Personal Identification Document (DPI) with Unique Identification Code (CUI) number one thousand seven hundred eighty-eight space zero two thousand three hundred ninety-five space zero one hundred one (1788 02395 0101) issued by the National Registry of Persons; **David Esteban Pineda Barrios**, as a **Petitioner**, forty-two years of age, single, Guatemalan, attorney-at-law and notary, here domiciled, with Personal Identification Document (DPI) with Unique Identification Code (CUI) number two thousand seven hundred twenty-four space twenty-nine thousand seven hundred seventy-five space zero one hundred one (2724 29775 0101), issued by the National Registry of Persons; **Mónica Guisela Rodríguez Ortega**, in her capacity as **Representative**, forty-three years of age, single, Guatemalan, attorney-at-law and notary, here domiciled, with Personal Identification Document (DPI) with Unique Identification Code (CUI) number one thousand seven hundred and fifty-three space twenty-six thousand six hundred and seventy-three space zero one hundred and one (1753 26673 0101) issued by the National Registry of Persons; and **Rodrigo Martínez Morales**, in his capacity as **Representative**, twenty-three years of age, single, Guatemalan, attorney-at-law and notary, here domiciled, with Personal Identification Document (DPI) with Unique Identification Code (CUI) number three thousand six hundred seventy-one space ninety-seven thousand six hundred sixty-nine space zero one hundred fifteen (3671 97669 0115) issued by the National Registry of Persons; appearing here to ratify the present friendly settlement agreement.

3. It is hereby noted that the Inter-American Commission on Human Rights (hereinafter, "IACHR" or "Commission") received a petition identified as P-2350-23 on November 21, 2023 from Roberto Arzu García Granados alleging the international responsibility of the State of Guatemala for the violation of his civil and political rights as stipulated in Articles 8, 23, and 25 of the American Convention on Human Rights.

4. On September 3, 2024, the IACHR informed the State of Guatemala that, as the processing required by Article 30(3) of its Rules of Procedure had been completed, the petition filed by Roberto Arzu García Granados was procedurally ready for a report, wherein the Commission would rule on its admissibility based on the information available in the case file.

5. On September 13, 2024, Guatemala's Office of the Attorney General convened a meeting with the Presidential Commission, which took place on Tuesday, September 17, 2024. During that meeting, Roberto Arzu García Granados' willingness to pursue a friendly settlement agreement process was announced.

6. The Presidential Commission for Peace and Human Rights convened an initial meeting on November 11, 2024 with the Attorney General's Office and Roberto Arzu García Granados, who came accompanied by David Esteban Pineda Barrios. During the meeting, the Presidential Commission for Peace and Human Rights, together with the Attorney General's Office, was able to establish that the vice-presidential candidate for the political party PODEMOS, David Esteban Pineda Barrios, had also filed a petition (P-2351-23) pertaining to the violation of his political rights. Consequently and based on this background, the State of Guatemala and the representatives of Roberto Arzu García Granados and David Esteban Pineda Barrios, in an effort to advance in the fulfillment of the State's legal duty to repair the violations to the human rights indicated and thus comply with its international obligations, and despite the petitioners' having filed their petitions separately, decided to jointly negotiate a friendly settlement agreement, in consideration of the fact that the same rights had been violated by the State of Guatemala in not allowing the victims to participate in the general elections that took place in Guatemala in 2023.

7. On November 27, 2024, the Presidential Commission for Peace and Human Rights, by means of communication identified as Official Letter REF. No. DIDEH-1748-2024/COPADEH/DIDEH/ALCM/SG/la, requested the Attorney General's Office, on behalf of the State of Guatemala, to issue a technical opinion regarding the feasibility of negotiating this friendly settlement agreement. A communication identified as REF. UAI/JS-2492-2024/lfaz, was circulated on December 5, 2024, indicating that the Presidential Commission for Peace and Human Rights would be responsible for this case and would oversee the respective negotiations and subsequent approval of the friendly settlement agreement.

8. To this end, the parties have held several meetings and have agreed upon reparation measures for the victims in this case under the following terms:

## II. ACKNOWLEDGEMENT OF THE STATE'S RESPONSIBILITY AND ACCEPTANCE OF THE FACTS

9. Within the framework of this friendly settlement agreement, the State acknowledges that:
10. Political participation is a human right that permits any person to engage in activities aimed at impacting who will govern a State by influencing political life in that State. This right may be exercised directly, when citizens participate actively, or indirectly, if they do so through representatives or groups.
11. Pursuant to Article 23 of the American Convention on Human Rights: "[...]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."
12. On January 27, 2023, the Supreme Electoral Tribunal's Citizen Registry agreed to register the presidential ticket comprised of the victims, representing the political party PODEMOS. However, on February 6, 2023, via a decision issued in response to a challenge filed by another political organization, the Supreme Electoral Tribunal voided that registration.
13. The victims subsequently filed a number of legal actions in an effort to safeguard their rights and reverse the Supreme Electoral Tribunal's decision. These actions included an amparo appeal filed with the Supreme Court of Justice, which was dismissed in an April 29, 2023 judgment, with eight votes in favor and five against.
14. The victims appealed the above decision by filing an amparo action with the Constitutional Court. In a May 25, 2023 ruling, the Court upheld the original decision and dismissed the amparo action.
15. The victims contend that both decisions lacked sufficient legal grounds and thus violated their rights to due process and effective judicial protection.
16. In their petitions to the Inter-American Commission on Human Rights, the victims argued that the actions and decisions taken by the State of Guatemala, through its administrative and judicial bodies, resulted in unjustified restrictions to their right to participate in the electoral process, as guaranteed by Articles 8, 23, and 25 of the American Convention on Human Rights. They further stated that they were deprived of effective judicial remedies to challenge arbitrary decisions, in violation of Article 8 of the Convention.
17. In response to these allegations, the State of Guatemala, recognizing the need to take measures to strengthen respect for civil and political human rights and democratic principles, stated, in a September 23, 2024 communication identified as Official Letter REF. No. DIDEH-1358-2024/COPADEH/DIDEH/DADN/SG/la, its willingness to turn to the friendly settlement mechanism, as provided for in Article 40(1) of the IACHR's Rules of Procedure. This agreement reflects the parties' mutual commitment to resolve the instant case through a process of dialogue and consensus, respecting international standards.
18. The State of Guatemala, through this friendly settlement agreement, and based on Article 25 of the International Covenant on Civil and Political Rights, which specifically provides that: *"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: a) To take part in the conduct of public affairs, directly or through freely chosen representatives (...)"* (Bold and italics are our own).
19. Accordingly, the right to political participation creates an obligation for the State to provide favorable conditions to guarantee citizens **ROBERTO ARZU GARCÍA GRANADOS AND DAVID ESTEBAN PINEDA BARRIOS** and all Guatemalans the ability to engage in activities related to the selection of those who would govern them or in the development of State politics.
20. In view of the foregoing, the State of Guatemala undertakes to repair the harm caused by taking measures that include a press conference to publicly acknowledge the violations committed and publication of this friendly settlement agreement on the Presidential Commission for Peace and Human Rights' official website, where the responsibilities assumed by the State will be spelled out in detail.

Among these, the State of Guatemala commits to ensuring that **ROBERTO ARZU GARCÍA GRANADOS** and **DAVID ESTEBAN PINEDA BARRIOS's civil and political rights will not be violated again in future elections, provided they comply with the requirements under Guatemalan law to seek public office, as the case may be.** The State likewise commits to guaranteeing that effective mechanisms are in place for future electoral processes to prevent a repetition of these incidents, thereby reaffirming its duty to respect and guarantee the rights enshrined in the American Convention on Human Rights.

21. This agreement reflects not only the State of Guatemala's commitment to comply with its international human rights obligations, but also its intention to restore the victims' trust in the democratic system and in the national institutions responsible for safeguarding their rights. This commitment will take shape through concrete measures detailed in the present 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.

22. Per instructions from 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, recognizes the international responsibility of the State, notwithstanding any individual criminal liability that may be determined, for violation of the following rights of Roberto Arzu García Granados and David Esteban Pineda Barrios: civil and political rights enshrined in Articles 8, 23, and 25 of the American Convention on Human Rights.

23. It is important to both recall and reference prior cases involving violations of civil and political rights, since human rights constitute one of humankind's most significant achievements. The philosophical doctrine of natural law was the first to introduce these rights in society, establishing them in favor of the individual as a limit to State actions. In this connection, Gregorio Peces Barba defined human rights as follows:

24. *[T]he power of protection the norm attributes to the person in relation to their life, their freedom, equality, their political and social participation, or any other fundamental aspect that affects their comprehensive 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.<sup>2</sup>*

25. In this connection, human rights started to be regulated post-World War II through the creation of supranational bodies and the adoption and ratification of fundamental human rights treaties. From that point forward, with the establishment of liberal States, specific rights began to emerge, which in general terms can be: (a) civil, linked to the liberal conception of negative freedoms, alongside the principle of equality before the law, including life, liberty, and private property; and (b) political, rights of participation or collective exercise, such as the right to vote, freedom of the press, or of assembly.

26. Consequently, Article 23 of the American Convention on Human Rights provides: "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 this country."

### III. REPARATION MEASURES AGREED BY THE PARTIES

27. The friendly settlement mechanism provided for in Article 40 of the IACHR's Rules of Procedure seeks to guarantee resolution, through dialogue, of conflicts related to human rights violations and in doing so, strike a balance between victims' rights to full reparation and the State's obligation to ensure respect for and protection of the rights enshrined in the American Convention on Human Rights.

28. In this regard, the present agreement constitutes an act of joint will between the parties, aimed at satisfying the principles of justice and equity and guarantees of non-repetition, with full respect for

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<sup>2</sup> Report No. 61/22, Friendly Settlement Report, within Petition P-1287-2019 of the Inter-American Commission on Human Rights.



the international commitments undertaken by the State of Guatemala in accordance with international human rights standards.

#### A. COMPENSATION MEASURES<sup>3</sup>

29. Pursuant to Article 63(1) of the American Convention on Human Rights, the Inter-American Court of Human Rights has established that every violation of an international obligation which results in harm creates a duty to make adequate reparation<sup>4</sup> and that this article "*codifies a rule of common law*" that is one of the fundamental principles of contemporary international law on State responsibility,<sup>5</sup> and even a general understanding of law.<sup>6</sup>

30. Accordingly, victims **Roberto Arzu García Granados** and **David Esteban Pineda Barrios** and the State of Guatemala have agreed that in this case there will be no type of financial reparation and/or compensation, by the sole and exclusive decision of the victims, who **formally waive any claim to financial reparation and/or compensation before the Inter-American Human Rights System and the Universal Human Rights System for the violations committed by the State of Guatemala.**

#### B. MEASURES OF SATISFACTION

31. The State of Guatemala undertakes to make a public apology acknowledging the violation of citizens **ROBERTO ARZU GARCÍA GRANADOS** and **DAVID ESTEBAN PINEDA BARRIOS's** civil and political rights. This will be done through an **OFFICIAL AND PUBLIC PRESS CONFERENCE**, with the participation of a representative of the Presidential Commission for Peace and Human Rights and a representative of the Attorney General's Office, the victims, their respective representatives, and the media. The press conference will be held **within a maximum of 10 business days** following the signing of this agreement and the State of Guatemala will, among other things, make the following statement:

32. *"The State of Guatemala, in fulfillment of its international obligations and in the framework of the commitments undertaken with respect to the Inter-American Human Rights System, acknowledges that, during the 2023 electoral process, it violated the civil and political rights of citizens ROBERTO ARZU GARCÍA GRANADOS and DAVID ESTEBAN PINEDA BARRIOS. In this regard, the State accepts its responsibility and firmly commits to ensuring that such violations are not repeated in future elections, fully respecting the rights of the aforementioned citizens to run for any popularly elected office."*

33. *This does not release the victims Roberto Arzu García Granados and David Esteban Pineda Barrios or any Guatemalan citizen from the responsibility of having to comply with the requirements under applicable law to run for public office, nor does it empower the central government to interfere in the decisions of autonomous, semi-autonomous, independent or any other type of body, agency, or institution in a way that could be interpreted as meddling in the affairs of the different branches of government or that directly or indirectly infringes upon the autonomy and/or legal nature thereof and the sovereignty of the State of Guatemala.*

34. The State of Guatemala, through the Presidential Commission for Peace and Human Rights, undertakes to **PUBLISH** the present friendly settlement agreement **ON ITS OFFICIAL WEBSITE** for a **period of 2 years**, once the agreement has been duly approved by the Inter-American Commission on Human Rights.

#### IV. PARAMETERS FOR COMPLIANCE AND OFFICIAL APPROVAL BY THE IACHR OF THE PARTIES' AGREEMENT

##### COMPLIANCE PARAMETERS FOR THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS:

35. **Regarding the financial compensation and/or reparation measure: "Total compliance"** will be indicated in the IACHR's report regarding the official approval of this friendly settlement

<sup>3</sup> In the original FSA, section A's first paragraph was numbered 31. However, in looking at the numbering of the preceding paragraphs, the Commission understands that this was a material error and has adjusted the numbering to follow the proper sequencing to facilitate monitoring.

<sup>4</sup> I/A Court of H.R., *Case of Velásquez Rodríguez v. Honduras*, Reparations and Costs, Judgment of July 21, 1989.

<sup>5</sup> I/A Court of H.R., *Case of the "Street Children" (Villagran-Morales et al. v. Guatemala)*, Judgment of May 26, 2001.

<sup>6</sup> I/A Court of H.R., *Case of Velásquez Rodríguez v. Honduras*, Judgment of July 29, 1988.

agreement bearing in mind that the victims, solely and exclusively, decided to formally renounce this reparation measure for the violations committed by the State of Guatemala. The waiver applies to both the Inter-American Human Rights System and the Universal Human Rights System.<sup>7</sup>

36. **Regarding the first measure of satisfaction**, the Inter-American Commission on Human Rights will consider "**total compliance**" to have been achieved with respect to holding an official and public press conference in which public apologies will be offered in acknowledgement of the violations of the victims' civil and political rights *as soon as the Presidential Commission for Peace and Human Rights sends the IACHR a report with photographs and participant lists that prove the aforementioned press conference was held*.

37. **As to the second measure of satisfaction**, the Inter-American Commission on Human Rights will consider "**total compliance**" to have been achieved with respect to the Presidential Commission for Peace and Human Rights' publication of this friendly settlement agreement on its official website once two (2) years have elapsed from the time the IACHR is notified that it has been posted.

#### REGARDING OFFICIAL APPROVAL:

38. The parties respectfully ask the Inter-American Commission on Human Rights to approve and publish the report on this friendly settlement agreement immediately after its signing. The State of Guatemala undertakes to provide information on the status of compliance with the measures agreed between it and the victims.

39. Three (3) originals copies of this friendly settlement agreement have been signed: one for each of the parties and one for safekeeping by the Presidential Commission for Peace and Human Rights (COPADEH).

*Guatemala, January 22, 2025*

#### IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

11. The IACHR reiterates that in accordance with Articles 48(1)(f) and 49 of the American Convention, the purpose of this procedure is to "reach a friendly settlement of the matter based on respect for the human rights recognized in the Convention." The acceptance to pursue this process expresses the good faith of the State to comply with the purposes and objectives of the Convention pursuant to the principle of *pacta sunt servanda*, by which States must comply with the obligations assumed in the treaties in good faith.<sup>8</sup> It also wishes to highlight that the friendly settlement procedure set forth in the Convention allows for conclusion of individual cases in a non-contentious manner, and has proven, in cases involving a variety of countries, to provide an important vehicle for resolution that can be used by both parties.

12. The Inter-American Commission has closely followed the process of the friendly settlement reached in the instant case and appreciates the efforts made by both parties during the negotiation of the agreement to reach this settlement, which is consistent with the object and purpose of the Convention.

13. The Inter-American Commission takes note of the information provided by the State on September 25, 2024, through which it requested "unification" to initiate a friendly settlement process for petitions 2350-23 and 2351-23 pertaining to Roberto Arzu García Granados and David Esteban Pineda Barrios, respectively. The Commission likewise notes that, in the text of the FSA, the parties have expressed their decision to jointly negotiate the friendly settlement agreement as they believe the State of Guatemala violated the same rights in not allowing either of them to participate in the general elections that took place in Guatemala in 2023.

<sup>7</sup> On February 5, 2025, the parties clarified through a joint note that this portion of the FSA was not needed since the agreement's beneficiaries had expressly waived any claim to financial compensation, meaning there is no commitment the Guatemalan State must fulfill. The Commission therefore concludes that no level of compliance with this measure need be declared due to the declarative nature of Clause III.A.

<sup>8</sup> Vienna Convention on the Law of Treaties, U.N. 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.*



14. In view thereof and taking into consideration the information provided by the parties, the Commission, through this report, has decided to join petitions 2350-23 and 2351-23 and process them together, pursuant to Article 29(5) of its Rules of Procedure, since they involve the same persons and the same facts.

15. Additionally, in accordance with the FSA clause *regarding official approval*, and taking into consideration the parties' February 5, 2025, request to proceed in this manner, the Commission notes that it is appropriate at this time to assess compliance with the commitments established in the friendly settlement agreement.

16. The Commission considers that clauses I (*Appearance and willingness of the parties*), II (*Acknowledgement of the State's responsibility and acceptance of the facts*) and III. A (*Compensation measures*) of the agreement are of a declarative nature and, therefore, do not require monitoring for compliance. In this connection, the Commission values declarative clause II, in which the Guatemalan State acknowledges its international responsibility for violation of the rights to judicial guarantees (Article 8), to political rights (Article 23), and to judicial protection (Article 25) established in the American Convention, in connection with the general obligation to respect rights (Article 1(1) thereof), to the detriment of Roberto Arzu García Granados and David Esteban Pineda Barrios.

17. With respect to clause III, section B, paragraph 31, on the matter of a public apology, the parties have jointly reported that an apology was issued on January 27, 2025 during a press conference. They reported that there had been regular communication between the State and the petitioners, who agreed on each of the details for fulfillment of the measure, including the date, time, agenda, and logistics required. The parties indicated that the event had been presided over by the Executive Director of the Presidential Commission for Peace and Human Rights, who, on behalf of the State of Guatemala, acknowledged the State's responsibility in the terms set forth in the FSA.

18. The parties also reported on the participation of the victims, their representatives, and Guatemalan State officials, and in this connection, provided a photographic record of the press conference as well as a participant's list and copy of the agenda, which included welcoming remarks, statements by COPADEH, remarks by Roberto Arzu García Granados, as well as time for questions from the media.

19. Additionally, the Commission was made aware of media coverage of the act of acknowledgment of responsibility, was able to verify publications, and received a photographic record of the activities associated with the event. In view of the foregoing and taking into account the information provided jointly by the parties as well as the provisions of clause IV, paragraph 36 (*Parameters for compliance and official approval by the IACHR*), the Commission concludes that clause III, paragraph B of the friendly settlement agreement regarding the measures of satisfaction pertaining to a public apology, has been fully complied with and so declares.

20. As to clause III, section B, paragraph 34 regarding publication of the FSA, and based on the parties' joint request to proceed with official approval of the agreement prior to its execution, as well as on the provisions of clause IV, paragraph 37 (*Parameters for compliance and official approval by the IACHR*), the Commission notes that the FSA is set to be posted following the publication of the present report and therefore considers this matter to be pending compliance and so declares. Accordingly, the Commission will await updated information from the parties regarding execution after this report is approved.

21. Lastly, the Commission takes note of the information provided by the parties on February 5, 2025, in which they expressed their shared position that clause IV, paragraph 37 of the FSA (*Parameters for compliance and official approval by the IACHR*) is unnecessary given that the victims expressly waived any claim to financial compensation. In that connection, they clarified that the State is therefore under no obligation to comply with the measure. As a result, the Commission declares this portion of the FSA to be void.

22. In view of the foregoing, the Commission concludes that the friendly settlement agreement remains in partial compliance and so declares. The Commission will therefore continue to monitor

implementation of the FSA until total compliance is achieved. Lastly, the Commission concludes that the remaining content of the agreement is declarative in nature, and thus, does not require monitoring.

## **V. CONCLUSIONS**

23. 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.

24. By virtue of the considerations and conclusions set forth in this report,

## **THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

### **DECIDES:**

1. To accumulate petitions 2350-23 and 2351-23 pertaining to victims Roberto Arzu García Granados and David Esteban Pineda Barrios, and to that end, advise the parties that, from now on, the process will proceed solely under case file 2350-23.

2. To approve the terms of the friendly settlement agreement signed by the parties on January 22, 2025.

3. To declare total compliance in the case of clause III, section B of the friendly settlement agreement regarding the issue of a public apology through a press conference, based on the analysis contained in this report.

4. To declare clause III, section B of the friendly settlement agreement regarding publication of the FSA to be pending compliance, based on the analysis contained in this report.

5. To continue to monitor the commitments undertaken in clause III, section B regarding publication of the FSA, based on the analysis contained in this report. To that end, the Commission reminds the parties of their commitment to periodically update the IACHR on their compliance.

6. To publish this 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 24<sup>th</sup> day of the month of June 2025. (Signed): José Luis Caballero Ochoa, President; Andrea Pochak, First Vice President; Arif Bulkan, Second Vice President, Gloria Monique de Mees, Carlos Bernal Pulido and Roberta Clarke, Commissioners.