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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1688
Session:	Twenty-Ninth Ordinary Session (16 -27 October 1972)
Title/Style of Cause:	Unknown v. Guatemala
Doc. Type:	Decision
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Prof. Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela); All members attended the twenty-ninth session.
Dated:	14 March 1973
Citation:	Unknown v. Guat., Case 1688, Inter-Am. C.H.R., OEA/Ser.L/V/II/.29, doc. 41 rev. 2 (1972)
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[1] Communication No. 1702, of February 5, 1971, pertains to denunciation of various acts which allegedly violating human rights in Guatemala and, particularly, the death of many persons of the working class during the "state of siege" that the government declared beginning November 12, 1970.

[2] The Commission considered this denunciation at its twenty-fifth Session (March 1971) and decided to request the corresponding information of the Government of Guatemala, in conformity with Articles 42 and 44 of its Regulations. Consequently, it addressed a note to that government on May 10, 1971.

[3] At its twenty-sixth Session (October-November 1971) the Commission considered the status of Communication No. 1702 and observed that the government concerned had not answered its note of May 10, 1971. Consequently, it decided to reiterate its request for information, referring to the 180-day period established in Article 51 of its Regulations for supplying the corresponding information.

[4] In conformity with this decision, the Commission addressed the aforementioned government in a note of November 16, 1971.

[5] At its twenty-seventh Session (February-March 1972), the Commission again found that it was impossible to consider the case as the Government of Guatemala had not yet answered its repeated requests for the corresponding information on the facts reported to it.

Consequently, it decided to again reiterate to that government its request for the aforesaid information, again referring to the period established in Article 51 of its Regulations.

[6] In accordance with this decision, the Commission addressed the Government of Guatemala in a note dated March 30, 1972.

1. That the present administration has no responsibility for the murders, assaults, kidnappings, arson, and other crimes committed --and which continue to be committed-- in Guatemala, and that, on the basis of investigations carried out, such crimes may be imputed to the factions organized against each other by leftist and rightist extremists who are determined to destroy each other.
2. That, although this situation was inherited from previous administrations, that presided over by General Carlos Manuel Arana Osorio has sought, by all means available to it, to dissuade such groups from continuing their ruthless struggle, which solves no problems and only hampers solution of existing ones, worsening them in many cases.
3. That whenever the security forces of the government capture persons guilty of murder, assault, arson, kidnapping, etc., they place them at the disposal of the Courts of Justice--the only entities authorized to judge the alleged culprits and to apply appropriate penalties. Consequently, it is evident that this administration respects the separate powers guaranteed under the Constitution.
4. That human rights, which are fully guaranteed by the Constitution of the Republic and other legislation, continue to be in effect in Guatemala, inasmuch as, although the constitutional guarantees are restricted, the Law on Public Order, of constitutional rank, is applied. This law ensures to the country's inhabitants minimum rights regarding the safety of prisoners, humane treatment, and other rights that are inviolable, despite suspension of constitutional guarantees.
5. That persons who wish to accuse the Government of Guatemala, as in the cases mentioned, have a perfect right of recourse to the Courts of Justice in order to determine whether the prisoners accused of committing murders and the other crimes mentioned above are receiving humane treatment and due process."

[7] In conformity with its Regulations, the Commission transmitted the pertinent parts of the information supplied by the Government of Guatemala to the petitioners in a note dated May 23, 1972.

[8] At its twenty-ninth Session (October 1972), the Commission considered Case No. 1702 and the information supplied by the government concerned, together with Case No. 1748 (Guatemala) and decided to postpone its decision on these cases until the rapporteur appointed for Case No. 1748 had presented his report, without prejudice to deciding on the cases either jointly or separately

In accordance with the recommendation of the rapporteur, the Commission decided at that session to postpone its decision on the substance of the acts mentioned in Case No. 1702 until such time as the Government of Guatemala replied to the request for information on the acts denounced in Case No. 1748, and to follow the same procedure in both matters.