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| Institution:          | Inter-American Commission on Human Rights  |
| File Number(s):       | Case No. 1770  |
| Session:              | Thirty-Fourth Session (15 – 25 October 1974)   |
| Title/Style of Cause: | Hector Mario Perez Gomez v. Mexico   |
| Doc. Type:            | Resolution   |
| Decided by:           | President: Dr. Andrés Aguilar, President (Venezuela)<br>Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil)<br>Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico);<br>Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward<br>(United States); Dr. Genaro R. Carrio (Argentina) |
| Dated:                | 24 October 1974  |
| Citation:             | Guatemalan citizen v. Mex., Case 1770, Inter-Am. C.H.R.,<br>OEA/Ser.L/V/II.34, doc. 31 rev. 1 (1974)   |
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[1] Case 1770, July 18, 1973, supplemented on August 19, 1973, reporting the arbitrary arrest of, and wrongs done by the Mexican authorities to, a Guatemalan citizen in transit through Mexico.

[2] The Commission examined this case at its thirty-first session (October 1973) and decided to transmit the pertinent parts of the report to the Government of Mexico, in a request for information, in accordance with Articles 42 and 44 of the Rules of Procedure. In implementation of this decision, a communication was sent to the above-mentioned Government on December 19, 1973. In a communication dated January 5, 1974, the complainant was informed of the processing given to the report.

[3] At the thirty-second session (April 1974), the Commission studied the status of the case and, in view of the fact that the Government of Mexico had still not replied to its request for information dated December 19, decided to repeat the request for information, mentioning the time limit of 180 days established in Article 51 of the Rules of Procedure for the provision of the pertinent information. In this regard, it wrote to the Government of Mexico on June 3, 1974.

[4] The Government of Mexico, through its Permanent Mission to the Organization, in a (verbal) note dated October 8, 1974, addressed to the Secretary General, replied to the request of the CIDH. The pertinent parts of this reply are transcribed below:

"I wish to inform you that, after an exhaustive investigation of the relevant matter, it was found that the foreigner who made the complaint is Mr. HECTOR MARIO PEREZ GOMEZ, a Dominican citizen who was arrested in Nuevo Taredo, Tams., for having illegally entered the country on July 1, 1973.

"The above-mentioned foreigner was transferred to Mexico City, where he stated that he only wished to travel through Mexico to Guatemala, where his Guatemalan wife was residing, in order to regularize at the United States Consulate in Guatemala his re-entry into the United States where, he stated, he was a political exile; however, documents in his possession showed that he had been warned on June 27, 1973,

by the Department of Justice of the United States of America, to leave that country before July 6, 1973.

"In order to assist him, he was allowed to visit the United States Embassy in Mexico City in order to regularize his immigration status in, that country. That embassy rejected his request.

"Accordingly, he was taken by automobile to Talismán, Chs., from where he was deported from the national territory to Guatemala on July 13, 1973.

"This foreigner again illegally entered Mexican territory through Talismán, Chs., on November 23, 1973, posing as a Guatemalan citizen, travelled to Monterrey, N.L., where he took a car which his wife had brought from Guatemala, and again went to Nuevo Laredo, Tams.; on arriving there, the immigration authorities again arrested him for being in the country illegally.

"Mr. Gómez again stated that he was a political exile in the United States and attempted to enter Laredo, Texas, but the United States immigration authorities did not allow him to enter, which was why he was again sent to Mexico City, and it was decided to again deport him through the city of Talismán, Chis., on December 7, 1973."

[5] The Commission examined case 1770, together with the information provided by the Government of Mexico, and approved the following resolution (OEA/Ser.L/V/II.34, doc.27, dated October 24, 1974):

HAVING examined the report made by Mr. Héctor Pérez Gómez, in a letter dated July 18, 1973, on alleged mistreatment to which he had been subjected by the Mexican immigration authorities;

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,  
RESOLVES:

1. To declare that there is no information in the dossier on this case that supports the alleged violation of human rights.
2. To file the case.
3. To inform the Government of Mexico and the complainants of this decision

[6] This resolution was communicated to the Government of Mexico in a note dated December 17, 1974. In a communication dated November 19, 1974, the complainant was informed of the pertinent parts of the information supplied by the Government of Mexico as well as of the decision adopted in this case.