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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No.35/81; Case No. 7490
Session:	Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause:	Gustavo Adolfo Bejarano, José Luis Pena, Rafael Enrique Girón Mérida, Jordan Gilberto Salazar Uriza, Augusto Yach Ciriaco, Gerónimo Alberto Moreno Palencia, Alfonso Obdulio Molina Mérida, Ilian de la Cruz, Edgar de la Cruz, Julio César Pérez Gálvez, Víctor Herrera, Rosarion Leal, Nery Robledo Espinoza, Adalberto Juarez, José Ruíz, Juan Guerra Castro and Guillermo Turcio García v. Guatemala
Doc. Type:	Resolution
Decided by:	Chairman: Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Carlos A. Dunshee de Abranches; César Sepúlveda
Dated:	25 June 1981
Citation:	Bejarano v. Guat., Case 7490, Inter-Am. C.H.R., Report No. 35/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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## BACKGROUND:

1. In a communication of September 10, 1980, the following denunciation was made to the Inter-American Commission of Human Rights:

“On August 24, government security forces (detectives and army personnel), under the direction of Alfonso Ortiz, the Deputy Chief of the National Police Detectives Division, took 17 union leaders into custody.

The leaders were meeting at the "Emaús Medio Monte" farm, Palin District, Escuintla Department, owned by the Diocese of Escuintla. The license numbers of two of the vehicles used in the operation are P-78165 and P-78077. The numbers of the other license plates were not recorded because of the surprise elements of the operation.

As in the detention of the 27 union leaders of the National Workers Confederation (CNT), at that same headquarters, the Government denies having knowledge of the action and denies that the workers are being held, against all concrete evidence to the contrary.”

2. In a note of September 17, 1980, the Commission transmitted the pertinent portion of this denunciation to the Government of Guatemala, asking for information on the case.

3. In a note of October 21, 1980, the Commission transmitted to the Guatemalan Government the following additional information received from the claimants:

“Among the persons detained at the "Emaús Medio Monte" farm were the following: Gustavo Adolfo

Bejareno, Juan Guerra, Guillermo Turcios, Augusto Yach Ciriaco, Edgar de la Cruz, Ilian de la Cruz, and the farm manager.

After their arrest by security forces, under orders of Alfonso Ortiz, the second in command of the National Police Investigations, these persons were taken to the garages of the National Police Investigations Division in area 6 of the city, where they were tortured under the direction of the new Chief of Investigations, Pedro Arredondo.

4. In a note of December 8, 1980, the Commission furnished the Government, as additional information, a more complete list received from the claimants, with the names, professions or occupations, of the persons abducted from the Emaús Medio Monte farm on August 24, 1980, as follows:

José Luis Pena	(Manager of the Emaús farm
Gustavo Adolfo Bejarano	(Worker in the Cidasa factory)
Rafael Enrique Girón Mérida	"
Jordan Gilberto Salazar Uriza	"
Augusto Yach Ciriaco	"
Gerónimo Alberto Moreno Palencia	"
Alfonso Obdulio Molina Mérida	"
Ilian de la Cruz	(Union Orientation School of the University of San Carlos)
Edgar de la Cruz	"
Julio César Pérez Gálvez	"
Víctor Herrera	"
Rosarion Leal	"
Nery Robledo Espinoza	"
Adalberto Juarez	(Kern's Food Processing plant)
José Ruíz	"
Juan Guerra Castro	INCASA
Guillermo Turcio García	"

5. In a note of April 20, 1981, the Commission again requested information from the Guatemalan Government.

#### WHEREAS:

1. To date, the Guatemalan Government has not replies to the Commission's requests for information.

2. Article 39 of the Commission's Regulations provides as follows:

#### Article 39

The facts reported in the petition whose pertinent parts have been transmitted to the government of the state in reference shall be presumed to be true if, during the maximum period set by the Commission under the provisions of Article 31 paragraph 5, the government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

#### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. Based on Article 39 of its Regulations, to presume to be true the events denounced in the communication of September 10, 1980, concerning the arbitrary arrest and later torture of a group of union leaders, meeting in the "Emaús Medio Monte" farm owned by the Diocese of Escuintla, on August

24, 1980.

2. To declare that the Government of Guatemala violated Articles 5 (right to personal security), 7 (right to personal liberty), 8 (right to a fair trial), 15 (right of assembly), and 25 (right to judicial protection) of the American Convention on Human Rights.

3. To recommend that the Guatemalan Government investigate the events denounced and, if appropriate, punish those responsible, and to communicate its decision to the Commission within 60 days.

4. To transmit this resolution to the Government of Guatemala and to the claimants.

5. To include this resolution in the Commission's Annual Report to the General Assembly of the Organization of American States pursuant to Article 18 (f), of the Statute and Article 59 (g) of the Regulations of the Commission.

Note:

Dr. Francisco Bertrand Galindo declined to hear and decide on this case because he was living in Guatemala when the reported events occurred.