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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No.31/81; Case No. 7379
Session:	Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause:	José León Castañeda 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:	Castañeda v. Guat., Case 7379, Inter-Am. C.H.R., Report No. 31/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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## BACKGROUND:

1. In a communication of November 19, 1979, the following denunciation was made to the Inter-American Commission on Human Rights:

“On November 16, after being abducted and tortured, the journalist José León Castañeda, a founding member of the Communications Media Union "SIMCOS" and member of the Guatemalan Media Association "APG," was murdered. José León Castañeda had been the victim of several attempts against his physical security and had received a number of threats against his life, including, those made by then Anticommunist Secret Army "ESA" and by two deputies of the current legislature of the republic. Democratic and popular entities have interpreted the murder of José León Castañeda as an attack against freedom of expression, and they regard the crime as part of an intensification of the violence against members of the press.

According to information published in the media, José León Castañeda was abducted by two armed men driving a "Bronco" car (this type of car is one of the most commonly used by the government security forces). The information was reported by the father of the murdered journalist. After the kidnapping, José León was found lying in one of the city streets, and his death was reported as due to a heart attack. However, an autopsy was demanded, and it showed that the journalist had died because of the severity and kind of tortures inflicted on him: blows, pulmonary hemorrhage and asphyxia. SIMCOS noted that this is a new method of elimination used by the terrorist forces, instead of the coup de grace.”

2. In a note of June 25, 1980, the Commission transmitted the pertinent portions of this denunciation to the Guatemalan Government, requesting information on the case.

3. In notes of December 16, 1980, and April 20, 1981, the Commission again asked the Guatemalan Government for information.

## WHEREAS:

1. To date, the Guatemalan Government has not replied 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 reported in the communication of November 19, 1980, regarding the abduction, torture and murder of the journalist José León Castañeda.

2. To declare that the Government of Guatemala violated Articles 7 (right to personal liberty), 5 (right to personal security) and 4 (right to life) of the American Convention on Human Rights.

3. To recommend that the Guatemalan Government investigate the events reported and, if warranted, punish those responsible, and to inform the Commission of its decision 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 event occurred.