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Title/Style of Cause:	Israel Márquez v. Guatemala
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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
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BACKGROUND:

1. In a communication of June 6, 1979, the following denunciation was made to the Inter-American Commission on Human Rights:

The Coca Cola Bottling Plant located in Guatemala City has had a history of anti-union violence, but an extreme escalation of repression in recent months, including the murder of union leaders, has drawn the attention of international human rights agencies. Union sources cite the violence as a coordinated effort by the plant management and its U.S. owner, John Clinton Trotter, to destroy the union organization.
Cronology of the escalation of violence at the Bottling Plant from October 1978 to April 1979
On October 16, 1978, Israel Márquez, Secretary General of the union, was machine gunned as he drove back to his house. The attack, which he miraculously survived, completely destroyed the windows of his automobile. The report on this attack in "El Impartial" cites union sources stating that a dispute had taken place in the bottling plant earlier that day between union leaders and the management. According to the Union Federation (CNT), "the workers were warned about what might happen to them." According to union sources, a series of meetings were held in the Hotel Dorado Americano after the attack on Márquez. On at least one occasion, at the end of November, John Trotter and a group of plant managers met with Colonel Germán Chupina, who is described in a union statement as "one of the main agents of repression in Guatemala". A number of workers present at that meeting reported to the union that a decision had been made by the bottling plant management and the Chief of Police that the union would be destroyed within six months.
In November 1978, the bottling plant management advertised in the local press for staff assistants and security guards.
The advertisements stated that applicants must have experience in security organizations and in personal defense. As a result, three lieutenants and a number of armed guards now patrol de plant, prominently displaying their weapons. The three Army lieutenants are Juan Francisco Rodas (who has worked at the Río Hondo military bases), Edgar Gudiel Castro and Julio García. According to the "Nuevo Diario" of January 25, 1979, these three military men are now holding posts as heads of personnel, warehouse

operations and security.
On December 12, 1978, Petro Quevedo, the union Financial Secretary, was murdered. He was shot while seated in a company truck on a delivery route. Newspaper reports, such as the one published in "E1 Imparcial," of December 13, 1978, state that he received eight wounds in the throat and four in the face. Quevedo had been jailed on three occassions for union activities. In his speech at the annual meeting of the Coca Cola Bottling Plant, Marquez said that, eight days before the murder, he was present at a meeting when John Trotter threatened to have Quevedo killed. Eight members of the military police arrived at the plant early in the morning of December 1. Quevedo was murdered about 12:30 in the afternoon. Although two military police officers usually patrolled the plant at night, the presence of military personnel there in the morning was extremely rare. After hearing the news of the murder, workers in the plant confronted the police and said, "It is because you came to the plant this morning. You knew that Quevedo was going to be murdered." The police replied that they had come to the bottling plant because of rumors of robbery attempt. In addition, Márquez stressed that several hours before the murder, "all the plant managers appeared to be extraordinarily nervous."
According to union statements, "a campaign of terror began" after the murder of Quevedo. A death list of the Anti communist Secret Army (one of the rightist death squadrons) included the names of the entire union Executive Committee and Advisory Council. Threatening notes were also sent to workers in their homes. The only source of the correct addresses of these workers was the bottling plant office. In addition, the workers were forced to sign blank petitions against the union.
An anonymous worker reported in January 22, 1979, edition of "Noticias de Guatemala" an number of the attempts to destroy the union. He stated that, since the founding of the union, Trotter had tried to destroy the organization. When this press interview took place, most of the bottling plant workers were still in the union. A union spokesman said that, in the last 15 days, 6 of the 10 union leaders had resigned because of the increased repression and the consequent pleas of their families. They were immediately replaced. He described the difficult situation in where better jobs and salaries were offered to workers if they denounced the union, while, if they refused, they were threatened with being fired or murdered. He identified at least one specific death threat by Lieutenant Rodas.
On January 15, 1979, a number of vehicles with foreign license plates (the type of vehicles used in murders committed by rightist organizations) patrolled the plant grounds. On January 16, the same vehicles returned with two buses of the Police Motel Platoon. According to union sources, the police entered the plant to take Márquez into custody. When Márquez arrived at the plant, on the morning of January 16, a group of policemen tried to apprehend him, but he eluded them and ran away. His escape was aided by a friend who was driving after him, and picked him up in a small truck. While the two continued their flight, the police fired several times at the small truck.
On January 19, 1979, advertisements appeared in the local papers denouncing the workers' leader, Israel Márquez, as a poor union leader and a false representative of the workers' interests. The announcement allegedly was published by a Víctor Godínez.
Márquez said that a number of announcements had been published to denigrate him, and that they were all paid for by the company. The announcements were published by the same advertising agency hired to promote Coca Cola drinks. From Márquez' standpoint, the purpose of the company attacks was to defame him, to the point that, when he was finally murdered, there would be no public outcry. Interviews published in the "Noticias de Guatemala" on January 22, 1979, supported the assessment that the faith of union members in Márquez never failed and that all of the announcements were fraudulent.
On January 22, the union published in a number of newspapers a full-page open letter citing the paid advertisement of January 19 as a fraud. In addition, Víctor Godínez sent a sworn statement to the newspapers saying that he had never published the advertisements nor had he authorized his name to be used in any of those publications. In his open letter, he also gave details on the history of repression against the union.
On January 24, 1979, an innocent man, who had been mistakenly identified as Israel Márquez, was murdered when he left the house of that union leader. His wife was seriously wounded in the machine gun attack. Manuel Antonio Moscoso Zaldaña, 27, and his wife were married the previous month. Márquez

told the ICCR that, on the day of the murder, a group of eight policemen who had been patrolling the plant since the day of Quevedo's murder were reinforced by 20 men armed with machine guns. As occurred on the day of the previous murders, this detachment arrived at the plant several hours before the crime was committed.

On January 30, 1979, Israel Márquez, his wife and 10-month-old child took refuge in the Venezuelan Embassy. The family remained in the Embassy for about a month before traveling to Costa Rica.

On March 13, 1979, Sonia Olivia, a union leader of the plant, was taken prisoner and interrogated for 12 hours by the "Judicial Police" CRICASA the detectives squadron. According to Yolanda de Aguilar, the CNT Union Federation lawyer, Sonia Olivia was informed by the police that they were going to kill Manuel López Balán, the new Secretary General of the Coca Cola union.

On March 19, 1979, "Noticias de Guatemala" reported that Lieutenant Juan Rodas had continued warning workers to quit the union.

On March 30, 1979, an attempt was made to abduct Yolanda de Aguilar, the CNT lawyer. When she succeeded in escaping from her abductors ant entered an establishment full of people, she was warned, "you are safe now, but you know we are going to get you sooner or later."

On April 5, 1979, Manuel López Balán, 28, who had replaced Israel Márquez as Secretary General of the union, was murdered. Like Quevedo, he was murdered while running his delivery route. They struck him down with an iron pipe and then cut his throat from ear to ear. According to the "Nuevo Diario" (April 6, 1979), when another worker came to Balán's aid, one of the murderers hit him with a club and said "I don't want to kill you... he's the one I want," indicating Balán. As in the case of the Quevedo murder, the two murderers were reported to have followed the company truck on motorcycles. There were 17 wounds on Balán's body.

Israel Márquez said that Manuel Balán had been run down by a man on a motorcycle shortly after assuming the post of Secretary General of the union. He fractured a leg in the accident. Because of the nature of his wound, Balán was absent from work for a month. He was murdered the second day after he returned to work. Like Márquez, Balán had received numerous threats of death in the last few months. In January 1979, Balán was told at a meeting in the office of the manager, Alfonso Riego, that: "If he wanted to save his life, there was still time to quit the union."

On April 7, 1979, the father of Manuel López Balán was arrested by 20 uniformed policemen, according to reports in the Guatemalan newspapers.

On April 18, two of the three CNT Union Federation lawyers were abducted in an airport in Guatemala City. According to reports published in the newspaper "La Nación," on April 19, they were not arrested by members or agents of the regular police.

Two weeks after the murder of Balán, Marlon Mendizabal, 22, assumed the post of Secretary General of the Bottle Workers Union. He immediately received threats and warnings from the plant management. According to union sources, he was shown a list of names and addresses of his closest family members and was then made the following proposition: "Don't be a fool, resign your post. Don't you realize that we have the names of all your loved ones. . .Remember that torture is extremely painful... You know the various kinds of torture... There is this method, and that one, etc. . . . . " This oral harassment was followed by his arrest by the police on April 30, 1979.

2. In a note of June 18, 1979, the Commission transmitted to the Government of Guatemala the pertinent portions of the denunciation, requesting information on the case.

3. Later, on May 7, 1980, the following additional information was received from the claimants:

On April 14, 1980, at 10:00 a.m., representatives of the Guatemalan Bottling Plant Workers Union presented to the workers' court a request to discuss a new union contract, since the previous one had expired on February 2, 1980. The labor judge issued a ruling at that time under the labor law, prohibiting the dismissal of union members.

At 3:00 p.m. on that same day, 28 union members and three union leaders were fired.

On April 16, the three union leaders were reinstated.
The others have not been reinstated. All of them were threatened with death by Lieutenant Juan Francisco Rodas, an armed service officer on special duty acting as the company's head of personnel, if they did not accept their dismissal.
On May I of this year, four union members were abducted: Arnulfo García, René Reyes, Ricardo García, and Manuel de Jesús Gómez. The bodies of Arnulfo García, showing signs of torture, and of René Reyes were found on May 2 and 3, respectively. The other two have disappeared.

4. This additional information was transmitted by the Commission to the Guatemalan Government in a note of May 8, 1980, and information on these cases was requested from the Government.

5. In notes of December 16, 1980, and April 20, 1981, the Commission again requested information from the Guatemalan Government.

WHEREAS:

1. To date, the Guatemalan Government has not replied to repeated requests from the Commission for information on this case.

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 communications of June 6, 1979, and May 7, 1980, concerning the threats, intimidations, attacks, acts of violence, and illegal dismissals to which leaders and members of the Coca Cola Bottling Plant union were subjected, specifically: the machine-gunning and attempted murder on October 16, 1978, of the then Secretary General of the union, Israel Márquez, and his later attempted abduction on January 16, 1979; the murders of Pedro Quevedo, Secretary of Finance, on December 12, 1978, and Manuel Antonio Moscoso Zaldaña, on January 16, 1979; the attempted abduction of Yolanda Aguilar, CNT lawyer, on March 30, 1979; the murder of the new Secretary General of the union, Manuel López Balán, on April 5, 1979, followed by the arbitrary arrest of his father on April 7, 1979; the threats and later arbitrary arrest and imprisonment of Marlon Mendizabal, who replaced Mr. Balán as Secretary General; and the abduction on May 1, 1980, of four union members--Ricardo García, Manuel de Jesús Gómez, Arnulfo García and René Reyes, followed by the subsequent murder of the latter two.

2. To declare that the Government of Guatemala violated Articles 4 (right to life), 5 (right to humane treatment), 7 (right to personal liberty), 8 (right to a fair trial), 15 (right of assembly), 16 (freedom of association) 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 warranted punish those responsible: and that it 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.