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Title/Style of Cause:	Rodolfo Ramírez and Andrea Rodríguez de Ramírez 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:	Ramírez v. Guat., Case 7585, Inter-Am. C.H.R., Report No. 37/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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BACKGROUND:

1. In a communication of November 17, 1980, the following denunciation was made to the Inter-American Commission on Human Rights:

We are transmitting herein our eyewitness testimony of the murder of our parents and the persecution against us, their children.

The murder was committed with brazen impunity by the Government "security" forces headed by General Romero Lucas García.

On April 15, 1980, our parents were returning from downtown about 10:15 at night, accompanied by our small brother. Our brother opened the wire-mesh gate protecting the vehicle our parents were driving. At that instant, a brown Toyota, with license plate P-31209, appeared. A man whose clothing indicated he was from the east of the country got out of the Toyota and went toward our parents' car, firing several shots.

The first shots struck our father in the head and cheeks. The man emptied his gun into the bodies of our parents alternately, firing at short range into their chests, necks and faces. Our father tried to get out of the car and called out to our mother: "Now, Andres," but he could do nothing because he was unarmed.

Our father died almost instantly. Our mother opened her eyes and tried to say something, but the mortal wounds in her chest, neck and face prevented her. The 45-caliber bullets fired at point-blank range caused such profuse bleeding that the bodies had to be "re-paired" before being laid out in the coffins.

The brother who opened the gate escaped, but he was threatened by the murderers who brandished their guns at him and said: "Don't say anything..."

Minutes later, two cars with armed men parked some 150 meters from our house.

At that time, we were in a state of shock from the impact of such a brutal and inhuman attack against our parents.

Only later when we recovered a little, were we able to call the volunteer fire department, who came 30 minutes later without sirens or emergency lights.

Fifteen minutes later, a National Police tank, which people call "Swat," arrived. The police cynically

laughed at how the bodies of our parents were lying. One of the brothers asked them to go away, and the police responded with threats. They left only when a number of persons intervened.

Our mother was a worker in the garment industry. When she married, she quit work to take care of our home. Our father was General Secretary of the Guatemalan Union of Bricklayers and Related Crafts, a member of the Executive Committee of the Autonomous Union Federation of Guatemala (FASGUA), a member of the Board of Directors of the Guatemalan Union Unity Committee (CNUS), and a representative of the Guatemalan Construction Workers to the Latin American Federation of Building, Carpentry and Construction (FLEMACON) to the Union Unity Committee of Central America and Panama (CUSCA), to the Latin American Permanent Congress of Workers (CPOSTAL), and to the World Union Federation (FSM).

He was engaged in union activities for over 20 years and, in 1977 and 1978, had been warned by the heads of the Verapaz Departments and a plantation owner named Champán that he would be shot if he entered the region. Other threats were made against the FASGUA Executive Committee by the Ministers of the Government and of Labor.

The Federation headquarters in Escuintla had been machine-gunned.

At 8:00 that night, our parents, along with one of our small brothers, left the downtown area. As they did so, they saw a man on the corner who, when he saw them, got into a Toyota with other individuals and followed them for several blocks but lost them. On leaving the district, they also noticed a Toyota and a Volkswagen with armed men in them. The Toyota was not visible when they returned, neither was the radio patrol car that guarded the Chief of the National Police Radio, Patrol Section who lives in the same district.

After the murder, a number of persons picked up shells and said they were the 45-caliber bullets used by the Army. The other shells were "confiscated" by the police, who remained silent about the caliber of them. An official press release was published on the events by the El Gráfico newspaper, on April 17, which maintained that there was no explanation of the events, no witness to the murders, and that the caliber of the weapon used was unknown. The caliber was not mentioned in the autopsy report, either.

Not satisfied with having taken the lives of our parents, they began to persecute our family. This began to be seen in the dissecting room where we were waiting for the autopsy finding. We went with some friends of the family to a cafeteria to pass the time while waiting. At that time, two policemen (vigilantes), who were driving a motorcycle, stopped for several minutes and watched us intently.

The FASGUA headquarters, where the bodies of our parents were laid out, was heavily guarded. There were a number of telephone calls asking for the sons of the victims, but when they answered the phone, nobody was on the line. They asked for the son who had seen the murders.

The firemen refused to give any information on the event "on orders from up" according to several media people who requested information from anybody outside the family. During the funeral, we were harassed by heavy police surveillance, including elements of the anti-riot platoon.

Telephone service, providing us with communication to the outside world, was cut off. A number of persons connected with the central government stressed to us that the only way to guarantee our lives was to leave the country, because of the "scandal" that had resulted from the murder of our parents and because of the consequent actions that we might take.

Because our stay in the country became unbearable as a result of the anxiety produced by the many threats received, we found it necessary to go to the Embassy of Venezuela, requesting diplomatic protection to guarantee our safe departure. The Venezuelan officials agreed to protect us.

2. In a note of December 19, 1980, the Commission transmitted the pertinent portions of this denunciation to the Government of Guatemala, requesting information on the case.

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

WHEREAS:

1. To date, the 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 denounced in the communication of November 17, 1980, concerning the murder of Rodolfo Ramírez and his wife Andrea Rodríguez de Ramírez and the intimidation and threats made against their children.
2. To declare that the Government of Guatemala violated Article 4 (right to life) 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 inform the Commission of its decision on the case 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.