

WorldCourts™

Institution: Inter-American Commission on Human Rights
File Number(s): Report No.32/81; Case No. 7383
Session: Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause: Marcelino Santos Chajón 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: Santos Chajon v. Cuba, Case 7383, Inter-Am. C.H.R., Report No. 32/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)

Terms of Use: Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

BACKGROUND:

1. In a communication of July 2, 1980, the following denunciation was made to the Inter-American Commission on Human Rights:

At 11:00 a.m. on July 1, approximately 80 armed men arrived at the Guatemalan Coca Cola Bottling Plant, including uniformed members of the Judiciary Police of the Model Platoon. They beat up a number of strikers and forced them to return to work. Two workers were abducted. Both belong to the union. The name of one of them is Marcelino Santos Chajón.

2. In a cable of July 3, 1980, the Commission transmitted the pertinent portions of this denunciation to the Guatemalan Government, requesting that it furnish information on the case.

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

WHEREAS:

1. To date, the Government has not replied to the Commission's requests for information, dated July 3, 1980, and April 20, 1981.

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 July 2, 1980, concerning mistreatment of a number of strikers and the abduction of Marcelino Santos Chajón and another union worker at the Guatemalan Coca Cola Bottling Plant.
2. To declare that the Government of Guatemala violated Article 7 (right to personal liberty), 5 (right to human treatment), 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 reported and, if warranted, punish those responsible, and inform the Commission in 60 days of the measures taken to implement this recommendation.
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.