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Session:	Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause:	Carlos Stetter 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:	Stetter v. Guat., Case 7378, Inter-Am. C.H.R., Report No. 30/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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BACKGROUND:

1. In a communication of June 19, 1980, the Inter-American Commission on Human received the following denunciation:

On December 20, 1979, Father Carlos Stetter, parish priest of the Ixcán region, was virtually abducted when he landed in the airport of the city of Huehuetenango in the small plane that regularly transported sick persons, as well as medicines and building materials.

A few hours before his expulsion, the authorities denied having any knowledge of his whereabouts, both to church leaders and to German diplomats, thus violating provisions of the constitution and bilateral agreements between the Federal Republic of Germany and our country.

According to a decision of the General Migration Department, dated December 12 (which he was not informed of until the day he was arbitrarily taken into custody and expelled from the country), he was taken by armed men dressed in civilian clothes to Valle Nuevo, on the Salvadoran border, without having been given the opportunity to gather his belongings or to communicate with his superiors and his ambassador.

Father Carlos Stetter was born in Jagst, Allwangen, Germany, on March 9, 1941, and was ordained a priest on July 10, 1966. He arrived in Guatemala in 1971 and later became a resident after complying with the formalities required by law.

In the first five years, he was a priest in the community of CANTEL, Department of Quezaltenango. His religious work included the following: he unified the work of the State Parochial Clinic, built the churches of Estancia and Xecam, built a medical clinic, helped to form cooperatives, provided assistance in the electrification of Xecam, supported the parochial school, and provided valuable assistance to sports programs.

In Quetzaltenango, he founded Radio Fraternidad and, since he was an amateur radio operator, he was one of the first to transmit abroad notice of the tragedy suffered by the Guatemalan people in the 1976 earthquake. Immediately after the earthquake, he helped set up Operation Fraternity, in which more than 1,000 persons worked, and traveled to Germany to raise funds for building more than 2,500 housing units

in the communities of Santa Cruz Balanya, patzún patzicia, Tecpán and San Juan Comalapa. Following the death of Father Guillermo Woods (a case that todate has not been explained), Father Stetter requested transfer to the Ixcán region, which has 12,600 inhabitants, because he felt it was one of the most neglected areas and because the people repeatedly asked for a priest to be sent there.

In Ixcán, he developed cooperatives and transported sick persons, medicines and building supplies in a small plane. He organized groups of catechists and "delegates of the word," Adopting a very broad approach to his ministry, he took the first steps to build a school at the request of the people of the area, and to found a radio station and a clinic. These works have remained unfinished because of his expulsion.

The Huehuetenango Diocese where Father Stetter worked has always been one of the most peaceful departments in the country, but it has not escaped the wave of repression afflicting the Guatemalan people, because in recent months the people have been shocked by the murder of union leader Mario Mujia Cordova, who worked in the past on projects in the Diocese and in the Ixcán region; and the brutal attack on Mrs. Leticia Chávez de Rodriguez, a national hospital worker in Huehuetenango and mother of a member of a Guatemalan religious order, who lost an arm in an attack and remains in critical condition; in addition, numerous denunciations have been made by campesinos throughout the Ixcán region, concerning the abduction of local leaders, cooperative leaders, catechists, and "delegates of the word." Moreover, lists of threatened persons have appeared.

The expulsion of father Stetter is one of a number of similar cases, such as the expulsion of Sister Raymunda Alonso Queralt and the murder of Father Hermógenes López, which have constituted direct attacks on the church in Guatemala.

There is also a list of over 20 foreign members of religious orders whose expulsion from Guatemala is sought. Some religious residing in Guatemala for 20 years have had their temporary visas renewed for only a six-month non-extendable period, with no justification given.

In this case, the vague accusation of "foreign undesirable" was made against Father Carlos Stetter without stating why, and he was accused vaguely of "having violated the laws of the country," without stipulating which laws.

He was later expelled from the country without any hearing, which is a violation of Article 53 of the Constitution that provides: "No one may be sentenced without having been summoned, heard, tried and convicted in legal proceedings.

Father Stetter was detained without having committed any crime or offense, so that his captors are responsible for violating Article 45, which provides that "all citizens have the right to do anything not prohibited by law." Therefore, it is his captors and those who expelled him who violated the law, since they committed the crime of abduction (Article 201 of the Penal Code) and also the crime of abuse of authority (Article 418 of the Penal Code)."

2. In a note of June 25, 1980, the Commission transmitted the pertinent portions of this denunciation to the Guatemalan Government, and asked for information on it.

3. In notes of December 16, 1980, and April 20, 1981, the Commission again sent a communication to the Guatemalan Government, repeating its request 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 June 19. 1980, referring to the arbitrary detention and later expulsion from the country of Father Carlos Stetter.
2. To declare that the Government of Guatemala violated Articles 7 (right to personal liberty), 8 (right to a fair trial), 22 (right to freedom of movement and residence) and 25 (right to judicial protection), of the American Convention on Human Rights.
3. To recommend to the Government of Guatemala:
 - a) that Father Carlos Stetter be permitted to return to the territory of Guatemala and to reside in that country if he so desires;
 - b) that it investigate the acts reported and punish those responsible for them; and
 - c) that it inform the Commission in 60 days on the measures taken to implement these recommendations.
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.