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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 15/82; Case no. 7777
Session:	Fifty-Fifth Session (1 – 9 March 1982)
Title/Style of Cause:	Felipe Alvarez v. Guatemala
Doc. Type:	Resolution
Decided by:	Chairman: Mr. Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Luis Demetrio Tinoco Castro; César Sepúlveda.
Dated:	09 March 1982
Citation:	Alvarez v. Guat., Case 7777, Inter-Am. C.H.R., Report No. 15/82, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1981-1982)
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BACKGROUND:

1. The following denunciation was made to the Inter-American Commission on Human Rights in a communication dated November 24, 1980:

“On the night of Friday, November 21, Felipe Alvarez, the Mayor of San Martin Jilotepeque, in the Department of Chimaltenango, Guatemala, was kidnapped by a group of armed men in two jeeps, who machine-gunned his home, wounding Alvarez and his two children. Alvarez was taken away, and nothing has been heard of him since.

Felipe Alvarez was the Mayor of San Martin during the presidency of General Arana (1970-1974), but the 1974 election was stolen from him by a massive fraud at the polls. Alvarez was reelected in 1978.

Mr. Alvarez is a Christian Democrat and the only Indian mayor of San Martin since the Spaniards conquered Guatemala in the XVI century. He is a man who is respected by the entire community and during his term of office, his relations with the Indians and Latinos were very good and showed a notable improvement.”

2. In a note dated April 3, 1981, the Commission transmitted the pertinent parts of this denunciation to the Government of Guatemala, asking it to provide the corresponding information.

3. In a note of August 10, 1981, the Commission again wrote to the Guatemalan Government repeating its request for information, and reminding it that unless such information were forthcoming within the corresponding legal deadline, in application of Article 39 of the Regulations, the events recounted in the petition, the pertinent parts of which had been transmitted to it, would be presumed to be true.

WHEREAS:

1. To date, the Government of Guatemala has not responded to the Commission's requests for information on the present case.
2. It appears from the Government of Guatemala's failure to reply to the Commission's request for information that the hearing for friendly settlement called for in the Commission's Regulations is not in order.
3. Article 39 of the Regulations of the Commission provides:

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.

4. The Commission has in its possession some additional points of information that corroborate the events addressed by the denunciation,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. On the basis of Article 39 of the Regulations, to presume to be true the acts denounced in the communication of November 24, 1980, concerning the machine-gunning of the house of Mr. Felipe Alvarez, Mayor of San Martin de Jilotepeque, Department of Chimaltenango in Guatemala, and his subsequent kidnapping and disappearance, to be true.
2. To declare that the Government of Guatemala violated Articles 5 (right to humane treatment) and 7 (right to personal liberty) of the American Convention on Human Rights.
3. To recommend to the Guatemalan Government that it order an exhaustive investigation of the events denounced, in order to establish the responsibility of those persons who are directly or indirectly involved in order that the corresponding punishment may be given according to the law, and that it kindly communicate its decision to the Commission within a maximum of 60 days.
4. To communicate this resolution to the Government of Guatemala and to the claimants.
5. If within the time limit set in paragraph 3 of this resolution, the Government of Guatemala has not presented its observations, the Commission shall include this resolution in its Annual Report to the General Assembly, in accordance with Article 59, paragraph g of the Regulations of the Commission.