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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 17/82; Case no. 7821
Session: Fifty-Fifth Session (1 – 9 March 1982)
Title/Style of Cause: Luis Federico Castillo Mauricio 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: Castillo Mauricio v. Guat., Case 7821, Inter-Am. C.H.R., Report No. 17/82, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1981-1982)

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BACKGROUND:

1. The Inter-American Commission on Human Rights received the following denunciation in a communication dated April 10, 1981:

“We report the kidnapping of Mr. Luis Federico Castillo Mauricio, a miner and a trade-union leader, in the Province of Huchuetenango, Guatemala.

The victim is 32 years old, is married, and has three children under seven years of age.

He was kidnapped at midnight on February 24, 1981 by security forces at his place of work.

We want to know where he is detained and what are the charges against him.”

2. In a note of May 6, 1981, the Commission transmitted the pertinent parts of this denunciation to the Government of Guatemala, and asked 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 Guatemalan Government has not replied to the Commission's requests for information in relation to 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 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.

4. The Commission has additional information in its possession that corroborates the events recounted in 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 April 10, 1981, concerning the kidnapping and disappearance of the miners' union leader Luis Federico Castillo Mauricio to be true.

2. To declare that the Government of Guatemala violated Article 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 the persons that are directly or indirectly responsible, so that they can receive the proper legal punishment, and that it 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 the Government of Guatemala has not presented its observations within the time period set in paragraph 3 of this resolution, 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.