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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 18/82; Case no. 7822
Session:	Fifty-Fifth Session (1 – 9 March 1982)
Title/Style of Cause:	Iride del Carmen Marasso Beltrán de Burgos 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:	Marasso Beltrán de Burgos v. Guat., Case 7822, Inter-Am. C.H.R., Report No. 18/82, 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 May 11, 1981:

“Iride del Carmen Marasso Beltrán de Burgos, aged 30, a citizen of both Chile and Italy, married to a citizen of El Salvador, was arrested by security forces along with her son, Ramiro Ignacio Burgos Marasso, aged one and a half, on April 25, in her home. The security forces took them to the investigations section of the Guatemalan National Police and no charges have been brought against them. At the time of her arrest, Mrs. Marasso Beltrán de Burgos was 8 months pregnant. There are eye-witnesses to the events. No more has been heard of them, and there is fear for their lives.”

2. In a cabled note of May 11, 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 reiterating 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 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 additional information in its possession that corroborate 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 May 11, 1981, concerning the arrest, arbitrary detention and subsequent disappearance of Mrs. Iride del Carmen Marasso Beltrán de Burgos and of her youngest son, aged one and a half, Ramiro Ignacio Burgos Marasso.

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 investigate the events denounced, and that if pertinent, it punish those responsible, 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 does not present 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.