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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 13/85; Case No. 6095
Session:	Sixty-Fourth Session (4 – 8 March 1985)
Title/Style of Cause:	Roberto Castellanos Braca and Anette Mathiessen v. El Salvador
Doc. Type:	Resolution
Decided by:	Chairman: Dr. César Sepúlveda Members: Andrés Aguilar; Marco Gerardo Monroy Cabra; Gilda M. Russomano; Bruce McColm
Dated:	05 March 1985
Citation:	Castellanos Braca v. El Sal., Case 6095, Inter-Am. C.H.R., Report No. 13/85, OEA/Ser.L/V/II.66, doc. 10 rev. 1 (1984-1985)
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## BACKGROUND:

1. Through a communication dated March 4, 1980, the Inter-American Commission on Human Rights received the following complaint:

On Sunday, February 24, at 5:00 p.m., professor Roberto Castellanos Braca and his wife Mrs. Anette Mathiessen, were abducted by the National Police of El Salvador. The arrest was witnessed by several neighbors of the Nicaragua District, where the persons abducted lived. Professor Castellanos was seized on the street, and a short time later members of the police force raided his home and arrested Mrs. Mathiessen de Castellanos there. Thus far, the Salvadorian authorities deny any knowledge of the Castellanos' whereabouts.

2. On March 5, the IACHR transmitted the pertinent parts of the complaint to the Government of El Salvador. A few days after this case began, on March 8, the parties making the complaint informed the Commission that the Salvadorian press agencies were reporting that the bodies of Roberto Castellanos, 29 years of age, and his wife, Anette Mathiessen de Castellanos, 23 years of age and of Danish origin, had been found in an open grave in a rural area. This was also reported to the Salvadorian Government through a cable of March 10, 1980, in order to obtain further information on the case.

3. On March 14, 1980, the Commission received the following message in a cable from the Salvadorian Foreign Ministry:

Respectfully acknowledge receipt your telegraph message dated March 6 concerning case 6095 in reference to Mr. Roberto Castellanos and his wife, Anette, of Danish nationality. In this regard, I inform you this Foreign Ministry has requested the pertinent information from all the authorities. I renew the expressions of my highest consideration. Fidel Chavez Mena. Ministry of Foreign Affairs.

4. The complaint having been processed in keeping with the pertinent legal provisions the IACHR, after three years of unfruitful steps aimed at obtaining some information from that government, resolved,

on October 4, 1983, on the basis of Article 39 of the Regulations, to presume true the facts reported in the communication of March 4, 1980, on the seizure and subsequent murder of Roberto Castellanos Braca and his wife, Anette Mathiessen de Castellanos, declaring that in this instance the Government of El Salvador is responsible for violation of Articles 4 (Right to Life) and 5 (Right to Humane Treatment) of the American Convention on Human Rights.

5. This resolution having been conveyed on October 17, 1983, to the Government of El Salvador, on February 7, 1984, that government conveyed to the Inter-American Commission on Human Rights its disagreement with the resolution's contents, stating that it strongly and categorically rejected the accusation made against it. However, it did not provide any further information about the seizure, abduction, and murder of the aforementioned Castellanos-Mathiessen couple, who until the time of their deaths were being held by the Salvadorian Police Force. Neither did it report on the investigations recommended by that same Resolution 21/83 to try and punish the perpetrators and planners of such an abominable act.

WHEREAS:

a. The Resolution adopted by the Commission in the case of Roberto Castellanos Braca and his wife, Anette Mathiessen, was fully in keeping with the provisions of Article 39 of the IACHR's Regulations inasmuch as the Government of El Salvador, aside from acknowledging receipt and reporting that it had requested the pertinent information from the authorities, never provided the Commission with any information on the matter. Neither did it answer the several notes sent to it informing it that, in view of the time elapsed, the provisions of Article 39 of the Regulations would be applied to it, nor did it request an extension of the legal deadline;

b. Article 39 of the aforementioned Regulations expressly states the following:

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.

c. Although in its note dated February 7, the Foreign Ministry states that it is the channel that conveyed to the Commission all the information requested on the investigations made with regard to Case 6095. The Commission states for the record that this information never reached the IACHR, and it regrets that no indication was given as to the cover note or the date the information might have been sent and this omission is not corrected in the aforementioned communication;

d. In addition to the failure to provide any information thus far, on the event that is the subject of the complaint, the Government of El Salvador has not denied the arrest of the Castellanos-Mathiessen couple by members of the National Police Force, which occurred, according to various sources, in front of several eyewitnesses; and

e. There is not sufficient information to warrant changing the contents of Resolution No. 21/83,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To confirm in its entirety the contents of Resolution No. 21/83 concerning Case 6095.

2. To reiterate to the Government of El Salvador the recommendations contained in paragraph 3 of that Resolution, recommending to it that those responsible for the act be punished.

3. To convey this Resolution to the Government of El Salvador and to the complainant.
4. To include this Resolution in the Commission's next Annual Report to the General Assembly of the Organization of American States.