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Decided by:	Chairman: Luis Adolfo Siles Salinas; First Vice Chairman: Gilda Russomano; Second Vice Chairman: Marco Tulio Bruni Celli; Members: Dr. Marco Gerardo Monroy Cabra; Dr. Bruce McColm; Ms. Elsa Kelly; Messrs. Oliver Jackman
Dated:	09 April 1986
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BACKGROUND:

1. That for several years the IACHR has been receiving a sizable number of reports of kidnapping and forced disappearance of persons in Guatemala, but in particular during the period 1978-1985.
2. That the Commission has opened and processed the individual and class cases corresponding to the complaints made about such disappearances and has transmitted the pertinent parts to the Government of Guatemala requesting it to undertake the pertinent investigations and to provide the relevant information.

CONSIDERING:

1. That such disappearances have been carried out by means of a similar and coordinated procedure consisting in illegal and forced seizures of persons in their homes, in their places of work and on the public highway, by heavily armed personnel, sometimes in uniform, who usually identify themselves as belonging to the Technical Investigations Department of the National Police (DIT) or to the Special Operations Brigade (BROE) or to the Armed Forces, also by paramilitary groups or members of the Civilian Self-defense Patrols, who acted with the acquiescence of the government authorities, which neither the police nor the armed forces of the locality where the events occurred interrupted or intercepted during the conduct of the operation; they then took the victim to an unknown destination, from which no news was again had of him nor was the identity of the authors determined in even one of the thousands of cases of disappearances reported, and all these events went unpunished;
2. That in each one of the cases covered by this resolution and kindred situations like that of the hundreds of persons that are missing on whose behalf writs of habeas corpus have been lodged but which were almost all dismissed by the courts of that country, and of the hundreds of missing persons of to the Mutual Support Group (GAM), the list of the names of which, in both cases, were delivered by the

IACHR to the Minister of External Relations, the Minister of the Interior, and the President of the Supreme Court of Justice, concerning which the Government of Guatemala has provided insufficient or unsatisfactory information or has not provided any information, which does not clarify the whereabouts of the missing persons or report the penalties applied to the authors of those disappearances, despite the fact that in some cases the family members of the victims have provided descriptions and even identified the participants in the kidnapping operations;

3. That the Commission has received information from varied sources concerning the problem of the chronic violence that Guatemala has experienced in recent years and especially about the disappearance of persons, which has also been a matter of public knowledge within and outside that country;

4. That the Inter-American Commission on Human Rights during its on-site observation visit to the Republic of Guatemala, in September 1982 and May 1985, and through various and continuing steps, expressed the greatest interest in exhausting every opportunity to determine the truth of the present status of the missing persons and also interviewed the highest political military and police authorities and also some of the persons accused of being the persons responsible, the family members of the missing persons, and eyewitnesses of those events.

5. That the Commission has reached the regrettable conclusion that most of the missing persons were murdered for reasons it is not in a position to determine but which, in any case, involves a serious responsibility for those who ordered their arrest, seized them, kept them detained and caused them to disappear.

6. That the General Assembly of the Organization of American States, considering the proportions and characteristics of the phenomenon of the disappearances that had been taking place, decided, at its XIII Regular Session in November 1983, in Resolution No. 666, to declare that the forced disappearance of persons is an affront to the conscience of the hemisphere and constitutes a crime against humanity.

7. That the democratic governments of America may grant amnesties for reasons of social peace but not cease to investigate the atrocious events that may have occurred during the periods that preceded them.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To declare that the responsibility of those who, in the discharge of their duties, during the period covered by this resolution, under the administrations of General Romeo Lucas Garcia, General Efraim Rios Montt and General Oscar Humberto Mejia Victores, ordered the arrest, made the arrests, detained and summarily executed without trial, or caused the disappearance of thousands of Guatemalan citizens who have not been found in the Republic of Guatemala, is condemnable and serious.

2. To inform the Government of Guatemala that such events constitute the most serious violations to the right to personal liberty (Article 7), the right to personal security and humane treatment (Article 5), the right to due process and other judicial guarantees (Article 8) and the right to life (Article 4) of the American Convention on Human Rights.

3. To urge the Government of the Republic of Guatemala to take all the necessary measures for clarifying and solving as far as possible the problem of missing persons and that of their widows, orphans and other family members.

4. To recommend to the Government of Guatemala:

- a. That it inform and clarify to the family members the status of the missing persons, which is to be understood to mean those who were arrested in operations that, by reasons of the conditions under which they were carried out, their characteristics, and the coinciding declarations of the eyewitnesses, give good reason to presume the participation in them of the police;
 - b. That an exhaustive investigation be made of the facts mentioned and that the corresponding responsibilities be established through the public institutions the democratic systems provides for;
 - c. That legislative measures be adopted for repairing the consequences of the disappearances of persons, especially as regards the situation of the family members of the victims.
 - d. That whatever measures are necessary be taken to prevent such events ever occurring again, which should include a national campaign for the promotion and teaching of human rights;
 - e. That it keeps the Commission informed of the measures taken to implement the recommendation contained in this Resolution;
5. To transmit this resolution to the Government of Guatemala and to the petitioners.
 6. To suspend consideration of the individual and collective cases of the missing persons although, in those cases in which new and important evidence comes to light, the Commission may reopen its consideration and again begin to study them.
 7. To include this Resolution in its Annual Report to the General Assembly of the Organization of American States, in accordance with Article 48 (2) of the Regulations of the Commission, although at its next session the Commission may reconsider this resolution in the light of new and further evidence that may have been provided.