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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 58/01; Case 9207
Session:	Hundred and Eleventh Special Session (3 – 6 April 2001)
Title/Style of Cause:	Oscar Manuel Gramajo Lopez v. Guatemala
Doc. Type:	Report
Decided by:	Chairman: Claudio Grossman; First Vice-Chairman: Juan E. Mendez; Commissioners: Helio Bicudo, Robert K. Goldman, Peter Laurie, Julio Prado Vallejo Commissioner Marta Altolaguirre, a Guatemalan national, did not participate in the discussion and voting on this report, in accordance with Article 19(2) of the Commission’s Regulations.
Dated:	4 April 2001
Citation:	Gramajo Lopez v. Guatemala, Case 9207, Inter-Am. C.H.R., Report No. 58/01, OEA/Ser.L/V/II.111, doc. 20, rev. (2000)
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I. SUMMARY

1. In September 1983, the Inter-American Commission on Human Rights (hereinafter “the Commission”) received a petition from Mr. Hugo César Gramajo López (hereinafter “the petitioner”) concerning the disappearance of his brother Oscar Manuel Gramajo López (hereinafter “the victim”) in the Republic of Guatemala (hereinafter “the State” or “the Guatemalan State”).

2. The petitioner alleges that on November 17, 1980, the victim and three companions were arrested by officers of the National Police, with the assistance of members of the Fiscal Police and of the military. The arrest occurred under the following circumstances: the victim and his friends were in the house where one of the friends lived, listening to the radio with the volume turned up and drinking, when a neighbor reported them to the police because of the noise they were making.

3. After reviewing the petitioner’s case and in light of the Guatemalan State’s refusal to provide the Commission with information despite warnings that Article 42 of the Regulations of the IACHR would be applied, the case is found to be admissible. It is also concluded that the grounds for the report are true and that the Guatemalan State violated Oscar Manuel Gramajo López’s rights to life (Article 4), to personal integrity (Article 5), to personal liberty (Article 7), and to judicial protection (Articles 8 and 25), as well as the obligation to guarantee the rights protected in the American Convention on Human Rights, as established in Article 1(1) thereof.

II. PROCEEDINGS BEFORE THE COMMISSION

4. On November 4, 1983, the Commission proceeded to open the case with number 9207 and transmitted the pertinent parts of the petition to the Guatemalan State requesting that it provide information on the material facts of that communication within a 90-day period.

5. Having received no reply from the Guatemalan State, the Commission reiterated its request for information on May 30, 1984 and indicated that “if the information was not received within 30 days, the Commission would consider the possibility of applying Article 39 of the Regulations” whereby the facts reported would be presumed to be true.[FN2]

[FN2] The former Article 39 of the Regulations is now Article 42.

6. As the Commission received no reply from the Guatemalan State, on February 19, 1985, it renewed its request for information granting an additional time limit of 30 days and again indicating the possibility of applying Article 42 of the Regulations. The Commission still received no reply from the Guatemalan State.

7. On December 2, 1998, the Commission requested the petitioner and the Guatemalan State to submit within 30 days any recent and relevant information that might have arisen in the case. On that date, also, the Commission offered its services to the parties in reaching a friendly settlement. In that regard, the Commission never received any additional information or notification from the parties as to whether they accepted to proceed with a friendly settlement.

8. Upon receiving a verbal request from the Guatemalan State, the Commission sent it copies of the case file on February 11, 1999.

9. The Commission reiterated its request for information on August 31, 2000, granting a time limit of 30 days, with no possibility of extension. The State has not responded to this new request for information.

III. POSITIONS OF THE PARTIES

A. Petitioner

10. The petitioner alleges that, on November 17, 1980, officers of the National Police, in collaboration with the Fiscal Police and members of the military illegally arrested his brother Oscar Manuel Gramajo López (17 years old on the date of his arrest), who has been missing ever since. As soon as the arrest occurred, the victim’s family immediately went to the National Police, who denied having made the arrest.

11. The victim was arrested while he was with a group of friends listening to the radio with the volume turned up and drinking at the home of one of these friends. A neighbor, who was disturbed by the noise the young people were making, called the police. The National Police,

assisted by the Fiscal Police and members of the military, arrested the four boys, forcibly removing them from the house and mistreating them. The police officers then took the four young men to the First National Police Corps where they were allegedly beaten.

12. The report further stated that, between 1981 and 1983, the victim's family received news from a Colonel in the army and another man working in the army, who was a friend of the victim, that the victim was alive and in prison. They also indicated that Oscar Manuel had been held at the Justo Rufino Barrios army headquarters for some time and was later subjected to forced labor, under the supervision of the army, on projects in Santa Cruz Barillas, Huehuetenango, and Poptún Petén.

13. In August 1983, the victim's family received information indicating that he was alive. According to that account, a merchant driving a van near Santa Cruz Barillas on the way to Huehuetenango was stopped en route by a stranger, who, it would appear, was the victim. He asked the merchant where he was and later told him that he was doing forced labor under army command in the mines of Santa Cruz Barillas. The victim asked the merchant to let his family know that he was alive. The merchant delivered the message to the victim's family through a woman working with Mr. Gramajo López's mother.

B. Position of the State

14. The Guatemalan State never submitted information in this case despite having been requested to do so on four occasions. The Guatemalan State was twice informed that if it did not submit information on the facts stated in the report, the Commission could invoke Article 42 of its Regulations, whereby it could presume the facts to be true if the State refused to submit information.[FN3]

[FN3] The Article 42 of the Regulations of the Inter-American Commission states that: "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 34 paragraph 5, the government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion."

IV. ANALYSIS OF ADMISSIBILITY

A. Competence

15. The Commission has prima facie competence to examine the case. The facts alleged in the petition occurred when the Guatemalan State was bound by the obligation to observe and guarantee the rights established in the American Convention.[FN4]

[FN4] The Guatemalan Government ratified the American Convention on Human Rights on May 25, 1978.

B. Requirements for admissibility of the case

a. Exhaustion of domestic remedies and timeliness of the petition

16. As indicated in the report, the victim's family went to the offices of the National Police on the day after Mr. Oscar Manuel Gramajo López was arrested. It is also noted that they did not file a formal report with the authorities for fear of government reprisals if they reported an illegal arrest committed by military personnel and police officers. Similarly, the report states that the witnesses were threatened by the police and did not want to come forward. For example, Mr. Mario Calderón, who was at home at the time of the arrest, moved to another town because he thought the family would ask him to testify in court.

17. Regarding the exhaustion of domestic remedies, the Guatemalan State failed to reply to any of the Commission's requests for information. This rule on exhaustion of domestic remedies seeks to give the State the opportunity to resolve the problem under domestic law before resorting to an international proceeding. For the Commission, the Guatemalan State's silence constitutes a presumption of tacit refusal to apply the rule of exhaustion.

18. Furthermore, in addition to this refusal to apply the rule of exhaustion of domestic remedies, the Commission believes that, when the events occurred, the remedies of Guatemala's domestic jurisdiction were ineffective and failed to provide minimum guarantees of due process of law.[FN5] This exceptional situation as regards the facts, which is envisaged in Article 46(2) of the Convention, is also a valid condition for application of the requirement of exhaustion of domestic remedies provided in Article 46(1)(a).[FN6]

[FN5] See "Report on the Situation of Human Rights in the Republic of Guatemala," OEA/Ser.L/V/II.53 doc. 21 rev.2; Annual Report of the Inter-American Commission on Human Rights 1981-1982, OEA/Ser.L/V/II.57 doc. 6 rev. 1; "Report on the Situation of Human Rights in Guatemala," OEA/Ser.L/V/II.61 doc. 47, October 5, 1983.

[FN6] See pages 7 and 8 of this report.

2. Duplication of procedures and res judicata

19. There is no evidence that the subject matter of the petition is pending other proceedings under international law, or that it might be the duplication of another previous matter already examined by the Commission or other international agency. Consequently, the requirements set out in Articles 46(1)(c) and 47(d) of the Convention have been fulfilled.

3. Colorable claim

20. The Commission is of the view that the petitioner's allegations concerning the forced disappearance of Oscar Manuel Gramajo López at the hands of government agents and the latter's ineffectiveness in investigating the acts and punishing the perpetrators of that crime could

constitute violations of rights guaranteed in Articles 4, 5, 7, 8, 25, and 1(1) of the American Convention. As there is no evidence that these aspects of the petition are groundless or without merit, the Commission considers them admissible in accordance with the requirements established in Article 47(b) and (c) of the American Convention.

21. It should also be taken into consideration for admissibility that the Guatemalan State has never questioned the disappearance of Mr. Oscar Manuel Gramajo López nor the fact that these acts were committed by government agents. In particular, since the time the pertinent parts of the report were transmitted and after repeated requests, the State has not submitted any information on the case, thereby failing to perform an international obligation under Article 48 of the American Convention. For this reason, the Commission considers the presumption within the limits of Article 42 of its Regulations to be applicable to the case. Article 42 of the Commission's Regulations stipulates that the facts reported in the petition, whose pertinent parts have been transmitted to the State, shall be presumed to be true if, during the maximum period set by the Commission, the State has not provided the pertinent information, as long as other evidence does not lead to a different conclusion. In this case the existing information does not lead to a different version of the facts from the one reported, indeed it confirms the report.

4. Conclusions regarding competence and admissibility

22. The Commission concludes that it is competent to hear the merits of the petition in this case and that said petition is, in principle, admissible, in accordance with Articles 46 and 47 of the American Convention.

V. ANALYSIS OF THE MERITS

A. Right to life (Article 4), right to personal integrity (Article 5), and right to personal liberty (Article 7)

23. Mr. Oscar Manuel Gramajo López has remained missing to this day.

24. In that connection, the Inter-American Court of Human Rights has stated that the forced disappearance of persons constitutes a multiple and continued violation of numerous rights recognized in the Convention, which the States Parties are required to observe and guarantee. These begin with the kidnapping of the person, which involves the arbitrary deprivation of freedom and violates the right of the detainee to an immediate hearing before a judge. In most cases it also involves prolonged isolation and coercive severing of communications—which constitutes cruel and inhumane treatment—as well as the execution of the detainees in secret, with no form of trial, followed by the concealment of the body in order to remove any material evidence of the crime and allow the perpetrators to act with impunity.[FN7] Furthermore, reflecting the development of the Criminal Court for the former Yugoslavia and for Rwanda, said court codified this practice, making forced disappearance an ongoing offense or one that is committed at successive intervals until the missing person reappears alive or his/her remains are found, and it is considered a crime against humanity. This is also established in the International Criminal Statute adopted by the Diplomatic Conference of Rome on July 17, 1998, in Article 7(1)(I).[FN8]

[FN7] Velásquez Rodríguez Case, Judgment of July 29, 1988, paragraphs 145 et seq.

[FN8] See Report N° 7/00, Case 10.337 – Amparo Tordecilla Trujillo, Colombia, February 24, 2000.

25. The time when Mr. Gramajo López was deprived of his freedom and seen for the last time coincided with the period of armed conflict in Guatemala when the largest number of forced disappearances took place.[FN9] It should also be taken into account that the victim lived in the San Marcos Department, which was reported by the Commission to Clarify History to be one of those departments where the largest number of forced disappearances occurred.[FN10]

[FN9] See “Guatemala Memoria del Silencio,” Vol. II (Human rights violations and acts of violence), Report of the Commission to Clarify History.

[FN10] Ibid.

26. Furthermore, given the context in which the disappearance occurred, the silence of the Guatemalan State, and the fact that, after more than 20 years, the whereabouts of Oscar Manuel Gramajo López are still not known, it can be reasonably concluded that the Convention was repeatedly violated, in light of Articles 7, 5, and 4 thereof.

27. Article 7 of the American convention enshrines the right to personal liberty and security.[FN11] It is clear from the facts of this case that Oscar Manuel Gramajo López was taken from the house where he was found by government agents, who failed to produce any warrant for his arrest or take him immediately before the competent judge or authority. These facts constitute a serious violation of the provisions of Article 7 of the American Convention.

[FN11] Article 7. Right to Personal Liberty

1. Every person has the right to personal liberty and security.

2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.

3. No one shall be subject to arbitrary arrest or imprisonment.

4. Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.

5. Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial.

6. Anyone who is deprived of his liberty shall be entitled to recourse to a competent court, in order that the court may decide without delay on the lawfulness of his arrest or detention and order his release if the arrest or detention is unlawful. In States Parties whose laws provide that

anyone who believes himself to be threatened with deprivation of his liberty is entitled to recourse to a competent court in order that it may decide on the lawfulness of such threat, this remedy may not be restricted or abolished. The interested party or another person in his behalf is entitled to seek these remedies.

28. Article 5 of the American Convention establishes that every person has the right to have his physical, mental, and moral integrity respected.[FN12] According to the Inter-American Court “prolonged isolation and deprivation of communication are in themselves cruel and inhuman treatment, harmful to the psychological and moral integrity of the person and a violation of the right of any detainee to respect for his inherent dignity as a human being. Such treatment, therefore, violates Article 5 of the Convention, which recognizes the right to the integrity of the person...”[FN13]

[FN12] Article 5. Right to Humane Treatment

1. Every person has the right to have his physical, mental, and moral integrity respected.
2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.
3. Punishment shall not be extended to any person other than the criminal.
4. Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons.
5. Minors while subject to criminal proceedings shall be separated from adults and brought before specialized tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.
6. Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.

[FN13] Velásquez Rodríguez Case, Judgment of July 29, 1988, paragraph 156.

29. The right to life is enshrined in Article 4(1) of the American Convention, which establishes that every person has the right to have his life respected and that no one may be arbitrarily deprived of life.[FN14] Now, twenty years after the disappearance, the whereabouts of the victim have not been determined. In light of the time that has elapsed, the Guatemalan Government’s silence, and the context in which the events took place, it is reasonable to infer that the victim is no longer living. These circumstances constitute a serious violation of Article 4 of the American Convention.

[FN14] Article 4. Right to Life

1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.
2. In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court and in

accordance with a law establishing such punishment, enacted prior to the commission of the crime. The application of such punishment shall not be extended to crimes to which it does not presently apply.

3. The death penalty shall not be reestablished in states that have abolished it.

4. In no case shall capital punishment be inflicted for political offenses or related common crimes.

5. Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age; nor shall it be applied to pregnant women.

6. Every person condemned to death shall have the right to apply for amnesty, pardon, or commutation of sentence, which may be granted in all cases. Capital punishment shall not be imposed while such a petition is pending decision by the competent authority.

30. For these reasons, the Commission concludes that, based on the facts reported and the silence of the Guatemalan State, government agents caused the victim's disappearance and violated his right to life, to liberty, and to personal integrity, enshrined in Articles 4, 5, and 7 of the American Convention.

B. Obligation of the State to investigate, try, and punish those responsible and the right of victims to judicial protection

31. Articles 8 and 25 of the American Convention establish the State's obligation to provide access to justice with guarantees of legality, independence, and impartiality, within a reasonable time frame, and with due protection, as well as the general obligation to provide effective judicial recourse in the event of violations of fundamental rights, incorporating the principle of effectiveness of instruments or procedures. As indicated by the Court:

State Parties have an obligation to provide effective judicial remedies to victims of human rights violations (Art. 25), remedies that must be substantiated in accordance with the rules of due process of law (Art. 8(1), all in keeping with the general obligation of such States to guarantee the free and full exercise of the rights recognized by the Convention to all persons subject to their jurisdiction.[FN15]

[FN15] Inter-American Court of Human Rights, Velásquez Rodríguez Case, Preliminary Objections, Judgment of June 26, 1987, paragraph 91.

32. The lack of effective recourse in the event of violations of rights recognized in the Convention is itself a violation of that Convention. Judicial remedies and mechanisms are not only formally provided in the legislation but must also effectively establish whether a human rights violation has been committed and remedy its consequences.[FN16]

[FN16] See Inter-American Court of Human Rights Cases: Velásquez Rodríguez, Preliminary Objections, Judgment of June 26, 1987; Farién Garby and Solís Corrales, Preliminary Objections, Judgment of June 26, 1987, paragraph 90; and Godínez Cruz, Preliminary Objections, Judgment of June 26, 1987, paragraph 93.

33. Domestic remedies in Guatemala have not provided a satisfactory and effective mechanism for guaranteeing due process of law and for determining the whereabouts of Oscar Manuel Gramajo López, investigating the facts and punishing those responsible for his disappearance. In that regard, the comments of the Commission to Clarify History (CEH) should be noted:

The failure of Guatemalan administration of justice to protect human rights during the domestic armed conflict has been clearly and fully established, in light of the thousands of human rights violations recorded by the CEH, which were not investigated, tried, or punished by the Guatemalan State. Very few cases were investigated to determine the facts and try and punish the perpetrators. Exceptionally, in one case, the victims and their families received reparations for the injury caused. In general, the judiciary failed to address basic procedural remedies to control the public authorities in cases where the rights to personal liberty and security, such as habeas corpus, were seriously trampled. In addition, on numerous occasions, courts in the justice system subordinated themselves to the executive, applying legal standards or provisions that were contrary to due process or failing to apply those that would ensure due process.[FN17]

[FN17] See Note 8, op cit, Vol. III, pp. 113-151.

This left the population completely defenseless against abuses of power and gave the impression that the judiciary was an instrument for the defense and protection of the powerful that repressed or denied protection of fundamental rights, especially for those who were victims of serious human rights violations.[FN18]

[FN18] Ibid.

In this climate of threats, the few judges and magistrates that had assumed the responsibility for providing the remedy of personal hearings, refrained from taking further action. According to one judge "fear was the predominant pathology" that paralyzed any attempt by the judiciary to protect human rights. It should also be mentioned that the highest judicial authorities were incapable of protecting the physical integrity of judges and magistrates....[FN19]

[FN19] Ibid.

In conclusion, between 1966 and 1982, the judiciary systematically denied the remedies of habeas corpus and effective judicial protection for persons illegally detained by the security forces, for different reasons, most of which can be imputed to its agencies, in particular the Supreme Court of Justice.[FN20]

[FN20] Ibid.

34. These deficiencies in the domestic remedies of Guatemalan jurisdiction do not only justify the assertion that the petitioners are not obligated to use and exhaust domestic remedies; they also invoke the international liability of the Guatemalan State as they constitute a violation of the rights to judicial protection and judicial guarantees, recognized in Articles 25 and 8 of the American Convention.[FN21]

[FN21] Idem.

C. Obligation to respect and guarantee the rights recognized by the Convention

35. Article 1(1) establishes the obligation of States Parties to guarantee the exercise of basic rights and freedoms recognized in the Convention.[FN22] This obligation entails the duty to organize governmental structures, and all structures in general, that would legally guarantee the free and full exercise of human rights. As a result of this obligation, the States Parties are legally bound to prevent, investigate, and punish any violation of human rights protected by the American Convention.[FN23] Specifically, in the case of forced disappearance of persons, the State has the duty to determine the victim's fate and status, punish the guilty parties, and compensate the families. Similarly, the Court indicated that:

[FN22] Article 1(1) Obligation to Respect Rights

1. The States Parties to this Convention undertake to respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

[FN23] Inter-American Court of Human Rights, Velásquez Rodríguez Case, Judgment of July 26, 1988, paragraph 166.

The State has a legal duty to (...) carry out a serious investigation of violations committed within its jurisdiction, to identify those responsible, to impose the appropriate punishment and to ensure the victim adequate compensation.."[FN24]

[FN24] Ibidem, paragraph 174.

36. In this case, the Guatemalan State has not effectively performed its obligation to elucidate the forced disappearance of Oscar Manuel Gramajo López, as well as try and punish those responsible and provide reparations to the victim's family. The Commission concludes that the Guatemalan State has failed in its obligation to guarantee the right to life, liberty, and personal integrity of Oscar Manuel Gramajo López, as well as the right to judicial guarantees for the victim and his family under Article 1(1) of the Convention.

VI. DEVELOPMENTS FOLLOWING THE ARTICLE 50 REPORT

37. On October 5, 2000, under the terms of Article 50 of the American Convention, the Commission adopted Report 87/00 in connection with this case. The report was transmitted to the Guatemalan State on October 30, 2000, along with a request for it to provide information, within the following two months, about the steps taken to comply with the Commission's recommendations.

38. On January 29, 2001, after that period had expired, the Guatemalan State told the Commission that: "The actions deemed appropriate for implementing the recommendations set forth in the aforesaid confidential reports were carried out—including a search for information, records, and judicial case files—but no positive results were obtained. The Government of Guatemala therefore believes that the Commission should provide information about the names and addresses of the family and the petitioners in order to begin implementing the recommendations because, in order to conduct an exhaustive investigation and compensate the victims, their identities and locations need to be established in order to set up communications channels for furthering compliance with the recommendations contained in the aforesaid confidential reports. The Government of Guatemala regrets not having met the limit date for reporting on the confidential reports; however, this occurred because when the time allotted expired, major efforts were still being made to gather together information about those cases. In addition, the work required to attend to the cases undergoing friendly settlement proceedings meant an increased workload that made it impossible for us to communicate on date set by the honorable Commission."

39. The Commission believes that the Guatemalan State's comment that "the actions deemed appropriate for implementing the recommendations set forth in the aforesaid confidential reports were carried out—including a search for information, records, and judicial case files—but no positive results were obtained" confirms this report's conclusion regarding the disappearance of Oscar Manuel Gramajo López and the failure of the State of Guatemala to conduct a serious and effective investigation to reveal the victim's whereabouts and to punish those responsible for his disappearance.

40. Furthermore, the Commission does not share the Guatemalan State's opinion that "the Commission should provide information about the names and addresses of the family and the petitioners in order to begin implementing the recommendations because, in order to conduct an exhaustive investigation and compensate the victims, identities and locations need to be

established in order to set up communications channels for furthering compliance with the recommendations contained in the aforesaid confidential reports.” In this regard, the Commission points out that it is the inherent duty of the Guatemalan State to initiate and pursue legal investigations and that the State cannot rely on information provided by the Commission to “conduct an exhaustive investigation” in order to reveal the whereabouts of Oscar Manuel Gramajo López and to judge and punish those responsible for his disappearance. The Commission believes that the fact that more than 20 years after the events described herein the State still lacks even the most basic information about the identity and whereabouts of the victim’s family reinforces all the Commission’s conclusions in this report.

41. In light of the information submitted by the Guatemalan State, the Commission concludes that it has not complied with the recommendations set forth in Report 15/01 of March 2, 2001, and it reiterates its conclusions and recommendations.

VII. CONCLUSIONS

42. Based on the above-stated considerations in fact and in law, the Commission concludes that the Guatemalan State has violated the rights of Mr. Oscar Manuel Gramajo López to life (Article 4), personal integrity (Article 5), personal liberty (Article 7), and judicial protection (Articles 8 and 25), as well as the obligation to guarantee the rights protected in the Convention, as established in Article 1(1) thereof.

VIII. RECOMMENDATIONS

43. On the basis of the analysis presented, the Inter-American Commission on Human Rights reiterates its recommendations that the State of Guatemala:

- a. Conduct and impartial and effective investigation of the facts reported to determine the circumstances and fate of Mr. Oscar Manuel Gramajo López, which would establish the identity of those responsible for his disappearance and punish them in accordance with due process of law.
- b. Adopt measures for full reparation of the violations determined, including: steps to locate the remains of Mr. Oscar Manuel Gramajo López; the necessary arrangements to accommodate the family’s wishes in respect of his final resting place; and proper and timely reparations for the victim’s family.

IX. PUBLICATION

44. On March 2, 2001, the Commission sent Report N° 15/01 to the Guatemalan State and to the petitioners in compliance with Article 51(2) of the American Convention. It also gave the State one month in which to comply with the above recommendations. The day that the period expired, Guatemala requested two month extension to report on its compliance with the recommendations. Given the length of time that has transpired since the occurrence of the facts in this case which we brought to the Commission's attention in 1983 and given the nature of the case at hand, the Commission decided to deny the extension requested by the Government of Guatemala.

45. In light of the above considerations and pursuant to Article 51(3) of the Convention and Article 48 of its Regulations, the Commission decides to repeat this report's conclusions and recommendations, to publish it, and to include it in its Annual Report to the OAS General Assembly. The Commission, in compliance with its mandate, will continue to monitor the steps taken by the Guatemalan State in connection with the aforesaid recommendations until such time as they have been carried out in full.

Done and signed in Santiago, Chile, April 4 , 2001 Signed: Claudio Grossman Chairman; Juan E. Méndez, First Vice-Chairman; Helio Bicudo, Robert K. Goldman, Peter Laurie, and Julio Prado Vallejo, Commissioners.