

OEA/Ser.L/V/II.152
Doc. 14
15 August 2014
Original: Spanish

REPORT No. 82/14

CASE 11.311

REPORT ON ARCHIVE

GERMÁN ALFREDO DE LEÓN PARAJÓN
GUATEMALA

Approved by the Commission at its session No. 2002 held on August 15, 2014
152 Special Period of Sessions.

Cite as: IACHR, Report No. 82/14, Case 11.311. Archive. Germán Alfredo de León Parajón.
Guatemala. August 15, 2014.

REPORT NO. 82/14
CASE 11.311
DECISION TO ARCHIVE
GERMAN ALFREDO DE LEON PARAJÓN
GUATEMALA
AUGUST 15, 2014

ALLEGED VICTIM: Germán Alfredo de León Parajón

PETITIONER: Commission for the Defense of Human Rights in Central America (CODEHUCA)

ALLEGED VIOLATIONS: Articles 1, 4 and 5 of the American Convention on Human Rights

DATE PROCESSING BEGAN: June 15, 1994

I. POSITION OF PETITIONER

1. On June 15, 1994, the Inter-American Commission on Human Rights received a petition lodged by the Commission for the Defense of Human Rights in Central America (CODEHUCA), for the alleged violation of the right to life and humane treatment of Mr. Germán Alfredo de León Parajón (hereinafter also “the alleged victim”), as a consequence of his alleged disappearance and killing by members of armed groups operating with the tolerance and acquiescence of the State of Guatemala (hereinafter also “the State” or “Guatemala”).

2. In their complaint, the petitioners claimed that union leader Germán A. de León Parajón, founding member of the Workers’ Union of Quetzaltenango (UTQ), who once held the position of Regional Chief of Extracurricular Education, was arrested and disappeared.

3. At 7:30 AM, the alleged victim arrived at his daughter’s school, in the Quetzaltenango neighborhood of Molina, when he was intercepted by three heavily armed men, one of them allegedly wearing the uniform of the State security officials, who forced him to get into a van with tinted windows and took him away from the location. As of that point in time, his whereabouts were unknown. On June 2, his dead body was found at kilometer 115 of the Inter-American highway, at a location known as “Las Trampas,” municipality of Godínez, Department of Sololá. His body allegedly presented signs of torture.

4. The petitioners believed that these incidents are consistent with the *modus operandi* of the outlawed armed groups operating at that time in Guatemala with absolute impunity; and that the State did not conduct a diligent investigation into the disappearance and death of the alleged victim.

II. POSITION OF THE STATE

5. The State contended that upon learning of the incidents, the Presidential Coordinating Commission on Human Rights Policy (COPREDEH), as a party involved in monitoring the case, requested information from the Office of the Director General of the National Police and the Office of the Attorney General of the Nation.

6. Accordingly, the Office of the Director General of the National Police reported that on June 1, 1994, between 7:00 and 7:30 AM, the vehicle transporting the alleged victim was intercepted by a van with tinted windows and that his body was found at 21:00 hours on that same day at kilometer 4 of the highway to Godínez, village of Patzutzún, municipality of Concepción, Department of Sololá.

7. According to the account of the State, the incidents were first investigated by the Office of the District Attorney of Quetzaltenango, which established that the alleged victim had been in a traffic accident a few days prior to his disappearance and that the person who had crashed into him had given him a check, which apparently bounced. On April 4, 1997, the alleged victim's wife was interviewed and stated that she did not file a complaint because she was sure that the person responsible for the death of the alleged victim was the person with whom he had had the car accident earlier. The State also claims that the family members of the alleged victim never came forward in person to testify in the criminal proceeding.

III. PROCEEDINGS BEFORE THE IACHR

8. The petition was received on June 15, 1994. The IACHR forwarded the petition to the State on June 22, 1994.

9. On October 12, 1994, the State submitted its reply and the relevant portions of it were forwarded to the petitioners. On November 8, 1995, the observations of the petitioners were received, which were then forwarded to the State on January 29, 1996.

10. Then on February 20, 2002, both parties were asked to provide updated information regarding what domestic remedies had been pursued in order to clarify the facts surrounding the death of the alleged victim and the investigations into the crimes. On January 4, 2005, the IACHR reiterated the request for information to the State.

11. The State replied on February 15, 2005, and this information was forwarded to the petitioners on April 7 of that year, requesting their observations within a period of one month. This communication was reiterated to the petitioners on February 28, 2011, along with a warning that the petition could be archived. However, no reply was received.

IV. BASIS FOR DECISION TO ARCHIVE

12. Both Article 48.1.b of the American Convention on Human Rights and Article 42 of the Rules of Procedure of the Inter-American Commission on Human Rights establish that in processing a petition, after the information has been received, or after the period established has elapsed and the information has not been received, the Commission shall ascertain whether the grounds for the petition or communication still exist. If they do not, the Commission shall order the record to be closed.

13. In the instant case, the latest response of the petitioners was on November 8, 1995. Nineteen years have elapsed since that date. After conducting the appropriate examination, the Commission finds that it does not have sufficient evidence to determine whether the petition is admissible or inadmissible, or whether the grounds for the original petition still exists.

14. Accordingly, pursuant to Article 48.1.b of the Convention and Article 42 of the IACHR Rules of Procedure, it decides to archive the instant petition.

Approved by the Inter-American Commission on Human Rights in the city of Mexico on the 15th day of the month of August, 2014. (Signed): Tracy Robinson, President; Rose-Marie Belle Antoine, First Vice-President; Felipe González, Second Vice President; José de Jesús Orozco Henríquez, Rosa María Ortiz, Paulo Vannuchi and James L. Cavallaro, Commissioners.