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| Institution: | Inter-American Commission on Human Rights |
| File Number(s): | Report No. 38/79, Case No. 2509 |
| Session: | Forty-Sixth Session (5 – 9 March 1979) |
| Title/Style of Cause: | Carlos Ernesto Gonzalez de la Lastra v. Panama |
| Doc. Type: | Resolution |
| Decided by: | Chairman: Carlos A. Dunshee de Abranches Vice-Chairman: Tom J. Farer Members: Carlos García Bauer; Marco Gerardo Monroy Cabra. Andrés Aguilar, Gabino Fraga and Fernando Volio Jiménez were unable to attend for either personal or health reasons. |
| Dated: | 7 March 1979 |
| Citation: | Gonzalez de la Lastra v. Pan., Case 2509, Inter-Am. C.H.R., Report No. 38/79, OEA/Ser.L/V/II.50, doc. 13 rev. 1 (1979-1980) |
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BACKGROUND:

1. A denunciation was received in a letter dated October 2, 1977 that Mr. Carlos Ernesto Gonzalez de la Lastra, a Panamanian citizen and President of the Panamanian Association of Business Executives, was in Venezuela as a political exile, having been obliged to leave Panama on October 2, 1976, because of threats against his personal safety made by the Minister of the Interior, Jorge Castro B.

According to a public statement by Mr. Gonzalez, on the afternoon of September 15, 1976, the President of the Chamber of Commerce of Panama City had told him there was a warrant out for his arrest. Mr. Gonzalez offered to turn himself in, provided his physical and mental safety were guaranteed and provided he were given an impartial trial. When he spoke a second time to the President of the Chamber of Commerce, he was told that the Minister of the Interior had called to tell him that he should tell Mr. Gonzalez, on behalf of the National Guard, that "they were not guaranteeing his life."

In light of this threat, Mr. Gonzalez went into hiding until he was able to leave the country on October 2, 1976.

2. In a note of December 5, 1977, the Commission transmitted the pertinent parts of this denunciation to the Government of Panama, and asked that it provide the pertinent information on the denunciation and on exhaustion of domestic legal remedies.

3. On December 6, 1977, the penultimate day of the Special Commission's on-site visit to Panama, it asked the Government to report on 103 people, including Mr. Gonzalez de la Lastra, who were supposedly in exile. The Commission asked to be informed whether these people had been exiled, whether they had chosen to leave the country, whether they were still abroad, and whether the Government had authorized some of them to return.

4. In a note dated January 16, 1978 (OEA 7978), the Government of Panama replied to the Special Commission's request, providing information on some individuals who had been "authorized" to return, and on others who, in the opinion of the Government, had placed themselves in voluntary exile. The case of Mr. Gonzalez de la Lastra did not appear in this information.

5. In a note of January 16, 1978 (OEA 7979), the Government of Panama transmitted to the IACHR a report from the Minister of the Interior, dated January 12, 1978, in which the Minister replied to the allegation that he had threatened Mr. Gonzalez de la Lastra in the following terms:

In the doubtful event that Mr. Jose Chirino, at the time President of the Chamber of Commerce of Panama, did make the statement referred to in Case 2509 (Panama), it would have been a wrong interpretation of the conversation he had with me and he would have been quoting me out of context. As Minister of the Interior and Justice, I have never made such a statement about any Panamanian citizen, no matter what his political persuasion or activity."

He added that "as on other occasions, Mr. Gonzalez de la Lastra left his homeland of his own free will.

6. During its 43rd session, held in Caracas, on January 26-February 3, 1978, the Commission received Mr. Gonzalez de la Lastra, who said that he was in exile.

7. In a letter of March 16, 1978, the pertinent parts of the Government's reply were transmitted to the claimant, and he was invited to make observations on that reply.

8. In a letter of April 11, 1978, the claimant forwarded a certified copy of the minutes of the meeting of the Board of Directors of the Chamber of Commerce, Industry and Agriculture of Panama held on September 17, 1976, at which the President of the Chamber of Commerce, Mr. Jose Chirino R., reported on his conversations with the Minister of the Interior. The pertinent part of those minutes are quoted below:

He wanted to explain to the members present that on the previous day, he had had telephone conversations with the Minister of the Interior and Justice Mr. Jorge Castro, because at about three o'clock in the afternoon, there had been a rumor that a group of people who had been involved in the January events had been jailed, and that the director, Carlos E. Gonzalez was in hiding in the Canal Zone, because Guard Units were looking for him.

Minister Castro confirmed this. President Chirino had told Minister Castro that he was very surprised, but the Minister had said that he was being sought only for investigation.

President Chirino had contacted the director, Carlos Gonzalez, who told him that in recent months, he had been involved only with his family, his business and problems of the business, and if necessary, he would give himself up to the authorities, always provided that they would guarantee his physical and mental safety.

After an exchange of views among the directors of the Executive Committee, it was decided that it would not be advisable for the director, Carlos Gonzalez to give himself up or to return to the city. Minutes later, the Minister of the Interior and Justice called him to tell him that he should say to the director Carlos E. Gonzalez that his life could not be guaranteed, that he ought to see what he would do about it.

President Chirino thus reported that on the previous day, as preparations were being made for the III Assembly, (it had been agreed that a meeting should be held, because what was happening with the student demonstrations over the high cost of living was a different problem), it was decided to postpone the Assembly because it was not the Chamber's intention to endanger the lives of its members. Minister Castro had been called and consulted about the safety of holding this meeting. He had suggested that it would be preferable not to hold it. He had been asked what charges had been brought against the Director, Carlos E. Gonzalez, but he had given no explanation on this matter."

In the same letter, the claimant reported that Mr. Dario Arosemena, Director of the National Department

of Investigations, had called Mr. Gonzalez's mother so that she could let her son know that there was a warrant out for his arrest: Mr. Arosemena said that he should give himself up or leave the country, that he was offering all guarantees, that he would even take him in his personal car to the airport, and that he was giving her his personal telephone number so that Mr. Gonzalez could reply.

He added the following statements, which we gave verbatim:

Carlos Ernesto Gonzalez de la Lastra left two weeks after he had gone into hiding in Panama City because of the pressures put on his family and himself by the Government.

He courageously left immediately after the Government had passed him the message through a number of emissaries that provided he left the country, his personal safety would be guaranteed.

9. The pertinent parts of the claimant's observations were sent to the Government of Panama in a note dated April 20, 1978.

WHEREAS:

In light of the background information given above, it is found that Mr. Carlos Ernesto Gonzalez de la Lastra was obliged to leave his homeland as a result of pressures by the Government of Panama and because of the lack of guarantees for his personal safety.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To declare that the Government of Panama violated Articles I (right to personal security), VIII (right to residence and movement), and XXVI (right to due process) of the American Declaration of the Rights and Duties of Man.
2. To recommend to the Government of Panama: a. that it order a complete, impartial investigation to determine responsibility for the events denounced, and to punish those responsible for such events, in accordance with Panamanian law, b. if it has not already done so, that it inform Mr. Gonzalez de la Lastra that he may return to his country, and c. that it report to the Commission, within a maximum of 60 days, on the measures taken to put this recommendation into practice.
3. To communicate this resolution to the Government of Panama and to the claimant.
4. To include this Resolution in the Annual Report of the Commission to the General Assembly of the Organization of American States, pursuant to Article 9 (bis), paragraph c.iii of the Statute of the Commission, without prejudice to the Commission's being able to reconsider the case at its next session in light of measures that the Government may have taken.