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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 2523
Session:	Forty-Sixth Session (5 – 9 March 1979)
Title/Style of Cause:	Roy McFarlane 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:	16 March 1979
Citation:	McFarlane v. Pan., Case 2523, Inter-Am. C.H.R., OEA/Ser.L/V/II.47, doc. 13 rev. 1 (1978)
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BACKGROUND:

1. On November 12, 1977, the Commission received the following denunciation:

“Mr. Roy McFarlane, a 48 year old Panamanian taxi driver of East Indian origin and former employee of the Panama Canal Company, was arrested for reasons unknown by members of the Panamanian National Guard on October 9th, 1977, while in the ‘Colon’ Theater, in the city of Colon, Republic of Panama, and taken to the city jail. Sometime during the night his lifeless body was taken to the Amador Guerrero Morgue by members of the National Guard.

His mother, Mrs. Ethel McFarlane, upon hearing the news rushed to the morgue to verify the news and was denied permission to view the body until Thursday, October 13th, 1977.

An autopsy performed by Dr. Roberto Lewis indicated the following:

1. Severe internal injuries and hemorrhage.
2. Fractured skull.
3. Broken arm.”

2. During the observation in loco of the general situation regarding human rights in Panama carried out at the invitation of the Government of Panama between November 28 and December 7, 1977, the Special Committee did everything possible to investigate this case. In the city of Colon, members of the Special Committee interviewed Mayor Eustacio Smith, Chief of the Second Military Zone, who had signed the preliminary proceedings. This official informed them that Mrs. MacFarlane had seen her son’s corpse on the morning after his death. During its brief stay in Colon, the Special Committee was not able to locate Mrs. McFarlane.

3. In a note dated May 2, 1978, the Government of Panama, through its Permanent Representative to the OAS, answered the Inter-American Commission on Human Rights as follows:

"I am confident that the reading of the procedural records will accomplish the objective pursued by the complainant which is none other than demonstrating an event in which the people's indignation revolted perhaps in excess, against the author of immoral acts which no civilized society can tolerate.

If punishment of some of the authors by public outrage was excessive, this excess cannot be attributed without malice to the national authorities."

4. The following facts are deduced from a study of the documentation provided in loco and from a note dated May 2, 1978.

"Roy McFarlane, Panamanian citizen of West Indian origin was accused by a woman on the afternoon of October 9, 1977 of having made advances to her two young daughters in the movie house. During the altercation, the lights in the room were turned on and it is alleged that a number of people chased McFarlane when he fled. In his statement, Mr. Antonio Vallejo Prince, who works with the Guard in sports activities and who is a candidate for the Guard, said that he saw McFarlane when he was being pursued by some young people, followed by a woman and two girls. He followed them and interrupted the beating that was being meted out to him, arrested him, and led him to the National Guard barracks.

According to the testimony which appears in the official proceedings of the investigation, McFarlane appeared to be in good physical condition and did not show signs of having been beaten when he was delivered to the National Guard; however, he fell dead shortly after having reached the yard. According to the autopsy, his death was caused by a knock on the cranial occipital region and another on the spleen, which produced a 'severe encephalic contusion with intracranial hemorrhaging and rupture of the spleen.'

WHEREAS:

The persons who filed the denunciation have neither refuted the Government's information nor demonstrated that it is inexact.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To file this case.
2. To communicate this decision to the Government of Panama and to the complainants.
3. 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.

(Approved at the 609th meeting of March 16, 1979 (46th Session) and transmitted to the Government of Panama on March 14, 1979).