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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 57/82; Case No. 7245
Session:	Fifty-Eighth Session (16 - 24 November 1982)
Title/Style of Cause:	Tomas Carrero Roque v. Nicaragua
Doc. Type:	Resolution
Decided by:	Chairman: Marco Gerardo Monroy Cabra; First Vice-Chairman: Cesar Sepulveda; Second Vice-Chairman: Luis Demetrio Tinoco Castro; Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Tom J. Farer; Francisco Bertrand Galindo
Dated:	23 November 1982
Citation:	Carrero Roque v. Nicar., Case 7245, Inter-Am. C.H.R., Report No. 57/82, OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)
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BACKGROUND:

1. In a communication dated February 1, 1980, the Inter-American Commission on Human Rights received the following complaint. Tomas Carrero Roque, former treasurer in the Mayor's Office of El Jicaral, was arrested on July 20, 1979, by the Santa Rosa del Pecyn Squad commanded by Josñ Manuel Moreno and later handed over to Bill (Eliodoro Conrado) of the Leyn Staff. He was held for two days in the jail located at the Subtiava Education Center and then disappeared. Comrade Bill said that he had executed him under orders from the Staff; however, there are persons who claim to have seen him at the Tipitapa "Modelo" Jail.
2. In a written communication dated May 22, 1980, the Commission transmitted the pertinent parts of the complaint to the Government of Nicaragua, requesting that it provide the information it deemed appropriate.
3. When no answer was received from the Government of Nicaragua, the Commission, in a written communication dated January 27, 1981, reiterated its requests for information indicating the possible application of Article 39 of the Regulations, pertaining to the presumption of truth of the facts. Despite the foregoing and to this date, the IACHR has not received an answer from the Government of Nicaragua.

CONSIDERING:

1. That Article 39 of the Commission's Regulations establishes the following:

Article 39

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 31, paragraph 5, the government has not provided the pertinent

information, as long as other evidence does not lead to a different conclusion.

2. That, to this date, the Government of Nicaragua has not responded to the Commission's request for information formulated in written communications dated May 22, 1980 and January 27, 1981.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLVES:

1. In application of Article 39 of the Regulations, to presume to be true the facts denounced in a communication dated February 1, 1980, with respect to the illegal execution of Mr. Tomas Carrero Roque.

2. To point out to the Government of Nicaragua that such acts constitute serious violations of the right to life (Article IV) of the American Convention on Human Rights.

3. To recommend to the Government of Nicaragua that it investigate the facts denounced and, if applicable, punish those responsible and communicate to the Commission, within a maximum of sixty days, the decision adopted in that respect.

4. To communicate this resolution to the Government of Nicaragua and to the complainants.

5. If at the expiration of the deadline established in paragraph 3 of this resolution the Government of Nicaragua has not submitted observations, the Commission will include this resolution in its Annual Report to the General Assembly of the Organization of American States, in accordance with Article 59, paragraph (g) of the Commission's Regulations.