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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 55/82; Case No. 7238
Session:	Fifty-Eighth Session (16 - 24 November 1982)
Title/Style of Cause:	Pedro Eligio Lara Perez 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:	Lara Perez v. Nicar., Case 7238, Inter-Am. C.H.R., Report No. 55/82 OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)
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BACKGROUND:

1. In a communication dated February 6, 1980, the Inter-American Commission on Human Rights received the following complaint: Pedro Eligio Lara Perez, former private in the National Guard, surrendered to members of the FSLN in Puerto Morazan, El Viejo jurisdiction, Chinandega, on July 22, 1979. He was sent to El Viejo Command and then to Chinandega. He was transferred to different commands; to the one located at Las Betlemitas, the one at the San Luis College and finally to the one located at the Navarro Farm, from where he disappeared on July 27, 1979. The persons responsible for the prisoners were: Emerson Velasquez (Hernan), Salvatore and another known as Williams. As of the date of this complaint, his whereabouts are not known.
2. In a written communication dated May 22, 1980, the Commission transmitted the pertinent parts of this complaint to the Government of Nicaragua, requesting that it provide the appropriate information.
3. When no answer was received from the Government, in a written communication dated January 27, 1981, the Commission reiterated the request for information to the Nicaraguan Government.
4. The Commission has received a different report suggesting that Mr. Lara Perez has been executed;

CONSIDERING:

1. That, to this date, the Government of Nicaragua has not responded to the Commission's requests for information.
2. That Article 39 of the 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.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. Based on Article 39 of the Regulations to presume to be true the facts denounced in a communication dated February 6, 1980, relating to the disappearance of Pedro Eligio Lara Perez, former private in the National Guard.
2. To declare that the Government of Nicaragua has violated Article 4 (right to life) Article 7 (right to personal liberty) and Article 5 (right to personal integrity) of the American Convention on Human Rights.
3. To recommend to the Nicaraguan Government that it investigate the facts denounced and inform the Commission within sixty days whether Mr. Lara Perez is under detention or dead.
4. To communicate this resolution to the Government of Nicaragua and to the complainants.
5. If at the expiration of the sixty-day period the Government of Nicaragua has not provided information with respect to the measures taken, the Commission will include this resolution in the Commission's Annual Report to the General Assembly of the Organization of American States, in accordance with Article 59, paragraph (g) of the Commission's Regulations.