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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 3/83; Case No. 7313
Session: Fifty-Ninth Session (6 – 15 April 1983)
Title/Style of Cause: Guillermo José Chavez Rosales 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; Tom J. Farer; Francisco Bertrand Galindo
Dated: 15 April 1983
Citation: Chavez Rosales v. Nicar., Case No. 7313, Inter-Am. C.H.R., Report No. 3/83, OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)

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[FN1] The Government of Nicaragua, by way of its note of September 19, 1983 requested reconsideration of this Resolution. The IACHR Studied the request and adopted the Resolution which appears on page 120 of this Annual Report.

BACKGROUND:

1. By a communication dated February 1, 1980, the following complaint was lodged with the Inter-American Commission on Human Rights:

The arrest and disappearance of Guillermo José Chavez Rosales, student, 19 years of age, in Managua, on July 27, 1979, is denounced. He was captured by two members of the Sandinista People's Army, one of them identified as Carlos Román Pizzi (Barricada). He was taken to the grounds of the David and René Peralta Complex, previously the Military Academy. Since then, nothing is known of the whereabouts of Guillermo José. It is presumed that he was shot to death.

2. The Government of Nicaragua, by way of its note of September 19, 1983 requested reconsideration of this Resolution. The IACHR Studied the request and adopted the Resolution which appears on page 120 of this Annual Report.

3. In a written communication of June 8, 1980, the Commission transmitted the pertinent parts of this complaint to the Government of Nicaragua, requesting that it provide the information it deems pertinent with respect to the whereabouts of Mr. Chavez Rosales.

4. In a written communication dated January 27, 1981, the Commission reiterated the request for information to the Government of Nicaragua making it aware that, if such information was not provided within the legal deadlines established, in application of Article 39 of the Regulations, the facts reported in

the petition, whose pertinent parts have been transmitted to the government, would be presumed to be true.

CONSIDERING:

1. That, to this date, the Government of Nicaragua has not responded to the Commission's requests for information with respect to the foregoing case.
2. That due to the absence of an answer by the Government of Nicaragua to the Commission's request for information, it is inferred that there are no grounds to hold a hearing to reach an amicable solution as provided for in the Commission's Regulations.
3. 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 1, 1980, relating to the arrest and disappearance of the student Guillermo José Chavez Rosales.
2. To declare that the Government of Nicaragua violated Article 4 (right to life), Article 7 (right to personal liberty) and Article 8 (judicial guarantees) of the American Convention on Human Rights.
3. To recommend to the Government of Nicaragua that it conduct an exhaustive investigation of the facts to establish the direct or indirect responsibility of those persons involved in order that the corresponding legal sanctions be applied, and communicate to the Commission, within sixty days, the decision adopted.
4. To communicate this resolution to the Government of Nicaragua and to the complainants.
5. Should the Government of Nicaragua fail to submit observations by the expiration of the deadline established in paragraph 3 of this resolution, 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.