

WorldCourts™

Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 7/83; Case No. 7320
Session: Fifty-Ninth Session (6 – 15 April 1983)
Title/Style of Cause: Manuel Montenegro Salazar 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: Montenegro Salazar v. Nicar., Case 7320, Inter-Am. C.H.R., Report No. 7/83, OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)

Terms of Use: Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

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

BACKGROUND:

1. Through a communication dated January 26, 1980, the following complaint was submitted to the Inter-American Commission on Human Rights:

We denounce the kidnapping of Mr. Manuel Montenegro Salazar who was held at the Masaya Social Club Command where the person in charge was Comrade Alvaro González (Antollín), who stated that Mr. Montenegro had been executed.

Narciso Calero (Boanerges) is suspected of being responsible for the act, because at the time of Mr. Montenegro's arrest Narciso Calero told him that "he owed him and that he was going to pay." We fear for his life.

2. In a written communication of June 10, 1980, the Commission transmitted the pertinent parts of this complaint to the Government of Nicaragua, requesting that it provide the appropriate information.

3. In a written communication dated January 27, 1981, the Commission reiterated its request for information to the Government of Nicaragua informing it that, if that information was not provided within the established deadlines, the facts related in the petition, whose pertinent parts have been transmitted to the government, would be presumed to be true, in application of Article 39 of the Regulations.

4. The Government of Nicaragua, by way of its note of September 19, 1983, requested reconsideration of this Resolution. The IACHR studied the request of the Government and adopted the

Resolution which appears on page 120 of this Annual Report.

CONSIDERING:

1. That to this date the Government of Nicaragua has not responded to the Commission's requests for information relating to the foregoing case.
2. That from the absence of a response by the Government of Nicaragua, there are no grounds to hold a hearing to reach an amicable settlement 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 the communication dated February 6, 1980, relating to the kidnapping and disappearance of Manuel Montenegro Salazar.
2. To declare that the Government of Nicaragua has 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 the most exhaustive investigation to determine those persons directly or indirectly responsible for such crimes in order that the applicable legal sanctions be applied to them, and communicate the decision adopted to the Commission within a maximum of sixty days.
4. To communicate this resolution to the Government of Nicaragua and to the complainants.
5. If the Government of Nicaragua has not submitted observations by the expiration of the deadline set 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.