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Institution: Inter-American Commission on Human Rights  
File Number(s): Report No. 6/83 [FN1]; Case No. 7316  
Session: Fifty-Ninth Session (6 – 15 April 1983)  
Title/Style of Cause: Marco Antonio Vega Duarte 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  
For health reasons, Carlos A. Dunshee de Abranches did not attend the session.  
Dated: 15 April 1983  
Citation: Vega Duarte v. Nicar., Case 7316, Inter-Am. C.H.R., Report No. 6/83, OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)  
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[FN1] The Government of Nicaragua, by way if 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.  
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## BACKGROUND:

1. Through a communication dated January 28, 1980, the following complaint was lodged with the Inter-American Commission on Human Rights:

The kidnapping of Mr. Marco Antonio Vega Duarte, secondary student of 17 years of age, is denounced. He was captured in June 1979 by the Somoza Guard who gave him a savage beating and later tortured him in the Bunker's jails where he was taken after being held at Police Headquarters. On Liberation Day he was able to leave that jail but not to his home; rather, he was immediately taken to the Red Cross located in the Campo Bruce neighborhood. There, he was given medical attention due to his lamentable condition, his body covered by scars. However, the most serious revelation was that he had lost his mind due to the brutal tortures he was subjected to in the Office of Security.

Thus, because midst of his insanity and due to the confusion the Sandinista victory provoked in him, Marco Antonio stated that he belonged to the FSLN Staff, that he was a guerrilla Commander and that his alias was Jonathan. It was under these circumstances that on August 8, he was captured, probably by mistake or on suspicion, since due to his mental state his appearance was bizarre. I believe that they mistook him for someone else, because that is the only way I can understand that he would be captured by a military convoy consisting of 5 vehicles full of militiamen.

On the same day of his arrest, Marco Antonio was taken to his home, beaten and wounded. Supposedly he had stated that there was a "stool pigeon" in his home and he was taken there for the purpose of

identifying the alleged "informant." He was taken prisoner and his family was told to go to the Chipote office. The next day, they were told at that place that there was no prisoner with that name there. It is presumed that he is dead.

2. In a written communication dated 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 and informed them that, if that information was not provided within the established time, the facts reported in the petition, whose pertinent parts had been transmitted to the government, would be presumed to be true, in application of Article 39 of the Regulations.

#### 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 to the Commission's request for information, it is inferred that 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, the facts denounced in the communication dated January 28, 1980, relating to the kidnapping and disappearance of the student Marco Antonio Vega Duarte, are presumed to be true.

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 an exhaustive investigation to determine those persons directly or indirectly responsible for the facts denounced in order that the applicable legal sanctions may be applied, and communicate to the Commission, within a maximum period of sixty days, the decision adopted.

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.