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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 23/83; Case No. 6718
Session:	Sixty-First Session (26 September – 7 October 1983)
Title/Style of Cause:	Pedro Gamez, Pedro Lainez, Fidencio Velasquez, Demecio Recinos, Bonifacio Hernandez, Conrado Hernandez and Francisco Leiva v. El Salvador
Doc. Type:	Resolution
Decided by:	Chairman: Mr. César Sepúlveda First Vice Chairman: Dr. Luis Demetrio Tinoco Castro; Members: Andrés Aguilar, Tom J. Farer, Marco Gerardo Monroy Cabra; Mrs. Gilda Maciel Russomano.
Dated:	04 October 1983
Citation:	Gamez v. El Sal., Case 6718, Inter-Am. C.H.R., Report No. 23/83, OEA/Ser.L/V/II.63, doc. 10 (1983-1984)
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BACKGROUND:

1. In a communication of March 6, 1980, the following complaint was made to the Inter-American Commission on Human Rights:

On February 28, 1980 at 5:00 a.m., military forces occupied the rural villages of Santa Marta, Sensuntepeque (64 kilometers northeast of the capital, and in addition to looting these places and burning the houses, they also murdered Pedro Gamez (23 years); Pedro Lainez (25 years); Fidencio Velasquez (27 years); Demecio Recinos (36 years); Bonifacio Hernandez (28 years); Conrado Hernandez (80 years); and Francisco Leiva (26 years).

2. In a note of March 31, 1980, the Commission transmitted the pertinent parts of this complaint to the Government of El Salvador, requesting that it provide the relevant information.

3. Upon receiving no reply, the Commission again addressed the Government of El Salvador in a note of May 18, 1982, repeating its request for information and announcing the possible application of Article 39 of its Regulations, on the presumption that the facts reported were true.

4. On May 26, 1983, the Commission once more repeated its request for information of the Government of El Salvador, referring to its past note of May 18, 1982.

CONSIDERING:

1. That to date the Government of El Salvador has not replied to the Commission's request for information, contained in its note of March 31, 1980, May 18, 1982 and May 26, 1983; and

2. That Article 39 of the Regulations establishes as follows:

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 its Regulations, to presume to be true the events reported in the communication of March 6, 1980, concerning the looting and burning of the rural villages of Santa Marta, Sensuntepeque, and the murder of the campesinos Pedro Gamez, Pedro Lainez, Fidencio Velasquez, Demecio Recinos, Bonifacio Hernandez, Conrado Hernandez, and Francisco Leiva.
2. To declare that the Government of El Salvador is responsible in this case for the violation of Articles 4 (Right to Life) and 7 (Right to Personal Liberty and Security) of the American Convention on Human Rights.
3. To recommend to the Salvadoran Government that it investigate the acts denounced and inform the Commission within a period of 60 days.
4. To transmit this resolution to the Salvadoran Government and to the claimants.
5. If after the 60 days have passed the Government of El Salvador has not presented information on the measures taken, the Commission shall include this resolution in its Annual Report to the General Assembly of the Organization of American States, in accordance with Article 59 (g) of the Regulations of the Commission.