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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 14/85; Case No. 6724
Session:	Sixty-Fourth Session (4 – 8 March 1985)
Title/Style of Cause:	Wilfredo Loyola, Isabel Avalos and Guadalupe Monge (Aminta Artigas) v. El Salvador
Doc. Type:	Resolution
Decided by:	Chairman: Dr. César Sepúlveda Members: Andrés Aguilar; Marco Gerardo Monroy Cabra; Gilda M. Russomano; Bruce McColm
Dated:	05 March 1985
Citation:	Loyola v. El Sal., Case 6724, Inter-Am. C.H.R., Report No. 14/85, OEA/Ser.L/V/II.66, doc. 10 rev. 1 (1984-1985)
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## BACKGROUND:

1. In a communication dated March 6, 1980, the Inter-American Commission on Human Rights received the following accusation:

On March 2, 1980, at 5:30, a military invasion occurred against the community of Cacao in Cinquera. After this operation, the bodies of the rural citizens Wilfredo Loyola (23 years of age), Isabel Avalos (24 years of age), and Guadalupe Monge (17 years of age) were found. All of them had been taken alive by the Salvadorian Armed Forces during the military operation.

2. In a note dated March 31 of that year, the IACHR transmitted the pertinent parts to the Government of El Salvador, asking it to provide any information it might deem appropriate as well as any terms of reference that would make it possible to assess whether all remedies under domestic jurisdiction had been exhausted in this case.

3. With the deadline for submitting the information requested having expired some time ago, the Inter-American Commission on Human Rights renewed its request to the Government of El Salvador on May 31, 1983.

4. In view of not having received any response to the aforementioned communications, the IACHR again persisted with its request for information on December 5, 1983, reiterating to the Government of El Salvador that if an answer was not received within a reasonable time the Commission would consider the possible application of Article 39 of the Regulations.

5. With four years, three of them since the initial request for information by the IACHR, having elapsed, on June 20, 1984, the Commission again renewed its request for information, stressing to the Government of El Salvador the unusual situation implied by the absolute lack of response to this case. The Commission indicated that if it did not receive an answer it would have to apply the provisions of Article

39 of its Regulations.

WHEREAS:

- a. Despite the time elapsed by and the unfruitful and repeated steps taken by the Commission, the Government of El Salvador has not provided any answer related to this case, nor has it requested additional time for submitting the information required;
- b. In handling the accusation corresponding to this case, the Commission, despite not having received even an acknowledgment of the several communications it had sent to the Government of El Salvador, granted extensions and new deadlines in order not to restrict the accused state's right to reply;
- c. Moreover, in this instance the Commission cannot fail to take into consideration the fact that the rural citizens whose bodies were found subsequently had been taken alive and were detainees in the hands of the Salvadorian Armed Forces; and
- d. Article 39 of the Commission's Regulations establishes the following:

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. To presume true the facts denounced in the communication of March 6, 1980, concerning the murder of the rural citizens WILFREDO LOYOLA, ISABEL AVALOS and AMINTA ARTIGAS, while they were being detained in the hands of the Armed Forces of El Salvador, after having been taken in the invasion by those forces of the community of Cacao in Cinquera.
2. To point out to the Government of El Salvador that such events constitute very serious violations of the right to life (Article 4) and the right to personal liberty (Article 7) of the American Convention on Human Rights.
3. To recommend to the Government of El Salvador that it order a complete and impartial investigation to determine responsibility for the facts denounced, and, in accordance with Salvadorian law, to punish those responsible therefor, reporting to the Committee within 60 days on the measures taken to implement the recommendations set forth in this resolution.
4. To convey this resolution to the Government of El Salvador.
5. If after 60 days the Government of El Salvador does not report on the measures taken, 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.