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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 10/86; Case No. 9285
Session:	Sixty-Seventh Session (8 – 18 April 1986)
Title/Style of Cause:	Joaquín Daniel Vallecillo Sánchez v. Nicaragua
Doc. Type:	Resolution
Decided by:	Chairman: Luis Adolfo Siles Salinas; First Vice Chairman: Gilda Russomano; Second Vice Chairman: Marco Tulio Bruni Celli; Members: Dr. Marco Gerardo Monroy Cabra; Dr. Bruce McColm; Ms. Elsa Kelly; Messrs. Oliver Jackman
Dated:	16 April 1986
Citation:	Vallecillo Sánchez v. Nicar., Case 9285, Inter-Am. C.H.R., Report No. 10/86, OEA/Ser.L/V/II.68, doc. 8 rev. 1 (1985-1986)
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HAVING SEEN:

1. The petition received by the Inter-American Commission on Human Rights on April 9, 1984, according to which:

JOAQUIN DANIEL VALLECILLO SANCHEZ, a farmer and resident of Chinandega, was arrested at home on January 18, 1983 at 6:00 a.m. by six individuals, three dressed in civilian clothes and the other three dressed in military uniform, who arrived in a state-owned green jeep and who, in addition, searched the house alleging that they were looking for arms.

A search has been made for him in the prisons of the Penitentiary System of Chinandega and León, as well as in the State Security Prison of the II Region and in Managua, without any information on his whereabouts being obtained.

2. The transmission of the pertinent parts of this petition to the Government of Nicaragua through the note of June 18, 1984, requesting it to provide such information as it deems pertinent as well as any information making it possible to ascertain whether, in the case it is the subject matter of this request, the remedies of domestic law had been exhausted.

3. The communication of January 18, 1985, which reiterated the request for information of June 18, 1984.

4. The reiteration of the request for information made through the note of February 26, 1986, which informed the Government of Nicaragua that, should that information not be provided within a period of thirty days pursuant to Article 42 of the Regulations, the facts reported would be presumed to be true.

5. ...The response of the Nicaraguan Government, dated April 22, 1986, according to which "the competent authorities...have communicated that the State Security Directorate informs that Mr. Vallecillo

is not listed as having been detained."

CONSIDERING:

1. That the Nicaraguan Government's response is of a general nature and therefore, does not contain sufficient elements which place in doubt the charges presented by the claimant, since the facts presented by the latter convincingly set forth the circumstances in which the arrest of Mr. Vallecillo Sanchez by the Nicaraguan military occurred.
2. The requirements of domestic law have been exhausted, and by reason of their nature, the facts that are the subject matter of the petition do not permit the application in this case of the friendly settlement procedure.
3. That the Government of Nicaragua, has so far not allowed a member of the Commission and an official of the Secretariat to go to that country to clarify certain aspects relating to this case, pursuant to the provisions of Article 48.1 d of the American Convention on Human Rights to which Nicaragua is a State Party.
4. That the General Assembly of the Organization of American States declared by Resolution 666 (XIII-O/83) that "The practice of the forced disappearance of persons in the Americas is an affront to the conscience of the hemisphere and constitutes a crime against humanity."

In view whereof:

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
RESOLVES:

1. To consider true the facts reported in the communication of April 9, 1984 concerning the arrest and subsequent disappearance of Mr. Joaquín Idanuel Vallecillo Sánchez.
2. To declare that the Government of Nicaragua has violated the right to personal liberty (Article 7) and the right to life (Article 4) embodied in the American Convention on Human Rights to which Nicaragua is a State Party.
3. To recommend to the Government of Nicaragua that it conduct a thorough investigation of the facts reported in order to identify the persons responsible, and prosecute and punish them in accordance with the law and that it adopt the necessary measures to prevent the recurrence of such serious events.
4. To include this resolution in its Annual Report to the General Assembly of the Organization of American States, in accordance with Article 63, g of the Regulations of the Commission, and to communicate it to the claimant.