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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 30/86, Case No. 9726
Session: Sixty-Eighth Session (16 – 26 September 1986)
Title/Style of Cause: Winston Spadafora Franco v. Panama
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: 19 September 1986
Citation: Spadafora Franco v. Pan., Case No. 9726 Inter-Am. C.H.R., Report No. 30/86, OEA/Ser.L/V/II.71, doc. 9 rev. 1 (1986-1987)

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HAVING SEEN:

1. The claim made by attorney WINSTON SPADAFORA FRANCO in his communication of May 7, 1986 to the Inter-American Commission on Human Rights, and the other documents attached thereto, whereby the State of Panama is formally held responsible for the violation of the right to life, personal integrity and denial of justice, regarding the torture and murder of his beheaded brother, a physician and former Vice-Minister of Health of Panama, Dr. HUGO SPADAFORA FRANCO, occurred on September 13, 1985, in the province of Chiriqui, Republic of Panama, and of which events he accuses the following members of the Forces for Defense of the Republic of Panama: OMAR ENRIQUE VEGA MIRANDA, ELIECER RAMOS and FRANCISCO ELIECER GONZALEZ BONILLA of being the responsible agents therefor.
2. That by Note dated May 16, 1986 the Inter-American Commission on Human Rights transmitted the pertinent parts of said claim to the Government of Panama for it to furnish pertinent information, in a period of 90 days for consideration by the Commission.
3. That through Note OAS-570-86, dated August 6, 1986, of the Permanent Representative of Panama to the Organization of American States, the Government of Panama responded to the request for information by the Commission through Notes DM No 576 dated July 21, 1986 of Dr. Jorge Abadía Arias, Minister of Foreign Affairs of the Republic of Panama, and No DGP-515-86 dated July 8, 1986 signed by the Attorney General, in which, among other things, it is informed of the definite dismissal of the summary proceedings in favour of the accused VEGA MIRANDA, RAMOS Y GONZALEZ BONILLA, being this dismissal final and the domestic remedies exhausted.

CONSIDERING:

1. That the Government of Panama, in its related document of response, finds that in this case all the

legal procedures established by the laws of the Republic of Panama have been exhausted, that the constitutional and legal procedures applicable to the matter have been fulfilled and that each and every one of the procedural guarantees established by its code of laws was respected; and

2. That the other requirements for admissibility have been satisfied as set forth in Articles 46 paragraphs a) to d) of the American Convention on Human Rights and 32 and 37-1 of its Regulations.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,
RESOLVES:

1. To declare admissible the claim presented by the petitioner, Dr. Winston Spadafora Franco, in this case No 9726.

2. To transmit this Resolution to the parties.