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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 58/82; Case No. 7309
Session:	Fifty-Eighth Session (16 - 24 November 1982)
Title/Style of Cause:	Celestino Delgado Morales 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; Carlos A. Dunshee de Abranches; Tom J. Farer; Francisco Bertrand Galindo
Dated:	23 November 1982
Citation:	Delgado Morales v. Nicar., Case 7309, Inter-Am. C.H.R., Report No. 58/82, OEA/Ser.L/V/II.61, doc. 22 rev. 1 (1982-1983)
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BACKGROUND:

1. In a communication dated February 6, 1980, the arrest of Mr. Celestino Delgado Morales was denounced to the Inter-American Commission on Human Rights: Celestino Delgado Morales, adult, married, chauffeur. On October 2, 1979, he bought a car with the purpose of working as a taxicab driver. Mrs. Teresa Centeno offered to sell him taxi license plates (No. 603). He went with her to the Finance Ministry to effect the transfer of the plates, but there he was told that there was another set of plates with the same number under the name of Mr. Jeronimo Novas and to leave matters as they were otherwise he would be jailed. On October 6, Mrs. Centeno, Celstino and Jose Isabel Davila, went to the Zone 7 Command next to the Benic de Las Palmas, because it had been announced that there was a complaint that a vehicle with those plates had been committing acts of harassment. They were arrested on that day and later, Mrs. Centeno was set free. What it is not known is the whereabouts of Celestino Delgado Morales.
2. In a written communication dated June 8, 1980, the Commission transmitted the pertinent parts of the complaint to the Government of Nicaragua requesting that it provide the information it deemed pertinent.
3. When no response was received from the Government of Nicaragua the Commission, in a written communication dated January 27, 1981, reiterated its request for information indicating the possible application of Article 39 of the Regulations, referring to the presumption of truth of the facts. Despite the above, thus far the IACHR has not received an answer from the Government of Nicaragua.
4. The Commission has received several reports confirming the arrest of Mr. Celestino Delgado Morales in El Chipote.

CONSIDERING:

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, to presume to be true the facts reported in communication dated February 6, 1980, referring to the arbitrary arrest of Mr. Celestino Delgado Morales.
2. To declare that the Government of Nicaragua violated Article 7 (right to personal liberty) of the American Convention on Human Rights.
3. To recommend to the Nicaraguan Government that it immediately release Mr. Celestino Delgado Morales or bring him to trial within sixty days with the guarantees for an adequate defense, if he is accused of some crime.
4. To communicate this resolution to the Government of Nicaragua and to the complainants.
5. If at the expiration of the deadline set in paragraph 3 of this resolution the Government of Nicaragua has not presented observations, 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.