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Institution:	Inter-American Commission on Human Rights
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Session:	Forty-Fifth Session (2 - 18 November 1978)
Title/Style of Cause:	Nelida Azucena Sosa de Forti v. Argentina
Doc. Type:	Resolution
Decided by:	Chairman: Dr. Carlos A. Dunshee de Abranches; Vice Chairman: Professor Tom J. Farer; Members: Dr. Andrés Aguilar, Dr. Gabino Fraga, Dr. Carlos García Bauer, Dr. Marco Gerardo Monroy Cabra; Dr. Fernando Volio Jiménez
Dated:	18 November 1978
Citation:	Sosa de Forti v. Arg., Case 2271, Inter-Am. C.H.R., OEA/Ser.L/V/II.47, doc. 13 rev. 1 (1978)
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BACKGROUND:

1. The following denunciation was made in a communication of May 29, 1977:

"NELIDA AZUCENA SOSA DE FORTI, C.I. 9.728.076 P.F., and five children, detained 2/18/77 Ezeiza, who had boarded an Aerolíneas Argentinas plane, flight 284 to Venezuela. Documentation in order. Pilot of plane, immigration official, took them off the plane because of problem with documentation. Detained by group of individuals in civilian clothes, armed, driving sedan automobiles. Imprisoned seven days without charge. Children separated from mother, abandoned in city of Buenos Aires, informed that their mother was taken to Tucuman. Whereabouts of mother unknown".

2. In a telegram of June 13, 1977, the Commission transmitted the pertinent parts of this denunciation to the Government of Argentina, and requested it to provide the corresponding information.

"Report that competent national authorities have no record of detention of Mrs. Nelida Azucena Sosa de Forti. Efforts are underway to determine her whereabouts. Any further information on the matter will be reported immediately".

3. The pertinent parts of the Government's response were transmitted in a letter dated June 27, 1977 to the complainant and comments were invited on the reply.

4. In a note of June 30, 1977, the Commission acknowledge receipt of the information provided by the Government, and transmitted the following additional information to the Government.

"Mrs. Nelida Azucena Sosa de Forti an Argentine citizen, C.I. 9.728.076 P.F., was detained on February 18, 1977 in the international airport of Ezeiza.

On the day indicated, Mrs. de Forti and her five children, 'arrived at the airport ... at approximately 7:34 a.m., went through all the pre-embarkation procedures such as emigration and her many suitcases with no

problem, and boarded flight Ne 284 Aerolineas Argentinas, to Venezuela leaving at 9:00'.

They had all the necessary documents, including parental consent, and the visa which had been officially communicated to the Venezuelan Consulate in Buenos Aires on February 14, 1977 in official telegram Ne 003410.

Once they were settled in their seats on the plane, at approximately 8:45 ... the announcement was made that Alfredo Forti (her 16-year old son) was asked to come to the cabin. The son went forward and was received by the Captain, the emigrations official that had dealt with him a few moments earlier in the airport, the flight attendant and one more uniformed person.

The pilot asked him about his father and he explained that his father was in Venezuela awaiting the arrival of the family. The pilot then asked him to call his mother and the son returned with her. The pilot explained to the mother that she would not be able to travel because 'there was a problem with the documentation'.

The pilot told them 'that he would proceed to disembark them with their baggage. This was done and they were taken back into the same bus that had taken them to the plane along with the other passengers. A group of individuals, who were in civilian clothes, although armed, were waiting for them in the bus. They were taken to the public vehicle entrance and transferred to two sedan cars.'

On an abandoned road the six were taken out of the cars and their eyes blindfolded. They then were taken to a kind of prison establishment, where they remained for seven days. At no time was any reason given for their incarceration, or was any authorization shown.

On the seventh day, the children were taken from their mother and abandoned in the city of Buenos Aires, close to a house that they knew. As on the previous occasion, they were blindfolded. Before they were left, the person whom the others treated as their leader informed them that their mother would be taken to Tucuman and that she would be reunited with them in a week.

No further news has been received of the mother's whereabouts since that time, nor of the reason for her detention, the causes behind it, nor of the authorities that ordered it and that still deprive her of her freedom. All the efforts of Caritas en Venezuela and of the Venezuelan Embassy in Buenos Aires to ascertain her whereabouts have been fruitless.

However, an arrangement was made through the Embassy of Venezuela to transfer the children to Venezuela where they are now with their father, a surgeon, who is in the service of the Government of Venezuela."

5. In a communication dated 15 July 1977, the person making the denunciation challenges the reply from the Government of Argentina in the following terms:

"There is no doubt at all that Nelida Sosa de Forti was detained by official security agencies, because they had to pass through at least five military control points in order to get to the airport, and some more within Ezeiza airport before reaching the plane; a uniformed armed official made them leave the plane in the presence of Captain Gomez Villaface, to whom it is assumed he identified himself. Moreover, the international airport of Ezeiza is under military control and the captain of a plane cannot be uninvolved in such an operation.

Also on the airplane was Mr. Juan Galli Coll, a senior official of the Ministry of the Treasury of Venezuela, who is ready to testify that he was a witness to the occurrence. Mr. Daniel Mazzola, an Argentine citizen who was on a business trip was also on board.

The uniformed, armed official told Mrs. Forti that there was warrant for her arrest from Tucuman, which is further proof that she was detained.

Another point that should be taken into account is the fact that when the children were brought by a Venezuelan priest, who made the trip for this purpose, they were under Federal Police escort and despite the fact that they identified themselves, entry was not easy, which proves that, in fact, only officials of the Armed Forces or Federal Police could have detained her."

6. In a note of September 29, 1977, the Government of Argentina replied to the request for

information, again failing to refer to the statements made in the pertinent parts of the denunciation:

...

"D. Persons on whom there are no records of detention and who are subject of a police search conducted by the Ministry of the Interior.

...

139. Sosa de Forti, Nelida Azucena."

7. In notes dated October 12 and November 10, 1977, the complainant repeats his accusation with regard to the Government's reply, and reports that he has unofficially learned that Mrs. Forti is being detained in Villa Devoto jail in Buenos Aires.

8. In a communication dated February 7, 1978, the Commission transmitted to the Government of Argentina the pertinent parts of the observations made by the complainant. The Government to date has not replied.

9. In a communication dated May 16, 1978, the person filing the complaint sent a new detailed declaration to the Commission, giving background information about the detention; an account of the six days during which the family was detained; photocopies of all the documents related to the trip, and diagrams of the place where the incident occurred reconstructed by one of the persons who had been detained.

10. The Commission has in its possession declarations made by eyewitnesses to the detention aboard the Aerolineas Argentina plane, and a statement from the person who had the Forti children transferred to Venezuela.

11. In a communication dated September 26, 1978, the Commission transmitted to the Government of Argentina the pertinent parts of the additional information, and of the aforementioned declarations. The Government of Argentina has not responded to this request either.

WHEREAS:

1. In the light of the preceding information and of the documents in the possession of the Commission, there exists proof as to the circumstances, the place, the time and the procedure used in the detention of Mr. Nelida Azucena Sosa de Forti and five of her children, from which it is deduced that the detention took place in public in the International Airport of Ezeiza by authorities of the Argentine Government;

2. The evidence in the possession of the Commission indicated the truth of the events;

3. Despite the foregoing, the Government of Argentina has not responded to date to the events specifically denounced.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. That there is sufficient evidence to show that Mrs. Nelida Azucena de Forti and her children were illegally detained by agents of the Argentine Government on February 18, 1977, and that Mrs. Forti still remains disappeared.

2. To declare to the Government of Argentina, that these events constitute very serious violations to the right to life, liberty, and personal security (Article I); the right to a fair trial (Article XVIII); the right

to protection from arbitrary arrest (Article XXV); and the right to due process of law (Article XXVI) of the American Declaration of the Rights and Duties of Man.

3. To recommend to the Government:

- a) that it take immediate measures to release Mrs. Nelida Azucena Sosa de Forti;
- b) that it sanction, in accordance with Argentine law, those responsible for the events denounced;
- c) that it undertake a complete, impartial investigation of the events denounced, and
- d) that it inform the Commission within a maximum of 30 days, as to the measures taken to implement the recommendations contained in this Resolution.

4. To forward this Resolution to the Government of Argentina and to the complainant.

5. To include this Resolution in the Annual Report to the General Assembly of the Organization of American States, pursuant to Article 9 (bis), paragraph c. iii of the Statute of the Commission.

(Approved at the 605 meeting, November 18, 1978 (45th Session), and forwarded to the Government).