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| Institution: | Inter-American Commission on Human Rights |
| File Number(s): | Case No. 2758 |
| Session: | Forty-Sixth Session (5 – 9 March 1979) |
| Title/Style of Cause: | Sonia Flores v. Bolivia |
| Doc. Type: | Resolution |
| Decided by: | Chairman: Carlos A. Dunshee de Abranches Vice-Chairman: Tom J. Farer Members: Carlos García Bauer; Marco Gerardo Monroy Cabra. Andrés Aguilar, Gabino Fraga and Fernando Volio Jiménez were unable to attend for either personal or health reasons. |
| Dated: | 7 March 1979 |
| Citation: | Flores v. Bol., Case 2758, Inter-Am. C.H.R., OEA/Ser.L/V/II.47, doc. 13 rev. 1 (1978) |
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BACKGROUND:

1. On December 5, 1977, the Commission received the following denunciation:

Sonia Flores, a law student, living in the city of Oruro, was detained by agents of the Political Police in the city of Oruro in July 1972, together with her husband, N. Carrillo, and Cancio Plaza. The three were taken to the Ministry of the Interior in the city of La Paz, where they were cruelly whipped, despite the fact that Mrs. Flores was pregnant. She was released eight months later.

She had no trial, no charges were made, and she had no opportunity to defend herself. She was held incommunicado all this time. After her release, she was placed under ‘house arrest’ (residenciada) in the city of Oruro, where she is currently living. (That is to say, that under the ‘State Security Law’, she may not leave Oruro).

2. In a note of April 5, 1978, the Commission transmitted the pertinent parts of the denunciation to the Government of Bolivia, and asked it to provide the appropriate information.

3. In a communication of June 6, 1978, the Government of Bolivia, without referring to torture, replied to the Commission’s request in the following terms:

“Miss Sonia Flores Luna, a law student, unmarried, became a member of the National Liberation Army (ELN) in January 1972 and she was given the nom de guerre ‘Pepa’, and was a member of the cell along with ‘Jalisco’, ‘Basilio’ and ‘Rodolfo’. She was the mistress of Agustin Carrillo Carrasco, alias ‘Negro’, a dangerous extremist element within that organization. She was detained in the city of Oruro on July 26, 1972, because of her active subversive activities against the present Government. She acknowledged that she had entered the ELN because of her association with her lover, Agustin Carrillo Carrasco.

She was released on February 16, 1973, and signed a pledge to remain resident in the city of Oruro. She has currently been granted amnesty under the General Amnesty decreed by the Supreme Government on

January 19, 1978.

4. The pertinent parts of the Government's reply were transmitted to the claimant by letter of June 28, 1978, and he was invited to make observations on that reply. To date the complainant has made no observations on the Government's reply.

WHEREAS:

1. The Government of Bolivia replied to the Commission's request for information on the events denounced, but did not refer to torture;

2. Article 51.1 of the Regulations of the Commission provide as follows:

Article 51:

1. The accounts of the events on which information has been requested will be presumed to be confirmed if the Government referred to has not supplied such information within 180 days of the request, provided always, that the invalidity of the events denounced is not shown by other elements of proof.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. On the basis of Article 51.1 of the Regulations, to presume the material facts of the denunciation with regard to torture to have been confirmed.

2. To declare that the Government of Bolivia violated (Article I) right to life, liberty and personal security of the American Declaration of the Rights and Duties of Man.

3. To recommend to the Government of Bolivia:

a) that it order a complete impartial investigation to determine responsibility for the events denounced, and to sanction those responsible for these events, in accordance with Bolivian law, and

b) that it inform the Commission within a maximum of 60 days as to the measures taken to put into practice the recommendations listed in the present Resolution.

4. To communicate this decision to the Government of Bolivia and to the complainant.

5. To include this Resolution in the Annual Report of the Commission to the General Assembly of the Organization of American States, pursuant to Article 9 (bis), paragraph c. iii of the Statute of the Commission, without prejudice to the fact that the Commission may, at its next session, reconsider the case in the light of such measures as the Government may have adopted

(Approved at the 610th meeting of March 7, 1979 (46th Session) and transmitted to the Government of Bolivia).