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Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 40/79, Case No. 2777
Session:	Forty-Sixth Session (5 – 9 March 1979)
Title/Style of Cause:	Thelma King and others v. Panama
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:	King v. Pan., Case 2777, Inter-Am. C.H.R., Report No. 40/79, OEA/Ser.L/V/II.50, doc. 13 rev. 1 (1979-1980)
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BACKGROUND:

1. On December 6, 1977, the penultimate day of its on-site observation in Panama, the Special commission of the IACHR asked the Government for a report on 103 individuals, including Dr. Thelma King, who were supposedly in exile. The Commission asked it to say whether these people had been exiled, whether they had chosen to leave the country, whether they were still abroad, and whether the Government had authorized some of them to return.

2. In a note dated January 16, 1978 (OEA 7978), the Government of Panama replied to the Special Commission's inquiry, supplying information on some people who had been "authorized" to return, and on others who, in the opinion of the Government, had exiled themselves. The case of Dr. Thelma King did not appear amongst this information.

3. During its 43rd session held in Caracas on January 26 - February 3, 1978, the Commission had the opportunity to verify Dr. King's exile status.

4. On March 6, 1978, the Commission received the following denunciation:

Dr. Thelma King H., a Panamanian citizen, an attorney and professor, was arrested on February 28, 1970, at about 6:00 o'clock in the morning, in the city of Colon, Panama. She was taken to prison by three members of the National Guard. She was wearing pajamas, although she had asked them to let her dress properly. Two days later, about 6:00 p.m., she was taken away from the jail in a small truck by other members of the guard. They took her for a "drive." They took her to an isolated spot along the Central Highway and tried to force her out of the vehicle. She refused and they kept on insisting until a National Guard car went past. It seems that the men in the car wanted to know what was happening. There is no information on the jailers' conversation with them, but an hour later, a small truck came along with more or less 40 uniformed Guards. They put her in the truck and took her to the prison in the city of Chitre.

From there, she was transferred on the 7th to Panama City, to the Central Barracks of the National Guard. On the night of the 8th, she was taken to the International Airport of Tocumen and they put her on a plane for Lima, Peru. She was given neither food nor water for the entire eight days she was in detention, even though her family sent food in every day. The night she was exiled, some members of the National Guard under the command of a man called Rosario, who was acting on orders from Captain Salamanca, turned her apartment upside down and arrested her daughter. They later set her free. After her exile, they closed down her radio station 'La Voz de Colon.' She is still in exile, unable to return because of the lack of guarantees and the inefficacy of the legal remedies.

5. In a note dated April 14, 1978, the Commission transmitted the pertinent parts of the denunciation to the Government of Panama, asking it to provide information on the denunciation and on exhaustion of domestic legal remedies.

6. In a cable dated April 21, 1978, the Government of Panama sent the Commission the following message on political exiles:

INFORM YOU THAT HIS EXCELLENCY THE HEAD OF GOVERNMENT, GENERAL OMAR TORRIJOS HERRERA, HAS JUST PUBLICLY ANNOUNCED BY RADIO AND TELEVISION THAT ALL PANAMANIAN ABROAD AS ACTUAL OR APPARENT POLITICAL EXILES MAY RETURN TO THEIR COUNTRY WITHOUT CONCERN OR FEAR OF ANY KIND. THANK YOU FOR YOUR COOPERATION IN PUBLICIZING THIS MEASURE.

7. This cable was transmitted to the person filing the denunciation in a letter of April 24, 1978.

8. As the Government of Panama had not replied to the note sent on April 14 on Dr. King's case, the Commission repeated its request in a note of October 6, 1978, making reference to possible application of Article 51 of the Regulations, if the information were not received within the regulation time period.

9. In a communication dated December 7, 1978, the Government of Panama replied to the Commission's request in the following terms:

The Ministry has learned that THELMA KING, a Panamanian citizen, exiled herself because she was involved in attacks against the constituted powers, according to information supplied by the State Departments of Security. However, the Ministry has also learned that this citizen is currently residing in Panama, where her individual rights upheld in the National Constitution and in the laws are respected. The Minister of the Interior and Justice also informs us "that there is no record of the case denounced."

WHEREAS:

1. The Commission established, during its on-site on the basis of documents supplied by the Government legal remedies in the case of political exiles during observation, and of Panama, that the period from 1969 to the beginning of 1978 were ineffective, as stated in the Report on the Situation of Human Rights in Panama (OEA/Ser.L/V/II.44, doc.38, rev. 1, 22 June 1978, Chapter VII: The Right to Residence and Movement).

2. In its note of January 5, 1978, the Government of Panama failed to recognize Dr. King's right to return to her country, and the Commission's request that it be furnished with pertinent information on this case, without referring to the physical mistreatment and the lack of due process.

3. Article 51.1 of the Regulations of the Commission provides as follows:

Article 51.

The occurrence 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 with 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. To declare that the Government of Panama violated Articles I (right to life, liberty and personal security), VIII (right to residence and movement) and XXVI (right to due process) of the American Declaration of the Rights and Duties of Man.
2. To recommend to the Government of Panama: a. that it order a complete and impartial investigation to determine responsibility for the events denounced, and to punish those responsible for such acts in accordance with the laws of Panama; b. if it has not already done so, to inform Dr. King that she may return to her country, and c. to inform the Commission, within a maximum of 60 days, as to the measures taken to put into practice the recommendations contained in the present Resolution.
3. To communicate this decision to the Government of Panama and to the persons filing the denunciation.
4. 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 Commission's being able to reconsider the case at its next session in light of measures that the Government may have taken.