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Title/Style of Cause:	Juan Antonio Solano v. Bolivia
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Decided by:	Chairman: Mr. Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Luis Demetrio Tinoco Castro; César Sepúlveda.
Dated:	08 March 1982
Citation:	Solano v. Bol., Case 7823, Inter-Am. C.H.R., Report No. 32/82, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1981-1982)
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BACKGROUND:

1. In a communication dated April 1981, the Inter-American Commission on Human Rights received the following denunciation:

Juan Antonio Solano, born January 27, 1955 in Llallagua, Bolivia, a metallurgy student at the University of Oruro and member of the University Federation, was detained in 1977 during the Banzer Government, and again in 1980 after the coup d'état. He has been in exile in Switzerland since November 22, 1980, when he was forced to leave his country, Bolivia.

Arrested on July 18, 1980 in the university cafeteria of the University of Oruro by the Armed Forces and the police, along with 250 other students. He was first taken into detention in a military post in Vinto (Oruro), and then to the Oruro DOP, where he remained for 45 days and was later transferred to the Ministry of the Interior in La Paz. During the entire period of his detention, he was mistreated and was forced to sign false statements. The interrogations were conducted by agents of the Intelligence Service. Since he was considered to be a "dangerous element," he was to be sent to Argentina. The intervention of the church, CIME and the United Nations prevented Bolivian political prisoners from being sent to Argentina. He was taken to Viacha, where CIME officials interviewed him and facilitated his exile to Switzerland.

Tortures and ill-treatment: Immediately after his arrest, along with 250 other students, he was taken to a military post in Vinto (Oruro) where they all were subjected to a mock burial, being forced to get into a trench where they were sprayed with tear gas and covered with earth and water. They were then beaten with sticks and were put through mock shootings. They were taken to the DOP in Oruro, where prison conditions were very bad. They were forced to sign statements under duress; there was neither water nor food. There were between 30 and 40 detainees in cells measuring 2 x 3 meters. The detainees' families brought them food. Since there were a number of detainees from the interior of the country, they had no one to bring food to them. During the 45 days he was in the DOP, he survived basically on the food that other prisoners shared with him. His next transfer was to the Ministry of the Interior in La Paz, where

there were a large number of detainees who would later be taken to the concentration camps in the east of Bolivia (Madidi, San Joaquin, Puerto Rico, Exiomas). For the first days, they shut him up in a small room and took him out to interrogate him late at night. During the first stage of the interrogations, they did not use violence, but when he did not confess, they beat him until he lost consciousness. He was left for two days in a dark room without anything to eat or to drink, and was then taken out to be interrogated again. He was again beaten, and then taken to a cell which contained all his companions who were in the same physical condition as himself. In cells measuring 3 x 4 meters, there were up to 60 people, and no sanitation facilities.

Juan was classified as a "dangerous element" and together with other detainees, was on the list of deportees. On October 25, they were given safe-conducts to be deported to Argentina as members of extreme leftist groups. When they were at the airport, they heard the news that CIME, the church and the United Nations were intervening to prevent political prisoners from being sent to Argentina, Chile and Paraguay. They were taken to Vlacha, where CIME officials helped Juan to leave for Switzerland.

During the whole time he was detained, Juan had no meeting with his family and no opportunity to tell them where he was and in what condition. He had to leave Bolivia without contacting anyone in his family.

12. In a note dated May 10, 1981, the Commission transmitted the pertinent parts of the denunciation to the Bolivian Government, asking it to provide any information it considered pertinent, as well as any terms of reference that would make it possible to decide whether remedies under domestic law had been exhausted in the case in reference.

3. Not having received a response from the Bolivian Government, the Commission, in a note dated September 24, 1981, repeated its request for information and mentioned the possible application of Article 39 of the Regulations on presumption of the truth of the facts. Despite this, to date the IACHR has not received a response from the Bolivian Government.

4. The Commission has received reports confirming the arbitrary detention and illegal acts to which Mr. Solano was subjected. It has also been able to confirm that, in fact, on November 22, 1980, he left Bolivia and went to Switzerland as an exile.

WHEREAS:

1. Article 39 of the Commission's 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.

2. To date, the Bolivian Government has not answered the Commission's request for information in its notes dated May 10 and September 24, 1981, which leads to the conclusion that there are no domestic remedies to be exhausted;

3. The Bolivian Government's failure to answer the Commission's request for information implies that there is no reason for holding the hearing for a friendly settlement provided for in the Commission's Regulations,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. Pursuant to Article 39 of the Regulations, to presume true the facts denounced in the communication dated May 10, 1981, concerning the arbitrary detention and illegal acts to which Mr. Juan Antonio Solano was subjected.
2. To point out to the Bolivian Government that such acts constitute serious violations of the right humane treatment (Article 5), and the right to personal liberty (Article 7), and the right to freedom of movement and residence (Article 22) of the American Convention on Human Rights.
3. To recommend to the Bolivian Government:
 - a) that it order a full and impartial investigation to determine responsibility for the events denounced,
 - b) that it punish those responsible under Bolivian law, and
 - c) that it if it has not yet done so, it allow Mr. Juan Antonio Solano to return to his homeland, and
 - d) that it inform the Commission within 90 days of the measures taken.
4. To convey this resolution to the Bolivian Government for the appropriate purposes in accordance with Article 44 of the Commission's Regulations.
5. If, after the period established in paragraph 3 of this resolution, the Government of Bolivia does not make observations, the Commission shall include this resolution in its Annual Report to the General Assembly in accordance with Article 59 paragraph (g) of the Commission's Regulations.