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| Institution:          | Inter-American Commission on Human Rights  |
| File Number(s):       | Report No. 31/82; Case no. 7530  |
| Session:              | Fifty-Fifth Session (1 – 9 March 1982)   |
| Title/Style of Cause: | Guillermina Soria v. Bolivia   |
| Doc. Type:            | Resolution   |
| Decided by:           | Chairman: Mr. Tom J. Farer;<br>First Vice Chairman: Marco Gerardo Monroy Cabra;<br>Second Vice Chairman: Francisco Bertrand Galindo;<br>Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Luis Demetrio Tinoco Castro; César Sepúlveda. |
| Dated:                | 08 March 1982  |
| Citation:             | Soria v. Bol., Case 7530, Inter-Am. C.H.R., Report No. 31/82, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1981-1982)   |
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## BACKGROUND:

1. In a communication dated October 30, 1980, the Inter-American Commission on Human Rights received a denunciation that Mrs. Guillermina Soria was arrested by a paramilitary group of the Bolivian Government Intelligence Service on September 22, 1980 and taken to the Ministry of the Interior and later to the Miraflores barracks, where she was interrogated. In October of that year she was held incommunicado at the Headquarters of the DOP in the Plaza Murillo in the city of La Paz. According to the denunciation received, Mrs. Soria was subjected to illegal acts and torture to the extent that she required the attention of a neurologist.
2. In a cable dated November 4, 1980, the Commission transmitted the pertinent parts of the denunciation to the Government of Bolivia, 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 April 13, 1981, repeated its request for information, mentioning the possible application of Article 39 of the Regulations concerning presumption of the truth of the facts. Despite this, thus far, the IACHR has not received any response from the Bolivian Government.

## 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. Thus far, the Bolivian Government has not answered the Commission's request for information in its notes dated November 4, 1980 and April 13, 1981, which leads to the presumption that no domestic remedies remain 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 to be true the facts reported in the communication dated November 4, 1980, arbitrary detention and illegal actions to which Mrs. Guillermina Sorta was subjected.

2. To point out to the Bolivian Government that these events constitute serious violations of the right to humane treatment (Article 5) and of the right to personal liberty (Article 7) of the American Convention on Human Rights.

3. To recommend to the Government of Bolivia:

- a) that it order a full and impartial investigation to determine responsibility denounced,
- b) that, in accordance with Bolivian Law, it punish those responsible, and
- c) 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 Bolivian Government has not set forth its observation, the Commission will include this resolution in its Annual Report to the General Assembly in accordance with Article 59 paragraph (g) of the Commission's Regulations