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Institution: Inter-American Commission on Human Rights
File Number(s): Report No. 29/82; Case no. 7473
Session: Fifty-Fifth Session (1 – 9 March 1982)
Title/Style of Cause: Flaviano Unzueta v. Bolivia
Doc. Type: Resolution
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: Unzueta v. Bol., Case 7473, Inter-Am. C.H.R., Report No. 29/82, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1981-1982)

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BACKGROUND:

1. In a communication dated August 14, 1980, the Inter-American Commission on Human Rights was informed of the arbitrary detention and torture of Mr. Flaviano Unzueta, a Cochabamba attorney, on July 18, 1980.
2. In a note dated August 19, 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 December 16, 1980, repeated its request for information and mentioned the possible application of Article 39 of the Regulations concerning 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. Unzueta was subjected.

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 Government of Bolivia has not answered the Commission's request for information in its notes of August 19 and December 16, 1980, which leads to the conclusion that there are no domestic remedies to be exhausted;

3. The lack of response by the Bolivian Government to 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. By virtue of Article 39 of the Regulation, to presume to be true the facts reported in the communication of August 19, 1980, concerning the arbitrary detention and illegal acts to which Mr. Flaviano Unzueta was subjected.

2. To point to the Bolivian Government that these events constitute serious violations of the right to humane treatment (Article 5), and 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 provide for a full and impartial investigation to determine responsibility for the events denounced, b) that it punish those responsible in accordance with Bolivian law, and c) that it inform the Commission within 90 days of the measures taken.

4. To transmit this resolution to the Government of Bolivia 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 made no comments, 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.