

# Press Release

Inter-American Court of Human Rights

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## **Venezuela is responsible for enabling acts of torture and sexual slavery committed against Linda Loaiza López Soto**

*San José, Costa Rica, 16 November 2018.* – In the judgment published today in the case *López Soto et al v. Venezuela* the Inter-American Court of Human Rights (hereinafter, “the Court”) declared that Venezuela is responsible for the acts of torture and sexual slavery committed against Linda Loaiza López Soto in violation of several provisions of the American Convention on Human Rights, the Inter-American Convention to Prevent and Punish Torture and the Inter-American Convention on the prevention, punishment and eradication of violence against women “Convention of Belem do Para”. The official summary of the judgment can be found [here](#) and the entire text of the judgment [here](#) (in Spanish).

On 27 March 2001 Ms. López Soto, who at that time was 18 years old, was kidnapped by a private individual who kept her deprived of liberty for almost 4 months until 19 July 2001, when she was finally freed by police officers and firefighters. During this period of time Ms. López Soto was continuously subject to several acts of physical, verbal, psychological and sexual violence, including forced administration of alcohol drugs and medicines, deprivation of food, repeated acts of vaginal and anal rape and with objects, as well as beatings that caused her injuries, face bruises and severe damage of her auditory chambers, thorax, abdomen; nose and jaw fracture, *inter alia*. Due to the multiple injuries suffered Ms. López Soto was hospitalized for almost one year and underwent 15 surgeries.

Criminal proceedings were brought against the perpetrator. Two trials took place, since the first one was declared void. In the framework of the second set of criminal proceedings the perpetrator was convicted of the crime of deprivation of liberty and serious bodily harm, yet acquitted from the rape charges. At present the appeal concerning the rape charges is pending. In the judgment that has been served today, the Court established that the State was responsible for the insufficient and negligent response of government officials who were aware about the risk at least from 26 May 2001, when Ms. López Soto’s sister had lodge a complaint with the police. The Court stressed that not only these government officials did not adopt any reasonable measures, but also their acts put the perpetrator on alert. The Court observed that notice of an abduction or the disappearance of a woman activates the State’s reinforced duty of due diligence, since these circumstances create an environment favorable for the commission of acts of violence against women and create a special situation of vulnerability to be subject to sexual violence, which also implies putting at risk the woman’s right to life and integrity, independent from the specific context.

In this regard the Court noted that the police response was based on negative gender stereotypes under which what was happening was labelled as an “issue belonging to a relationship sphere” from which there was no need of State intervention. Thus, the Court concluded that the State was responsible “in view of their gross omission” that made the acts of sexual slavery and torture possible.

Additionally, the Court observed that the absence of a specialized legal framework ensuring the participation of police and judicial officers duly trained to address and investigate complaints concerning violence against women in every form and place, as well as the lack of concrete rules able to guide them when recollecting evidence and dealing with the victims were fundamental

factors that contributed to all the flaws and omissions that were observed in the framework of the investigation proceedings, as well as to the revictimization of Ms. López Soto. On the other hand, the inadequate criminal classification of the crime of torture led to the non-characterization of the acts as torture, but as a less serious crime.

Likewise, the Court determined that the proceedings brought before the Venezuelan courts suffered from undue delay and that the investigative measures as well as the protection measures against the threats and harassment suffered by Ms. López Soto, her family members and her lawyer were not sufficient.

In view of the above, the Court concluded that the State violated Ms. López Soto's right to juridical personality, personal integrity, prohibition of torture and other cruel, inhuman or degrading treatments; prohibition of slavery, personal liberty, her right to a fair trial, dignity, autonomy and private life; freedom of movement and residence; right to judicial protection and equality before the law, all of this in conjunction with the State's obligation to respect and guarantee the rights without any discrimination as well as the obligation to adopt domestic provisions. The Court also concluded that the State violated the victims' relatives' right to personal integrity due to the uncertainty experienced and the treatment received by the State.

In view of these violations, the Court ordered several measures of reparation.

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The Court's composition for the sentence included the following: Judge Eduardo Ferrer MacGregor Poisot, President (Mexico); Judge Eduardo Vio Grossi, Vice-President (Chile); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eugenio Raúl Zaffaroni (Argentina); and Judge Patricio Pazmiño Freire (Ecuador). Due to force majeure reasons accepted by the Plenary of the Court, Judge Elizabeth Odio Benito (Costa Rica) did not participate in the deliberation and adoption of this judgment.

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Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.



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(506) 2527 - 1600



(506) 2280 - 5074



Apdo. 6906 - 1000  
San José, Costa Rica



[corteidh@corteidh.or.cr](mailto:corteidh@corteidh.or.cr)



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