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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1757
Session:	Thirty-Second Session (8 - 18 April 1974)
Title/Style of Cause:	Amalia Rada, Aida Pechazas, and Elsa Burgoa de Zapata and others v. Bolivia
Doc. Type:	Resolution
Decided by:	President: Dr. Justino Jimenez de Aréchaga (Uruguay) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Robert Woodward (United States); Dr. Genaro R. Carrio (Argentina); Dr. Andrés Aguilar (Venezuela)
Dated:	10 April 1974
Citation:	Rada v. Bol., Case 1757, Inter-Am. C.H.R., OEA/Ser.L/V/II.34, doc. 31 rev. 1 (1974)
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[1] Case No. 1757. By a communication dated November 18, 1972, the following denunciation was made:

That repressive measures were being taken in the Republic of Bolivia, and had been extended to various sectors of the population, and that many women had been interned in concentration camps and prisons where they had been tortured.

That a group of Bolivians had written to the International Red Cross, which, according to information obtained by the complainant, had sent a commission to Bolivia to investigate the situation obtaining in Achocalla, where 3 women had denounced the tortures they had suffered.

That, as soon as the investigating commission left, the above mentioned women had been taken away from Achocalla and nothing more had been heard of them and it was feared that they were being tortured in another place and had been murdered.

That 27 persons had been arrested and not brought to trial. A list of the names of the persons arrested was attached.

[2] In a note dated January 3, 1973 the Commission requested the Government of Bolivia to provide the pertinent information, pursuant to Article 42 and 44 of its Rules of Procedure.

[3] The Delegation of Bolivia to the Permanent Council, in a note dated January 15, 1973, replied to the Commission, stating that the competent authorities would provide the information requested.

[4] In view of the foregoing and in accordance with the recommendation of the Subcommittee, the Commission decided, at its thirtieth session (April 1973), to send a note to the Government of Bolivia, stating that it hoped to receive the information offered in due time for its consideration at its thirty-first session.

[5] In accordance with this decision, the Commission sent a note to the Government of Bolivia on June 15, 1973.

[6] At its thirty-first session (October 1973) the Commission examined this case in the light of the fact that the Government of Bolivia had not provided the information it had offered and that the time-limit established in Article 51 of the Rules of Procedure for the provision of such information had expired and appointed Dr. Carlos A. Dunshee de Abranches rapporteur to prepare a draft resolution pursuant to Articles 51 and 52 of the Rules of Procedure.

The rapporteur submitted a draft in accordance with which the Commission, at that session, unanimously approved the following resolution (OEA/Ser.L/VII.31, doc.35 rev. 1, October 24, 1973):

WHEREAS:

[1] On November 18, 1972 the Commission received a communication in which the following acts were imputed to the authorities of Bolivia:

The arrest in Achocalla of Amalia Rada, Aida Pechazas (or Pedrazas) and Elsa Burgoa de Zapata, who had denounced to the International Red Cross the practice of tortures, and who had disappeared after an investigating committee left Achocalla;

The arrest "without any kind of legal and democratic trial" of the following persons: María Luisa Bonadona de Quiroga as well as her husband and son; Edmy Alvarez Daza, a leader of the Central Obrera Boliviana; Nelvi Navia de Chávez; Blanca Henrich Araoz, confined in the Hospital de Clínicas; Carmen Arratia de Roca and her husband; Rosa de Egüez; Mery Fernández Negrete, Nelli Fernández Negrete, Betty Catoira Moreno; Nena Menacho; Mery Alvarado; Rina Tapia de Gúzman and her husband; Dora Higuera del Barco; Sofía de Méndez Tejada; Nancy Olgún; Elba Figueroa; Susana Caro; Fanny Antezana; Ronnie Grebe; N. Bartelemi; Emma de Bacárrez, leader of the La Paz teachers; Nadezda and Alexandra Bravo, sisters arrested in order to have them reveal the whereabouts of their mother, Elsa de Bravo, representative of the teachers of La Paz in the Central Departmental, and Agar Peñaranda.

[2] Those acts, if true, would constitute violations of Articles I, XVIII, XXV and XXVI of the American Declaration of the Rights and Duties of Man, applying to the case the provisions of article 9 (bis) of the Statute of the IACHR and the procedure governed by articles 37 through 57 of the Regulations;

[3] On January 2, 1973, the information covered for in articles 42 and 44 of the Regulations was requested of the Government of Bolivia, and in his reply dated the 15th of that same month the Representative of that country to the OAS stated: "In reality, it is the authorities of my country who are the ones who will reply to your requests. However, I judge it my duty to inform you that many of the names that appear on that list are those of women known for their work of agitation, of frank rebellion against legal provisions, against the security of the state and against the tranquility of the citizenry in general. I am sure that you are aware that extremists, whether men or women, when they act to achieve their purposes, do so outside the law, that is to say, disregarding it, but when they fall into the power of the authorities the first thing they invoke is the law, that law that they themselves deny and break when they kidnap, assault, destroy, rob and kill;

"The Bolivian authorities use, as is done in any country, the means that the law authorizes to them to investigate the details they need and, on the basis of the guilt of each one, to impose on him the corresponding penalty or to set him free. These inquiries, since they are part of a major investigation, take time, which does not in any manner mean repression";

[4] On June 15, 1973 the IACHR informed the Minister of Foreign Affairs of Bolivia that it had

decided to postpone consideration of the case until the following October, when it hoped to have available the reports offered, thus repeating the request under the Regulations;

[5] However, the government did not provide the information offered and according to article 51, if the information is not supplied within 180 days the occurrence of the events denounced will be presumed to be confirmed;

[6] That period having elapsed, it is proper to apply article 51 since the other evidence available to the Commission does not at contradict the denunciation. On the contrary, the file includes reports that the Association of Journalists, the Bar Association and the Commission on Peace and Justice of Bolivia confirmed the arrest of numerous persons for political reasons, among whom there were 30 women, who had not yet been brought to trial; and

[7] Finally, the Bolivian government, in its reply to the IACHR, did not make any objection with respect to the requirement of exhaustion of the internal legal procedures and remedies, as would have been normal for it to do if any request for a writ of habeas corpus or other procedures referred to in subparagraph d) of article 9 (bis) of the Statute of the Commission had been pending,

#### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. To presume the occurrence of the events denounced to be confirmed, in application of article 51 of the Regulations.
2. To recommend to the Government of Bolivia that:
  - a) it adopt the measures necessary so that violations of the right of protection from arbitrary arrest and the right to due process of law in relation to the persons whose names appear above will immediately cease; and
  - b) that it order an investigation by the competent authorities to determine the fate of Amalia Rada, Aida Pechazas, and Elsa Burgoa de Zapata, who were arrested in Achocalla in November 1972, in case they have not yet been released.
3. To request of the same government that it inform the Commission, within 30 days, about the implementation of the measures indicated in operative paragraph 2, above.
4. If the information indicated in operative paragraph 3 is not supplied, to include the case in the annual report to the General Assembly, in accordance with Article 57 of the Regulations.

This resolution was communicated to the Government of Bolivia in a note dated December 19, 1973. A copy of this note and of the resolution was transmitted to the Delegation of Bolivia to the Permanent Council of the Organization on December 20, 1973.

[7] At the thirty-second session (April 1974), the Commission continued its examination of this case, noting that the Government of Bolivia had not provided information on the adoption of the measures recommended in the Resolution of October 24. Consequently, in accordance with the provisions of that Resolution, it decided to include this case, with the appropriate observations, in the annual report to the General Assembly of the Organization.

In compliance with that decision, the Commission, at that session, unanimously approved the following resolution (OEA/Ser.L/V/II.32, doc.34, April 10, 1974):

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS,

HAVING SEEN the resolution on case 1757 (doc.35-31) approved at its thirty first meeting, in which it was decided:

1. To presume the occurrence of the events denounced to be confirmed, in application of Article 51 of the Regulations.
2. To recommend to the Government of Bolivia that:
  - a) it adopt the measures necessary so that violations of the right of protection from arbitrary arrest and the right to due process of law in relation to the persons whose names appear above will immediately cease; and
  - b) that it order an investigation by the competent authorities to determine the fate of Amalia Rada, Aida Pechazas, and Elsa Burgoa de Zapata, who were arrested in Achocalla in November 1972, in case they have not yet been released.
3. To request of the same government that it inform the Commission, within 30 days, about the implementation of the measures indicated in operative paragraph 2, above.
4. If the information indicated in operative paragraph 3 is not supplied, to include the case in the annual report to the General Assembly, in accordance with Article 57 of the Regulations, and

CONSIDERING:

That the Government of Bolivia has not supplied the information requested in that resolution,

RESOLVES:

1. To communicate to the Government of Bolivia the Commission's observation that such events constitute serious violations of the right to life, to freedom; of the right to Justice; of the right to protection from arbitrary arrest and of the right to due process of law, as established in Articles I, XVIII, XXV And XXVI of the American Declaration of the Rights and Duties of Man.
2. To include this resolution in its annual report to the General Assembly of the Organization, in accordance with Article 9 (bis), paragraph c, iii of its Statutes and Article 57 of the Regulations.

This decision was communicated to the Government of Bolivia in note dated June 3, 1974.