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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 1798
Session:	Thirty-Sixth Session (6 - 24 October 1975)
Title/Style of Cause:	Cochabamba Peasants and Benjamin Miguel Harb v. Bolivia
Doc. Type:	Resolution
Decided by:	President: Dr. Andrés Aguilar (Venezuela) Vice-President: Dr. Carlos A. Dunshee de Abranches (Brazil) Members: Professor Manuel Bianchi (Chile); Dr. Gabino Fraga (Mexico); Dr. Justino Jimenez de Aréchaga (Uruguay); Mr. Robert F. Woodward (United States); Dr. Genaro R. Carrio (Argentina)
Dated:	14 October 1975
Citation:	Cochabamba Peasants v. Bol., Case 1798, Inter-Am. C.H.R., OEA/Ser.L/V/II.37, doc. 20, corr. 1 (1975)
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[1] Case No. 1798, presented by a communication dated February 9, 1974 denounces the death of a number of peasants who had demonstrated against the Government in Cochabamba. Furthermore, it denounces the arbitrary arrest of lawyer Benjamin Miguel Harb, who had allegedly been held incommunicado in a jail in La Paz since January 20 of that year.

[2] Since the communication did not meet all the requirements set forth under Articles 38 and 54 of the Regulations of the Commission, in a letter dated February 19, 1974, the Commission requested that the claimants supply the necessary information.

[3] The claimant, in a communication dated July 19, 1974, added to the denunciation concrete data on the above-mentioned events.

[4] The Commission, in a note dated October 11, 1974, requested the Government of Bolivia to provide the appropriate information, in accordance with Articles 42 and 44 of the Regulations. A copy of that note was transmitted to the Delegation of Bolivia, to the Permanent Council of the OAS on October 17 of that month. In a communication dated November 11, 1974, the claimant was informed of the steps that had been taken with regard to the ease.

[5] At its thirty-fifth session (May 1975) the Commission continued to examine the case, observing that the Government of Bolivia had not provided the appropriate information and that the 180-day period provided for under Article 51 of the Regulations for transmittal of this information had elapsed. Therefore, it agreed to apply the provisions of Article 51.1, presuming confirmation of the events on which information had been requested.

[6] In keeping with that agreement, the CIDH approved the following resolution (OEA/Ser.L/V/II.36, doc.19 rev. 1 of October 14, 1975) at its thirty-sixth session (October 1975).

WHEREAS:

[1] In a communication of July 19, 1974, the following events were denounced:

Arrest and subsequent expulsion of Benjamin Miguel Harb, a Bolivian lawyer

According to the denunciation, Benjamin Miguel Harb, a Bolivian Lawyer and Chairman of the Christian Democratic Party in Bolivia, was arrested on January 21, 1974, in La Paz (Bolivia), for having criticized, through the press, the economic measures implemented by the Government of Bolivia in mid-January.

The denunciation specified that the arrest of the above-named individual was carried out by agents of the Direccion de Orden Politico (Political Order Bureau) (DOP), without any formal warrant from a competent authority and without making a charge as to violation of law; this individual was detained until February 15, 1974, (twenty-five days) during which time he was held incommunicado in a police cell for seven days, and was allowed to see his family for ten minutes on only two occasions; for the entire period of his arrest, no statement was taken from him but steps were taken "illegally, to make a file on him by taking photographs, treating him as if he were a criminal sentenced by a competent authority."

As for his expulsion from the country, the denunciation reads as follows:

Three months after having been given conditional freedom, on May 12, 1974, BENJAMIN MIGUEL HARB was unconstitutionally and illegally exiled from Bolivia to Paraguay, where he remains today. Three top-level leaders of the PDC-PRA-MNRI Alliance were exiled with him. As grounds for this measure, the Minister of the Interior cited "supposed violations of the law."

"The Political Constitution of Bolivia states that no one can be detained for more than 24 hours without a judicial order. As a means to protect personal freedom, the Constitution provides for the remedy of "habeas corpus", but judicial authorities under political authority do not allow recourse to this legal remedy."

Brutal repression of demonstrations by farmers protesting the Government's economic measures

In this regard the denunciation states: The repression by the Army was brutal. One of the bloodiest massacres in recent Bolivian history took place. More than one hundred farmers died. The Army's repression of the demonstration was extremely violent in the Department of Cochabamba where the number of deaths is as follows: in Punata, Totora and in el Valle, 49 dead; in Sacaba 35 dead. The names of the victims are not known and the authorities have not denounced an investigation into the matter.

"The Seventh Division of the Army, under the command of General Carlos Alvarez, which was told to... "reestablish calm" in the Southeastern department, admitted to only 25 deaths. Subsequently, General Alvarez himself summarized the philosophy upon which the action taken by the Government was based by stating: "A few deaths don't matter if the majority will be happy."

"The Bolivian Bishopric categorically and clearly condemned this act of genuine genocide".

[2] In accordance with the power conferred upon it by virtue of Article 9 (bis) of its Statute, the Commission requested the Government of Bolivia, through a note of October 11, 1974, to provide the appropriate information, transmitting to it the pertinent parts of the communication in question, as prescribed in Articles 42(1) and 44 of its Regulations. A copy of this note was sent on October 17, 1974, to the then Alternate Representative of Bolivia on the Permanent Council of the Organization of American States.

[3] At its thirty-first session (May 1975), the Commission noted that the Government of Bolivia had not yet provided the information requested and that the 180-day period provided for under Article 51 of the Rules of Procedure had elapsed.

[4] Article 51 of the Rules of Procedure reads as follows:

Article 51

1. The occurrence of the events on which information has been requested will be presumed to be

confirmed if the Government referred to has not supplied such information within 130 days of the request, provided always that the invalidity of the events denounced is not known by other elements of proof.

2. The commission may make an extension to the term of 180 days in cases in which it finds it justified.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS; RESOLVES:

[1] To presume confirmation of the events denounced in the communication of July 19, 1974, in application of Article 51 of the Regulations.

[2] To bring to the attention of the Government of Bolivia the fact that these acts constitute serious violations to the rights to life, liberty and personal security, to a fair trial and to protection against arbitrary arrest, embodied in Articles I, XVIII, XXV of the American Declaration of the Rights and Duties of Man.

[3] To recommend to the Government of Bolivia that:

[a] It launches an investigation on the events denounced;

[b] It grant to Benjamin Miguel Harb, Bolivian lawyer, the necessary guarantees so that he may return to Bolivia in full enjoyment of his rights,

[c] It adopt the measures necessary to sanction those responsible for the deaths and acts of violence that took place during the repression referred to in the second part of the denunciation and to grant to the heirs of the victims of these events the indemnizations and reparations due according to Bolivian Law.

[4] To request the Government of Bolivia to report to the Inter-American Commission on Human Rights no later than December 31, 1975, on the measures it has taken pursuant to the recommendations made in paragraph 3 of this resolution.

[5] To include this case in its Annual Report to the General Assembly of the Organization of American States, in accordance with the provisions of Article 57 of the Regulations of the Commission, should the Government of Bolivia not duly provide the information requested in operative paragraph 4 of this resolution.

[6] To bring this resolution to the attention of the Government of Bolivia and of the claimants.

This resolution was conveyed to the Government of Bolivia through a note of December 1, 1975, and to the claimants, through a note of December 3, 1975.