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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 2722
Session:	Forty-Sixth Session (5 – 9 March 1979)
Title/Style of Cause:	Maria Cristina de Choque v. Bolivia
Doc. Type:	Resolution
Decided by:	Chairman: Carlos A. Dunshee de Abranches Vice-Chairman: Tom J. Farer Members: Carlos García Bauer; Marco Gerardo Monroy Cabra. Andrés Aguilar, Gabino Fraga and Fernando Volio Jiménez were unable to attend for either personal or health reasons.
Dated:	6 March 1979
Citation:	Choque v. Bol., Case 2722, Inter-Am. C.H.R., OEA/Ser.L/V/II.47, doc. 13 rev. 1 (1978)
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BACKGROUND:

1. On December 5, 1977, the Commission received the following denunciation:

“Maria Cristina de Choque, 27 years old, married, from La Paz, Bolivia, was arrested for the first time in 1972 until 1974. During this imprisonment, she suffered a miscarriage as a result of the torture.

She was again arrested in Catavi in the month of October 1976. She is now in prison, along with her young son who is 6 months old. She was brutally tortured, and as a result of this torture, she is on the verge of death. She receives no medical attention, and is constantly threatened that her small son will be made to disappear. She is still passing blood in her urine. She is being held ‘incomunicado’. Her present whereabouts are unknown.

The courts and government attorneys refuse to intervene in political cases. Nobody else intervenes on her behalf out of fear of the severe reprisals to which the government subjects family members.

The witness to the arrest is Mr. Luis Stamponi of Argentine nationality. After this gentleman recounted the facts, agents of the Political Control made him disappear. It is said he was taken back to the border with Argentina.”

2. In a note of April 3, 1978, the Commission transmitted the pertinent parts of the denunciation to the Government of Bolivia and asked it to provide the corresponding information.

3. In a communication dated June 6, 1978, the Government of Bolivia, without referring to acts of torture or to the lack of due process, replied in the following terms to the Commission’s request:

Mrs. Maria Victoria Fernandez de Choque, alias ‘Claudia’, an active militant in the Revolutionary Workers Party of Bolivia (PRT-B) and in the National Liberation Army (ELN), wife of Alfredo Vicente Castillo -a member of the PRT-B-, a member of the ‘Pancho y Rinett’ cell of column 3, was responsible for distributing subversive propaganda. She was arrested in La Paz on April 17, 1972, and subsequently in

an extremist safe-house in the mining area of Llallagua-Potosi, she was arrested on September 28, 1976, when she attempted to resist arrest with fire-arms and dynamite. The house contained homemade bombs, extremist subversive literature, arms and quantities of dynamite. She has been released as a result of the Amnesty Decree issued by the Supreme Government in December 1977.

4. The pertinent parts of the Government's reply were transmitted to the person filing the denunciation in a letter of June 28, 1978, and he was invited to make observations to the reply.

WHEREAS:

1. The Government of Bolivia replied to the request by the Commission for information on the events denounced, but without referring to torture or the lack of due process.

2. Article 51.1 of the Regulations of the Commission provides 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 180 days to the request, provided always, that the invalidity of the events denounced is not shown by other elements of proof.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. On the basis of Article 51.1 of the Regulations, to presume the material facts of the denunciation with regard to torture and the lack of due process to be confirmed.

2. To declare that the Government of Bolivia violated (Article I) the right to life, liberty and personal security and (Article XXVI) right to due process of the American Declaration of the Rights and Duties of Man.

3. To recommend to the Bolivian Government:

- a) that it order a complete, impartial investigation to determine responsibility for the events denounced, and to sanction those responsible for those events, in accordance with the Bolivian law, and
- b) that it inform the Commission within a maximum of 60 days as to the measures taken to put into practice the recommendations listed in the present Resolution.

4. To communicate this decision to the Government of Bolivia and to the claimant.

5. To include this Resolution in the Annual Report of the Commission to the General Assembly of the Organization of American States, in conformity with Article 9 (bis), paragraph c. iii of the Statute of the Commission, without prejudice to the Commission's being able, at its next session, to reconsider the case in the light of such measures as the Government may have taken.

(Approved at the 609th meeting of March 6, 1979 (46th session) and transmitted to the Government of Bolivia)