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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 2723
Session:	Forty-Sixth Session (5 – 9 March 1979)
Title/Style of Cause:	Nicanor Cuchallo Orellana 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:	Cuchallo Orellana v. Bol., Case 2723, 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:

“Nicanor Cuchallo Orellana, a Bolivian professor, former delegate of a grass-roots committee of professors, was imprisoned in February 1976, and the following days was sent into exile in Punta Arenas, Chile. After five months in that city, he was allowed to go to Santiago, where he was unemployed since the Government of Bolivia had given instructions that he was not to be given any kind of employment. In 1977, he managed to get a visa for Caracas, and he left for that city on April 20, where he is now living in exile.

For the short time he was imprisoned, he was unable to avail himself of any legal remedy, and he now has no access to domestic remedies, since he is in exile.”

2. In a note of April 5, 1978, the Commission transmitted the pertinent parts of the denunciation to the Government of Bolivia, and asked it to provide the appropriate information on the denunciation, and on the exhaustion of domestic legal remedies.

3. In a communication of June 6, 1978, the Government of Bolivia replied to the Commission’s request in the following terms:

“Mr. Nicanor Cuchallo Orellana, an active militant in the Sandoval Moron sector of the Revolutionary Nationalist Movement (MNR) and in the ‘VALOR’ group, involved with the National Liberation Army (ELN), was detained in February 1976, because of his subversive activity to overthrow the Nationalist government.

During the month of February, he was involved in subversive activity, and as a participant in clandestine meetings he drafted a clandestine communication to accomplish his objectives of creating disturbances and overthrowing the government. For this conspiracy plan, he was exiled to Chile. He has now been

granted amnesty under the General Amnesty of January 19, 1978.”

4. The pertinent parts of the Government’s reply were transmitted in a letter of June 28, 1978 to the complainant, and he was invited to make observations on the reply.

5. To date, the person filing the denunciation has made no observations to the Government’s reply.

WHEREAS:

1. The requirements established in Articles 9, 9 (bis) and 10 of the Statute of the Commission and the other corresponding regulations of the Statute and of the Regulations have been fulfilled;

2. The Government of Bolivia, in its letter of June 6, 1978, has declared that Mr. Nicanor Cuchallo Orellana ‘was exiled to Chile,”

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, RESOLVES:

1. To declare that the Government of Bolivia violated (Article VIII) right of residence and movement of the American Declaration of the Rights and Duties of Man.

2. To recommend to the Government of Bolivia:

a) to take such measures as may be necessary to guarantee observance of the right to residence and movements upheld in the American Declaration;

b) to inform Mr. Cuchallo Orellana, if it has not already done soon, that he may return at any time to the country, without legal impediment;

c) to inform the Commission within a maximum of 90 days as to the measures taken to put into practice the recommendations listed in the present Resolution.

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

4. 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 fact that the Commission may, at its next session, reconsider the case in the light of such measures as the Government may have adopted.

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