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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 2721
Session:	Forty-Sixth Session (5 – 9 March 1979)
Title/Style of Cause:	Nilda Heredia Miranda 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:	Heredia Miranda v. Bol., Case 2721, Inter-Am. C.H.R., OEA/Ser.L/V/II.47, doc. 13 rev. 1 (1978)
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BACKGROUND:

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

Nilda Heredia Miranda, a physician of Bolivian nationality of the city of Cochabamba, Bolivia, was arrested on April 2, 1976, by a large contingent of henchmen who tortured her in the Police Station in Cochabamba (she was kidnapped from her house). As a result of the horrors of the torture, she tried to take her life by cutting her veins. Her state of health is very serious because of the lack of medical attention. She is still a prisoner in the Viacha prison. She is being held 'incommunicado'. The courts and government attorneys refuse to intervene in all political cases, and the members of her family do not intervene for fear of reprisals by the Government.

2. In a note dated 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 of June 6, 1978, the Government of Bolivia, without referring to torture, or the failure to provide due process of law, replied to the Commission's request in the following terms:

Mrs. Nilda Heredia Miranda, alias 'Ivana', and active militant in the Revolutionary Workers Party of Bolivia (PRT-B) and in the National Liberation Army (ELN), the wife of the extremist Luis Stamponi, of Argentine nationality, received training in terrorism which she taught in her organization, giving talks on politics and the use of automatic weapons, as a member of the Political Military Directorate of the ELN, in the city of Cochabamba. In Cochabamba, she recruited a number of individuals for her party, and was one of the General Staff of the Luis Stamponi Column 'Miseria', in the third district. She was arrested in April, 1976, in the city of Cochabamba, where she was working with Ruben Sanchez and other members of the Staff of the PRT-B and ELN, for purposes of conspiracy. She left the country voluntarily. She has now been granted amnesty under the Political Amnesty Decree by the Supreme Government in December

1977.

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 response.

WHEREAS:

1. The Government of Bolivia replied to the Commission's request for information on the events denounced without referring to torture or 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 of the request, provided always that the invalidity of the events denounced is not shown by other elements of proof.

THE INTER-AMERICAN COMMISSION OF HUMAN RIGHTS, RESOLVES:

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

2. To declare that the Government of Bolivia violated (Article I) 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 Government of Bolivia:

- a) to order a complete, impartial investigation to determine responsibility for the events denounced, and to sanction those responsible for those acts in accordance with Bolivian law, and
- b) to 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 complainant.

5. To include this Resolution in the Annual Report of the Commission to the General Assembly of the Organization of American States, pursuant to 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)