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Institution:	Inter-American Commission on Human Rights
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Session:	Forty-Sixth Session (5 – 9 March 1979)
Title/Style of Cause:	Abel Ayoroa Argondona 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:	7 March 1979
Citation:	Ayoroa Argondona v. Bol., Case 2756, 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:

Abel Ayoroa Argondona, Legal Adviser to a number of trade union organizations, was detained at the door of his law offices on June 6, 1972 by agents of the Political Police (Department of Political Order 'DOP'). He was not permitted to defend himself, nor was he permitted to inform his family. They locked him in a cell, at first alone and then, after one month, he was taken to a mass cell, where there were about 20 people. In the DOP at this time, there were about 500 prisoners, who slept in the corridors and outside in the patio in all kinds of weather. After interrogation under duress, with threats and mental torture, they released him on the condition that he leave the country within 72 hours. Since he did not leave the country within that time, they imprisoned the person who had stood guarantor for him, destroying his home in order to take him prisoner. He escaped, went elsewhere, and for a number of months they searched for him in La Paz and throughout the country, until finally, they threatened to take his family hostage which forced him to take asylum in the Embassy of Argentina on December 17, 1972, and to leave Bolivia for Buenos Aires. From there, he went to Santiago, Chile, where he was given asylum in April 1973.

While in Santiago, Chile, with legal asylum, he was detained by agents of the DINA on August 24, 1974. They blindfolded and handcuffed him, and took him to an unidentified place, where they held him for 16 days with only a loaf of bread and a bottle of water per day. He spent day and night sitting in a chair completely blindfolded, bound with electrical wire, handcuffed, unable to let anybody know that he had been detained. They warned him not to try to escape, under pain of death. During those 16 days, they interrogated him four times. During the questioning, they beat him and gave him 'electric shocks' on sensitive parts of his body. Since he would not accept the political ideas proposed to him, he was undressed and put on the 'barbecue', which is a torture involving electricity and a metal bed (as he was later told by other Chilean prisoners). However, his resolute attitude, and his warning that he had heart problems, made them reluctant to go on with this torture. Almost every night they threatened to 'liquidate prisoners', they fired guns outside the room, which they claimed were executions, and the man that

seemed to be the head of the political police used to come all the time and say that 'we are going to settle accounts with this Bolivian', 'it is better that you talk, because otherwise you'll be sorry', and let loose a string of insults and abuse. Sixteen days later, they took him out, (still blindfolded), along with some other prisoners, and took him to a prison that he later learned was Cuatro Alamos (Avenida Departamental and Vicuna Mackena). Before that they made him sign a number of copies of all his statements, without giving him the opportunity to read them, and still blindfolded, promising that they would release him. The mattresses were made out of plastic, and food was provided regularly. Since he had eaten nothing, the food produced stomach pains which in the long run made him get worse.

On September 27, 1974, he was transferred by military aircraft No. FACH-479 to Arica in the north of Chile, on the border with Bolivia and Peru. He was still hand cuffed and blindfolded and was made to sleep in a room in the barracks. They took him to the train station of the Arica-La Paz railroad, and placed him on a regular train. Two DINA agents had escorted him from Santiago but would not tell him where they were taking him. There were other Bolivians on the train whom he knew, including Mrs. Blanca de Franco, who lived in La Paz, Bolivia, but they did not allow him to talk with her. When they arrived at the Chilean-Bolivian frontier, two agents took him off the train. At the border, at a place called Visviri, a jeep from the Bolivian Ministry of the Interior, with four agents led by Guillermo Moscoso, the well-known torturer of Bolivian politicians, was waiting for him. After he had signed a 'notice of delivery and receipt', the agents from both countries handed him over in manacles to the Bolivian Political Police, who took him by jeep to Viacha, 30 kilometers from La Paz. There, they put him in a room that had only a cement floor; no bed and no blanket. He had only the clothes he had been wearing. The temperature in Chile had been 24°C, while in Bolivia during the day it was 10°C in the sun, and less than 4°C at night. They gave him food that had a lot of very spicy chili pepper, which made him so ill that the blood hemorrhaging from his colon could not be stopped. They would not tell his family where he was, and they would not permit a doctor to see him. They put an empty tin can in his room for his physical necessities, and by opening the iron door a little they gave him food. He had no light, although there was an electrical installation in the room. He stayed like that for 21 days, and at the end, was physically so exhausted that he could hardly stand.

Luckily, at the end of October, Mr. Lemann, the Representative of the International Red Cross, arrived. He had the door opened, and was very surprised when he learned his name, because he said that they had presumed him to have disappeared in Chile. Mr. Lemann took away with him the first written note advising his family that he was still alive, although he was not allowed to tell them where, because Major Rocangel, who was in charge of the Commission, would not allow this. He also managed to have him transferred to the Police Hospital where they looked after him fairly well, particularly because the doctors were professionally responsible, and because of the humanitarian attitude of the auxiliary personnel. However, before he was able to recover completely, he was suddenly transferred one night to the Panyptico Nacional of San Pedro, La Paz, to the Alamos Section for politicians and trade unionists. He remained there until December 26, 1974, at which time they transferred him to the Chonchocoro concentration camp in the Bolivian highlands, because he had managed to publish a letter-complaint in 'El Diario' addressed to the United Nations Human Rights Commission.

He was kept prisoner in a room in Chonchocoro until the night before his expulsion to Asunciñ, Paraguay on January 31, 1975. He made one statement and that, under duress. The food was bad but it enabled him to survive. He was allowed one visit per week, although the family suffered a great deal on account of the distance. Other prisoners included leaders of the Miners' Federation: Víctor Lypez and Oscar Salas. The cold at night was the worst punishment, over and above the fact that they had no drinking water or electric light. The first night, they kept him in a room with straw mattresses which was unused, and full of rats that would not let him sleep for an instant, he had to give them part of his food so that they would not bite him. He had forgotten to note that they took him twice from the panyptico de San Pedro to the Ministry of the Interior to make statements at night using torture, beatings and a strong light glaring in his face, as well as threats of abuse against members of his family who were in La Paz, and brutal, grotesque treatment. The people torturing him used only their first names, (actually nicknames), and for the most part, came from the east of Bolivia. The second time, the beating on his stomach from

the two agents made him pass out. One beat him while the other held him from behind.

No judge, no court heard about the case, despite the fact that the Bar Association of La Paz had presented a writ of Habeas Corpus for some lawyers, including Dr. Ayoroa. The writ was rejected by Dr. Burgoa's Court.

Since he was not allowed to exercise his right to self-defense, he was unable to appear before any judge or court under the law. Furthermore, no attorney dared to file a complaint. When one prisoner presented a complaint in law, they took him away at night, beat him, and it was discovered that the retina of one his eyes had become detached: R. Petters was his defense. There have been cases in which the person who brought suit on behalf of someone else was himself imprisoned."

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 with respect to the complaint and with respect to the exhaustion of domestic legal remedies.

3. In a communication dated June 2, 1978, the Government of Bolivia, without referring to arbitrary arrest, torture, or lack of due process, replied to the Commission's request in the following terms:

Mr. Abel Ayoroa Argandona, a militant of the Nationalist Revolutionary Movement of the Left (MNRI) and of the Revolutionary Party of the Nationalist Left (PRIN), was in May 1972 a member of the Executive Committee of the FLIN (Nationalist Leftist Liberation Front), inciting the populace to come to the Cabildo Abierto. He was arrested, and was released in June of the same year, having signed a commitment not to undertake any political activity against the Nationalist Government. On December 18, he traveled to Argentina where he was very active in subversive work.

In April 1973, he signed a subversive manifesto entitled 'April', which incited efforts to overthrow the government. In May, he met with militants of the MNRI in Chile, where details of the subversive plan were finalized. Subsequently, on January 26, 1974, he re-entered the country clandestinely from Argentina, to take part in a meeting with extremist elements.

His name appeared on a document drawn up in Argentina by the MNRI, from which it was learned that he would participate in the subversive movement of March 23, 1974. He was exiled to Paraguay in January 1975, because he was seriously compromised in subversive activities. He has presently been granted amnesty under the Amnesty decree by the Supreme Government, in December 1977 and the Amnesty of January 19, 1978.

4. The pertinent parts of the Government's reply were transmitted by letter dated June 28, 1978, to the person filing the complaint, who was invited to make observations on the reply.

5. To date, the complainant has made no observations on the Government's reply.

#### WHEREAS:

1. In replying to the Commission's request for information on the events denounced, the Government of Bolivia declared that Mr. Abel Ayoroa Argantona was exiled to Paraguay in January 1975, but made no reference to the arbitrary arrest, torture or lack of due process.

2. Article 51.1 of the Regulations of the Commission provides that:

#### 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 now 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 related to arbitrary arrest, torture and 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, (Article VIII) right to residence and movement, (Article XXV) right to protection against arbitrary arrest 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) that it order a complete, impartial investigation to determine responsibility for the events denounced, and to sanction those responsible for these events in accordance with Bolivian law;
  - b) to take all necessary measures to guarantee effective observance of the right of residence and movement upheld in the American Declaration;
  - c) to inform Mr. Ayoroa, if it has not already done so, that he may return at any time to the country, and
  - d) that it 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.
4. To communicate this decision to the Government of Bolivia and to the person filing the denunciation.
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 610th meeting of March 7, 1979 (46th session), and transmitted to the Government of Bolivia).