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| Institution: | Inter-American Commission on Human Rights |
| File Number(s): | Case No. 2757 |
| Session: | Forty-Sixth Session (5 – 9 March 1979) |
| Title/Style of Cause: | Elsa Burgoa 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: | Burgoa v. Bol., Case 2757, 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:

“Elsa Burgoa, professor, was arrested in La Paz, and was imprisoned for two years, during which time, she was physically and mentally tortured. She was first in the Department of Political Order (DOP), and was then sent to the ‘Achocalla’ torture center, where she was tortured repeatedly because she had refused to deceive the Commissioners of Amnesty International and tell them that the cell where she was, was in fact the place where she was imprisoned. The real cells were inside in the ‘stone house’; where the other women prisoners were being held. Her attitude led them to discover the real cells and the inhumane conditions in which the prisoners were being held. And this was the reason why she was severely tortured.

Security agents Luciano Vargas, Victor Balbian, Mayor Mena, and agents Lourdes, Maria Luisa and Charo committed the most indescribable attacks on this prisoner. In addition to this, she was taken for three months to the Viacha prison, along with Amalia Rada (who appealed to Amnesty International for her husband’s corpse) and Aida Pedracaz who supported her.

Elsa Burgoa was tortured in the office of the DOP, before she was taken to ‘Achocalla’, in the torture room called the ‘little blue room’.

She does still not have complete freedom, but is under ‘house arrest’ (residenciada) in La Paz under the illegal Security of the State Law.

None of the prisoners reported her case because they were held entirely incommunicado; because, it was physically impossible for them to do so; and because no relative dared do so (for fear of being imprisoned in turn), and also because the press pays no attention to any denunciations.

2. In a note dated 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.

3. In a communication of June 5, 1978, the Government of Bolivia, without referring to torture, replied to the Commission's request in the following terms:

Miss Elsa Burgoa, an active militant in the National Liberation Army (ELN), detained on April 20, 1972, was recruited to that Organization by 'Irma', and was a member of the cell of Danitza Alba del Castillo, alias 'Teresa'. She worked with Elmo Catalan alias 'Ricardo' in making uniforms and packs for the guerrilla wars in the Teoponte zone. She worked with Hilda Artíz 'Pilar', and was responsible for receiving the mail for the ELN. She was also the ELN liaison inside the country and abroad, during these guerrilla activities.

In February 1973, she was released, pledging to undertake no political activity against the Nationalist Government. She has presently been granted amnesty under the General Amnesty of January 1978.

4. The pertinent parts of the Government's reply were transmitted to the complainant in a letter dated 28 June 1978, and he was invited to make observations on the reply. To date, the complainant has made no observations to the Government's reply.

WHEREAS:

1. The Government of Bolivia replied to the Commission's request for information regarding the events denounced, but without referring to torture;

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 after 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 events of the denunciation related to torture to have been confirmed.

2. To declare that the Government of Bolivia violated (Article I) right to life, liberty and personal security 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 these events, 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 person filing the denunciation.

5. To include this Resolution in the Annual Report of the Commission to the General Assembly to 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 619th meeting of March 7, 1979 (46th Session) and transmitted to the Government of Bolivia).