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Institution:	Inter-American Commission on Human Rights
File Number(s):	Case No. 2759
Session:	Forty-Sixth Session (5 – 9 March 1979)
Title/Style of Cause:	Edwin Antonio Guachalla Viana 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:	Guachalla Viana v. Bol., Case 2759, 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:

“Edwin Antonio Guachalla Viana, a 24 year old student is a prisoner in the Department of Political Order in La Paz. In the early morning of April 2, 1976, the apartment belonging to Carlos Arispe Terrazas, located on Sucre St. in La Paz, was broken into. In addition to the owner, Edwin Guachalla and Miguel Mendoza were also in the apartment. Agents of the DOP (Department of Political Order) rushed in, firing guns, in order to physically eliminate the occupants of the house. As a result of this occurrence, Edwin Guachalla received 4 gun shot wounds: 1 in his head (slight), 2 in his abdomen (serious), and 1 on his leg (serious). Carlos Arispe died as a result of the incident.

Edwin was transferred in serious condition to the DOP detention center to be subjected to torture and interrogation, without regard for his condition. Subsequently, he fell into a coma and had to be transferred to the Police clinic, where he underwent surgery. While he was in the clinic, agents of the Banzer government tortured him with blows from boles (a lariat with balls) on his wounded leg.

On May 1, he was taken out of the clinic to an unknown destination. According to the nurses, Edwin was still very weak, but he walked out. Ten days later, his mother was given authorization to see him from the door of the cell of the DOP in La Paz, where he was stretched out on a makeshift bed, unable to stand up. This is proof of the fact that during the ten days during which his family was unaware of his whereabouts, he was subjected to torture which left him totally prostrated.

For the following six months, he was kept incommunicado and in handcuffs. For sixty days, he was shackled to the wall with his arms above his head. At the same time, he was subject to constant interrogation under psychological and physical torture. Later, they took off the handcuffs, which left scars on his wrists.

He is still in detention sharing a cell with four other people, in a very precarious state of health, due particularly to the fact that the bullet was never taken out of his leg; as a result he limps, and suffers intense pain, but does not receive proper medical attention. Furthermore, he is still not allowed to

communicate with members of his family, and the interrogations and the torture continue.”

2. In a note of April 5, 1978, the Commission transmitted the pertinent parts of the denunciation to the Government of Bolivia, asking 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:

“On April 2, 1976, during an operation carried out by Security Forces on a safe-house of extremists in Sucre Street in the city of La Paz, where he was hiding along with the ‘Dardo’ group of the PRT-B, Edwin Guachalla was wounded after shooting down Mario Rosales Mórquez, a detective. He fled, but was subsequently captured in the Villa San Antonio area of La Paz . The guerrilla, Carlos Arispe Terrazas, was also killed in the skirmish. Before he was detained, he was responsible for distributing subversive propaganda for the PRT-B, particularly in factories, and he was Rubñn Sónchez’s contact in the city of Cochabamba. He received military training, ran checks on import houses, and carried out kidnappings of top industry, business and government figures.

“In December 1977, he was brought before the Court to be tried for crimes against the security of the State, in a criminal prosecution for the death of detective Mario Rosales Mórquez. He has now been released, under the amnesty decreed by the Supreme Government.

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

WHEREAS:

1. The Government of Bolivia replied to the Commission’s request that it provide information on 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 of 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 event of the denunciation related to torture to be 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) 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, 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 complainant.

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 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).