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Title/Style of Cause:	Marcelo Quiroga Santa Cruz v. Bolivia
Doc. Type:	Resolution
Decided by:	Chairman: Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Carlos A. Dunshee de Abranches; César Sepúlveda
Dated:	25 June 1981
Citation:	Quiroga Santa Cruz v. Bol., Case 7458, Inter-Am. C.H.R., Report No. 27/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
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BACKGROUND:

1. In a communication of July 23, 1980, the Inter-American Commission on Human Rights received a report on the detention and death on July 17, 1980, at the Bolivian Workers Union (COB) headquarters in La Paz, of Marcelo Quiroga Santa Cruz, a Socialist party candidate for the presidency of Bolivia, and a Congressman representing Cochabamba.
2. In a note of August 25, 1980, the Commission transmitted the pertinent portions of the denunciation to the Government of Bolivia, requesting that it furnish pertinent information on the report and any evidence to determine whether domestic legal remedies had been exhausted in this case.
3. According to press information received by the Commission on September 16, 1980, the Ministry of the Interior confirmed the death of Mr. Marcelo Quiroga Santa Cruz.
4. When the Commission received no reply from the Bolivian Government, it repeated in a note of December 16, 1980, its request for information and announced possible application of Article 39 of its Regulations regarding the presumption that the reported events were true.
5. The Commission has received reports from eye witnesses of the attack on the Bolivian Workers Union headquarters, confirming that Mr. Marcelo Quiroga Santa Cruz died under irregular circumstances at the hands of Government authorities and that his body was never turned over to his family.

WHEREAS:

1. Article 39 of the Commission's Regulations provides as follows:

Article 39

The facts reported in the petition whose pertinent parts have been transmitted to the government of the

state in reference shall be presumed to be true if, during the maximum period set by the Commission under the provisions of Article 31 paragraph 5, the government has not provided the pertinent information, as long as other evidence does not lead to a different conclusion.

2. Thus far the Bolivian Government has not replied to the Commission's requests for information in its notes of August 25 and December 16, 1980.

3. This failure to reply gives rise to the presumption stipulated in the above Article 39, which would be enough in itself to indicate the truth of the events imputed to the Government of Bolivia. In this case, the presumption is amply supported and supplemented by the declarations of the witnesses.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLVES:

1. To take as true the event denounced in the communication of July 23, 1980, regarding the death of Marcelo Quiroga Santa Cruz.

2. To indicate to the Government of Bolivia that that action is a very serious violation of the right to life (Article IV); to the right of personal security (Article V); and to the right of liberty (Article VII) of the American Convention on Human Rights.

3. To recommend to the Government of Bolivia:

- a) that it order a complete and impartial investigation to identify the perpetrators of the denounced acts;
- b) that it punish under Bolivian law those responsible for those acts;
- c) that it report to the Commission in 90 days on the measures taken to implement the above recommendations.

4. To transmit this resolution to the Government of Bolivia in light of Article 44 of the Commission's Regulations, for appropriate action.

5. When the deadline set in paragraph 3 of this resolution has expired the Commission will, pursuant to Article 45 of its Regulations, and taking into account the measures adopted by the Government, decide under the terms of that article whether to publish this resolution.