

# WorldCourts™

---

Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 28/81; Case No. 7472
Session:	Fifty-Third Session (22 June – 2 July 1981)
Title/Style of Cause:	Julio Tumuri Javier 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:	Tumuri Javier v. Bol., Case 7472, Inter-Am. C.H.R., Report No. 28/81, OEA/Ser.L/V/II.54, doc. 9 rev. 1 (1980-1981)
Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at <a href="http://www.worldcourts.com/index/eng/terms.htm">www.worldcourts.com/index/eng/terms.htm</a>

---

## BACKGROUND:

1. In a communication of August 14, 1980, the Inter-American Commission on Human Rights received a report on the arbitrary detention and torture of Father Julio Tumuri Javier, a 70-year-old Bolivian priest and President of the Permanent Assembly on Human Rights.
2. In a note of August 15, 1980, the Commission transmitted to the Government of Bolivia the pertinent parts of the denunciation and requested relevant information on it, along with any evidence that would enable the IACHR to determine whether all remedies of domestic law had been exhausted in this case.
3. Later, the Commission was informed that Father Julio Tumuri Javier was confined in a specific geographic region of the country and was in a precarious state of health.
4. When the Commission received no reply from the Bolivian Government to its note of August 15, 1980, it reiterated its request for information in a communication of December 16, 1980, and announced the possible application of Article 39 of its Regulations concerning the presumption that the facts of the case were true.
5. In May 1981, the Commission received testimony from one of the witnesses of Father Tumuri's arrest. The report of these events was transmitted as additional information to the Bolivian Government in a note of May 19, 1981, and it was requested to submit its comments thereon. To date, the Government has not replied.

## WHEREAS:

1. Article 39 of the Commission's Regulations establishes 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. To date, the Bolivian Government has not replied to the Commission's notes of August 15 and December 16, 1980, and May 19, 1981.

#### THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. In application of Article 39 of its Regulations, to presume to be true the events reported in the communication of August 15, 1980, regarding the arbitrary detention, illegal torture and confinement of Father Julio Tumuri.

2. To draw to the attention of the Government of Bolivia that such acts constitute serious violations of the right to personal security (Article V); to the right of personal liberty (Article VII); and to the right to freedom of movement and residence (Article XXII) of the American Convention on Human Rights.

3. To recommend that the Government of Bolivia: a) immediately release Father Julio Tumuri; b) order a complete, impartial investigation to determine responsibility for the acts reported and punish those responsible for such acts to the full extent of the law; and c) report to Commission within 90 days on the measures taken to implement the above recommendations.

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

5. At the expiration of the deadline set in subparagraph 3 of this resolution, the Commission will, pursuant to Article 45 of its Regulations, and taking into account the measures taken by the Government, decide under the terms of that article whether to publish this resolution.