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Doc. Type:	Resolution
Decided by:	Chairman: Mr. Tom J. Farer; First Vice Chairman: Marco Gerardo Monroy Cabra; Second Vice Chairman: Francisco Bertrand Galindo; Members: Andres Aguilar; Carlos A. Dunshee de Abranches; Luis Demetrio Tinoco Castro; César Sepúlveda
Dated:	08 March 1982
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BACKGROUND:

1. In a communication dated August 22, 1980, the Inter-American Commission on Human Rights received the following denunciation concerning the events which took place in the community of Caracoles, Bolivia, on August 4, 1980.

The Max Toledo regiment of Viacha, a part of the Tarapaca and the Camacho de Oruro regiments, attacked Caracoles with guns, mortars, tanks and light warplanes. The miners defended themselves with stones, sticks and some dynamite charges. By Monday afternoon, most of the miners were killed. Some of the survivors fled to the hills and others fled to the houses in Villa Carmen. The soldiers pursued them and finished the men off in their homes. They took others and tortured them and bayoneted many of them. They also cut the throats of the wounded.

They put dynamite in the mouth of a miner in the middle of the town square and blew him to pieces.

They looted the homes and loaded the trucks with television sets, sewing machines, stereo systems, thermoses, beds, money and merchandise from the stores, they also looted the Manaco and Zamora agency, the general store, etc..

They beat the children with cables and made them eat gunpowder they made the young men lie down on broken glass and made the mothers walk over them, later the soldiers walked on top of them.

The soldiers acted like savage beasts because they were drugged; and they did not hesitate to rape the women and also the young girls and even little girls.

They killed sheep, hens, pigs, etc., and took them to the trucks.

At daybreak on August 5, they took the dead and wounded in three trucks headed for La Paz. They continued until Friday to bring the prisoners bound with wire.

They did not allow the women to gather the dead to give them a Christian burial, telling them "there are no orders." Only on Friday did they give the order to pick up the dead, but only coats, pants, jackets, jugs, shoes, etc., covered with blood were found. The dead had disappeared. Some had been thrown into a pit behind the cemetery and identification was not permitted. There are more or less 900 missing. It is not

known whether they are dead or alive.

We list below the names of some of the missing, wounded, dead and imprisoned:

DEAD

Olimpia de Sánchez Francisco Choque

Rutino Apaza Julio Hueso

Quintín Colque Ignacio Miranda

Pedro Choque Rufino Chambi

Three women bled to death as a result of the rapes.

WOUNDED

Martin Urquiola Alberto Inca

Jorge Choque Andrés Villea (12 años) went mad

MISSING

Alejandro Miranda David Salazar

Agustín Chile (minor) Antonio Inca

Monje Quispe Alberto Gonzalca

Pacífico Vargas Octavio Argollo

Juan Namani José Gutierrez

Genaro Zondo Félix Flores

Juan Charcas

Florencio Mamaní

IMPRISONED (seen at Staff Headquarters)

José Nina Ponciano Nina

Daniel Marco Valentín Lobo

Antonio Pérez Desiderio Mamani

Dionisio Laura Pedro Mérida

Eustaquio Flores Juan Mérida

Genaro Chipana Luis Zegorro

Benancio Pérez

IMPRISONED (placed on board an airplane bound Puerto Rico, for Pando)

Ladiuldo Vargas (student in his fourth year of secondary school)

Pedro Inca

Primo Limachi

Mario Luna

2. In a note dated August 29, 1980, the Commission transmitted the pertinent parts of the denunciation to the Government of Bolivia, asking it to provide any information it considered pertinent, as well as any terms of reference that would make it possible to decide whether remedies under domestic law had been exhausted in the case in reference.

3. According to an affidavit received by the Commission, the events occurred as follows:

It was Sunday, August 4, when 13 trucks and two small tanks of the Camacho, Huachacala, and Bolivar regiments entered the community of Caracoles. We had been on strike since the 17th, following the instructions of CONADE. We were told that it was necessary to hold out until August 6, and we prepared ourselves for that. Some small arms, dynamite and automobile batteries were gathered together and the access roads were mined. We had met on Friday and were awaiting instructions, but there was no coordination. At that meeting it was decided not to remain on the defensive any longer and to take the offensive.

A COB leader and three leaders from the Federación Sindical de Trabajadores Mineros de Bolivia (FSTMB) were with us, but there were no communications with the outside, although it was possible to achieve a connection with Yungas and other rural areas. The campesinos gathered in Caracoles. They

numbered from 1,200 to 1,500. Each one remained three days and went to bring food. On the final days we had nothing to eat and the general stores were practically exhausted, but we had food because our fellow rural women brought it. They stood guard duty together with us, they were in shock groups, in the cells, and in the meetings. They constituted the contact with Caranavi, Cañadón Antequera and Zongo.

On Sunday we sighted troops and prepared the resistance. One woman said that the road was mined and that they should come on foot. A lieutenant was killed in combat and several soldiers were wounded in that first encounter. The lieutenant had a brother (lieutenant-colonel) In E1 Alto, and when he found out that his brother had died, he arrived with 19 "camanes" trucks, mortars and more small tanks. By Monday the miners had no more ammunition and it was a slaughter. The fight took place first in Sayacilla and Tacuni. The civilians of the community hid in the hospital. At 5:30 in the morning an ambulance picked up the lieutenant. Meanwhile miners arrived from San Vicente and from the "Argentina" mine, but on Tuesday they had already won and we had to flee. The town now looks like a cemetery of 1,500 workers. Four hundred are left, because many have died, are imprisoned or have escaped. All that is heard is the crying of the women and children.

4. Not having received a response from the Bolivian Government, the Commission in a note dated December 16, 1980, repeated its request for information and mentioned the possible application of Article 39 of the regulations concerning presumption of the truth of the facts. Despite this, to date the IACHR has not received any response from the Bolivian Government.

WHEREAS:

1. Article 39 of the Commission's Regulations establishes the following:

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 answered the Commission's request for information in its notes dated August 29 and December 16, 1980. This leads to the assumption that there are no domestic remedies to be exhausted;

3. The lack of response by the Bolivian Government to the Commission's request for information leads to the conclusion that there is no reason for holding the hearing for a friendly settlement provided for in the Commission's Regulations;

4. The denunciation itself states that the miners of the city of Caracoles, where the events denounced took place, when informed that army contingents had been sent to occupy the city, decided "not to remain on the defensive any longer and to take the offensive, to prepare the resistance... A lieutenant was killed in combat and several soldiers were wounded in that first encounter";

5. The use of force by the army against those who confront it with armed resistance to end such offensive activities is legitimate to the extent necessary to restore public order. Nevertheless, the excesses and abuses committed against the persons who were no longer offering resistance, especially those who had been taken prisoner, as the denunciation alleges occurred, to which the government makes no reference in its answer, constitute violations of the standards in existing treaties, to which on humanitarian international law applicable to noninternational conflicts;

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

RESOLVES:

1. Pursuant to Article 39 of the Regulations, to assume to be true the facts reported in the facts reported in the communication of August 22, 1980, concerning the community of Caracoles.
2. To point out to the Bolivian Government that these events constitute serious violations of the right to life (Article 4); the right to humane treatment (Article 5); and the right to personal liberty (Article 7) of the American Convention on Human Rights, as well as Article 3 of the 1949 Geneva Convention on protection of war victims, which has been ratified by the Bolivian Government.
3. To recommend to the Government of Bolivia:
 - a) that it order a full and impartial investigation to determine responsibility for the excesses and abuses that occurred during the events reported,
 - b) that it punish those responsible under Bolivian law, and
 - c) that it inform the Commission within 90 days of the measures taken.
4. To convey this resolution to the Government of Bolivia for the appropriate purposes in accordance with Article 44 of the Commission's Regulations.
5. If, after the period established in paragraph 3 of this resolution, the Bolivian Government has not set forth its observations the Commission shall include this resolution in its annual report to the General Assembly pursuant to Article 59 paragraph (g) of the Commission's Regulations.