

WorldCourts™

Institution:	Inter-American Commission on Human Rights
File Number(s):	Report No. 33/82, Case No. 7824
Session:	Fifty-Fifth Session (1 – 9 March 1982)
Title/Style of Cause:	Diego Morales Barrera v. Bolivia
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
Citation:	Morales Barrera v. Bol., Case 7824, Inter-Am. C.H.R., Report No. 33/82, OEA/Ser.L/V/II.57, doc. 6 rev. 1 (1981-1982)
Terms of Use:	Your use of this document constitutes your consent to the Terms and Conditions found at www.worldcourts.com/index/eng/terms.htm

BACKGROUND:

1. In a communication dated April 1981, the Inter-American Commission on Human Rights received the following denunciation:

Diego Morales Barrera, painter and professor of the plastic arts, born in La Paz (Bolivia) on November 12, 1946. Professor of the plastic arts at the Higher School of Fine Arts for six years. From 1976 to 1979, he worked as a sculptor in the Museum of Ethnography and Folklore, where he was press and propaganda secretary of the First Union of Public Employees. In February 1979, he had to leave the museum because of pressure exerted by the Armed Forces.

Diego Morales Barrera has no political affiliation, but his work as a painter has expressed his disagreement with military coups, he is against de facto governments and his tendency is leftist.

On October 16, 1980, he was detained along with his mother in La Paz by agents of the SIE (State Intelligence Service). Mrs. Morales was released an hour later. Diego was taken to the Ministry of the Interior where he was beaten and his papers confiscated. He was then taken to the DIC Section Office in Obraje, a suburb of La Paz. He stayed there for four days until October 20, handcuffed and with shackles on his feet, in the dark, without water or food and without toilet facilities, only a bucket for his physiological needs. On the 20th, he was taken to the Ministry of the Interior. Using photographs of his paintings as their grounds, they questioned him about his political affiliation, who had financed his exhibit of pictures and whether he belonged to the ILN; the interrogation was punctuated by blows to his ears and body.

Those doing the beating were agents, while those supervising and asking questions appeared to be senior military officers. Between insults and beatings, they terrorized him saying that they were going to take out his eyes, cut off his hands or some other part of his body. This went on more or less from two in the afternoon until eight at night, when three army lieutenants belonging to the SIE took him to a house in the satellite city of El Alto in La Paz: this is a low-income neighborhood where most of the houses belong to workers and miners. The people in the house were dressed in civilian clothing, but they were soldiers

from Tarapacá. Their leader was a captain and his seconds-in-command were lieutenants, one of whom they nicknamed "Rommel." Although they prepared the cattle-pick and in spite of continued threats, the interrogations did not end in violence.

On the 22nd, he had the opportunity to escape, since although he was handcuffed when he was in his cell, he was so emaciated that he could take them off. On the night of October 22nd, they brought in a prisoner whom they savagely tortured by applying electric current to his testicles. On the morning of the 23rd, the lieutenants gave the guards orders to type out the confession of the man who had been tortured, and to fix the wiring because they were to continue with Diego. When he heard this, Diego decided to escape and overcoming his pain, he freed himself from the handcuffs, jumped out of the window onto a garage, with the assistance of a neighbor, and later found safe refuge in the Red Cross and the Swiss Embassy until he obtained his safe-conduct, with the cooperation of CIME, to go into exile in Switzerland.

2. In a note dated May 10, 1981, the Commission transmitted the pertinent parts of the denunciation to the Bolivian Government, 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. Not having received a response from the Bolivian Government, the Commission, in a note dated September 24, 1981, 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 reply from the Bolivian Government.

4. The Commission has received several reports confirming the arbitrary detention and illegal acts to which Mr. Morales Barrera was subjected. It has also been confirmed that, in fact, he left Bolivia in November 1980 and went to Switzerland as an exile.

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 set forth in its notes dated May 10 and September 24, 1981, which leads to the presumption that there are no domestic remedies to be exhausted.

3. It appears from the Government of Bolivia's failure to reply to the Commission's request for information that there is no possibility of a friendly settlement, as provided for in the Commission's Regulations.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS RESOLVES:

1. In application of Article 39 of the Regulations, to presume the events denounced in the communication of May 10, 1981, concerning the arbitrary detention of Mr. Diego Morales Barrera and the undue force used on him, to be true.

2. To observe to the Government of Bolivia that such acts constitute serious violations of the right to humane treatment (Article 5), of the right to personal liberty (Article 7), and of the right to freedom of movement and residence (Article 22) of the American Convention on Human Rights.

3. To recommend to the Government of Bolivia:

- a) that it order a full and impartial investigation to determine responsibility for the events denounced,
- b) that it punish those responsible in accordance with Bolivian law,
- c) that if it has not already done so, it allow Mr. Diego Morales Barrera to return to his country, and
- d) that it inform the Commission within 90 days as to the measures taken.

4. To communicate this resolution to the Government of Bolivia for all pertinent purposes, in accordance with Article 44 of the Commission's Regulations.

5. If the Government of Bolivia has not presented observations before the deadline set in paragraph 3 of this resolution, the Commission shall include this resolution in its Annual Report to the General Assembly in accordance with Article 59 paragraph (g) of the Regulations of the Commission.