REPORT No. 23/10
DECISION TO ARCHIVE
PETITION 1375-06
BOLIVIA
March 16, 2010

ALLEGED VICTIM:	Elizabeth Aída Ochoa Mamani
PETITIONER:	Defender of the People of the Republic of Bolivia
ALLEGED VIOLATIONS:	Articles 8, 22, and 1.1 of the American Convention on Human Rights
DATE PROCESSING BEGAN:	April 24, 2007

I. POSITION OF THE PETITIONER

1. The petitioner stated that the alleged victim was a Peruvian citizen living in Bolivia with her two children, all of them as refugees. They were granted refugee status on November 30, 1994, through Subsecretariat resolution No. 309 of the National Refugee Commission of the Ministry of Foreign Affairs and Worship (hereinafter "CONARE" as in its Spanish acronym).

2. The petitioner alleged that, from November 13 to 15, 2006, mass media in Bolivia and Peru had reported that the Bolivian Supreme Court of Justice issued a warrant for preventive detention of the alleged victim, in response to an extradition request made by the Republic of Peru. He said that on November 20, 2006, the Office of the National Ombudsman sent CONARE a request for clarification regarding Elizabeth Ochoa's refugee status.

3. According to the petitioner, the Chair of CONARE responded to the request for clarification by attaching resolution 350/01, of December 18, 1995, which had allegedly revoked the earlier resolution, issued on November 30, 1994, granting Elizabeth Ochoa and her family refugee status. The petitioner pointed out that there were serious doubts concerning the authenticity of resolution 350/01, inasmuch as the revocation is not present in CONARE's procedures and practices. He noted that neither the format of resolution 350/01 nor its serial number was consistent with the resolutions issued by CONARE. He added that the alleged resolution revoking the status did not refer to any of the grounds of the exclusion provision of the 1951 Convention on the Status of Refugees and did not state that the person affected had been notified to enable her to present her defense.

4. The petitioner affirmed that the conduct of the civil registry entities in Bolivia was incompatible with alleged resolution 350/01, of December 18, 1995, revoking refugee status. In this regard, he noted that the alleged victim had had a foreign identity card issued and renewed and had applied for travel documents without ever being questioned about the validity of her refugee status.

II. POSITION OF THE STATE

5. The State said that on June 19, 2007, CONARE issued resolution 515/2007, which had rendered "null and void resolution 350/01, of December 18, 1995, which revoked Elizabeth Aída Ochoa's refugee status" and "confirmed resolution 309, of November 30, 1994, which granted refugee status to Mrs. Elizabeth Aida Ochoa Mamani and her children, Melisa Victoria and Luis Ernesto Miguel Ochoa, of Peruvian nationality, for all legal purposes and effects.

6. According to the State, on July 31, 2007, CONARE sent a note to the Supreme Court of Justice clarifying the validity of the alleged victim's refugee status. Given that situation, the Supreme

Court of Justice adopted Supreme Decision No. 307/2007, lifting the preventive detention order for purposes of extraditing Elizabeth Aída Ochoa Mamani.

III. PROCESSING BY THE IACHR

7. On December 8, 2006, the petition was received and registered as No. P 1375-06. On January 24, 2007, the petitioner presented additional information. On April 24, 2007, the Commission transmitted the petition to the State and, in accordance with its Rules of Procedure, gave it a period of two months to submit its observations. On the same date, the IACHR adopted precautionary measures and asked the Bolivian State to take the necessary measures to render without effect the arrest warrant for purposes of extraditing Elizabeth Aída Ochoa Mamani until the merits of petition P 1375-06 were resolved by the organs of the inter-American human rights system.

8. The petitioner transmitted an additional communication on July 6, 2007. The State, in turn, presented additional briefs on August 8 and December 6, 2007. In its last communications, the State said that CONARE had ratified the alleged victim's refugee status and that there was no longer an arrest warrant out against her.

9. On September 25, 2008, the IACHR asked the petitioner to indicate whether she wanted to continue the processing of the case and, if so, to explain what its purpose would be, in view of the new circumstances reported on by the State. By means of a communication dated April 2, 2009, the petitioner said that she agreed with the measures taken by the Bolivian State and that there was no longer a dispute.

IV. BASIS FOR THE DECISION TO ARCHIVE

10. Both Article 48.1 (b) of the American Convention on Human Rights and Article 30.6 of the Rules of Procedure of the Inter-American Commission on Human Rights provide that in the processing of a petition, once the observations have been received or the period set has elapsed with no observations received, the IACHR shall verify whether the grounds for the petition exist or subsist, and if they do not it shall order the case archived.

11. The present petition was filed on behalf of a Peruvian citizen residing in Bolivia as a refugee, against whom the Supreme Court of Justice had issued an arrest warrant for purposes of extradition to a criminal court in Peru. The petition argued that administrative resolutions to revoke her refugee status and the court order for preventive detention for purposes of extradition had violated the rights of Mrs. Elizabeth Aída Ochoa Mamani enshrined in Articles 8, 22, and 1.1 of the American Convention.

12. According to information provided by the parties, the competent authorities have taken measures to ratify the alleged victim's refugee status and no preventive detention order is in effect against her for purposes of extradition. The petitioner informed the IACHR of his agreement with the results of the State's actions and, in that regard, said "we agree with the actions taken by the Bolivian State in the present case. Consequently, we express our intention to put an end to the dispute and therefore the processing of the petition."[1]

13. The Inter-American Commission concludes that the Bolivian State has responded to the claim and the requests made in petition P 1375-06, as the grounds that led to its submission do not exist. Accordingly, the IACHR decides to archive it, pursuant to Article 48.1 (b) of the American Convention and Article 30.6 of its Rules of Procedure.

Done and signed in the city of Washington, D.C., on the 16th day of the month of March, 2010. (Signed: Felipe González, President; Paulo Sérgio Pinheiro, First Vice-President; Dinah Shelton, Second Vice-President; María Silvia Guillén, José de Jesús Orozco Henríquez, and Rodrigo Escobar Gil,

[1] Communication from the petitioner received on April 2, 2009, p. 1.

Commissioners).