

# María Nina Lupe Del Rosario Andrade Salmón v. Bolivia

## ABSTRACT<sup>1</sup>

*This case is about the prosecution of the Mayor of La Paz, Bolivia's capital, for graft and corruption in connection with several investigations. Although she was finally found not guilty, she spent more than six months in pre-trial detention. Eventually, the Inter-American Court found violations of some of her rights protected under the American Convention (e.g. right to property, right of movement and right to a trial within reasonable time) but found Bolivia not responsible for violation of other rights (e.g. right to liberty and security and right to protection of honor and dignity).*

## I. FACTS

### A. Chronology of Events

**Unknown:** María Nina Lupe Del Rosario Andrade Salmón is born in La Paz, Bolivia, to a family of politicians, public figures, authors and intellectuals.<sup>2</sup> She is raised in both La Paz and Washington, D.C.<sup>3</sup>

**January 1996:** Ms. Andrade is elected Chair of the Juridical Commission for the La Paz City Council.<sup>4</sup> Prior to assuming office, she is a respected journalist.<sup>5</sup>

**1998:** Ms. Andrade begins her terms as President of the La Paz City Council.<sup>6</sup>

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1. Shira Diamant, Author; Shushan Khorozyan, Editor; Erin Gonzalez, Chief IACHR Editor; Cesare Romano, Faculty Advisor

2. Lupe Andrade, *Jailhouse Blues: 192 Days in a Bolivian Women's Prison*, 19-37 (2015).

3. *Id.*

4. Andrade Salmón v. Bolivia, Petition No. 208-01, Inter-Am. Comm'n H.R., ¶ 95 (Mar. 18, 2013).

5. Andrade, *supra* note 2.

6. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 95.

**January 1999:** Ms. Andrade is re-elected President of the City Council.<sup>7</sup>

**June 7, 1999:** Following the resignation of the La Paz mayor, Ms. Andrade is elected as the new Mayor of La Paz.<sup>8</sup> She serves a total seven months as Mayor of La Paz.<sup>9</sup> As mayor, Ms. Andrade is known for her firm stance against corruption.<sup>10</sup> During her attempt to report corruption within the Mayor's Office, she discovers a major fraud case within City Hall, "blows the whistle" on the alleged fraud by pressing charges, and becomes "a victim of revenge and political persecution."<sup>11</sup>

**February 6, 2000:** Ms. Andrade's term as mayor of La Paz ends.<sup>12</sup> She is succeeded by Mayor Juan del Granado Cosio. Mayor Granado Cosio plans to reverse the economic decline of La Paz.<sup>13</sup> He envisions transformation for La Paz, and during his first two years, he establishes a "zero tolerance approach to graft."<sup>14</sup> The new administration under Mayor Granado Cosio plans to take action, "at the slightest hint of corruption, though always in line with proper legal procedures."<sup>15</sup> Thus, previous mayors of La Paz, including Ms. Andrade, are prosecuted and imprisoned at the request of this new administration.<sup>16</sup>

**1998- 2015:** Mayor Andrade is prosecuted in connection with six cases of graft and corruption for actions taken during her term as Mayor and as President of the La Paz City Council: the Gader; Street Lamps; Guaglio (Pensions); Medieta (Villa Ayacucho); Mallasa; and Esin cases. Eventually, she is acquitted in all cases except the Pensions case, although her sentence was suspended, and she spends a total of six months and one week in prison without trial.<sup>17</sup>

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7. *Id.*

8. *Id.* ¶ 13.

9. *Id.*

10. *Id.* ¶ 14.

11. Andrade, *supra* note 2.

12. *Id.* ¶ 95.

13. Nieves Zúñiga & Paul M. Heywood, *Cleaning Up La Paz*, Foreign Policy (Sep. 11, 2015), <http://foreignpolicy.com/2015/09/11/cleaning-up-la-paz-bolivia-corruption/>.

14. *Id.*

15. *Id.*

16. *Id.*

17. Andrade, *supra* note 2, at 36.

### 1. Events Pertaining to The Gader Case

**December 7, 1999:** Prior to departing office, Mayor Andrade's predecessor, Mayor Monroy Chazarreta, signs a contract with Gader SRL for the "design and development of an integrated tax collection system."<sup>18</sup> The contract totals \$1,800,000, and the La Paz City Council approves the contract during Mayor Andrade's term in office.<sup>19</sup>

**January 21, 2000:** The La Paz Government sends a "[r]eport of the Financial Investigation Unit ("FIU")," to the La Paz District Attorney's Office.<sup>20</sup> The report indicates how approximately \$2,326,550 in city funds were laundered.<sup>21</sup> The report establishes the Government had not conducted any oversight on La Paz's check issuance process.<sup>22</sup> Therefore, the officials who authorize and sign the checks are blamed for the fraud.<sup>23</sup> The report further states that the lack of oversight is directly associated to the corrupted public officials and the money they are suspected of laundering.<sup>24</sup> Following the FIU report, the District Attorney's Office opens an investigation and commences criminal prosecution.<sup>25</sup>

**February 6, 2000:** Ms. Andrade's term as mayor of La Paz ends.<sup>26</sup>

**March 1, 2000:** Ms. Andrade's successor, Mayor Granado Cosio, requests the Government of La Paz to conduct an audit of the payments made under the contract between Mr. Monroy Chazarreta and Gader SRL.<sup>27</sup>

**March 22, 2000:** Mayor Granado Cosio recommends immediate action be brought against Mr. Monroy Chazarreta, and seven other individuals, for possible criminal liability.<sup>28</sup> Ms. Andrade is not one of the seven individuals named within the audit report.<sup>29</sup>

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18. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 96.

19. *Id.*

20. *Id.* ¶ 97.

21. *Id.*

22. *Id.*

23. *Id.*

24. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 97.

25. *Id.*

26. *Id.* ¶ 95.

27. *Id.* ¶ 98.

28. *Id.*

29. *Id.*

**March 23, 2000:** Mr. Granado Cosio files a complaint with the Public Prosecutor's Office, claiming that a variety of former city officials have committed criminal acts.<sup>30</sup> Additionally, Mr. Granado Cosio requests that the conduct of those former members of the City Council who approved the allegedly fraudulent Gader SRL contract should also be investigated.<sup>31</sup>

**May 8, 2000:** The Public Prosecutor's Office files a request with the Third Criminal Examining Judge and seeks an order to investigate Ms. Andrade along with sixteen others.<sup>32</sup>

**May 24, 2000:** Mayor Granado Cosio files a criminal complaint with the Third Criminal Examining Judge.<sup>33</sup> The complaint requests an investigation of Ms. Andrade for allowing payments under the Gader SRL contract to continue while President of the City Council, and seven additional persons.<sup>34</sup>

**June 21, 2000:** After evaluating the complaint, the Third Criminal Examining Court decides to investigate Ms. Andrade because she appears to have committed fraud and conspiracy under Article 335 and Article 132 of the Penal Code.<sup>35</sup>

**August 2, 2000:** During the investigation, Ms. Andrade gives a preliminary statement before the Capital's Third Criminal Examining Court.<sup>36</sup> Ms. Andrade's defense counsel files a petition of *habeas corpus* against La Paz Third Criminal Examining Judge Mr. Alberto Costa Obregón:<sup>37</sup> first, because the case was not randomly assigned to a judge;<sup>38</sup> and, second, because Ms. Andrade's pre-trial detention was not justified under articles 233 and 234 of the Code of Criminal Procedure.<sup>39</sup>

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30. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 99.

31. *Id.*

32. *Id.*

33. *Id.* ¶ 101.

34. *Id.*

35. *Id.*

36. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 103.

37. *Id.* ¶ 104.

38. *Id.*

39. *Id.*

**August 3, 2000:** The Third Criminal Examining Court orders Ms. Andrade be held in pre-trial detention in the Women's Prison (the *Obrajes* District Prison) for fraud and criminal conspiracy.<sup>40</sup>

**August 5, 2000:** The First Chamber of La Paz District Superior Court declares Ms. Andrade's *habeas corpus* petition inadmissible.<sup>41</sup> The Superior Court reasons that the Judge was acting within Article 233 of the Code of Criminal Procedure.<sup>42</sup> Further, the Superior Court states that Ms. Andrade acknowledged the judge's jurisdiction when she asserted her prejudicial claims and asked the court to revoke an order for an investigation.<sup>43</sup> Ms. Andrade appeals this decision.<sup>44</sup>

**August 8, 2000:** Ms. Andrade's counsel files a petition to revoke the order for pre-trial detention and seeking an alternative to pre-trial detention.<sup>45</sup> Ms. Andrade also alleges that the conditions in Article 233 of the Code of Criminal procedure are not present.<sup>46</sup> They are: "(1) there must be sufficient information to argue that the accused likely committed or aided and abetted in the commission of a punishable offense; and (2) there must be sufficient conviction that the accused will be a flight risk or obstruct the inquiry into the facts."<sup>47</sup>

**August 18, 2000:** Ms. Andrade's petition seeking an alternative to pre-trial detention is denied.<sup>48</sup>

**August 26, 2000:** Ms. Andrade appeals the decision on the basis of Article 251 of the Code of Criminal Procedure, which discusses the procedural aspects of the appeals process.<sup>49</sup> The Court agrees to hear the matter on August 31, 2000.<sup>50</sup>

**August 31, 2000:** The Constitutional Court issues a *habeas corpus* ruling while reviewing the decision the First Criminal Chamber of the La Paz District Superior Court ("First Criminal Chamber") issued on

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40. *Id.* ¶ 103.

41. *Id.* ¶ 104.

42. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 104.

43. *Id.*

44. *Id.*

45. *Id.* ¶ 105.

46. *Id.*

47. *Id.*

48. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 105.

49. *Id.*; *Id.* n.38.

50. *Id.* ¶ 105.

August 6, 2000.<sup>51</sup> The Constitutional Court's ruling revokes the First Criminal Chamber's decision and declares that an alternative to pre-trial detention was applicable under Article 240 of the Code of Criminal Procedure.<sup>52</sup> The Constitutional Court subsequently sets Ms. Andrade's bail at approximately \$19,030.<sup>53</sup>

**September 1, 2000:** Ms. Andrade requests the Court order her release immediately.<sup>54</sup>

**September 6, 2000:** A public hearing is held regarding the alternative measure to pretrial detention.<sup>55</sup> The determined alternative measures are that: (1) Ms. Andrade is to remain under supervised release, requiring her to check in with the Court every Monday at 9:00 a.m.; and (2) bail is to be set at the equivalent of U.S. \$100,000.<sup>56</sup> At the conclusion of the hearing, Ms. Andrade's counsel files an appeal, which the Court agrees to hear.<sup>57</sup>

**October 2, 2000:** The First Chamber of the Superior Court reviews Ms. Andrade's appeal and subsequently orders her bail be changed and set to approximately \$15,225.<sup>58</sup> However, she asks the Court to consider an alternative to bail, arguing that she does not have the money.<sup>59</sup> According to Ms. Andrade, her bank account is currently frozen with only \$150 in it.<sup>60</sup> Pursuant to Article 141(3) of the Code of Criminal Procedure, Ms. Andrade asks the Court to allow her to post bail in the form of a relative's vehicle.<sup>61</sup>

**October 10, 2000:** A hearing is held to consider the alternative form of bail.<sup>62</sup> The Court agrees to accept her relative's vehicle instead of the monetary bail.<sup>63</sup>

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51. *Id.* ¶ 106.

52. *Id.*

53. *Id.*

54. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 107.

55. *Id.*

56. *Id.*

57. *Id.*

58. *Id.*

59. *Id.*

60. Andrade, *supra* note 2, at 119.

61. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 107.

62. *Id.*

63. *Id.*

**October 11, 2000:** Ms. Andrade petitions the Third Criminal Examination Court Judge to issue an order accepting the vehicle posted as bail.<sup>64</sup> Additionally, she asks the judge to issue a release warrant following the completion of any and all administrative procedures.<sup>65</sup>

**October 23, 2000:** The *Gader* case is nullified because the assigned the judge had not been randomly selected, as required by law.<sup>66</sup> Following the nullification, the case is transferred to the Seventh Criminal Examining Court.<sup>67</sup> Yet, the court refuses to release Ms. Andrade from prison.<sup>68</sup>

**November 7, 2000:** A La Paz Seventh Criminal Examining Court Judge issues an order to investigate Ms. Andrade and eleven additional persons for fraud, criminal conspiracy, and mismanagement of public resources, in violation of Penal Code Articles 335, 132, and 224.<sup>69</sup>

**November 8, 2000:** Mayor Granado Cossio files a criminal complaint and becomes a civil party in a separate case against Ms. Andrade and seventeen additional persons relating to the *Gader* SRL agreement.<sup>70</sup>

**November 14, 2000:** Ms. Andrade gives a preliminary statement.<sup>71</sup> Additionally, a hearing on precautionary measures is held and the Seventh Criminal Examining Judge orders Ms. Andrade to pre-trial detention.<sup>72</sup>

**November 15, 2000:** Ms. Andrade appeals the pre-trial detention order once again citing to the August 31, 2000 Constitutional Court Judgment.<sup>73</sup>

**December 1, 2000:** On appeal, the Second Criminal Chamber revokes the order of pre-trial detention and sets Ms. Andrade's bail at approximately \$57,100.<sup>74</sup>

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64. *Id.* ¶ 108.

65. *Id.*

66. *Id.* ¶ 109.

67. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 109.

68. *Id.*

69. *Id.* ¶ 110.

70. *Id.*

71. *Id.* ¶ 111.

72. *Id.*

73. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 111.

74. *Id.*

**December 2, 2000:** Ms. Andrade files another petition for writ of *habeas corpus* in the District Superior Court alleging that she does not have the money for her new bail amount.<sup>75</sup>

**December 7, 2000:** The First Civil Chamber of the Superior Court of Justice denies her petition.<sup>76</sup>

**December 14, 2000:** Ms. Andrade's counsel files a petition challenging the First Civil Chamber of the Superior Court of Justice's decision denying her *habeas corpus* petition.<sup>77</sup> The petition argues that Article 241 of the Criminal Procedure was violated because bail was set too high in comparison to Ms. Andrade's current assets.<sup>78</sup>

**January 16, 2001:** The Constitutional Court delivers its ruling on the petition of *habeas corpus* and rules that the court failed to properly assess the applicable facts and law present in the case.<sup>79</sup>

**February 6, 2001:** The Seventh Criminal Examining Court holds a hearing on Ms. Andrade's pre-trial detention.<sup>80</sup> Ms. Andrade is ordered to: (1) "check in weekly with the Court", (2) stay confined to the jurisdiction of the Court, and (3) post bail of approximately \$7,610.<sup>81</sup>

**February 9, 2001:** The Seventh Criminal Examining Court judge issues a release warrant for Ms. Andrade.<sup>82</sup>

**February 10, 2001:** Ms. Andrade is released.<sup>83</sup>

**August 24, 2002:** The Eighth Criminal Examining Court issues a final decision.<sup>84</sup> The charges allege that during her administration, Ms. Andrade asked the city council to approve the contract and authorize payments to Gader SRL, totaling over \$1,070,000.<sup>85</sup> Additionally, it is alleged that there was no proper review of the

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75. *Id.*

76. *Id.*

77. *Id.* ¶ 112.

78. *Id.*

79. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 112.

80. *Id.* ¶ 113.

81. *Id.*

82. *Id.*

83. *Id.*

84. *Id.* ¶ 114.

85. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 114.



documents prior to sending them to the City Council.<sup>86</sup> The Court issues an additional order binding Ms. Andrade for trial, stating that “ ‘her conduct fit the conduct criminalized in Article 153 (decisions that contravene the Constitution and the laws) and Article 224 (mismanagement of public resources) of the Criminal Code.’ ”<sup>87</sup>

**September 18, 2003:** The Sixth Criminal Trial Court lifts Ms. Andrade’s jurisdictional restraint and allows her to travel to the Inter-American Commission on Human Rights in Washington, D.C. for ten days.<sup>88</sup>

**September 16, 2004:** Ms. Andrade petitions the Third Criminal Examining Judge to time-bar the criminal case and precautionary measures.<sup>89</sup> Since more than five years has passed since the start of the case, Ms. Andrade expresses that under current law, such criminal proceedings could not last over five years.<sup>90</sup>

**August 13, 2005:** Ms. Andrade’s request to time-bar the case is denied.<sup>91</sup>

**January 18, 2007:** A Final Instruction Decision is issued.<sup>92</sup> The case against Ms. Andrade is provisionally dismissed for “insufficient evidence of culpability.”<sup>93</sup>

**August 4, 2009:** An additional decision confirming the prior decision is issued following the Government of La Paz’s appeal.<sup>94</sup>

**2010:** The Gader SRL case is reopened at the Government of La Paz’s request.<sup>95</sup>

**December 15, 2011:** The Criminal Examining Court dismisses the case against Ms. Andrade due to lack of new evidence.<sup>96</sup>

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86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.* ¶ 118.

90. *Id.*

91. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 118.

92. *Id.* ¶ 120.

93. *Id.*

94. *Id.* ¶ 121.

95. *Id.* ¶ 122.

96. *Id.*

## 2. Events Pertaining to the Street Lamps Case

**May 13, 1998:** The City Council authorizes a trip for former Mayor Monroy Chazarreta to travel to Beijing, China from May 15 to 26, 1998, at the invitation of Beijing's city government.<sup>97</sup>

**June 18, 1998:** The La Paz City Council receives a report on the trip.<sup>98</sup> The report states that at some point during the trip, a contract was signed with a state-owned company, "XUZHO," for the purchase of street lamps, street paving, and the construction of bridges for the City of La Paz.<sup>99</sup> The contract further indicates that a mixed line of commercial credit from the Bank of China is involved.<sup>100</sup>

**June 29, 1998:** As the President of the City Council, Ms. Andrade receives a note from Mr. Monroy Chazarreta containing the signed contract purchasing 80,000 street lamps for the City of La Paz and asking for the City Council's permission to proceed with the deal.<sup>101</sup>

**August 3, 1998:** Acting on behalf of the City Council, Ms. Andrade approves the contract.<sup>102</sup> However, the letter from Mr. Monroy Chazarreta to the City Council is missing a signed addendum increasing the cost of the contract by an additional \$2,260,000.<sup>103</sup>

**October 19, 1998:** Mr. Monroy Chazarreta asks to proceed with the contract.<sup>104</sup> Subsequently, a check is made out in the amount of \$5,595,520.00 from the Government of La Paz to XUZHO.<sup>105</sup>

**November 18, 1998:** Mr. Monroy Chazarreta receives notice from the Vice Minister of the Treasury and Public Credit of the Treasury Ministry that the Government has reached its maximum debt and any further budget changes need the City Council's approval.<sup>106</sup>

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97. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 123.

98. *Id.*

99. *Id.*

100. *Id.*

101. *Id.* ¶ 124.

102. *Id.*

103. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 124.

104. *Id.* ¶ 125.

105. *Id.*

106. *Id.*

**December 22, 1999:** The Sub Comptroller of Legal Services of the Comptroller General of the Republic requests La Paz Sub Comptroller of Legal Services and the Departmental Manager's report seeking a legal opinion regarding certain aspects of the contract with XUZHO.<sup>107</sup> The report indicates a variety of irregularities and illegalities, and that some Government and City officials may be criminally liable for those irregularities.<sup>108</sup>

**December 24, 1999:** The Office of the Comptroller General of the Republic files an audit report regarding the contract.<sup>109</sup> The report indicates a number of irregularities within the contract, including a "failure to comply with the legal provisions regarding the procurement and purchase of goods and services."<sup>110</sup> The report concludes that thirteen persons may be criminally responsible, and that the Public Prosecutor's Office should investigate Ms. Andrade.<sup>111</sup>

**February 11, 2000:** The Public Participation and Decentralization Commission of the Chamber of Deputies issues a report regarding an investigation into the conduct associated with the contract for the street lamps.<sup>112</sup> This report details various illegal activities committed by officials within the Mayor's Office and asks the District Superior Court order an investigation of Ms. Andrade and nine additional officials in the city government.<sup>113</sup>

**August 8, 2000:** The Full Chamber of the District Superior Court issues a Resolution ordering the case be sent to the La Paz Criminal Examining Judge.<sup>114</sup>

**September 6, 2000:** The original case files are randomly submitted to the Examining Judge on duty.<sup>115</sup>

**October 3, 2000:** The Prosecutor's Office recommends investigating Ms. Andrade and additional persons for the crime of "contracts

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107. *Id.* ¶ 126.

108. *Id.*

109. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 127.

110. *Id.*

111. *Id.*

112. *Id.* ¶ 128.

113. *Id.*

114. *Id.* ¶ 130.

115. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 130.

detrimental to the State's interest" and other crimes.<sup>116</sup> Following the recommendation, the Ninth Criminal Examining Judge investigates Ms. Andrade and nine additional persons.<sup>117</sup>

**October 10, 2000:** The Ninth Criminal Examining Judge summons Ms. Andrade to make her preliminary statement on October 17, 2000.<sup>118</sup>

**October 16, 2000:** Mayor Granado Cosio files a complaint against Ms. Andrade.<sup>119</sup>

**October 17, 2000:** Ms. Andrade gives her preliminary statement.<sup>120</sup> Following her statement, the Ninth Criminal Examining Judge orders Ms. Andrade be detained in the La Paz Women's Prison.<sup>121</sup> The Court issues a pre-trial detention order against her and she is taken into custody.<sup>122</sup>

**October 18, 2000:** Ms. Andrade appeals the pre-trial detention order.<sup>123</sup>

**October 25, 2000:** Ms. Andrade files a petition for writ of *habeas corpus* with the Chamber of the District Superior Court alleging that she is being mistakenly accused without any evidence currently present.<sup>124</sup> Additionally, Ms. Andrade states that the requirements for a pre-trial detention are not met, as she poses neither a flight risk nor risk of obstruction of justice.<sup>125</sup> Further, the remedy for her appeal to the pre-trial detention order has not been decided within a reasonable amount of time as prescribed under Bolivian law.<sup>126</sup>

**October 27, 2000:** First Chamber of the District Superior Court dismisses Ms. Andrade's petition of *habeas corpus* on the grounds that it cannot be appealed.<sup>127</sup> Following this decision, Ms. Andrade is incarcerated in the *Obrajes* District Prison.<sup>128</sup>

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116. *Id.* ¶ 131.

117. *Id.*

118. *Id.*

119. *Id.* ¶ 132.

120. *Id.* ¶ 133.

121. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 133.

122. *Id.*

123. *Id.*

124. *Id.* ¶ 134.

125. *Id.*

126. *Id.*

127. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 134.

128. *Id.*

**October 31, 2000:** Ms. Andrade's counsel requests the Constitutional Court revoke the First Civil Chamber of the District Superior Court's decision denying her petition of *habeas corpus*.<sup>129</sup> Her counsel presents various arguments in favor of opposing the decision, including the fact that this prosecution is improper and illegal.<sup>130</sup>

**November 10, 2000:** The Second Criminal Chamber of the District Superior Court overrules the Ninth Criminal Examining Judge's decision ordering Ms. Andrade's pre-trial detention.<sup>131</sup> She is given the alternatives for either: (1) supervised release; (2) international travel restrictions; (3) identification of two persons who would guarantee her court appearances; or (4) bail set at approximately \$19,030.<sup>132</sup> She pays bail and identifies two individuals to guarantee her appearance.<sup>133</sup>

**December 11, 2000:** Despite the District Superior Court's decision granting her petition for *habeas corpus*, the Constitutional Court revokes the order without ordering Ms. Andrade release.<sup>134</sup>

**December 18, 2000 and January 12, 2001:** Ms. Andrade's counsel requests that a warrant be issued for her release.<sup>135</sup>

**January 22, 2001:** The Ninth Criminal Examining Judge issues a warrant for Ms. Andrade's release.<sup>136</sup>

**December 11, 2002:** The First Criminal Examining Court of La Paz issues a final instruction decision and orders trial.<sup>137</sup> The Court reasons that the criminal charges are appropriate since Ms. Andrade's participation in the June 18, 1998 City Council session approving the contract for the street lamps, and thus Ms. Andrade has full knowledge of the "procedural irregularities surrounding the contract."<sup>138</sup>

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129. *Id.* ¶ 135.

130. *Id.*

131. *Id.* ¶ 136.

132. *Id.* ¶ 136.

133. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 136.

134. *Id.* ¶ 138.

135. *Id.* ¶ 139.

136. *Id.*

137. *Id.* ¶ 141.

138. *Id.*

**January 21, 2005:** Ms. Andrade requests the case be time barred because over four and a half years have passed since Ms. Andrade gave her preliminary statement.<sup>139</sup>

**November 30, 2005:** The request to have the case time-barred is dismissed.<sup>140</sup>

**November 22, 2008:** The Criminal Examining Court orders a provisional dismissal of the criminal action against Ms. Andrade.<sup>141</sup>

### 3. Events Pertaining to The Guaglio (Pensions Case)

**October 8, 1999:** While performing mayoral duties, Mayor Andrade receives a memorandum from the Head of the Administrative Area of the Office of the Director General of Pensions of the Treasury Ministry.<sup>142</sup> Mayor Andrade is informed that the government of La Paz has failed to pay a debt.<sup>143</sup> Additionally, the memorandum stated that if payment is not made, a case will be filed for collection.<sup>144</sup>

**December 24, 1999:** Ms. Andrade files documents with the Financial Investigation Unit regarding approximately \$641,915 that were allegedly deposited into a private account instead of the account for the Office of Pensions.<sup>145</sup> Mayor Andrade notifies the Public Prosecutor's Office and the Judicial Police regarding these reported facts.<sup>146</sup>

**January 20, 2000:** The Head of Financial Analysis of the Financial Investigations Unit presents a report recommending that the Public Prosecutor's Office *inter alia* freeze the accounts of various persons.<sup>147</sup>

**February 2, 2000:** An initial order issues preliminary proceedings against eighteen individuals.<sup>148</sup> Mayor Andrade is not one of the individuals named.<sup>149</sup>

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139. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 141.

140. *Id.* ¶ 145.

141. *Id.* ¶ 146.

142. *Id.* ¶ 152.

143. *Id.*

144. *Id.*

145. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 153.

146. *Id.*

147. *Id.* ¶ 154.

148. *Id.*

149. *Id.*

**February 17, 2000:** Mayor Granado Cossio and the Prosecution request Ms. Andrade's name be added to the list of possible suspects in the criminal case for a dereliction of duty.<sup>150</sup>

**March 27, 2000:** The assigned Examining Judge recuses himself from the case because a number of suspects were high-ranking authorities of the La Paz Government.<sup>151</sup> The case is then sent to the La Paz District Superior Court.<sup>152</sup>

**May 2, 2000:** Due to her status as a previous Mayor of La Paz, the District Superior Court orders the preliminary proceedings against Ms. Andrade occur in a 'jurisdiction of privilege.'<sup>153</sup> She is being investigated for alleged fraud, dereliction of duty, and overall mismanagement of public resources.<sup>154</sup>

**June 2000:** The Constitutional Court issues a ruling that the provisions of the 1972 Code of Criminal Procedure (Articles 265 and 276), addressing "jurisdiction of privilege", are declared unconstitutional.<sup>155</sup> This decision holds that mayors are not entitled to a "jurisdiction of privilege" and therefore, it rules that the case against Ms. Andrade be transferred back to the District Superior Court of La Paz.<sup>156</sup>

**May 2, 2002:** A final instruction decision is issued against Ms. Andrade and nineteen other individuals.<sup>157</sup> She is accused of dereliction of duty and mismanagement of public resources, in violation of Penal Code Articles 154 and 224.<sup>158</sup> The Judge reasoned that, " 'as mayor of the city, she had ordered payments and had signed off on those payments without meeting beforehand with officials from the Office of the Director General of Pensions.' "<sup>159</sup>

**October 25, 2002:** Ms. Andrade's case is sent to the Fourth Criminal Trial Court.<sup>160</sup>

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150. *Id.*

151. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 155.

152. *Id.*

153. *Id.* ¶ 156.

154. *Id.*

155. *Id.* ¶ 157.

156. *Id.*

157. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 158.

158. *Id.*

159. *Id.*

160. *Id.* ¶ 159.

**January 28, 2004:** The Fourth Criminal Trial Court convicts Ms. Andrade and sentences her to three years in prison for violating Article 224 of the Penal Code, which prohibits mismanagement of public resources.<sup>161</sup> In addition, she must pay the State civil damages and costs.<sup>162</sup> Ms. Andrade is acquitted for the alleged violation of dereliction of duty.<sup>163</sup>

**February 4, 2004:** Ms. Andrade files an appeal arguing that the evidence presented was not “fully and credibly weighed.”<sup>164</sup>

**September 16, 2004:** Ms. Andrade petitions the Second Criminal Chamber of the District Superior Court to declare that the case be time-barred, the record be closed, and subsequently all precautionary measures against her in the case be closed.<sup>165</sup>

**December 19, 2004:** The Second Criminal Chamber of the Superior Court sends the petition to the Prosecutor’s office.<sup>166</sup>

**March 2005:** The La Paz District Attorney’s Office petitions the Second Criminal Chamber and requests that the petition be denied.<sup>167</sup>

**September 9, 2005:** Ms. Andrade’s request to have the criminal case time barred is denied.<sup>168</sup>

**September 15, 2005:** Ms. Andrade appeals the original decision; however, it is denied.<sup>169</sup>

**September 11, 2006:** In the Second Criminal Chamber, Ms. Andrade is acquitted of mismanagement of public resources, and her subsequent sentence for the crime is annulled.<sup>170</sup>

**October 27, 2011:** The Court later holds Ms. Andrade guilty of mismanaging public resources and sentences her to three years in

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161. *Id.* ¶ 160.

162. *Id.*

163. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 160.

164. *Id.* ¶ 161.

165. *Id.* ¶ 162.

166. *Id.*

167. *Id.* ¶ 163.

168. *Id.* ¶ 165.

169. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 166.

170. *Id.* ¶ 168.



*Obrajes* Prison and orders her to pay civil damages and costs to the State.<sup>171</sup>

**February 2012:** The Court overturns the ruling from October 27, 2011 and charges Ms. Andrade for dereliction of duty, sentencing her to three years in prison; however, the sentence is suspended.<sup>172</sup>

#### 4. Events Pertaining to the *Medieta* Case (Villa Ayacucho)

**December 13, 1994:** The City Council passes a resolution that the Government of La Paz award certain land plots to seven persons as a form of compensation for expropriated land.<sup>173</sup>

**October 21, 1997:** The Supreme Court confirms a writ of constitutional *amparo* that the La Paz District Supreme Court previously granted in a case against a previous Mayor of La Paz, Mr. Ronal McLean Avaroa, along with seven additional persons.<sup>174</sup> Under this writ, the Mayor must give these seven individuals “ ‘level grading of the plots within block “Z” of Villa Ayacucho in the Achumani Zone of La Paz.’ ”<sup>175</sup> However, no one in the Mayor’s office does this, so the seven individuals file a complaint against the official in the Mayor’s Office for contempt of court orders.<sup>176</sup>

**November 25, 1997:** The official tells police he failed to comply with the writ of constitutional *amparo* because Ms. Andrade, as President of the City Council, signed a municipal ordinance declaring the area a “green zone.”<sup>177</sup>

**January 25, 2000:** Mayor Andrade is named a suspect in the crimes of “contempt of decision delivered in *habeas corpus* and Constitutional *Amparo* Proceedings and in the crime of decisions that contravene the Constitution and the law,” in violation of Articles 179 and 153 of the Penal Code.<sup>178</sup> Preliminary proceedings against her are commenced.<sup>179</sup> Mayor Andrade appeals the initial decision to investigate, arguing under

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171. *Id.*

172. *Id.* ¶¶ 170, 303.

173. *Id.* ¶ 171.

174. *Id.*

175. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 171.

176. *Id.*

177. *Id.* ¶ 172.

178. *Id.* ¶ 173.

179. *Id.*

Article 169 of the Penal Code, that there was a complete absence of criminal conduct and, additionally, a lack of justiciable matter.<sup>180</sup> Her appeal is denied.<sup>181</sup>

**February 27, 2000:** Ms. Andrade files a petition of *habeas corpus* against the Third Criminal Examining Court.<sup>182</sup> The petition maintains that she is being unduly and illegally prosecuted.<sup>183</sup>

**March 2000:** Bail is set at approximately \$57,100.<sup>184</sup> However, upon appeal, the First Criminal Chamber revises Ms. Andrade's bail to approximately \$28,550.<sup>185</sup> She requests posting a plot of land and a vehicle as an alternative form of bail.<sup>186</sup>

**March 27, 2000:** The Constitutional Court dismisses Ms. Andrade's petition of *habeas corpus* because "the preliminary objections...asserted must be decided in the criminal case that the judge is hearing."<sup>187</sup>

**April 27, 2000:** Ms. Andrade gives her preliminary statement.<sup>188</sup> After hearing her statement, the Court rules against her incarceration.<sup>189</sup>

**September 14, 2004 and November 23, 2004:** Ms. Andrade files a petition seeking to time-bar the case and to lift the precautionary measures.<sup>190</sup>

**June 17, 2006:** The First Criminal Chamber denies Ms. Andrade's appeal, reasoning that, "the protracted duration of her case was due to ...delaying tactics...the defendants...employed."<sup>191</sup>

**August 15, 2007:** A precautionary measure requiring Ms. Andrade's confinement to the jurisdiction of the Court is lifted.<sup>192</sup>

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180. *Id.*

181. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 173.

182. *Id.*

183. *Id.*

184. *Id.* ¶ 174.

185. *Id.*

186. *Id.*

187. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 174.

188. *Id.* ¶ 175.

189. *Id.*

190. *Id.* ¶ 176.

191. *Id.* ¶ 177.

192. *Id.* ¶ 178.

**August 23, 2007:** The Court orders a provisional dismissal of the case against Ms. Andrade for insufficient evidence of culpability.<sup>193</sup>

**March 2012:** The State formally indicates that the case is now time-barred.<sup>194</sup>

#### 5. Events Pertaining to the Mallasa Case

**February 6, 1956:** The Supreme Decree No. 04309 creates the Mallasa National Park following the cession by the Mallasa Farm Workers Union of a piece of land to create a park in the area.<sup>195</sup> Additionally, seventy farmers gift an additional 180 hectares towards the creation of the Park.<sup>196</sup>

**February 18, 1972:** An additional decree orders the conveyance of the Mallasa National Park to the City of La Paz.<sup>197</sup> The conveyance of the park includes all of its uses, easements, and waters, in an effort to create a green area within La Paz for recreational activities and sports facilities.<sup>198</sup>

**1997:** The mayor of La Paz, Mr. Gaby Candia de Mercado, issues a municipal resolution granting a “voluntary demarcation arrangement” between the Mallasa Farm Workers Union and the La Paz Government.<sup>199</sup> However, during the administration of the subsequent Mayor, Mr. Germán Monroy Chazarreta, a new resolution gives the Mallasa Farm Workers Union a certain number of hectares of the park to use for urban development.<sup>200</sup> However, the actual plan metrics for the land change a variety of times, reducing the overall surface area of the park.<sup>201</sup>

**May 14, 1999:** A chairman from the Aranjuez Board’s Neighborhood Association brings a complaint against the President of the Farm Workers Union claiming that the Union is taking their land.<sup>202</sup>

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193. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 178.

194. *Id.* ¶ 179.

195. *Id.* ¶ 180.

196. *Id.*

197. *Id.*

198. *Id.*

199. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 180.

200. *Id.* ¶ 181.

201. *Id.*

202. *Id.* ¶ 182.

**June 11, 1999:** The La Paz City Council formalizes the complaint by presenting inculpatory evidence, thereby making itself a civil party to the case.<sup>203</sup>

**July 19, 1999:** Mr. Granado Cossio and Mr. Wilfredo Calzada Limache, two national deputies, file a complaint against the former mayor of La Paz.<sup>204</sup>

**January 10, 2000:** The Prosecutor's Office suggests opening an investigation into the former mayor, Mr. Monroy Chazarreta, regarding the crimes of mismanagement of public resources, formation of contracts that are prejudicial to the State's interest, dereliction of duty, and formation of decisions contradicting that of the State's Constitution and laws.<sup>205</sup>

**January 29, 2001:** A criminal investigation is issued for Mr. Monroy Chazarreta and thirty-five others including Ms. Andrade.<sup>206</sup> Ms. Andrade is charged with a dereliction of duty and failure to file a complaint in violation of Penal Code Articles 154 and 178.<sup>207</sup>

**November 7, 2002:** Ms. Andrade makes her preliminary statement in front of the Fifth Criminal Examining Judge.<sup>208</sup> The Court rules in her favor, giving her the pre-trial detention alternatives of: (1) returning to court weekly to check in; (2) remaining in the jurisdiction of the Court, and; (3) posting bail.<sup>209</sup> Ms. Andrade does not appeal this order.<sup>210</sup>

**September 8, 2003:** A final instruction decision regarding the preliminary proceedings is issued.<sup>211</sup> The Court dismisses the charges against Ms. Andrade for a lack of evidence.<sup>212</sup>

**September 16, 2004:** Ms. Andrade requests the case be time-barred as over five years have passed since the criminal action commenced.<sup>213</sup>

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203. *Id.*

204. *Id.*

205. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 183.

206. *Id.*

207. *Id.*

208. *Id.* ¶ 185.

209. *Id.*

210. *Id.*

211. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 187.

212. *Id.*

213. *Id.* ¶ 188.

**September 29, 2004:** The Court denies the time-bar request because the defendants delayed the case, not the Court.<sup>214</sup>

**April 5, 2007:** Ms. Andrade requests the cancellation of all precautionary measures.<sup>215</sup> The Court obliges and, accordingly, any precautionary measures in her case are revoked.<sup>216</sup> However, an order confining her to the Court's jurisdiction is still in effect.<sup>217</sup>

**February 2012:** The case against Ms. Andrade is dismissed.<sup>218</sup>

#### 6. Events Pertaining to the Esin Case

**October 17, 1997:** The mayor's office signs a contract between *Empresa de Servicios Integrales ESIN S.R.L.* and the City of La Paz for the supervision of street sweeping, cleaning services, and trash collection.<sup>219</sup>

**May 14, 1998:** Both contract parties agree to terminate the contract following a report of the City Council's Financial and Legal Committees.<sup>220</sup> The report finds that the contract was not entered into according to proper legal procedures.<sup>221</sup> Additionally, the contract is prejudicial to the City of La Paz's interests.<sup>222</sup>

**June 2, 1998:** The La Paz City Council approves the termination of the contract.<sup>223</sup> Under this resolution, the termination agreement is reached and considered to be in favor of both parties' interests.<sup>224</sup> The City Council President, Ms. Andrade, signs the resolution.<sup>225</sup>

**June 27, 2000:** The Government of La Paz issues an internal audit report.<sup>226</sup> The report states that there is evidence against Ms. Andrade for alleged dereliction of duty and detrimental formation of contracts as

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214. *Id.*

215. *Id.* ¶ 189.

216. *Id.*

217. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 189.

218. *Id.* ¶ 191.

219. *Id.* ¶ 192.

220. *Id.*

221. *Id.*

222. *Id.*

223. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 192.

224. *Id.*

225. *Id.*

226. *Id.* ¶ 193.

to the state's interest in violation of Penal Code Articles 154 and 221.<sup>227</sup> The report suggests a complaint be brought against Ms. Andrade and the other suspects.<sup>228</sup>

**May 10, 2002:** The First Criminal Examining Judge opens a criminal investigation into Ms. Andrade.<sup>229</sup>

**September 20, 2004:** Formal charges are brought against Ms. Andrade for the alleged violations of Penal Code Article 154 and Article 221.<sup>230</sup>

**June 26, 2006:** The District Attorney's Office orders to nullify all proceedings against Ms. Andrade in anticipation of the issuance of a new final instructional decision.<sup>231</sup>

**February 2012:** Petitioners report the case as closed after the charges brought against Ms. Andrade are rejected.<sup>232</sup> However, there is no indication as to when or why the charges were dropped.<sup>233</sup>

**March 2012:** The State reports that Ms. Andrade is no longer involved in the case.<sup>234</sup>

## B. Other Relevant Facts

### 1. Setting the Scene

Ms. Andrade's successor, Mayor Granado Cosio is elected in 1999, and plans to reverse the economic decline of La Paz.<sup>235</sup> He envisions transformation for La Paz and during his first two years, he establishes a "zero tolerance approach to graft."<sup>236</sup> The new administration under Mayor Granado Cosio plans to take action, "at the slightest hint of corruption, though always in line with proper legal procedures."<sup>237</sup> Thus, previous mayors of La Paz, including

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227. *Id.*

228. *Id.*

229. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 194.

230. *Id.* ¶ 195.

231. *Id.*

232. *Id.* ¶ 196.

233. *Id.*

234. *Id.*

235. Zúñiga & Heywood, *supra* note 13.

236. *Id.*

237. *Id.*

Ms. Andrade and her predecessor, Mr. Monroy Chazarreta, are prosecuted and imprisoned at the request of this new administration.<sup>238</sup>

## 2. The La Paz Women's Prison

Throughout the various proceedings, Ms. Andrade spends a total of 192 days in the La Paz women's prison, *Obrajes* District Prison.<sup>239</sup> The prison is home to twice as many individuals as is warranted by its capacity, and Ms. Andrade states, “ ‘Bolivian prisons are like Dickens novels, a microcosm in which all activities are carried out and the good and bad of society are reflected.’ ”<sup>240</sup> In the State's prisons, 75 percent of inmates are in the “pre-trial detention” stage of their criminal proceedings and are held without a conviction.<sup>241</sup>

Ms. Andrade fortunately serves her pre-trial detention time under privileged conditions.<sup>242</sup> Ms. Andrade is housed in an area “devoted to more affluent detainees with a high media profile.”<sup>243</sup> Even so, the prisons are so overcrowded that sharing a small cell with two other individuals and one bathroom with nine other individuals is considered privileged.<sup>244</sup> The women's prison also houses small children as they are allowed to accompany their mothers to the facility until age of seven.<sup>245</sup>

The inside of the prison is just as corrupt as the streets of La Paz.<sup>246</sup> Individuals prepare and sell food, sell crafts, and even function as messengers.<sup>247</sup> For Ms. Andrade, the reality she faced in prison is shocking.<sup>248</sup> However, she states that “this constant working and contact prevented us from getting depressed and, curiously enough, avoiding violence.”<sup>249</sup>

With the State all but absent from the everyday functioning of these facilities, the prisoners are responsible for organizing and solving

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238. *Id.*

239. Fernando Molina, *Bolivian Prisons Are Like Those of Dickens Novels*, EL PAIS (Apr. 12, 2015), [https://elpais.com/internacional/2015/04/12/actualidad/1428862939\\_839703.html](https://elpais.com/internacional/2015/04/12/actualidad/1428862939_839703.html); Andrade, *supra* note 2.

240. *Id.*

241. *Id.*

242. *Id.*

243. *Id.*

244. *Id.*

245. Molina, *supra* note 239.

246. *Id.*

247. *Id.*

248. *Id.*

249. *Id.*

problems themselves, “giving rise to a type of coexistence that, in addition to being a response to barbaric overcrowding, reflects the roots of [the State’s] culture: solidarity and reciprocity.”<sup>250</sup>

## II. PROCEDURAL HISTORY

### A. Before the Commission

**April 2, 2001:** Coty Krsul Andrade presents a petition on behalf of Ms. Andrade to the Inter-American Commission on Human Rights.<sup>251</sup>

**March 19, 2009:** The Commission declares the petition admissible.<sup>252</sup>

**March 18, 2013:** The Commission finds violations of Articles 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), and 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) of the American Convention in relation to Article 8(2) (Right to Be Presumed Innocent) and Article 1(1) (Obligation of Non-Discrimination) of the American Convention due to the State’s rendering of the criminal proceedings in the *Gader* and *Street Lamps* cases.<sup>253</sup>

The Commission finds violations of Articles 7(6) (Right to Have Recourse Before a Competent Court) and 25 (Right to Judicial Protection) in relation to Article 1(1) (Obligation of Non-Discrimination) of the American Convention due to the State prohibiting Ms. Andrade’s access to both a simple and effective remedy in regards to the *Gader* criminal proceedings.<sup>254</sup>

The Commission finds a violation of Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) in relation to Articles 1(1) (Obligation of Non-Discrimination), 21 (Right to Property), 22(2) (Right to Leave a State), and 22(3) (General Limitations to Freedom of Movement and Residence) of the American Convention due to its handling of the criminal proceedings in the *Gader* and *Street Lamps* cases.<sup>255</sup>

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250. *Id.*

251. Andrade Salmón v. Bolivia, Admissibility Report, Report No. 11/09, Inter-Am. Comm’n H.R., Case No. 12.693, ¶ 1 (Mar. 19, 2009).

252. *Id.* ¶ 4.

253. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 312.

254. *Id.*

255. *Id.*



Finally, the Commission finds a violation of Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) in relation to Article 1(1) (Obligation of Non-Discrimination) of the American Convention due to the criminal proceedings the State handled in the *Gader*, *Street Lamps* and *Guaglio* cases.<sup>256</sup>

In the *Street Lamps* case, the Commission finds the State failed to present evidence proving the alleged complexity of the case.<sup>257</sup> Additionally, the Commission finds the State also failed to prove any actions by Ms. Andrade causing the eleven-year delay of the proceeding.<sup>258</sup>

The Commission concludes that, although it considers a possible violation of Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention, the parties failed to provide any arguments or facts prior to the merits phase that would lead to a ruling on the issue.<sup>259</sup>

In regards to the *Mendieta*, *Mallasa*, and *Esin* cases, although both parties acknowledge the case is closed, the Commission reasons that it does not have the necessary information to make a determination whether the criminal proceedings occurred over a reasonable amount of time, since neither party has produced information when the final judgment was handed down.<sup>260</sup>

In an effort to guarantee non-repetition, the Commission recommends the State lift any precautionary measures still imposed upon Ms. Andrade in relation to the *Street Lamps* Case.<sup>261</sup> The State should adopt any necessary measures to resolve the *Street Lamps* proceedings against Ms. Andrade in an impartial and timely manner.<sup>262</sup> In addition, the Commission recommends the State adopt the necessary preventative measures to deter such harm from recurring due to a “disproportionate duration of criminal proceedings and precautionary measures.”<sup>263</sup> Finally, the Commission recommends that the State make adequate reparation for the moral and material human rights violations it has inflicted upon Ms. Andrade.<sup>264</sup>

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256. *Id.*

257. *Id.* ¶ 302.

258. *Id.*

259. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶¶ 311-12.

260. *Id.* ¶ 306.

261. *Id.* ¶ 313.

262. *Id.*

263. *Id.*

264. *Id.*

*B. Before the Court*

**January 8, 2015:** The Commission submits the case to the Court, after the State failed to adopt its recommendations.<sup>265</sup>

1. Violations Alleged by Commission<sup>266</sup>

Article 7(1) (Right to Personal Liberty and Security)

Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law)

Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment)

Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time)

Article 7(6) (Right to Have Recourse Before a Competent Court)

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 8(2) (Right to Be Presumed Innocent)

Article 21 (Right to Property)

Article 22(2) (Right to Leave a State)

Article 22(3) (General Limitations to Freedom of Movement and Residence)

Article 25 (Right to Judicial Protection)

*all in relation to:*

Article 1(1) (Obligation of Non-Discrimination)

2. Violations Alleged by Representatives of the Victims<sup>267</sup>

Same violations alleged by the Commission.

III. MERITS

*A. Composition of the Court*<sup>268</sup>

Roberto F. Caldas, President

Eduardo Ferrer Mac-Gregor Poisot, Vice-President

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265. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C.) No. 272 ¶ 3(e) (Dec. 1, 2016) (Available only in Spanish).003; Andrade, *supra* note 2, at 36.

266. Andrade Salmón v. Bolivia, Petition No. 208-01, ¶ 312.

267. *Id.*; Ms. Andrade granted power of attorney to Mr. John Slater, Mr. John Lee, and Northwestern University's Center for International Human Rights to represent her before the Commission. *Id.* n.1.

268. See Andrade Salmón v. Bolivia, Merits, Reparations, and Costs.

Eduardo Vio Grossi, Judge  
Humberto Antonio Sierra Porto, Judge  
Elizabeth Odio Benito, Judge  
Eugenio Raúl Zaffaroni, Judge  
L. Patricio Pazmiño Freire, Judge

Pablo Saavedra Alessandri, Secretary  
Emilia Segares Rodríguez, Deputy Secretary

*B. Decision on the Merits*

**December 1, 2016:** The Court issues its Judgment on Merits, Reparations, and Costs.

The Court found unanimously that the State had violated:<sup>269</sup>

Article 21 (Right to Private Property) in relation to Articles 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) and 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Ms. Andrade,<sup>270</sup> because:

*The imposed precautionary measures in the Gader and Street Lamps cases violated Ms. Andrade's right to private property and personal liberty.<sup>271</sup> The Court noted that one's right to property is broad, and includes the right to the use and enjoyment of the property.<sup>272</sup> However, such rights to property are not absolute and are subject to possible limitations provided such restrictions are carried out legally.<sup>273</sup>*

*When a deprivation of liberty occurs prior to a judgment, the detained person has a right to be brought before a judge without delay and has the right to a trial in a reasonable amount of time.<sup>274</sup> If these requirements are not satisfied, the detained individual must be released.<sup>275</sup>*

*The Court indicated that, in criminal proceedings, bail ensures the accused completely and effectively complies with any and all*

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269. *Id.* ¶ 220.

270. *Id.*

271. *Id.* ¶ 109.

272. *Id.* ¶ 110.

273. *Id.* ¶ 111.

274. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 112.

275. *Id.*

procedural obligations.<sup>276</sup> In determining a fair sum of money, the Court must consider the possible risks involved.<sup>277</sup> The Court noted that “the greater procedural risk, greater guarantee or bond.”<sup>278</sup> This balancing considers the situation of the accused, and therefore bail set above “the real economic capacity of the accused” would violate one’s right to equality before the law.<sup>279</sup>

Based on the foregoing, the Court considered comparative law guidelines when examining Ms. Andrade’s individual and professional circumstances, the facts of the case, and the expected penalty.<sup>280</sup> The Court also looked at Ms. Andrade’s background.<sup>281</sup> The Court found that Ms. Andrade’s right of private property was violated when the bonds imposed and paid in the Gader and Street Lamps proceedings were unlawfully detained and held for over sixteen years and eleven months.<sup>282</sup> Accordingly, the Court found that the State violated Article 21 (Right to Private Property) in relation to Articles 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) and 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Ms. Andrade.<sup>283</sup>

Article 22(1) (Right to Move Freely Within a State) and Article 22(2) (Right to Leave a State) in relation to Articles 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) and 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Ms. Andrade,<sup>284</sup> because:

*The precautionary measures imposed on Ms. Andrade in relation to the criminal proceedings in the Gader and Street Lamps cases prevented her from leaving the State without authorization, and thus restricted her right to freedom of movement.<sup>285</sup> According to the Court, Articles 22(1) (Right to Move Freely Within a State) and 22(2) (Right to Leave a State) establish that not only does an individual have a right to move and reside in a state in which she is legally present, but that she also has a*

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276. *Id.* ¶ 114.

277. *Id.*

278. *Id.*

279. *Id.*

280. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 115.

281. *Id.*

282. *Id.* ¶ 135.

283. *Id.*

284. *Id.* ¶ 220.

285. *Id.* ¶¶ 138; 145.

right to freely leave from any country, including her own.<sup>286</sup> However, the State can restrict the right to move freely within a state or right to leave a state if and when it is necessary to prevent criminal offenses, to protect public safety and order, or to protect national security.<sup>287</sup>

The Court determined that the application of such precautionary measures when the procedural risks above are not present, adversely affected Ms. Andrade's individual right of personal freedom via the right of movement and would therefore be, "anticipating a sanction prior to the issuance of the sentence, which contradicts universally recognized general principles of law."<sup>288</sup> Thus, the precautionary measures imposed upon Ms. Andrade in relation to the Gader and Street Lamps cases were improper due to untimely delay, lack of periodic judicial review, and overall lack of substantiation in establishing the measures.<sup>289</sup> It is insufficient for a precautionary measure restricting one's freedom of movement be expressly available in a State's legal system.<sup>290</sup> However, prior to issuing such measures, judicial authorities must consider and weigh various objective elements to indicate and understand what, if any, procedural dangers are present before moving forward.<sup>291</sup> Additionally, when a precautionary measure involves an individual's deprivation of liberty, such judicial authorities must regularly review the circumstances to determine if such measures are appropriate in relation to any risk that is posed.<sup>292</sup>

Based on the foregoing, the Court concluded the judicial authorities did not properly establish or carry out a systemic review in respect to the Gader and Street Lamps cases.<sup>293</sup> The Court indicated that the length of the measures against Ms. Andrade without a judicial authority's timely and systematic review of the measures was "disproportionate to the purposes that they sought to achieve."<sup>294</sup> Additionally, the Court noted the respectable maximum sentences, if Ms. Andrade had been convicted, should have been considered by judicial authorities.<sup>295</sup> Therefore, the Court concluded that the excessive time delay in Gader (nine years) and

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286. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 140.

287. *Id.*

288. *Id.* ¶ 141.

289. *Id.* ¶¶ 146; 150.

290. *Id.* ¶ 146.

291. *Id.* ¶ 147.

292. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 148.

293. *Id.* ¶ 149.

294. *Id.*

295. *Id.*

Street Lamps (fifteen years), violated Ms. Andrade's rights under Articles 22(1) (Right to Move Freely Within a State) and 22(2) (Right to Leave a State) of the American Convention.<sup>296</sup>

Article 8(1) (Right to be Tried Within Reasonable Time) in relation to Article 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Ms. Andrade,<sup>297</sup> because:

*The State violated Ms. Andrade's right to be tried within a reasonable time through the prolonged duration of the Gader, Street Lamps, and Pensions proceedings.<sup>298</sup> The Court reasoned that, when combatting political and administrative corruption, cases involving public officials require, under the principle of equality, to be taken care of within a reasonable period of time.<sup>299</sup>*

*The Court determined that although the prosecution against corruption within the public administration is a desirable and admirable fight, it is not one that will be won if, "diverted into a recourse to democracy".<sup>300</sup> Thus, the Court indicated that specific care must be taken when prosecuting such cases as subjecting political officials to "indefinite procedural situations," does not assist in the defense of the State's democratic health.<sup>301</sup>*

*According to the Court, one's right to access to justice requires criminal proceedings be resolved within a reasonable amount of time.<sup>302</sup> A reasonable period is to be determined in relation to the totality of the duration of the proceedings, starting from the initial procedural act, until the suspect is sentenced, as a prolonged delay in the criminal investigation may violate an individual's judicial rights.<sup>303</sup>*

*The Court considered four elements when determining the reasonableness of the proceedings:<sup>304</sup> (1) the complexity of the case;<sup>305</sup>*

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296. *Id.* ¶ 133.

297. *Id.* ¶ 220.

298. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 179.

299. *Id.* ¶ 178.

300. *Id.*

301. *Id.*

302. *Id.* ¶ 157.

303. *Id.*

304. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 157.

305. *Id.*

(2) the procedural activity of the interested party,<sup>306</sup> specifically “whether the subjects performed the interventions in the processes that were reasonably required;”<sup>307</sup> (3) the conduct of the judicial authorities involved;<sup>308</sup> and (4) the damage to Ms. Andrade’s legal situation.<sup>309</sup> Here, the Court concluded that since Ms. Andrade was a public official, the domestic courts had a duty to act with greater diligence in proceeding with her case, as the issue of political corruption is one in which, “the protection of others depends on the duration of the process.”<sup>310</sup>

Regarding the Gader case, where precautionary measures lasted approximately eleven years and ten months, the Court concluded that there was sufficient evidence to classify the proceedings and evidence as complex even though no additional evidence was presented to the detriment of Ms. Andrade beyond that exposed during the initial investigation stage.<sup>311</sup> Second, regarding the procedural action taken by Ms. Andrade’s defense team, the Court indicated that such actions were mainly focused on avoiding preventative custody and attempting to establish an alternative to the precautionary measure.<sup>312</sup> Therefore, the Court concluded that the actions were not intended to initiate an unreasonable delay in the proceedings, but rather to protect Ms. Andrade’s right to personal liberty.<sup>313</sup> Third, in relation to the conduct of the authorities in the Gader proceedings, the Court noted that the criminal proceedings against Ms. Andrade were unjustly extended for approximately four years after the order of the partial dismissal through acts of the judicial authorities and the City of La Paz.<sup>314</sup> Overall, the Court found that the proceedings prolonged the time in which a resolution could be reached in the matter.<sup>315</sup> Finally, the Court determined that the final element, or weighing the effect that the delay in proceedings on Ms. Andrade’s legal status, was sufficiently met and that her property rights were adversely affected.<sup>316</sup> Thus, the Court found that due to the complexity of the case, the errors of the judicial

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306. *Id.* ¶¶ 157-58.

307. *Id.* ¶ 158.

308. *Id.*

309. *Id.*

310. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 158.

311. *Id.* ¶ 161.

312. *Id.* ¶ 162.

313. *Id.*

314. *Id.* ¶ 163.

315. *Id.*

316. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 165.

authorities, and the effect of the proceedings on Ms. Andrade's property rights, the State violated Ms. Andrade's rights under Article 8(1) (Right to be Tried Within Reasonable Time) of the American Convention.<sup>317</sup>

In regards to the Street Lamps case, which had not yet cumulated after sixteen years of initial investigation, the Court found that the duration of the proceedings was unjustifiably long.<sup>318</sup> First, the Court concluded that there was sufficient evidence to classify the proceedings and evidence as complex, because the proceedings referred to a number of subjects, including defendants who held high-ranking positions, and the case involved alleged acts of internal corruption.<sup>319</sup> Second, regarding Ms. Andrade's procedural conduct, the Court noted that the appeals filed on her behalf had been aimed at preventing pretrial detention and therefore, although they may have delayed the proceedings, they were reasonable.<sup>320</sup> Third, in relation to the conduct of the authorities in the Street Lamps proceedings, the Court found that the actions of the judicial authorities contributed to the extended delay in the proceedings.<sup>321</sup>

Finally, in analyzing the final element, the Court determined that the prolonging of the Street Lamps proceedings adversely affected her rights to property and circulation.<sup>322</sup> Thus, in looking at the totality of the circumstances surrounding the annulment of the December 11, 2002 final order, the lack of procedural activity by authorities between November 30, 2005 and November 22, 2008, the procedural inactivity in 2010, and the overall effect on Mrs. Andrade's property rights, the Court concluded that the State violated Ms. Andrade's Right to be Tried Within a Reasonable Time in contravention of Article 8(1).<sup>323</sup>

In regards to the Pensions case, the Court also found that the State violated Ms. Andrade's Right to be Tried Within a Reasonable Time under Article 8(1).<sup>324</sup> The Court determined that since some suspects held high positions in the government and the investigation involved a presumption of corruption by such individuals, that the sufficient

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317. *Id.*

318. *Id.* ¶¶ 159; 170.

319. *Id.* ¶ 166.

320. *Id.* ¶ 167.

321. *Id.* ¶ 168.

322. *Andrade Salmón v. Bolivia, Merits, Reparations, and Costs*, ¶ 169.

323. *Id.* ¶ 170.

324. *Id.* ¶ 179.



elements were met to classify this case as complex.<sup>325</sup> The Court found, as to the second element, that Ms. Andrade's procedural conduct did not constitute a prolonged delay of the proceedings.<sup>326</sup> In regards to the damage caused by the duration of the proceedings to Ms. Andrade's legal situation, the Court concluded that there was an unjustified length of trial time and an excessive delay in the resolution of the appeal, which extended over four years and eight months from the initial judgment.<sup>327</sup> Thus, the Court found that the State had violated Ms. Andrade's Right to be Tried Within Reasonable Period of Time as set forward in Article 8(1) in regards to the Pensions proceedings.<sup>328</sup> Accordingly, and as a result of the above considerations, the Court determined that the State had violated Article 8(1) (Right to be Tried Within a Reasonable Time), to the detriment of Ms. Andrade in the Gader, Street Lamps, and Pensions criminal case proceedings.<sup>329</sup>

The Court found unanimously that the State had not violated:

Article 7(1) (Right to Personal Liberty and Security), Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by the Law), Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), Article 7(6) (Right to have Recourse Before a Competent Court), in relation to Articles 8(2) (Right to be Presumed Innocent) and 1(1) (Obligation of Non-Discrimination) of the Convention, to the detriment of Ms. Andrade,<sup>330</sup> because:

*The Court noted that it did not have jurisdiction to render a pronouncement on a possible breach of the parties "friendly settlement" process handled before the Commission.<sup>331</sup> The Court discussed the fact that the Inter-American system follows a process of dynamic and complementary control of States conventional obligations to, "respect and guarantee human rights."<sup>332</sup> In short, the Court indicated that under the Convention, State responsibility may only be raised at the international level after the State has had an opportunity to recognize a possible violation of a human right and therefore is able*

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325. *Id.* ¶ 171.

326. *Id.* ¶ 172.

327. *Id.* ¶ 177.

328. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶¶ 177-78.

329. *Id.* ¶ 220.

330. *Id.*

331. *Id.* ¶ 90.

332. *Id.* ¶ 94.

to have an opportunity to make reparations on its own.<sup>333</sup> Further, the Court notes that, “in order not to declare state responsibility, it is insufficient for the State to recognize an international wrongful act, but, in addition, it must be evaluated whether it has ceased and the consequences of the measure or situation that constituted it.”<sup>334</sup> Therefore, the Court concluded that the State sufficiently resolved Ms. Andrade’s habeas corpus appeals in the Gader and Street Lamps cases.<sup>335</sup> Additionally, the Court found that Ms. Andrade was entitled to economic compensation to redress any violations of her right to personal freedom.<sup>336</sup>

Thus, the Court found that the State did not violate Articles 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by the Law), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), and 7(6) (Right to have Recourse Before a Competent Court, in relation Article 8(2) (Right to be Presumed Innocent) and Article 1(1) (Obligation to Respect Rights) of the Convention to the detriment of Ms. Andrade.<sup>337</sup>

Article 11 (Right to the Protection of Honor and Dignity) in relation to Article 1(1) (Obligation of Non-Discrimination) to the detriment of Ms. Andrade,<sup>338</sup> because:

The Court found that when examining the requirements for Article 11 (Right to the Protection of Honor and Dignity), it lacked the necessary information to determine that Ms. Andrade’s honor or reputation was illegally attacked during any of the proceedings.<sup>339</sup> The Court indicated that no evidence was presented to lead them to a determination that any actions taken during the proceedings were aimed at injuring Ms. Andrade’s honor or dignity or any damage to her emotional health.<sup>340</sup>

Although Article 11 (Right to the Protection of Honor and Dignity) does impose a duty on the State to protect individuals from such attacks, the

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333. *Id.* Emphasis added.

334. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 96.

335. *Id.* ¶ 97.

336. *Id.* ¶ 101.

337. *Id.* ¶ 102.

338. *Id.* ¶ 220.

339. *Id.* ¶ 185.

340. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 185.

Court noted that the judicial process does not, “in itself constitute an unlawful impairment of the honor or dignity of the person.”<sup>341</sup> In determining whether the State had violated Ms. Andrade’s right to the protection of honor and dignity, the Court noted an important distinction between honor and reputation – the right to honor is related to self-worth whereas reputation merely refers to the opinions individuals have about another person.<sup>342</sup> The Court further indicated that, in cases where the State has subjected an individual to “hatred, stigma, public contempt, persecution or discrimination,” than this right has been violated.<sup>343</sup> Accordingly, the Court found that the State did not violate Article 11 (Right to the Protection of Honor and Dignity) in relation to Article 1(1) (Obligation of Non-Discrimination) to the detriment of Ms. Andrade.<sup>344</sup>

Article 2 (Duty to Adopt Provisions of Domestic Law) to the detriment of Ms. Andrade<sup>345</sup> because:

*The Court concluded that there was no evidence presented to determine that the State’s revision of certain laws constituted a violation of Article 2 (Duty to Adopt Provisions of Domestic Law) to the detriment of Ms. Andrade.*<sup>346</sup>

### C. Dissenting and Concurring Opinions

#### 1. Concurring Opinion of Judge Humberto Antonio Sierra Porto<sup>347</sup>

In a separate concurring opinion, Judge Sierra Porto emphasized, “how to ease the tension that may arise between a state’s efforts to fight corruption,” and the need to protect human rights.<sup>348</sup> Judge Sierra Porto discussed the reasoning behind the Court’s conclusion that the State did not violate Article 11 (Right to the Protection of Honor and Dignity).<sup>349</sup> He indicated that because judicial process is aimed at resolving disputes, although it may result indirectly in some “nuisance” to a

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341. *Id.* ¶ 183.

342. *Id.*

343. *Id.*

344. *Id.* ¶ 185.

345. *Id.* ¶ 220.

346. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 187.

347. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, Concurring Opinion of Judge Humberto Antonio Sierra Porto, Inter-Am. Ct. H.R. (ser. C.) No. 272, ¶ (Dec. 1, 2016).

348. *Id.* ¶ 1.

349. *Id.* ¶ 3.

defendant, on its own it is not an unlawful interference with one's right to honor or dignity.<sup>350</sup> Thus, Judge Sierra Porto emphasized that this case established that, even if various aspects of one's life are affected following criminal proceedings, such evidence is not sufficient to support a claim of a violation of Article 11 (Right to the Protection of Honor and Dignity).<sup>351</sup> However, to help explain what type of conduct may constitute such a violation, Judge Sierra Porto stated that a violation may have occurred if a party sufficiently proves that the authorities have taken actions aimed at damaging an individual's image.<sup>352</sup>

Judge Sierra Porto further emphasized how this case serves as an example of what types of problems may occur when multiple proceedings are initiated.<sup>353</sup> Judge Sierra Porto argued that on an individual level, the proceedings in the *Gader*, *Street Lamps*, and *Pensions* cases, did not constitute violations of the Convention.<sup>354</sup> Nevertheless, he concluded that by evaluating the effects of each of the proceedings in terms of how they were conducted and the length of the processes, "it was possible to note several violations of the human rights of the victim."<sup>355</sup>

#### IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

##### *A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

##### 1. Publish the Judgment<sup>356</sup>

Within six months from the notification of the judgment, the State must publish the official summary of the Court's judgment in the Official Journal and in a nationally circulated and well-known newspaper.<sup>357</sup> The Court also ordered the State to publish the judgment

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350. *Id.*

351. *Id.*

352. *Id.*

353. *Andrade Salmón v. Bolivia*, Merits, Reparations, and Costs, Concurring Opinion of Judge Sierra Porto, ¶ 4.

354. *Id.*

355. *Id.*

356. *Andrade Salmón v. Bolivia*, Merits, Reparations, and Costs, ¶¶ 196-97.

357. *Id.* ¶ 197.

in its entirety, on an official State website for at least one year.<sup>358</sup> Additionally, the State must notify the Court upon preparing each publication.<sup>359</sup>

### *B. Compensation*

The Court awarded the following amounts:

#### 1. Pecuniary Damages

The Court defined pecuniary damages as a material loss that includes “ ‘loss of the victims’ income, expenses incurred in connection with the facts and pecuniary consequences that have a causal link with the facts of the case.’ ”<sup>360</sup> Ms. Andrade’s representatives highlighted that expert reports would be provided to itemize the immense economic damages she has endured to fight for her innocence.<sup>361</sup> However, the State argued that there was no international responsibility and Ms. Andrade’s had already received compensation for economic damages.<sup>362</sup> Therefore, Ms. Andrade should not be granted additional compensation for lost profits and personal liberty because there was no justification for it.<sup>363</sup> In considering the foregoing, the Court did not analyze the reparation measures for pecuniary damages because she had already been compensated and the State was not internationally responsible.<sup>364</sup>

Therefore, the Court examined whether any pecuniary losses had derived from the violation of Ms. Andrade’s right to private property.<sup>365</sup> However, the Court decided not to grant remedies for this violation as the elements of any material damage were not available.<sup>366</sup> Thus, the Court awarded \$0 to Ms. Andrade in the category of Pecuniary Damages.<sup>367</sup>

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358. *Id.*

359. *Id.* ¶ 198.

360. *Id.* ¶ 204.

361. *Id.* ¶ 202.

362. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 202.

363. *Id.* ¶ 203.

364. *Id.* ¶ 205.

365. *Id.* ¶ 206.

366. *Id.*

367. *Id.*

## 2. Non-Pecuniary Damages

The Court awarded \$15,000 to Ms. Andrade for physical and mental suffering.<sup>368</sup>

## 3. Costs and Expenses

The Court awarded \$25,000 to Ms. Andrade for costs and expenses incurred during the proceedings including her representatives and monitoring the State's compliance with the judgment.<sup>369</sup>

## 4. Total Compensation

\$40,000

## C. Deadlines

The State must lift the precautionary measures issued against Ms. Andrade in the *Street Lamps* case within three months of the notification of the judgment.<sup>370</sup>

The State must define Ms. Andrade's legal situation in the *Street Lamps* case within one year of the notification of the judgment.<sup>371</sup>

The State must publish the pertinent sections of the judgment within six months of notice of the judgment.<sup>372</sup>

With respect to the compensation ordered by the Court, the State must pay the pecuniary damages, non-pecuniary damages, and reimbursement of the costs and expenses within one year of the notice of this judgment.<sup>373</sup>

The State must submit to the Court a report on the compliance measures taken within one year of the notice of the judgment.<sup>374</sup>

## V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

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368. Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, ¶ 208.

369. *Id.* ¶ 213. The Court specifically awarded \$15,000 for Coty Krusl and \$5,000 for each of her other lawyers, Arrien Olmos and Burgos Calvo, for their work on the litigation of the matter at both the national and international level. *Id.*

370. *Id.* "Operative Paragraphs" ¶ 8.

371. *Id.* "Operative Paragraphs" ¶ 9.

372. *Id.*

373. *Id.* ¶ 214.

374. *Id.* "Operative Paragraphs" ¶ 12.

## VI. COMPLIANCE AND FOLLOW-UP

[None]

## VII. LIST OF DOCUMENTS

*A. Inter-American Court*

## 1. Preliminary Objections

[None]

## 2. Decisions on Merits, Reparations and Costs

[Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C.\) No. 272 \(Dec. 1, 2016\) \(Available only in Spanish\).](#)

[Andrade Salmón v. Bolivia, Merits, Reparations, and Costs, Concurring Opinion of Judge Humberto Antonio Sierra Porto, Inter-Am. Ct. H.R. \(ser. C.\) No. 272 \(Dec. 1, 2016\).](#)

## 3. Provisional Measures

[Andrade Salmón v. Bolivia, Provisional Measures, Order of the President of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(May 10, 2016\) \(Available only in Spanish\).](#)

## 4. Compliance Monitoring

[None]

## 5. Review and Interpretation of Judgment

[None]

*B. Inter-American Commission*

## 1. Petition to the Commission

[Not Available]

## 2. Provisional Measures

[None]

## 3. Report on Admissibility

[Andrade Salmón v. Bolivia, Admissibility Report, Report No. 11/09, Inter-Am. Comm'n H.R., Case No. 12.693 \(March 19, 2009\).](#)

## 4. Report on Merits

[Andrade Salmón v. Bolivia, Report on Merits, Report No. 1/13, Inter-Am. Comm'n H.R., Case No. 12.693 \(Mar. 18, 2013\) \(Available only in Spanish\).](#)

## 5. Application to the Court

[Andrade Salmón v. Bolivia, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 12.693 \(Jan. 8, 2015\) \(Available only in Spanish\).](#)

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