

BOLIVIA

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: SEPTEMBER 25, 1950

RATIFIED AMERICAN CONVENTION: JUNE 20, 1979

Recognition of competence and interpretive declaration made at time of deposit of the instrument of recognition of competence (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

On July 27, 1993 the instrument of recognition of the competence of the Inter-American Court of Human Rights was deposited with the OAS General Secretariat, in accordance with Article 62 of the American Convention on Human Rights, with the following declaration:

I. The Constitutional Government of the Republic, under Article 59, paragraph 12, of the State Constitutional, by Law 1430 of February 11, approved and ratified the American Convention on Human Rights "Pact of San Jose", signed at San Jose, Costa Rica, on November 22, 1969, and recognized the competence of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, under Articles 45 and 62 of the Convention.

II. By virtue of the power vested in me under Article 96, paragraph 2, Constitution of the State, I issue this instrument ratifying the American Convention on Human Rights "Pact of San Jose", recognizing the competence of the Inter-American Commission on Human Rights, and recognizing as binding, *ipso facto*, unconditionally and indefinitely the jurisdiction of the Inter-American Court of Human Rights, under Article 62 of the Convention.

The Government of Bolivia in letter OAS/262/93, of July 22, 1993, made an interpretative declaration at the time of deposit of the instrument of recognition of the competence of the Inter-American Court of Human Rights. The text of the declaration is as follows:

"The Government of Bolivia declares that the norms of unconditionally and indeterminacy shall apply with strict observance to the Constitution of Bolivia, especially with respect to the principles of reciprocity, non retroactivity and judicial autonomy."

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR "INTERSTATE COMMUNICATIONS" (ART. 45): JULY 19, 1979

ACCEPTED JURISDICTION OF IACHR (ART. 62): JULY 27, 1993

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Trujillo Oroza v. Bolivia

On December 23, 1971, Mr. José Carlos Trujillo Oroza, 21 years of age, was arrested without competent authority and transferred to the El Pari prison compound. Between January 15 and February 2, 1972, his mother, Gladys Oroza, visited her son daily and observed evidence of physical torture. When Ms. Oroza visited the prison on the afternoon of February 2, she was

unable to see her son and received differing stories regarding his whereabouts. Ms. Oroza repeatedly attempted to learn more information until the prison director, Ernesto Morant, produced a radiogram ordering the liberation of Mr. Trujillo Oroza and three other men. It was subsequently established, however, that the Ministry of the Interior fabricated the radiogram to hide crimes committed against these three individuals. Ms. Oroza proceeded to file various petitions and complaints before the State's executive and legislative branches, but was unable to file a complaint before the courts due to political instability. Finally, on January 8, 1999, the State initiated a judicial investigation, but failed to take any action because it did not recognize forced disappearance as a crime. Although the case continued to sit before the Constitution and Judicial Police Committee, Ms. Oroza turned to the Inter-American Court to seek justice for her still-missing son. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Independence of Judiciary; Compensation and Remedies (Right to); Participation in Government (Right to); Suspension and Restrictions on Rights; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits

Judgment of January 26, 2000. Series C No. 64

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 17, 2004
- 2) Order of the Inter-American Court of Human Rights of September 12, 2005 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of November 21, 2007
- 4) Order of the President of the Inter-American Court of Human Rights of August 12, 2009
- 5) Order of the Inter-American Court of Human Rights of November 16 2009

II) Case of Ticona Estrada et al. v. Bolivia

On July 22, 1980, Mr. Renato Ticona Estrada and his brother, Hugo Ticona Estrada were detained by an Army patrol in Oruro, Bolivia, while on their way to visit their sick grandfather. They were then tortured, beaten, and handed off to the chief of the Special Security Service. That is the last time Mr. Ticona Estrada's whereabouts were known. The family of Mr. Ticona Estrada unsuccessfully turned to several state institutions and authorities to learn of his whereabouts. The Court found that the State violated the American Convention on Human Rights and Forced Disappearance of Persons.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Civil War and Unrest; Compensation and Remedies (Right to); Due Process Rights; Judicial Protection (Right to); Forced Disappearances; Life (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of November 27, 2008. Series C No. 191

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 23, 2011

III) Case of Ibsen Cárdenas and Ibsen Peña v. Bolivia

This case concerns the forced disappearances of Rainer Ibsen Cárdenas and José Luis Ibsen Peña, in October 1971 and February 1973, respectively, under the military dictatorship led by Hugo Banzer Suárez in Bolivia. The State failed to provide adequate reparation to the families and failed to identify the whereabouts of one of the victims. Mr. Rainer Ibsen Cárdenas remains were found, identified, and delivered to his family in 2008. Mr. José Luis Ibsen Peña's remains, on the other hand, have yet to be recovered. The Court found the state violated the American Convention on Human Rights and the American Convention on Forced Disappearance of Persons.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Civil War and Unrest; Compensation and Remedies (Right to); Due Process Rights; Extrajudicial Killing; Judicial Protection (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Forced Disappearances*

Merits, Reparations and Costs

Judgment of September 1, 2010. Series C No. 217

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of May 14, 2013

IV) Case of Pacheco Tineo Family v. Bolivia

On February 24, 2001, the Pacheco Tineo family returned from the State of Bolivia to the State of Peru, after being denied a request for recognition of refugee status and being expelled by the Bolivian immigration authorities. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Physical, Mental, and Moral Integrity (Right to); Family; Minors/Children; Judicial Protection (Right to); Asylum (Right of); Movement and Residence*

Preliminary Objections, Merits, Reparations and Costs

Judgment of November 25, 2013. Series C No. 272 (Available only in Spanish)

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of April 17, 2015

B) Provisional Measures (Art 63.2)

- 1) Case of Ibsen Cárdenas and Ibsen Peña regarding Bolivia [October 14, 2014] (Available only in Spanish)