

**TECHNICAL INFORMATION SHEET**  
**PETITION 788-06 VÍCTOR HUGO ARCE CHÁVEZ**  
**FRIENDLY SETTLEMENT REPORT N° 70/07**  
**FULL COMPLIANCE**  
**(BOLIVIA)**

**I. SUMMARY OF THE CASE**

**Victim (s):** Víctor Hugo Arce Chávez  
**Petitioner (s):** Public Defender of the Republic of Bolivia  
**Status:** Bolivia  
**Friendly Settlement Agreement Report No.:** [70/07](#), published on July 27, 2007  
**Related Rapporteurship:** N/A  
**Topics:** Judicial Guarantees/Political Rights/Judicial protection/ Right to equal treatment

**Facts:** On July 31, 2006, the IACHR received a petition wherein the petitioner alleged that on December 20, 2001, Mr. Víctor Hugo Arce Chávez, who had been working for the National Police since June 8, 1993, received a memorandum dismissing him from his position as Services Supervisor in the police, without him having been submitted to a disciplinary procedure. In response, Mr. Arce lodged a constitutional protection petition [*Writ of Amparo*] on September 2, 2002, before the Superior Court of Justice of La Paz (the Superior Court). The Court ruled in favor of the petitioner on September 5, 2002, and ordered that, in compliance with its ruling, the Commander of the Physical Security Battalion reinstate the alleged victim in his post. The petitioner maintains that this decision was upheld on October 14, 2002, by the Constitutional Court [*Tribunal Constitucional*] after carrying out its *ex officio* review of the case. On September 6, 2002, the Physical Security Battalion issued a memorandum ordering the recruitment of Mr. Arce as a Uniformed Officer candidate [*Postulante a Policía Uniformado*] and subsequently, on September 25, 2002, the same authority issued another memorandum, of “reinstatement” to said position. According to the information provided, which does not specify a date, the aforementioned battalion made a payment to the petitioner in the order of Bs. 7,434 for back wages accrued during the time that his dismissal was in effect. The petitioner contends that the reinstatement of the alleged victim was not carried out in full or in a legal manner, and that at the time of the petition’s submission the sum owed was of Bs 15,299. With respect to legal action taken, the petitioner affirms that after having lodged a constitutional protection petition [*Writ of Amparo*] against the alleged victim’s arbitrary dismissal, he attempted, in both the administrative and judicial procedures, to have the judgment in his favor executed. This procedure of execution of judgment ended on February 13, 2006, and on this date domestic remedies were exhausted.

**Rights Alleged:** The petitioner alleged that the State is responsible for violation of the rights established in Articles 23 (right to participate in government), 24 (right to equal protection) and 25 (right to judicial protection) of the American Convention on Human Rights, and of Articles XXIV and XXVI of the American Declaration of the Rights and Duties of Man, to the detriment of the alleged victim, as well as of the general obligation to respect and guarantee the rights protected in Article 1.1 of the Convention.

**II. PROCEDURAL ACTIVITY**

1. On December 20, 2006, the parties signed a friendly settlement agreement.
2. On July 27, 2007, the Commission approved the Friendly Settlement Agreement signed by the parties in Report No. 70/07.

### III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Agreement Clause	Status of Compliance
<b>THREE. COMMITMENTS OF THE PARTIES. -</b> <b>1. COMMITMENTS OF THE BOLIVIAN STATE. -</b> The Bolivian State, represented by the Physical Security Battalion, undertakes in good faith and within the time periods herein established to faithfully comply with the following commitments:	
<b>PECUNIARY MEASURES:</b>	
a. To pay Víctor Hugo Arce Chávez the sum of Bs 988 (NINE HUNDRED EIGHTY EIGHT BOLIVIANOS) to make up for the difference owed to him for his Christmas bonus of the year 2002. This payment must be made within five days of the signature of this document.	<b>Total<sup>1</sup></b>
b. To pay Víctor Hugo Arce Chávez the sum of Bs 3,440 (THREE THOUSAND FOUR HUNDRED AND FORTY BOLIVIANOS) to complete the infant nursing subsidy owed to him on account of the birth of his son Hugo Alberto Arce Cano. This payment must be made within five days of the signature of this document.	<b>Total<sup>2</sup></b>
c. To pay Víctor Hugo Arce Chávez the sum of Bs 11,228 (ELEVEN THOUSAND TWO HUNDRED AND TWENTY TWO BOLIVIANOS) as the difference owed to him on account of his position in the salary scale and his years of service for the period between January 2002 and September 2006, and for payments to the Bolivia Future Pension Fund Office for the period between January and September of 2002. This payment must be made within five days of the signature of this document. The payments into the fund shall be the responsibility of police officer Víctor Hugo Arce Chávez once he receives the sum from the Physical Security Battalion.	<b>Total<sup>3</sup></b>
d. To pay Víctor Hugo Arce Chávez the sum of Bs 5,000 (FIVE THOUSAND BOLIVIANOS) in damages for pain and suffering caused to him and his family members. This payment must be made within five days of the signature of this document.	<b>Total<sup>4</sup></b>

<sup>1</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 120-124.

<sup>2</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 120-124.

<sup>3</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 120-124.

<sup>4</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 120-124.

<b>NON-PECUNIARY MEASURES</b>	
a. The Battalion and the National Police shall abstain from taking any measure against police officer Víctor Hugo Arce Chávez in reprisal for the international complaint filed by him against the Bolivian State. Likewise, any present or future investigation and/or disciplinary procedure against police officer Víctor Hugo Arce Chávez shall be conducted under strict adherence to the guarantees of due process provided for by the internal rules of the National Police, the laws of the Nation, the Constitution, and the American Convention on Human Rights.	<b>Total<sup>5</sup></b>
b. To add to the personal file of police officer Víctor Hugo Arce Chávez, a copy of Decision 359/2002, handed down by the Second Civil Chamber of the Superior Court of Justice of La Paz, a copy of Constitutional Judgment 1239/2002-R, a copy of this compromise agreement, and a copy of the Report on Friendly Settlement that the Inter-American Commission on Human Rights may approve. The first three documents shall be added to his personal file within five days of the signature of this agreement. The copy of the Report on Friendly Settlement of the IACHR shall be added to the file within ten days of its notification to the Bolivian State by the IACHR.	<b>Total<sup>6</sup></b>

#### **IV. LEVEL OF COMPLIANCE OF THE CASE**

3. The Commission declared full compliance in the case and ceased monitoring the friendly settlement agreement in its Annual Report 2009.

#### **V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE**

##### **A. Individual outcomes of the case:**

- The State acknowledged Víctor Hugo Arce Chávez's 13 years, 4 months, and 11 days length of service in the Physical Security Battalion, over the period between June 8, 1993 and October 18, 2006. It also acknowledged the category equivalent to 55% of the national minimum wage due to his seniority in the Physical Security Battalion.
- The State paid his Christmas Bonus for the year 2002; the nursing subsidy owed to him because of the birth of his son Hugo Alberto Arce Cano; for his years of service for the period between January 2002 and September 2006; and for moral and non-material damages.
- The State included in the personal file of police officer Víctor Hugo Arce Chávez, a copy of Decision 359/2002, handed down by the Second Civil Chamber of the Superior Court of Justice of La Paz, a copy of Constitutional Judgment 1239/2002-R, a copy of the compromise agreement, and a copy of the Report on Friendly Settlement approved by the Inter-American Commission on Human Rights.

<sup>5</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 120-124.

<sup>6</sup> See IACHR, Annual Report 2009, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 120-124.