Committee on Enforced Disappearances
Seventeenth session

Summary record of the 301st meeting
Held at the Palais des Nations, Geneva, on Thursday, 3 October 2019, at 3 p.m.

Chair: Mr. Ayat

Contents

Consideration of reports of States parties to the Convention (continued)

Initial report of the Plurinational State of Bolivia (continued)

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties to the Convention (continued)

Initial report of the Plurinational State of Bolivia (continued) (CED/C/BOL/1; CED/C/BOL/Q/1 and CED/C/BOL/Q/1/Add.1)

1. At the invitation of the Chair, the delegation of the Plurinational State of Bolivia took places at the Committee table.

2. The Chair said that, at the invitation of the Committee, other members of the delegation would be speaking via video link from La Paz.

3. Mr. Zubieta Mariscal (Plurinational State of Bolivia) said that, in a decision dated 28 February 2018, the Supreme Court had confirmed that the fact that certain offences had the potential to constitute crimes against humanity within the meaning of article 7 of the Rome Statute of the International Criminal Court did not mean that an offence of torture, enforced disappearance or sexual violence would automatically be characterized as a crime against humanity. In order for that to be the case, the specific criteria established in article 7 would have to be met. However, the penalties, exclusions and other provisions applicable to offences of enforced disappearance that were established under Bolivian law were supplemented and reinforced not only by the Rome Statute but also by the Inter-American Convention on Forced Disappearance of Persons and the case law of the Inter-American Court of Human Rights. Taken together, those additional elements of the constitutional body of law (including, notably, the Inter-American Court’s ruling in Velásquez Rodríguez v. Honduras, in which enforced disappearance was described as “a multiple and continuous violation of many rights … that States parties were obligated to respect and guarantee”), ensured that offences of enforced disappearance were characterized in line with international standards and that the perpetrators were tried and penalized accordingly.

4. The 30-year maximum prison term for the offence of enforced disappearance was the maximum term established for any offence under Bolivian law. The determinants of sentence length were set out in articles 27, 37 and 38 of the Criminal Code and article 173 of the Code of Criminal Procedure, which required the courts to analyse every aspect of each specific case and the perpetrator’s specific involvement before deciding on the corresponding penalty.

5. Articles 39 and 40 of the Criminal Code defined both general and special mitigating and aggravating circumstances, but there were no special circumstances specifically applicable to offences of enforced disappearance, which were therefore subject only to those of general application. Offences of enforced disappearance could not be time-barred and were excluded from the scope of amnesty agreements and the possibility of pardon if, and only if, they constituted crimes against humanity within the meaning of the Rome Statute. No such exclusions were applicable to offences that did not meet the criteria set out in the Statute.

6. A Supreme Court ruling of 2015 had established that the orders of a superior officer could be invoked as a defence by police and military officers who committed unlawful acts provided that certain conditions were met, such as, for example, if the unlawful act was committed unwittingly in execution of a lawful order, or if the subordinate mistakenly believed an unlawful order to be lawful and therefore of obligatory execution. However, subordinate officers who committed unlawful acts in execution of orders that they knew to be unlawful, and not therefore of obligatory execution, were held criminally responsible and were subject to the penalties established in article 292 bis of the Criminal Code unless they could demonstrate that extreme fear or a situation of necessity made it impossible for them to disobey. The same penalties applied to persons who ordered, encouraged or in any other way permitted a person to commit an unlawful act, including enforced disappearance. Any persons who received an unlawful order and/or felt compelled to execute an unlawful order could report the superior officer in question to the Public Prosecution Service so that the corresponding criminal action could be initiated.

7. Exceptional circumstances, including states of emergency, could not be invoked as a justification for enforced disappearance. As noted in the report, article 137 of the
Constitution stated that the declaration of a state of emergency did not, under any circumstances, entail the suspension of fundamental rights and guarantees, while article 15 clearly established that fundamental rights included the right not to be subjected to enforced disappearance. Because those constitutional provisions were directly applicable, there was no need for a specific law expressly outlawing enforced disappearance during a state of emergency.

8. To address the legal situation of disappeared persons, article 32 of the Civil Code gave family members the right to petition a civil court for a declaration of absence that empowered them to act on their relative’s behalf in legal and financial matters. If no family member or other person with power of attorney was available to assume those responsibilities, the court could appoint a trustee to protect the disappeared person’s interests.

9. Mr. Rossell Arteaga (Plurinational State of Bolivia) said that he wished to emphasize that various institutions, including the legislature, the judiciary, independent State bodies, departmental and municipal authorities, non-governmental organizations and other stakeholders had contributed material for the report, and that material was also being used to inform the Government’s efforts to implement and ensure compliance with the Convention more generally. Those efforts were overseen and coordinated by the Ministry of Justice and Institutional Transparency, the Ministry of Foreign Affairs and the Counsel General’s Office.

10. The Government had taken a number of steps to guarantee access to justice for all persons in Bolivia. The Constitution established that the State had a duty to ensure that the system of justice was pluralistic, swift, timely, free and transparent and that those responsible for administering justice were independent and impartial and were bound only by the Constitution, international instruments and national laws. It also provided, in article 110, that any person who violated the rights established therein, either directly or indirectly, was subject to the jurisdiction of the Bolivian authorities. The Criminal Code expressly extended that jurisdiction to offences committed outside the country whose effects were felt, or were intended to be felt, on Bolivian territory or in other places under its jurisdiction. Those provisions of the Criminal Code were reinforced by article 49 of the Code of Criminal Procedure.

11. Regarding the guarantees set out in article 16 (1) of the Convention, Migration Act No. 370 provided for the “obligatory departure” of foreign migrants if they were ordered to do so pursuant to a decision taken following an administrative hearing conducted by the General Directorate of Migration. Foreign migrants who were subject to such proceedings benefited from the relevant constitutional guarantees and had the right to appeal, which they could exercise by filing a motion to have the decision overturned and/or by filing an appeal with a higher authority. Foreign migrants were not, therefore, forced to leave Bolivian territory for another country where their lives or safety would be at risk.

12. Act No. 251 guaranteed the rights of persons with refugee status, set out the definition of a refugee, established the principles of non-refoulement, “inadmissible extradition” and “non-expulsion”, and laid down the procedure for obtaining refugee status. Denials of refugee status could be appealed. The protection framework established by Act No. 251, which was aligned with international refugee law, ensured that no refugee or person seeking refugee status could be returned to a country where his or her life, safety or liberty would be at risk. The Act’s implementing regulations did, however, permit expulsion on an exceptional basis for reasons of national security or public order. Such decisions were taken by the National Commission for Refugees and could be challenged before the Appeals Commission. In such cases, the refugee was given a reasonable amount of time to arrange for lawful admission to a safe third country. The implementing regulations of the Act also set out the exceptional circumstances in which information gathered during the refugee status determination process could be revealed.

13. Extradition was governed by the Code of Criminal Procedure, and extradition decisions fell within the purview of the Supreme Court of Justice. The Criminal Code provided that no one subject to Bolivian jurisdiction should be extradited to another State unless an international treaty or reciprocity agreement provided otherwise. It also laid down
a dual criminality requirement. The Supreme Court had a duty to provide all possible judicial assistance in such cases.

14. Act No. 3935, which defined the crime of enforced disappearance, established the jurisdiction and competence of national authorities to hear cases of enforced disappearance. The Plurinational Constitutional Court had ruled that under no circumstances were serious human rights violations constituting crimes against humanity subject to the jurisdiction of military courts.

15. Under the Sentence Enforcement and Supervision Act (No. 2298), persons deprived of their liberty for allegedly having committed an offence of enforced disappearance had an unrestricted right to a defence, even when they were placed in incommunicado detention, and had unrestricted access to their defence counsel. The Act also provided that prison inmates should have access to the legal assistance provided by the Public Defender Service. The Constitution stipulated that any person who was deprived of his or her liberty should be informed of the reasons for the detention and that the authorities in charge of places of detention should maintain a register of persons deprived of their liberty. Under Act No. 2298, only persons who had obtained a judicial order had access to the records of a person deprived of his or her liberty.

16. The Directorate General of Prisons, the Bolivian police force and judicial authorities were responsible for coordinating the transfer of persons deprived of their liberty from one prison to another. However, such transfers could be undertaken only on certain grounds, such as proximity to the prisoner’s family or to specialized medical care, or for the purpose of reducing overcrowding; prisoners had to be informed of the reason for the transfer and of their final destination, and their family and lawyer were duly notified. The sentence enforcement judge or the judge to which the case had been assigned, once he or she had determined that one or more of those grounds existed, was responsible for ordering such transfers.

17. The purpose of the Bolivian Prison Information System (SIPENBOL) was to modernize the register of persons deprived of their liberty and to make information on individual prisoners, including their personal details and legal situation, readily available in order to improve the administration of the prison system. The third and final phase of the development of that system would be rolled out before the end of 2019. A prison census had been conducted in April 2019 to gather information on the socioeconomic and legal situation of persons deprived of their liberty as a basis for the formulation of comprehensive prison policies.

18. Established pursuant to Act No. 474, the Service for the Prevention of Torture was an independent, decentralized public institution that enjoyed administrative, financial, legal and technical autonomy and whose mandate covered various types of places of deprivation of liberty. Since its establishment, the Service had conducted 235 unannounced visits, issued 22 recommendations, followed up on 75 cases in which persons deprived of their liberty had died in custody or as a result of prison violence and had submitted 9 legislative proposals relating to the prevention of torture.

19. Pursuant to Act No. 458, a system had been set up to protect complainants and witnesses. The Attorney General’s Office had launched various initiatives designed to protect and support victims of crime, witnesses and complainants from the moment of first contact until the conclusion of the proceedings. While the system was functioning effectively, its registers did not contain any entries on victims of enforced disappearance as, to date, the only victims of that offence on record were persons who had been disappeared during the years of dictatorship. Protective measures could be ordered to prevent specified individuals from approaching victims or complainants and from unduly influencing ongoing investigations.

20. Since the crime of enforced disappearance was subject to public criminal action, investigations could be opened either ex officio or following the submission of a complaint. Such investigations were conducted in accordance with the procedure laid down in the Code of Criminal Procedure. The crime squad of the Bolivian police force, in addition to receiving and processing complaints, was empowered to open investigations under the supervision of the Public Prosecution Service.
21. Seven sets of criminal proceedings had been instituted in respect of cases of enforced disappearance, four of which had begun prior to the entry into force of the Convention and had now been concluded. Those proceedings concerned the defendants Luis García Meza Tejada and Luis Arce Gómez, and Franz Pizarro Solano et al., and the victims Juan Carlos Trujillo Oroza, José Luis Ibsen and Rainer Ibsen, and Renato Ticona Estrada, respectively. The case of Félix Melgar Antelo and the case generally referred to as “the disappeared of Teoponte” were still under investigation. An investigation had been launched into the case of Renato Ticona Estrada pursuant to the court judgment issued in that connection. The task of coordinating the investigations of cases of enforced disappearance fell to senior prosecutors who reported directly to the Attorney General’s Office. The activities of the Forensic Investigation Institute included carrying out excavations and taking samples in order to identify mortal remains. The Argentine Forensic Anthropology Team had assisted the Forensic Investigation Unit in searching for and identifying 48 disappeared persons. In 2018, the Attorney General’s Office and the Truth Commission had shared information that could be helpful in locating mortal remains in the future.

22. Even prior to the establishment of the Truth Commission, the executive and judicial branches had taken steps to obtain military documentation in their quest to discover the historical truth about the events that had occurred during the dictatorship. As a result of those efforts, in March 2008, the Higher District Court of La Paz had ordered the declassification of the archive of Department II of the Chief of Staff of the Army. In 2010, the Supreme Court had issued a similar order what had allowed the first visual inspection of the archive to take place. In 2009, the Ministry of Defence had authorized the Commander in Chief of the Armed Forces of the State to grant access to archives, public records and other documentation upon request to victims of military dictatorships and those of their relatives who had a legitimate interest in their case. Act No. 879, which provided for the establishment of the Truth Commission, also authorized the declassification of military files.

23. Mr. Quiroz Guillén (Plurinational State of Bolivia) said that the promulgation of Act No. 2640 in 2004 stood as a testament to the State’s determination to ensure that victims of human rights violations that had occurred during the dictatorships would have access to truth, justice and reparation. It was against that backdrop that the compensation procedure for victims of acts of political violence, including victims of enforced disappearance, had been established. Even though Act No. 2640 had been promulgated prior to the entry into force of the Convention, the former was aligned with the latter in terms of the need to provide reparation to victims of enforced disappearance. In fact, the main purpose of Act No. 2640 was to ensure that compensation would be provided to such victims by the National Commission on Compensation for Victims of Political Violence. A certification commission had been established pursuant to Act No. 4069 to continue with the task of certifying the requests for reparation submitted to the National Commission. Both the National Commission and the Technical Certification Commission had worked in partnership with organizations of victims of political violence. After five years of work, the following results had been recorded: 1,714 requests had been found admissible, 1,201 requests had been found inadmissible after reconsideration, 3,214 requests had been found inadmissible at first instance and 49 requests were being reviewed by the Technical Certification Commission. Of the 6,178 requests submitted, only 63 had concerned enforced disappearance, 7 of which had been found to be admissible.

24. The selection process for granting payments to beneficiaries had been carried out on the basis of a manual that set out criteria for classifying cases that qualified for compensation, such as those involving a death, whether in the country or abroad, as a result of enforced disappearance. The minimum requirements for the certification of acts giving rise to compensation applicable in the case of enforced disappearance had been officially published and disseminated in August 2007. Victims and the family members of victims of human rights violations had received reparation in the form of public honours granted by the National Congress and compensation in the form of an exceptional and definitive compensation payment. Pursuant to Act No. 238, a total of 3.6 million bolivianos had been paid out to 1,714 people.
25. Established pursuant to Act No. 879, the Truth Commission was a decentralized public institution with legal personality that enjoyed administrative, financial, legal and technical autonomy in the fulfilment of its mandate to shed light on the politically motivated human rights violations that had occurred during the dictatorships. The Commission was in the process of archiving the information that it had received and examining the document collections of several associations and State institutions. It had also heard testimony from victims and was conducting field work and investigations. The results of those efforts would feed into its final report, due in December 2019, at which point its mandate would come to an end.

26. His country was making a concerted effort to improve its system for the provision of compensation to victims. The Truth Commission was working to determine the causes and responsibilities involved with a view to providing comprehensive compensation to victims in accordance with the Constitution and the relevant international human rights instruments, including the Convention. In that connection, work was under way on building a central database that would meet international standards.

27. Given that the Truth Commission had a legal mandate to submit a final report upon concluding its work but not an interim report, it was not possible to provide the Committee with any additional information on the progress made in any specific investigations at that stage. The State party stood ready to act upon the recommendations to be made by the Commission in order to achieve its objectives of building historical memory and designing public policies to prevent serious human rights violations from occurring in the future. In addition to the budget of 5,683,412.71 bolivianos allocated between June 2018 and August 2019, a further 1,102,927 bolivianos had been granted following the extension of the Truth Commission’s mandate to December 2019.

28. As the dictatorships that had ruled the country between 1964 and 1982 had left the country’s institutional framework in disarray and had hindered access to official information, the various agencies that had been set up over the years and tasked with clarifying the facts and searching for victims of enforced disappearance had had to draw on information from a variety of sources, and much of that information had been incomplete. The Truth Commission had been established to remedy that situation, and its final report would contain accurate quantitative data on victims of enforced disappearance.

29. The Forensic Investigation Institute had launched a nationwide campaign in 2015 to set up a genetic database and to encourage the relatives of persons killed or disappeared between 1964 and 1982 to submit blood samples and photographs, descriptions and other physical data for inclusion in that database. To date, however, the family members of only three victims had done so.

30. Regarding the medical and psychosocial support provided to victims of enforced disappearance, the State provided free comprehensive health-care services to persons over the age of 60 at all levels of the national health system, and health care was provided free of charge in public health facilities under the universal health insurance scheme.

31. The Bolivian Armed Forces regularly organized courses, workshops, seminars and talks on human rights and on the prohibition of verbal abuse and of degrading and/or physical ill-treatment of military and civilian personnel. The Bolivian Navy had established the Inspectorate of Human Rights and International Humanitarian Law to protect the rights of its personnel. The Education and Training Programme on Human Rights and International Humanitarian Law of the Ministry of Defence worked to raise awareness of human rights among members of the military. The School of State Prosecutors had run the first initial training programme for new prosecutors, which included a human rights module. In 2015 the Public Prosecution Service had organized a training course for its staff on the investigation and handling of cases of enforced disappearance, including the application of international human rights instruments. In 2017 it had held a videoconference on forensic anthropology and forensic genetics for specialized prosecutors and staff of the Forensic Investigation Institute.

32. With regard to the participation of civil society organizations and organizations of victims of enforced disappearance in the development of legislation and public policy, it should be noted that, during the constituent assembly, the recommendations of the
Asociación de Familiares de Detenidos y Desaparecidos y Mártires por la Liberación Nacional (Association of Relatives of the Detained, the Disappeared and Martyrs for National Liberation in Bolivia) concerning the formulation of the prohibition of enforced disappearance had been taken into account. In accordance with the Constitution, which provided that all citizens had the right to present legislative initiatives, that association had also participated in the drafting of the law on the establishment of the Truth Commission.

33. The Chair said that the Committee was grateful for the delegation’s comprehensive replies. In particular, it welcomed the participation in the dialogue of the Executive Director of the Truth Commission.

34. Mr. Ravenna (Country Rapporteur) said that he would welcome further clarification on a number of issues. The Committee was concerned that the current definition of the criminal offence of enforced disappearance did not make it clear that the principal perpetrators must be agents of the State. He did not see why the State party based its consideration of enforced disappearance as a crime against humanity on article 7 of the Rome Statute of the International Criminal Court when it could, quite simply, rely on article 5 of the Convention, according to which the widespread or systematic practice of enforced disappearance constituted a crime against humanity. The Committee was also concerned that declaring a disappeared person to be presumed dead rather than missing by reason of enforced disappearance could be seen as putting an end to the continuous nature of the offence of enforced disappearance and could be used as an argument for applying the statute of limitations. He would appreciate further information on the legislative provisions regulating jurisdiction over cases of enforced disappearance, which did not appear to be aligned with article 9 of the Convention.

35. Mr. López Ortega (Country Rapporteur) said that he would be interested to know more about how cases of enforced disappearance were tried. More specifically, he would be interested to learn exactly what charges were brought against alleged perpetrators of enforced disappearance, what specific laws were applied and what sentences, if any, were handed down. It appeared that, despite the offence of enforced disappearance having been incorporated into the country’s Criminal Code in 2006, in the four court cases recently mentioned by the delegation, the perpetrators had been convicted variously of murder and torture but not enforced disappearance. Given that a very small number of individuals seemed to be being held accountable for crimes of enforced disappearance, he would like to know more about the regime of criminal responsibility applicable to such crimes and about any cases in which the superiors who had given orders to carry out an enforced disappearance had been held responsible. He also wished to know whether investigations covered the entire chain of command and how the question of due obedience was handled.

36. He would welcome clarification on the provisions of the Civil Code governing declarations of absence and why a disappeared person’s spouse could not be the one to file a petition for such a declaration. He would also be interested to hear about the differences in the legal regimes applicable to declarations of absence and declarations of presumed death and about the legal situation of the spouses and children of disappeared persons pending the determination of their fate and whereabouts, especially with respect to inheritance.

37. Concerning the prohibition under the Convention of expelling, returning, surrendering or extraditing a person to another State where there were substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance, he wished to know which authority was responsible for evaluating that risk, what criteria were applied and whether the available legal remedies had suspensive effect. He would be interested to hear more about the form of incommunicado detention that was allowed for up to 24 hours, including which authority could order it, whether it was subject to any judicial supervision and which rights were restricted during that kind of detention.

38. He would welcome further information on the register of persons deprived of their liberty, as it was not clear that the relevant provisions of the Sentence Enforcement and Supervision Act and its implementing regulations were fully in line with article 17 of the Convention. In that connection, he wished to know whether it was the detainee him or
herself or the prison authorities who informed the detainee’s family members if he or she was to be transferred from one facility to another.

39. He had noted that no victims of enforced disappearance were involved in the witness protection programme but would nonetheless be interested to know how many persons were covered by that programme, who administered it and how it was funded.

40. He wondered how the authorities dealt with extradition cases involving States that were not parties to the Convention or whose definition of the criminal offence of enforced disappearance was inadequate or non-existent. Lastly, he would like to hear more about the sources of the funds used to compensate victims of enforced disappearance.

41. Ms. Villa Quintana said that she was concerned that, despite improvements in the Public Defender Service, there were still too few public defenders, especially in rural areas where persons with insufficient economic resources had difficulty obtaining free legal assistance. She would therefore be interested to learn how many public defenders there were in the Service and how many persons had received legal assistance from them. She would like to know whether the prison authorities and prison guards involved in making irregular prison transfers, such as collective or random transfers conducted without the involvement of the Ombudsman’s Office or the national preventive mechanism, had been reported and whether investigations into allegations of torture made in connection with those transfers had been initiated. She wished to know whether all the necessary information on all prisoners was duly entered into the Bolivian Prison Information System, including details on their state of health and the name of the judge overseeing their case.

42. She would appreciate further information on the set of legislative proposals that had been submitted concerning the prevention of torture and wondered whether they were based on recommendations concerning issues identified during inspections of detention centres. Was it the case that persons wishing to apply for reparation were prevented from doing so if they no longer had certain identification documents, such as birth or marriage certificates? The absence of that kind of documentation should not disqualify people from applying for and receiving compensation. What laws were in place to prevent and punish the acts covered by article 25 (1) of the Convention concerning the enforced disappearance of children or their carers?

43. Mr. de Frouville, noting that the delegation had provided detailed responses to many of the Committee’s questions, said that there were other quite straightforward questions that the delegation had not yet answered. A reply, for example, indicating that a given situation was not fully covered by the laws in force, if that were the case, would be a contribution to the dialogue, as the Committee’s role was to work together with the State party in a constructive effort to identify gaps and shortcomings as part of a progressive approach to finding ways to improve the human rights situation in the country. There was no need for the delegation to adopt a defensive stance, especially as Bolivia was a country that had made a prodigious effort to address the issue of enforced disappearance.

44. The Chair said that the Committee’s purpose was to support, not confront, States parties. When a State party had freely ratified a Convention, it had clearly done so for the purpose of maintaining an ongoing dialogue with the relevant treaty body so that they could work together to improve the human rights situation in the country.

45. Ms. Lochbihler said that the State party could be rightfully proud of all it was doing to combat enforced disappearance. As it continued to work to provide information to the families of disappeared persons, to identify remains and to provide training to law enforcement officers in that regard, it would be helpful for the Government to refer to the Committee’s recently adopted Guiding Principles for the Search for Disappeared Persons (CED/C/7). In the light of all its work to combat enforced disappearance, she wished to invite the Government to encourage other countries to ratify the Convention and thereby contribute to a more rules-based international order.

46. Ms. Villa Quintana said that the participants in dialogues with the Committee were united in their fight against enforced disappearance and impunity. The information provided by States parties’ delegations was of crucial importance in order for the Committee to be able to formulate constructive recommendations following those
dialogues. The Guiding Principles for the Search for Disappeared Persons could provide a useful foundation for the establishment or strengthening of a mechanism for those searches. In that light, she would be interested to learn whether there was any question as to the effectiveness of the training being provided with regard to enforced disappearance or any gaps in that regard and, if so, what assistance or support might be helpful in that connection.

The meeting was suspended at 5.25 p.m. and resumed at 5.40 p.m.

47. Mr. Zubieta Mariscal (Bolivia) said that article 256 of the Constitution guaranteed that international human rights treaties prevailed over the Constitution in cases where they set forth more extensive rights than those protected under the Constitution. In April 2019, some 1,500 volunteers had helped to conduct a census of all of the country’s detention centres in order to gather information on the conditions in those facilities. The results of the survey would inform improvements in the prison system and in digital prison registries and the work being done to develop a new policy on the national prison system. In recent years, the Government had been strengthening and modernizing the country’s laws in a wide range of areas, including family law and procedural laws, and it was currently working to update the Criminal Code. Those reforms were part of a far-reaching approach that would further reinforce compliance with the Convention. There had been no instances of enforced disappearance relating to cases of adoption. The juvenile justice system was being developed with a focus on restorative justice.

48. Ms. Valda Mercado (Bolivia) said that it was clear from a reading of article 292 bis of the Criminal Code that the perpetrator of a crime of enforced disappearance might be a State agent or a private individual acting with the authorization, support or consent of the State. As such, that provision was in line with both the International Convention for the Protection of All Persons from Enforced Disappearance and the Inter-American Convention on Forced Disappearance of Persons. Under the Bolivian Prison Information System, which was in the process of being rolled out, detailed information on the social, legal, family and health status of detainees had to be registered upon their entry into a detention facility. Prison transfers were carried out only pursuant to a written order issued by a sentence enforcement judge. Without such an order, transfers could not proceed.

49. Mr. Mendoza Avilés (Bolivia) said that he wished to reaffirm his Government’s commitment to the spirit of the Convention, which it was implementing in good faith. The Government stood ready to cooperate closely with the Committee. It appreciated the experts’ incisive questions and had sought to provide comprehensive replies in a spirit of transparency and respect for the work of the Committee. Far from adopting a defensive stance, the delegation was seeking to address the full import of the Committee’s questions. He looked forward to receiving the Committee’s concluding observations, and he hoped that the Committee’s work would be usefully informed by the report to be issued by the Truth Commission by the end of the year. The Government was proud of the Truth Commission, composed of eminent figures who had personal experience of the impact of crimes of enforced disappearance. A far-reaching reform of the justice system was under way as part of the continuing efforts of an enlightened and modern country whose Government was at the service of its citizens. The fact that the Government was up to date in the fulfilment of all of its international reporting obligations attested to its determined efforts to promote and protect human rights.

50. Mr. Ravenna, supported by Ms. Villa Quintana and Mr. López Ortega and the Chair, said that he looked forward to the Truth Commission’s forthcoming report and wished to express the Committee’s sincere thanks to the delegation of the Plurinational State of Bolivia for its continuing efforts and for the openness and goodwill that it had displayed during what had proven to be a constructive and harmonious dialogue.

51. Mr. Flores Monterrey (Bolivia) said that he was grateful for the Committee’s engagement in the dialogue and for the flexibility it had shown in allowing the meeting to be held via video conference. The Government of the Plurinational State of Bolivia was committed to rigorously fulfilling its international obligations and, in that spirit, its delegation had engaged in the dialogue in good faith and in all earnestness. It welcomed the experts’ recognition of the advances made in the country and acknowledged their concerns.
regarding further action to combat enforced disappearance. The Government had developed a legal order comprising procedural and substantive mechanisms designed for just that purpose. It had also established the Truth Commission to combat impunity within the context of the dictatorships that had held sway between 1964 and 1982, thereby openly recognizing events that had occurred in the past that should never come to pass again.

*The meeting rose at 6 p.m.*