

BOLIVIA

CCPR

DEROGATIONS: NOTIFICATIONS UNDER ARTICLE 4 (3) OF THE COVENANT

1 October 1985

By Supreme Decree No. 21069, the Government of Bolivia declared a temporary state of siege throughout the country, with effect from 18 September 1985.

The notification specifies that this measure was adopted to ensure the maintenance of the process of economic recovery initiated by the Government so as to save Bolivia from the scourge of hyperinflation and to counter the social unrest which sought to supplant the legitimate authorities by establishing itself as an authority which publicly proclaimed the repudiation of the law and called for subversion, and to counter the occupation of State facilities and the interruption of public services. The Government of Bolivia has specified that the provisions of the Covenant from which it is derogated from concern articles 9, 12 and 21.

9 January 1986
(Dated 6 January 1986)

...The guarantees and rights of citizens had been fully restored throughout the national territory, with effect from 19 December 1985 and, accordingly, the provisions of the Covenant were again being implemented in accordance with the stipulations of its relevant articles.

29 August 1986
(Dated 28 August 1986)

The notification indicates that the state of emergency was proclaimed because of serious political and social disturbances, inter alia, a general strike in Potosi and Druro which paralyzed illegally those cities; the hyperinflationary crisis suffered by the country; the need for rehabilitation of the Bolivian mining structures; the subversive activities of the extreme left; the desperate reaction of the drug trafficking mafia in response to the government successful campaign of eradication; and in general plans aiming to overthrow the Constitutional Government.

28 November 1986

(Dated 28 November 1986)

Notification, identical in essence, mutatis mutandis, as that of 9 January 1986 [see above]. With effect from 29 November 1986.

17 November 1989
(Dated 16 November 1989)

Proclamation of a state of siege throughout the Bolivian territory. The notification indicates that this measure was necessary to restore peace which had been seriously breached owing to demands of an economic nature, but with a subversive purpose that would have put an end to the process of economic stabilization. The provisions of the Covenant from which it is derogated concern articles 9, 12 and 21 of the Covenant.

22 March 1990
(Dated 18 March 1990)

Termination of the state of emergency as from 15 February 1990.

19 April 1995
(Dated 19 April 1995)

Declaration of a state of siege throughout the nation by Supreme Decree No. 23993 on 18 April 1995 for a period of 90 days.

The reasons for the declaration of this state of siege, as indicated by the Government of Bolivia, were due to the fact that leaders, particularly from the teaching profession and from political groups having close ties to trade union leaders have organized strikes, embargoes and violence against individuals and property, in an effort to bypass existing laws and disrupt the public order and peace in the country. Moreover, assemblies of people openly disregarding the Constitution of the State and the laws have arrogated to themselves the sovereignty of the people, seeking to create bodies outside the supreme law of the national and the other laws.

The articles which were being derogated from were articles 12(3), 21(2) and 22 (2).

26 July 1995
(Dated 26 July 1995)

Extension of the state of siege, declared on 19 April 1995, by Supreme Decree No. 24701 until 15 October 1995.

16 August 1995
(Dated 10 August 1995)

Termination as from 31 July 1995 of the provisional detention of all persons so detained or confined as a result of the proclamation of martial law in Bolivia.

25 October 1995
(Dated 23 October 1995)

Termination, as from 16 October 1995, of the state of siege which had been in force throughout the nation from 18 April 1995.