

**TECHNICAL INFORMATION SHEET
CASE 12.475 ALFREDO DÍAZ BUSTOS
FRIENDLY SETTLEMENT REPORT Nº 97/05
FULL COMPLIANCE
(BOLIVIA)**

I. SUMMARY OF THE CASE

Victim (s): Alfredo Díaz Bustos

Petitioners (s): Public Defender's Office, Fernando Zambrana Sea

State: Bolivia

Admissibility Report Nº: [14/04](#), published on October 13, 2004

Friendly Settlement Agreement Report: [97/05](#), published on October 27, 2005

Related Rapporteurship: N/A

Topics: Freedom of Conscience and Religion / Freedom of Thought and Expression / Freedom of Movement and Residence / Right to Equal Protection / Right to judicial protection

Facts: The petitioner alleged that Mr. Alfredo Díaz Bustos was a Jehovah's Witness in respect of whom the State violated the right to conscientious objection when he was called to serve the military on February 29, 2000, directly affecting the right to freedom of conscience and religion. In addition, the petition indicated that Mr. Díaz Bustos suffered discrimination based on his status as a Jehovah's Witness given that the very Law on National Defense Service of Bolivia established inequality between Catholics and those who follow other religions, such that exemption from military service was possible for Catholics, but not for others. The petitioner also alleged that the Bolivian State had violated the right to judicial protection of the alleged victim since, by final judgment of the Constitutional Court, it was established that the matters concerning the right to conscientious objection to compulsory military service could not be submitted to any judicial organ.

Rights Declared Admissible: The Commission concluded that it was competent to hear the case and that the petition was admissible in connection with Articles 2 (domestic legal effects), 12 (freedom of conscience and religion), 13 (freedom of thought and expression), 22 (freedom of movement and residence), 24 (right to equal treatment) and 25 (right to judicial protection of the American Convention in conjunction with its Article 1.1, in compliance with the requirements set out in Articles 46 and 47 and decided to notify the parties and publish the report in its Annual Report.

II. PROCEDURAL ACTIVITY

1. On July 4, 2005, the parties signed a friendly settlement agreement.
2. On October 27, 2005, the Commission approved the friendly settlement agreement in Report No.97/05.

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

Agreement Clauses	Status of Compliance
a) To give Alfredo Díaz Bustos his document of completed military service within thirty (30) working days after he submits all the required documentation to the Ministry of Defense;	Total¹
b) Present the service document free of charge, without requiring for its delivery payment of the military tax stipulated in the National Defense Service Act, or the payment of any other amount for any reason or considerations of any other nature, whether monetary or not;	Total²
c) Issue, at the time of presentation of the service record, a Ministerial Resolution stipulating that in the event of an armed conflict Alfredo Díaz Bustos, as a conscientious objector, shall not be sent to the battlefield nor called as an aide;	Total³
d) Include, in accordance with international human rights law, the right to conscientious objection to military service in the preliminary draft of the amended regulations for military law currently under consideration by the Ministry of Defense and the armed forces;	Total⁴
e) Encourage, together with the Deputy Ministry of Justice, congressional approval of military legislation that would include the right to conscientious objection to military service.	Total⁵

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 2018.

IV. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State issued the Service Document free of charge to the petitioner.

B. Structural outcomes of the case

- The State included in its draft amendments to the military code under review by the National Ministry of Defense and the Armed Forces, the right to conscientious objection in respect to military service, in accordance with international human rights law;
 - The State has undertaken steps to encourage legislative debate on conscientious objection with regard to military service.

¹ See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 78-84.

² See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 78-84.

³ See IACHR, Annual Report 2008, Chapter III, Section D: Status of Compliance with recommendations of the IACHR, paras. 78-84.

⁴ See IACHR, Annual Report 2015, Chapter II, Section D: Status of Compliance with recommendations of the IACHR, paras. 78-84.

⁵ See IACHR, Annual Report 2018, Chapter II, Section G: Status of Compliance with recommendations and Friendly Settlements in individual cases, Follow-up Sheets, paras. 78-84.